"Somewhere the decision is taken and choices are not then available"

A. K. BROHI speaking to *IMPACT* on the nature of Pakistan's crisis

"Yes", said Brohi, "I have been quite close to events. Although, not strictly in this business of politics, but I defended Mujibur Rahman for six long months and, therefore, I know a great deal about his point of view. I have studied this chapter of our history as a lawyer would study his brief. I have arrived at certain conclusions, but a post-mortem examination of events cannot be attempted by me, because whatever I might say might adversely affect the detailed situation which is there. Therefore, I have subjected myself to a self-denying ordinance of keeping quiet. Sometimes it is in the interest of truth that the truth should not be told. That is why I have not made any statement, directly or indirectly, which would embody my reaction to the situation".

A human rights lawyer in the Pakistani context, member of Pakistan's first Constituent Assembly, Minister of Law (1953-54), international jurist, but above all a man of culture and refinement, A.K. Brohi's role in Pakistan's politics has its own quality, intensely concerned but refuses to be involved.

"I am not cut out for party politics. There are two types of men: the judge type and the father type. When you are a judge, you judge and you pronounce. So far as I understand myself I am the father type. You have your children, no matter their colour or complexion but you don't throw them out if they don't behave as they should. Whereas in politics, you must abuse and howl and shout. You have your eyes set on the seat of power. That is the kind of humbug party politics is associated with. I cannot play that part."

After the death of Mr. H. S. Suharwardy, who had founded the Awami League, Sheikh Mujib approached him to accept the chairmanship of the Party. "I think I told him that you are too much identified with the provincial politics. You must aspire to be an "All Pakistan figure. Mujib said that is why I am asking you to be the chairman. "But Brohi felt that in politics you have to grow and not come through a notification or announcement that you are the chairman. "A person who cannot practise that sort of politics must by himself be quite an immoral person". So he declined.

The Ayub regime hated Brohi but they asked him to be the state prosecutor in the Agartala case, but he declined. He was approached later on Mujib's behalf, but he had ruled himself out. A year or so after the start of the trial, Ayub Khan was forced to lift the State of Emergency and have a Round Table Conference with the political leaders. Brohi wanted the RTC to succeed. He flew to East Pakistan and asked Mujib: "Are you for Pakistan?" Mujib replied: "Yes, I am for Pakistan" and Brohi told him that as long as you are for Pakistan, I will stay with you. He served a notice on the State that the Agartala case was being tried under a law which had become void after the lifting of the Emergency. The Court upheld this and Mujib was acquitted.

Two years later when Mujib was brought to trial before a military court for waging war against Pakistan, Yahya Khan's Law Minister, Mr. Justice Cornelius requested him to act for Mujib's defence but he did not feel like being involved. Cornelius approached again told him it is Sheikh Mujib who has suggested his name and the President requests him to accept it. This is there in the government press note announcing his appointment as Sheikh Mujib's defence counsel. When Brohi agreed to defend, he said he would defend for the cause of justice and not for money—half a million rupees. Brohi, indeed, has been quite close to the events and is now perhaps the only person in Pakistan who could talk to and be listened by Sheikh Mujib. So one expected light on that crucial segment of Pakistan's history, he has been so closely associated with. Did Mujib really want to break away? Was he innocent? Was he guilty? What was his defence? What sort of person Sheikh Mujib is? Would he make a successful statesman? Brohi would answer none of these. "Let's try to face the problems that lie ahead".

But what future? Has'nt the experiment of organising a state on the basis of Islam failed? Did not the break-up of Pakistan signify a failure of that polity?

"No, it all depends from where you look at it. The old Greek philosopher, Heraclitus said that the way up and the way down is the same way, depending which end of the way you are. I have come to the conclusion that whatever has happened in relation to the dismemberment of Pakistan is the result of mishandling of the political situation, it was not inevitable. The foundations of Pakistan have been built on a view which is of enduring character, its foundations are not sandy. I have no doubt that religion is the significant factor and that Islam does provide brotherhood and national integretion of a sort which modern Europe and America have not been able to achieve. The historians of future will accuse us for not having exploited the immense possibilities that existed in fortifying the frontiers of Pakistan in relation to its ideology, its spiritual and its moral foundations. When Pakistan was conceded, people thought that that was the end of their efforts and a new dawn would come automatically. We should have continued the jihad, worked diligently made sacrifices, instead of doing all that, that would divert our attention to purely material questions. I am not against the economic aspect of life which should be catered for, but surely in an ideological state, there is something more which comes first. It was this that was ignored. I think this is the fundamental reason why a situation emerged which led to such disastrous results.

"I suggest that we learn lesson from this, because what now remains of Pakistan is to be preserved, fortified and consolidated. The dismemberment of Pakistan has triggered off various centrifugal tendencies. There are people who have begun to say that religion is not a decisive link in the mid-twentieth century. Yet these critics cannot tell us precisely that the Sindhis, the Pathans, the Punjabis and the Baluchs, how are they to live together, if you remove the common link of Islam that unites them. Racially, even historically, we have never been a nation before. What remains now of Pakistan had never constituted itself as an administrative unit in Indian histoy. Once you accept to be a secularist, or a socialist, society you will sink Pakistan into the arms of Indian history. There is nothing to stop it.

"To me it seems that when we asked for Pakistan we broke away from the general current of history. We said to the world at large that our destiny lay in another direction. It was this commitment to this new type of destiny which was responsible for the claim being put forward by the Indian Muslims that they should have a separate homeland. I assert that the recent events demand from us further allegiance to the same principles. To those who say that religion was not able to keep East and West Pakistan together, I would like to tell that it was so because we did not stress this common factor sufficiently. The present failure is not the failure of Pakistan, the ideal. It is the failure of the Pakistani people. We should draw a distinction. Islam has not failed us, we have failed Islam.

"I am clearly of the opinion that if we had stressed the religious factor and institutionalised it in all forms, at all

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levels—for instance if we had stressed it in our system of education, if we had valued those means and institutions which had pledged Pakistan's ideology, then we would have established, by example, that Islam is the basis of self-integration. The leaders of Pakistan during the last 20 years with honourable exceptions said that we wanted to raise the standard of living of the people. And if this has to be regardless of the means, then I deny that merely the raising of the material standard would lead to betterment of life or society.

"We have really done nothing to promote *education*. It was allowed to become a provincial subject. How do you expect the provinces to impart, each in its own way, an awareness of one Pakistan into the rising generation of our children. This lapse on the educational front in Pakistan should serve as a warning to Muslims all over the world. They should know that Islam is not a Brahminic or a racialist cult. You are not a Muslim simply because you were born in a Muslim home. Islam is something you are called upon to declare, and to believe: in God, in the Prophet, in the Books, in the angels, in the hereafter and accountability.

"At present we think in terms of quantitative indices, so many people, so much army, so much GNP. I am not quarelling over it, but the more crucial factor is the factor of consciousness which is a transcendent dimension of national quality and which counterveils, the other negatives, the numerical deficiencies. So what we have lost in the physical dimension we can still recover by giving an unconditional loyalty to our way of life. Therefore, I would like to begin my battle in the school, in the colleges and in the universities so as to build up a compacted and unchallengable the nation in the sense of inner belonging.

"We also failed in linking franchise with the people's awareness. I don't say that the right to vote should be given to those who pass this or that examination, but let it be exercised by those who at least can read and write. If we have had done so, the landlords would have seen to it that they opened schools and promoted education. Obviously they are interested in obtaining votes. The Quran speaks about the ink and the pen, the need to think, to understand, to differentiate, and so on, which all emphasize on developing one's internal consciousness. So, how do you discriminate without any criteria or culture? The result now is that the constituency of power has become the constituency of ignorance and superstition. I am absolutely clear that democracy without education is hypocracy.

"True Pakistan was founded by show of hands, but it is one thing to say that I am for Islam and another to reflect what follows from it. It is not denying participation. It is inviting them to be educated. Why do you put it the other way.

"Closely linked to this is the question of separate electorate for the minorities. The independence of Pakistan came about as a result of agreement between the Hindus, the Muslims and the British. Separate electorate has been part of the subcontinent's history. People make the mistake of taking Islam to be one religion amongst others. Here the whole national ethos is conditioned by one's commitment to the religion.

"In an ideological state, the minority submits to the test of ideological limitations. In China and Soviet Russia, they don't even allow other political parties to function. Islam says you are free to belong to any religion and to hold any political view, you will have representation according to your population and you will elect them yourselves. Could anything be more fair?

"Our problems boil down to this: Are we prepared to establish a state on fixed ideological basis? The answer is yes or no? At present I am not debating the pros and cons of having or not having an ideological state. The choice has been made. In the Objective Resolution passed by the first CA in 1948 and included in all subsequent constitution, we have accepted that sovereignty belongs to Allah alone and it was to be excercised by the people of Pakistan as a trust within the limits prescribed by Him.

"Of course, we have the right to say today that 'no, we are sorry, we don't want that'. Then my question is: how will you keep West Pakistan together. Ghazali was once asked how far is a man free and how far is he not? The man was standing. Ghazali asked him to lift up his right leg. He did that, then he said now lift your left leg up. He said: I can't', Ghazali told him that to begin with you had the freedom to lift your left leg, but then you would not have been able to lift your right leg. Somewhere the decision is taken and choices are not then available. For the history of Pakistan that choice is foreclosed. The question is either we adhere to Islam to its better end or disintegrate and wither away.

"When Pakistan came into being I was a student engrossed in my own world. As I grew up I began to think about these things, think of the decision others had taken, and the commitment which had been made. To me it came to signify only one thing that in the mid-twentieth century this was going to be a laboratory for the great experiment of founding a state of supra-linguistic, supra-racial and supra-regional loyalties. This meant not only the redemption of the Muslims of the Indo-Pakistan subcontinent, we thought it would be a model of excellence to be replicated all the world over. The greatest contribution that the Prophet had made to human history was to devaluate the ties of race, blood, geography and tribalism, and substitute in their place a unique brotherhood—that you belong to the same God, come from Him, return to Him, you need not be proud of the blue blood in your veins because you come from Adam and Adam was made from dust. Between the Bengali and myself there was not much that was common, but it was our Faith which was uniting us and we said this is the way the whole humanity can be brought together. It was the revival and translation of these bonds of brotherhood and equality that made it so exhilarating to us in Pakistan. If this is brought to an end what is the safeguard for the future existence of Pakistan. The words of Bible always come to me: But if the salt will have lost his savour, wherewith shall it be sacked?

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