

# Pakistan: Between Judges and Generals

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**A coup in Pakistan's checkered political life is never news. However, Prime Minister Nawaz Sharif's disqualification from his post on corruption charges through a court verdict on July 28 has an element of newness about it. Instead of the Pakistan Army, the recent coup has been carried out by country's top judges.**

In the case of previous coups d'état, Pakistan's military would spearhead the overthrow. A pliant judiciary would unabashedly justify it by providing a legal cover. As an institution, this judiciary has prostituted itself. Top judges have legitimized every military coup and refused to hold generals accountable. Recently, the judiciary let former dictator General Musharraf slip abroad so that he could escape legal prosecution — and possibly a death sentence — for participating in a coup and thus violating the country's constitution.

The judges have obstinately refused to hold the military generals accountable whenever the men in khakis were caught misappropriating the public funds or abusing their authority. Every time judicial accountability begins with the corrupt politicians and ends there. While the Sharif dynasty — which was founded in the 1980s by the military itself to counter the Bhutto dynasty — is fundamentally corrupt, the judiciary's selectiveness means the July 28 court verdict to disqualify the outgoing prime minister technically for lifetime lacks any credibility whatsoever.

## Pakistan's Political Show

An industrialist with conservative social and political outlook, Sharif began his political career with the military's blessing. His personal wealth and political career flourished in a reciprocal manner. After serving as the chief minister of the Punjab province, largest of country's four provinces, he managed to defeat Benazir Bhutto's Pakistan People's Party (PPP) in the 1990s snap elections. That the elections were rigged in his favor by the military is a fact acknowledged by the country's Supreme Court.

Once in the prime minister's office, he wanted to expand his official powers the way he had expanded his industrial empire. This led to a conflict with the General Headquarters (GHQ, the central headquarters of the Pakistani army) in 1993, which inspired the generals to work with his rival Benazir Bhutto to initiate a mass agitation to oust Sharif from power. In generally fair elections, Benazir Bhutto staged a comeback but before long her second government was dismissed by the military through various machinations. Every dismissal was justified through an anticorruption discourse.

A fresh round of general elections, marked by low turnout, in 1997 returned Sharif to power with a two-thirds majority. He promptly appointed his younger brother, Shahbaz Sharif, as Punjab's chief minister. Ever since, Sharif's son-in-law, nephew, daughter, and other relatives have occupied positions of power in the parliaments and the apparatus of Sharif's party, the conservative Pakistan Muslim League-Nawaz (PMLN).

During his second term, he attempted to establish an Erdogan-style Islamified dictatorship. Privatization was not merely accelerated; privatized industrial units were handed down to Sharif

family cronies. He moved Pakistan closer to Riyadh while cultivating close personal relations with the House of Saud. But he made a mistake: initiating a peace process with India, which annoyed the military. On October 12, 1999 he was removed and imprisoned under the command of General Musharraf. Later, along with three-dozen family members, he was exiled to Saudi Arabia, most likely on the intervention of Saudi monarchy.

He wouldn't be able to return until after Musharraf had been swept aside in 2008. That year, he participated in general elections, but did not obtain a majority due to the wave of sympathy for the PPP after Benazir Bhutto's assassination in 2007. The PPP, now led by Bhutto's widower, Asif Ali Zardari, formed the government in 2008. However, PMLN managed a majority in the Punjab parliament and Sharif's younger brother Shahbaz Sharif formed the provincial government. As the PPP government discredited itself through utter inefficiency and phenomenal corruption, Sharif's political fortunes rose in a contradictory manner.

PPP's growing unpopularity meant that Sharif was inching close to the prime ministerial slot, which he regained in 2013. However, disillusionment with the PPP and Sharif's rise in fortunes did not translate into an involuntary expanding support base for the PMLN. Rather, a party known as Pakistan Tehrik-e-Insaf (PTI) headed by former cricket star Imran Khan, and backed by a growing support base in the Punjab and tacit military patronage, emerged as PMLN's rival in the Punjab.

The PTI, like PMLN, had participated in the anti-Musharraf agitation known as the Advocates Movement, and drawn to its ranks an emerging layer of middle classes uninspired by both the PPP and the PMLN. This layer consisted of doctors, engineers, lawyers' fraternities, and professionals of various kinds. Unlike Sharif's base of traders, conservatives, and peri-urban lower middle classes, Imran Khan's support consists of what academics fashionably describe as "aspiring middle class." Politically, it is conservative. However, it is more articulate, metropolitan, and increasingly assertive through mainstream and social media. It wants a share in politics, upward social mobility, and views the working classes with contempt.

While the Sharif dynasty and the PMLN, through the networks of patronage, have incorporated sections of disorganized subaltern classes, PTI supporters view these patronage networks as forms of corruption. Hence, PTI's main platform has been an anticorruption discourse. When the so-called Panama Papers were leaked in 2015, they contained the names of Sharif family members as the holders of offshore companies. Seizing the opportunity, the PTI moved with the Supreme Court against the Sharif family, including Nawaz Sharif.

Imran Khan, in fact, alleged that the PTI was approached by a Supreme Court judge, Justice Khosa, to file a petition against Sharif's corruption. Consequently, an investigation team was formed by the court — a team that featured a military intelligence agent. Finally, on the pretext that Sharif did not declare his sources of income on his 2013 election papers — a constitutional violation — he was disqualified from holding office. The military, circumstantial evidence suggests, ensured the desired verdict.

But why a judicial coup, rather than a military one? There are a number of reasons, but most importantly (1) a military dictatorship was humbled by a mass movement only a decade ago, while urban middle classes providing the spine to the Advocates Movement still have hopes in the democratic process as they believe that their party, PTI, will constitute the next government; (2) given the economic situation, electricity crisis (eight-hour long power cuts on daily basis have become a routine), high joblessness, staggering inflation, and the policy of supporting the Taliban will imply a direct responsibility by the military for all these crises and their solutions; and (3) the GHQ is not in White House's good books owing to Pakistan Army's meddling in Afghanistan. Presently, the civilian government cushions the Pakistan military against the US pressure while

taking the heat for deteriorating socio-economic conditions. The military would like to continue such an arrangement.

And what is the motive behind the July 28 judicial coup? Nawaz Sharif supporters claim that his attempt to reconcile differences with India and an “anti-establishment” posturing has annoyed the country’s all-powerful military. Sharif’s close confidant and cabinet minister, Saad Rafiq, has also implicitly blamed Saudi Arabia, pointing to the Sharif’s government’s refusal to dispatch military troops to aid Riyadh’s war on Yemen and its neutrality in the recent Qatar-Saudi dispute. With some qualification, these claims appear credible.

However, the actual reason is the military’s visceral abhorrence for democracy. Pakistan can be characterized as a praetorian state where the military has emerged as a key economic, political, and ideological hegemon.

Since the institution of civilian rule, there have been attempts to hold the military accountable. Bans on a range of trade unions and professional associations have been lifted. What’s more, the PPP government amended the constitution to decentralize federal powers, benefiting small provinces. And there’s more space for free media. The military likely saw these changes as strengthening democracy at the cost of their own power. In the civil-military equation, a strengthening democracy is likely to tip the balance in the favor of civilians. Hence, the judicial coup.

What next? During the brief spells of democratic experiences in Pakistan, an elected civilian government constitutes the de facto opposition. Sharif’s party will continue ruling as his younger brother, Shahbaz Sharif, presently Punjab’s chief minister, will replace him. (A corrupt brother replacing another corrupt brother will be a slap in the face World Bank- and PTI-style anticorruption discourse that center-stages the importance of “clean individuals” to rid the system of corruption instead of looking into the structural causes).

General elections are scheduled in a year’s time. The military will continue with its judicial coup piecemeal. Its goal is will be concluded with the Sharif family’s ouster from the power corridors. However, without rigging the elections, such a conclusion will not be possible. Therefore, in the absence of progressive, pro-people alternatives, the present political show will go on, with Pakistani workers caught between neoliberal but elected politicians and an antidemocratic military and its judicial handmaidens.

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