

**NIAZ ILHAN:
THE CULTURE OF POWER
AND GOVERNANCE IN
PAKISTAN
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This is a theoretically flawed analysis of the evolution of state craft and governance structures in pre-partition India and in Pakistan during 1947-2010.

It's central thesis is that states are of two types: On the one hand there are "continental bureaucratic empires" and on the other "the State of Law". The British carefully built a "State of Law" in India during 1785-1947 and gradually dismantled the governance structures and the political culture of the pre-existing "bureaucratic empire". This was an eminently successful enterprise in that the "State of Law" guaranteed public order and administered an efficient fiscal system, says Dr. Niaz.

But Pakistan's governing elite relentlessly deconstructed this State of Law — the groundwork for this dismantling was laid by the Quaid-i-Azam's "original sins"(Chp2) — and reverted to the political culture of the "bureaucratic empire" legitimized by the pursuit of "national security, democracy and development". This is why Pakistan today faces "a crisis of governance".

Substantiating this thesis requires a critique of the vast literature produced by political philosophers and state theorists. Niaz describes the state as "part cognition, part

organism (and) bio-mechanical” (p8). This is a fusion of central themes to be found in authors such as Hegel, Weber, Perry Anderson, and some post structuralists. But in describing the characteristics of his “bureaucratic empire” Niaz does not refer to this work at all or illustrate the similarities and differences between his pre capitalist state and that of the “absolutist” states reflected in the writings of, for example, Brenner, Anderson, Jessop and Poulantzis. He does not even feel the need to critique or operationalize concepts developed by Ferdinand Brandel a post structuralist thinker some of whose ideas are reflected in caricatured form here. Some of Brandel’s books are included in the bibliography (p302-303) but they are not methodically utilized in the text.

No serious contemporary political philosopher would accept Niaz’s characterization of the “bureaucratic empire” as correct. The idea that “bureaucratic empires” are subject to “arbitrary rule” tantamounts to the absurd view that Law is a creation of the eighteenth century Europe and all pre Enlightenment societies were lawless — that the Law of the Torah, ecclesiastical law, cannon law and the Shariah are fantasies with no historical existence. Such a claim can be held only by contemptuously ignoring all legal theory and jurisprudence.

The view that the “bureaucratic empire” was characterized by “universal proprietorship” cannot be taken seriously. For if we accept this view we would be forced to concede that there was no private property before capitalism. Similarly, the assertion that “society was deliberately atomized by the (bureaucratic empire) state” (p26) can only be described as bizarre — there is near academic consensus on the social aloofness and estrangement of the absolutist state.

Niaz of course cannot explain the transition from “the bureaucratic” state to the “State of Law” since he takes no notice of the extensive debate on the nature of the transition from feudalism to capitalism. It is here that he could have utilized Brandel’s insights most fruitfully but all he does is cite the titles of Brandel’s books (p12). He begins by describing

“the continental bureaucratic empire as the most successful form of the state in world history” (p1). He attributes its disintegration exclusively to the emergence of “weak rulers” and does not realize that this contradicts his quasi post structuralist quasi anthropomorphic view of the state as “part cognition, part organism and bio-mechanical”. Or are we to conclude that the state became a state — “part cognition, part organism, bio-mechanical”— only after the advent of capitalism. This would lead to the view — held by many political philosophers — that the state did not exist in pre capitalist times. But given Niaz’s demonisation of “the bureaucratic continental empire” he cannot of course subscribe to this view.

And what of “the State of Law” whose emergence made possible “the alterability of the human condition in relation to the exercise of state power so central to the Enlightenment and the Revolution”(p38). According to Niaz this State of Law emerged from the five century long struggle between the king and the nobles in England. He does not mention the vast literature which disputes this view (summarized for example by Ellen Meiskins Wood in several books) and does not realize that this description of the emergence of the State of Law invalidates both his view of “universal proprietorship” and his view that there are only two state forms — “bureaucratic imperial” or “legal”. Again a basic reason for this incoherence is that Niaz does not critique the theoretical works of those who conceptualize the political order of what he calls the “State of Law” — Locke or Rousseau or Smith or Kant or the Federalist Paper authors or Rawls or Rorty. He does not realize that these philosophers are advocating and conceptualizing a political order which replaces the Law of God by the Law of Capital as the basis for moral/social legitimacy of the Republic. The Republic is designed to replace the Kingdom God and value is to be determined in the (capital) markets and not with reference to the book of God and the history of the Church. Niaz’s “State of Law” is a state where a particular law is sovereign — the Law of Capital.

Niaz’s failure to understand the British rule in India as the rule of the law of capital leads him to ignore its central

feature — the supreme objective of the British imperial policy. As Amiya Bhagchi, Biplab Dasgupta, Amit Bhaduari, Ranjit Guha, Irfan Habib, Frederic Clairmonte, Michael Kidron and a host of other authors have shown the central purpose of the British colonial policy was to maximize the outflow of raw material and capital from India to England. Annual estimates of this outflow during the nineteenth and twentieth century have been presented by several authors and Keynes, in his famous book on the Indian currency, has shown how monetary and exchange rate management played a key role in maximizing resource outflows from India.

Niaz ignores all this exhaustive empirical work and therefore does not realize that it was the imperative duty to maximize resource outflows from India to England which fashioned the structures of the British Indian State of Law (of capital). The designing of the administrative machinery, the emphasis on order at the district level, the substitution of Persian by English as the official language, the cutting of the thumbs of weavers and spanners in the Bengal textile industry, the reconstruction of the canal system in Western India, investment in road and rail networks all leading to the ports to facilitate resource outflow, the mass hangings and slaughter following the Indian war of independence of 1857, the tolerance of the emergence of the Indian manufacturing industry during and after the First World War, the encouragement and extension of concessions to the Indian nationalist movements — all these moves were orchestrated to ensure the maximization of resource flows from India to England. To ignore this fact is to deny that Britain was a colonial power and to argue that Britain came to India on a civilizing mission — to convert the Indians to the ideologies of the Enlightenment. Not only does Niaz ignore the extensive literature which documents the colonial nature of the British Indian rule, he does not methodically assess the work of the authors — and there were many such — who defend the British rule on the grounds that it was a civilizing mission.

The breakdown of the structures of the State of Law in Pakistan is attributed to the “original sins” “criminality”

“arbitrariness” and misdemeanors of Pakistani “mandarins” “praetorians” “guardians” “diwans” and “grand seigneurs” documented at length in chp 2 to 7. Again Niaz does not realize that this contradicts his view of the State of Law as “cognition, organism and bio-mechanism’. If as he asserts the State of Law is a structuralist construction which depends on an instrumentalist balancing of institutional power how can its deconstruction be explained by reference to “original sins criminality” etc. For as argued at length in (chp2 p42-52) the remarkable “esperitiede corps” which sustained the British rule in India was itself a product of the structure of governance that had been created by Lord Cornwallis and his successors during 1785-1947. What differentiated the corrupt East India company official and the upright ICS officer was not their moral inclinations but the fact that the later was subject to a system of accountability, authority and legal process which compelled him to be upright. Moreover when “the British transferred power in 1947 the change of regime did not immediately and fundamentally alter the nature or the composition of the state”(p52).

It follows that if the state started disintegrating immediately due to the Quaid-i-Azam’s “original sins”. (p62-68) this must mean that the State of Law requires some external (external that to its structure) force to sustain it. If we hold on to the idea that the state is “cognitive, organic, bio-mechanistic” (and in my view this is patently false) then we have two possible explanations for its implosion neither of which are explored by Niaz. Post structuralists many argue that the state like any organism produces it’s “purpose” and that “purpose” is existential (it’s own survival). The British Indian State was committed to maximizing resource outflow from India because this was necessary for the survival of the total British system. Since this purpose necessarily became irrelevant after independence the state structures which generated it necessarily imploded.

Secondly it might be argued that while the state is “cognitive, organic, bio-mechanical” it is not self sustaining. Like the “bureaucratic empire” it has to be sustained by the

moral qualities of its governors. Mill's "government house utilitarianism" ensured that those in India House London were morally superior enlightened governors who abstained from system distortion. The Quaid-e-Azam was not a rule utilitarian nor were the mandarins, praetorians, divans etc who followed him so the state system imploded.

These issues do not arise for Dr. Niaz for he does not take political philosophy seriously. More surprisingly his historiography is also fundamentally flawed. Most glaringly absent is reference to the extensive source material in Persian and Urdu without which a coherent picture of the state craft in Muslim India and Pakistan simply cannot be constructed. One wonders why even the few Arabic and Persian texts that are used are cited in their distorted translated versions produced by orientalists — there is not a single Urdu source mentioned.

Moreover there is no careful sifting of source material on the basis of authenticity and reliability. Criticisms of policies are invariably based on reports produced by detractors of specific regimes — reports usually produced after that particular regime has collapsed. The case for the defence is never presented. One comes away with the impression that conclusions and arguments have not been extracted from a judicious assessment of source material — which is what a professional historian is expected to do. Quite the contrary source material is selectively used to substantiate and justify pre conceived notions.