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DEPARTMENT OF HISTORY
GOVERNMENT COLLEGE UNIVERSITY, LAHORE

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THE MAJOR DEVELOPMENTS AFFECTING THE LEFTIST MOVEMENT IN PAKISTAN

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ABSTRACT

The article focuses on the major developments which profoundly influenced the nature and direction of Leftist movement in the United Pakistan. One may isolate these developments as: (i) Communist party's decision to recant from its support to Muslim right of self-determination; (ii) The fallouts of partition on the Leftist movement; (iii) The Calcutta Congress and the establishment of separate Communist Party in the West Pakistan; (iv) Communist Party's (uncritical) acceptance of Ranadive's thesis; (v) The fallouts of Rawalpindi conspiracy case on the Leftist movement; (vi) Communist Party's strategy of establishment of United Front, after imposition of ban on its activities in 1954; (vi) The establishment of NAP; (vii) Imposition of 1958 martial law; (viii) Impact of Sino-Soviet schisms on the Leftist movements; (ix) 1965 war and its fall outs on Leftist movement; (x) The establishment of Pakistan Peoples Party in West Pakistan in 1967, and its impact on Leftist movement in the region; and (xi) Difference

within the Leftist movement regarding the issue of provincial autonomy.

KEY WORDS

Leftist Movement, Pakistan, Communist Party, Muslim League

Communist Party's decision to abandon its support, to Muslim right of self determination in 1946, had disastrous implications, as regards the relationship between the Leftist movement and the Pakistan's state was concerned. In early 1940s the Communist party decided to explore new possibilities of proliferation of Communist ideology, in the newly created state in the subcontinent. Consequently, CPI began to take a new view of the political situation in India, particularly of the Muslim political movement. For instance, it "no longer viewed the growth of AIML, in terms of growth of communalism but the rise of anti-imperialist consciousness among Muslims".¹ It did not imply that it had decided to support partition on the religious lines,² rather it was actuated by party's decision to view both Congress and League as national bourgeoisie parties, therefore, it was considered desirable by the Communist party to work in both parties.³

Renowned Leftist activist and intellectual, Ahmed Saleem attributes two reasons for this decision : First, CPI's desire to muster AIML's support against the fascist and imperialist powers; second to bring together AIML and Congress demands" and to "weld them in to firm anti-imperialist unity".⁴ Jamal Naqvi, a veteran member of Communist Party and author of history of Communist party, construes this approach not as support to Pakistan movement, but rather Communist party's decision to support delegation of limited powers to center, and more subjects to provinces, which came to be called as "zonal federation Line". It was considered more closer to the policy of All India Muslim League as compared to Indian National Congress.⁵

This policy fructified in the resolution of enlarged plenum of the CPI Central Committee on 19th September 1942, and confirmed by Congress of CPI in May 1943.⁶ It went a long way towards bridging the gulf between the Leftist movement and AIML, by paving the way of entrance of Communists in the latter. However, after two years certain Leftist elements decided to give second thoughts about party's decision to support Muslim right of self determination, as Dutt realized that, the determining factor behind Pakistan, was not the nationality, but the religion. It implied that their perception of Muslim League once again underwent change, as they began to label Muslim League not as the representative of progressive elements, but as the supporter of reactionary feudals. This realization also found manifestation in the self-criticism on party, which highlighted that, Communist party in fact, had played in the hands of imperialists, by equating Congress and League.⁷ This reversal of support to Muslim right of self-determination not only indicated erratic decision making, but also led to the construction of a negative image of Leftist movement, in the newly created state of Pakistan, and provided its opponents particularly in the establishment, to label the leftists, as "unpatriotic", "foreign agents" and "fifth columnists".

The partition of Indo-Pakistan subcontinent also played a major role in shaping the structural appurtenances of Leftist movement particularly in the West Pakistan. For instance, the enmass migration of non-Muslims, particularly Hindus and Sikhs, proved to be a shattering blow for Leftist movement in West Pakistan, as these communities constituted the nucleus of the movement. It was considerably less organized among the Muslims. Moreover, their migration further decreased the strength of middle class. Similarly, the trade union movement, which was considered to be the vanguard and the harbinger of the Leftist movement, was also organized around the radical elements of these communities. More significantly, communal frenzy accompanied by partition, created such as an

atmosphere that the Communist Party's head quarter in the West Punjab, came to be labeled as "Sikh head quarter". Therefore, it had to be liquidated. The most disastrous implication of partition was that, class politics came to be submerged by communal politics.

The establishment of separate Communist Party, for West Pakistan, may be described as a milestone in the history of Leftist movement in Pakistan. This party was established in accordance with the decisions of Calcutta Conference 1948. While taking such decisions, the conference did not take into account, the issue of establishment of a unified Communist party in the both wings⁸, which could have proved to be a cohesive force for the Leftist movement. The Central Committee of the party remained in effective, due to the hurdles created by the establishment, which prevented effective contacts between the Communist parties of the both wings. A regional Central Committee was established 1949, to bring coherence in the activities of the CPP. However, no contacts between East and West Pakistan Communist parties could be established until July 1957. Only the establishment of NAP paved the way for more effective contacts between the democratic and progressive elements.

In order to further strengthen these bonds, a Coordination Committee of CPP was formed, which comprised representatives of both wings. It was not meant to be a Central Committee of Pakistan Party, rather its underlying motive was to facilitate the exchange of experiences and views on different questions of national importance. It met thrice between 1967 and 1970. The brief description of the extent and level of coordination, exemplified by the instances of different mechanisms of cooperation within the leftist parties of both wings, evidently points towards absence of effective chain of command within Communist Party that could have ensured sustenance of a unified movement. Unfortunately, the Calcutta Congress failed to acknowledge the prospective benefits/ utility of the establishment of such

mechanism, which was only possible, if the Leftist movement had been organized on unified lines. This decision went a long way towards preventing the emergence of a strong and unified Communist Party.

Another important development that affected the nature and course of Leftist movement was the adoption of Ranadives' thesis by the Communist Party of Pakistan. It had depicted partition and creation of Pakistan, as an outcome of connivance between bourgeoisie - landed aristocracy and the British Imperialism. It described the establishment of the state of Pakistan as a "treacherous compromise of capitalist landlord leadership of the League with Imperialism. A compromise, which enables it to fool the masses with myth that freedom has been won".⁹ Under this line, the Communist parties were instructed to adopt the course of revolutionary struggle, by organizing peasants and proletariat against the national bourgeoisie.¹⁰ The CPP adopted this ultra-radical line, which Jamal Naqvi, describes as BTR line,¹¹ on various fronts which, not only pitched the CPP against the League, but also established its negative image before the establishment, and by the same token allowed the latter to project it, even in more negative hues, to the people of Pakistan. Therefore, while alluding to its implications, Iqbal Leghari points out very succinctly that "right from the very outset, the CPP cast upon itself an unpatriotic shadow".¹² While referring to its incompatibility to the ground realities of political situation in the subcontinent, Jamal Naqvi maintains that, the rigidity of this line was soon exposed; therefore, it had to be abandoned within one and a half year in India.¹³ The CPP continued to adhere this line till 1954.

The exposure of Rawalpindi conspiracy case in March, 1951, had grave implication of CPP as it disastrously affected the Leftist movement in Pakistan. Pindi conspiracy was first abortive attempt to stage *coup d'etat* in Pakistan, and the four members of Communist party were also implicated in this conspiracy. The opinions of Leftist activists are divided

whether Communist Party was actually involved in this conspiracy or not. For instance, Jamal Naqvi opines that it was not involved in this conspiracy; even the government did not accuse the party of conspiracy, but rather of not informing it about such plans.¹⁴ Iqbal Leghari on the basis of interviews of veteran Communist leaders, who were at the helm of affairs of Communist Party since 1950s argues conclusively that conspiracy enjoyed the support of Communist Party, but the party reached at this decision after a very heated debate, and only through a divided vote.¹⁵ Nevertheless, the propaganda about the alleged involvement of Communist Party in this conspiracy, proved very harmful for the Leftist movement in Pakistan. It allowed the government, to crush the leftist movement, right from its very inception. According to Leftist leader and intellectual Eric Cyprian, "The whole leadership and the Central Committee of the Communist Party were put behind the bars, according to Security Act of Pakistan. The underground organization of the party was completely destroyed".¹⁶ Prof Khawaja Masood a renowned Leftist (who also remained Secretary General of CPP), while assessing its constricting fallouts on party argues that "this so called conspiracy damaged the party severely, that it could not get united after this episode".¹⁷ For Jamal Naqvi, "its weak organization grew further weaker".¹⁸ Major (Rtd) Ishaque Mohammad (who was also implicated in this conspiracy), while analyzing its impact on Leftist movement takes a broader view, in his estimation not only the Leftists but the liberals by and large, could not escape from consequences of crackdown by the establishment "In those days whosoever, claimed to be a liberal or considered himself a liberal, feared that he might be interned or labeled as communist".¹⁹ The long term fallouts of Pindi conspiracy, culminated in government's decision to declare CPP illegal in 1954. After imposition of this ban, its party was left with few alternatives, but to change its strategy, as now it became virtually impossible for it to survive as an "open political party, in this

undemocratic environment".²⁰ Therefore, it decided to enter in the political arena, as a multi-class party. The following of this strategy is called "the united front line" through which it decided to lend support to the various regional and democratic and progressive forces. Though Communist Party was following this policy since the establishment of Azad Pakistan Party and its manifesto was also drafted by Sajjad Zaheer - who was the Secretary General of Communist Party, yet in the official parlance it got fructified in its decision to lend support to Awami League.²¹ It hoped to transform it into a socialist party. In the following years 1956 - 55, it "attempted to move out of its state of isolation, by pursuing the policies of broad united front, with regional parties".²² In the next stage it extended its support to National Awami Party, which was established in 1957. This policy had a profound impact on future course of the Leftist movement in Pakistan. For instance, this strategy enabled it to extend the scope and influence of Leftist movement in Pakistan, to those areas and regions where it could not have gotten access, while functioning in capacity of Communist Party faced with all odds. But on the other hand this policy had its costs, which in the long run imposed weighty limitations for the Leftist movement. For instance, in the case of Awami League, this policy backfired, as Awami League ended up as an organization of Bangali petty bourgeoisie".²³ As a result of Suhrawardys' pro-western stance, the upper crust of Bengali bourgeoisie was left in Awami League, the other classes and segments established a party of their own called NAP.²⁴ Though the latter, proved to be a veritable bond between the democratic and progressive forces across the country, yet over the period of time its "emphasis shifted from class politics to bourgeoisie parliamentary democracy".²⁵

During late sixties the Communists also came to realize that NAP's leader Bhasani was constitutionally incapable of carrying forward class politics.²⁶ Major Ishaque, while highlighting another caveat of the 'United Front Line' argues

that this "experience was valid only in East Pakistan as a communist party existed and it formed a united front with Awami League".²⁷ Another limitation of this decision was that though it helped in the development of the Leftist carders in political parties, such as NAP and Awami League, yet these were not under Communist Party's discipline. Similarly, its control over their parliamentary wings was even more fragile. The establishment of NAP (National Awami Party) constitutes another significant episode in the history of the Leftist movement in Pakistan - NAP came into being as a conglomeration of nationalist forces. It represented a unified front of the regional Left against the establishment. It proved to be an effective instrument of communication between the democratic and progressive elements. Most of its leaders had their political following in their respective regions, in this context, it represented popular forces as well. Moreover, through the proliferation of literature on various issues such as agricultural problems, land reforms, peasant struggle, foreign policy as well as other anti-imperialist themes, it served as a veritable tool of dissemination of Leftist influences. Another significant aspect of NAP, which distinguishes it with other Leftist parties, was its incessant efforts to mobilize peasantry. Furthermore, it also played a role in the development of parliamentary democracy, which implies that it represented a facet of Left in the assemblies as well.

The imposition of Martial law in 1958 and the postponement of 1959 elections may also be described as an important development in the history of the Leftist movement, in terms of its implications on the former. The elections were postponed, ostensibly out of the apprehensions of the establishment, concerning the prospects of victory of progressive and nationalist forces, such as NAP and Awami League, which were increasingly coming under Leftist influences. Mohammad Waseem refers to these as the non-statist parties. The ruling elites apprehended that after coming into power through elections, these might initiate such

changes in the domestic and foreign policies of the country, that would be detrimental for the vested interests of the ruling elites, as well as metropolitan bourgeoisie. Therefore, in order to pre-empt such an eventuality it resorted towards imposition of 1958 martial law. There is sufficient evidence to corroborate this contention. For instance, the declassified documents of the US State Department shed enough light, on the visits of Commander-in-Chief General Ayub Khan and other high ranking Pakistani officials in April 1958 and later summer, to America during these visits, the Pakistani officials drew the attention of US authorities towards the prospects of such change in Pakistan. Hamza Alavi's writings also highlight US role in the imposition of 1958 martial Law. For instance, he refers to the visit of US Assistant Secretary of State, after the imposition of Martial Law in Pakistan by the President Iskandar Mirza on 8th October, 1958. He also underscores, how the American Official advised Ayub Khan for military takeover. According to Hamza Alavi, the Americans by then were reposing more trust on military as they believed that bureaucracy had thoroughly discredited itself before the public, whereas military's legitimacy was firmly intact. Therefore, it could prove to be a reliable partner, for the protection of metropolitan as well as US strategic interests in the region. The most important of those was the containment of Leftist influences of Soviet Union and China. The declassified documents high light how US kept a vigilant eye on the developments concerning Leftist movement in Pakistan.

The postponement of elections and the imposition of Martial Law, profoundly altered the course of politics in Pakistan. It also indicated state's hostile attitude towards Left. More significantly, it also signified a configuration of a new alliance against the Left, comprising ruling elites (which represented propertied classes and military bureaucratic oligarchy) and the metropolitan bourgeoisie. These dynamics continued to structure states' response towards the Leftist movement. This development, besides causing further

resentment among Bengalis, also increased their disillusionment towards the federal structure and consequently pushed them to demand maximum provincial autonomy, which the state structure could not allow to provide. Therefore, over the period of time, this issue acquired such a silence in East Pakistan that it came to overwhelm the question of class, which was the focal point of Leftist politics. Thus the imposition of Martial Law, on account of its deep implications cannot be disentangled while assessing the factors or developments affecting the course of Leftist movement in Pakistan.

The split in the world Communist movement on account of Sino-Soviet Schisms, also had its profound effects on the course of Leftist movement in Pakistan. It not only affected the CPP but also divided the Leftist elements within NAP. The impact of these cleavages was more conspicuous during the period 1963 - 66. These first appeared in East Pakistan Communist Party in 1963, when two members tendered their resignations as the openly expressed disapproval of the Soviet Line. This split became more manifest in August 1966, when pro-Chinese faction of East Pakistan Communist Party, convened a secret separate Plenum, in which a new party was created. It came to be called East Pakistan Communist Party (Marxist-Leninist).²⁸ In West Pakistan this split more profoundly affected the factions of Communist party in Punjab and Karachi, however "Communist party in Sind remained relatively unaffected from this split, though this deviation certainly had its fallouts" opines Jamal Naqvi.²⁹ He goes on to suggest that, "since 1960s, and particularly after 1962, the internal tussle within Communist party, can be seen in the backdrop of collision between World Communist Movement and Maoism".³⁰ In his estimation the wave of Maoism, emerged in 1962, and it continued to gain momentum till 1966. By the year 1971, it got splintered into various fragments. The Maoist faction explicitly separated from the party in 1966. This process of

breakup which started from Karachi culminated in the secession of Bengal party.³¹ This faction, after parting ways with Communist party, also tried to establish a separate trade union of the Left wing.³²

As regards its impact on NAP is concerned it came to be divided into two factions: (1) Pro-Moscow (Muzaffar Ahmed); and (2) Pro-Chinese (Bhashani) The prominent leaders of the former were Wali Khan, Bezinjo, Khaur Baksh Mari and Atta Ullah Mengal. The other faction was represented by C.R Aslam, Sardar Shaukat Ali, Abid Hassan Manto and Major Ishaque. The stances of pro-Moscow faction within NAP, as well as the opponents of the One Unit among the nationalists were closer to the Communist to the CPP, which identified itself with World Communist Movement.³³ With the split of NAP into two factions, there also started a tussle between the Leftist elements within NAP Bhashani.³⁴ It led to the withdrawal of Pro- Moscow Communists from the NAP Bhashani. While referring to this aspect, Jamal Naqvi concurs that "we parted with NAP Bhashani when Maoist and petty bourgeoisie elements brought an end to its democratic functioning and made for us impossible to remain in NAP."³⁵ He further writes that in those days the Communist party published a detailed analysis which was entitled as "NAP Mein Phoot" (The fissures within NAP).³⁶ While focusing on the impact of Sino-Soviet schisms on the Leftist Movement, it would not be out of place to compare these with Indian Left. One may identify their contrasting patterns in Pakistan and India. For instance, the impact of Chinese Left was more divisive in India, as compared to Pakistan. In latter's case the traditional Left as well as regional Left in West Pakistan, by and large, remained under Soviet influence. The impact of Chinese Left was more conspicuous in NAP Bhashani, a faction of East Pakistan Communist Party, some groups of traditional Leftists in Punjab and Karachi as well as the New Leftist elements, which emerged in 1960s.

Another significant development, which further caused division within Leftist forces, was the outbreak of Indo-Pak War 1965. It had its divisive impact on both Communist party as well as Leftists within NAP. It contributed towards sharpening the cleavages within Leftist elements, in more than one manner. Interestingly, the perceptions of Leftists from different regions, varied quite conspicuously on this issue. For instance, the Left in Punjab considered India "the aggressor" and took this conflict as an act of "national self-defense".³⁷ They extended their all-out support to the war efforts. While alluding to this aspect Iqbal Leghari mentions the reactions of Leftists like Raza Kazim, Ishaque Mohammad and C.R. Aslam. "Raza Kazim thought that war could lead to a people's war and the Left should therefore, form People's war Committee. Ishaque Mohammad (Ex-Major) at this time wrote directly to the President to offer his services in the Army. The C.R. Aslam group formed a war council to mobilize public opinion and to inform the people with facts that this war was a result of American Imperialism, who were out to teach Ayub's government a lesson".³⁸

The Pro-Moscow group in Left, held altogether different view, as it did not label India as the aggressor. It attributed the outbreak of war to "Ayub regime's provocative action in Indian held Kashmir".³⁹ While depicting it as "anti-people", it construed it as a factor which intensified "chauvinism".⁴⁰ It also raised the issue of "drain of war costs on common people".⁴¹ It espoused peace with India, in the larger interest of the people. The East Pakistani Pro - Moscow Leftists, reminded the fact that this war had exposed the vulnerability of East Pakistan. It accorded more primacy to the issue of East Pakistan's security to Kashmir issue.⁴² The regionalists in NAP, particularly from the minority provinces, opposed war. They argued that it would divert attention towards "need for a strong army and strong center to counter the Indian threat".⁴³ They were in favor of peace and friendship with neighboring countries. In this manner the 1965

war, also expedited the process of factionalism with NAP as well.

Jamal Naqvi, while commenting on CPP's reaction on this issue writes that "immediately, after the outbreak of the war, the initial stance of party's secretariat was that, party should extend its support to the defense activities. This incorrect line was outcome of the Maoist moth. The committees of Karachi, Nawabshah and other cities, raised their objections on this wrong line. Party also realized its mistake and the Central Committee tried to rectify this line. It devised the line that the interest of the people of both countries lies in the fact that, there should be ceasefire and the issue of Kashmir should be resolved through the negotiations between Pakistan and India".⁴⁴ It further speculated that to brand India and Pakistan the aggressors would be tantamount to play in the hands of the *Jansanghis* and the *Jamatias*".⁴⁵

The establishment of PPP in 1967 also marks an important development in the history of the Leftist movement in West Pakistan. Notwithstanding this debate that whether its leader Z. A. Bhutto may be described as a socialist or an enlightened feudal, "PPP had a left progressive streak in its formative years".⁴⁶ For instance, since its emergence on political scene during anti-Ayub movement, it succeeded in drawing new Left in its fold to the extent that the latter "actually became "its part".⁴⁷ Besides this, in its initial years it had a vibrant Left wing, which comprised "all left learning and petty bourgeoisie elements".⁴⁸ More significantly, the peculiar aspect which distinguishes it from the other Leftist parties in West Pakistan, was the introduction of innovative concepts in the Leftist movement. these include : (I) dialectical approach towards religion; (ii) indigenization of Socialist Ideology in its manifesto and slogans; and (iii) construction of a patriotic image of Leftists. As regards the first concept is concerned, it did not altogether reject the religion like other Leftist parties, instead it owned it, in fact, it tried to appropriate it in a skillful

manner, as exemplified by the use of the term "Islamic Socialism" and "Combination of the issue of religion with that of food".⁴⁹ Iqbal Leghari sees it as Bhutto's main contribution towards Socialist movement, which implied that "Socialist must not fear religion".⁵⁰ Similarly, PPP's manifesto contained the main essence of Socialist ideology in an ingenious fashion. For instance, its main agenda was:

"Democracy is our politics. Islam is our Religion. Socialism is our Economics. Allpower to people".⁵¹ encapsulated the gist of Leftist ideology, in an ingenious form

The same can be said about Bhutto's slogan of "Roti, Kapra aur Makan" (Bread, Cloth, and Housing). It affords an example of indigenization of the Leftist programme in the local idiom. PPP's success in construction of a patriotic image of Left also contributed towards its success. For instance, Bhutto projected himself as the son of the soil, moreover, through the tactful use of anti-imperialist and anti-India stances, he managed to project the "image of a socialist without the stigma of being anti-Pakistani".⁵² This issue according to Iqbal Leghari was quite "important" in context of the Socialist movement in Pakistan".⁵³

Besides these aspects PPP's mobilization techniques also play a key role in its electoral success. In this context one may highlight Bhutto's peculiar antics / style of identification with masses, his use of language, dress, imbrication of local issues in his speeches, his association with folklore and local cultural idioms - introduced a new culture of political rallies. Through the use of these techniques of mass mobilization, he succeeded in spreading Leftist political consciousness not only in quite loud and clear terms, but also in communicating a "sense of dignity and self-respect" among the poor and marginalized classes which "they previously lacked".⁵⁴ PPP 's mobilization and rallies gave the people "a glimpse of the collective strength in streets and villages".⁵⁵ and showed them the way to become an agency of change.. Apart from introduction of these innovative techniques of mass

mobilization, the establishment of PPP may also be construed as a significant political development in the history of Leftist movement in this sense that it ensued new debates between the traditional Left and the New Left, ranging from the issued of class to the question of participation of Left in the parliamentary democracy, to debates involving the approaches towards political challenges.

Another development which cast its profound impact on the Leftist movement since the mid-1960s, was the divergent responses of the Leftist movement towards provincial autonomy. Sheikh Mujibur Rehman tried to resolve this problem through six point agenda, which was a sort of extreme reaction against the over centralizing tendencies of the state. He even declined to accept Yahya regimes offer of more provincial autonomy in which the latter showed willingness to concede all these demands, except centre's control over defense and foreign affairs. NAP Bhashani did not support Mujeeb's six points, rather it proposed its own fourteen point programme. During Toba Tek Singh Kissan Conference, its leader Maulana Bhashani, while alluding to the gravity of this issue warned the establishment that it should not hold elections without resolving this issue through consensus, otherwise Mujeeb would get mandate on this issue in this eventuality he could not be dissuaded from this issue through negotiations.⁵⁶ Bhutto's stance was closer towards West Pakistan establishments' stance. Certain nationalists from West Pakistan also opposed Mujeeb, "they were not ready to be slave of Bengali majority. They were of the view that, if they had to fight they would do so for their own sake, not for Bengalis".⁵⁷

The Pro-Moscow wing of NAP (Wali), NAP (C.R) group and Young People's Front (YPF) of Dr. Aziz ullah viewed Mujeeb's struggle as "a national liberation movement and therefore to be supported".⁵⁸ While referring to CPP's stance on this issue, Jamal Naqvi argues that

In 1969, the East Pakistan Party Congress was held, which was also attended by the observers of West Pakistan Communist Party. Among the issues, which were discussed in this Congress, the most important pertained to the question that given the political and economic inequalities within different regions of Pakistan, whether the whole country could move towards national democracy? Whether it would be more appropriate for the region faced with this situation to move ahead individually, without waiting for the other regions? This line is called the line of liberation in pieces or segments. Our party's representatives, keeping in view Pakistan's specific situation, advocated the line of line of liberation in pieces and this line was subsequently approved.⁵⁹

Naqvi, further justifies this stance through different arguments, which include: (1) It was advocated by the party to check Mujeeb's "opportunism" and it played an important role in this context;⁶⁰ (ii) The party adopted this line, on account of the fact that, all the Bengali masses had become united behind Mujeeb's six points, therefore party's line proved instrumental in associating the proletariat with this movement".⁶¹ (iii) Had East Pakistan's Communist Party not endorsed this line in its Congress, it would not be able to support Mujeeb's line of "six points otherwise independent" not it was possible to resist military action through the support of World Socialist Community for the liberation of Bengalis".⁶² Thus according to him, this line enabled the World Socialist movement to support Bangladesh, which proved decisive.⁶³ He further acknowledges that on account of this militant line, the party fell victim of oppression from the government.⁶⁴

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¹⁰ Naqvi, *Communist Party of Pakistan*, 15.

¹¹ BTR stands for B.T. Ranadive.

¹² Leghari, "Socialist Movement in Pakistan", 223.

¹³ Naqvi, *Communist Party of Pakistan*, 15-18.

¹⁴ Ibid., 19.

¹⁵ Notwithstanding these controversies, this fact cannot be denied that, it was not conspiracy in the real sense of the word, as the conspirators were not caught red handed while executing their plans what actually happened was that, its actors made plan but later abandoned them. These were never executed. By the time of their arrests, these had been shelved almost two years ago. However, when government came to know about this plan, through certain informers and other means, it decided to take political mileage of out it, by construing it as a conspiracy. It not only succeeded in magnifying its gravity through propaganda and spinning, but also succeeded in purging the armed forces, from those cadres

of officers, who were known for their anti-imperialist bent of mind. More significantly, it also used it as a convenient pretext to curb the nascent Leftist movement in Pakistan.

¹⁶ Interview with Eric Cyprian, 10-08-95 cited in Irfan Waheed Usmani, "Kashmir ki Jung 1948 aur Pindi Sazish Case" (Kashmir war 1948 and Rawalpindi Conspiracy Case) (Unpublished M.A Thesis, University of Punjab, 1995), 212.

¹⁷ Interview with Khawaja Masood, 9-7-95 cited in "Kashmir ki Jung 1948 aur Pindi Sazish Case", 211.

¹⁸ Naqvi, "Communist Party of Pakistan", 20.

¹⁹ Major Ishaque cited in Samina Akbar, "Rawalpindi Conspiracy Case: An Analytical Study", (Unpublished M. Phil Thesis, G.C. University Lahore, 2008), 92.

²⁰ Naqvi, *Communist Party of Pakistan*, 19.

²¹ Ibid., 19 while tracing its origins Naqvi maintains that it had its beginning as a provincial organization as East Pakistan Awami League, which was founded by Maulana Bhashani on June 23, 1949. Later it was subsequently merged with Jinnah Awami League in established by H.S. Suhrawardy.

²² Leghari, "The Socialist Movement in Pakistan", 223.

²³ Naqvi, *Communist Party of Pakistan*, 25-26.

²⁵ Iqbal Leghari, "Socialist Movement in Pakistan", 125.

²⁶ M. Rashiduzzaman, "The National Awami Party of Pakistan: Left Politics in Crisis" *Pacific Affairs*, Vol. 43, No.3 (Autumn, 1970)

²⁷ Leghari, "Socialist Movement in Pakistan", 87.

²⁸ Badruddin Umar, *The Emergence of Bangladesh Vol 2: Rise of Bengali Nationalism (1958-71)* (Karachi: Oxford University Press, 2006), 127.

²⁹ Naqvi, *Communist Party of Pakistan*, 34.

³⁰ Ibid.

³¹ Ibid., 43

³² Ibid., 47

³³ Ibid., 35

³⁴ Ibid., 49.

³⁵ Ibid., 50

³⁶ Ibid.

³⁷ Leghari, "Socialist Movement in Pakistan", 113.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid

⁴³ Ibid., 114.

⁴⁴ Naqvi, *Communist Party of Pakistan*, 43-44.

⁴⁵ Ibid., 44.

⁴⁶ Leghari, "The Socialist Movement in Pakistan", 157.

⁴⁷ Ibid., 185.

⁴⁸ Ibid., 157.

⁴⁹ Ibid., 230.

⁵⁰ Ibid.

⁵¹ Ibid., 142.

⁵² Ibid.

⁵³ Ibid., 227.

⁵⁴ Ibid.

⁵⁵ Unfortunately Bhashani's saner advice could not be heeded and his apprehensions proved prophetic.

⁵⁶ According to Yahya Bakhtiyar, the former Attorney General of Pakistan, Bhutto agreed to accept five and a half points of Mujeeb's six points agenda, but due to latter's insistence on all six points, the agreement could not be reached. Yahya Bakhtiyar's statement, cited in Sattar Tahir, *Martial Law ka White Paper* (Martial Law's White Paper) (Lahore: The Classic, 1985).

⁵⁷ Naqvi, *Communist Party of Pakistan*, 64-65.

⁵⁸ Leghari, "The Socialist Movement in Pakistan", 170. He further writes that, Young People's League later changed its stance and began to brand Mujeeb as an Indian and

Imperialist agent and started supporting the guerrilla movement in East Pakistan, *Ibid.*, 170-171.

⁵⁹ *Ibid.*, 61.

⁶⁰ *Ibid.*, 62.

⁶¹ *Ibid.*

⁶² *Ibid.* , 61

⁶³ *Ibid.*, 62-63

⁶⁴ *Ibid.*, 65

THE PHILOSOPHY OF LOVE IN D. H. LAWRENCE'S WOMEN
IN LOVE

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ABSTRACT

The nature of the idea of love, its meaning, its creative possibilities and their realization in terms of man-woman relationship is a central concern of this research paper. It is argued that Love is the expression of the potentiality of men and women which keeps them most interested in each other. Lawrence's philosophy of love is linked with the process of development of the individual. It is preoccupied with the uniqueness of the individual. Lawrence exposes the potential dangers to individuality in the old idea of love and repudiates the conventional mode of expression. In *Women in Love*, the destructive relationship of Gudrun Brangwen, an artist and later a teacher, and Gerald Crich, an ambitious industrialist, have been contrasted with Rupert Birkin, an alienated intellectual, and Ursula Brangwen, a teacher. Why does one couple end up in a destructive disunion, and the other in harmony accord with one another in spite of their differences? Lawrence employs sexual love as a means of dispelling shame and sexual perversion associated with the vision of the body. Lawrence envisages mind as a wedge between the primordial union of the senses and the creative

darkness of the soul. It is argued that the mystery of love may not be resolved by knowledge alone but must be aided by the magic of emotions and knowledge of the other in one's essence. An experience of love focuses upon the pulse of the heartbeat spanning the remotest regions of the Unknown. The intuitive perception of the emotional understanding of life hopes to bridge the gap between 'being and nothingness'.

KEY WORDS

Love, Sexuality, Individuality, Man-woman, relationship, Development

So much has been written about love since time immemorial but it continues to be inexhaustible: "It has become difficult to imagine literature without love."¹ It is a critical commonplace to say that love is the most powerful and overwhelming of the human emotions. It has always attracted the attention of imaginative minds to discover the secrets of the human heart, owing to its essentially mysterious character of intense complexity: "love becomes so universal a theme because of the remarkable variety of its worlds."² Love is represented in modern fiction as a self-conscious phenomenon, which challenges the traditional notion of love. In the wake of widespread cataclysmic cultural change, the multiplicity and pluralization of worldviews, the dynamics of love underwent a fresh re-definition and re-evaluation. For the moderns, "love became more authentic as men and women came to reflect more profoundly about what it means *to be* in love."³ One

of the reasons seems to spring from the fact that the traditional institutions of society offered relatively lesser degree of resistance than before. Love has become a highly individualistic and subjective experience. It is fundamentally connected with the central question of all times: what is the meaning of existence? In modern fiction it is linked with the process of self-discovery and self-becoming. The emotion of love enlivens and electrifies the journey of self-education through ignorance to recognition of the larger forces operative in Nature. The mystery of love may not be resolved by knowledge alone but must be aided by the magic of emotions and knowledge of the other in one's essence. The mystic expression of a reality in totality in an instant of time may scale the heights of the unsurpassable mountains of mystery. It is further complicated by the fact that the search for new linguistic patterns to translate feelings and emotions into their equivalent verbal parallels challenges the traditional modes of communication. The inexpressibility of the emotional understanding of the other generates a set of complex equations in personal human relationships. It is necessary for the growth of human relationships to have sincere, honest and frank communication, only possible if man and woman learn to liberate themselves from the stranglehold of the stereotypical male and female patterns. In the very glow, warmth and sunshine of a man-woman relationship, each matches the other according to the strength of their beings: "Love need not necessarily unite us, or keep us apart, but it always reveals the difference between us."⁴ The experience

of love is the key to unlock the doors of each unique individual, thus fostering humanity's striving towards self-revelation and autonomy.

The major characters in *Women in Love* (1920) appear to be ever-aspiring autonomous beings in the process of becoming, rather than merely dancing to the tune of casually interconnected events – self-autonomy is the touchstone of individuality towards which characters strive ceaselessly, and failing to do so results in internal chaos and disintegration. Mundane everyday existence and traditional moral codes must be worked on and transcended in the strenuous search for identity. The ceaseless striving to soar onward and upward like Icarus involves the characters in a network of complex equations, incessantly expanding the limits of individuality. This is intertwined with a possibility to live through inwardness rather than preserving it as some sort of idealistic abstraction. Lawrence makes the inward flow of thoughts and reflections very much a fact of characters' everyday existence: "for him the inevitable focus of preoccupation, is incomparably inward and subtle – the individual life in its essential and inescapable relations with others."⁵ Either they are doomed to sink in the stream of life for the characteristic lack or excess of vitality or they come out as potential warriors determined not to let themselves down by the force of circumstances. They either disintegrate or re-integrate as according to the respective philosophy of life they may have. It is not surprising to see Lawrence's characters as individuals representing a class of ideas they adhere

to, and in this sense it is also the integration or disintegration of that class of ideas. They would be different if they belonged to another class of ideas. There is an exclusion of predictable moral schemes in *Women in Love*. Moments of confrontation and revelation take place at deeper levels of awareness. There is external disintegration and the possibility of internal re-integration. Jonathan Dollimore points out that "Lawrence, like other modernists, was attracted by *potency* in proportion to his conviction that the energies of the modern world were failing."⁶ Also Lawrence does away with the traditional means of fulfilment.

Lawrence's philosophy of love is linked with the process of development of the individual: It is "something deeper, darker than ordinary life."⁷ Leavis quotes Lawrence from *Psychoanalysis and the Unconscious* (1921): "Love is a thing to be *learned*, through centuries of patient effort. It is a difficult, complex maintenance of individual integrity throughout the incalculable process of interhuman polarity."⁸ Love for Lawrence is a determining factor and motivational force for the individual; love is not a passive subjectivity or an idle emotion, nor is it divorced from the search for the meaning of life. It is the diversion of the collective instinctual power circuit of energy through an experience of love towards a greater end. It is in conjunction with the totality of man's faculties and the wholeness of being: "One of Lawrence's most vital beliefs is that we should live with our whole beings – that body, mind, soul, spirit all form one being."⁹ Lawrence brings the physical being into the foreground and

tries to purify it of the impurities attached to it by religious orthodoxy. He makes body more acceptable and respectable for the modern reader. He asks us to look at ourselves as an organic unity. He does not lay preponderant emphasis upon the life of the body in a way as to approve of it as an ideal form of existence: "Living only with a part of one's being leads to frustration not to fulfilment. Living with the whole being means first of all accepting the whole body as beautiful, mysterious, and 'sacred.'"¹⁰ Lawrence makes this beauty of the body as a kind of inner beauty exposing the hidden parts of the body, thus bringing them to life in the pages of the novel. He does not merely advocate purely physical sensuous relationship but links it with the process of transformation. Sexuality for Lawrence is a means of attaining a perfect being. He makes sexuality an ethical norm for a greater process of self-exploration in connection with the other and this is antithetical to the Victorian idea of sex which is dirty, crude and sinful. He rejects Freudian Psychoanalysis on the grounds that "All is not sex. And a sexual motive is not to be attributed to all human activities."¹¹ He approves of sex if it is "subordinated to the great dominating male passion of collective *purpose*."¹² He makes it more meaningful by linking it with the process of development of the individual: "The reality of sex lies in the great dynamic convulsions in the soul."¹³

In a novel which is pivoted around the culture of intense feelings and tender emotions, it becomes rather difficult to translate them into appropriate language. Words are somehow

perceived as inadequate as a means of expressing profound feelings and emotions which is perhaps why Lawrence employs a highly filtered and reflective mode of expression. Feelings are spontaneous, emotions are evoked rather than described as some sort of preconceived intellectual arrangement. He does away with the importance of mere seasonal changes, or chronological movements or linear reality. *Women in Love* follows the pattern of successful and failed love-relationships. It is built up through another contrast: "The eternal apple"¹⁴ and the knowledge derived from the "long African process of purely sensual understanding, knowledge in the mystery of dissolution and corruption."¹⁵ The characters suffer from the incompleteness of being by belonging exclusively to either extreme: the ice-destructiveness of the north and the African process. Lawrence took infinite pains in writing and re-writing this novel because he was exploring the equilibrium between the extreme positions. He rejected the African culture because it was "so sensual as to be final, supreme."¹⁶

Lawrence distinguishes between people who live with their whole being and the ones who form this idea in their minds and proceed to carry it out mechanically. Rupert is sick of Pussum and the odd intellectual group in London because they belong either to one category or the other. It is epitomized in Rupert-Hermione relationship in the first part of the novel. Lawrence thinks that knowledge is more like a wedge and stands in the way of reaching the other, reducing the other to a symbol or a conception which may still fall short of the range of

innumerable possibilities that a living human organism may exhibit in the course of life. One can only love a human being rather than the idea of that human being. Here it is a sin against humanity to reduce the embodiment of human essence to an abstract idea. For example, Rupert and Hermione have been living together as lovers for many years: What is the missing link in their apparent harmony? Hermione is one who aligns herself with the tradition of the mind rather than accepting the full weight of her faculties. She almost over-rules herself through the discipline of her intellect which to her is the supreme weapon of self-defence against the world. She perceives Rupert as more of a mental conception than an actual emotional and spiritual being. Her aspiration to hold herself through knowledge leads her to a state of unbalance and emotional dependence upon the other. In her over-riding concern with the world of knowledge, intellect, culture and ideas, she loses hold of the vital part of her being. Hermione's lack of emotional conviction makes her crave all the more for Rupert. She, in a way, tries unconsciously to make him a means for her fulfilment. He exposes her thread-bare philosophy of life by emphasizing upon its inadequacy: "To know, that is your all, that is your life – you have only this, this knowledge."¹⁷ She exchanges "the substance for the shadow."¹⁸ She fossilizes her pure, spontaneous self with the tyranny of her mind which lords over the rest of her faculties. In a novel where the process of self-development through the mysterious route of love is vital, Hermione's limited perception to embrace the

totality of her being seems nothing but wishful thinking. The reader must dismantle her sense of the autonomous self which is still writhing under the fascism of her egotistically controlled and administered world. She is a dried up nut with little kernel to support her intellectual hegemony, and the scientific exactitude of intellect overdoes the measure in her case. The large-scaled repression of her Dionysian self may, eventually, bring her close to a state of emptiness and shallowness. She drives her primal energies to pass through the channels of her mental processes, which, in turn, perversely devour her ostentatious strengths in the end. Lawrence says that "To translate sex into mental ideas is vile, to make a scientific fact of it is death."¹⁹ Rupert gives the devil in her the proper due when he asserts against her pretensions: "If one cracked your skull perhaps one might get a spontaneous, passionate woman out of you, with real sensuality."²⁰ Hermione, failing to kill Rupert, retreats into frigid self-righteousness.

It seems to be determined at the very outset that Rupert and Ursula would go a long way in carrying further their initial attractiveness to greater profundity, and Gerald and Gudrun would end up on a note of mutual repulsiveness. In the end, Gudrun's eager withdrawal from her relationship with Gerald, and her falling for Loerke signifies something inherently mysterious in the emotion of love. It is beneath the level of consciousness, perhaps, some principle of emotional or spiritual being, that eases the tension from the stranglehold of man-made conventions, and harmonizes one with the

primordial essence of the other's being. For example, Ursula feels about Rupert that "she was held to him by some bond, some deep principle."²¹

It is Rupert who formulates the love ethic of his relationship with Ursula: "Half of our fulfilment comes *through* love, through strong, sensual love. But the central fulfilment, for a man, is that he possesses his own soul in strength within him, deep and alone. The deep, rich aloneness, reached and perfected through love. And the passing beyond any further *quest* of love."²² He leads her, not in pedagogic terms but in emotional and spiritual terms, to the conception of an autonomous self in spite of physical and mental intimacy. In his search for the autonomy of self, he traverses his path through Hermione as "the perfect Idea" and Ursula as "the perfect Womb" to a state of "star equilibrium" in a man-woman love-relationship.²³ Nothing is destined to happen in his relationship with Ursula because it grows like a plant carrying itself through many stages of development. Rupert gradually allows himself to learn the nature of the mysterious attraction that he feels towards Ursula: "She was like a strange unconscious bud of powerful womanhood. He was unconsciously drawn to her. She was his future."²⁴ What is Rupert but a quester and a lover, a character in search of the last issues of spirituality, not in the abstract or the Christian sense of the word but emanating from the constitutional uniqueness of individuality? Lawrence believes that "The highest type of all is the exceptional individual; only 'he' can stand against all the forces of disintegration, degeneration, mediocrity and decline

that typify modernity.”²⁵ The idea that unsettles any definite formulation of him in his relation to other characters is that “his spirituality was concomitant of a process of depravity, a sort of pleasure in self-destruction.”²⁶ It is more so because he prefers to die rather than living his life according to the old formulas of existence. Rupert shares his apocalyptic vision of the death of the old ideals with Gerald because it is necessary for him to derive the strength of his being by destroying the old within him: “The old ideals are dead as nails – nothing there.”²⁷ His remark to Hermione sums up succinctly the process of his development: “You’ve got to learn not-to-be, before you can come into being.”²⁸ Stretching the boundaries of human tradition lies in the death of the old self: “It is death to one self – but it is the coming into being of another.”²⁹ Repudiation of the old ideals and death of the old self entail a new phase of being but it is unshaped still and has to come into being. His “*intensely* spiritual life” may appear “too, too wonderful” to Hermione for she perceives him through her limited perception.³⁰ He explores layer after layer the possibilities open to the self like the biological evolution of the living organism. Almost all the characters in this novel express some kind of concern over Rupert’s rapidly changing phases: “He is not a man, he is a chameleon, a creature of change.”³¹ Leavis points out that “The changeableness perceived in Birkin is a capacity for surrender to the spontaneous life that will cannot command.”³² His misanthropic response towards the existing forms of humanity is born out of his concern to rise above the rigid conventions: “The

whole idea is dead. Humanity itself is dry-rotten really.”³³ Even his perversions, especially sexual, are a form of release from conventionality and the sense of the normal. His out-of-stepness with the world marks him out as a timeless character: “His nature was clever and separate.”³⁴ Right from the beginning of the novel, he is marked out as the one who would make ceaseless efforts to live in accordance with the laws of his nature. Lawrence’s vision finds an apt embodiment in Rupert’s well-formulated phrases. He evolves through a dialectical process all his own, bound to contradict, ready to accommodate new possibilities to reformulate his more inclusive statement. He has already undertaken the route to unwind his common self back to its primordial source. His quest needs to find a focus, a direction and medium in the secret annals of consciousness that it is love that can redeem the balance of his life because gain on one plane of existence is a loss on another. Conceiving of the other as a medium for one’s spiritual quest does not mean to use the other as a means only but it has a relation as, for example, the painter to his paint and paint-brush. Kern remarks that “a crucial aspect of autonomy can only be realized, paradoxically, when one is willing to throw oneself into love without holding back.”³⁵

Ursula is bent upon eliciting from Rupert the magical words which alone, she thinks, could stamp a pattern of permanence upon their relationship but Rupert’s insistence in avoiding that traditional trap of over-riding emotionality serves to expand the meaning of love, which is beyond its apparent manifestations. For him, the word love simply means

little because it has been over-repeated so much that it appears to be a conventional mass of known realities: "The point about love is that we hate the word because we have vulgarized it. It ought to be proscribed, tabooed from utterance, for many years, till we get a new, better idea."³⁶ In the absence of any other appropriate surrogate for this word, he repudiates the conventional mode of expression by asserting that his love is way beyond it: "The merging, the clutching, the mingling of love was become madly abhorrent to him."³⁷ He sees the potential dangers to individuality in the old idea of love: "he would rather not live than accept the love she preferred. The old way of love seemed a dreadful bondage, a sort of conscription."³⁸ At one point it looks like Ursula is afraid of being submerged by the weight and vagueness of his ideas. Love should not be a power that consumes the other's being. What Rupert does is transcend traditional connotations and restore to the idea of love its lost glory and enchantment. He is still in a state of blankness and awaits for that void to be filled. He shares this with Gerald: "I find that one needs some one *really* pure single activity – I should call love a single pure activity."³⁹ Henceforward he determines the course of his life in connection with this 'really pure single activity' that he calls love. He is all bent to take this love-ethic to its problematic extremes by affirming it with the full force of emotional and intellectual conviction: "Yes. I want the finality of love."⁴⁰ He has seen much of women in the highly polished and refined intellectual circles in London, and is disillusioned. Nothing has appealed to his restless

nature much beyond superficial attractions which have hitherto failed to inspire his being to a state of fulfilment: "He moved about a great deal, his life seemed uncertain, without any definite rhythm, an organic meaning."⁴¹ He finds his quiet life as a school inspector monotonous, and the spiritual void that he is beset with can only be filled with a "perfect union with a woman – sort of ultimate marriage – and there isn't anything else."⁴² He does not need the Christian Saviour but "A female Saviour."⁴³

The Ursula who appears on the first page of the novel is the one who has already tasted the hemlock of numerous failures, has already seen the traditional nineteenth-century answers crumble within her. She is not yet a fully grown character but still in the process of finding herself: "Her spirit was active, her life was like a shoot that is growing steadily, but which has not yet come above ground."⁴⁴ At the very outset, Ursula considers marriage not as a necessary experience but "More likely to be the end of experience."⁴⁵ She does not pronounce her judgment against marrying in haste but allows herself to be urged to marry if it were an inevitable consequence of a relationship with a man: "Oh, if I were tempted, I'd marry like a shot.---I'm only tempted not to."⁴⁶ She outlines her intentions in a way that appear to be obscure but she seems to rely more on the unformulated yet definite stirring within her being. Her earliest impression of Rupert is more strongly felt in a state of a wakeful dream finding closest proximity with the other, feeling "some kinship between her and him, a natural tacit understanding, a using of the same language."⁴⁷ She

seems to be sharing a kind of emotional and mental equanimity with Rupert, recognizing a mutual understanding between them. Hers is not only an emotive response but also a thoughtful one. At the same time, she perceives “a certain hostility, a hidden ultimate reserve in him” and that marks out the difference between them.⁴⁸ She promises to herself to see more of him.

Rupert makes it clear to Ursula that he is in search of “something final and infallible” in his relationship with her, seeking to expand the limits of individuality, but in full knowledge that the “real impersonal me” can never merge with the other.⁴⁹ The culminating point comes when Rupert sizes up the dimensions of his relationship with Ursula in terms of the analogy of the star equilibrium, which is the touchstone of the idea of love in this novel. He tells Ursula that “What I want is a strange conjunction with you – not meeting and mingling; - you are quite right: - but an equilibrium, a pure balance of two single beings: - as the stars balance each other.”⁵⁰ To attain this equilibrium between self and other, it is necessary to give up the common self. Lawrence believes in the attainability of certain states of perfect being through love, and this relationship of self and other happens through sexuality. Rupert concedes to love this quality of fusion in polarity: “It’s a freedom *together*.”⁵¹ He affirms his love for Ursula: “I love you right enough. But I want it to be something else.”⁵² She does not fully grasp his meaning, still wishing to be proud of her version of love, whereas he wants an eternal relationship in accordance with the law of nature: “it

is a maintaining of the self in mystic balance and integrity – like a star balanced with another star.”⁵³ He considers love to be a bond far beyond a physical union, and sex entered into without such an understanding can lead to a devastating division between man and woman. Rupert wishes sex to be normalized, to be at the level of other appetites because he wants to enable “a further conjunction” with Ursula.⁵⁴ He attaches a sense of intoxication to love which could, in itself, transport them into a higher sphere: “I want love that is like sleep, like being born again, vulnerable as a baby that just comes into the world.”⁵⁵ She wrongly believes he is asking her to lose her sense of self, and is not yet prepared to accept his version of freedom, considering him solipsistic: “He wants me to sink myself in him, not to have any being of my own.”⁵⁶ Her idea of ‘pure love’ requires a complete self-surrender on both sides which he is not at all prepared to do because for him “the individual was *more* than love, or than any relationship.”⁵⁷ She is unable to perceive the profound meaning in his idea of love because for her “love was everything.”⁵⁸ She still believes that fulfilment in love is all that a man may possibly desire, that love is sufficient in itself to render the rest of existence devoid of any real substance or value: “she wanted pure love, only pure love.”⁵⁹

There is another avowal of their love for each other but it is still overshadowed by a lack of complete understanding on Ursula’s part: “I suppose we do love each other, in some way”, to which Rupert replies: “Oh yes, too much.”⁶⁰ He thinks that

their love is connected with “a joy of submitting to that which is greater than the known, namely, the pure unknown,”⁶¹ reassuring her that their union should not require an effort of the will but it should happen at its own accord, with an effortless ease “as if it were a phenomenon, not a thing we have to maintain by our own effort.”⁶² Rupert wants to enter into “sensual subtle realities far beyond the scope of phallic investigation, taking love into a metaphysical sphere where it filters and re-filters their beings to the extent where nothing remains but the pure essence.”⁶³ She experiences that ‘further conjunction’ through anal intercourse and begins to understand Rupert’s idea of love. This wordless connection between them transcends old definitions of existence for they feel that “in the perfect One there is perfect silence of bliss.”⁶⁴ Later, she shares her ‘intimate knowledge’ with Gudrun: “I believe what we must fulfil comes out of the Unknown to us, and it is something infinitely more than love.”⁶⁵ T. H. Adamowski observes that “Lawrence’s lovers,” “in perfect acceptance and yielding”, are there at the balancing point between “being and nothingness.”⁶⁶ In order to recover the balance of life, Rupert finds in marriage a great possibility for “his resurrection and his life.”⁶⁷ This shared enlightenment brings him into a state of “peace superseding knowledge.”⁶⁸

What becomes of Rupert and Ursula towards the end of the novel? Rupert wishes that “we could stay as we were.”⁶⁹ After the marriage, they wander to different places without settling into a conventional domestic life. Life is a continuum with no closure in the lives of the lovers who continue to

keep pace with the changing rhythms of life, hence escaping fixed norms of existence: "All Lawrence's beliefs rest on this fundamental belief in the rhythm of life and the continuity of life which is at the same time a discontinuity."⁷⁰ Rupert sets the foundation stone of this new phase of being: "Why not be casual, drifting along, taking all for what it was worth?"⁷¹ Rupert and Ursula surpass the traditional idea of the fusion of the lovers and achieve a sense of the self that is autonomous: "Fusion with a beloved tends toward the inauthentic, because it seeks loss of self-awareness. Autonomy tend towards the authentic, because it involves reflecting on what it means to be a separate self while still remaining drawn to the beloved."⁷² This union is above the mere fulfilment of physical desire as an end in itself: they become for each other "the immemorial magnificence of mystic, palpable, real otherness."⁷³ They turn out to be the embodiment of genius in the realm of love, yielding timeless moments of perfect being as they drift on the wings of spontaneous creativity and enjoy 'freedom together'.

There is another possibility of love sought through Rupert's relationship with Gerald which is a vital component in sustaining his relationship with Ursula. He formulates the basis of this: "I believe in the *additional* perfect relationship between man and man – additional to marriage...Not the same – but equally important, equally creative, equally sacred."⁷⁴ Here, it is love that is brought into a new dimension of meaning. He tells Gerald that this relationship gives more room for freedom and

individuality. From time to time, Gerald feels a kind of emotional security and warmth in Rupert's fluid character and utterances. It is more of admiration of not just what Rupert says to Gerald, for at times he is miles away from the thread of conversation, but something essentially vital in itself: in spite of everything "there was a curious heart-straining towards each other."⁷⁵ On one significant level, Gerald admits frankly the quality of feeling that binds him with Rupert: "You mean a lot to me, Rupert, more than you know."⁷⁶ In his heart of hearts, Gerald knows Rupert to be a rapidly changing creature and his ideas appear unpractical and unreal but he cannot help admiring the wonderful spirit in him. This relationship may be considered analogous to the art-viewer and the piece of art; the art-viewer may still lack the technical knowledge to understand the piece of art but cannot help appreciating the special feeling it evokes in him. Rupert offers Gerald the possibility of exploring 'blood-brotherhood'. He holds it equally important for himself "to love a man purely and fully."⁷⁷ He presses Gerald to admit it openly to him, so far he has been avoiding embracing the necessity of what Rupert understands to be a beautiful relationship between them. It is Rupert who is able to give these feelings verbal expression: "we ought to swear love to each other, you and I, implicitly and perfectly, finally, without any possibility of going back on it."⁷⁸ He enlightens Gerald that the terms of their relationship are "not sloppy emotionalism" but rather "An impersonal union that leaves one free."⁷⁹ Rupert is always keen to provide Gerald with the lost link in the chain of his

being. Gerald, in turn, feels that their relationship relieves the pervasive emptiness and nothingness within himself, enabling him to be what he ought to be. Gerald acknowledges to Rupert that he loves him truly as he does not feel the same for any other woman: he feels his friend is “the right somebody.”⁸⁰ Finally, he understands the nature of their relationship as “something abiding, something that can’t change.”⁸¹ He sees in this deep connection an archetype of a fulfilling relationship with a woman: “If he pledged himself with the man he would later be able to pledge himself with the woman: not merely in legal marriage, but in absolute, mystic marriage.”⁸²

The culminating point of this relationship comes when Gerald and Rupert have a wrestling match, where the sheer force and magnetism of physical friction between their two bodies breaks down any remaining barriers, giving way to a sense of peacefulness. They begin to assume a more acceptable form of their subterranean love for each other. Their agitated natures are brought into a state of still equilibrium after their keen frolicking. This sense of “deadly nearness” prunes the residue of “perilous intimacy” into a much more acceptable form of “a casual free-and-easy relationship.”⁸³ Lawrence emphasizes the man-man love-relationship which purges it of stigma historically attached to its consummation. It is not overt genital sexuality that plays its part here but an implied tender suggestion of it can be felt. This frolicking cajoles the sexual apparatus and energy in both men which, in turn, gives them a sense of release from the conventional

meaning of man-man relationship as socially forbidden and restrictive but at the same time there is a haunting suggestion of an implicit sexual desire. The physical intimacy that Rupert implies he should have with Gerald, in addition to the mental and spiritual ones, signifies his desire to remove the last vestiges of reservation between them: He says that "We should enjoy everything."⁸⁴ Gerald, in turn, offers the warm shelter of his physical strength and beauty to Rupert. The repressed "Prologue" of the novel explicitly states the "extent of Lawrence's ambivalence towards homosexuality."⁸⁵ This "Prologue" clearly shows "explicit expression of Birkin's intense homoerotic desire."⁸⁶ In "the other world of the subconsciousness", Rupert contemplates "a passion of desire for Gerald Crich."⁸⁷ Gerald is not the only man-friend he has loved so passionately but other men as well: "This was the one and only secret he kept to himself, this secret of his passionate and sudden, spasmodic affinity for men he saw."⁸⁸ The first moment he saw Gerald his erotic feelings were very intense: "He loved his friend, the beauty of whose manly limbs made him tremble with pleasure. He wanted to caress him."⁸⁹ This powerful desire for physical contact failed to be consummated because of his shy and reserved nature. Later he tries hard to suppress his passion for men but the craving for physical touch remains unconquerable in him. He has to struggle hard within himself to get rid of this overpowering feeling for men. He feels rather helpless: "Why did not the face of a woman move him in the same manner, with the

same sense of handsome desirability, as the face of a man."⁹⁰

The love between Gerald and Gudrun is destined to disintegrate and suffer the catastrophic pangs of failure in the end because the seeds of destruction lie within themselves. There is something characteristically and inherently lacking in this relationship. In a significant sense their relationship is a slightly modified re-enactment of Gerald's parents, Thomas and Christiana. His mother's spontaneous and creative self was choked within the domineering world of Mr. Crich's charitable and generous deeds on the one hand, and the over-riding concern for the promotion of industry on the other. Gerald inherited the idea of the growth of industry from his father but he took it to its limits. Lawrence warns us of "the danger of idealism. It is the one besetting sin of the human race. It means the fall into automatism, mechanism, and nullity."⁹¹ How could Gudrun be led along to desire the being of the mechanical? Gerald tends to reduce people to mere objects, failing to see them as they really are, which is, perhaps, the reason why he feels emptiness at the root of his existence. Leavis points out that "In Gerald, in fact, we see the malady of the individual psyche as the essential process of industrial civilization."⁹² He seeks himself through absorption into machines, matter, and mechanical certainty, reversing the process of the purely organic into "the pure instrumentality of the individual."⁹³ He develops his philosophy of life on the mechanical well-being of mankind: "Everything in the world has its function, and is good or not good in so far as it

fulfils this function more or less perfectly.”⁹⁴ It is a reductionist view of life. He gloats over the supremacy of the human will as “the only absolute.”⁹⁵ His immersion has roots deep within his unhappy childhood for he was the accidental killer of his brother. His inheritance from his father and the tragic doom lurking over the family almost makes him seek a sort of sanctuary in his philosophy of life. His concern is not just to rise in social position or to multiply physical pleasures for himself: “What he wanted was the pure fulfilment of his own will in the struggle with the natural conditions.”⁹⁶ In a sense, it is a mighty effort of the will to reduce life to the mere inhuman, mechanical production: “It was pure organic disintegration and pure mechanical organization. This is the first and the finest state of chaos.”⁹⁷ He moves fast in the dominant mechanical half of his life, and could have achieved the banner of victory if his father had not died: “He was the God of the machine” (Lawrence, 1987, p. 223). When his father dies, Gerald loses the impetus to carry on within himself the dominance of the will and idea; he feels a yawning gap of darkness within himself. “This strange sense of fatality in Gerald, as if he were limited to one form of existence, one knowledge, one activity, a sort of fatal halfness”, seeks redemption in love but Gudrun is not prepared to replace Mrs. Crich’s role.⁹⁸ He seeks fulfilment of his neglected organic life in her: “here was sleep, and peace, and perfect lapsing out.”⁹⁹ His dependency threatens to suck life out of her. Failing to live up to life results in a sense of shame and incompleteness when he visits her bedroom after the death of his

father. He is a victim of his own philosophy of life. They are using each other as a means to attaining perfection: "Their "love" is a perverse sexuality, a form of ontological masturbation in which the partner is nothing more than an instrument for the perfection of the Self."¹⁰⁰ In spite of his pride, his powerful will and physical vigour Gerald cannot sustain his relationship with Gudrun for her nature is separate and quite apart from him. She is no mere mechanical instrument who will readily accept the reduction of her being at the hands of Gerald: "For she had an insatiable curiosity to see and to know everything."¹⁰¹

Right from the beginning, Gudrun's deeply restless nature is inclined to emotional and rootless life. There is some degree of recklessness in her: "If one jumps over the edge, one is bound to land somewhere."¹⁰² Her artistic sensibility is out of step with the ugliness of the district which appears to her as "a dark, uncreated, hostile world."¹⁰³ She has a more haunting sense of the spirit of the place that "aroused a strange, nostalgic ache of desire, something almost demoniacal, never to be fulfilled."¹⁰⁴ She clearly shows the first signs of her aversion at the inhumanity of the mechanical and industrial production which imbues the place with a sense of wastefulness, and desolation. She gathers with her woman's instinct that destructive Gerald is caught up in the net of her femininity: she realizes that "a sort of diabolical freemasonry subsisted between them."¹⁰⁵ There is some icy-cold reserve in Gerald which is repellent to her. She is quite aware of "the significant, sinister stillness in his bearing"

which threatens to mortify her sense of the spontaneous self.¹⁰⁶ In spite of his physical charms, he gives the impression of being an odd man “as if he did not belong to the same creation as the people about him.”¹⁰⁷

Adamowski notes that “The irony of this relationship is that each sees in the other the very perfection that each seeks to attain. More importantly, the perfection that each sees manifested in the other suggests no need, obviously, of another person.”¹⁰⁸ Gerald tells Rupert about the phase of disintegration he is passing through, and yet he feels more and more compelled towards Gudrun to lapse out in the much-needed warmth of her being: “Gudrun seems like the end, to me.”¹⁰⁹ When he is no longer able to derive meaning from his brilliant mechanical schemes, he feels “suspended motionless, in an agony of inertia, like a machine that is without power.”¹¹⁰ She offers him love on the condition that he abandons himself fully to her which he is not capable of. For her, marriage and love stand separately from one another. She insists on believing that primarily marriage is not a sure route to finding a relationship based on love. However, if a married couple love one another, it is possible for them to continue for the rest of their lives, and in the absence of love, there is no point in carrying it further. She is not naïve about the nature of their relationship, observing Gerald attracting almost every young woman to his arms: “he is naturally promiscuous. That is his nature.”¹¹¹ What she perceived of Gerald was a glistening physical beauty which she saw exhibited in the mare-scene, the

rabbit scene, or when his body was cutting through the water currents. She recognizes the insufficiency of his being: "He was a phenomenon to her, not a human being."¹¹² Finally, when he is unable to strangle her, he skis along to die in the heart of the mountains of snow. It's not moral callousness on her part to let him die at the hands of his own destructive powers which he let loose within himself in creating a perfect mechanical order. She, on the other hand, begins her aimless journey with Loerke towards obscure ends. Rupert's apocalyptic remark sums up the relationship between Gerald and Gudrun: "She's a born mistress, just as Gerald is a born lover – recognized lover. If as somebody says all women are either wives or mistresses, then Gudrun is a mistress."¹¹³

Gudrun feels emotionally and intuitively drawn towards Loerke's "uncanny singleness, a quality of being by himself."¹¹⁴ She finds in him a little companionship in intelligence. Her artistic sensibilities pick up a common bond between them: "Something in Gudrun seemed to accord with him."¹¹⁵ Being perfectly frank to the very limits, he gives the impression of living a life devoid of any kind of false heroism, and is rock-solid in his determination to be what he is in fact. Loerke's way of life copes with troubles in a truly stoical manner, patiently facing infinite miseries without expressing much pain despite acute disillusionment. He is thus able to ride the uneven rhythms of existence with a philosophical calm. Whatever form of sublimation he seeks, he expresses it through his art. Gudrun finds in him "the rock-bottom of all life...He existed a pure,

unconnected will, stoical and momentaneous.”¹¹⁶ To her, he seems to belong to a similar order of being, “the very stuff of the underworld of life.”¹¹⁷ They share with one accord the supremacy of art amidst the insignificant happenings of existence: “Of course, life doesn’t really matter – it is one’s art which is central.”¹¹⁸

Social position, rank, class and the more material aspects of the world Gudrun finds in Gerald, and she may have been superficially attracted towards it initially in her relationship with him but that is not the be-all and the end-all of her wants. Loerke is far more penetrating than Gerald in digging deep into Gudrun’s being. Loerke strikes where she is most vulnerable: “he, Loerke, could he not penetrate into the inner darkness, find the spirit of the woman in its inner recess, and wrestle with it there, the central Serpent that is coiled at the core of life.”¹¹⁹ It is not just the sweeping power of passion that she feels drawn towards: “It was an unbroken will reacting against her unbroken will in a myriad subtle thrills of reduction, the last subtle activities of analysis and breaking-down carried out in the darkness of her, whilst the outside form, the individual, was utterly unchanged, even sentimental in its poses.”¹²⁰ They instinctively develop an esoteric understanding with each other in a way that does not hamper the process of their individuality, and this acts like the connecting wire: “It is the understanding that matters.”¹²¹ Both can continue to move within their orbits recklessly and spontaneously in a union which can allow for ‘freedom together’ and ‘unity in separation’.

Thus, the culture of love is intertwined with the culture of freedom and enlightenment. Lawrence's philosophy of love is linked with the process of self-discovery and radical transformation, a pilgrim's progress toward timeless modes of being. It inculcates an effort to live as fully conscious human beings in the process of self-becoming. The love relationship appears more like Bildungsroman; analogous to the process of creativity itself. It is like a masterpiece of high art which outlives its creator and survives as an archetype of the greater forces of culture and civilization. As art's contribution can be perceived only in relation to the increase of consciousness it brings about, so is it with the love relationship. Lovers are unacknowledged creative artists, but also embody the emotionalization of the intellectual and philosophical aspects of life: "only an artist is free. Because he lives in a creative world of his own."¹²² The consciousness of lovers transcends in the end, despite being blown to pieces by external circumstances or annihilated by larger forces of cultural disintegration, as they affirm life in spirit. Love, like art, is the highest mode of sublimation. Far from turning out to be merely the blind alley of existence, love produces an upheaval that shakes the very foundations of being, which painfully transforms into self-authenticity.

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UNDERSTANDING PUNJABI FOLKLORE THROUGH ITS ORAL TRADITION

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ABSTRACT

This article presents a critique of folklore model of looking at Punjabi oral tradition by bringing forward the need to explore the dynamics of 'orality' that have been determining the protocols of preservation of human knowledge in the oral society of Punjab. In the most of academic historical literature, the terms Punjabi folklore and oral tradition have been used synonymously with the purpose of consulting them as a source of historical information. Borrowing from the theoretical paradigm of Jan Vansina, this study looks at the Punjabi folklore through the lens of oral tradition. The lens of oral tradition not only enables to question and evaluate the simplistic treatment met out to it under the guiding principles of literary criticism and Sufism it also problematizes the 19th century colonial folklorists and ethnographers' engagement with Punjabi folklore. Drawing to the close, this study attempts

to take the lens of oral tradition beyond the project of Jan Vansina; while he sees each genre within the oral tradition as message to be carried from one generation to another and, therefore, whole of oral tradition as history, there seems a possibility of looking of each genre as separate form of knowledge or of whole oral tradition as repository of various possibilities of knowledge within the pre-colonial context. For example, the genre of *Var* is more than just another kind of message to be carried out from one generation to the other as Vansina describes the case of epic, rather, it may present a case of indigenous historiography and historical sensibility embedded in the oral tradition of the Punjab.

KEY WORDS

Punjabi oral tradition, Punjabi folklore, protocols of orality, *Var* etc.

The relationship between historians and folklorists, now passing through the 'age of rapprochement'¹ and looking forward to the 'age of co-operation',² has not been a simple one: budding in an intricate and multifaceted manner. Some of the cultural historians saw folklore as an alternative source of history, others ventured to consult it to unravel the perspectives from the below and those working against the biases of mainstream historiography found it as 'repositories of rebellion and protest'³. Such turning to folklore by historians was accompanied by growing interest in oral tradition or one can say historian was bound to deal

with the dynamics of latter while coming to terms with the former. In other words, developing a relationship with folklore, for the historian, meant also to understand its relation with the oral tradition. This inevitability of the connection between the two is quite understandable. Folklore, as the most of its instances, when traced back to the pre-modern, pre-literate period seemed surviving through the oral tradition it relied on for the preservation. Memory and the remembrance is the connecting link between the two. "The mind through memory carries culture from one generation to another."⁴ There came the conviction that "oral tradition should be central to students of culture, of ideology, of society, of psychology, of art, and, finally, of history."⁵ Jan Vansina in his seminal work *Oral Tradition As History* attends the issue in terms of historical methodology and sees oral traditions as the representations of the past in the present. In this way, Vansina's work can be seen as attempt to provide a guide to the characteristics of oral tradition as history.⁶

In the context of the Punjab, there has been dearth of historians who would, academically, add on the relation between history and folklore, let alone the relation between folklore and oral tradition. Beginning with the latter half of the twentieth century there emerged an increasing interest in the new fields of history and owing to the then emergent discourses of post-modernism and post-structuralism a skeptical attitude was taken towards the traditional fields of history and the underlying historiographical assumptions. Accompanied by it was an episode of decolonization which unleashed a concern for the Third World history.⁷ This attitude in the field of history

opened up spaces for the oral traditions as source of history. However, in the case of the Punjab this change was realized much later and even those who ventured to tread this path had to continue the journey with an unusual solitariness. Recently, there has been an emergence, though not an eventful one, of the historical works which have started paying attention to the Punjabi folklore as an alternative source of history. In these works one finds the terms 'folklore' and 'oral tradition' used synonymously. The purpose in this section of the chapter is not to segregate the two, Punjabi folklore and oral tradition, semantically though the aim is to show how these two are related, not synonymously, when dealt under the head of historical methodology.

Not unlike many other pre-modern societies, Punjabi medieval society can be, for the most part, categorized as the oral one as the sites of formal knowledge scantily dotted the region where the contours of education were laid down in accordance with courtly interests, be those administrative, religious or literary, of Delhi. The medium of education, thus, largely remained Persian and Arabic and in some cases Sanskrit and it is in this domain that we can find the use and practice of written words. For the rest of society, the means of preservation and propagation was the word of mouth that lived on under the provisions of memory. Songs, lullaby, tales, legends, epics, etc., which collectively came to be called as folklore, were transmitted from one generation to another orally. Here comes the need to understand the Punjabi folklore in relation to the orality which guaranteed its preservation. This orality, its various tradition and acts of

performances, provides another way, and perhaps an essential one, to look at the Punjabi folklore.

Each genre of the Punjabi folklore might have a different oral tradition, meaning the various set of protocol and processes and traditions, best suited to form and content of that genre, for helping the memory to carry it on to next generation or, at the smallest level, from the one instance of utterance to the next/other one. For example, Punjabi *Qissas* (tales) required entirely a different arrangement and acts of performance as compared to *Kafis*. Farina Mir's work points to those arrangements and protocols that would be involved in the performances of *Qissas*. Before print culture made its way in the literary life of the Punjab, these arrangements and protocols were essential to the preservation of *qissas*. Mir argues at great length how these pre-colonial ways of performance associated with Punjabi literary formation⁸ continued, *resiliently*, to exist even during the colonial period when print culture on the one side and British language policy in the province on the other had posed serious challenges to that tradition. Similarly, *Lori* is sung a way different from *dhola*. It is not only the content and form of the two genres which separate them from each other but also the way they are delivered and performed in a particular context. In asserting so, Vansina's definition of Oral Tradition may stand relatable: "The expression "oral tradition" applies both to a process and to its products".⁹

Borrowing the tools of categorization from Vansina, it would be worthwhile to understand the Punjabi folklore through the model of oral tradition for the following reasons:

- a) Academically, we miss such categorization when we need to look at the Punjabi oral tradition,
- b) Vansina's own work, though universal in its tone, takes most of the examples from African context,
- c) In absence of such categorization, Punjabi oral tradition falls prey to the simplistic interpretive tools of literary criticism (Farina using the term 'literary' and Ishwar Diyal using the term pre modern 'literature')

LITERATURIZATION OF FOLKLORE: LITERARY CRITICISM AND EPISTEMIC VIOLENCE

The lens of folklore facilitates to study the pre-modern literature in the light of popular beliefs, customs, rituals and aesthetics. A whole lot of intellectually inclined administrators engaging with the folklore thought it an important warehouse of cultural values and customary beliefs. Recently, historians started seeing folklore as an alternative source to do away with the biases of mainstream historiography. However, this *lorist* conception of folk brought folklore under the grip of analytical categories of literary criticism. The categories such as form/content, folk/classic, popular/Sufi take over the analytical tools available for the understanding of the folklore. As far as Punjabi Oral tradition is concerned, it has been studied mainly under the following three narratives:

- a) Folk,
- b) Sufism, and
- c) Literary.

It is the last one which actually provides the analytical guide for the first two. Under the colonial project of studying native folklore, it was Temple who called *Vara* folk-poem; thus, whatever was to be studied in folk, it had to be done so by taking it as a poem. It is at this point where the categories of literary criticism assume the primary place in coming to terms with the folk.

Similarly, Sufism as an analytical lens to engage with and interpret intellectual and popular traditions of colonial and pre-colonial Punjab has given way to look at a large chunk of Oral tradition as Sufi poetry. It is interpreted in terms of metaphors, symbols, images and other figurative tools all of which are taken as figurative way of expressing Sufi thought. Therefore, this model of engaging with oral tradition of Punjab presupposes Sufist inspiration behind the Punjab poetry on the one hand and then interprets poetic tools deployed in there as means to the end of conveying the Sufi values. Dr. Lajwanti Ramkrishna's famous academic work *Punjabi Sufi Poets* is a case in point.¹⁰ Published in 1938, this work provides a paradigm of Sufism to look at Punjabi poetry. Lajwanti presents the analysis of eight famous and various other poets of Punjabi Oral Tradition which he terms as Sufi poets. In the forward to this work, A. C Wools compares Punjabi poetry with the old Provençal language of France. He draws the comparison as to the rural imagery used in the both poetic tradition. However, he points to the difference that Punjabi poetry revolves around the love for God by assuming a Sufist inspiration behind it. Therefore, one is tricked into interpreting all the images and poetic tools as to that Sufist inspirations of the poet and his love for God.

Further in this work, the analysis of Punjabi 'Sufi' poets is structured in a way that detailed account of poet's Sufist pursuits and his divinely interests precede the analysis of his poetry. Therefore, a set of assumptions is already set before coming to terms with the 'literary' symbols, images and metaphors used in the poetry. Such analysis lacks the references to the protocols of the processes of transmission in the Oral Tradition.

There are also the efforts to understand the dynamic of Oral tradition of Punjab in terms of literary movements, literary trends, literary production etc. Though such views often value the unique context of the Punjabi 'literature' and elaborate in details on the social, political, economic and cultural factors that form that particular context, they seem dealing the Oral Tradition as a literary movement or phenomena. Farina Mir's notion of Punjabi literary formation is quite instrumental in understanding the importance of performance in Punjabi Oral tradition along with her emphasize on the mutual relation of text and community in forming this tradition.¹¹ She draws on Sheldon Pollock's notion of 'socio-textual community'¹² in justifying her use of the term 'literary formation'. The exclusive emphasize remains on the relation between community and literary production in the pre-colonial context of the Punjab. "The important point.....is mutual coproduction: individual and communities produce texts, and texts, in turn, help constitute both individual and community identity."¹³ However, the motives behind this relation she finds purely literary. Orality, for her, seems to be just another way in which literature was being produced. In her analysis, the protocols of orality only work as carrier of a literary tradition that was embedded

in complex social networks. That is why, along with the devotional practices, and complex social and economic relation that formed this tradition, Mir sees and entertainment and pleasure¹⁴ as an important factor that sustained this literary tradition. Thus, after calling it 'literary formation' and then tracing 'pleasure' as the one major sustaining force behind it, Mir demarcate the Punjabi oral tradition largely as a literary practice. It is at this point that the language and categories of literary criticism assume a privileged role in interpreting this oral tradition. The tradition, then, is seen as primarily as literary which may just become sources of other forms of knowledge i.e. historical, social, political, philosophical etc.

Allowing the interpretive role of modern categories of literary criticism while engaging with the oral tradition of the Punjab, results in various forms of epistemic violence¹⁵. The most important element which gets ignored is the 'orality' of oral tradition. Once reduced to the poetry, the text is read and understood deprived of the [con] text, the context of the oral tradition of the Punjab. As we have discussed that in case of sufist interpretation of Punjabi poetry, once reduced to literature, it is understood in terms of fixed symbols and images, thereby, depriving it also of literary multiplicity of meaning. There is another point where the categories of literary criticism seem failing while dealing with this oral tradition. It is about the much accepted binary of 'folk' and classic. The model of looking at Punjabi folklore with emphasize on the oral tradition facilitates also to understand the interesting relation between 'folk' and 'classic'. Deconstructing this binary would also help attend the subject of folklore in

terms of historical methodology. In the pre modern context of the Punjab, classic Punjabi poetry associated with Sufi and Faqir poets like Buleh Shah, Waris Shah, Baba Farid, etc. seems to get preserved and perpetuated in folk ways: the folk ways which make integral part of Punjabi oral tradition. The classics of Punjabi literature may called be classic in terms of what they have said or composed, but the way their work has survived is explicable only through understanding the process of Punjabi oral tradition.

19TH CENTURY COLONIAL KNOWLEDGE OF PUNJABI FOLKLORE AND ORAL TRADITION

To see how Punjabi folklore and literature is essentially linked with its oral tradition, one can refer to the works of colonial administrators, in the 19th century Punjab, collecting and analyzing the folklore of Punjab. These intellectually inclined administrators in order to study the folklore of the region tried to record it and preserve in the archival data. However, their project, which involves understanding the popular beliefs and values of the region through its folklore, had to come to terms with the dynamics of Punjabi oral traditions. When now studying these archival records, one notices throughout these texts the mention of *bhaat* or *miraasi* who narrates the stories, poems, tales etc. to the colonial folklore collector.

In the preface of his famous work *The Legend of the Punjab*, Captain R. C. Temple put in his understanding of *folk-tale*¹⁶, calling it old wife's tale, and folk-poem this way: "Neither are ever recorded on paper by those who preserve them, and both the old

wife and the bard almost invariably trust to memory..”¹⁷ Then he refers to the popularity and abundance of folktale, which of course is preserved and propagated through the faculty of memory, in the Punjab. “In the Panjab the folktale is abundant everywhere. It lives in every village and hamlet, in every nursery and zenana, and wherever the women and children congregate.”¹⁸ As to the bardic tradition, that is of *Vari* (the one who sings and performs *Var*), Temple gives a brief though comprehensive account of various kinds of bards. What is important to note is that in each and every bardic tradition, the practice of rendering Legends or *Var* is essentially linked with a context of performance and orality. While describing his method of collecting Legends, Temple writes: “I have attended at festivals and fairs and feasts and marriages and *swangs* and shrines, in fact at all places and times where it was likely that a bard would turn up, and made successful overtures to the performers to play for my private benefit.”¹⁹ Referring to cast background of the most of the bards, he further writes, “I have met—only in the hot weather by the way—the wandering *Jogi*, the *mirasi*, the *bharain*, and such folk in the streets and roads, and stopped them, and in due time made them divulge all they knew.”²⁰

Other than R.C. Temple, whose work on the folklore of Punjab exceeds not only quantitatively but also qualitatively as his analysis touches the subject with a diverse range of interests, though inculcated in Orientalist epistemological framework, there were many others who were engaged in the same project. The names include Flora Annie Steel, Charles Swynnerton, H. A. Rose and Mrs. H. Rivett-Carnac among many other.

All of these folklorists would be collecting their folklore either from the *mirasis*, *bharain*, *jogi*, *bhat* etc., those whose livelihood depended on preserving, propagating and perpetuating the Oral Tradition of the Punjab, or from common villagers. In both cases, it evident that folk-tales, folk-poems, stories, legends and narratives all were transmitted from one generation to the other through memory. In the preface to *Romantic Tales From The Punjab With Indian Night's Entertainment*, Charles Swynnerton offers a glimpse of the Oral Tradition of the Punjab; how tales and legends pervaded the life of common men and how people held it closer to their heart attributing them a historical value:

...from age to age, and from generation to generation, they have been faithfully handed down people rude and unlearned, who have preserved them through all vicissitudes of devastating wars, changes of rule and faith, and centuries of oppression. They are essentially the tales of people. They are truly representative of the quaint legends and stories which form the delight of the village *hujra* or guest-house on winter nights, when icy winds are blowing over mountain and plain; when the young men of the village community gather round the blazing logs to be charmed by the voice of some wandering minstrel, to listen agape to his incredible descriptions of the miseries and the joys of hapless love, or to revel in the fantastic tales of giants, goblins and fairies; or when the weary weather, if not too spent to sit up, alternates the recital of fictitious wonder by news from the outer world, or commands the attention of auditors, as

simple as himself, by circumstantial accounts of the disastrous chances of his own by flood and fell.²¹

Contrary to Temple's task which is to engage with the bards for the collection of folk-poems, Swynnerton's concern for the folk-tale shows the role of common people in preservation and propagation of oral tradition of the Punjab. The above given account by Swynnerton points to two important aspects of oral tradition of Punjab: a) how it was part and parcel of routine life of common people, and b) why it was so dear to those people, that is, the function of oral tradition in that society. Moreover, like Temple who thinks of Legends "fastened on to really historical characters and mixed up with the narrative of bona fide historical facts"²², Swynnerton holds same point of view though in a more implicit way. This is how he begins his account of *Four Legends of King Rasalu of Sialkot* in the *Folk-Lore Journal*:

Various are the stories told by the villagers of the Punjab of the old hero, King Rasalu. The Present history professes to give a few only of the incidents of his remarkable career. The following version has been taken down from the mouth of a peasant of the Upper Punjab, living in a village under the very shadow of Gangar, which the scene of the hero's principal exploit.²³

Temple may cast a doubt on the historical bearings of the Legends and so may the Swynnerton; however, they themselves seem compelled to refer to this particular aspect of Legends as well, sometimes directly and sometimes in a more tacit and inferential

way. Here, in the above quoted paragraph from Swynnerton's account of four legends of King Rasalu, presents such compulsion implicitly. He may be using the word 'history' in a more casual way while describing the narrative of the Legend Rasalu he was trying collect from various villagers. His reference to a particular 'version' may also point to the various narratives which existed as to one 'story' or 'history', thereby, introducing the problem of reliability of such stories as histories. However, his mentioning of origin of this 'version' deserves attention. It seems that the 'version' is being given a special value because it came from the mouth of someone who belonged to the same village (Ganger) which was the scene of Legend's principal exploit. There might be two reasons for the mention of origin of the villager: i) belonging to the same village which was the scene of Legend's struggle means that the villagers of that place knew the story better and more accurately because the stories in oral tradition firstly originated and propagated around the place of happenings and then were perpetuated to other places owing to the scope of oral tradition in the region, and ii) therefore, these stories had had a factual side which could be investigated only by keeping in mind the protocols of the oral tradition i.e. who is telling the tale, how the genealogies were formed, the importance of using a particular raga, the origin of the teller of tales and the background of *dhadhi* and *mirasis* who sing the folk-poem.

Colonial folklorists' account of Punjabi folklore, their ways of collections data and their analysis of the folktale and folk poems give very useful insights into the oral tradition of that time period. Though their project

was largely concerned with extracting native values, norms, customs and traditions from the Punjabi folklore, there are various instances which lead us to know about the dynamics of the oral tradition as well. It is from these instances that one can also know how those folklorists were interpreting those dynamics; in the most of cases, such dynamics and the processes of transmission were played down by declaring them ridiculous and making fun of the. Temple has done it frequently.²⁴ However, it is also from these instances that one can know about context and conditions through which the oral tradition of the Punjab survived.

HISTORY WITHIN ORAL TRADITION: BUILDING A CASE FOR VAR AS HISTORY

Vansina's work is invaluable as to its featuring of oral tradition as History. While seeing oral traditions as processes which carry messages from one generation to another, he gives a comprehensive account of diversity of these processes; the types of messages they carry with them; the context of performances accompanying the tradition; the messages as representation of culture, society, values etc. The diversity and dynamicity which oral tradition encompasses is broke down into various categories as to the messages, contexts, processes etc. Thus, epic is considered a type of message different from lullaby and tale as message is thought to be different from proverb or saying. From 'generation of the messages' to the interpretation of messages in the oral tradition, Vansina's work provides the historian with conceptual and methodical tools for coming to terms with oral tradition as history.

To Vansina, oral tradition is history as it carries messages and information from one generation to another. That is why, he feels the need of handling oral tradition in terms of historical methodology and, therefore, facilitates the students of social science to see oral tradition as history by providing the tools of categorization to look at the former as latter. However, by categorizing each genre within oral tradition as some kind of message, similar to or different from other messages in one way or another, to be seen as historical information passing from one generation to another, what he misses about pre-modern, pre-colonial oral tradition is the *epistemic potential*²⁵ of that tradition. Whereas the concept of epistemic violence refers to the repression and misrepresentation pushed on at and through the sites of knowledge, the concept of epistemic potential, which is coined here, appertains to the epistemic possibilities of a tradition. Soon after being homogenously belabored, these possibilities become victim of generalization and stereotyping inherent to the violently suppressive spirit of modern categories.

In the section above, it has already been shown how colonial folklorists studied and benefited from folklore in order to know the values, norms and customs of that society. Later on, the knowledge they extracted from folklore became primary archival data for the historical studies. However, the primary data of these archival records, which is Punjabi oral tradition, was termed unreliable, literary, and tangential source for the historical studies by those who, suffering from *archive fever*²⁶, preferred documented sources to the oral one. Though the point here is not to establish the oral

tradition of Punjab as an alternative source for history writing, as there are many who are doing the job, the aim is look at the oral tradition as the site of various epistemic possibilities, history being one such possibility. Each genre within the oral tradition might be such possibility in the pre-colonial, pre-modern context to be explored and analyzed by doing away with the homogenizing interpretation of modern categorization.

Along with the search for epistemic diversity within the oral tradition of the Punjab there comes the possibility of seeing at *Var* as a form of history embedded in the pre-colonial, pre-modern oral tradition of the Punjab. There are many instances where colonial folklorist while engaging with *Vars*, or as they would call most of them as Legends, and bardic tradition of the Punjab have referred to the historical characters of these narratives.²⁷ However, their primary interest being the extraction of folklore, they did not pay much attention to this aspect of what they called the bardic tradition of Punjab. From thence onwards, therefore, oral tradition has been studied more as a 'source', for various forms of knowledge, history, sociology, culture, politics etc., than as a site of possibilities of various forms of knowledge embedded in the indigenous pre-colonial, pre-modern epistemic sensibility. To look at *Var* as a form of history within the oral tradition of the Punjab is a step towards exploring this epistemic possibility. However, more interesting pursuit would be look at historiographical character of *Var* as history.

CONCLUSION

The Punjabi oral tradition in the most of academic literature has been studied either through the lens of folklore or through the discourses like Sufism and Literature under the interpretive imperatives of literary criticism. It all began with colonial folklorists in the 19th century that the oral tradition of the Punjab started to be seen as the source of native values, customs and beliefs. However, firsthand encounter with the works of these folklorists, the names of R. C. Temple, Flora Annie Steel, Charles Swynnerton, H. A. Rose and Mrs. H. Rivett-Carnac being the famous ones, insinuates to the protocols and processes that guaranteed the preservation and continuity of Punjabi oral tradition. There are frequent references to *mirasis*, *bhats*, *bhirain*, and other such casts whose main task was the preservation of this tradition. Moreover, in the works of these colonialists one also notices among these casts specialists for various genre of oral tradition. Such diversity with specialty demands an analysis to look at this tradition beyond the interests of folklorists. Such an analysis can also provide the ways to do away with the reductionist treatment met out to this tradition through discursive lens of Sufism and literary criticism. Sufism and literary criticism together carve out an analytical lens through which a large chunk of Punjabi oral tradition is discussed and explained as expressions of Sufist and divine pursuits. Therefore, the metaphors, symbols, similes and other figurative tools, instead of adding multiplicity of interpretations and meanings, lead to a presumptuously fixed interpretation of the tradition.

In this context, this article brings forward the importance of opting oral tradition as an analytical lens that facilitates to comprehend this tradition as a site of possibilities of various forms of knowledge embedded in and opening up the indigenous epistemic sensibility. Therefore, the genre of *Var*, instead of being treated as just a 'literary genre', is seen as a form of knowledge much close to history. The historical narrative, towards which even Temple whose interpretive faculty was operating through the colonial epistemological framework also points to, of *Var* demand a special attention as a form of history within the oral tradition of Punjab.

REFERENCES

¹ Peter Burke, *History and Folklore: A Historiographical Survey, Folklore 115*, (2004), 133-39.

² Ibid. Explaining the relationship between folklorists and historians, Peter Burke says that the relation has undergone three main stages or ages: a) age of harmony, b) age of suspicion, and c) age of cooperation. The first age refers to the era before the First World War when folklorists starting almost from 1846, when this term was introduced, to 1920. In this era, Burke sees historians and folklorists working together in a complementary way and relying on each other for answering the queries and questions. There were many factors which contributed to this harmony: the interdisciplinary boundaries were not as sharp as they later came to be; the Finish Folklorist Historiography was making its way in the social sciences; and the colonial interest in the folklore as source of customs, beliefs, values and social norms. However, the era from 1920 to 1970 sees the ways of folklorists and historians chiseling apart. This was an era in which not only various new disciplines, previously seen only as distinctive interest areas, for example anthropology and sociology emerged but also started developing their own ways of research and investigation with sharp difference from other disciplines. Folklorists, along with developed disciplines of sociology and anthropology, took *present* as their main concern and left historians to *past*. There came the third period when one sees the folklorists and historians bridging their previously falling apart paths. This conciliatory approach was inspired by two main factors in post-70s era: the rise of 'popular culture' and 'history from below'.

³ Surinder Singh and Ishwar Dayal Gaur, *Introduction to Popular Literature and Pre-Modern Societies in South Asia* ed. Surinder Singh and Ishwar Dayal Gaur (Delhi, Chinai, Chandigarh: Dorling Kindersley, 2008), 02-07. In establishing the academic importance of consulting pre modern popular

literature, Surinder and Ishwar present a detailed account of reason for considering this literature as an alternative source of history. For them popular literature, a large chunk of which is indebted to the oral traditions of south Asia, may not only be helpful in broadening the historical perspectives by making them more inclusive and less biased but may also question the prejudices of archive-based historiography, thereby, bringing forward the perspectives from traditionally marginalized segments of the society.

⁴ Jan Vansina, *Oral Tradition As History* (Madison: The University of Wisconsin Press, 1985), XI.

⁵ Ibid.

⁶ Ibid.

⁷ David Henige, *Oral Historiography* (Essex: Longman, 1982), 07.

⁸ Farina Mir, *The Social Space of Language: Vernacular Culture in British Colonial Punjab* (Berkeley, Los Angeles, London: University of California Press, 2010), 6, 17-18. However, the way Farina uses the expression 'literary' is also problematized in the next section.

⁹Vansina, *Oral Tradition As History*, 03. It is this conception of Oral Tradition which becomes the basis of Vansina's analysis of this tradition is history. While folklorists seem paying more attention to 'product' and analyzing it the extraction of local beliefs, norms and values, they being oblivion of the 'processes' or the ways through which that product is preserved and propagated the analysis fall short of presenting and interpreting the indigenous conditions which enunciate such folk 'products'.

¹⁰ Dr. Lajwanti Ramkrishna *Punjabi Sufi Poets* (Karachi: Indus Publications, 1977). It is also to mention that the primary sources with which Lajwanti engaged included the historical texts, along with Mulfozat and Tazkirat compiled, edited, and archived in the same period, that were written with an acceptance of *epistemological order of British scholarship*:

Umber Bin Ibad, "The State and Shrine in the Post-Colonial Punjab" (PhD diss., Government College University Lahore, 2016), 37. It is in consultation with these sources that Lajwanti primarily seems to evidence the lives of those Punjabi poets as Sufis.

¹¹ Farina Mir, *The Social Space of Language.*, 97.

¹² Sheldon Pollock, introduction to *Literary Cultures in History: Reconstructions from South Asia*, ed. Sheldon Pollock (Berkeley: University of California Press, 2003), 27.

¹³ Farina Mir, *The Social Space of Language.*, 98.

¹⁴ *Ibid.*, 99-100.

¹⁵ Here the term epistemic violence refers to the repression of non-western ways of approaching knowledge and is taken from Gayatri Spivak's famous essay *Can The Subaltern Speak?* Literary theory and criticism and the institution of literature in the second half of twentieth century appear as sites of questioning and re-evaluating the homogenizing and hegemonic assumption of western philosophical thought. Various thinkers and philosophers, Derrida, Foucault, Sartre, and Deleuze among many others, saw literature as an institution that could potentially question the modern categories and binaries, thereby exposing the hegemonic character of modern reason. However, in the above given context, when engaging with the various instances of Oral Tradition, literary criticism and appeal to literature seem to play the role which they were supposed to discourage according to post-modernists and post-structuralists. In western thought if various forms of knowledge sharing the philosophical assumptions of modern epistemology are seen as potential threat against which 'literary' had to question and expose, in case of colonial and post-colonial context, there are instances where appeal to literature and literary criticism plays a suppressive role against the possibilities of indigenous forms of knowledge.

¹⁶ Temple, in the preface to *The Legends of the Punjab*, differentiates between folk-tale and folk-poem, relating latter to the bardic tradition while former to the common people and especially to the women and children.

¹⁷ Captain R. C. Temple, *The Legends of the Punjab* (Bombay: Education Society's Press), iv.

¹⁸ *Ibid.*, V.

¹⁹ *Ibid.*, IX.

²⁰ *Ibid.*

²¹ Charles Swynnerton, *Romantic Tales From The Punjab With Indian Nights' Entertainment* (London: Archibald Constable & Co., 1888), vii.

²² Temple, *Legends of Punjab*, vi.

²³ Charles Swynnerton, "Four Legends of King Rasalu of Sialkot," *The Folk-Lore Journal* Vol. 1. (January-December 1883.), 129.

²⁴ Temple, *Legends of Punjab*, iv-xii.

²⁵ The concept of epistemic potential, coined here, is essentially linked with Spivak's concept of epistemic violence and is inspired and informed by latter's theoretical connotations. Thinking in an inferential way, where the application of the term epistemic violence points to the ways, strategies, discursive practices and hegemonic philosophical assumption that have been instrumental in obstructing the 'other' ways of knowledge, it also triggers the mental faculties to imagine the possibilities of those 'repressed' traditions of knowledge that had been victims of reductionist interpretive treatment. It is in this regard that the term epistemic possibilities is used: to guide the imagination to envision the possible forms of the repressed indigenous traditions.

²⁶ Jacques Derrida, "Archive Fever: A Freudian Impression", *Diacritics*, Vol. 25, No. 02 (August 1995).

²⁷ Temple and other colonial folklorists.

**DOCTRINE OF STATE NECESSITY:
JUDICIARY—MILITARY RELATIONSHIP IN PAKISTAN
(1947-2009)**

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ABSTRACT

Power struggle is the main feature of Judiciary-Military relationship in Pakistan which began in 1958 and brought a long-lasting impact on the functioning of the State. The military establishment from the very outset undermined the judiciary. With a few exceptions, the judiciary also accepted its subordinated role; the judiciary adopted “Doctrine of State Necessity” in the cases of Moulvi Tamizuddin vs Federation of Pakistan (PLD 1955 SC), Dosso vs Federation of Pakistan (PLD 1958 SC), Asma Jahangeer vs Federation of Pakistan (PLD 1972 SC), Begum Nusrat Bhutto vs Chief of Army Staff (PLD 1977 SC) and Zafar Ali Shah vs Pervaiz Musharraf (PLD 2000 SC).

KEY WORDS

Pakistan; Power Struggle; Doctrine of State Necessity; Military; Judiciary

Like in most of the post-colonial states, political elite in Pakistan initially struggled to develop a consensus on the nature of constitution and in defining powers of various institutions of the State. For the first time, the

judiciary became involved in the power struggle of the executive (Governor-General) and elected body (Constituent Assembly) through the Moulvi Tamizuddin case (PLD 1955 SC) when the Governor-General dismissed the Constituent Assembly in 1954. The court decided that the legislature could be dissolved by the executive. However, in another case, Yousaf Patel case in 1955, Supreme Court curtailed the powers of the Governor General. These cases show how political elite involved judiciary in power struggle and how judiciary took diametrically opposite positions. The Supreme Court validated the first Martial Law of 1958 in Dosso Case (PLD 1958 SC) legitimizing the Coup and accepting role of military in politics. This decision provided ground for justifying later military takeover. Though the Court declared General Yahya Khan as usurper in Asma Jillani case (PLD 1972 SC) but did not penalize him. In Nusrat Bhutto case (PLD 1977 SC) and Zafar Ali Shah case (PLD 2000 SC), judiciary validated the martial laws of General Zia and General Mussharraf, respectively. Here, I examine a few landmark cases which define the very nature of a complex relationship between judiciary and military.

DOCTRINE OF STATE NECESSITY

The Case of 'The Federation of Pakistan vs. Moulvi Tameezuddin Khan' (PLD 1955 Federal Court 240) is significant in the constitutional history of the country. The Case directly engaged judiciary with the issues of representation, democracy, sovereignty, powers of the elected assembly and powers of the executives which

the political elite failed to address. The Governor-General dissolved the Constituent Assembly because the later wanted to curtail the absolute powers of the former, and the Court upheld the decision of the executive (Governor-General). According to Ayesha Jalal, "It was a momentous ruling, from which Pakistan has never fully recovered".¹

Muhammad Munir and Justice Alvin Robert Cornelius propounded very different views about sovereignty and constitutional government.² Justice Cornelius wrote a dissenting note on the decision of Moulvi Tameezuddin Khan's Case; his understanding of the interim constitution was based on the inherent conflicts in the 1935 Act and the Indian Independence Act of 1947. Like the Sindh High Court, he treated Pakistan as an 'independent dominion' rather than a colony of the British Empire. He envisioned the sovereignty of legislature over the executive, and to him the Constituent Assembly was a "body created by a supra-legal power to discharge the supra-legal function of preparing a Constitution for Pakistan"; he believed that the responsibilities of the Governor-General were only subordinated to the constitution.³ For him, the Independence Act exclusively stated the absolute autonomy of the legislature. Cornelius' argument of absolute autonomy was based on two important considerations: first, the Constituent Assembly was performing the task of framing the constitution. It should be autonomous and free from the executive authority as intervention in this work could hamper the very basis of the newly established

state. The second consideration was that as the assembly was an elected organ of the State, it had popular support, and it directly derived its legitimacy from the notion of popular sovereignty so it cannot be dissolved.

Justice Munir's observation about the Indian Independence Act was contrary to Cornelius's reading. For Munir, the Act did not offer any solution in case the assembly failed to perform its function, and the "Dominion itself to reset the tumbled down machinery".⁴ To reset this tumbled down machinery, he viewed sovereign government and democracy as two opposing entities: "Since sovereignty as applied to states imports the supreme, absolute, uncontrollable power by which a state is governed, and democracy recognizes all ultimate power as resting in the people, it is obvious that in case of a conflict between the ultimate and a legal sovereign, the latter must yield".⁵ It does not mean that Justice Munir believed in absolute power of the legislature. He rather argued that "an irremovable legislature... is not only a negation of democratic but is the worst calamity that can befall a nation because it tends to perpetuate an oligarchic rule".⁶

On 8 October 1958, Iskandar Mirza dissolved the Central and Provincial Legislatures, abrogated the Constitution of 1956 and imposed Martial Law. His act was challenged in the Supreme Court. The Court's verdict was in favour of Coup in the case of Dosso Vs. State by invoking Kelsen's 'pure theory of law'. The judges viewed that the basic norms and conditions

mentioned in the constitution disappeared, thus the revolution was justified which could place a new system instead. Justice Munir observed:

It sometimes happens, however, that the Constitution and the national legal order under it is disrupted by an abrupt political change not within the contemplation of the constitution. Any such change is called a revolution, and its legal effect is not only the destruction of the existing constitution but also the validity of the national legal order...For the purpose of the doctrine here explained, a change is, in law, a revolution if it annuls the constitution and the annulment is effective...Thus the essential condition to determine whether a constitution has been annulled is the efficacy of the change... Thus a victorious revolution, or a successful coup d'état is an internally recognized legal method of changing a constitution ... After a change of Constitution, I have mentioned has taken place, the national legal order must for its validity, depend upon the new law-creating organ. Even courts lose their existing jurisdiction and can function only to the extent and in the manner determined by the new constitution.... If what I have already stated is correct, then the revolution having been successful, it satisfies the test of efficacy and becomes a basic law-creating factor.⁷

The judgement of this Case provided basis for justifying military interventions in the next fifty years.

REVISING THE DOCTRINE OF STATE NECESSITY

In 1968, General Yahya Khan's Government detained a Lahore based politician, Malik Ghulam Jillani, and Editor-in-Chief of *Dawn*, Altaf Gauhar.⁸ The Lahore High Court and the Sindh High Court dismissed the constitutional petitions of Jillani and Gauhar, respectively, against their arrest. Both petitioners filed an appeal in the Supreme Court—Asma Jillani Vs Federation of Pakistan Case. While sub-siding its previous judgment of Dosso Vs. Federation of Pakistan Case, a five member bench headed by Chief Justice Hamood-ur-Rehman renounced Kelsen's theory and declared General Yahya's rule illegal:⁹

With the utmost respect, therefore, I would agree with the criticism that the learned Chief Justice [Mohammad Munir CJ] not only misapplied the Doctrine of Hans Kelsen, but also fell into error that it was a generally accepted doctrine of modern jurisprudence. Even the disciples of Kelsen have hesitated to go far as Kelsen had gone...I am unable to resist the conclusion that Mohammad Munir erred both in interpreting Kelsen's theory and applying the same to the facts and circumstances of the case before him. The principle enunciated by him is wholly unsustainable.¹⁰

Justice Yaqub Khan observed with reference to Tamizuddin Khan's case, the 1955 reference, and Dosso's case that their judgements made:

a perfectly good country...into a laughing stock, and converted the country into autocracy and eventually ...into military dictatorship ...Iskandar Mirza and Ayub Khan committed treason, and destroyed the basis of representation between East and West Pakistan.¹¹

The Court observed that the Constitution of 1962 did not allow Ayub Khan to hand over the power to the Commander-in-Chief; rather the speaker of the National Assembly should have taken over as an Acting President.¹² Ironically, the Court decided the Case when General Yahya Khan was no longer in power.

RETURNING TO DOCTRINE OF STATE NECESSITY

On 5 July 1977, General Zia-ul-Haq declared third Martial Law in Pakistan. The validity of Martial Law came under question when Begum Nusrat Bhutto filed a petition under Article 184(3) of the 1973 Constitution before the Supreme Court against the detention of her husband and former Prime Minister, Zulfikar Ali Bhutto, and ten other leaders of the Pakistan Peoples Party (PPP).¹³ Justice Yaqoob Ali had allowed the petition to be filed but he soon resigned and the petition was heard by a nine-member bench of the Supreme Court under Chief Justice Anwar-ul-Haq. Sharif Uddin Pirzada and A.K. Barohi represented the military government while Yahya Bakhtiar was the counsel for the petitioner in the case of Begum Nusrat Bhutto Vs. Chief of the Army Staff.¹⁴ Bakhtiar argued

that General Zia's imposition of Martial Law was an act of high treason under Article 6 of the 1973 Constitution.¹⁵ The counsel for the petitioner, during his arguments, relied on the Supreme Court's own verdict in the Asma Jilani Case of 1972. Pirzada, then the Attorney General of Pakistan, argued that "the circumstances which led to the Martial Law on 5 July 1979 required the Doctrine of State Necessity and the action must be validated on this ground".¹⁶ In November 1977, the court unanimously declared that the extra-constitutional step of General Zia was justified because of the national crisis and breakdown of the conditions necessary for maintaining law and order as described in the Constitution. The court also declared that legitimization of the military was also due to the assurance by the new military ruler that the period of martial law would be a short one, and soon the democratic process would be put in place.¹⁷ The 1973 Constitution was held in abeyance when General Zia promulgated the Provisional Constitutional Order (PCO) on 24 March 1981. All judges of superior judiciary were asked to take a fresh oath under the PCO to continue their office.¹⁸ Two judges of Supreme Court, Durab Patel and Fakharuddin G. Ibrahim, and several of High Courts refused to take oath. Now the superior courts could not take any action against the Martial Law Administration (MLA).

General Zia introduced the Article 58-2(b) by virtue of which, the president could dissolve the assemblies. He exercised it against the Junejo Government in 1988; the Supreme Court declared it

unconstitutional in 1990 but refused to restore the assembly. This clause continued to haunt the parliament throughout the period of weak democracies in the 1990s. In August 1990, President Ghulam Ishaq Khan dissolved the Government of Benazir Bhutto. The Supreme Court's verdict was in favour of the President. However, in 1993, the court restored the government of Nawaz Sharif, and termed the act of the President as being against the spirit of the Constitution. The Chief Justice, Naseem Hasan Shah declared:

On merits by majority (of 10 to 1) we hold that the order of the 18th April, 1993, passed by the President of Pakistan is not within the ambit of the powers conferred on the President under Article 58(2)(b) of the constitution and other enabling powers available to him in that behalf and has, therefore, been passed without lawful authority and is of no legal effect.¹⁹

Justice Sajjad Ali Shah wrote a dissenting note:

Seemingly it so appears that two Prime Ministers from Sindh were sacrificed at the altar of Article 58(2)(b) of the constitution but when turn of Prime Minister from Punjab came the tables were turned...indisputably right at the very outset of the proceedings indications were given that the decision of the court would be such which would please the nation...In my humble opinion decision of the

Court should be strictly in accordance with law and not to please the nation.²⁰

In January 1997, the Supreme Court's verdict was in favour of President Farooq Ahmad Leghari's decision of dismissing Benazir Bhutto's second government. Interestingly, the court declared that it was not important that the President had all the evidence of the charge sheet which he gave while dismissing the government. "Partial evidence was enough for forming the opinion...and there was no harm if corroborative and supportive material was produced after the dissolution of the assembly".²¹ Between 1988 and 1997, the office of President dissolved four National Assemblies followed by four general elections.

On 12 October 1999, General Pervez Musharraf declared fourth Martial Law in the country. Syed Zafar Ali Shah and other PML(N) leaders filed a constitutional petition in the Supreme Court under Article 184(3) to challenge the validity of the coup.²² Before the petition could be heard, the Chief Executive, General Pervez Musharraf, asked the judiciary to take fresh oath under PCO promulgated on 25 January 2000. Failure to do so within the specified time would automatically bar the judge to hold office.²³ Thirteen judges of the Supreme Court including Chief Justice Saeed-uz-Zaman Siddiqui had refused to take oath under the PCO.²⁴ Justice Irshad Hassan Khan was made new the Chief Justice.²⁵ The reasons for the fresh oath were the same as those cited by General Zia many years ago:

We want the judiciary to mind their own business and not to meddle in anything else. Power is an intoxicant. Please do not get me wrong. I personally have not been intoxicated with this. I want to share power, but I refuse to share power with those who do not entitle themselves.²⁶

General Musharraf's PCO-I declared that he would decide the validity of legislation rather than the judiciary. It was at this point that lawyers, former judges, and members of civil society strongly criticized the judiciary for taking the fresh oath:

The latter (judiciary) has now, by its swearing of a new allegiance, become a creature not of the Constitution but of the chief of the army staff acting as the country's self-appointed chief executive.... By not acting in unison and in accordance with their oath and conscience, the judges have done further harm to the institution and the national good. There is some comfort only in that they are more numerous than the last time round and this time they include the chief justice himself.²⁷

However, Justice Sajjad Ali Shah justified the fresh oath:

The Constitution suspended, it was a legal requirement. To validate the system, a PCO had been proclaimed. When Gen Zia's martial law was enforced, the Constitution was not abrogated but suspended at that time too,

and PCO has replaced the Constitution. The PCO is a substitute of the Constitution. In 1981 too, fresh oath was taken and many judges had lost their jobs. And Chief Justice Anwar-ul-Haq of the Supreme Court, who had written the judgment in the Nusrat Bhutto case, had also taken the oath under PCO.²⁸

The petition against the military coup was heard by a bench of twelve judges of the Supreme Court headed by Chief Justice Irshad Hassan Khan. The bench announced on 12 May 2000.

On 12 October 1999, a situation had arisen for which the Constitution provided no solution and the intervention by the Armed Forces through an extra-constitutional measure became inevitable, thus the intervention was validated on the basis of the Doctrine of State Necessity.²⁹

In the case of Zafar Ali Shah Vs. Federation of Pakistan, the Supreme Court of Pakistan not only validated the coup of Musharraf, but the usurper of the constitution was also given the power to amend the constitution. General Musharraf continued the tradition of holding a referendum like his predecessors Ayub in 1960 and General Zia in 1984. General Musharraf's announcement of holding the referendum to decide if he would continue in the office of President for five years was another test for the Supreme Court as it was challenged before the Supreme Court in a number of constitutional petitions. Once again, the judiciary continued to abide by the military establishment and declared in the case of Qazi

Hussain Ahmad Vs. Pervez Musharraf that the petitions were pre-mature. The superior judiciary of Pakistan also favoured General Musharraf when several petitions were filed under Article 184(3) of the Constitution, challenging the Legal Framework Order (LFO) (2002), the Seventeenth Amendment, and the holding of dual offices by General Musharraf. These petitions were rejected by a five-member bench headed by Chief Justice Nazim Hussain Siddiqui.

DISCARDING THE DOCTRINE OF STATE NECESSITY

From 2005 onwards, the judicial activism largely shaped by Justice Iftikhar Muhammad Chaudary Chief Justice of Supreme Court of Pakistan. It was an alarming situation for the military establishment which did not have any resistance from the judiciary since October 1999.³⁰ The tussle between the military and judiciary began over the issue of missing persons.³¹ Consequently, the Chief Justice was removed by General Musharraf. His reinstatement on 20 July 2007 was a landmark decision in the judicial history of Pakistan signifying the resistance of judiciary to military establishment:³²

We unanimously hold that the petition maintainable by a majority of 10 to 3 the said direction (refuse) in question dated 9 March 2007 is set aside; we unanimously hold that the Judges (compulsory leave) Order is unconstitutional, both the orders of 9 March passed by the president and the Supreme Judicial Council are unanimously set aside. The

validity of the appointment of acting Chief Justice in set aside but the working of the Supreme Court from 9 March to 20 July is validated on the basis of the doctrine of de-facto.³³

The restoration of the chief justice was no doubt an unforgettable verdict, but it was the beginning not the end of the struggle for the independence of the judiciary and the rule of law. After the decision of 20 July 2007, it was the emergence of a newly independent judiciary. When a petition against the dual offices of General Musharraf was filed before the Supreme Court, Musharraf and his legal advisors decided that it was highly likely that the judiciary would give the decision on merit, so he imposed a second martial law or “Emergency Plus” on 3 November 2007. However, the majority of the Judges of the Supreme Court refused to take oath under PCO 2007.³⁴ After the proclamation of emergency there were about 60 judges from the superior courts of Pakistan who refused to take oath.

Throughout the history of Pakistan, the judiciary supported the de-facto executive and acted as the subordinate of the military establishment except a few individual exceptions. Since 1947, the superior judiciary of Pakistan abided by the ‘Doctrine of State Necessity’ with a few exceptions. Judges such as A. R. Cornelius, Rustam Kayani, Durab Patel, Yaqoob Ali, Fakharuddin G. Ibrahim, Wajih-ud-Din Ahmad, Nasir Aslam Zahid and Iftikhar Muhammad Chuadhary refused to accept the domination of military rulers. The

continued struggle of the judiciary for its share of power can be related to the high instability and insecurity of the state's institutions.

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¹D.A. Lows, *Constitutional Heads and Political Crises* (London: MacMillan, 1988), 57.

²The Federal Court dismissed most of the important issues discussed in the provincial court: "The absence of assent to section 223-A of the 1935 Act meant that it was not law; the High Court therefore had no jurisdiction to issue the writs requested by Moulvi Tamizuddin Khan. If the Governor-General did not acquiesce to an abridgment of his powers, no diminution could occur. This opinion doomed writs and the assembly's draft constitution. The court based its judgment on a close reading of the relationship between the English Crown and Dominion government defined in the 1935 Act, a reading that underscored executive powers at the expense of the assembly's sovereignty. Because the Governor-General's presence was the Crown's limit on the assembly's powers, assent was indispensable to validate laws". Paula R. Newberg, *Judging the State: Courts and Constitutional Politics in Pakistan*, (Cambridge: Cambridge University Press, 1995), 45-46.

³ Hamid Khan, *Constitutional and Political History of Pakistan*, (Karachi: Oxford University Press, 2005), 87.

⁴ Paula R. Newberg, *Judging the State: Courts and Constitutional Politics in Pakistan* (Cambridge: Cambridge University Press, 1995), 46.

⁵ *The All Pakistan Legal Decisions, Vol.7, Issue 1* (Karachi: 1955), 255.

⁶ Ivor Jennings, *Constitutional Problems in Pakistan* (Cambridge: Cambridge University Press, 1957), 86.

⁷Masud Ahmad, *Pakistan: A Study of its Constitutional History 1857-1975, Research Society of Pakistan*, (Lahore: University of the Punjab, 1978), 258.

Interestingly, Kelsen criticised the use of his theory the way Justice Munir employed it.

⁸ Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi, Oxford University Press, 2009), 252.

⁹Jan Mohammed Dawood, *The Role of Superior Judiciary in the Politics of Pakistan* (New York: Royal Book Company, 1994), 2.

¹⁰ Jan Mohammed Dawood, *The Role of Superior Judiciary in the Politics of Pakistan* (New York: Royal Book Company, 1994), 32.

¹¹Roedad Khan, *Pakistan, A Dream gone Sour* (Karachi: Oxford University Press, 1997), 195.

¹² Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2009), 252.

¹³Hamid Yousaf, "Pakistan: A Study of Political Developments" 1947-97, Sang-e-Meel Publications, Lahore, 1999, Page 175.

¹⁴Hamid Yousaf, *Pakistan: A Study of Political Developments 1947-97* (Lahore: Sang-e-Meel Publications, 1999), 176.

¹⁵ According to Article 6 of the Constitution 1973: "if any person who abrogates or attempts or conspires to abrogate, subverts or attempts or conspires to subvert the constitution by use of force or show of force or by other unconstitutional means shall be guilty of high treason".

¹⁶Jan Muhammad Dawood, *The Role of Superior Judiciary in the Politics of Pakistan* (Karachi: Royal Book Company, 1994), 42.

¹⁷ Ayesha Jalal, *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective* (Cambridge: Cambridge University Press, 1995), 102.

¹⁸Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2009), 359.

¹⁹Rafique Akhtar, *Pakistan Yearbook* (Lahore: East and West Publisher Company, 1995), 246.

²⁰ Khalid Bin Saeed, *Western Dominance and Political Islam: Challenge and Response* (Albany: State University of New York Press, 1997), 111.

²¹Hamid Yousaf, *Pakistan: A Study of Political Developments 1947-97* (Lahore: Sang-e-Meel Publications, 1999), 219.

²²Sirtaj Aziz, "Between Dreams & Realities", Oxford University Press, New York, 2007, Page 294.

²³ Hamid Khan, "Constitutional and Political History of Pakistan", Oxford University Press, Karachi, 2009, Page 480.

²⁴The judges who refused were Chief Justice Justice Saeed-uz-Zaman Siddiqui, Justice Mamoon Kazi, Justice Nasir Aslam Zahid, Justice Khalil-ur-Rehman, Justice Wajih-ud-Din Ahmed, and Justice Kamal Mansoor Alam.

²⁵"The seven judges in the superior court who took oath under the PCO were Justice Irshad Hassan Khan (Chief Justice), Justice Bashir Jehangiri, Mr. Justice Abdur Rehman Khan, Justice Shaikh Riaz Ahmed, Justice MunirA. Shaikh, Justice Shaikh EjazNisar, and Justice Ch. Mohammad Arif". Ibid.

²⁶ Abdul SattarGazali, "Islamic Pakistan: Illusion and Reality" National Book Club, Islamabad, Chapter 8.

²⁷ Ibid

²⁸Tassaduq Hussain Jillani, *The Rule of Law and the Supreme Court of Pakistan*
www.aihja.org/download/sites/default/files/.../Pakistan%20EN.pdf,)

²⁹ Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2009), 480.

³⁰ When Iftikhar Muhammad Chaudhary became Chief Justice of Pakistan on 30 June 2005, he started the move of "judicial activism" (suo moto actions) in the cases of Mukhtaran Mai in Punjab, Sonia Naz, Monu Bheel Family in Sindh, the case of vani in Jacobabad and the cases of missing persons. A special cell was established by Chief Justice Iftikhar Chaudhary in the Supreme Court in this regard.

³¹"When the US Supreme court gave its verdict in the free speech case of New York Times Vs. Sullivan in 1964, Professor Alexander Meiklejohn observed that it was a day to rejoice by dancing in the streets. July 20, 2007 was the day when the people of

Pakistan could dance on the streets too. It was the day when the Supreme Court of Pakistan finally assumed its role as the custodian of the constitution and redeemed the constitutional pledge of an independent Judiciary". Dawn, Karachi, 28 July, 2007.

³² A thirteen-member bench of the Supreme Court headed by Khaleel-ul-Rehman Ramday, and comprising Justice Saeed Ashad, Justice Hamid Ali Mirza, Justice Ghulam Rabbani, Justice Raja Fayyaz Ahmed, Justice Mian Shakir Ullah Jan, Justice Nasir-ul-Mulk, Justice Muhammad Nawaz Abbasi, Justice Faqir Khokhar, Justice Chaudhary Ijaz Ahmed, Justice Syed Jamshed Ali, Justice Tasadaq Hussain Jilani, and Justice Muhammad Javed Butter, passed a short order on 20 July 2007.

³³The News, Lahore, 21 July 2007.

³⁴Justice Abdul Hameed Dogar, Muhammad Nawaz Abbasi, Justice Faqir Muhammad Khokhar and Justice Javed Butter took oath under second PCO. The News, Lahore, 4 November 2007.

In the Sindh High Court, 16 out of 27 judges led by Chief Justice Sabihuddin Ahmed refused to take oath under the new PCO orders. "In Peshawar, Chief Justice Tariq Pervez Khan, Justice Ijaz Afzal Khan, Justice Shah Jahan Khan, and Justice Dost Muhammad Khan, and from the Lahore High Court, Justice Saqib Nisar, Justice Asif Saeed Khan Khosa, Justice Khwaja Muhammad Shareef, Justice Muhammd Sahir Ali, Justice M.A. Siddiqi, Justice Azmat Saeed, Justice Umer Atta Bandial, and Justice Iqbal Hameed refused to take oath." The Nation, Lahore, 4 November 2007.

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