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IRIS GRADUATE STUDENT SUMMER FIELDWORK AWARD 2019

ORAL HISTORIES: THE MAKING OF PAKISTAN'S 1973 CONSTITUTION

I was privileged to be one of the recipients of the IRIS Graduate Student Summer Fieldwork Award in the summer of 2019 (the 'IRIS Award'). I am a legal scholar from Pakistan working on themes of constitution-making and constitutional history in South Asia, and presently an SJD candidate at the UW Law School. The IRIS Award enabled me to undertake fifteen (15) interviews across Pakistan as part of an oral histories project on the making of Pakistan's Constitution.

The oral histories project I refer to is an integral component of my SJD dissertation on the history and politics of constitution-making in Pakistan within the larger transnational and post-colonial context of the late 1960s and early 1970s. Stretching over a tumultuous half-decade, this period was a watershed in Pakistan's history. It originated in a massive social movement that brought about the country's first democratic transition and, with it, the violent secession of East Pakistan in 1971; and culminated in the adoption of a new constitution by a popularly elected government in 1973. Given the near-absence of both popular histories and rigorous scholarly work connecting this crucial historical moment to Pakistan's only surviving constitution, my dissertation seeks, among other things: (i) to properly contextualize the origins of the constitution by situating it within broader socio-political factors and contestations, and (ii) to 'humanize' storytelling about the constitution by foregrounding its makers – who, barring a few exceptions, have slipped away from collective memory. In doing so, the dissertation draws from and engages with an interdisciplinary framework that cuts across the fields of comparative constitutional law, comparative politics, socio-legal studies, and South Asian legal and political history.

Among other documentary and archival sources, my dissertation relies substantially on generating a new source of primary data based on the oral histories of surviving constitution-makers. These oral histories are, in a sense, the centerpiece of the dissertation as they aim to

chronicle the first-hand experiences, recollections and perceptions of the surviving constitution-makers about their role in and contributions to the making of the 1973 Constitution. I define ‘constitution-makers’ broadly as individuals (a) who were either directly involved in constitutional drafting – whether as members of the constituent assembly, constitutional committee, other parliamentary committees, or political parties forming government, or as members of the bureaucracy – or those (b) who indirectly but significantly influenced the constitution-making process as members of the political opposition or the wider intelligentsia.

The funding from the IRIS Award allowed me to conduct fifteen (15) oral history interviews in four different cities in Pakistan, including Lahore, Karachi, Islamabad and Peshawar. Though each interview was about 2 hours on average, the interviews were spread over a period of several weeks between July and December 2019. This was primarily because of two factors. Firstly, because the general age range of the interview subjects fell between 75-95 – with many of the subjects dealing with old age and healthcare issues – each interview had to be coordinated, and many a times re-coordinated, around the convenience of the interviewees. It was thus extremely difficult to make an efficient schedule or itinerary for the interviews. Instead of clustering interviews around a single big trip to one city, I had to return to a couple of different cities to seek out further interviews. Despite some extra expenditures, the trips were very productive as I combined the interviews with archival work on my dissertation (as agreed with my supervisor). This process, though more prolonged than I had initially expected, also allowed me to properly assimilate a lot of the insights I gained from my interviews, and to integrate some of my important archival findings into the oral history conversations.

As I had envisaged, the interviewees comprised members of the first elected parliament (1971 to 1973) – from among both the ruling party and opposition – members of the constitutional committee (1972), and members and workers of various political parties from the period 1967 to 1973. A small cohort of the interviewees also included political science scholars studying constitutional politics at the time or during the immediate aftermath of the constitution-making process.

If I were to simplify the fresh insights I have acquired through the oral history interviews, I would categorize them into three main types. The first type is that of corroboration or contradiction of a dominant version of events or political motives. This was the most common type of insight emerging from the interviews, and it helped to put existing historical accounts

into perspective from the vantage point of certain important actors. Another type of insight relates to first-person interactions that truly heighten one's consciousness of an already known or accepted narrative. For instance, meeting and engaging with the constitution-makers in their own personal physical space underscored for me the role of class and socio-economic status in the making of political worldview and ideology. The widely acknowledged 'historical fact' that Pakistan's constitution-making process in the period under scrutiny was predicated on mass mobilization of the working and middle classes was transformed from an abstract assertion to a visible reality through in-person conversations. The third type of insight is that of new information coming to light – something that has either not been documented at all or is perhaps only accessible to a limited extent in regional-language sources. While it was rare to excavate previously unknown information in my interviews, this did indeed happen in the context of Balochistan – Pakistan's poorest and most secluded province along the Iran-Afghanistan border. Balochistan has witnessed long periods of military occupation and repression on the pretext of secessionist insurgency, which is why reliable sources on the province are very hard to come by. The oral histories on Balochistan and the role of Baloch parties and players in constitution-making are an extremely precious primary source for students and scholars of the region.

Thus, the oral histories made possible by the IRIS Award promise to be an original contribution to the scholarship – not only in respect of Pakistan's constitutional history, but also more generally in relation to the project of constitutionalism in South Asia as well as comparative constitution-making in other post-colonial contexts. In future, I plan to build on the oral histories project and expand it beyond the historical timeline of my dissertation to a wider set of protagonists and interlocutors involved in the lived social and political struggles around Pakistan's Constitution over the decades. My profound thanks to IRIS for helping to materialize this project.