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Constraining consolidation: military politics and democracy in Pakistan (2007–2013)

Aqil Shah*

Society of Fellows, Harvard University, Cambridge, MA, USA

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Why do some militaries retain high authoritarian prerogatives during transitions from militarized authoritarian rule? The Pakistan military's 2007 extrication shows that an important part of the answer lies in the level of structural differentiation between the "military government" and the "military institution". Despite sustained contentious opposition to military rule, the high level of separation between these two military dimensions of the state allowed the institutional military to delink itself from the discredited dictatorship and exit on its own terms. In the post-authoritarian context, the military has preserved its expansive prerogatives by using a variety of adaptive contestation mechanisms – including the mobilization of the media and the judiciary – that act as a continuing source of political instability and uncertainty.

Keywords: civilian control; military prerogatives; democratic transition; civil–military relations; Pakistan

Introduction

Why do some military extrications from government leave more pernicious residues that severely constrain, or worse, jeopardize the continued existence of newly democratized regimes? One prominent hypothesis suggests that the "mode of transition" from authoritarian rule, defined by the strength with which the military enters the transition, "makes a significant difference".[1] For instance, when the military has the upper hand, it can place confining institutional conditions on the transfer of power that can grievously damage post-authoritarian regimes. Chile under Pinochet is the archetypal case where the military created an authoritarian constitution that restricted the sovereignty of incoming democratic governments for almost a decade.[2] In contrast, when the military is weakened, say by a defeat in war, public protests and/or internal factionalism, it is unable to secure guarantees for itself through a formal constitutional framework. Instead, it has to negotiate its departure with the opposition and make compromises that curtail its future power. The demise of the divided and disgraced military junta in Argentina after the 1982 Falklands War with Britain approximates this mode of transition.

*Email: aqilshah@fas.harvard.edu

To what extent do other cases of post-authoritarian civil–military relations meet the expectations of the theory? The case of Pakistan since its military's latest extrication from government in 2007–2008 shows that the "mode of transition" framework is insufficient in capturing the dynamics of military politics in a new democracy. Faced with a mobilized opposition in civil and political society, the Pakistani military yielded power to civilians after eight years of authoritarian rule under General Pervez Musharraf (1999–2008). The military under Musharraf responded to sustained anti-regime demonstrations and protests led by the "lawyers' movement", as well as US pressure to civilianize, by reaching out to the largest opposition party, the Pakistan People's Party (PPP), to negotiate, rather than dictate, its exit. Yet, despite blows to its public standing and without any formal-legal guarantees to preserve its interests once it had left power, the military was able to retain its core institutional privileges concerning control over its internal structure, national security missions, budgetary allocations, intelligence gathering, and so on.

What explains why the military remained strong enough to maintain its political and strategic influence in the post-authoritarian context despite a weakened military-led authoritarian regime? How and to what extent have the military's entitlements impeded the consolidation of democratic government, including the procedural minima of civilian control over the military? In order to answer these questions, this article makes a two-fold argument. First, it contends that the paradox of weak military government–strong military institution was the result of structural differentiation between these two components of the state that allowed the institutional military to separate itself from the authoritarian regime and withdraw on its own terms.[3] While the government and the military were connected at the top by the president and army chief of staff, General Musharraf, the institution was not directly involved in government. Many military officers were appointed to the civilian bureaucracy but, unlike other militarized authoritarian regimes in Pakistan and elsewhere, the military institution did not hierarchically take over direct command of the state. There were no military councils of ministers, and no reserved seats for members of the military in the parliament like Suharto's Indonesia or Pinochet's Chile. In fact, the military was largely focused on combat readiness against its archrival India, and to a lesser degree, on counterinsurgency missions against Taliban militants in the country's federally administered tribal areas (FATA) bordering Afghanistan. The long-term factor aiding the government-institution distinction was the almost permanent perceived threat from India, which has been both cohesion-inducing for the military and accorded it a preeminent strategic position within the state that is unaffected by the political or economic performance of a particular military government. Thus, while the anti-regime mobilization attacked the legitimacy of the military government, the military institution qua institution generally managed to remain above the political fray. No less important, the uniformed military did not directly participate in repressing the anti-government protests, which enabled it to leave power without incriminating itself in the unsavoury deeds of the déspota. In fact, the high

command compensated for the military institution's association with the military government by withdrawing support from Musharraf during the height of the opposition movement, thus depriving him of his core power base and ultimately convincing him to resign.

Second, the article argues that the degree to which the military can impose constraints on democratic governance after it leaves power is better explained by focusing on two interrelated dimensions of civil–military relations in a new regime: *military prerogatives and military contestation.*[4] Military prerogatives are policy areas where "whether challenged or not, the military as institution assumes they have an acquired right or privilege, formal or informal, to exercise effective control".[5] Contestation is the military's "articulated disagreement" or protest against the policies of civilian governments that challenge its prerogatives.[6]

The article proceeds in the following manner. The next section traces the formative historical conditions that helped foster the military's institutional prerogatives. It then illuminates the context of the military's latest institutional extrication, paying special attention to the interacting processes of authoritarian liberalization, opposition mobilization, regime weakening, transitional bargaining, and the actual transition to civilian rule in 2008. Finally, it examines post-authoritarian civil–military relations in Pakistan from the perspective of military prerogatives and military contestation of civilian authority to assess their impact on the consolidation of democratic rule.

The heavy hand of history: "nation state" building under conditions of warfare

Understanding and analyzing the Pakistani military's prerogatives requires stepping back in time to the founding decade after independence when the conjuncture of several variables, such as "nation state" building strategies,[7] military insecurity vis-à-vis India,[8] and cold war military alliances, rapidly empowered and developed the military at the expense of civilian political institutions and laid down the tracks on which civil–military relations would develop in the future.[9]

"Nation state" building and democracy

Pakistan emerged from British colonial rule in August 1947 with a deep ethnic diversity overlapping with its geographical division into two non-contiguous wings, West and East Pakistan, with India in between. While West Pakistan (or more precisely, the Mohajirs and the Punjabis) dominated the central government and its institutions,[10] East Pakistan had a territorially concentrated and politically conscious Bengali majority. However, the founding Muslim League, led by Mohammad Ali Jinnah and Liaquat Ali Khan, had weak social and organizational roots in Pakistan.[11] In other words, the logic of homogenizing "nation state" making was fundamentally incompatible with the logic of the "state-nation", or a political-institutional framework which could democratically accommodate

ethnic divisions by crafting "multiple" and "complementary" identities.[12] Instead, West Pakistan's nation state policies politicized Bengali identity. For instance, even though Bengalis almost universally spoke Bangla, the central government imposed Urdu as the sole state language, thereby delegitimizing itself in the eyes of the majority, and sparking a language movement in East Pakistan.

Seeking to consolidate state authority, Jinnah and his successors found a ready-made governing formula in the iron fist of "viceregalism", a colonially inherited system with a powerful governor-general wielding emergency powers and a weak legislature. Backed by the military, the vice regal executive sacked a non-compliant cabinet (1953), delayed constitution-making, disbanded parliament when it crafted a democratic constitution (1954), removed an autonomist elected government in East Pakistan (1954) and, ultimately, amalgamated the provinces of West Pakistan into a "one unit" to create parity with East Pakistan (1955).[13] The state's repressive denial of ethnic recognition to the Bengalis further inflamed their collective outrage, fostered a Bengali "imagined community" around economic and political grievances, and eventually sparked a civil war in 1971 that culminated in the creation of the independent state of Bangladesh out of East Pakistan.

War and the militarization of politics

Alongside difficulties in nation-building, the immediate emergence of a "mortal" external danger from India, exemplified by the war-prone dispute over the princely state of Kashmir, provided the context in which the generals steadily increased their political power and influence in domestic politics.[14] The nascent state over-invested in the military, allocating an average 60% of the annual national budget to the defence effort in the first 10 years after independence.[15] As Jalal explains, this early militarization had serious consequences for the process of political institutionalization and economic development. For one, it established the pursuit of security vis-à-vis India as the state's top most priority, which in turn established a legitimate military claim over a large chunk of the state's scarce resources that otherwise could have been spent on other important national goals.[16] By making the military central to the project of state survival and consolidation, it also gave the military the opportunity to gain relative autonomy from civilian oversight under the pretext of secrecy needed for a successful "war effort".[17] Thus, to paraphrase Charles Tilly, "the state made war", and the war made a warrior-dominated state.[18]

As centralized rule fomented executive–legislative conflicts and marred constitution-making, the military began to think beyond just protecting its budgetary allocations or organizational autonomy. Instead, the uniformed guardians of national security developed grave doubts about the feasibility of parliamentary democracy in a state they perceived as threatened by ethno-regional divisions and external military pressures.[19] By the mid 1950s, the military under its ambitious first Pakistani Commander-in-Chief, General Mohammad Ayub Khan

(1951–1958), was transformed from the position of a politically nonchalant armed force formally subordinate to civilian constitutional authority into a kingmaker, deciding the ultimate outcomes of turf wars between the governor-general and the Constituent Assembly. Along with important civilians in the higher bureaucracy, the generals had begun to envisage a new form of democracy "suited to the genius" of the Pakistani people.[20]

The Cold War and the military

Momentous military institutional developments, driven by US Cold War aid, reinforced this "guardian" mentality. Despite spending heavily on the military, cash strapped Pakistan could not sufficiently modernize its armed forces to balance the perceived threat from a militarily superior India. To overcome domestic resource constraints, the generals independently sought American military aid in return for backing Washington's containment policy. By the early 1950s, US military planners had also begun to see strategically located Pakistan as an important staging ground for anti-Soviet intelligence and reconnaissance efforts.[21] The two signed a mutual security assistance pact in 1954, a catalyzing event that deeply affected the already imbalanced civil–military relationship by enhancing the military's institutional self-assuredness and sense of achievement, including in its war-fighting capabilities. As a result of American arms and advisory missions, the military underwent a process of rapid institutional and infrastructural development.[22] Like other politicized militaries in Latin America and Asia, successful military modernization contrasted sharply with the perceived inability of politicians to forge national unity and provide political stability. As the "first world" army of a poor third world country, the officer corps' pride in its institutional accomplishments vis-à-vis civilians, germinated in its members the belief that the military had the capacity (and the duty) to put Pakistan right.

In 1958, the military under Ayub finally confiscated state power from elected civilians to pre-empt the "chaos" it thought would be unleashed by the country's first universally franchised elections, which would likely have brought the "India-friendly", and presumably "pro-communist" Bengali nationalists to power. Within a decade of Pakistan's independence, the military effectively interrupted the process of democratic evolution (however tenuous and flawed it was) and Pakistan has yet to recover from that fateful setback.

The military has since cast long shadows over civilian politics, directly ruling the state for more than half of Pakistan's time as an independent state and indirectly exerting its political influence for the rest. Over time, repeated military coup d'états (1958, 1977 and 1999) and long episodes of military or military-led governments that have followed each coup have led the military to entrench its prerogatives in politics and reinforced its praetorian propensities. The military has also deeply penetrated the civilian economy, building itself a vast commercial conglomerate spanning real estate, fertilizers, cargo, oil and gas, cement, and so on.[23] Though not the original military motivation for meddling in civilian politics, the military's

"predatory" interests act as an added incentive for maintaining its political influence.

Enter and exit military government: context, choice, and contention (1999–2007)

The proximate roots of the current state of civil–military relations can be traced to the military government of General Ziaul Haq (1977–1988). The 1977 coup, which brought him to power, ended the elected Pakistan People's Party (PPP) government of Prime Minister Zulfiqar Ali Bhutto (1971–1977). Having co-opted and/or divided opposition to his rule, and ruthlessly contained anti-regime mobilization by the PPP-led Movement for the Restoration of Democracy (MRD), Zia transformed the country's first democratically crafted parliamentary constitution of 1973 into a semi-presidential hybrid, with a powerful president and a weakened prime minister (PM) to guarantee the military's continuing tutelage of elected government after he gradually civilianized his regime in the early 1980s. One of the key prerogatives acquired by the military president was the power to appoint military service chiefs previously reserved for the PM. An even more politically far-reaching prerogative concerned presidential decree powers under Article 58 (2) B of the constitution that empowered the president to arbitrarily sack civilian governments. After Zia's death in a plane crash in 1988, the military institution decided to extricate, ostensibly due to the high institutional cost to the military of holding on to government after a decade of military rule.[24] But facing a divided and weakened opposition, the military was able to preserve Article 58 (2) B and presidential control over top military appointments. In the decade that followed the transition from authoritarian rule, the military used presidential decrees to prematurely unseat three elected governments – two belonging to the PPP-led by Benazir Bhutto (1988–1990, 1993–1996) and the third to Nawaz Sharif's right of centre Pakistan Muslim League government (PML-N, 1990–1993) – mainly when they challenged military prerogatives. Upon assuming power with a two-thirds majority in 1997, the parliament led by Sharif's PML-N abolished the presidential coup prerogative, much to the generals' chagrin. In October 1999, the military under General Pervez Musharraf seized power when Sharif tried to fire the general in the wake of civil–military tensions over the military-initiated Kargil war with India.

After overthrowing the civilian government, Musharraf appointed himself as "Chief Executive" of the country, created a military-dominated National Security Council (NSC) and initiated a politically motivated "accountability" drive to target the regime's opponents, especially the PML-N. Like his military predecessors, Musharraf had his coup legitimized by the Supreme Court under the "doctrine of state necessity", albeit subject to a three-year grace period for holding parliamentary elections.[25]

Facing legitimacy problems inherent to authoritarian regimes, Musharraf initiated a process of gradual political liberalization: relaxing curbs on civil liberties, opening up private broadcast media, and allowing limited political pluralism.

In April 2002 he organized a fraudulent referendum to appoint himself as president for five years. In the meantime, the military Inter-Services Intelligence (ISI) created a new right-wing political party, the Pakistan Muslim League (Quaid-e-Azam, PML-Q), to act as the civilian face of the military government. The PML-Q mainly comprised disaffected, coerced or bribed defectors from the PML-N. It also facilitated the creation of the Mutahida Majlise Amal (MMA-United Action Front), an alliance of six Islamist parties of different theological and sectarian persuasions, to further squeeze the PML-N's right of centre vote. No less importantly, the regime decreed electoral rules to marginalize the opposition leadership, such as the Sharif and Bhutto-specific clause barring anyone from holding the office of prime minister more than twice. It finally held a manipulated parliamentary election in October 2002, which brought the PML-Q to power at the centre, and in the largest and politically most important Punjab province, thereby allowing the military government to cloak itself in the universally respectable veneer of democracy.[26] With the help of the PML-Q and its Islamists allies in parliament, Musharraf amended the constitution in 2003 to revive presidential coup powers, as well as presidential authority to appoint high state officials, including military service chiefs.

But liberalization turned out, as it often does, to be a dangerous gamble. Once an authoritarian regime permits even limited contestation, it sends out the signal to society that the "costs of collective action" are no longer high.[27] As a result, previously barricaded arenas of opposition become available for contestation, especially if "exemplary individuals" are willing to probe the boundaries of the regime's tolerance. And here, the strategic choices and symbolic leadership provided by the Chief Justice of the Supreme Court, Muhammad Iftikhar Chaudhry, helped unite and galvanize opposition in both civil and political society.[28]

Pakistan's courts have typically condoned military interventions in the past, thereby endowing legitimacy on successive authoritarian regimes and indirectly aiding the endurance of military prerogatives. Chaudhry himself was part of the 12-member bench of the Supreme Court that legalized Musharraf's coup in May 2000, as well as several others that validated Musharraf's extra-constitutional actions, including his presidential referendum, and his retention of the post of army chief during his first presidential term. However, this judicial appeasement began to unravel when Justice Chaudhry was appointed to the country's top judicial post in 2005. Buoyed by support from the newly independent media, the Chaudhry court began to challenge the military government through public interest litigation, intervening to regulate commodity prices, cancelling corrupt public sector privatization contracts, and pursuing the cases of hundreds of "disappeared" persons, mostly terror suspects illegally detained by military intelligence agencies since Pakistan joined the US-led war on terrorism in 2001.

In 2007, Musharraf's five-year presidential term was set to expire.[29] No longer certain that the Supreme Court would endorse him as president in uniform, the general and his intelligence chiefs made an ill-fated attempt in March 2007 to fire Justice Chaudhry for alleged misuse of authority.[30] The move sparked

countrywide contentious mobilization led by the Supreme Court Bar against what it termed the government's assault on judicial independence. The protests were focused on the narrow goal of restoring the Chief Justice, but they also tapped into latent political resentment against the military-led government, mobilizing broader opposition from the media, rights organizations and political parties.[31] To the distress of General Musharraf, the Supreme Court rejected the charges against Chaudhry and restored him to office in June 2007.

Since he could not easily mend fences with Sharif, whom he had exiled to Saudi Arabia in 2000, Musharraf had made efforts to reach out to the self-exiled former premiere and PPP leader, Benazir Bhutto. But facing judicial activism and pressure from civil society added urgency to his need for striking a power-sharing pact with her party. As the most popular and "moderate" politician of the country, Bhutto was also the choice of the United States (and the United Kingdom) for a civilian partner in Pakistan who could salvage Musharraf, their close anti-terror ally, by broadening the popular base of his regime.[32] Bhutto's main motivation for engaging the regime was to end her decade-long political exile and return to power. She placed several key pre-conditions on the table: Musharraf's retirement as army chief, free and fair elections, the lifting of the Bhutto (and by default, Nawaz Sharif) specific ban on seeking a third prime ministerial term, and most importantly, the removal of "politically motivated" corruption charges against her and her spouse, Asif Ali Zardari.

Direct meetings between Bhutto and Musharraf, followed by several rounds of talks between their trusted aides (including then Director General of the Inter-Services Intelligence (DG-ISI) General Ashfaq Pervez Kayani on behalf of the military government) reportedly resulted in a "deal" in October 2007, under which the PPP agreed to support Musharraf's re-election as president in return for a retraction of the corruption cases and the removal of the third-term ban on her election as prime minister.[33] While he did not remove the bar on her re-election, Musharraf agreed to rescind the corruption charges and enacted an amnesty law, the National Reconciliation Ordinance (NRO), in the same month, which paved the way for Bhutto's return. He then moved to secure a second presidential term by a controversial parliamentary vote with the PPP's help.[34]

However, acting on petitions, the court suspended the NRO, and stayed the presidential election results until it could make a final decision about Musharraf's eligibility for re-election as a president-in-uniform. Expecting an adverse ruling on his re-election bid, Musharraf suspended the constitution, declared a state of emergency on 3 November 2007 and put Chaudhry and other defiant judges under house arrest. Backed by the military high command, the general armed himself with a new authoritarian constitution, the Provisional Constitutional Order (PCO), to purge the courts.[35] He then packed the Supreme Court with loyalist judges and had them legalize his re-election.

Musharraf's "second coup" hastened the military government's demise by galvanizing a broader civilian opposition in both political and civil society, comprising lawyers, students, academics, journalists, activists, opposition parties and

ordinary citizens. In response, the government cracked down, arresting thousands of protesters and gagging the media. The regime's actions made it politically difficult for Bhutto to continue her cooperation with Musharraf, and she was obliged to demand his resignation, a step that temporarily coalesced the opposition by bringing the PPP and the PML-N closer together. The two had, in fact, signed a "Charter of Democracy" in 2006, pledging that they would establish civilian supremacy and not solicit the military's help in acquiring power.[36] But Bhutto's liaisons with the military government had strained their relationship.

While the general staff had formally supported the emergency,[37] another five years of Musharraf's "military" presidency did not have a strong constituency in a military officer corps already demoralized by fighting "Washington's" unpopular anti-terror war on its own soil. Jealously protective of its institutional prestige and status, now sullied by its close association with a detested and degraded military ruler, the military institution withheld its active support from Musharraf. Responding to pressure from the middle-ranking and junior officers, the corps commanders reportedly decided that they could "no longer stand by Musharraf and provide him institutional cover", when he had become the main target of collective rage in political and civil society.[38] Although the anti-regime protest movement did not constitute a "people's power" insurrection, which could have forced the military's hand, the uniformed military generally avoided direct involvement in repression because of the potentially adverse effects on its reputation.

The Bush administration also insisted that he relinquish his uniform and hold elections.[39] Having lost the crucial backing of his commanders and reeling under domestic and external pressure, Musharraf finally resigned his army post in November 2007, ended the emergency in December of the same year, and ultimately organized parliamentary elections in February 2008. While Bhutto was murdered during the election campaign, the PPP, under her widower, Asif Ali Zardari, won a plurality of seats in the National Assembly (lower house of parliament) and formed a short-lived coalition government with the PML-N, both at the centre and in the Punjab province. The two parties also cooperated in parliament to start impeachment proceedings against the civilian President Musharraf for "high treason", which finally pushed him out of office in August 2008.

It is important to discuss the nature and structure of the Musharraf-led authoritarian regime to understand how the institutional military was able to extricate without having to compromise on its expansive prerogatives. The 1999 coup, which brought the military to power, was an institutional act, carried out by the military institution in response to perceived threats to military integrity posed by then-Prime Minister Sharif's actions. Thus, the authoritarian government was clearly military in its origins. But its nature and structure was relatively less militarized than the well-known military governments in the Southern Cone of Latin America, and even the previous military government of General Zia. While the army chief of staff Musharraf was the indisputable head of both the military government and the military institution, he did not declare martial law like Zia (or even Ayub) in part due to the changed post-Cold War international environment. Under

Zia, the corps commanders were part of a military ruling council with some wielding cabinet-level appointments and others acting simultaneously as provincial governors.[40] The military was also hierarchically involved in executive and judicial functions through special military courts and geographically organized martial law administrations. In contrast, the military had no direct role in the cabinet or any other top public office in the Musharraf period. This structural separation between the two was also evident in the level of military involvement at the lower levels of government. For instance, even though over a thousand individual military officers were seconded to different agencies and levels in the civil bureaucracy,[41] the hierarchical military did not assume any direct role in day to day governing with the exception of the "army monitoring teams" tasked with a brief watchdog role over civilian agencies.[42] In fact, the large majority of the officer corps was engaged in performing purely military duties and, thus, out of the public gaze, even during the height of the anti-government mobilization in 2007.

There was also a historical factor at play. To a considerable degree, the military's widely accepted (mainly in the Punjab, the centre of both political and military power) external mission against India has insulated it from any potential challenges to its control over organizational structure and functions once it has left power. The clear and present external threat has long provided the Pakistan army with an important source of the institutional cohesion needed to avoid the factionalism that typically engulfs politicized militaries during transitions.[43]

Civil–military politics after the extrication

Keen to wipe off the stain of the military government from the military institution, Chief of Staff General Kayani, who replaced Musharraf in that post in November 2007, pledged to keep the military away from politics. Towards this end, he made several "democratic" overtures. He reportedly banned officers from keeping contact with politicians and announced the recall of active duty personnel from the bureaucracy. The relative success of the two main opposition parties, the PPP and the PML-N, in the 2008 parliamentary elections shows that the military institution, especially the ISI, generally did not rig the ballot in favour of the PML-Q as it had done in 2002. Press reports also indicated that the high command closed down the ISI's notorious "political" wing implicated in rigging elections, and blackmailing and/or bribing politicians in the past.[44] All these steps led some observers to contrast Musharraf's political behaviour to General Kayani's apolitical professionalism.[45]

Somewhat unexpectedly, the military did not contest changes in the constitution that were designed to erode its tutelage of government. The most significant of these was the 18th constitutional amendment. Signed into law in April 2010 with a unanimous parliamentary vote, the amendment restored the constitution to its parliamentary essence by diminishing the powers of the president, including the reassignment of presidential authority to appoint military service chiefs to the elected chief executive. Most crucially, it abolished the president's "coup"

powers, thereby depriving the military of an important constitutional tool for securing its interests. Similarly, the government and the opposition have collaborated in reforming electoral institutions and processes to reduce the scope for military manipulation. In particular, a bipartisan parliamentary committee has been constituted to appoint the Chief Election Commissioner (CEC) and the members of the Election Commission (the appointments were previously a presidential prerogative). No less democratically significant, the government will appoint the prime minister of the caretaker government in consultation with the leader of the opposition in the National Assembly. In the case of disagreement, the matter will be referred to a bipartisan parliamentary committee, and ultimately to the CEC. During the 1990s, the military could pick a caretaker PM of its choice, with presidential collaboration, to influence electoral outcomes. The PPP-led government also abolished the NSC in 2009, which sought to "bring the military [in the government] to keep them out", as Musharraf described it.[46]

The military's studied silence over these far-reaching reforms masked a cold cost–benefit calculation. Musharraf-era rules and structures like the NSC were secondary to such first-order organizational priorities as preserving corporate autonomy and de facto influence over national security decision-making. No less important, the mobilized opposition in political and civil society had demanded an end to military government and a return to competitive elections, with a restoration of the 1973 constitution to its pre-1999 form as a key rallying point. Hence, even if the military had wished to retain a formal seat at the table, it was either too soon or risky after a prolonged period of military government to resist a reform that enjoyed broad political support.

However, the military's "professional" pose masks deeper institutionally held assumptions about the desirability of high military prerogatives and military tutelage of government. The high command continues to consider drastic military solutions to political crises as legitimate, albeit as temporary measures. Even as he projected himself as a democrat, Kayani has observed, "military interventions are sometimes necessary to maintain Pakistan's stability". In fact, he compared coups to "temporary bypasses that are created when a bridge collapses on democracy's highway. After the bridge is repaired, then there's no longer any need for the detour".[47]

The military has not overtly intervened in politics since 2007, but media reports and leaked US diplomatic cables reveal several "near coups", which have introduced enough uncertainty about the military's intentions to keep the civilian government looking over its shoulders. For instance, in January 2009, President Zardari feared his own assassination and a military coup.[48] Ultimately, governing in the shadows of a military having high prerogatives, and a demonstrated ability to contest civilian authority, the PPP government has chosen not to exercise certain prerogatives, or simply abdicated responsibility in anticipation of military noncompliance. As discussed below, the few times that the civilian government has tried to reduce military prerogatives, it has had to beat a hasty retreat.

The government's ability and willingness to push back against the military were also limited by Musharraf's continuation as president until August 2008;

other legacies of military rule, including the political logjam over the sacked judges, economic crises (including severe energy and food shortages), the unresolved ethnic conflict in Baluchistan, and the Taliban insurgency in FATA; and more deeply seated structural problems, including high military spending, low levels of taxation, high indebtedness, weak state capacity and pervasive poverty. Additionally, the PPP government won only a thin parliamentary majority, making it dependent on fickle coalition politics.

In fact, unlike the civil–military "troika" model of the 1990s (that is, when the prime minister was usually pitched against the president and the army), executive–military interaction quickly resolved into a "dyarchy" between the army, led by General Kayani, and the PPP-led coalition governments, led by Prime Ministers Yusuf Raza Gilani (2008–2012), and Raja Pervez Ashraf (2012–2013), de facto controlled by the President Zardari in his capacity as party co-chairman. However, the Supreme Court led by Justice Chaudhry has emerged as a third institutional power, deriving its claims to authority and legitimacy from the lawyers' movement. The PPP government was initially reluctant to reinstate the Chaudhry-led judiciary because of its known opposition to the NRO but finally did so in March 2009 when Kayani intervened after another protest by the lawyers, aided by the opposition PML-N, threatened to lay siege to parliament.[49]

The Chaudhry court promptly struck down the NRO in December 2009, and ordered Prime Minister Gillani to petition Swiss authorities to resume the inquiry into a corruption case involving the president.[50] In July 2012, the judges convicted Gilani for contempt of court, thereby disqualifying him from pubic office and consequently unseating him as prime minister.[51]

Military prerogatives and contestation in the post-authoritarian context

Table 1 lists the Pakistani military's most significant prerogatives. When the military is identified as having a "low" prerogative, it means that the military has either been divested of the prerogative or civilian officials or institutions working under the democratic government or parliament exercise effective control over that prerogative. When control over a prerogative is shared with civilians, or when civilians have de jure authority over it but the military has put legal-institutional or informal limits on its exercise, it can be classified as "moderate". A "high" prerogative implies that the military exercises de facto (and/or de jure) control over it, and the civilian government generally accepts the exercise of that prerogative by the military without any serious debate and/or sustained opposition.[52]

As Table 1 demonstrates, military prerogatives have remained high on all the variables since 2008, except for prerogatives concerning the constitutionally sanctioned political role of the military and military chiefs' appointments.

As discussed in the following section, "high" military prerogatives have curtailed the autonomy of the PPP government since 2008, and they act as an independent source of democratic weakness by virtue of the undue power they endow on the military. Similarly, military contestation – often amplified through the

Table 1. Selected military prerogatives in Pakistan, before and after the transition.

Prerogatives	Transition, *t* (2007–2008)	Post-transition, *t*+ (2008–2013)
1. Constitutionally sanctioned role in politics (NSC)	High	Low
2. Appointment of military service chiefs	High	Moderate
3. Internal autonomy	High	High
4. Role in military budgets	High	High
5. Autonomy in military relations with chief executive /legislature	High	High
6. Military role in foreign policy	High	High
7. Role in defence ministry	High	High
8. Role in intelligence	High	High
9. Role in media management	High	High
10. Supra-legal status	High	High

Source: Adapted from Stepan, *Rethinking Military Politics*, 94–7.

mobilization of influential actors in the media and the judiciary – generates policy conflict and undermines the authority and credibility of the government.[53] In sum, the two dimensions combine to limit the government's ability to exercise sovereign power and erode the prospects of the institutional consolidation of democracy.

Institutional autonomy

As a corporate organization, the military seeks to enhance internal control and limit external interference. The military's prerogatives over its internal structure and functions limit the scope for the establishment of civilian supremacy over the armed forces. After the transition, the military has sought to maintain, and in some cases even increase, control over military promotions and appointments. For instance, General Kayani has unilaterally awarded service extensions to several general officers beyond the age of retirement, including the last Director General of the ISI, Lt General Shuja Pasha (2007–2012). In 2010, he also secured an unparalleled three-year extension of his tenure as army chief of staff, clearly eroding the government's prerogative to appoint an army chief of its own choice.[54]

In July 2008, the military vetoed the government's decision to extend civilian control over the ISI by placing it under the "operational, financial and administrative control" of the interior ministry. In fact, the military virtually forced it to backtrack within hours of the official notification, revealing the limits it can impose on civilian authority.[55]

Autonomy from executive control and parliamentary oversight

In Pakistan, the authority to appoint military service chiefs is the constitutional prerogative of the PM, but its de facto exercise is curtailed because the military decides

the "pool" of candidates to be considered for the job. And de facto control over the three armed services (army, air force and navy) rests with their respective service chiefs and senior commanders.

Parliamentary oversight is an established principle for exercising democratic civilian control over the military. In Pakistan, Parliamentary Standing Committees on Defense (the National Assembly and the Senate has one each) are technically empowered to examine defence budgets, administration and policies. However, given the history of military dominance and a strictly enforced tradition of secrecy, these committees have mainly focused on politically non-sensitive issues, such as irregularities in the civil aviation authority (CAA) and military housing. Besides, senior military officers typically avoid appearing before these committees, instead sending either junior officers or civilian Ministry of Defence (MoD) officials to answer queries.

In contrast to the ineffective standing committees, Pakistani legislators have tried to reduce military prerogatives over the country's defence policy by creating a special Parliamentary Committee on National Security (PCNS) to provide them with "guidelines" and "periodic reviews" on important security policies, especially counterterrorism.[56] After a US helicopter attack on Salala, Mohmand Agency, killed 24 Pakistani soldiers in November 2011 and prompted Pakistan to halt North Atlantic Treaty Organization (NATO) supply lines, the PCNS took a proactive stance in drafting the new rules of engagement with the US and NATO, recommending greater transparency in military dealings between the two states, the parliamentary approval of all foreign military agreements, an end to US drone strikes against al-Qaeda and Taliban militants because of civilian casualties, and the denial of Pakistani territory to such militants. With minor changes, a joint sitting of the parliament approved these policy guidelines, but their implementation remains dependent on military consent.

The undetected 2 May 2011 US Special Force raid in Abbotabad that killed Osama bin Laden badly tarnished the military institution's public reputation. In fact, the military's humiliation offered a rare opportunity for the affirmation of civilian control, for instance, by firing the top military leadership. However, the military deftly deflected responsibility by taking its case to parliament. Senior military officials, including the DG-ISI Lt General Pasha and Deputy Chief of the Air Force, appeared before a special joint parliamentary session. Pasha admitted the agency's failure to detect bin Laden's presence in Pakistan was an "intelligence lapse". Nevertheless, he also used the occasion to stir anti-American sentiments by blaming the US for carrying out a "sting operation" on an ally.[57] The strategy worked. Instead of calling the military to account, the joint session strongly condemned US unilateral actions on Pakistani territory, and reposed "full confidence in the defense forces … in safeguarding Pakistan's sovereignty, independence and territorial integrity and in overcoming any challenge to security".[58]

Foreign and defence policy

The military has a low threshold of tolerance for what it considers civilian interference in its foreign policy prerogatives, such as Pakistan's India policy. In the past, democratic governments of both the PPP and the PML-N have sought to ease tensions and normalize trade with India if only to reduce the military's domestic power and monopoly over national security. In November 2011, the PPP-led cabinet decided, in principle, to grant India the status of Most-Favored Nation (MFN) after a series of talks between the commerce ministers of each country. However, the military reportedly pressured the government to "slow track" the process on the grounds that its trade policy was out of sync with security policy.[59]

The military has traditionally espoused a "first use" nuclear policy against India to offset the latter's superiority in conventional war. In 2008, President Zardari publicly overturned this doctrine telling an Indian audience "Pakistan would not be the first to use nuclear weapons against India".[60] Zardari might be the military's Commander-in-Chief, but the generals effectively killed his proposed policy shift by questioning its strategic wisdom.[61]

Not only has the military resisted or questioned civilian policy initiatives, it has sought to appropriate the right to micro-manage the country's foreign relations, for example, with the US. For instance, General Kayani has presided over meetings of secretaries (administrative heads of government ministries) ostensibly to evolve a coordinated national policy in the bilateral "strategic dialogue".[62]

Defence administration and budgets

Even though the MoD, headed by a civilian minister, is formally responsible for the administration of the armed forces, oversight over the military is primarily restricted to formal audits of its expenditures. In any case, military officers dominate senior positions (additional secretary and secretary level) in the MoD, which mostly acts as a clearinghouse for military proposals and demands.

In terms of budgetary allocations, the military has made nominal concessions, since 2008, by allowing the disclosure of an itemized annual budget before parliament.[63] Yet, it has evaded any real accountability on the grounds that the disclosure of "sensitive" budgetary matters will undermine national security by exposing critical information to "enemy agents". It has also advised the government to "streamline" wasteful civilian expenditures rather than questioning the military budget.[64]

Role in intelligence

The generals exercise exclusive control over intelligence and counterintelligence, mainly through the ISI. Although the ISI de jure reports to the PM, it is essentially a military intelligence organization officered by active duty armed forces' officers and headed by a three star army lieutenant general (designated as director general) whose de facto boss is the army chief. In other words, the ISI operates under the army's chain of command.

Since the 1980s when it acted as a conduit for CIA and Saudi money and weaponry to the Afghan mujahedeen fighting the Soviets, the agency has evolved into a formidable and feared military organization with deep involvement in politics and policy, which has "eroded the rule of law" and "distorted civil-military relations".[65]

Besides meddling in politics on behalf of the army high command, the agency has encroached on civilian law enforcement and investigation functions. For instance, the ISI conducted its own parallel inquiry into the assassination of Benazir Bhutto and kept crucial evidence hidden from civilian investigators. Even more seriously, it undermined the investigation by publicly releasing an allegedly intercepted communication implicating the then head of the Pakistani faction of the Taliban (known as the Tehrike-Taliban Pakistan-TTP), Baitullah Mehsud.[66]

The ISI also spearheads the military's pursuit of "strategic depth" against India by waging asymmetric warfare through militant proxies. Even as the military fights some TTP factions in South Waziristan and other tribal agencies, the ISI continues to provide the "good" Afghan Taliban sanctuary and logistical support for fighting coalition troops in Afghanistan. Suicide bombings and other terrorist attacks have claimed the lives of more than 40,000 Pakistani civilians and several thousand security forces personnel.[67] In 2009, militants even laid an 18-hour siege to the army headquarters, killing several military officers and taking many other hostages. Despite the clear negative feedback effects of its selective counterterrorism policies, as well as international pressure and isolation, the military's actions reveal that the high command continues to believe in the utility of using militancy as a tool of foreign policy. The ISI-backed Haqqani network's attack on the US Embassy in Kabul in September 2011 heightened tensions between the two countries as the Obama administration stepped up pressure on Pakistan to eliminate the group's sanctuaries on its soil.[68] And even as President Zardari pledged to take action against the Haqqanis,[69] the army demurred on the grounds that its troops were stretched thin by existing deployments in FATA.

Harnessing the media and the judiciary

Beyond contesting civilian policy initiatives, or simply "shirking", the military has learned to remonstrate through the "creative management" of public opinion.[70] The military has long been concerned with maintaining its public image and with the role the media can play in national security management. Adapting to the growing power of the media in a globalizing world, and wary of domestic and external concerns about the restriction of civil liberties under authoritarianism, the Musharraf military government had extensively liberalized the broadcast news media. At the same time, the military expanded the Inter-Services Public Relations (ISPR), its media branch, to increase its institutional capacity to more effectively police both the electronic and print media.[71] The ISPR vigilantly controls journalists' access to "sensitive" defence information, especially the military's counterinsurgency operations in FATA and Baluchistan. In addition, the ISI runs its own powerful "Information Management Wing", which metes out both punishments

and rewards. In recent years, the agency has been widely accused of intimidating and blackmailing journalists, while cajoling others through both monetary incentives, and "exclusive" stories to sway public opinion against designated internal and external foes. For instance, after the CIA operative Raymond Davis was arrested in Lahore for killing two Pakistanis in January 2011, the ISI summoned selected journalists to spread the word that the PPP government's lax visa policy had made it possible for the CIA to expand its network within Pakistan.[72] It also deliberately leaked the name of the CIA station chief in Pakistan to settle scores with the Americans for the humiliation they had caused it with the raid that killed bin Laden.[73]

That highly embarrassing aerial intrusion, and an audacious 22 May militant attack on a heavily fortified naval base in the port city of Karachi, temporarily strained the patron–client relationship between the military and prominent pro-military sections of the media. Some "friendly" journalists launched unexpected criticism of the military for its disastrous policies of nurturing militants, and its transparent incompetence despite receiving a large share of the national budget.[74] In turn, the military publicly warned its critics to stop "trying to deliberately run down the Armed Forces and the Army in particular", and threatened, "to put an end" to "any effort to create divisions between important institutions of the country".[75] At least, in one case, the generals seem to have lived up to their words. On 29 May 2011, the ISI allegedly abducted, tortured and brutally murdered the Pakistani journalist Saleem Shehzad, just a day after he exposed links between al-Qaeda and navy personnel.[76]

Another notable example of the military's media manipulation was its handling of the public debate surrounding the Kerry-Lugar-Berman Bill, signed into law by President Barack Obama as the Enhanced Partnership Act of 2009, which offers Pakistan $1.5 billion annually in non-military developmental US aid for five years. While the civilian government welcomed the aid, the military joined right-wing opposition parties and publicly expressed its outrage[77] over "critical provisions [that] were almost entirely directed against the Army", particularly the conditioning of American military assistance on certification by the US Secretary of State that the military was operating under civilian control and keeping out of political and judicial processes.[78] The military also reportedly encouraged TV talk show anchors to mobilize public opinion against the law by presenting it as a blatant example of US interference in Pakistan's internal matters, which it could then use to pressure the Americans into modifying the legislation.[79] Thus, cable news channels concocted conspiracy theories, painting the bill as part of America's sinister design to weaken the country's security institutions as a way of depriving it of nuclear weapons. While many in the media openly praised the military for its principled stand against the Americans, they targeted the PPP government, portraying it as an American stooge out to sell the country's honour.[80]

Beyond trying to control the popular media, the military has used judicial activism to preserve or enhance its institutional prerogatives over national security. This was particularly evident in the so-called "memo-gate" scandal. In October

2011, Mansoor Ijaz, a US businessman of Pakistani origin, alleged in an op-ed in the *Financial Times* that the PPP government had sought his assistance in forwarding a secret memorandum to the US Chairman Joint Chiefs of Staff, Admiral Mike Mullen, soon after the killing of bin Laden. Ostensibly written by Pakistan's then ambassador to the United States and Zardari confidante, Hussain Haqqani, the "memo" sought US help in averting an imminent military coup in return for appointing a more amenable national security team, abolishing the ISI's external operations or "S" wing to stop the agency's support to Islamist militants and placing Pakistan's nuclear programme under international safeguards.[81] The military reacted by pressuring the government to investigate the issue, and the ambassador lost his job.[82]

Denying involvement, the government tasked the PCNS to inquire into the "memo" allegations. But the parliamentary investigation was prematurely undermined when opposition leader Nawaz Sharif and others filed a petition in the Supreme Court seeking a judicial inquiry. Hastily acting on the petition, the court, heeding the advice of the army and ISI chiefs, formed a commission to investigate the memo because of its grave national security implications.[83]

Deeply embarrassed by the army's "unconstitutional" and "illegal" advice to the court,[84] the PM accused it of acting as a "state within a state",[85] and retaliated by firing the secretary of the Defense Ministry, a former general loyal to Kayani. In response, the military publicly warned the PM that his unwarranted accusation could have "potentially grievous consequences for the country".[86] General Kayani hurriedly called an "emergency" corps commanders' meeting and publicized the appointment of a new head of the 111 Brigade, the army unit that executes military coups, to signal that a coup might be in the offing. Before the two sides could reach the brink, the civilian government reportedly backed down. If anything, "memo-gate" serves as a potent recent exemplar of both the military's distrust of civilians in matters of "national security", and its capacity for adapting its methods for preserving its prerogatives.

Supra-legality

In a democracy, the military (or other state institutions) cannot be above the rule of law. One important mechanism for reducing the military's power and prerogatives is its integration into the civilian judicial system.[87] The Pakistani military operates outside the purview of civilian law with virtual impunity. It protects its supra-legal status through several means.

On the one hand, the military habitually evades accountability to the law where its own members are concerned, on the grounds that it has stringent internal mechanisms that obviate the need for external scrutiny.[88]

For instance, even though Musharraf had retired from the army, the generals obtained for him a "safe passage" to avoid his possible impeachment by parliament, which would have further besmirched the military's carefully protected public image as the impeccable guardian of the national interest. The military

also stonewalled the efforts of the 2010 UN Commission of Inquiry formed to investigate Benazir Bhutto's murder because of the alleged involvement of senior army officers in the Musharraf regime's cover-up of the incident. The commission's final report claims that Major General Nadeem Ijaz, the then head of Military Intelligence (MI), had ordered local police officials to "hose down" the crime scene within two hours of the suicide attack that killed Ms Bhutto, resulting in the loss of crucial forensic evidence.[89] However, the high command turned down the commission's request that the general appear before it to clear his name. Similarly, in the infamous National Logistics Cell (NLC) scam that surfaced in 2009, two generals, one major general and two civilians stand accused of causing a loss of almost Rs. 2 billion (US$ 200 million) by investing public moneys in the stock market in violation of government rules.[90] However, Kayani stonewalled civilian investigations by reportedly initiating an internal inquiry. In July 2011, the National Assembly's Public Accounts Committee (PAC) ultimately referred the case to the National Accountability Bureau (NAB), the government's primary anti-corruption agency. But Kayani protected the three ex-army officers from civilian scrutiny by taking them "back on the strength" of the army so that they could be tried under the Army Act of 1952.

On the other hand, the military has expanded its own legal prerogatives over civilians. For instance, through amendments to the Army Act, the military has empowered itself to try civilians in military courts for offenses considered prejudicial to the security of Pakistan.[91] Similarly, the Action in Aid of Civil Power Regulation (2011) authorizes the military to detain terror suspects indefinitely during its operations in the northwestern border areas. Shielded by these legal prerogatives, the ISI and the MI have reportedly committed gross human rights violations, such as abductions, torture and extra-judicial murder of alleged Islamic militants.[92] In the southwestern province of Baluchistan, these agencies have abandoned even the pretense of law, resorting to classic "dirty war" tactics against Baloch nationalist leaders and rights activists.[93]

Under increasing public and media criticism for selectively targeting the civilian government, the Supreme Court has continued some investigation against the ISI. For instance, the court belatedly revived the 16-year old Asghar Khan case, involving the ISI's funding of right-wing politicians to defeat the PPP in the 1990 elections. Ultimately, the court held the former army chief, General Aslam Beg (retired), and former DG-ISI, Lt General Asad Durrani (retired), responsible for violating the constitution. However, rather than take the risk of antagonizing the generals, it vaguely instructed the government to take "necessary legal action" against them, while issuing specific instructions that the politicians who took bribes should be interrogated by the Federal Investigation Agency (FIA).

The court has also pursued the cases of "disappeared" or "missing" persons.[94] In at least one harrowing case, involving 11 illegally detained terror suspects, four of whom died in ISI custody, the court ordered the agency to produce the remaining seven in court, allow them proper medical care and explain the legal basis of their detention.[95] Besides, the court has repeatedly reprimanded the military for its

alleged human rights violations in Baluchistan, even specifically demanding an end to all military operations (including the paramilitary Frontier Corps (FC) "kill and dump" operations) and abolishment of the "death squads" run by the ISI and the MI.[96] But knowing that the judges are unlikely to take any concrete action, the military has paid little heed and senior military officers, including the ISI chief and the Inspector General of the FC, continue to evade the court with impunity. In May 2012, the military openly defied the court's orders to produce "missing persons" by allegedly dumping the dead bodies of two Baluch activists on the roadside.[97]

Growing media focus on military corruption in the wake of scandals involving army officers, and the Supreme Court's occasionally aggressive stance towards the military intelligence services, have predictably prompted a pushback. Apparently sensing a "sinister campaign" designed to undermine the military leadership and drive a wedge between the soldiers and the officers that would erode institutional cohesion, Kayani issued a sermon-cum-gag order to "all systems" civilians. In it, he obliquely reminded the media that they should desist from maligning the institution of the army for individual lapses that have yet to be proven. Indirectly criticizing the Supreme Court (SC) for asserting its supremacy, he went on to question the notion that any one individual or institution has a monopoly on defining the national interest. Ultimately, Kayani warned against "acting in haste" which would weaken the "institutions".[98]

Conclusion

Since yielding power in 2007–2008, the military has seen its broader governmental prerogatives shrink, especially those like Musharraf's NSC, because of the lack of any legitimacy for such a role in the immediate post-authoritarian context. At the same time, it has successfully resisted periodic civilian challenges to its core *institutional* prerogatives through both active and passive non-compliance, thereby limiting the autonomy of the elected government led by the PPP and, on occasion, threatening its survival. While the military retains its ultimate capability to destabilize or seize government by force, brute coercion is less effective for protecting its interests in a post-transitional context defined by the empowerment of new institutional centres of power and persuasion, such as the higher judiciary and the broadcast media, as a result of both authoritarian liberalization under Musharraf and the contentious politics that facilitated his government's demise. Hence, the military has adapted itself to these more complex civil–military dynamics by articulating its opposition to threatening government initiatives through mobilizing the support of judges and journalists.[99]

Since the latest transition to civilian government, military prerogatives have acted as a major source of civil–military friction. In most crises or conflicts so far, the military has prevailed over the democratic leadership, or the latter have accepted the military's preferred outcomes to avoid losing power.

Military prerogatives are obviously not the only impediment to democracy. In fact, as Pakistan approaches the crucial milestone of its first democratic turnover of power in 2013 from one government that has stayed in power for a full term to another, the prospects of continued democratization are complicated by myriad political, economic and security challenges. Rampant political corruption, poor governance, growing inflation, chronic energy shortages, and almost dwindling essential public services reduce public trust in government and encourage the politics of "system blame". Terrorist violence and Islamist militancy, which afflict both the northwestern border areas and the Punjabi heartland, fuel political instability and weaken the writ of the government. However, as I have argued in this article, a continuing major source of democratic vulnerability is a military with high prerogatives that is unaccustomed to the norm of civilian supremacy. Worryingly, it also continues to harbour tutelary ambitions. For instance, recent media reports suggest that the military and its intelligence services are toying with "non-democratic" alternatives to elections, including a prolonged "technocratic" caretaker government to clean up the "mess" created by politicians before reinstating competitive politics.[100]

The limits military prerogatives can place on democratization extend beyond the specific case of Pakistan. Long after the erosion of military political power and prerogatives from Southern Europe to Latin America during the Third Wave, the military's role in shaping the nature and direction of democratic transitions has become crucial once again as militarized authoritarian regimes have either collapsed (for example, Egypt in 2011), or liberalized (Burma in 2012). Similarly, militaries that enjoy vast political and institutional privileges in civilian-controlled authoritarian governments, in cases such as Iran and China, will likely play significant roles in potential future transitions. Pakistan since 2007–2008 reinforces the harsh lesson from other regions that high military prerogatives can severely constrain new democratic regimes even as they display the formal features of a competitive democracy. However, studying the specific prerogatives and the concrete ways in which the military has influenced post-authoritarian civil–military relations in Pakistan can be instructive about the institutional choices, rules and strategies needed to overcome their influence in other contexts.

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Notes

1. Valenzuela, "Democratic Consolidation," 1. See also Mainwaring, "Transitions to Democracy"; Karl, "Dilemmas of Democratization," esp. 8–11; Munck and Leff, "Modes of Transition," 343.
2. Valenzuela, "Democratic Consolidation," 7–9.
3. Stepan, *Rethinking Military Politics*, 30–1.
4. Ibid., 93–102.
5. Ibid., 93.

6. Ibid., 68.
7. Shah, *Out of Control*.
8. Rizvi, *The Military and Politics*, 51–3.
9. On institutional congealing during founding moments or "critical junctures," see Collier and Collier, *Shaping the Arena.*
10. For instance, at independence, Bengalis were less than 1% of the strength of the military, a legacy of the British policy of military recruitment from amongst the martial races of North India, such as the Punjabis and the Pashtuns. This colonial policy was left untouched in Pakistan. See Cohen, *The Pakistan Army*, 44.
11. The demand for Pakistan was primarily articulated by elites from Muslim minority areas who feared the economic, political and cultural domination of the Hindus in a united India. See Low, "Provincial Histories," 7–8. On the social origins of the Muslim League, see Tudor, "Divergent Democracies."
12. On the conflicting logics of the "nation state" and politically salient cultural differences, see Linz, Stepan, and Yadav, *Crafting State Nations*, 1–38.
13. The concept of "viceregalism" is elaborated in Sayeed's magisterial work, Sayeed, *Pakistan: The Formative Phase*, 259–60, 279–300. On the viceregal executive's role in undermining constitutional democracy in the early 1950, see McGrath, *The Destruction of Pakistan's Democracy.*
14. Rizvi, *Military, State and Society*, 5–6; Nawaz, *Crossed Swords*, 73.
15. Rizvi, *The Military and Politics*, 57–8.
16. Jalal, *The State of Martial Rule*, 50–1. See also Wilcox, "The Pakistan Coup d'état," 145–7.
17. Rehman, *Leadership*, 3.
18. Tilly and Ardant, *The Formation of National States*, 42.
19. See Shah, *Out of Control*.
20. Khan, *Friends Not Masters*, 217. See also Khan, *The Story of the Pakistan Army*, 193.
21. Barnds, *India, Pakistan and the Great Powers*, 91.
22. Cohen, *The Pakistan Army*, 138.
23. Siddiqa, *Military Inc*.
24. Rizvi, *The Military and Politics*. See also Hoffman, "Temporary Democracy."
25. *Syed Zafar Ali Shah and Others vs. General Pervez Musharraf, Chief Executive of Pakistan* (PLD 2000 S.C. 869).
26. Shah, "Pakistan's 'Armored' Democracy," 26–40.
27. O'Donnell and Schmitter, *Transitions from Authoritarian Rule*, 49.
28. Ghias, "Miscarriage of Chief Justice," 999. The following discussion is based on Ghias.
29. Under the 1973 constitution, an electoral college comprising both houses of the parliament and the four provincial assemblies indirectly elects the president.
30. The 1973 constitution bars active duty civilian or military officials from holding any other public office. Musharraf had secured a one-time waiver from the Supreme Court in 2002.
31. "Daylong Running Battles Across Capital," and "Opposition Flexes Muscles on Protest Day," *Dawn*, March 17, 2007.
32. Cooper and Mazzetti, "Backstage, US Nurtured Pakistan Rivals' Deal."
33. Bhutto, *Reconciliation*, 225–30; "Benazir Defends Deal with Musharraf," *The News* (Rawalpindi), April 26, 2007.
34. Opposition parties boycotted Musharraf's re-election by the same parliament that had elected him in 2002, except for the PPP which abstained from the vote.
35. The PCO mandated that all superior court justices take a new oath pledging unconditional obedience to the regime, or lose their office. The almost two-thirds who refused to comply were sacked.

36. "Text of the Charter of Democracy," *Dawn*, May 16, 2006.
37. "Proclamation of Emergency," *Dawn*, November 4, 2007.
38. Author's interview with a major general, Rawalpindi, August 2012. See also Soloman and Hussain, "Army Grows Cooler to Musharraf."
39. Walsh, "Bush Tells Musharraf to Choose."
40. Jones, "Military and Security," 76.
41. "The Militarization of Pakistan," *Newsline*, October 15, 2004.
42. Human Rights Watch, "Reform or Repression."
43. Threats from another group spur group integrity and cohesion. See Coser, *Functions of Social Conflict.*
44. "The Man, Who Rigged the Polls, Spills the Beans," *The News*, February 24, 2008.
45. See, for instance, Sappenfield, "Kayani Boosts Pakistan Army's Image."
46. Quoted in Talbot, *Pakistan: A Modern History*, 401.
47. "50 Most Powerful People of the World," *Newsweek*, December 19, 2008. http://www.thedailybeast.com/newsweek/2008/12/19/20-gen-ashfaq-parvez-kayani.html (accessed November 27, 2012).
48. Embassy of the United States, Santiago, "Vice President Biden's March 27 Meeting with British Prime Minister Gordon Brown."
49. By his own admission General Kayani had considered ousting Zardari to resolve the standoff. See Embassy of the United States, Islamabad, "Little Movement on Reconciliation."
50. The charges pertain to Zardari and his spouse accepting illicit "commissions" through offshore agents for the award of a pre-shipment inspection contract to SGS/Cotecna in 1994.
51. The PPP government eventually backed down, and drafted the letter in accordance with the court's wishes, although executive-judiciary friction has far from subsided. In January 2013, the Supreme Court ordered the arrest of PM Ashraf for allegedly taking bribes in 2010 when he was minister for water and power.
52. Stepan, *Rethinking Military Politics*, 93.
53. Ibid., 100.
54. "General Kayani Gets Three Year Extension," *The Nation* (Lahore), July 23, 2010.
55. National Assembly of Pakistan, "Resolution on Unilateral U.S. Forces Action," May 14, 2011; Warraich, "Pakistan's Spies."
56. National Assembly of Pakistan. "Consensus Resolution," October 22, 2008; "Resolution of Parliament," October 22, 2008.
57. "Denying Links to Militant, Pakistan Spy Chief Denounces U.S. before Parliament," *The New York Times*, May 13, 2011.
58. "Resolution of Parliament," May 15, 2011.
59. "Civilians, Military Consulted on Trade with India," *Dawn*, November 5, 2011.
60. "There is a Bit of India in Every Pakistani: Zardari," *Hindustan Times*, November 22, 2008.
61. Embassy of the United States, Islamabad, "Scene-Setter for General Kayani's Visit."
62. "First Secretaries' Meeting Chaired by Army Chief," *Dawn* (Karachi), March 17, 2010.
63. In prior years, the military's budget was just a lump sum figure.
64. "ISPR Chief Decries Criticism of Defense Budget," *The News*, March 14, 2011.
65. United Nations, "Report of the UN Commission of Inquiry," 60.
66. Ibid., 62.
67. "War on Terror Toll Put at 49,000," *Express Tribune*, March 27, 2013. "Terrorists Killed 40,000 Civilians, 2,250 Security Personnel," *The Nation*, January 19, 2010.
68. Bumiller and Perlez, "Pakistan's Spy Agency."
69. "Zardari Vows Operations against the Haqqanis," *Dawn*, November 10, 2011.

70. Author's interview with a former military intelligence official.
71. Yusuf, "Conspiracy Fever," 105.
72. "Names of 55 U.S. Suspects on the Loose," *The News*, March 12, 2011.
73. Perlez, "Leak of CIA Officer Name."
74. See Geo TV, "Aaj Kamran Khan Key Saath (Tonight with Kamran Khan)." See also Hussain, "The Problem Within."
75. ISPR press release on the 139th Corps Commanders Conference, June 9, 2011.
76. See Shehzad, "Al-Qaeda had Warned of Pakistan Strike." The ISI denied involvement in the murder. However, circumstantial evidence – including thinly veiled death threats by ISI officers and the posthumous disappearance of Mr Shehzad's cell phone record from a cellular company's database – suggests otherwise. Even more damning are reported American intelligence intercepts that link the army chief's office to the murder. See Felkins, "The Journalist and the Spies." See also Bumiller, "Admiral Links Pakistan to Journalist's Murder."
77. See Inter-Services Public Relations (ISPR) press release, October 7, 2009.
78. Embassy of the United States, Islamabad, "Ambassador Meets with Kayani and Pasha."
79. Yusuf, "Conspiracy Fever," 106.
80. Ibid., 97.
81. Ijaz, "Time to Take on Pakistan's Jihadist Spies."
82. In fact, then ISI director general, Lt General Shuja Pasha, secretly visited Mr Ijaz in London, and reportedly collected incriminating transcripts of text messages exchanged between Haqqani and Ijaz. See Ahmed, "When Ijaz Met General Pasha."
83. See "Memogate Probe: Full Text of the SC Decision to Form Commission," *Express Tribune*, December 3, 2011. Notably, the inquiry commission ignored Mr Ejaz's other accusation that the military was, in fact, plotting to overthrow the civilian government around the same time the alleged "memo" was written. The commission's final report absolved the PPP government of any wrongdoing, but it confirmed the authenticity of the "memo" and accused Haqqani of disloyalty to the state.
84. People's Daily Online, "Interview of Pakistani Prime Minister."
85. "State within a State Not Acceptable: PM Gilani," *Associated Press of Pakistan*, December 22, 2011.
86. ISPR press release, January 11, 2012.
87. See Serra, *The Military Transition*, 83.
88. "Investigating Generals: Army Refuses to Assist NAB in NLC Scam," *Express Tribune* (Karachi), March 11, 2012.
89. "UN Inquiry Report," 33.
90. The NLC is a monopolistic army-run logistics and transportation agency.
91. Pakistan Army (Amendment) Ordinance, 2007.
92. "ISI Denies Torturing Man to Death in Custody," *Express Tribune*, September 28, 2011.
93. Human Rights Watch, "Security Forces 'Disappear' Opponents."
94. "SC Seeks Progress Report on Missing Persons," *Daily Times*, February 9, 2012.
95. "Adiala Missing Inmates: ISI and MI Not Superior to Civilians, Says SC," *Express Tribune*, March 1, 2012.
96. "Disband Agencies' Death Squads: SC," *The News*, February 28, 2012.
97. "Two Bodies of Missing Persons Found in Baluchistan," *Express Tribune*, May 1, 2012.
98. "Kayani Hits Back: Apparent Reaction to the Bashing of Generals," *Dawn*, November 6, 2012.
99. I am grateful to an anonymous reviewer for pushing me on this point.

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Notes on contributor

Aqil Shah is a postdoctoral fellow at the Society of Fellows, Harvard University. His research interests include democratization, civil–military relations, institutions and South Asian politics.

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