

A rose by another name

SALAAH KHAN

Pervez Musharraf's 2006 autobiography opens with a bang. That is to be expected from a book that borrows its title from a Clint Eastwood action-film. The prologue, 'Face-To-Face with Terror', proclaims, "I have confronted death and defied it several times in the past because destiny and fate have always smiled on me. I only pray that I have more than the proverbial nine lives of a cat." He then proceeds to list ten instances where he has defied death. The tally is debatable: one brush with death involves falling off a mango tree. Four involve not getting on planes that later crashed (one was 'that poor man', Ziaul Haq's C-130). But whatever the criteria might be, he'll need destiny and fate to smile real hard in the days to come.

Let's begin by addressing the violently decapitated elephant in the room: paragraph 66. It did the judge no favours, and the judgment even fewer. "Justice must not only be done, but be seen to be done", goes the maxim. Justice Seth took the spectacle a little too far. For one, the Musharraf that Justice Seth was writing against was not the 2001 four-hat-wearing, four-star, President-General Pervez Musharraf. 2019-Musharraf, by design, paints a very different picture as the feeble, ailing, misunderstood martyr's almost robotic voice quavers from a hospital bed.

Manto once damned "such a respectable...society where, as a rule, the character of the dead is sent to a laundry for a wash..." Damned or not, just as it worked for Indonesia's war-criminal dictator Suharto, it's doing wonders for Musharraf. Any time a new clip surfaces, you can almost smell the fresh linen.

Forays into descriptive fiction aside, this is a legal document; and while paragraph 66 is not an operative part of the judgment, a common notion — that the majority is in agreement over non-Para-66 stuff — is not true. The divergences are numerous — from the treatment of mens rea (intent) to the (implicit) treatment of retrospectivity — but this piece will focus on one charge: holding the constitution in abeyance (some discussion of 'suspension' may follow, but only to the extent that neither term was part

of the constitution in 2007). For Musharraf, the following exercise will make little difference in the larger scheme of things. There are five charges against him, most of which stick; this is just one of them. But for the same reasons that make us uncomfortable about para 66, it is important. In 2007, Article 6 included neither 'suspension', nor 'holding in abeyance'. What prompted their inclusion was that Musharraf, not brazen enough to use 'abrogation' or 'subversion', sought these alternatives.

Treason, by another name, smells just as putrid. If suspension and abeyance were only different words for their predecessors, then it would be ridiculous to let Musharraf off the hook for simply having a thesaurus on-hand. Treason shouldn't be fair game for any dictator with an up-to-date SAT-word list just because the constitution doesn't include an exhaustive list of synonyms.

But Musharraf's 'suspension' or 'abeyance' could still constitute high treason if one of two things were to happen: first, if it were demonstrated that either or both of these were just another name for 'abrogation' or 'subversion'. The second is to demonstrate that even though they are distinct offences, after their creation, they were intended to apply retrospectively.

The majority of the Special Court, like the Supreme Court before it, chooses to take the first of the two (although Justice Seth's opinion may be read to imply a vague nod in the direction of the second path as well). What needs to be proven, then, is that there is no functional difference between the terms: a rose smells sweet but so does a magnolia. Sure, they are both flowers — that an act is not treason does not mean it is not unconstitutional; but as the courts have told us in the past, that it is unconstitutional does not automatically make it treason. That the constitution should be read so as to avoid redundancy is Con Law-100 stuff. For non-lawyers, this means that if 'suspending' and/or 'holding in abeyance' mean the same thing as subversion, their later inclusion would be rather pointless. But there is a subtle distinction between a provision or phrase that is redundant, and one that is declaratory or clarifying: the value addition may be incremental, but is still non-

zero. Perhaps the legislation included the terms for emphasis — just in case.

The majority of the special court takes as a given the analysis of the Supreme Court in the 2009 Sindh High Court Bar case (pre-Eighth Amendment): that holding the constitution in abeyance was subversion by another name. Obviously, the Supreme Court did not in 2009 have the benefit of the amendment that came the year later, but a decade later, reliance on the judgment alone is hard to justify. In 2018, when the Eighteenth Amendment (which passed unanimously) was announced, Raza Rabbani announced that the drafters "widened the ambit" by adding suspension and holding in abeyance of the constitution. Not once but twice, he spoke of clarification or bolstering, but of 'widening' and 'broadening' the ambit. Bear in mind that the text being deciphered is not some century-old document, but rather, an amendment that is less than a decade old. This statement comes not from unelected judges, but is the unanimous articulation of the representatives of the people. And while the court, in 2009, did not have the benefit of the amendment, the amendment passed despite the judgment. Reconciling this with the idea that the terms are interchangeable requires a fair amount of mental gymnastics.

One might be tempted to take these leafy metaphors a step forward and see the forest for the trees. Why should words matter so long as justice is done? At the end of the day, the constitution is just a few sheets of paper. Well, people who articulated the same idea include the likes of Ziaul Haq and General Pervez Musharraf. When the crime itself is a 'constitutional offence' (the only one mentioned in the document) the document itself should take centre-stage.

Again, none of this is to say Musharraf will leave all this smelling like roses (last one). The litany of complaints against Musharraf is enough to get him a whole bunch of frequent-flyer miles to court, and to ensure that he will never get to use most of them. But each charge matters.

Each charge should be dealt with conclusively. Because if there is anything that Paragraph 66 ought to teach us, it is that too much justice is just not just.

The power of song

RON JACOBS

Woody Guthrie wrote the words "This guitar kills fascists" on his guitar. Victor Jara was murdered by the Chilean military authorities during the 1973 CIA-assisted coup in Chile; his hands were severed and then he was murdered.

Phil Ochs, a folksinger and agitator for popular resistance to war and racism considered Jara his inspiration and hero. Tom Morello, the lead guitarist for Rage Against the Machine and other musical conglomerations has a modified version of Guthrie's slogan on some of his instruments. All of these musicians are known for both their politics and their musical compositions and performance. The tradition they are part of is one that nowadays seems to be muted at best and non-existent at worst.

For those of us who gained some of our first political awareness that was-

n't provided by a parent, teacher, church or newspaper from a folk song, a rock song or a rap song, this dearth of politically radical tunes seems a real shame.

No troubadour with the reach of Bob Dylan or rock band with the Top Ten power of Creedence Clearwater Revival reaches the airwaves today, no matter how one defines them — radio, TV, streaming device or other modern contraption. I can't recall a song opposing the numerous wars of Empire reaching those who might very well be fighting one of them in the way Creedence's 'Fortunate Son' or Bob Dylan's 'Masters of War' did fifty years ago. It seems fairly safe to assume that part of this lack is due to the understanding by those who profit from wars and the tools of war that musicians singing antiwar songs and young people listening to them is not the best way to run a war. In other words, music is a very effective means to get out a message.

It is in this spirit that author Brad Schreiber penned his most recent work. Titled 'Music is Power: Popular Songs, Social Justice and the Will to Change', this relatively short text (considering the volume of material out there to write about) is a survey of some of popular music's most powerful messages of social change and those who delivered them. Schreiber discusses those artists whom one would expect to appear in such a book: Bob Dylan, Pete Seeger, Joan Baez, Phil Ochs, John Lennon, and Chuck D. More thought-provoking however, is his inclusion of artists such as Lesley Gore, Black Sabbath and Pink Floyd. Indeed, his discussion of Lesley Gore and her hit song 'You Don't Own Me' will open many reader's eyes to the feminist side of a female artist more likely thought of in relation to her hit 'It's My Party'.

Excerpted from: 'The Power of Song'.



'Little boxes'



HAJRAH MUMTAZ

Music has, of course, been described as a mathematical equation, a creation and an endeavour that is precise — absolutely perfectly calculated, if you will — if it is to work and endure.

But also, as not enough people understand it, it can be a dialogue, a speech, a diatribe — and yes, I'm stating the perfectly obvious.

A couple of weeks ago, on these pages was discussed the age-old debate of whether song lyrics were counted as poetry, a debate that was fairly conclusively put to rest in 2017 when the Nobel Prize for Literature went to Bob Dylan. The question, though is, does the poetry come first or the music? How does that magical melding work that builds and transforms?

Consider, for example, Alama Iqbal's absolutely beautiful poem on the Mosque of Cordoba; unmatchable though it is, a portion was immortalised even further as the song Silsilae roz-o-Shab in the duet between Malika Pukhraj and Tahira Syed (poetry that in this day in

this country might be considered worthy of approbation, him being our national poet notwithstanding — consider Shikwah, Jawab-i-Shikwah). In setting the poetry to music, the professionals created an entity that goes beyond. The dialogue between the mature voice lamenting the progression of life, and a degree of cynicism, and the younger voice replying in hope and belief, is fairly unmatched. The point is that what was already beautiful — glorious — was rendered even further so. (Aside: since I am rather partial to Malika Pukhraj's work, another absolute gem is Mujhe yaad karne walo, in addition to so many others.)

As a thought experiment, from here it is possible to cross towards the idea that music also speaks a dialogue of its own, not actually or necessarily requiring

words and language. This is, of course, an age-old concept, and there is only a plethora of examples from around the world, through the ages. Beethoven's Ode to Joy, or Dmitri Shostakovich's Waltz No. 2, or Itzhak Perlman's Tango, or Maurice Ravel's Bolero, spring immediately to my mind, at least (but everyone has their own preferences, obviously — a hundred, several thousand from around the world, more could be referred to). Inspiration breeds inspiration. Consider, for example, the rather wonderful fact that the Bollywood song Dil to Bacha hai Ji, pictured so memorably on the inimitable Naseeruddin Shah in the film Ishqiya is, essentially, the Bolero. The cadence is compelling, and the songwriter's lament about love or infatuation in older years — irresistible, yet

pointless, in the context of the movie — no less so. Meanwhile, the song creates bridges across continents, cultures, and the ages, to which many of us, multilingual and cross-cultural as we are, can heed. Going on from there, music in the dialogue form has taken so many shapes. Pink Floyd are often taken as having come up with the idea of a concept album, where the music/songs are not single-standing entities but a unified whole that is self-reliant and speaks in and of itself. The albums Dark Side of the Moon and more famously The Wall were path-breakers in their own way, and set a bar for many others to follow, such as Prince, or Eminem.

Musicology is an academic discipline because of a reason. Greats across the ages have spent their life's blood, and pro-

duced inspiration that has seared so many a soul. Lest one get confused, though, one must underline the distinction that actually, there is really not much distinction in this field in terms of 'high brow' or otherwise. In an interview with Rolling Stone magazine some years ago, vocalist and guitarist Arlo Guthrie — who rendered the classic Alice's Restaurant — talked about how his father told him, learn to play an instrument and learn music: it will be your friend in life. His lovely song has endured now for over half a century, though not played that often (given that it refers to the Vietnam War). But lest the reader bridle, the world has not yet forgotten The Beatles, or Elvis, or Tan Sen. As written earlier, inspiration comes from so many directions. In a random trawl, join this to the work on

someone such as Australian film director Baz Luhrmann, who has often talked about being inspired in his professional life by the music and spectacle of Bollywood — showcased in the fairly spectacular 2001 Moulin Rouge. While being in English, of course, it draws upon tropes that anyone from this part of the world is well familiar with, circularity and all (in cinematic terms). And so, to the title of this piece. 'Little Boxes' is a song by Malvina Reynolds (d: 1978), American blues / jazz songwriter, singer, guitarist and political activist. This particular gem was revitalised when employed as the title theme of the show Weeds, centring on a woman's determined suburban existence and need to keep the family going after her husband's death.

Letters to the Editor

Waste power

This letter refers to the article 'Waste to energy?' by Akhtar Ali. In the recent past I had recommended the conversion of material solid waste (MSW) to electricity as mega cities like Karachi and Lahore produce no shortage of MSW. The disposal of MSW is a challenge for both the Sindh and Punjab governments, the utilization of MSW for electricity generation could help alleviate this problem. Fossil fuel in the form of MSW is available in bulk at land fill sites, where it occupies several acres of land that could be put to more productive use. I agree the cost of incinerators is initially high but if we go for mass production they can be made cost-effective. This can help curtail the ongoing decline in power generation, caused by our depleting supplies of natural gas. Energy produced through MSW can lessen the load on Nepra which is under considerable pressure from the IMF to enhance the tariff on electricity.

Lt Commander (r) Riaz Akbar
WAH CANTT

Peace via Kartarpur

The whole world witnessed a historic moment the day PM Imran Khan inaugurated the Kartarpur Corridor. Prior to this, Pakistan opened the

Kartarpur border for Indian Sikh pilgrims to celebrate the 550th birthday of Guru Nanak which was on the 12th of November. The holy temple was and is still being visited by thousands of Sikh pilgrims from around the world. Former Indian minister and cricketer, Navjot Singh Sidhu and Sunny Deol, member of the Indian parliament and actor visited Pakistan to attend the inauguration of the corridor. Both of them termed this step by Pakistan as 'peace-promoting' and 'harmonious' gesture. The voice of the Sikh community, comprising about 140 million individuals, was considered for the very first time since Partition. In order to facilitate the Sikh community, Pakistan's government waived the requirement of visa and passport. This event truly reflects how peace-promoting and harmonious Islam is as a religion and Pakistan is as a country.

Muhammad Basiq Munir
ISLAMABAD

Fixing democracy

Democracy empowers ordinary men and women by allowing them to choose their leaders by exercising their right to vote. Lamentably Pakistan has been inflicted by several coups since its inception, destabilizing the new born state and weakening the integrity of its institutions. On the other hand, parochial political dynasties have controlled the majority of constituencies in the Sindh and Punjab provinces, paving the way for

incompetent candidates to be elected and rule the state. This is contrary to the true spirit of democracy, as it distorts the will of the people by imposing upon them a feudalistic oligarchy that serves its own interests as opposed to those of the people. The present ills afflicting Pakistan's democratic setup are curable only with the reforming of independent and sovereign institutions, fair elections and a commitment to civilian rule. By alleviating the aforementioned problems, democracy in Pakistan can flourish.

Engr Ashfaq Ali Khoso
JAMSHORO

Flawed approach

The government has decided to provide Rs6 billion subsidy to the Utility Stores Corporation, supposedly to help to bring down the prices of essential commodities. But this is seems to be merely a wastage of taxpayers' money. Nobody goes to the Utility Stores due to the presence of the defective and substandard items on sale at utility stores. Furthermore, Utility Stores are largely found in cities, preventing people residing in rural areas from benefitting from the price reduction. In order to control rising prices the federal government should actively work with the provinces to establish price control committees.

Dr Alfred Charles
KARACHI

Beyond the writ

Indian opposition leaders and intellectuals have condemned Indian Army Chief General Bipin Rawat for getting involved in political issues by condemning students protesting against the discriminatory Citizenship Amendment Act. Congress spokesperson Brijesh Kalappa lashed out at the general stating "Army Chief Bipin Rawat speaking against #CAAProtests is wholly against constitutional democracy. If [the] army chief is allowed to speak on political issues today, it also permits him to attempt an Army takeover tomorrow". There has been a backlash against General Rawat for exceeding the limits set on his role by the constitution, which bars army officers from getting involved in politics. The Communist Party of India (Marxist) tweeted that "The army chief's statement underlines as to how the situation has degenerated under the Modi government where the highest officer in uniform can so brazenly breach the limits of his institutional role".

Malik T Ali
LAHORE

Priced out

Of the many problems facing Pakistan at the moment, the state of the economy and the corrective measures being undertaken to fix it are what

concern the common man the most, for that has the most direct and often detrimental impact on them. The PTI government, depreciating the rupee in an abrupt and aggressive fashion, has caused input costs to skyrocket, leading to record inflation. Households can cut down their expenses, tighten their belts, but when it comes to the basics, staple food items for example, there is not much that can be done.

Wholesale vegetable markets have hiked prices of onions and tomatoes from Rs90 up to Rs300 per kg respectively, forcing smaller vendors in the city to sell at higher rates. Chicken and other meat has become a luxury for the lower income groups. The price hike is partially seasonal, while some of it can also be attributed to supply side problems. Nonetheless, a serious food affordability problem has now set in. The government has attempted to provide some relief in the form of placing price controls at markets but that practice can only achieve so much. Vendors who are genuinely applying fair cost-plus pricing might be unfairly penalized by the government. That is not to say that the government should not crackdown against hoarders looking to make a quick profit. But it needs to do more to provide relief, as much of this is the result of the government's economic policies, which have inflicted a financial crunch on the common man. The PM simply directing his cabinet to enforce government prices is not enough.

Azfar Siddiqui
LAHORE