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Class, Subjectivity, and the Political in Pakistan: Bridging the Practice-Theory Divide in Comparative Political Theory

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DECLARATION OF ORIGINALITY

This thesis does not contain material which has been accepted for any other degree in any university. To the best of my knowledge, this thesis contains no material previously published or written by any other person, except where due reference is given within. This comprises only original work toward the degree of PhD – Arts. This thesis is fewer than the 100,000-word limit in length.

A stylized, handwritten signature in black ink, consisting of two rows of three 'X' characters each, with some overlapping and flourishes.

3rd June 2019

Hamza Bin Jehangir

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Abstract

In recent times, comparative political theorists have issued a call for pluralising political theory by going beyond the discipline's primary reliance on the canon of western political thought. A key feature of this call has been to furnish new methods of studying non-western intellectual traditions with a focus on texts and their interpretation. This thesis supports the call for comparative political theorising but critically engages with methodological debates within comparative political theory (CPT). This thesis problematises the analytical focus on texts within CPT by challenging the predominance of textual scholasticism in comparative theorising. Consequently, this thesis argues for a greater focus within comparativist circles on real-world politics, practices, actions, protests, and lived experiences as tied to different subjectivities in post-colonial contexts. In particular, the thesis outlines, and makes the case for, a practice-based approach to CPT by drawing on fieldwork conducted amongst middle class lawyers in Pakistan who took part in the Lawyers' movement (2007-2009). The thesis critically unpacks practices which underpin constructions of subjectivity within the Lawyers' movement by drawing on stories, narratives, and lived experiences of lawyers who participated in the movement. Specifically, the thesis investigates meanings that lawyers attach to their participation in protests and delineates the limitations associated with idealisation of the rule of law, and subsequent imaginations of the political, in post-colonial Pakistan. The thesis concludes by outlining the contributions that a practice-based approach can make to the broader field of CPT by charting the advantages of going beyond binaries of 'East' and 'West' as well as 'Western' and 'Non-Western' to critically engage with relations of power that manifest themselves in real-world politics and constructions of the political in post-colonial settings.

Introduction

In one of his essays titled, *Crisis of Civilisation*, India's famous poet Rabindranath Tagore (1941: 212) writes that all his admiration for radical liberalism epitomised by speeches of John Bright has faded away in light of "the utter and contemptuous indifference of a so-called civilised race to the well-being of crores of Indian people". Thinkers like Tagore have been traditionally ignored in political theory due to disciplinary power of western political thought. However, an emerging subfield of political theory, comparative political theory (CPT), has taken on the established dominance of western political thought within political theory. Over the past twenty-five years, comparative political theorists have made issues of civilisational difference, cross-civilisational dialogue, non-western political thought, tradition, modernity, conceptual comparisons, and East-West dichotomy a central concerns of their enterprise (Dallmayr 1996; 1998; 1999; 2002; 2004; 2009; Euben 1997; 1999; 2002; 2006; Jenco 2007a; 2007b; 2010; 2015; 2016; Godrej 2006; 2009a; 2009b; 2011; 2012; 2015; 2017; March 2007a; 2007b; 2009; 2011; Iqtidar 2016; Parel and Keith 1992; Little 2018; Bashir 2012; Thomas 2010; Idris 2016; 2018) This is not to imply that political theory had previously operated in isolation from questions of difference writ large. A cursory look at the canonical figures of western political theory reveals that problems of otherness and difference are recurring themes in works of figures like Habermas, Heidegger, Marx and Hegel (Habermas 1998; Heidegger 1996; Marx 1994; Hegel 1977). So, what makes the subfield of CPT different from existing discussions of difference and otherness within traditional political theory?

Comparative political theorists take their aim at the west-centric nature of traditional political theorising. The west-centric nature of political theory, according to comparative political theorists, is best exemplified by the classification of political theory as a monologue of political theory from Plato to Marx (Dallmayr 2004). Comparative political theorists argue that theoretical discussions within political theory often resemble a monologue between western philosophers and thinkers without any room for a serious space for, or dialogue with, non-western thinkers. Following from this observation, one of the key claims that CPT scholars forward is that there is a need to expand the field of political theory in order to create space for other intellectual perspectives emerging from diverse locations such as China, India, Egypt, Korea and Iran to name a few (Jenco 2007a; 2007b; Godrej 2011; Kang 2014; Euben 1999; Saffari 2017).

Early scholars of CPT stressed that the need to expand political theory as a field is also tied to empirical developments in shape of newly emerging problems and issues associated with increased intercultural contact in an era of globalisation (Dallmayr 2004; Euben 2002). One of the key figures in this move was Fred Dallmayr (2004) with his work on CPT and dialogue across civilisations. Alongside Dallmayr (2004), Roxanne Euben's (1999) scholarship on Islamic fundamentalism and modernity also became a key point of take-off for comparative political theorists looking to rescue the non-western other from pejorative theorising that reduced perspectives such as those that reduced Islamic movements to a functionalist analysis. A key point of these interventions in the field of political theory by early comparativists was also to challenge the often isolated and abstract nature of political theorising, in order to make political theory relevant to real-world concerns (Dallmayr 2004; Ackerly and Bajpai 2017). However, their interventions into political theory remained tied to textual forms of analysis that took texts as the main unit of analysis for comparative political theorists (Dallmayr 2004; Euben 1999; Parel and Keith 1992; Jenco 2007a).

Recent scholarship within the subfield of CPT has come to coalesce around central themes of modernity, conceptual comparisons, and problematisation of the East-West dichotomy (El Amine 2016; Little 2018). One of the defining features of CPT thus far has been the willingness of comparativist scholars to explore interdisciplinary sources and linkages in order to bolster the practice of political theory (Dallmayr 2004; Ackerly and Bajpai 2017). This willingness is evident in Euben's engagement with comparative politics in her early work on CPT as well as more recent scholarship by the likes of Holman (2017) and Godrej (2011) who have made the case for broader engagement between anthropology and CPT. The enterprise of CPT raises some important methodological and analytical questions. How can we make political theory more inclusive by bringing in non-western perspectives? What sort of perspectives can be taken as representations of non-western intellectual traditions? What role does comparison play within CPT? How can we engage in the practice of theorising with comparison within the disciplinary confines of political theory given the academic power of western political thought? What is the relationship of CPT to the rest of the discipline, especially if comparative political theorists are interested in challenging dominant understandings of the political?

Aims, Objectives, and Research Questions

This thesis takes the interest of comparative political theorists in non-western contexts and perspectives as a way of expanding the discipline of political theory as its starting point. This thesis also takes the interest of comparative political theorists in making political theory more relevant to our times by questioning the dominant methods and frameworks within political theory as its default background. To elaborate, in this thesis, I build on exciting scholarship accomplished under the banner of CPT to intervene in methodological and normative debates that inform comparative theorising (Dallmayr 2004; Euben 1999; Jenco 2007a; Ackerly and Bajpai 2017; Little 2018; El Amine 2016). *My first aim is to challenge certain trends within comparative political theory that grant supremacy to textual traditions from non-western contexts as a way of expanding the canon of political theory.* In other words, comparative political theorists have had an overwhelming textual focus in their approach towards non-western contexts (Dallmayr 2002; 2004; Euben 1999; Parel and Keith 1992; Jenco 2007a; Godrej 2011; March 2009; Saffari 2017). This textual focus is problematic not only because it reduces the vocation of political theorising to the study and analysis of texts but also in terms of granting authority to texts as representative units for particular non-western traditions. In this respect, comparative political theorists have largely operated with a text-centric methodology where non-western texts are taken to be the primary units of analysis. I claim that a text-centric methodology has serious implications for CPT in terms of privileging texts even though these texts might appear to be marginalised in reference to dominant traditions within western political thought.

To put it simply, the marginality of someone like Gandhi or Qutb vis-à-vis canonical figures like Hobbes and Marx does not automatically imply that the former can now be considered as uncontested representatives of non-western traditions and modes of life. This is particularly the case in non-western contexts where power dynamics associated with class, gender, race, caste, and post-coloniality manifest themselves in intersecting ways in daily lives and practices of non-western and post-colonial subjectivities. In other words, a text-based emphasis within CPT actually creates tensions between aims of increasing real-world relevance and efforts to make political theory more inclusive. So how can comparative political theorists move away from a text-centric approach towards comparative theorising while also challenging dominant methods of political theorisation in the discipline whilst increasing the real-world relevance of political theory?

One of my key arguments in this thesis is that comparative political theorists can move away from a text-centric methodology towards a practice-based CPT through an engagement with real-world practices, discourses, protests and actions that shape non-western subjectivities. A focus on practices and their relationship with the construction of subjectivities allows comparative political theorists to move away from a mode of theorising that automatically presumes that texts are the default unit of analysis for political theorists regardless of whichever context they work in. In making this claim, I echo recent work within CPT that has taken the field beyond textual analysis towards conceptual comparison and shared conditions of modernity (Little 2018; El Amine 2016). Furthermore, my advocacy for a practice-based form of CPT also draws inspiration from broader trends within political theory where post-structuralists, realists, and pragmatists have called into question the dominance of (western) ideal and abstract theory in the discipline (Chin 2016; Little 2015; Finlayson 2015; Tormey 2015; Geuss 2008; Galston 2010).

However, what differentiates my approach to comparative political theorising from Little (2018) and El Amine (2016) is the emphasis on practices and their relationship to subjectivity in conditions of post-colonial modernity. *This brings me to the second aim of this thesis which is to furnish a critical account of post-colonial subjectivity that emerges via engagement with real-world practices, discourses, actions, protests, processes of power alongside institutions of the modern state.* In order to furnish a critical account of post-colonial subjectivities, I draw on fieldwork conducted in Pakistan amongst lawyers who participated in the Lawyers' movement from 2007-2009. The Lawyers' movement emerged in response to the unconstitutional suspension of the Chief Justice of Pakistan Iftikhar Chaudhry by the Chief of Army Staff, and the President of Pakistan, General Pervez Musharraf. The lawyers launched "*Adliya Bachao Tehreek*" Save the Judiciary Movement (hence forth referred to as the Lawyers' movement) and demanded the resignation of Pervez Musharraf from his post as the President and the Chief of Army Staff along with a reinstatement of Iftikhar Chaudhry to his post as the head of the judicial branch of government (Phelps 2009; Shafqat 2018). The movement called for change underpinned by demands centred around establishing constitutional supremacy and the rule of law in Pakistan along with the reinstatement of the Chief Justice of Pakistan (Ahsan 2009). Following two years of protests by the lawyers combined with boycott of superior courts in Pakistan, Iftikhar Chaudhry was reinstated to his official position as the Chief Justice and Musharraf resigned

as both the Chief of Army Staff and the President due to a threat of impeachment following federal elections in 2009.

I draw on a practice-based model of CPT (developed in chapters 1-3) to investigate the relationship between subjectivity, practices, discourses, and protests that shaped the lived experiences and self-understandings of middle-class lawyers in Pakistan. I undertake my inquiry into the relationship between subjectivity and various political practices by focusing on the ways in which lawyers who participated in the Lawyers' movement framed and understood their participation. In other words, I explore what sort of lived experiences and self-understandings underpin participation and protest in the Lawyers' movement? What aspirations, desires, and subjectivities come into picture through these experiences? What sort of power relations do such lived experiences expose, secure, reproduce, and challenge? How do self-understandings of protesting lawyers and their emotional dimensions produce a specific view of the political? How does this view of the political imagine state-society relations and finally, what are the implications of imagining the political as tied to the rule of law and constitutional supremacy? My broader analytical objective in asking these questions is to operationalise a practice-based view of CPT which explores the relationship between practices and political subjectivity in post-colonial contexts.

However, two interrelated points of clarification are in order here. First, my emphasis on post-colonial subjectivities and their specific formation in relation to practices of self-representation is not just limited to providing a thick anthropological account of lived experiences. Rather, the ambition is to critically engage and unpack the consequences of these experiences for broader conceptions of the political especially when they relate to idealised visions of the rule of law. Second, the emphasis on lived experience is not just significant for purposes of offering a critique of existing practices but also significant for analytical reasons. For political theorists, lived experiences of real-world political actors and the ways they constitute themselves, serve as illustrations of how the political is constructed via our experience of being in the world. The ideas, assumptions, and imaginations underpinning lived experiences allow political theorists to create nuanced connections between different forms of political thought and real-world instantiations of ideas contained within these forms of thought.

Thesis Outline, Arguments, and Chapter Breakdown

This thesis is divided into two parts. The first half of the thesis consists of three chapters. In the first chapter, I provide an overview of the scholarship in CPT. As mentioned earlier, there has been an overriding concern in CPT circles with issues of textual analysis ranging from discussions around questions such as which methods are appropriate in order to engage with texts from non-western traditions? How can these methods be deployed in order to guard against the universalistic tendencies of certain traditions within western political thought? What makes a particular text ‘non-western’ and therefore unique so as to require a reflection on method itself? In the first chapter, I engage with such questions by problematising the textual focus of CPT scholars. In undertaking this effort, I draw on a wide range of literature from within CPT ranging from early works of Keith and Parel (1992) to recent interventions by Jenco (2016) and El Amine (2016).

My aim in the first chapter is to problematise two trends within CPT scholarship. First, I question the usefulness of an emphasis on texts and tradition at the cost of real-world practices and power to create space for a practice-based CPT. My point in questioning the textual mode of analysis that is dominant within CPT is not to argue for a complete rejection of text, for that would be a nigh impossible and unproductive task in the discipline of political theory. Rather, my point in problematising the emphasis on texts is to create space for a methodological intervention in CPT through an engagement with real-world practices and actions in non-western contexts. Second, in the same chapter, I also bring into question a privileging of radical difference and orthodoxy of non-western traditions amongst certain sections of CPT scholarship (Godrej 2011; March 2009). The privileging of difference leads towards troubling conclusions where radical difference between western political thought and certain non-western thinkers, like Gandhi, is posited as a mark of otherness. I question the analytical validity and normative value of terms like radical otherness in light of the relationality between different contexts that inevitably result in instances where ‘western’ ideas have become a part of the political imaginary in ‘non-western’ contexts.

In the second chapter, I build on the limitations identified within a methodological emphasis on texts and radical otherness in CPT. In this chapter, I make the case for a methodological approach to CPT that does not take texts as its primary units of analysis. The second chapter thus unpacks the contents of a practice-based CPT. I explain the methodological argument for

a practice-based CPT by highlighting how a focus on practice allows comparative political theorists to work beyond a simplistic East-West binary and an unnecessary privileging of radical otherness. In particular, I locate the need for a focus on real world actions, practices and discourses as a way of challenging certain dominant forms of theorising within traditional political theory. These dominant forms of theorising consist of works that universalise assumptions within western political thought to non-western contexts by utilising a transcendental view of the subject connected with a conception of politics that is located within the liberal-rationalist paradigm. In the second chapter, I also engage with the ‘situated’ turn in political theory that has taken aim at the dominance of abstract and ideal theorising. My engagement with the situated turn is directed towards creating a conversation between comparative political theorists and scholars of the situated turn to highlight ways in which comparative political theorists can work with other subfields of political theory to challenge dominant methodologies within the discipline. However, my point in highlighting the possibility of interdisciplinary engagement is not to dismiss the relevance of CPT but rather to show how CPT’s aims of challenging the universality of western political thought can be put into action through an emphasis on context and situated-ness of practices.

In chapter two, I also clarify the place of the comparative moniker in practice-based CPT by highlighting the contested space and meaning that comparison occupies in comparative political theorising. I elaborate that practice-based CPT rejects calls for taking internal comparison based on parallelism as a minimal benchmark for doing comparative political theorising. In contrast to traditional notions of comparison, offered by the likes of March (2009), practice-based CPT follows Idris (2016) and Vacano (2015) in understanding the comparative moniker as signifying an internal critique of the discipline of political theory whilst also reviving the comparative spirit of theorising against trends in the discipline which are informed by supremacy of deontological principles.

Chapter three of this thesis carries forward the methodological task of introducing a practice-based CPT. In this chapter, I explain the methodological basis for this thesis by engaging with the following questions; how can we *do* practice-based CPT? What sort of methodological tools can we utilise to study practices in post-colonial and non-western contexts? How do these tools fit against concerns of comparative political theorists regarding universalising tendencies within western political thought? Is there room for interdisciplinary engagement between comparative political theorists and other disciplines which are also

concerned with the imperial history of political thinking, such as anthropology? If so, where does this leave the vocation of political theory in light of the challenges posed by CPT? Finally, how can methodological tools such as ethnography be utilised to engage in political theorising whilst being cognisant of the normative and engaged nature of comparative political theorising? In light of these questions, chapter three of this thesis explores the usefulness of ethnography as a methodological tool for practice-based CPT.

In undertaking this exploration, I draw on recent work within political theory that has engaged with the possibility of ethnographic work in the discipline. In particular, I argue that ethnographic methods can be used to question the relevance and power of traditional political theory on ontological and empirical grounds by engaging with lived experiences, practices and subjectivities in non-western contexts. My primary point in advocating for an ethnographic approach to practice-based CPT resides in the role that ethnographic tools can play in terms of supplementing concerns of comparative political theorists regarding the dominance of liberal-rationalism within political theory.

In chapter three, I also outline the critical aspects of practice-based CPT. Drawing on work of Foucault (1978; 1982; 1984), I argue that practice-based CPT is not just about giving an account of non-western practices but rather consists of critical engagement with practices and their consequences. I further claim in this chapter that comparative political theorists must not limit the normative range of their enterprise to an internal critique of dominant methods within political theory but also extend this critique to their subject-matter, i.e., non-western perspectives themselves. In context of the subject matter of practice-based CPT, I claim that it is crucial to unpack the limitations as well as the implications of various practices deployed by non-western subjectivities and actors in terms of their consequences for the political. In making these arguments, I emphasise the importance of critique for comparative political theorists without privileging the universalism often associated with critical traditions emerging from enlightenment thought.

The first three chapters of this thesis constitute the development of a methodological approach to CPT that outlines the need to pay attention to lived experiences and practices in post-colonial contexts rather than just taking non-western texts as our default units of analysis. The first three chapters of this thesis also form the methodological background and framework for the second part of my thesis where I put into practice, a practice based

approach to CPT. However, before I proceed further, it is important to clarify that I do not claim that this thesis exhaustively operationalises a practice-based approach to CPT for that would be too expansive for a humble doctoral project and remains to be explored through other works which might take on the spirit of practice driven approach to comparative theorising.

In the second half of this thesis, I operationalise a practice-driven mode of comparative theorising through fieldwork conducted amongst middle-class lawyers in Pakistan who participated in the Lawyers' movement to safeguard the judiciary from 2007-2009. The operationalisation of a practice-based approach to comparative theorising is conducted through engaging critically with lived experiences and practices of middle-class lawyers whilst also locating how these lived experiences construct a specific view of the political. Moreover, the second half of the dissertation also retains its commitment to a conception of comparative theorising as an internal critique of political theory. This is achieved through various analytical moves such as historicising discourses of modernity amongst middle class subjectivities in chapter four, outlining the significance of story-telling as communicative devices for political theorists in chapter five, and delineating limitations associated with the prevalent mind – body distinction in understanding emotions in chapter six along with the problematic idealisation of the rule of law in social contractarian traditions of thinking about politics.

The second part of this thesis consists of chapters four, five, and six. Chapter four of this thesis provides a historical context for the emergence of middle-class subjectivities and their practices in Colonial India. In chapter four, I outline the historical context for discussion of middle-class subjectivities, their lived experiences and practices as tied to the Lawyers' movement in Pakistan. Chapter four disturbs usual assumptions within traditional political theory regarding the naturalness of progressive ideas and their instantiations through elaborating on the ways in which middle-class subjects in colonial India took part in various practices to engage in debates around modernity, tradition and empire in Colonial India.

In particular, chapter four explores the ways in which middle-class subjectivities took part in public political debate and engaged with discourses of modernity and practices that accompanied such discourses such as production of texts, commentary in order to influence public opinion in Colonial India. In chapter four, I also highlight how middle-class Indians,

such as Sir Sayyid Ahmed Khan, responded to colonial discourses of legitimacy in the shape of appeals to law and order through advocating for modernising traditional beliefs. My point in highlighting these discourses and ways of constituting oneself is tied to conceptualising practices and discourses as primary means of taking part in reproduction of subject-positions in a historical manner. Middle-class subjectivities in colonial India went on to inform and play a significant role in nationalist movements for both India and Pakistan.

For the purposes of comparative political theorising, a historical focus on the constitution of subject-positions allows us to see how ideas considered to be ‘western’ have become part and parcel of self-constitution and the operation of nation-states in non-western and post-colonial settings. In this sense, chapter four operationalises a practice-based view of CPT in order to challenge the simplistic East-West binary within CPT and show the importance of focusing on practices, as tied to contexts, in order to reveal their role in the constitution of subjectivities. Furthermore, it also provides the historical background towards understanding the Lawyers’ movement and in particular, subjectivities that took part in the movement via historically locating the sources of self that inform South Asian politics.

Chapter five of the thesis directly engages with the lived experiences, demands, practices, anxieties, ways of engaging with public life amongst lawyers who participated in the Lawyers’ movement. In chapter five, I unpack the practices and discourses through which lawyers justify their participation in the movement within the historical context of post-colonial Pakistan. In this chapter, I begin by giving a brief historical overview of the Lawyers’ movement before situating my analysis at the intersection of class, gender, and post-coloniality to critically engage with subject-positions of my research participants. In chapter five, I draw on stories and narratives of participation amongst lawyers, along with articles from English language newspapers in Pakistan, to highlight the ways in which post-colonial subjectivities take part in their own reproduction through framing experiences of participation in the Lawyers’ movement. My aim in unpacking the processes and practices through which subject-positions emerge and stake a claim in political life is to show the usefulness of focusing on practices of story-telling and imagination as tied to lived experiences. Therefore, chapter five of the thesis contributes towards undermining dominant rationalist methodologies within political theory by bringing to light the role that practice-based CPT can play in undertaking contextualised analysis that is open to intersecting vectors of power through which post-colonial subjectivities become visible.

Chapter six of the thesis builds on the lived experiences and self-understandings of lawyers to engage with practices of emotion, governmentality, and idealisations of the rule of law in processes of collective identification, formation of institutional allegiances and subsequent imaginations of the political as tied to post-colonial subject formations. In chapter six, I engage with the recent focus towards emotion in political theory, anthropology and sociology to unpack the ways in which emotions can be understood as practices of judgement. My aim in taking emotions as practices in chapter six relates to the ways in which lawyers who participated in the Lawyers' movement would often refer to their anger at the lack of procedure and rule of law in Pakistan. Emotions such as anger then become a powerful tool for collective identification but more importantly they prompt us to question the absolute supremacy of cognition and ideas within our understanding of political thinking.

In chapter six, I also problematise an imaginary view of the political that emerges through idealisations of the rule of law amongst middle-class subjectivities. My aim in undertaking such problematisation is to pose critical questions regarding the discourse of legitimacy which idealises the rule of law. As a part of this problematisation, I engage with the limitations of middle-class politics via juxtaposing it against notions of political society as developed by post-colonial theorists like Partha Chatterjee (2004; 1993) along with conceptions of governmentality and bio-power as expounded by Foucault (2009; 2008). Consequently, chapter six contributes towards the operationalisation of practice-based CPT by showing the value of treating emotions and practices of governance as constitutive of subjectivity. In doing so, chapter six contributes to the broader subfield of CPT through engaging with formations of the political in non-western contexts whilst also challenging the dominance of ideas and social contractarian view of politics within political theory.

Methods, Positionality, and Data Collection

The methodological orientation of this thesis takes inspiration from a combination of scholarship within CPT along with post-structuralist and interpretivist strands in political theory. Ackerly and Bajpai (2017: 270) outline two key interests which inform CPT. First, they claim that CPT is driven by an effort to encourage better engagement with non-western political thought within mainstream political theory. Second, Ackerly and Bajpai (2017) note that another aim of CPT is to enhance lived world relevance of political theory by drawing on

a repertoire of methods from anthropology and history along with other empirically informed disciplines.

Ackerly and Bajpai (2017) also highlight that there are various ways of *doing* CPT divided along the lines of normative-analytic, critical, historical, and interpretive. The normative-analytic mode of CPT is associated with an engagement with non-western political thought informed by efforts to “construct normative arguments that are sensitive to the gap between ideal principles and social reality” (Ackerly and Bajpai 2017: 278). The historical mode of CPT is identified as primarily consisting of the study of non-western texts with an aim to redeem non-western thinkers, traditions and attendant concepts through debates around issues of resemblance and difference between western and non-western thought (Ackerly and Bajpai 2017: 278-281).

The interpretive mode of CPT is delineated as one that is directed towards understanding “meaning-making practices”, challenging the assumption that political theory must be prescriptive and normative whilst also advancing our understanding of the present as tied to political processes and political experiences of non-western contexts (Ackerly and Bajpai 2017: 282-284; Weeden 2002). Finally, the critical mode of CPT is a form of grounded political theory that takes up a methodological focus on “the study of elite and non-elite actors, of canonical and non-mainstream texts, of texts and the actions and aspirations of those in struggle” (Ackerly and Bajpai 2017: 285-286).

This thesis draws its methodological sustenance from these two aims of CPT outlined in Ackerly and Bajpai’s (2017) overview of the subfield. In this thesis, I take on the above mentioned dual aims of CPT, i.e., in terms of engaging with non-western perspectives within mainstream political theory along with utilising methods and resources from anthropology, sociology, and history to increase real-world relevance of political theory. However, the methodological spirit of this thesis differs from the emphasis on non-western political ‘thought’, narrowly understood as the study of non-western texts and traditions, and binaries of elite and non-elite division used to delineate critical and interpretive strands within CPT. My primary reason for moving away from adopting a text-centric methodological framework is tied to an effort to expand the field of CPT by bring in non-western perspectives via focusing on practices and discourses that shape subject-formation and self-understandings of post-colonial subjectivities.

Through focusing on the relationship between practices and subjectivities, this thesis shares the methodological grounds that underpin Ackerly and Bajpai's (2017: 273) characterisation of CPT as also defined by an effort to “enhance lived-world relevance of political theory”. Second, the methodological impulse of this thesis is characterised by an aim to move beyond the East-West, West and non-West, elite and non-elite dichotomies to look at how these distinctions are actually discursively constructed via processes of power, identification and articulation of different self-understandings in real-world settings. Here my point is not to deny that the power of the West or the usefulness of the category of elite and non-elite. Instead, the methodological purpose of this thesis is to take CPT beyond these dichotomies to engage with practices of subject-construction and self-representation in post-colonial contexts amongst those who might be considered in the ‘middle’ of elites and non-elites.

The focus on those in the ‘middle’ in this context does not emerge as a neutralising analysis that methodologically glosses over ways in which “marginalisation differs whether due to race, religion, ethnonationality, language, sexuality or perceived sexuality” (Ackerly and Bajpai 2017: 285). Rather, as I show in the second part of this thesis (chapters 4-6), an emphasis on practices of expression and self-understandings of different subject positions in post-colonial contexts allow us to understand how subjectivities come about through the interplay of various vectors of power associated with class, gender, and post-coloniality. Therefore, the methodology of this thesis straddles both interpretative, and critical ways of doing CPT by engaging with practices and processes through which one can understand the meaning-making exercises of lawyers who participated in the Lawyers’ movement in Pakistan.

Through engaging with lived experiences, narratives and practices that shaped participation in the Lawyers’ movement, I draw on an interpretivist methodology that “begins from the insight that to understand actions, practices and institutions, we need to grasp the relevant meanings, the beliefs and preferences of the people involved” (Bevir and Rhodes 2004: 1; Bevir and Rhodes 2010). In this thesis, I combine the interpretivist focus on beliefs and meanings with ethnographic tools along with the post-structuralist emphasis on the presence of power within social and political fields that play a constitutive part in shaping different practices of meaning-creation and expression (Foucault 1978; 2003; 2008; 2009; Mouffe and Laclau 2001; Laclau 2005).

This is where the concept of subjectivity becomes important as it functions as an analytical frame through which one can understand and make sense of the processes through which a subject comes to occupy and reproduce particular attitudes towards political life, social relations, conceptions of legitimacy, and collective existence. This process is embedded in discursive social and historical formations that are held together through relationships of power. The concept of subjectivity stands in contrast to the apolitical and asocial transcendental subject, which is posited as a rational agent existing prior to functions of power. Foucault's (1980: 98) characterisation of the individual subject is useful in this regard in terms of clarifying the relationship between power and subjectivity: "The individual is not to be conceived as a sort of elementary nucleus, a primitive atom, a multiple and inert material on which power comes to fasten or against which it happens to strike, and in so doing subdues or crushes individuals. In fact, it is already one of the prime effects of power that certain bodies, certain gestures, certain discourses, certain desires, come to be identified and constituted as individuals".

A methodological emphasis on interpretivist tools combined with post-structuralist insights into power and its role in constitution of subjectivity allows me to argue for a practice-based approach to CPT (chapters 1-3). The practice-based approach to CPT that takes on lessons from critical and interpretivist approaches within CPT but also expands the scope of CPT itself beyond thick description and recuperation of non-elite voices towards critical engagement with 'middling' and 'elite' voices. To put it differently, the practice-based approach to CPT, which forms the methodological contribution of this thesis, builds on interpretivist, ethnographic methods but also introduces critical engagement with the subject-matter of CPT. A practice-based CPT combines interpretation with critique to show the implications and consequences of different meaning making exercises and modes of self-understanding in relation to the political. Furthermore, practice-based CPT takes the enterprise of comparative theorising beyond binaries of East-West and abstract questions of similarity and difference to look at real-world practices and their implications for how parameters are drawn around the political.

This thesis is based on data collection through ethnographic methods such as detailed interviews and fieldwork observations combined with English language newspaper articles in Pakistan, Supreme Court of Pakistan's decisions and press releases alongside historical and

textual resources from political theory and South Asian history. The fieldwork for this thesis was carried out between August 2016 – February 2017 in the cities of Lahore, Islamabad, and Rawalpindi in Pakistan amongst lawyers who took part in the Lawyers’ movement. I conducted a total of 33 interviews with middle-class lawyers with the aim of understanding the meanings that they attached to their participation and protests in the Lawyers’ movement. The names of all research participants have been anonymised and all translations from Urdu to English are my own.

In the second part of this thesis (chapters 4-6) I draw on fieldwork interviews to give an account of various ways in which lawyers framed their struggles, attached meanings to their participation and also expressed their self-understandings of why they were taking part in the movement. The interviews that I conducted were based on an open format where I allowed my research participants to lead the narrative to those ideals, incidents, events, controversies that shaped their decisions to protest and participate in the movement. For example, lawyers would often stress the importance of the rule of law, constitutional supremacy, and procedural forms of justice as those that inspired the movement. In addition, lawyers would frequently remark on how angry they felt at the lack of procedure involved in Musharraf’s decision to abrogate the 1974 constitution, declare an emergency and dismiss the judiciary in Pakistan. My research participants would also relate this anger to the ways in which Pakistan is often characterised as lacking the rule of law due to the prevalence of corruption as well as a lack of merit and procedure. I engage with these narratives in the second half of this thesis then to develop a critical account of post-colonial subjectivities. This account is furnished through a methodological framework of practice-based CPT, outlined in the first half of the thesis.

In summary then, this thesis takes its methodological cues from critical and interpretative methods within CPT. In line with the overarching spirit of CPT, this thesis is interdisciplinary in nature. In order to make the case for taking practices seriously within CPT, I draw on literature from post-colonial theory, anthropology, sociology, and history to push at the boundaries of disciplinary conventions within CPT and political theory more broadly. Ackerly and Bajpai (2017) highlight that CPT methodologically expands the “notion of text” to engage with debate and action. This thesis does not directly expand the notion of text but rather makes the case for a practice-based approach to CPT. The practice-based approach to CPT does not take texts alone as the primary unit of analysis but rather expands the scope of

CPT by bringing in practices and lived experiences from post-colonial contexts. The focus on practices and lived experiences also brings political theory closer to real world issues which stands in line with Bajpai's (2011), Freedman's (2007: 2) and Ackerly and Bajpai (2017) emphasis on "real world forms of political thinking".

Finally, it is important here to give a brief account of the position from which I approach the subfield of CPT and the discipline of political theory in general. I come to the field of political theory from a position of post-colonial heritage. Simply put, as a citizen of Pakistan and someone who grew up there, my interest in political theory and specifically, CPT emerges through a dissatisfaction with liberal and rationalist ways of understanding politics dominant within political theory. My academic journey into political theory started with an introduction to 'classics' of Locke, Hobbes, and Rousseau. As I familiarised myself with these canonical texts I often felt the deep dissatisfaction that these figures were not talking to me. In other words, I felt a disconnection between where I was living and what I was reading. Earlier in my academic career, I wrote this off as my inability to really make sense of canonical thinkers, thinking of them as great thinkers whose argumentations and machinations were simply beyond the intellectual reach of someone from the proverbial 'third world'.

However, this particular self-justification fell to pieces as I started reading postcolonial, critical and feminist theories. These particular modes of thought within western academia gave me confidence to question the assumed universality and canonicity of 'big' thinkers in political theory. Furthermore, they also made it possible for me to gain a better understanding of my own position in the world and how that impacts the way one conceptualises questions of collective existence in an increasingly globalised world but one where "remains of the past weigh like a nightmare on the brains of the living" in both white settler liberal democracies and postcolonial polities of the south (Marx 1963:15). My introduction to CPT five years ago motivated me to embark on a doctorate because of the challenges that CPT scholars posed to mainstream political theory.

These challenges, coupled with the possibility of methodological plurality and aims of bringing political theory in touch with lived experiences of 'non-western' people, forms the background to my doctoral project and also informed my decision to conduct research in Pakistan. Ackerly and Bajpai (2017: 292) describe the potential of CPT to enable us "to

deepen our reflections about what we mean by ‘we’ when ‘we’ as theorists engage in an ethical and political reflection”. The ‘we’ of political theorists often times working within academia operate with the perspective of we, i.e., the West, distinguished against the non-western Other. But the insistence of comparative political theorists like Ackerly and Bajpai (2017) on bringing into question the very ‘we’ that underpins theory allows for a methodological reversal of the self and the other. In other terms, the ‘we’ in this thesis takes post-colonial and non-western contexts to be the self rather than the other. It is from this perspective that I engage with the activity of political theory in this thesis.

Chapter 1 – Comparative Political Theory: Methodological and Analytical Divergences

What can political theorists do to dislodge universalist understandings of politics? What methods can we use to counter the universalising aspects of western political thought? Can these methods lead to us a better understanding of politics in non-western contexts whilst accounting for the relationships of power between the West and its others? These questions go to the heart of the vocation of political theory and force us, as political theorists, to self-reflect on the value of theorising, the purpose of theorising and the method through which political theorising takes place.

In this chapter, I critically engage with these questions, through the sub-field of comparative political theory (CPT), in order to create grounds for the methodological framework for this thesis. In this chapter, I aim to make the case for an approach to political theory, which is practice-based in method and comparative in scope. This approach is situated within the field of CPT but this does not mean that I take CPT as an unquestionable framework to conduct my inquiry. Rather, as I will show, I aim to problematise assumptions of comparative political theorists when it comes to their focus on intellectual traditions and texts outside of the West, as well as, their normative aims of constructing civilisational dialogues through the hermeneutical lens. Therefore, this chapter proceeds in three separate sections.

In the first section, I provide an overview of the aims and motivations that underpin the subfield of CPT. I outline various reasons forwarded by comparative political theorists for the establishment of the subfield of CPT, ranging from conditions introduced by processes of globalisation to the need to expand the canon of political theory. In the same section, I engage with debates amongst CPT scholars on motivations underpinning these reasons such as building inclusive forms of universality and initiating dialogue across civilisations. In the second section, I provide a review of methodological discussions that have informed CPT scholarship. These discussions revolve around questions such as; how to study non-western texts, how to create dialogues across traditions, and also how political theorists can take equip themselves appropriately for understanding radical otherness in non-western texts and traditions. In the third section, I problematise the almost exclusive textual focus of comparative political theorists and argue that this focus stands in tension with their emphasis on radical otherness/difference as a justification for comparative theorising, and the aims to

build a more inclusive form of universality for cross-cultural dialogue, understanding, and learning. I problematise these particular features of comparative scholarship in order to create a rationale for introducing a practice-based approach to CPT in the next chapter.

Comparative Political Theory – Aims and Motivations

In recent years, CPT has gained prominence in the broader field of political theory and the discipline of political science in general. This prominence is due to the impressive amount of scholarly work accomplished under the rubric of CPT in Indian, Islamic, Korean and Chinese political thought as well as the cross-civilisational dialogue and the East-West problematique (Kang 2014; Carlson and Fox 2013; Shogimen and Nederman 2009; Holmes 2003; Godrej 2006; 2009a; 2009b; 2011; Jenco 2007a; 2014; 2015; 2016; Euben 1997; 2002; Dallmayr 2001; 2004). CPT scholars argue that traditional political theory has been a monologue because of its absolute reliance on the western canon (Dallmayr 1997; 1999; 2004; Euben 1997; 2002; Parel and Keith 1992). These scholars voice their dissatisfaction with the western monopoly over understanding the political by contending that political theory is about “human and not merely western dilemmas” (Euben 1997: 9; Dallmayr 2004).

Comparativists argue that the exclusive reliance on the western canon, within the discipline of political theory, has produced scholarship, which has more often than not assumed that, “western texts are the products of universal reason itself” (Dallmayr 1997; Parel and Keith 1992: 11). Comparative political theorists thus contend that political theory should be made more inclusive by expanding the disciplinary focus beyond traditional western political thought to include non-western perspectives (Parel and Keith 1992, Dallmayr 1999; 1997; 1998; 2001; 2002; 2004, Euben 1997; 1999; 2002; 2006, Godrej 2009a: 2009b; 2011, March 2009, Bashir 2012).

This main contention put forward by comparativists raises three primary questions regarding the method, purpose and usefulness of comparative political theorising. Why should political theorists go beyond the familiar in shape of Aristotle, Plato and Marx to read the unfamiliar in Gandhi and Sayyid Qutb? What makes Gandhi so uniquely non-western and renders Aristotle as utterly western? Furthermore, it also begs the question as to why should we be turning to non-western intellectual traditions in the first place? What is the overall purpose of comparative theorising that will be served by the inclusion and interpretation of non-western texts? Moreover, if CPT is centred on giving non-western intellectual traditions an equal

place at the table of political theorising, then which non-western traditions do we select and how? Lastly, which methods should we employ to understand these intellectual traditions whilst being rigorous in our theorising and cognisant of the Eurocentric nature of preferred methodologies in political theory in particular and political science in general?

All comparative political theorists share the aim of questioning and providing alternate ways of theorising to the assumed universality of western political thought. This shared scepticism of false universalism does not however imply homogeneity of purpose and method within the rapidly growing subfield of CPT. Early proponents of CPT like Parel and Keith (1992: 14) locate comparative political theorising as a critical response to the forces of modernity by drawing on those non-Western thinkers that question the “anti-traditional and universalistic pretensions or assumptions of modern western philosophy”. They define the comparative study of political theory as a search for similarities between western and non-western intellectual traditions. These scholars advocate for a search of equivalences between different philosophical traditions in the West and the non-West (Parel and Keith 1992: 11).

Parel and Keith (1992) argue that it is the presence of similarities between western and non-western intellectual traditions that actually makes comparative theorising possible. They claim that the similarities between notions such as *dharma* in Indian political thought and the pre-modern concept of natural justice are examples of these similarities and show that political thought also exists outside of the western canon. Parel and Keith (1992) further stress that the discovery of such similarities produce respect for other traditions as well as inspire a deeper understanding of our own intellectual heritage. These early comparativists reject the possibility of engagement with modern traditions of the western canon because these traditions are based on universalist teleological foundations and do not recognise pre-modern western or eastern philosophical traditions as valid and relevant. This claim underpins Parel and Keith’s (1992: 14) argument that comparison can only take place between “mutually recognised philosophical traditions” from the pre-modern era.

The search for similarities between non-western and western traditions also brings forth a redemptive role for CPT. Roxanne Euben’s (1997) work typifies this redemptive role as she critiques rationalist accounts of Islamic fundamentalist movements for being reductively functionalist. Euben (1999) goes on to show similarities between Hannah Arendt’s critique of modernity and Sayyid Qutb’s criticism of western civilisation. Her excellent work shows how

ideas emerging from non-western contexts, such as those of Qutb, are often treated as a product of larger structural forces rather than taking them as valuable and influential on their own. Euben's (1999) broader methodological focus in her work is to make the case for a CPT, which takes non-western thinkers and traditions seriously, as to engage with them on their own terms rather than reduce them to a structural effect. Roxanne Euben (1999: 10) makes the case for CPT by arguing that the comparative theorising is based on "the possibility that disparate cultures are not worlds apart, morally and cognitively incommensurable, but exist in conversation with one another, even if they have serious moral and political disagreements". The processes of neo-colonial globalisation create this possibility, for Euben, where ideas thought to be associated with the West have now influenced lives of non-western peoples. However, the rationale for conducting comparative theorising and the conditions that make it possible for Euben are not limited to the changes brought about by globalisation. She argues that the spirit of comparative theorising is connected to reclaiming the inherently comparative nature of theory, which is exemplified in Herodotus' account of Solon's journey to Athens.

According to Euben (1999: 11) then, the spirit of comparative theorising has developed over time to signify an "observation of different and often alien lands, institutions, and practices" and demonstrates itself in how "we are always comparing our present to our past, and our present to the present of others to define what we are and have become". She qualifies this take on theory by arguing that such an understanding of theory produces critical self-reflection and leads oneself to question the supremacy of one's own ideals, principles and beliefs. These two primary reasons, i.e., the spread of western ideals to the rest of the world through neo-colonial globalisation and the inherently comparativist spirit of theorising form the core rationale of CPT for Roxanne Euben. She states that CPT is about "problems of living together" by introducing non-western thinkers into conversation with western intellectual traditions, asking contextual questions about the nature of politics and rallying against the "conclusion that cultures are morally and cognitively incommensurable without imposing supposedly universal categories and moral rules" (Euben 1999: 9-10)

The argument against incommensurability of different cultures features prominently in other conceptualisations of CPT and is also deeply connected to the normative aim to finding similarities across cultural, intellectual and geographical boundaries. Fred Dallmayr (2001; 2004) has perhaps done more than any other scholar to lay down the foundations of the

subfield of CPT based on an argument against radical difference along cultural lines. Dallmayr (2001) positions CPT in direct opposition to the clash of civilisations thesis. Although Dallmayr concedes that one cannot discount the possibility of a clash of civilisations, he maintains that CPT's aim is to prevent the clash of civilisations from becoming a "self-fulfilling prophecy". He elaborates, "comparative inquiry places the emphasis on cross-cultural encounters, mutual learning, and (what has been called) dialogue among civilisations" (Dallmayr 2010: xi). This emphasis is accompanied by an intellectual endeavour against Eurocentric assumptions and false universalism of western political thought (Dallmayr 2004). Dallmayr argues that the necessity for a comparative approach to political theory has emerged due to a combination of several empirical developments with normative consequences. He contends that in the aftermath of the events of 9/11, political theorists are forced to ask themselves whether they are in touch with the "burning issues of our time" (Dallmayr 2004: 249).

Dallmayr (2004; 2008) further elaborates that the on-going processes of globalisation and increased intercultural contact necessitate a mode of theorising that works against the false universalism of European enlightenment and emphasises mutual understanding. This mutual understanding and dialogue across civilisations in order to understand one's cultural others are the bedrock for constructing a more inclusive form of universality in Dallmayr's conceptualisation of CPT. In Dallmayr's (2004: 250) view then, comparative political theorists have an extensive normative task ahead of them. This normative task centres on questions about the responsibilities of political theorists, the *political* role of political theory and the aim of constructing a more genuine universalism. He argues that political theory as a vocation, cannot be neutral to questions of the good life and the public good because political theory is always *political*, not just in subject matter, but also in terms of contributing towards the view of a 'good life' (Dallmayr 2008). Consequently, Dallmayr (2008:4) asks comparative political theorists, "as practitioners of CPT, the basic question for us has to be: how does our theorising contribute to, or else detract from, the global public good or the promotion of cross-cultural good life: that is, a life dedicated to global justice, mutual recognition, and (as much as possible) to nonviolence and peace?"

Bashir (2012) also shares Dallmayr's and Euben's emphasis on globalisation, as an analytical challenge and a normative motivation for comparative political theorists. Bashir (2012: 107) understands globalisation as a "catalyst and an agent for broadening theoretical horizons of

the West”. This claim follows his main argument that the non-West has played a key role in defining self-understandings of the West. The linkage between the self and the other is intensified under conditions of globalisation where there is increased intercultural contact between the West and the rest. Furthermore, Bashir argues that the rise and global reach of non-state actors and increase in the economic might of non-western nations has made it impossible for traditional political theorists to ignore the non-West completely.

He contends, “It (globalisation) forces traditional political theorists to recognise the inevitability of non-western systems of ideas into any discourse which claims to find universally applicable/acceptable solutions pertaining to dilemmas faced by human beings in general” (Bashir: 2012: 107). In other words, there is a theoretical cost associated with ignoring the non-western other in an era of increased intercultural contact. This theoretical cost follows from the claim that one’s self understanding is always contingent on how we perceive our cultural others, i.e., the self is defined in contra-distinction to our cultural others (Bashir 2012).

Comparative political theorists also offer some analytical reasons for the need for comparative theorising which differ from motivations related to the effects of globalisation, the normative role of theorising practices and the universalist assumptions of western political thought. For example, proponents of an engagement between non-western texts and western political thought also argue that we might have something important to learn from studying non-western thinkers that are not considered a part of the mainstream western canon (Euben 1997, 2002; Godrej 2011; Dallmayr 2004; Bashir 2012). For example, Gandhi’s political thought has been a target of particular focus for CPT scholars such as Farah Godrej who has argued that Gandhi’s views on non-violence, tolerance and civil disobedience hold sway outside of their original context. She contends that Gandhi’s thought provides us with a better framework for adjudicating between different truth claims as compared to some contemporary political philosophers from the liberal tradition (Godrej 2006; 2011). Others such as Brooke Ackerly have focused on how Confucianism can provide a sound basis for democratic politics and lessons for the West when it comes to striking a balance between individualism and responsibilities towards the society and family (Ackerly 2005).

These works of CPT along with Euben’s scholarship mentioned above showcase an implicit commitment amongst CPT scholars of reviving, canonising and analysing those marginalised

traditions of thought from the non-West that have been dismissed and suppressed by Eurocentric and imperial modes of knowledge in the social sciences. Farah Godrej (2011) views the inclusion of such non-western texts and modes of thinking as a part of making political theory more cosmopolitan and inclusive. Godrej terms her approach to broaden the field of political theory as cosmopolitan political theory and positions it as a counterweight against the assumed universal applicability and logic of west centric modes of inquiry, categories and normative frameworks.

She outlines that comparative theorising should be aimed at “a critical interrogation of how its self-identification is replicated beyond subject matter produced in the West” and “requires a method of investigation that allows each tradition and its members to identify and assign value to its own intellectual resources according to standards internal to that tradition” (Godrej 2011: 2). Godrej’s work is situated against the calls to look for similarities between western and non-western texts by early comparative political theorists like Parel and Keith (1992) as it aims to reveal the narrowness of western political thought. She argues that comparative theorising must point out the distinct features and resources of non-western intellectual traditions that problematise Eurocentric claims about the standards and conduct of political inquiry. Much of Godrej’s (2011: 27) rationale for the study of non-western texts centres on the principle of dislodging western political thought, its normative principles and methodological commitments, by engaging with “radically different modes of political inquiry”.

This emphasis on radical difference of texts, traditions and their methods in non-western intellectual traditions is the cornerstone of the effort to exhibit the poverty of western political thought. Godrej criticises those comparative political theorists who impose a singular, and often western, conception of what is considered as political theory. She questions the drive towards picking those texts and traditions from the non-West which address those questions and issues that are thought to be of common interest to western political theorists and thinkers. For example, Godrej (2011: 5) criticises Ackerly (2005), Euben (1999) and Chan (2009) by noting, “The exploration of topics such as “the Chinese conception of distributive justice,” “Chinese conceptions of the state,” or “Islamic democracy” imply not only that other traditions are interested in asking the same kinds of questions we are, but that the conceptual categories and frameworks that animate and organise our inquiries are the same ones that animate other traditions”.

Implicit in Godrej's work is the normative aim of reclaiming political theorising as a whole and questioning the use of western methods, norms and standards of theorising to adjudicate the utility, function and place of non-western texts. Rather, she challenges comparative political theorists to go beyond the presuppositions of the western canon to analyse non-western texts precisely because they challenge and disturb these pre-held beliefs. A similar theme is found in Jenco's (2007a: 741) work as she laments that non-western texts are not studied on their own terms. She notes, "... ancient Asian traditions are mined for their applicability to contemporary democratic practice, rather than explored for the questions they pose".

The focus on radical difference between western and non-western intellectual traditions is also seen in March's (2009) proposal of an engaged CPT but for completely different reasons than Godrej. If Godrej's goal is to dislodge western political thought from its position of disciplinary power, then March's (2009) proposal is aimed at making sense of the *comparative* part of CPT. March laments that much of the work under the banner of CPT is vague when it comes to justifying the comparative moniker. He proposes that engaged CPT is "primarily aimed at investigating whether some set of ideas are the right ideas for us" and must show "a conception of meaningful distinction and a common object of inquiry".

Furthermore, March (2009) defines the focus of engaged comparative theorising as analysing the value-laden moral and political disagreements between different but porous traditions of political thought. He identifies religious thought as the near perfect example of such traditions and calls on comparativists to pick those religious thinkers that occupy an authoritative position within their own traditions. The selection of such thinkers and texts symbolise severe value-laden disagreement between different traditions of political thought. March also adds that engaged comparative political theorists must not shy away from engaging with radical difference in an attempt to humanise non-western thinkers. According to March, these radical differences and the disagreements that they signify must also be important enough to deserve a political theorist's attention.

Therefore, he notes, "for CPT to be as interesting and meaningful as possible, including to theorists not interested in the particular tradition in question, there must be the objective of examining thoroughly what first-order implication the normative dispute has" (March 2009:

560). To summarise then, despite internal differences between the diversity of scholarship under the banner of CPT, the scholars in this subfield agree that the field of political theory must be broadened to include non-western texts and intellectual traditions (Dallmayr 2004; Euben 2002; Godrej 2011; Parel and Keith 1992; Jenco 2007a). Some scholars suggest that comparative theorising should include texts that radically challenge the assumptions of western political thought whilst others propose that we should explore deep-seated moral disagreements between distinct yet porous traditions of political thought from the West and the non-West (Godrej 2009a; 2011; March 2009). The motivations for CPT include the need to displace the universalistic claims of western political thought, the urgency of understanding, learning from and entering into a dialogue with one's cultural others in times of increased cultural contact under conditions of globalisation (Dallmayr 2008; 1998; Euben 2002; Godrej 2011). These motivations are also sometimes underpinned by efforts to bring political theory closer to real-world political issues and making it "properly responsive to the Socratic challenge of critical political inquiry" (Dallmayr 2004; March 2009).

Method in Comparative Political Theory

The aims and motivations outlined above have inspired a rigorous debate on methodology in CPT. For example, if comparative political theorists are interested in studying non-western texts for their radical difference, then what methodological tools can they use to make sure that these texts are not sacrificed to a pre-determined logic of western rationalism? How can comparativists construct cross-civilisational dialogues in conditions of globalisation where the unequal relationship between the West and its others and their self-understandings are already altered by violent experiences like colonial rule, the proliferation of western ideals, non-western critiques of these ideals and modernity as well as the spread of transnational capital? How can methodological approaches prominent amongst comparative political theorists bring us closer towards tackling relevant political issues, moral disagreements and first-order problems in the post September 11th world? In this section, I engage with how these questions are answered by comparative political theorists through different competing methodological frameworks of dialogical, existential immersive, critical-historical and culturally situated methodological approaches.

Some CPT scholars argue that any sort of dialogue between the West and the rest has to be conducted through a method which brings the West down to a position of a learner rather

than an instructor (Dallmayr 2002; 2004; 2008; Euben 2002; 1997). These scholars insist that methods in CPT have to be aimed at neutralising the West as a dominant entity in order to create a genuine dialogue between civilisations (Dallmayr 2004; Euben 1999). These comparative political theorists, thus, disavow methods that are based on western rationality and formal social science instead they opt for dialogic engagement through Gadamerian hermeneutics (Gadamer 1989; Dallmayr 2009; 2004; 2010; Euben 1999; Godrej 2009a; 2011; Panikkar 1988). Euben offers a strong rebuttal of western rationalism by arguing that social scientific methods based on modern western rationalism only reaffirm narrow Eurocentric universalism embedded in the discourse of European enlightenment. She notes, “Despite the language of science, objectivity, and universality, this discourse interprets and structures political life through the opposition of a notion of rationality to irrationality derived from distinctively western moments in modern political and social thought” (Euben 1999: 21). Rather than taking a socio-scientific, objective, or third person view of things, some CPT scholars prefer what Dallmayr terms as “intensive dialogue or engagement encounter between reader and text, between self and other...familiar assumptions or prejudices are brought to bear and allowed to be tested against unfamiliar perspectives and practices in a shared search for meaning” (Dallmayr 2004: 251; Euben 2002; 1999; Godrej 2009a)

By using a dialogical approach, derived from philosophical hermeneutics, scholars such as Dallmayr aim to be unrestricted and fluid in their engagement with non-western texts. They claim that this method allows them to critically reflect on pre-held assumptions and standards whilst also questioning, and learning from, the other at the same time (Dallmayr 2004). Scholars who emphasise hermeneutics as their preferred approach to comparative theorising acknowledge their distance from the text and the tradition it belongs to thus eliminating any charges of seeking objective truth through the encounter (Godrej 2011; Dallmayr 2008; Euben 1999). In contrast to the drive to ascertain an objective truth, these scholars enter into a conversation or a dialogue with the non-western text with an open mind with a possibility of an eventual fusion of horizons between two different views. Dallmayr explains, “What is involved here is not so much a fusion in the sense of convergence but rather an unlimited openness to horizons in such a manner that interpretive understanding can never be fully stabilised or completed” (Dallmayr 2009: 27).

Roxanne Euben supports Dallmayr in making the case for Gadamerian hermeneutics. She draws on Gadamer, Habermas and frames the methodological component of CPT as based in

the claim, “linguisticity is the basic mode of human existence” (Euben 1999: 36). Euben argues that a hermeneutical approach towards non-western texts rejects positivism and takes one’s prejudices, beliefs, background, contexts as a part of the transformative process of encountering the other. The theorist in this encounter gives up the monopoly on the truth, enters into a process through which self-understandings are reformulated and the “inexhaustibility” of the meaning of the text is laid bare (Euben 1999: 37). Furthermore, the dialogic model of understanding non-western texts creates room for intersubjective understandings as the human world is not just governed by external structures but rather human beings are “self-interpreting animals” and structures are a product of shared meanings (Euben 1999: 36; Taylor 1985).

Euben uses the Habermasian emphasis on shared meanings in linguistic life worlds to dismiss charges of strong relativism against the hermeneutical approach. She contends that the very nature of linguistic world-view is that language creates possibility for intersubjective understandings to emerge. Euben cautions, however, that such meanings are not reducible to materialist accounts and analysis of non-western political thought such as the Islamic fundamentalist thought. She notes that such reduction is dangerous and unhelpful for comparative political theorists because these analyses reduce fundamentalist ideas to a structural by-product rather than treating them as interesting, valuable and appealing on their own. Therefore, according to Dallmayr (2004; 2008) and Euben (1999; 2002), the dialogic approach based on hermeneutical methods is best suited for learning from non-western texts and understanding their alterity without sacrificing them to western standards.

Farah Godrej (2009; 2011) also supports the use of hermeneutical methods in CPT. While she eschews the language of globalisation, dialogue across civilisations and the construction of a more inclusive universality, Godrej calls for an existential engagement with non-western texts via a combination of different hermeneutical moments. She argues that while Aristotle and Machiavelli might seem alien to a student of western tradition of political thought, “her training in the tradition, her immersion in its languages, conventions, and protocols, her awareness of its history - may allow her to find familiarity in these texts that eludes her in the encounter with a non-western text” (Godrej 2009a: 139; 2011).

This unfamiliarity of non-western traditions, texts and their contexts then must be overcome through a dislocation from one’s academic home followed by immersion in the tradition and

practices of a text and finally a return to one's academic home as a theorist to account for their experiential understanding of the text (Godrej 2009a; 2011). Godrej (2011: 23) expounds that her methodological approach, termed "existential immersion" requires the researcher to reorient themselves, "existentially and epistemically", when studying non-western texts. Such reorientation will enable comparative political theorists to think outside "Eurocentric categories of knowledge" hence creating grounds for the emergence of alternate understandings of the political and challenging the dominance of western political thought (Godrej 2009a: 164). But what do hermeneutical moments of dislocation from an academic home, immersion in the world of unfamiliar texts and the return to a theorist's vantage point, entail?

Godrej (2011: 54) explains that the first hermeneutical moment of "existential understanding" demands that the reader, i.e. the theorist of the non-western text, "enters an entirely new world, traveling outside one's own subjectivity and learning to read the text from within the cultural framework of the text itself". She argues that this relocation is the key to understanding the text within its cultural framework rather than submitting it to pre-conceived normative standards. Furthermore, understanding non-western texts on their own terms is not just a simple matter of conceptual analysis but rather requires the theorist to undergo "a praxis-oriented existential transformation in which the reader learns to live by the very ideas expressed in a text" (Godrej 2011: 54).

Thus, it is not enough for comparative political theorists to undertake a conceptual analysis of ideas in a text or a distanced analysis of the lived experiences of people who take that text to be central in their lives. Godrej demands that comparative political theorists, themselves, must participate in, take on and abide by, the ideas and practices expressed in non-western texts along with the adherents of these texts. This immersive component of Godrej's CPT positions her work against those methods of theorising that take an objective view of the world and reinforce the subject – object distinction. Much like Euben, Godrej advocates for abandoning the false subject-object distinction and makes the case for an existential hermeneutical approach that is grounded in phenomenology but is supplemented by immersion in practices, ideals of the text itself.

The second hermeneutical moment in Godrej's methodological approach to comparative theorising deals with the production of a textual account of the lived experiences based on

one's immersion in practices and ideals of a non-western text. The production of such a textual account, according to Godrej (2011), is vital to the job of comparative theorising if one is to dislodge the centrality of western political thought and western modes of theorising. Godrej (2011: 61-62) argues that if comparativists are to dislodge western political theory from its position of power then one task of CPT must be to make non-western texts "comprehensible to western audiences, precisely in order to foster such challenges". She further notes that the production of a cultural account of the text cannot simply be a matter of writing about the ideas present in a text but also must include the "researcher's reconstructed account of the "experience of the text" as it "plays a crucial role in this process of translation" (Godrej 2011: 62).

Godrej contends that textual representation of one's fieldwork, and lived experiences of a text's adherents, in the shape of a cultural account should not take the researcher as an authority on native views or the truth of the text. Instead, cultural accounts of existential immersion, much like post-colonial inquiry and ethnographic research, should always be self-reflexive and aware of the role that the researcher plays in constructing local accounts and narratives (Godrej 2009a; 2011).

In contrast to Godrej's, Euben's and Dallmayr's emphasis on the superiority of the hermeneutical method to conduct CPT, Bashir (2012) forwards a critical - historical approach to CPT. Bashir (2012) argues that the use of hermeneutical method to construct cross-civilisational dialogues is suspect because of the expectation that mutual understanding and learning might occur through a fusion of horizons. He states, "one of the problems with constructing an inter-civilisational dialogue in this (hermeneutical manner) is the fixed expectation that there will eventually be a fusion of horizons" (Bashir 2012: 31). He notes that historians of political thought have shown through concrete empirical examples that inter-civilisational dialogues rarely end in a fusion of horizons (Nederman 2000). In opposition to hermeneutics, Bashir (2012) argues for a historical approach, which takes up instances of real, rather than imagined, cross-cultural dialogue and contact in the pre-modern, pre-colonial era. He emphasises the value of focusing on the pre-modern and pre-colonial era, where the West does not occupy a dominant position vis-à-vis its cultural others, by noting that this critical – historical focus allows comparative political theorists to study inter-cultural contact outside of the distortive effects of globalisation and post-colonial power relations.

Perhaps the strongest critique of the use of hermeneutical methods in CPT comes from Leigh Jenco (2007a; 2015; 2016). Jenco questions the use of Eurocentric methods in CPT and post-colonial theory to critique the universalism of western political theory. She notes, “research into “global” thought seeks inclusion of diverse cultural perspectives but does so by means of those very discourses whose cultural insularity is what prompts critique in the first place.” (Jenco 2007a: 741) Jenco (2007a) highlights that proponents of the dialogic- hermeneutical method often overlook the potentially harmful effects of their method on cross-cultural theorising. The dialogical method relegates both participants in the dialogue to subjective positions and also forces each participant to partake in reason-giving exercises that privilege speech. In addition, the conditions under which these dialogues occur are often constituted by norms of egalitarianism and inclusivity, which stand in tension with those intellectual traditions that seek to challenge these norms from non-democratic foundations. Jenco further highlights that the use of post-enlightenment critique of enlightenment ideals from within western political theory to create space for inclusion of non-western texts do not leave any room for a proper engagement with the rich intellectual and scholarly traditions of non-western political thought and their own concerns.

In opposition to the use of western methodological devices in CPT, Jenco argues that the inclusion of situated methods along with non-western perspectives in political theory makes it possible for comparativists to ask, “new questions through alternate frames of reference”. These new questions through alternate frames of references emerge only if political theorists understand the relationship between methods and production of knowledge. Jenco (2007a: 742) utilises the example of classical Chinese exegetical techniques used by Wang Yangming and Kang Youwei to showcase an interpretive method that highlights this relationship by acknowledging that “the substance of expression and the means of expression are always mutually implicated”. This aspect of the culturally situated methods approach shifts the focus of comparative theorising from an exchange of subjective voices towards a proper understanding of, and engagement with, the normative as well as the methodological features of scholarly traditions in the non-West.

Problematising Comparative Political Theory

The diversity of methodological views, normative motivations, and analytical challenges taken up by comparative political theorists herald much needed introspection in the field of

political theory on themes of cross-cultural theorising. These developments push political theorists to question their own methodological frameworks, interrogate existing conceptions of the political and take stock of how these conceptions and frameworks alter political inquiry across different contexts. In this section, I agree with, and support, the claims made by comparative political theorists regarding the need to de-parochialise political theory, question the assumed universality of western political thought and also initiate a methodological conversation amongst political theorists over suitable methods for undertaking comparative work.

However, despite the well-intentioned and well-argued nature of these claims by comparative political theorists, I make three interrelated arguments in this section to create grounds for a practice-based approach to comparative political theorising that takes language in context of political practices, actions and performances. I argue that there is little deliberation amongst comparative political theorists on the almost exclusive textual focus of CPT. This textual scholasticism has been prominent within comparative political theorising from the early work of Parel and Keith (1992) to the more recent scholarship by Farah Godrej (2009a; 2009b; 2011) Leigh Jenco (2007a; 2015; 2016), Fred Dallmayr (1998; 2004), Andrew March (2009) and Roxanne Euben (1997; 2002; 2006).

I further contend that CPT's emphasis on radical difference, alterity and otherness through the study of canonical non-western texts limits one's ability to understand how ideas travel across geographical and cultural contexts. The appeal of western ideas in non-western contexts stands in tension with the current normative frameworks employed by comparative political theorists. However, this does not mean that there is some greater or an authentic universality that comparative political theorists should be trying to discover. To the contrary, I claim that comparative political theorists are too quick to cede ground to supposedly more inclusive forms of universality through discourses of 'hermeneutical understanding' across civilisations and 'conversion' through 'hard-work' aimed at understanding the other (Dallmayr 2004; 2009; Jenco 2007a). In what follows, I elaborate on each of these concerns that I have raised here with the intention of increasing the scope and reach of comparative theorising in an interconnected world.

There seems to be an implicit assumption amongst most comparative political theorists that texts are the best way to introduce non-western ideas into conversation with western political

theory. This is perhaps best demonstrated by the way comparative political theorists engage with the very project of comparative theorising. The methodological debate amongst comparative political theorists highlighted in the section above revolves around the best way to approach non-western texts, read them, analyse them, understand them and compare one intellectual tradition against another with the hope of pluralising the field of political theory. Take for example, Dallmayr's and Euben's dialogical approach in the field of CPT. The dialogical approach in question draws heavily from the work Hans-Georg Gadamer to theorise the encounter between the reader and the text. Dallmayr's (2008: 2) claim in the special issue of *The Review of Politics* on CPT adds to the text-centric nature of CPT. Dallmayr states that once he realised the deep-seated nature of his Eurocentrism, he travelled to India to study "Sanskrit in order to be able to savour classical texts". Dallmayr's claim here serves as evidence of how comparative political theorists conceive the inclusion, and study, of non-western canonical texts as the main source of neutralising the Eurocentrism prevalent in the discipline.

Roxanne Euben in making her case for comparative theorising through the dialogical method also emphasises the central nature of texts to CPT. Her emphasis on Sayyid Qutb's work and the use of religious texts by religious fundamentalist thinkers cements a text-based attitude towards comparative theorising. The dialogical approach advanced by both these theorists is based on constructing dialogues between non-western and western intellectual traditions *through* the study of texts. Critics of the dialogical approach like Leigh Jenco (2007a; 2015; 2016) also reproduce this text-based focus. Jenco in her work on cross-cultural or situated methods approaches to CPT almost exclusively builds on the assumption that texts are the appropriate form of understanding non-western contexts. While Jenco does adopt a critical stance towards hermeneutical understanding, her primary focus on texts from Chinese thinkers to elaborate on non-western methods of textual analysis and scholarship only reinforces the textual focus of CPT.

This text-centric focus is not exclusive to the dialogical approach or the situated method approach to comparative theorising. Farah Godrej's (2009a; 2011) work on cosmopolitan political thought and CPT through the existential immersion approach also allocates a special place to the study of non-western texts. In fact, Godrej's work is based around making the case for taking radical difference seriously as she advances Gandhi's political thought and his engagement with the Vedic tradition as evidence of this radical difference. The existential

immersion approach to comparative theorising does emphasise a need to study non-western practices as well but the reason for studying these practices within Godrej's framework is always derived from how adherents of non-western intellectual traditions embody lived experiences of ideas in a text. This secondary position allocated to political practices is problematic as it privileges text as the primary source of analysis. It implies that practices themselves are of secondary importance, rather non-western texts are what make non-western political practices significant for comparative political theorists.

Andrew March (2009) also reifies the text-centric focus of CPT. In this critique of the subfield of CPT, March conducts his analysis with a particular focus on texts. As elaborated earlier in this chapter, March emphasises that comparativists should select texts and thinkers from religious traditions for comparison as they provide ideal examples for conducting cross-cultural theorising. March's criticism is, therefore, limited to the lack of analytical clarity amongst comparative political theorists over the comparative moniker as he also operates with the assumption that texts are the best way to conduct cross-cultural comparisons. Recent work in CPT such as the discussion of non-western traditions and their constitution by Leigh Jenco (2016) also operates with the assumption that texts should have a primary place as the source of analysis in understanding non-western contexts as well.

My point in outlining the textual focus in CPT is not to dismiss the value of texts in political theory. Any student of political theory is well aware that that the textual scholasticism underlying the subfield of CPT has a long and diverse history in the tradition of political theory (Gunnell 1993). Political theorists, by the very nature of their vocation, engage with canonical thinkers, writers, theorists, historians, and philosophers. The emphasis on tradition via text provides political theorists with resources to preserve intellectual traditions, modes of argument, methods and ways of thinking about the world. Sheldon Wolin, in this characterisation of the vocation of political theory, allocates a special place to this task.

Wolin (1969: 1077) remarks, "Here lies the vocation of these who preserve our understanding of past theories, who sharpen our sense of the subtle, complex interplay between political experience and thought, and who preserve our memory of the agonising efforts of intellect to restate the possibilities and threats posed by political dilemmas of the past. In teaching about past theories, the historically-minded theorist is engaged in the task of

political initiation; that is, of introducing new generations of students to the complexities of politics and to the efforts of theorists to confront its predicaments...”

There is no doubt that past theories and intellectual traditions of both the non-West and the West are important resources for political theorists to make sense of their political life worlds. It is also important to note here that I do not mean to trivialise the practicality of canonical texts as well. One only needs to give a cursory look to the actions inspired by the writings of Karl Marx, John Locke, Vladimir Lenin, Mahatma Gandhi and even religious texts to appreciate the practical power of political texts. But one must also remember that the likes of Marx, Gandhi and Lenin responded to concrete political issues of their times through their political thinking rather than just converse with, or regurgitate texts, that preceded them. Furthermore, the translation of textual ideals into political action is a complex act that comparative political theorists ignore in their narrow focus on texts.

My concern here is that comparative political theorists in their attempt to preserve, classify, understand and rediscover non-western intellectual traditions are reducing the vocation of political theory to the study of texts. Evidence of this reductive act lies in the lack of discussion amongst comparative political theorists on why texts should be taken as the primary objects of analysis? Can they really be understood as representatives of a particular non-western tradition? If so, what does the importance of a certain text in a particular society tell us about the workings of power, belonging and change in that particular context? And what makes CPT scholars so optimistic that the authority of a text is not a function of the flow of power and the construction of social relations in that specific political community? How coherent are the traditions of thought that comparative political theorists aim to rehabilitate, recover or popularise amongst fellow scholars?

My critique of textual scholasticism here is partially inspired by Jeffery Isaac’s (1995; 1995a) reminder to the discipline of political theory regarding its failure to ask first-order questions and engage meaningfully with real-world political problems. In his provocative article in *Political Theory*, Issac (1995a: 642-643) accused political theorists of becoming “puzzle solvers of the problems of others”. He lamented that political theorists had become too fascinated with what big thinkers, canonical texts and traditions at the cost of “intellectual conformity” and inhibition of “more engaged, colloquial, relevant kinds of inquiry”.

Issac (1995a: 646) called on his fellow political theorists to “acknowledge this world as a source of intellectual and practical problems, to engage it in all of its empirical and historical messiness, to demonstrate our categories help us to illuminate these political realities and dare I say, to improve it.” One can see various causes of concern, that motivated Issac to author his critique of political theory as it was practiced then, in contemporary political theory. Lorna Finlayson’s (2015) latest work highlights similar concerns regarding contemporary political theory, especially in its liberal format. But it is ironic to see the same concerning tendencies within the comparative enterprise because comparative political theorists have deliberately provincialised liberalism and traditional political theory with various critical moves (Godrej 2009a; Bashir 2012). One is tempted to ask if comparative political theorists are creating a new orthodoxy where non-western thinkers and texts are regurgitated, commentaries on texts are produced but little is said in way of engagement with political concerns, practices and issues that define the post-colonial condition.

The textual focus is also particularly problematic as it stands in tension with some of the original aims of inaugurating the field of CPT. If we recall, two of the reasons given for the creation of CPT was to make political theory more inclusive, or as some would say more cosmopolitan, by including non-western perspectives. Inherent in CPT is then a drive towards a more genuine understanding of universalism (Dallmayr 2004; 2008). This drive towards a more inclusive universalism is not only prominent in Dallmayr’s work but is found in other CPT works as well, albeit in different ways. Jenco frames her universalism as conversion from previous political positions into new ones for political theorists themselves. She explains, “the presumption that truth or insight is always partial and irreducibly situated inhibits the passage from conversation, to *conversion*: an event many different traditions expect and even welcome in the course of learning something new. Some forms of understanding require us to consider the possibility that we may have to abandon our current beliefs completely and become something we now are not, committed to a new way”. (Jenco 2007a: 753)

This becoming is supplemented by a refusal of anti-universalist claims that anchor post-colonial theory because these claims emphasise situated knowledge and the partiality of truth claims. Another aspiration that is attached to the project of comparative theorising by Dallmayr (2004) is associated with bridging the gap between political theory and relevant political problems of our time. A similar hope is voiced by March (2009) who advances a

version of comparative theorising that is sensitive to first-order questions. However, it remains unclear how the textual focus alone is supposed to help comparativists draft first-order questions when the very nature of first order questions is to “examine mundane, practical political problems located in space and time, in particular places with particular histories”, rather than excavate intellectual traditions (Issac 1995a: 643). Furthermore, the very idea of a more inclusive universality, although problematic, demands of us that we take seriously the practices, actions and protests that have come to define our modern condition. At the same time, it is unclear how a focus on texts would allow us to conceptualise the diverse and often complex nature of problems faced by post-colonial nations, peoples and subjectivities, all of who are subjects of scholarly work for comparative theorists. All these problems signify an unnecessarily limited scope of CPT when it comes to asking first-order questions and engaging with real-world political problems.

Taking these practices seriously requires a move beyond a textual focus that often acknowledges the porous nature of intellectual traditions but hardly ever indulges in the messy contingent, ambiguous and complex world of real political problems and issues where neatly defined intellectual traditions are subject to breakdown, disintegration, negotiation and rejection. As a way to elaborate my point regarding the limited scope of CPT above, I want to discuss another troubling focus of comparative political theorists. Most comparative political theorists assert radical otherness and difference between western and non-western contexts and advocate ways in which this difference can be overcome to create mutual understandings (Dallmayr 2004; 2008; Euben 1997; 2002; 2006; Godrej 2009a; 2001; March 2009; Jenco 2007a; 2014; 2015; 2016). My aim here is not to contest the presence of radical otherness and difference in non-western contexts. Scholarship under the banner of CPT and post-colonial theory has already provided rigorous analysis of this otherness and how it differs from western counterparts.

This is perhaps most evident in work of Farah Godrej (2009a; 2011) who, as elaborated earlier, states that the comparative political theorists need to focus on radically different modes of political inquiry in the non-west, in order to problematise the universalistic pretensions of the western canon. Instead, I want to draw attention to the appeal of western liberal democratic ideals in post-colonial and non-western contexts at a time when these ideals are losing appeal in the West itself. Recent scholarship by empirical political scientists has hinted at such developments. Foa and Mounk (2016; 2017) highlight how liberal

democracy is losing appeal amongst young citizens in the West. At the same time, protestors in Pakistan, Korea and Hong Kong take up liberal discourses, ideals and principles, as means of reconfiguring, challenging and resisting the existing power relations between the state and its subjects (El Amine 2016). As I elaborate in detail in chapters 4, 5 and 6, my research subjects in Pakistan who participated in the Lawyers' movement (2007-2009) often draw on ideals such as the rule of law to frame their self-understandings and narratives of participation in political protests. This drive to reconfigure their political life worlds through liberal vocabularies and principles complicate CPT's focus on radical difference.

Does the desirability of liberal modes of governance in post-colonial contexts pose a problem for the comparative claim of radical otherness mentioned above? More precisely, does CPT have the analytical tools to make sense of how ideas travel across geographical and cultural borders to retrain as well as create possibilities of resistance in foreign contexts? Should we just read the presence of liberal discourses and their appeal as practices of agency by post-colonial people or do we reduce them to a functionalist analysis? How do comparative political theorists make sense of the fact that whilst they are busy expounding on the dangerous universality of western political thought, many of the ideals that are espoused in that very thought are becoming popular in protest movements around the post-colonial world?

These questions pose challenges for a text-based version of CPT that remains detached from real-world politics and a focus on power. In the next chapter, I outline a practice-based approach to CPT that highlights the significance of focusing on practices to comparative political theorising whilst being cognisant of the universalising features of western political thought. This approach engages directly with political practices, actions and performances whilst also contextualising language and discourses in these practices. By outlining a practice-based approach to CPT, I hope to widen the scope, and method, of comparative theorising by engaging with real-world problems thus bringing it closer to the original objectives of CPT.

Chapter 2 – Conceptualising a Practice-based approach to Comparative Political Theory

Western traditions of liberalism and Marxism have provided intellectual resources to various political movements in non-western and post-colonial contexts. Appeals towards establishment of secularism forms of government in India, Bangladesh, Pakistan and Egypt often draw on Eurocentric liberal secular ideals of supposed separation between the state and religious institutions. Anti-capitalism movements and campaigns against neo-liberalism in non-western locales often draw on Marxist ideals of egalitarianism, public ownership of property, and the importance of material conditions of existence. I do not mention the appeal of these ideals here as a way of arguing for their validity or inherent superiority. Neither do I mention them at the start of this chapter to set in place a chain of argument that will lead me to affirm their universal appeal. Rather, I start this chapter by mentioning these ideals here to carry forward my argument from the end of chapter one. At the end of the previous chapter, I claimed that comparative political theorists lack the necessary analytical tools to make sense of the desirability of ideals, central to what are considered to be western intellectual traditions such as liberalism, in non-western contexts. I framed this challenge against self-prescribed aims and objectives of comparativists for the subfield of comparative political theory (CPT), in particular the comparativist objective of bringing in non-western perspectives to broaden the field of political theory.

In this chapter, I outline the methodological basis for this thesis through conceptualising a practice-based approach to CPT. This particular approach to CPT takes political practices and problems as the starting points of inquiry. I locate the practice-based approach as a form of CPT, which supplements the present comparativist focus on non-western intellectual traditions and texts without privileging these traditions as the primary source of inquiry for CPT. Therefore, practice-based CPT does not reject the study of marginalised texts, intellectual traditions, and scholars from the non-west but rather repositions CPT towards understanding the historically situated forms of non-western practices, experiences, subjectivities and antagonisms in their plurality and complexity. This chapter is divided into three sections. In the first section, I outline the key methodological commitments of a practice-based approach to CPT by drawing on the recent situated turn in political theory. I describe a broad conceptualisation of practice-based CPT through an emphasis on

understanding non-western practices in post-colonial contexts. Furthermore, I treat the situated turn as a source for bridging the divide between the broader discipline of political theory and the subfield of CPT without compromising key comparativist concerns regarding the universalising power of western political thought, especially in its liberal format. In the second section, to respond to these concerns, I utilise the concept of post-colonial modernity to create space for engagement between comparative political theorists and scholars of the situated turn. This concept, as I unpack later, provides a shifting and negotiable background against which post-colonial politics is played out. In the third section of this chapter, I justify the emphasis on practice by elaborating on the contributions that practice-based CPT, as a methodological framework, makes to the subfield of CPT.

The Situated Turn and Comparative Political Theory

Writing in 1997, Roxanne Euben (1997: 32) described CPT as introducing “non-western perspectives into familiar debates about the problems of living together thus ensuring that ‘political theory’ is about human and not merely western dilemmas. This presumes an understanding of political theory as defined by certain questions rather than particular answers”. Twenty years on, comparative political theorists have put non-western intellectual traditions, scholars and texts at the centre of their subfield rather than grounding comparative scholarship in certain dilemmas or problems. This is not to imply that comparative political theorists do not answer well-defined and important questions. Instead, as I argued in the last chapter, comparative political theorists almost always place their inquiry as based in, and about, non-western intellectual traditions and texts.

A practice-based iteration of CPT is not a textually oriented form of political theory. Practice-based CPT takes understanding non-western social practices, political actions, and lived experiences as one of its primary objectives. It focuses on how these practices, actions and experiences emerge as responses to real-world problems and concerns as embedded in discursive, and material conditions, of postcolonial modernity. Practice-based CPT commits towards historicising and contextualising political practices and endorses a situated form of political theorising. This situated form of political theorising is located against ideal theorisation and the transcendental subject that makes this theorisation possible as well as universalisable. Therefore, practice-based CPT is by definition against the logic of transcendental theorising and critique. In outlining this broad agenda of research, practice-

based CPT contributes towards broadening the field of political theory by locating the construction of political problems, concerns, and subjectivities outside of traditional normative (western) political theory and Euro-American liberal democratic concerns.

Before I justify, and elaborate on, some of the features of practice-based CPT mentioned above, I outline the methodological resources that I utilise in making these justifications below. Practice-based CPT draws methodological inspiration and insight from scholars of the situated turn within political theory. The situated turn has emerged over the last decade due to debates amongst scholars from new realism, critical genealogy and post-structuralism over the predominance of ideal forms of theorisation within the discipline. These debates have constituted a push back against the prevalence of high liberalism and supremacy of moral principles over the political actualities. Erman and Moller (2015: 534) frame this move away from higher order principles as a turn towards sharing a “commitment towards starting in the actual”. Such a commitment has been termed as the ‘situated turn’ or as a ‘methodological turn’ elsewhere (Chin 2016: 1; Erman and Moller 2015: 533).

I prefer the term ‘situated turn’ in this chapter because of the joint methodological emphasis on practices, and their situated nature, amongst the group of scholars in this turn rather than an exclusive focus on methodology, within political theory, itself. This is also the primary reason that my discussion of the situated turn below does not focus on differences amongst particular schools of thought within this turn. I do recognise that there are important differences amongst scholars who consider themselves to be realists (or new realists) and post-structuralists but these differences are not significant for the purposes of this chapter. I should also note here that the situated turn is not a self-conscious development on part of the various members of this turn. Realists, post-structuralists, and critical genealogists do not self-identify as members of such a turn. I group them together here because of their practice-dependent views and a focus on situated forms of these practices rather than higher order moral principles. An important point of consensus within the situated turn is the deep scepticism towards the politics of ideal theory, which leads them to promote a focus on real-world practices, actions and experiences. Ideal theory is understood to be apolitical in the sense that it gives precedence to moral principles rather than political actualities. This precedence of moral and ethical principles is considered by Geuss to be an approach that takes politics as applied ethics.

Geuss (2008: 6-7) explains “‘Politics is applied ethics’ in the sense I find objectionable means that we start thinking about the human social world by trying to get what is sometimes called an ‘ideal theory’ of ethics. This approach assumes that there is, or could be, such a thing as a separate discipline called Ethics which has its own distinctive subject-matter and forms of argument, and which prescribes how humans should act toward one another. It further assumes that one can study this subject-matter without constantly locating it within the rest of human life, and without unceasingly reflecting on the relations one’s claims have with history, sociology, ethnology, psychology, and economics”.

Geuss positions his work against this form of theorising because he takes ideal-theory to be ahistorical in its method and lacking in terms of empirical grounding. He also criticises ideal theory for being too abstract and universalist, because of its Kantian roots, and further rejects simplified notions of a rational agent that liberal ideal theorists rely upon. Instead, Geuss understands political philosophy to be grounded in actualities rather than in a-priori ethical principles as related to moral goods or justice. He states, “political philosophy... must start from... the way the social, economic, political, etc., institutions actually operate in some society at some given time, and what really does move human beings to act in given circumstances” (Geuss 2008: 9). Geuss clarifies his realist political philosophy with the help of three more qualifications. These qualifications include emphasis on “political action and contexts of action”, politics as “historically located” and finally, politics as the “exercise of a craft or art” rather “than like traditional conceptions of what happens when a theory is applied” (Geuss 2008: 11-15).

Galston (2010: 386) shares Geuss’ scepticism towards ideal-theory, or, as he calls it high liberalism. He notes that high liberalism signifies a trend to “evade, displace or escape” politics. Charging high liberalism with being dangerously apolitical, Galston contends that realists within the situated turn understand political difference and antagonism to be the essential feature of political life. This focus on difference and conflict, rather than liberal modes of consensus, is not just grounded in claims of value-difference but on the possibility of radical incompatibility of differing world-views. In opposition to a liberal enlightenment view of political theorising, Galston (2010: 407) argues that “If theory cannot diagnose and criticise the imperfections of current arrangements, most of us would lose interest in it, and rightly so. The real issue is the basis on which theory separates itself from the actually existing world of politics.” The importance put on ‘actually existing world of politics’ by

both Geuss and Galston here also unites other members of the situated turn. For example, Rossi and Sleat (2014), Williams (2005), Mouffe (2005), Rossi (2012), Sleat (2010), Sangiovanni (2008) and Philp (2010) also share Geuss and Galston's scepticism towards ideal-theory and emphasise a more situated form of political inquiry that takes practices, as its starting point.

Amongst those who take Foucault as a way of focusing on the present and the practices that constitute the 'present', Tully (2008a: 6) emphasises that political theorising should be more contextual, historical and directly engaging with "actual practices of freedom on the ground". He defines his broader project of public political philosophy through four primary features. Tully (2008a:16-17) explains that his vision of political theorising, 1) "grants primacy to practice", 2) cultivates a "specific genre of critique... towards ways of being governed in the present", 3) initiates "a critical survey of languages and practices through which struggles...solutions are proposed and implemented" and then historicises, through genealogy, "the formation of these specific languages and practices" and finally 4) "seeks to establish an on-going mutual relation with...struggles, negotiations and implementations of citizens ... with modifying the practices of governance on the ground".

In a similar manner to Geuss and Galston above, Tully (2008a: 19) locates these features against a way of thinking about politics that takes for-granted a focus on free individuals, that are informed by constitutional principles of democracy and work under the "regulative ideals of the rule of law". He also goes beyond theoretical criticisms of liberalism to shape his public political philosophy through a productive engagement with critiques of Kantian Eurocentrism (Tully 2008b). Tully's approach constitutes a wider focus on practices, and their relationship to the present, amongst those scholars who take Michel Foucault's work as a methodological framework for critical interventions into the present (Chin 2016: 4). Koopman (2013), a part of this methodological reading of Foucault, also shares an emphasis on practices that constitute our present ways of being. Koopman (2013:23) defines his project of critical cultural philosophy as "critical inquiry into...the conditions of possibility for doing, being, and thinking in our cultural present". He explains that critical cultural philosophy investigates the limits of the parameters that define our modes of thinking as well as the practices that constitute these limits. Koopman (2013) focuses on the critical purchase of methods like genealogy when combined with an emphasis on problematisation, a

relationship that I expand on in the fifth chapter of this thesis when I discuss *how* we can focus on practices in a critical manner.

The above-mentioned scholars, in their emphasis on practice, also share a commitment towards operating with conditions of contingency and pluralism (Chin 2016). Contingency here is taken to be an epistemological limitation on our understanding of politics as political theorists. This does not mean that politics as an activity is absolutely contingent, random, and coincidental for that would kill the purpose of thinking about politics altogether. Instead, this implies that instances in human existence are contingent, in so far, as we cannot associate definitive causality with these instances. Shapiro and Bedi (2007: 1) explain, “By calling something contingent, at a minimum we are saying that it did not have to be as it is. Things could have been otherwise, and they would have been otherwise if something had happened differently”. Pluralism for members of the situated turn implies the inevitable plurality of human practices, discourses, actions and ways of being. For realists, this pluralism brings with it an inevitability of conflict and often results in an antagonistic form of the political. Critical genealogists and poststructuralists on the other hand treat pluralism in methodological terms, i.e., they consider their *way* of undertaking political inquiry as an “affirmation of difference, perspective, and plurality” (Koopman 2013: 77).

Post-colonial Modernity and Comparative Theorising

In conceptualising practice-based CPT, I share the methodological focus on existing practices with members of the situated turn. Their critique of liberalism, ideal-theory and abstract theorising combined with a non-foundationalist emphasis on plurality of human practices creates room for a productive engagement between members of the situated turn and comparative political theorists through a practice-based approach to CPT. I contend that this room for engagement is most fertile when the situated emphasis on practice is taken in its methodological tone rather than in a more theoretical, normatively informed, manner. For example, the situated emphasis on practice requires one to explore questions of method, i.e., how do we inquire about a particular practice or what is the methodological framework that functions as a heuristic tool for understanding practices. To put it simply, situated emphasis on practice is more than just sensitivity to empirical contexts, it consists of asking how we know something not just what we know. By methodologically centring practices in this manner, a situated focus on practice requires attention to how contexts are set and the

implications of this context setting for our subsequent exploration of practices. Consequently, the situated emphasis on practice takes scholars of the situated turn as providers of a methodological toolkit rather than as normative political theorists even though there might be distinctly normative claims that accompany the focus on practice.

For example, realists like Williams (2005) and Galston (2010) emphasise the importance of order, over liberal ideals of consensus and justice. Williams (2005: 3) draws on Hobbes to claim that “the securing of order, protection, safety, trust, and the conditions of cooperation” rather than consensus or justice should be the conceptual starting point for political theorists. Galston (2010: 391) restates this claim in the following manner, “individuals must agree that the core challenge of politics is to overcome anarchy without embracing tyranny. For if we do agree on this, we can create an arena of contestation over the terms of a common life that contains conflict short of war”. I briefly mention these (normative) claims in favour of order here to clarify that practice-based comparative political theorists need not share these claims with realist members of the situated turn. The key point here is that the focus on actualities and practices does not come with a warning that attaches the preference for order to an attention towards practice. A methodological focus on practice is not tied to a preference for order and therefore these claims need to be taken on their own merit in order to create room for engagement between CPT and members of the situated turn.

I further propose that the emphasis on practices, amongst members of the situated turn, needs to be moulded in ways that make it more sensitive to comparativist concerns regarding the epistemic damage that universalising (western) modes of political theorising can inflict on understanding non-western experiences of the political. Scholars of the situated turn do stress plurality of human actions as mentioned above but a nod towards plurality does not equate to a realisation of the power differential between the coloniser and the colonised. I argue that CPT can be redirected towards a practice-based focus, in an appropriate manner, if we take the post-colonial modernity as the background for this redirection. A practice-based CPT takes comparative theorising beyond texts to the real world of non-western political actions, practices, and experiences that have a mutually constitutive relationship with post-colonial modernity. The condition of post-colonial modernity is produced through engagement with the lasting legacy of colonial violence by post-colonial subjects and their practices.

The legacy of colonial violence, which I refer to here, is rooted in the experience of encountering colonialism. I understand this experience as one through which colonial subjects and their ways of thinking, being, living, surviving, reproducing, dying, and speaking are all forced to encounter epistemological categories and ontologies central to modernity. A focus on experience here highlights the epistemic and cognitive elements of colonial rule. Nandy's (1983) work has been particularly influential in such a framing of colonialism. In his book, *The Intimate Enemy*, Nandy (1983) makes the case that colonial systems of governance are not only maintained by "inducing the colonised, through socioeconomic and psychological rewards and punishments, to accept new social norms and cognitive categories". In fact, colonial rule, according to Nandy, creates conditions in which those who are colonised are forced to fight their colonisers on the terms and conditions set forth by the later. Nandy (1983: 3) notes, "It is not an accident that the specific variants of the concepts with which many anti-colonial movements in our times have worked have often been the products of the imperial culture itself." Nandy furthers his case for the cognitive dimension of colonialism by highlighting how colonial positioning of binaries like children-adults and educated-savages assisted in cementing the West as the psychological category that denoted progress, civilisation, and modernity.

Other postcolonial scholars like Dipesh Chakrabarty have also emphasised this dimension of colonial rule and its legacy. Chakrabarty (2000) echoes Nandy in his story of how enlightenment ideals have been picked up by activists in modern day India. He argues that critiques of caste, feminist movements for representation and fights for worker's rights all draw on the notion of the subject in enlightenment thought, vocabularies of which were brought to India through colonial rule. The importance of Nandy's and Chakrabarty's argument comes to light for a practice-based CPT when one acknowledges that the conceptual leftovers of imperial culture, categories and norms still inform politics in post-colonial locales. In short, the ontologies and epistemological categories of modernity are presented through the colonial encounter as the de facto grounds on which the public, the political, the social, and the personal are contested, negotiated, and also made familiar as distinct realms, in post-colonial contexts.

However, my point here goes beyond constructing the narrative that non-western politics is still informed by colonial legacies and ideas that informed the colonial encounter. For example, colonised people were understood, and represented, by colonisers as children,

uncivilised, barbaric, uneducated, and animalistic non-moderns. These notions were almost always cast on a scale of civilisation, where the colonised people were considered to be under the tutelage of colonisers so that they could be made civilised and educated. Ideals of enlightenment thought then provided the colonised with an opportunity to speak back to the empire (Chakrabarty 2000). However, in the process of speaking back, colonised people did not merely ‘use’ these traditions of enlightenment thought, rather they played a part in the development of these traditions. This development, that I refer to here, consists of how a set of political ideas is operationalised, in relation to whom, for what purpose and the subsequent symbiotic ways in which ideas, and identities, also undergo change rather than remaining static and constant. The broader point here is that colonial rule did not just ‘happen’ to a passive set of people, colonisation was a co-constituting process where the coloniser and the colonised were irreversibly reconstituted through the violence that was perpetrated against the latter (Chatterjee 1993).

Thus far in this discussion, I have used terms like modernity and modern without expanding on what I mean by these terms. I have also made references to the epistemological and ontological categories of modernity without explaining what these particular categories are. I want to take some time here to unpack a conception of modernity that entails self-reflexive thinking whilst also fostering a critical interrogation into the disciplinary formations inspired by ‘modernity’ itself. Chakrabarty (2000: 4) offers a useful conceptualisation of modernity:

The phenomenon of “political modernity”—namely, the rule by modern institutions of the state, bureaucracy, and capitalist enterprise—is impossible to think of anywhere in the world without invoking certain categories and concepts, the genealogies of which go deep into the intellectual and even theological traditions of Europe. Concepts such as citizenship, the state, civil society, public sphere, human rights, equality before the law, the individual, distinctions between public and private, the idea of the subject, democracy, popular sovereignty, social justice, scientific rationality, and so on all bear the burden of European thought and history. One simply cannot think of political modernity without these and other related concepts that found a climactic form in the course of the European Enlightenment and the nineteenth century. These concepts entail an unavoidable—and in a sense indispensable—universal and secular vision of the human. The European coloniser of the nineteenth century both preached this Enlightenment humanism at the colonised

and at the same time denied it in practice. But the vision has been powerful in its effects. It has historically provided a strong foundation on which to erect—both in Europe and outside—critiques of socially unjust practices. Marxist and liberal thought are legatees of this intellectual heritage. This heritage is now global.

I find Chakrabarty's summary of political modernity useful here because not only does it encapsulate significant features of the modern condition but it also defies defining modernity as an epoch or a historical time-period that can be used to contrast against other non-modern or ancient eras. An alternate conception of modernity as a special epoch without due deference to the relationships through which modern ideas are deployed is dangerous for comparative political theorists because it introduces a logic of historical progress and civilisational scales of measurement that reinforce colonial binaries. Both liberal and orthodox Marxist canons of thought within western political theory methodologically rely on such an understanding of modernity (Mehta 1999; Guha 1983).

Comparative political theorists like Dallmayr (1999), and Euben (1997; 1999), offer a similar reading of modernity, like Chakrabarty, by associating it with ideas taken from European enlightenment. In Euben's (1997) particular case, modernity is conceptualised through the modernising power of the state via rationalisation of society and economy, it is thus embedded in western notions of rationality. Dallmayr (1999) makes the point that political theorising in the non-West is an attempt to respond to this notion of modernity through outright rejection or varied forms of acceptance. Dallmayr's emphasis on political theorisation in the non-West as a response to modernity and Chakrabarty's emphasis on the heritage of enlightenment thought in the present are significant for my conception of a practice-based CPT for two primary reasons.

First, they provide a contextual basis for the background in which practice-based CPT can understand non-western practices. This background is characterised by post-colonial modernity, which has a symbiotic relationship with non-western practices and experiences of politics. Thomas Pantham's (1999) work, which features in the one of the earlier edited collections under the banner of CPT, provides a useful example of how colonised people have engaged with colonial categories of political organisation in conditions of post-colonial modernity. Pantham responds to post-colonial critiques of Indian secularism in his contribution to Dallmayr's (1999) *Border Crossings: Towards a Comparative Political*

Theory. He explains that India's use of secular ideals through incorporating them in the constitution represents a shift away from conventional understandings of secularism. The debate underpinning this shift consists of post-colonial subjects such as Indian journalists, civil society actors, lawyers, judges and political parties.

According to Pantham (1999: 173), Indian uses of secularism involves reinterpreting the concept to take it away from the traditional understanding of secularism as a separation of church and state. In India, secularism is understood to be "equal tolerance of all religions (*sarva dharma samabhava*)". This recasting of secularism as tolerance for all religions is seen a response to the diversity of religious views that constitute India. However, operationalising secularism through an emphasis on 'tolerance for all religions' runs into obstacles when the state intercedes, on behalf of the liberal autonomous subject, against practices such as sati, polygamy, child marriages and caste based discrimination. I mention the Indian experiment with secularism here to shed some light on the ways in which post-colonial modernity becomes the background in which the political is constituted in various post-colonial contexts. In the Indian case, the constitutional pledge towards secularism comes to shape the ways in which parameters of the political are constituted. State intervention against sati or caste based discriminations establish, demarcate and maintain porous contours of Indian political life that are challenged, reaffirmed, contested, and strategically used by various post-colonial subjects.

Post-colonial modernity is the setting in which the legacy of colonial violence and European enlightenment is encountered by post-colonial subjects. This setting is not static; it is constantly reformed, renegotiated, challenged, reinforced and moulded by competing post-colonial subjectivities. Practice-based CPT critically engages with the enduring background presence of epistemological categories and ontologies that were used by colonisers to perpetuate colonial rule. It aims to understand the ways, through which these categories are re-inscribed, antagonised and mobilised to participate in post-colonial politics, make claims, challenge power and engage with, and in, practices of modernity. Practice-based CPT also consists of understanding those practices that confront ideals of modernity in a critical manner to reposition life worlds and attempt to construct meaning outside of the dominant mode of production of social life. A focus on understanding these practices informs the analytical aims of practice-based CPT. This focus is also a meeting ground for the scholars of the situated turn and text-based CPT.

Second, Chakrabarty and Dallmayr both note that non-western responses to the heritage of colonialism can come in the shape of accommodation, reinterpretation and rejection of enlightenment ideals (Chakrabarty 2000; Dallmayr 1999). This broad view of non-western responses is important for comparative political theorists in terms of understanding those non-western viewpoints that might accommodate and re-inscribe notions of modernity that comparativists have ignored thus far. Comparative political theorists focus on rejection of modern ideals, or challenges posed, by non-western intellectual traditions, thinkers and associated texts, to traditions of European enlightenment (Euben 1997; 1999a; Godrej 2011; 2009a; March 2009; Parel and Keith 1992.).

This narrow textual focus and an emphasis on those perspectives that challenge modernity constitute two self-imposed limitations on comparative political theorists. I critiqued the textual focus of comparative political theorists in the last chapter but only briefly touched upon the limitations imposed by the focus on radical difference as a means of giving voice to marginalised non-western traditions and challenges to modernity. I want to return to this particular argument here to engage with four broad questions. 1) How a focus on practices can help us understand those non-western perspectives that most comparativists have ignored thus far? 2) How taking practices, rather than texts, as our focus complicates and enriches our understanding of non-western perspectives in their plural and complex formats? 3) What do practices, that I have been abstractly referring to in this chapter, actually look like in the real world? 4) What problems do these practices create, engage with, and amplify? Through engaging with these questions, I want to elaborate on the contribution that this thesis, via advocating a shift towards practice, makes to the project of comparative political theorising. It is these questions that I turn towards in the next section.

What can practice bring to the practice of comparative political theory?

Comparative political theorists overwhelmingly focus on difference between non-western and western ways of thinking about politics (Godrej 2011; 2009; 2009a; March 2009; 2010; Euben 1997; 1999; 1999a; Jenco 2007a). To reiterate, as I showed in chapter 1, Godrej (2011) and March (2009) remain the key proponents of locating CPT in the study of radical difference. Godrej (2011:22) argues that CPT may be “vulnerable to re-inscribing much of the Eurocentrism it wishes to avoid, unless it engages the radically different motivating

queries of non-western traditions”. Godrej’s emphasis on radical difference emerges from her concern to dislodge western political thought from its position of disciplinary power in academic political theory.

On the other hand, March (2009) offers an analytically motivated emphasis on difference. According to March, comparative political theorists should focus on those elements of non-western traditions that exemplify value conflict between different traditions. March’s agenda for CPT then argues for a comparativist selection of those texts and scholars which contribute to value conflicts between the West and its cultural others through representing their traditions in an orthodox manner. March (2009: 557) gives preference to the selection of religious texts and traditions, as a subject of study, in formulating his iteration of CPT because they are well-defined sets of doctrines that are suited for conceptualising “deep moral disagreement between long-standing and enduring traditions”. For March, moral disagreement between orthodox representatives of traditions is the central towards outlining a specifically comparative form of political theorising that takes traditions as distinct units.

Jenco’s (2007a) emphasis on difference is formulated through a critique of the use of ‘western’ methods like hermeneutics by post-colonial scholars and comparative political theorists. She laments that the reliance on post-structuralist and dialogical methods from the western tradition denies the role that “rich traditions of historical, political, and literary scholarship can play...in elaborating methodologies for (cross-cultural) inquiry or exchange. The most alarming consequence is not simply that the adequacy of western models and categories is reaffirmed, but that the capacity to conduct self-sufficient theoretical inquiry in non-western intellectual or social traditions is implicitly denied” (Jenco 2007a: 745).

Jenco’s (2007a), Godrej’s (2011), and March’s (2009) reasons for emphasising radical difference are supplemented by routinised claims that boundaries of traditions are always porous. However, this porous nature of boundaries does not figure into their analysis in any meaningful manner. Instead, these comparative political theorists continue to theorise as if porous boundaries do not have analytical or normative consequences for their work. If traditions are actually porous, and if they are not static but rather engaged with legacies of colonial violence, or historically informed by the colonial encounter, then the task of delineating the parameters of radical difference and the possibility of comparative theorising becomes a much more difficult task than comparativists have acknowledged thus far. It

becomes difficult because taking porousness of traditions seriously would require Godrej and other comparative political theorists to go back to the drawing board in order to conceptualise the limits of the 'other' that they are trying to save from the universalising power of western political thought.

My claim here is that the textual scholasticism and a narrow emphasis on radical difference unnecessarily limits the scope of comparative political theorising. This limitation is unnecessary and problematic in two interconnected ways. The valorisation of those perspectives that map onto the radical difference category serves to bestow authentication on them as if they were the true representatives of the non-western voice. This is problematic for comparative political theorists who have often accused their traditional and western counterparts of seeking out an authentic other by drawing on Edward Said's work on orientalism (Godrej 2011; Euben 1999). The privileging of difference is also problematic in terms of conceptualising how we fulfil the comparativist aim of broadening the field of political theory by bringing in non-western perspectives. Comparative political theorists argue that this aim, in light of the focus on difference, is only fulfilled then by bringing in those perspectives that reaffirm radical difference in a way that expands the exclusionary canon of traditional political thought. I contend that comparative political theorists are partially mistaken in positioning their contribution to the broader field of political theory through a privileging of radical difference and thinking about political theorising in terms of canonicity.

Comparative political theorists are mistaken because challenging western political thought, and creating space for CPT within the broader field of political theory, cannot be limited to exploring radical difference. This is particularly the case in post-colonial contexts because of the constitutive impact of processes of colonialism, imperialism, and cross fertilisation of ideas between different contexts. My point here is not that the emphasis on difference is completely misguided. There is little doubt that the traditional canon of political theorising is limited and requires expansion. However, it is also important to acknowledge that an emphasis on difference and canons is unhelpful in terms of taking into account how ideas, and the people who practice and carry those ideas, interact with one another and the effects those interactions have on, not just what we know about the world, but also what we do in the world. In other words, an emphasis on practice allows us to take into account the diffuse and transformative nature of ideas as well as their real-world relevance rather than busy ourselves

with categorisation of certain ideas as radically different to traditional figures of the western canon. So, how can then CPT scholars broaden the field of political theory?

Comparative political theorists can broaden the field of political theory by challenging the dominance of traditional (western) political theory via methodologically undermining those ontological categories that make Eurocentric claims of universality possible whilst denying post-colonial subjects their voice. This methodological undermining of traditional political theory can be achieved by questioning the presence of a transcendental subject that makes universalisable claims possible. However, a methodological challenge at the level of ontology is not sufficient on its own to meaningfully challenge the European pre-occupations of contemporary political theory. This challenge needs to be supplemented by empirical work that locates the construction of the political in post-colonial contexts by exploring the practices, discourses, subjectivities, experiences, and actions that constitute the political with the backdrop of post-colonial modernity. By locating the construction of the political beyond Euro-American concerns regarding problems of liberal democracy, comparative political theorists can introduce new questions into the field of political theory rather than attach their project to reproducing textual scholasticism that dominates political theory already.

A practice-based CPT then disavows the transcendental subject that makes ideal, and universalisable, theory possible. This disavowal constitutes a methodological challenge to the superiority of western political thought as it locates practices in a certain context and as undertaken by situated subjects rather than a transcendental subject¹. Practice-based CPT not only allows comparative political theorists to understand those perspectives that challenge western political thought but also those viewpoints that reaffirm ideals of modernity in problematic ways. Through an emphasis on real-world practices, discourses and actions, practice-based CPT pushes political theory closer to Dallmayr's (2004) original aim of bringing theory closer to the "burning issues of our time".

¹ It is important here to note that the differentiation between liberal rationalism as a methodological approach towards studying politics and how liberal ideals are manifested in real-world actions by situated subjects is primarily an analytical one. In reality, methodological commitments of liberal rationalist modes for studying politics and liberal ideals in real-world politics are often enmeshed with each other. For example, the emphasis on proceduralism in liberal politics has strong resonance with a methodological preference for 'looking at' politics via the prism of the transcendental subject. In other words, proceduralism is the category through which liberal forms of politics converge into liberalism as a form of knowledge and political theory.

Therefore, a practice-based CPT widens the scope of CPT by focusing on practices in all their complexity and plurality as well as how they relate to conditions of post-colonial modernity. This relationship, whether affirmative or challenging in its content, is significant for understanding how actually existing practices, subjectivities and experiences constitute the political in post-colonial contexts. A focus on practice also allows comparative political theorists to see how principles of a certain tradition come to be contested, negotiated, challenged or subsumed by engagement with the condition of post-colonial modernity through real-life practices, acts of speaking, protesting and everyday habits of politics. It also allows them to explore how different ideals are put into practice to create possibilities of resistance and the obstacles that these ideals run into in the real-world. Hence, a practice-based CPT allows comparativists to develop their understandings of various intellectual traditions as they relate to real-world challenges and demands.

An emphasis on practice, in general, also introduces new forms of problems and questions for comparative political theorists. For example, as I showed in chapter 1, comparative political theorists have primarily engaged in methodological conversation over the best-suited methods to study marginalised non-western traditions and texts. Can we simply translate those conversations to suit our focus on practices here? My argument here is that we cannot simply translate debates over how to study marginalised non-western texts into debates over how to study non-western practices. The primary reason for this particular argument is that a focus on practices introduces uncertainty, contingency, complexity and messiness into our understanding of politics. This complexity and uncertainty are a partial product of the very nature of political practices, i.e., they respond to, or are generative of, a particular time, problem, issue, discourses or other practices. This makes their meaning, as abstractions, difficult if not almost impossible to grasp.

For example, the heritage of colonial violence in post-colonial contexts makes it difficult for us to grasp any practices, discourses and actions that do not in one way or another engage with this heritage. In Leila Ahmad's (1992: 236) words, "Western political ideas, technologies, and intellectual systems comprehensively permeate all societies. There is no extricating them, no return to a past of unadulterated cultural purity". Chakrabarty (2000: 4) offers a similar reading of the post-colonial condition, he notes, "it is impossible to think of anywhere in the world without invoking certain categories and concepts, the genealogies of which go deep into the intellectual and even theological traditions of Europe". In recent

times, comparative political theorists like Jenco (2007a; 2015) have offered forceful critiques of such claims, arguing that Chakrabarty's claims are too overarching in their nature. Jenco (2007a) offers evidence from the Chinese classicist tradition to show how Chinese classicists offer us new methods of textual interpretation and exegesis. Jenco's claims regarding Chinese classicist methods might ring true when one takes non-western intellectual traditions and texts as the point of analysis but they falter when one redirects out attention to real-world practices and discourses. I mention Jenco's work here to delineate the difference between text and practice.

My point here is that once we shift our focus to pro-democracy protests in Hong Kong, protests by environmentalists in China, protests in Korea against President Park Geun-hye, protests in India by women against rape and other normative claims made against the state or representative bodies by post-colonial subjects, Chakrabarty's claims appear to be valid. The broader contention is that practices, in post-colonial contexts, inevitably engage with those conceptual and material devices that are a legacy of European enlightenment thought and colonialism. Therefore, practices evade easy categorisation as 'radically different', they require patience, a denial of impulse to hastily categorise, and also demand careful attention to the conditions, context, and meaning in which they occur. Here my approach resonates with interventions made by Loubna El Amine (2016) in the field of CPT. El Amine (2016) argues that CPT has difficulty in conceptualising protests such as those that mobilise liberal vocabularies in non-western contexts because oftentimes CPT scholars automatically assume divergence between western and non-western traditions. El Amine (2016: 103) contends that a shift towards theorising through the shared conditions of modernity can be a fruitful move for CPT scholars. She argues, "there is a matter of fact, convergence between East and West – the convergence is produced by that notorious phenomenon modernity".

Following Clifford Geertz, El Amine (2016: 107) locates the modern state as the "master noun of modern political discourse" and argues that universalisation of the nation-state is one of the key features of the modern condition and it limits the range of normative ideas to choose from. In other words, international structures that privilege the nation-state and institutional characteristics of the state itself introduce certain limitations on which normative claims can be made, how they can be made and to whom they are addressed. I agree with El Amine's emphasis on modernity and the state in particular. As I show in chapter 6, the state

and its processes do in fact occupy a central concern for public political demands made in post-colonial contexts.

The final contribution that the focus on practice brings to the subfield of CPT is associated with the type of theorising that is endorsed by comparative political theorists through textual scholasticism. The focus on texts and traditions within CPT endorses a conception of theorisation as a high-minded activity. This activity takes place amongst big thinkers, mostly men. This sort of conception of political theorising might explain why there is a severe dearth of scholarship within comparativist circles on issues of gender, especially when the gender binary and practices associated with it, have been shown by various anthropologists and sociologists to be deeply linked with colonial power and modern conceptions of sexuality. I do not mean to imply that CPT, as a subfield is characterised by a dominance of ivory tower thinking by scholars themselves, rather the subtler point is that the subject matter of CPT scholars more often than not is concentrated on analysing elite thinkers. A shift towards practices, rather than texts, opens up comparative political theorising to questions of practices and power as related to gender and material inequalities.

This sort of redirection is crucial for conceptualising an activity of comparative political theorising that is not limited to writing, interpreting and consuming texts, rather it is a mode of reflection on how we engage with past violence through our social and political speech, actions, and discourses. It is also significant for exploring those ways of being that evade writing but rather rely on practices of memory and oral traditions that draw on stories, narrations, and folktales to preserve knowledge and (re)imagine a past or a future. The lack of a place for oral traditions in CPT circles highlights the dominance of textual scholasticism whilst alerting us to dangers inherent in privileging text.

So far, my conception of a practice-based CPT has explored the *political* moniker of CPT without commenting much on the *comparative* moniker. Comparative political theorists might therefore ask what is especially *comparative* then about a practice-based CPT? Ackerly and Bajpai (2017) note that the place of comparison, and how it is conceptualised, remains a point of contestation within CPT. March (2009: 554) forwards a traditional conception of comparison. He argues that for CPT to be “genuine and predominantly comparative”, comparative political theorists should operate with a methodology that focuses on moral disagreement between two “fairly autonomous” traditions of thought. March (2009) prefers

an ideal-type conceptualisation of religious traditions to be the staple of comparative theorising. He also argues that comparison in CPT should be centred on “a conception of meaningful distinction and a common object of inquiry”. In other words, for March (2009), CPT can only be meaningfully comparative if traditions of thought, which are being comparatively analysed, are defined by a common object of inquiry and a meaningful distinction between the traditions themselves.

CPT scholars such as Vacano (2015), Idris (2016), and Ackerly and Bajpai (2017) have criticised March’s (2009) understanding of comparison and its centrality to the project of comparative theorising. Vacano (2015: 470) terms March’s proposal that scholarship in CPT should be “internally comparative” as a “step too far”. He notes that works within CPT, which are not internally comparative as per March’s methodology, still contribute to comparative political theorising by pushing political theory in ways that permit comparative readings. Vacano’s (2015) broader point in emphasising the value of work that is not internally comparative relates to his overall understanding of political theory as a discipline. He elaborates that political theory is fundamentally a comparative exercise because “ideas are always judged in comparison to other ideas” (Vacano 2015: 477; Euben 1999; Freedman and Vincent 2013). Ackerly and Bajpai (2017: 278) explain that March’s argument for taking religious traditions as constituted within ‘self-referential cultural systems’ is reminiscent of colonial era understandings of religious traditions. Finally, Ackerly and Bajpai (2017) also argue that March’s analytical understanding of comparison relies on an idealised model that artificially creates distinctions between objects of comparison.

In conceptualising the role of comparison in practice-based CPT, I reject the disciplinary instinct to demarcate idealised categories of comparison as advocated by March (2009). In doing so, I side with comparative political theorists like Murad Idris (2016) to conceive of the larger project of CPT as a way of questioning the very discipline of political theory, its universalising impulses, categories of truth, and its conventions to discipline, categorise, and rationalise. These disciplinary tendencies are more often than not accompanied with a narrow empirical, as well as institutional, Euro-American focus. The point that I am trying to make here follows from Nandy’s emphasis on the relationship between the coloniser and the colonised and the emergence of the West as a category through the colonial experience. Nandy (1983: 11) notes, “...colonialism colonises minds in addition to bodies and it releases forces within the colonised societies to alter their cultural priorities once for all. In the

process, it helps generalise the concept of the modern West from a geographical and temporal entity to a psychological category. The West is now everywhere, within the West and outside; in structures and in minds”.

If this is indeed the case then creating stable categories of the non-West and the West, that are then made available for comparison, is to deny the power relations that make these categories stable and infuse them with normative constructs that make their analysis possible. The enterprise of CPT has to recognise the porous nature of boundaries that define political traditions, ideas, and ways of life and how this porosity relates to colonial power as well. This recognition constitutes comparison as an activity that is aimed at revealing how the very possibility of its existence comes into being through a sidestepping of power. In this sense, comparison is drawing critical attention to co-production, to repudiate inside/outside distinctions and to make critical space within the discipline of political theory more prominent.

Such a conception of comparison avoids drafting simplistic notions of differences and similarities that make disciplinary comparison possible. Instead, in Idris’ (2016: 5) words, “comparison, then, is a political act—always involving, negotiating, and reflecting back on relations of power—and a discursive artefact, always navigating the histories and afterlives of comparison, the genealogies of their categories, and the spectral limits of privileged reference points”. This conception of comparison stands in stark contrast to those traditional understandings of comparison that locate it amongst workings of disciplinary convention, which emphasise a “common object of inquiry” and “distinction” between said object(s) of analysis (March 2009: 537). Through understanding comparison as a thoroughly *political* activity, practice-based CPT, as I have shown to a certain extent already, calls into question our objects of inquiry, their authenticity, and the ‘work’ they do for us in theorising.

In summary, following Idris (2016: 2-3), practice-based CPT conceptualises the broader role of CPT as taking part in “an immanent critique of political theory” as a discipline. In terms of the place of comparison, within this broader enterprise, practice-based CPT understands the call for comparison as an argument to “reliably study politics and power anywhere. If this sign deepens the sources, sites, and questions of the field, to what it should have already included, debates about a standardized scale or dimension of contrast, similarity, or engagement are a red herring” (Idris 2016: 2) In this context then, this thesis operationalises a

mode of comparison, through practice-based CPT, that is not traditional but rather offers comparison as understood in terms of an internal critique of political theory and its disciplinary conventions. Furthermore, similar to Vacano's (2015) understanding of political theory as an inherently comparative enterprise, this thesis mobilises the comparative spirit of theorising by contrasting and judging different ideas against one another so as to avoid an abstract monologue based on deontological principles².

Thus far, I have been referring to practices in an abstract manner throughout this chapter. What do these practices that I have been abstractly referring to in this chapter actually look like in the real world? And what problems do these practices create, engage with, and amplify? In Ackerly and Bajpai (2017: 714) words, "practices pertain to what agents do, and how this interacts with language and other symbolic systems". Weeden (2002: 714) remarks that practices are associated with how language and points of references, i.e., symbols "are inscribed in concrete actions and how they operate to produce observable political effects".

I would like to present a couple of examples here to clarify my understanding of practices further. Scholars like Hirschmann (1997) and De La Cadena (2010), that I discuss below, do not self-identify as practice-based comparative political theorists but their works serve as useful tools to think through in order to elaborate the value and nature of a practice-based approach to CPT. In one of the earliest works of CPT, Hirschmann (1997) takes the practice of veiling to be her central concern. She locates this practice in non-western contexts through criticising Eurocentric notions of freedom, as developed through works of Kant and Hegel, that underpin feminist analysis of non-western women and practices of veiling. Hirschmann's analysis critically engages with western critiques of the practice of veiling as oppressive by taking veiling as a cultural practice. She argues that veiling for Muslim women comes to be an expression of agency, resistance and a practice essential towards having a sense of cultural belonging.

Hirschmann (1997) conceptualises western responses to such practices as inadequate because they are steeped in the legacy of understanding freedom through the enlightenment project.

² Vacano (2015) explains that the prominence of Rawlsian theory that emphasises deontological principles has meant a withering away of the comparative spirit of theorising. For more, see: von Vacano, D. (2015) 'Scope of Comparative Political Theory', *Annual Review of Political Science* 18(1): 465-480.

She instead contends that veiling cannot be understood simply as oppressive, rather, in certain non-western contexts this practice becomes a source of “negotiating patriarchal restrictions” whilst at the same time leaving the structure of patriarchy unquestioned (Hirschmann 1997: 486). Hirschmann’s analysis is instructive for practice-based conceptions of CPT because Hirschmann problematises those western responses to veiling that are steeped in a reductive understanding of freedom and agency. This problematisation is instructive for a practice-based CPT because it connects theoretical work, such as rethinking the notion of freedom, to real-world problems and practices. Although this is what Dallmayr (2004) later refers to bringing political theory ‘closer to burning issues of our time’, Hirschmann’s work is already an effort in locating theory in engagement with real practices whilst also being cognisant of the contextual nature of these practices and the structural obstacles that they encounter.

Hirschmann’s gendered analysis connects with one of the contributions of this thesis that I highlighted earlier in this section. I argued that a practice-based CPT opens space to engage with issues of gender representation, construction, and how it relates to the legacy of colonial violence. Hirschmann’s work serves as an empirical example of the ways in which a focus on practice opens up new avenues of inquiry for comparative political theorists.

The second example that I want to bring in here, as a way of elaborating on the usefulness of a practice-based CPT, is De La Cadena’s (2010; 2015) critique of ‘politics as usual’ in the Peruvian Andes. De La Cadena draws on ethnographic research focused on mining conflicts in Cuzco, Peru to show how the presence of earth-beings disrupts modern notions of politics in Peru. She explains that indigenous conceptions of the political amongst her research participants in Cuzco draw on notions of earth-beings such as the mountain named Ausangate. Ausangate, in indigenous conceptions of life, holds agency and therefore any governmental attempts to bring down the mountain through mining projects or development enterprises will incur the wrath of the mountain. Nazario, one of De La Cadena’s (2010: 339) research participants explains, “Ausangate would not allow the mine in Sinakara, a mountain over which it presided. Ausangate would get mad, could even kill people. To prevent that killing, the mine should not happen”.

De La Cadena argues that indigenous people in the Andes conceptualised Ausangate as a sentient being with agency. They protested against the government’s plans to mine Ausangate

not because of any economic or environmental damages that such a plan might bring to their town. Instead, they opposed it because, for them, Ausangate held a sacred role. De La Cadena positions the indigenous view of life and sentiency against neoliberal and legal ways of ordering politics that reify the ontological distinction between nature and humanity. This distinction, she notes, is grounded in enlightenment political thought and liberalism in particular which forces a consensus based view of the political and initiates a damaging translation of indigenous world-views into those vocabularies and categories that are a legacy of colonial violence now manifested in functions of the nation-state.

De La Cadena's unpacking of indigenous world-views and how they encounter colonial violence is a useful example here to elaborate on a practice-based CPT. It is useful because as De La Cadena shows that even those conceptions of life that challenge modern ontological distinctions are forced to encounter and translate their positions into those vocabularies and legalistic ways of thinking that are central to the inheritance of colonial categories of thought. Earth-practices, that make mountains like Ausangate visible in the public sphere, have to inevitably deal with courts, the judiciary and legal mechanisms for distributing power in order to participate in 'politics as usual'.

De La Cadena's arguments are particularly useful for practice-based CPT in two ways. First, to put it simply, her use of the ethnographic method is instructive in terms of providing a background or a context through which we need to understand discourses that make earth-beings visible. The thick description that she provides is useful for understanding discourses that place nature at the centre of political life rather than understanding nature as an instrument or something marginal. In chapter 3, I expand further on the usefulness of the ethnographic method in order to study practices in non-western contexts. Second, De La Cadena's move to connect and unpack the relationship of these discourses to legal and liberal categories that define the post-colonial condition is useful in terms of acknowledging how these categories serve as obstacles in the operationalisation of ideas. In this sense, De La Cadena's (2010) work resonates with Little's (2015: 4) understanding of political theory as an activity which engages "with structures of power and the institutional and contextual factors that may act as impediments to the operationalisation of particular ideals".

In this chapter, to borrow March's (2009) vocabulary, the practice-based CPT I have conceptualised is scholarly in nature and shares a methodological focus on practice with

scholars of the situated turn. According to March (2009), scholarly political theory is designed to explore our understanding of a particular practice, text, tradition or phenomenon. It is aimed at refining our scholarly understanding of what we claim to be CPT and which objects are useful objects of analysis for the activity of comparative theorising. Practice-based CPT shifts comparative theorising from texts to real-world practices, discourses and actions. These real-world practices, discourses and actions in non-western contexts are important for locating the construction of the political and post-colonial subjectivities amidst the legacy of colonial violence. The empirical focus on post-colonial contexts that I have advocated in this chapter is a significant component for a practice-based CPT because it takes political theorising away from liberal democratic and Euro-American concerns.

The practice-based iteration of comparative theorising moves CPT away from a focus on radical difference to engage with both those discourses that reify the colonial legacy of violence and those which also challenge colonial categories of thought. In this way, it differs from a text-based CPT which privileges difference without taking stock of the porous, inevitably power-laden and political boundaries between the West and the non-West. However, there are elements of a practice-based approach to CPT that qualify as engaged political theory as well. Going back to March's (2009: 535) vocabulary again, engaged political theory is a form of theorising that investigates whether "some set of ideas are the right ideas for us". In the next chapter, I engage with the problem of whether some ideas are the right ideas for us by elaborating on two particular questions. First, I build on my case for practices in CPT by elaborating on how should comparative political theorists focus on practices, discourses and actions. Second, I supplement the task for understanding practices by arguing that the point of comparative theorising is not to just present a rehabilitative version of non-western others. Instead, our understanding of practices should become the basis for furnishing critique of questionable practices and their problematic implications. Therefore, I argue that practice-based CPT is a critical venture as well which reveals values, subjectivities, and functions of power implicit in practices.

Chapter 3 – Method, Critique, and Ethnography in Practice-based Comparative Political Theory

In chapter 2, I made the case for a move away from a text-based comparative political theory (CPT) to a practice-based one. In this chapter, I expand this case for practices by elaborating on how should we *do* practice-based CPT? Which tools can we utilise to study practices? How do these tools stand up against the concerns of comparative political theorists regarding the universalising power of western political thought in particular? Can comparative political theorists borrow methodological tools from anthropologists to adopt a grounded approach to theorising? Can these tools be combined with an emphasis on practice and real-world relevance within the situated turn that I mentioned in the last chapter? Or does their utilisation sit at odds with the purpose of political theory? Finally, how can these methodological tools be used to answer, and provide a framework for asking, normative questions regarding the suitability and real-world consequences of different ideas (be they western or non-western) that March (2009) considers to be central to any engaged form of CPT?

This chapter engages with these questions through three sections. In the first section of this chapter, I contend that ethnographic methods offer useful insights for comparative political theorists, especially when it comes to questioning the assumed universality of traditional political theory on ontological, empirical and methodological grounds. I further propose that the use of these methods should not be seen as a challenge to the conventional purpose of theorising, rather, their use and incorporation within political theory should be seen as a productive development made possible by the critique levelled by comparative political theorists at the presumed superiority of western political thought. Moreover, incorporation of methods like ethnography serves important analytical and normative requirements for practice-based comparative political theorists. These requirements include thinking beyond the figure of the transcendental subject that occupies a central place in liberal and rationalist analysis of politics and the project of enlightenment.

In the second section of this chapter, I claim that practice-based CPT is a critical endeavour that requires rethinking the concept of critique to reveal post-colonial subjectivities as contingent, historically informed by the colonial experience, and now struggling for position and space within the institutional framework of modernity. In this section, I draw on

Foucault's (1984) outline for a critical ontology of ourselves and claim that comparative political theorists should engage with the significance of critique within the enlightenment framework without privileging the universalism that accompanies it. I further argue that this engagement has productive potential because it takes CPT beyond the parameters of a rehabilitative vision of post-colonial others to critically engage with conditions of emergence of various postcolonial subjectivities and their tenuous relationship with the heritage of colonial violence.

In the third section, I detail the methodological basis for my ethnographic research in Pakistan from 2016-2017 amongst middle-class lawyers that participated in the Lawyers' movement. In particular, I use this section to set up the final three chapters of the thesis. These chapters elaborate on how lawyers construct and occupy different subject positions through narratives of self-understandings as related to participation in protests during the Lawyers' movement. These narratives take part in idealisations of the rule of law by associating it with progress, modernity, and civilisation, fostering an attitude that confirms the supremacy of law. Such narratives also highlight the significance of shared emotions like anger that cultivated a sense of injustice amongst lawyers who became a part of my research. My intention in undertaking this analysis of post-colonial subjectivity in Pakistan is to provide a sample, albeit incomplete, of how practice-based CPT can be critical in its outlook, empirically informed in its method, and relevant to real-world concerns at the same time whilst undermining a transcendental view of subjectivity.

Ethnography and Comparative Political Theory

How should comparative political theorists focus on practices, discourses and actions in post-colonial contexts? What methods can they use to conceptualise, understand, and critically engage with post-colonial subjectivities? In this section, I forward the argument that practice-based comparative political theorists should look towards ethnography as a method that allows them to go beyond the liberal rationalist methodological lens that dominates the discipline of political theory. Comparative political theorists have already signalled their dissatisfaction with the predominance of rationalist and liberal methodological approaches within political theory. Dallmayr (2004) notes that CPT specifically rejects "Formal Theory" which imposes a general, universal "form" on diverse phenomena, thereby revealing its debt to the universalist claims of the European Enlightenment". Panikkar (1988) explains that the

totalising nature of Enlightenment thought reduces every other world view to its singular universal logic, which makes it unsuitable for undertaking any sort of comparative scholarship. Euben (1999; 1997) voices similar concerns when she points towards contradictions in rationalist understandings of Islamic fundamentalism. She notes that ideas, which inspire thinkers like Sayyid Qutb, to undertake a critique of modernity, from an Islamic fundamentalist perspective, are reduced to an epiphenomenal status. The epiphenomenal status relegates ideals from the Islamic tradition to an orientalist space, which “precludes the possibility that (Islamic) fundamentalists are drawn to religio-political ideas in much the same way that activists have been drawn throughout history to democratic, liberal, or Marxist ideals” (Euben 1999: 14).

Godrej (2011) considers the work of comparative political theorists to be particularly susceptible to dangerous mistranslations and distortions if they rely solely on dominant liberal methods within the discipline. This susceptibility, according to Godrej (2011; 2009a), is connected to the relationship between western representations of otherness and mistranslations of various cultural objects and ideals in colonial contexts. Ackerly and Bajpai (2017) also support these critiques of methodological universalism within political theory. These scholars claim that a key task for comparative political theorists resides in questioning the power relations associated with dominant epistemologies and methodologies in the discipline of political theory.

I agree with Ackerly and Bajpai (2017) that questioning dominant epistemologies and methodologies within the discipline of political theory should be a key concern for comparative political theorists. But how do we question dominant methodologies and which methods can we use instead? This question becomes more complicated when we situate it within the concerns of a practice-based CPT. It transforms into a question of understanding post-colonial engagement with the frameworks of modernity and conceptualising which intellectual resources these engagements draw on? What is the history of these resources? Which hurdles do post-colonial subjects run into when they operationalise various political ideas? What kind of discursive constructions do we see in antagonisms that define the political in post-colonial contexts? What sorts of subjects constitute these antagonisms and how do these subjects take part in their own reproduction? How can our understandings of these subjects and our representation of them contribute towards a critically oriented practiced-based CPT? I argue that an ethnographic approach helps us answer these questions

in a manner that not only brings into question the dominance of liberal rationalist methods within political theory but also gives us the tools to critically conceptualise subjectivity beyond a transcendental format. In the rest of the section, I clarify this argument by delineating the virtues of an ethnographic approach and how they constitute a challenge to dominant liberal and rationalist methods within political theory to help us conceptualise subjectivity.

An ethnographic approach entails a commitment to fieldwork, in particular, towards “immersion in the place and lives of people under study to chronicle aspects of lived experience and to place that experience in conversation with prevailing scholarly themes, problems, and concepts” (Weeden 2010: 257). Immersion is accompanied by an ethnographic attitude that consists of treating every instance, moment, news, story, gesture and dialogue as potentially important. Ethnographers associate equal importance to a policy paper or a folk story as both these tools serve an important function in creating social relationships, through exchange of information, with normative consequences. Bayard De Volo & Schatz (2004: 267) describe ethnography as, “learning a local language or dialect; participating in the daily life of the community through ordinary conversations and interactions, observing events (meeting, ceremonies, rituals, elections, protests); examining gossip, jokes and other informal speech acts for their underlying assumptions; recording data in field notes.”

In this sense, ethnography is about understanding how people create meaning, take part in politics, engage with different institutions, attach meaning to different activities and convey a sense of their self-understandings through these practices. Ethnography is equally about situated experiences that shape perceptions of the self; this consists of understanding the situations that subjects find themselves in, struggling with, and responding to. Ethnography entails a grounded understanding of contexts, various subjects, their anxieties, actions, practices and concerns. Ethnographers use various methodological tools to undertake fieldwork. This includes but is not limited to, structured interviews, unstructured interviews, semi-structured interviews, participant observation, passive observation and informal discussions (Schatz 2009). However, political theorists have traditionally steered away from fieldwork, particularly in the ethnographic format. One reason regarding the absence of ethnographic methods within political theory has been the predominance of liberal universalism within the discipline (Weeden 2010). More recently though, comparative political theorists and members of the situated turn have questioned this dominance and

suggested ethnographic methods as a way of thinking beyond the abstraction of liberal rationalism (Herzog and Zacka 2017; Ackerly and Bajpai 2017; Holman 2017).

Holman (2017: 3) makes the case for greater engagement between political theorists and political anthropologists and by drawing on the work of Pierre Clastres (1989). He argues that Clastres' rejection of drawing equivalences between western political thought and social structures of Amazonian forest societies creates room for understanding these societies on their own terms, i.e., "in their irreducible social-historical otherness". Holman (2017: 15) describes this mode of thinking about otherness, in Clastres work, as, "initiating the ethnological shift toward increasing social-historical contextualisation". The ethnological elements of Clastres work, in Holman's (2017: 15) words, "are not concerned with demonstrating the ethical superiority of Amazonian political life relative to his own, but simply with detailing the former's mode of functioning". Ackerly and Bajpai (2017) and Godrej (2011) also share this preference for an ethnological shift towards methodical situated-ness and contextualisation. Ackerly and Bajpai (2017) endorse methodological plurality within CPT including interpretive tools like ethnography whereas Godrej (2011) stresses the need for immersion in another tradition and understanding of radical otherness. Holman (2017), Godrej (2011) and Ackerly and Bajpai (2017), all make their cases for ethnographic approaches within CPT by locating them, as a methodological toolkit, that is best suited to access, and create space for, marginalised voices and traditions within non-western contexts. This justification is grounded in the acknowledgement that political theory has been incapable of creating genuine space for understanding radically different modes of life, inquiry, and political ideals from non-western traditions.

However, Herzog and Zacka's (2017) case for ethnographic sensibilities does not appeal to the usefulness of ethnography for understanding radical otherness. Herzog and Zacka (2017: 3) contend that ethnographic sensibility within the field of political theory can bring theorising closer to real-world issues and provide political theorists with various methodological tools to inform normative work. They note, "By using the term 'ethnographic sensibility' rather than 'ethnography', we follow a range of authors who maintain that participant observation, of the long-term immersive sort typically practiced by anthropologists, is not the only way to find out how people experience their social reality and give meaning to it. One can also attain such understanding, or *verstehen*, by closely examining the texts and cultural artefacts they produce, by conducting interviews, by being

embedded in research sites for shorter visits or by consulting ethnographies written by other scholars. While some measure of personal involvement in the field is certainly valuable, it is the frame of mind with which the researcher approaches the material, rather than the specific research protocol, that is significant for our purposes”.

Herzog and Zacka (2017) outline five main contributions that the use of ethnographic sensibilities can make along epistemic, diagnostic, evaluative, valuational, and ontological lines for normative political theorists. Epistemic and diagnostic contributions revolve around understanding the nature of normative expectations and diagnosing constraints faced by individuals in various social situations. Ethnographic sensibility allows theorists to gain a sense of the contexts in which individuals face different moral demands and dilemmas. It allows theorists to go beyond an abstract understanding of ideal principles to concretely engage with motivations and justifications for conduct through informal and formal conversations with research subjects. Evaluative qualities of an ethnographic sensibility become clear when theorists understand how social practices are associated with normative principles.

Therefore, when we judge someone to be in violation of a moral principle, ethnographic methods make it possible, for us to interrogate into various practices that tie individuals together through normative principles and codes of conduct. Herzog and Zacka (2017) further argue that ethnography can help theorists in refining their understanding of various ideals and moral principles. They note, “Ethnography can also help us better understand, and sometimes even revise, our normative principles and values. This can happen when we encounter individual cases about which we have strong intuitions. These intuitions may lead us to reassess our commitment to more abstract values or principles. Ethnographic writing shares with literature and journalism the power to capture experiences vividly and to put them before our eyes in a way that can profoundly resonate with us.” Finally, Herzog and Zacka (2017) remind us that ethnography serves an important ontological purpose as well, as it gives us access to vocabularies, concepts, and social ontologies, that structure institutional practices and everyday life. These concepts and ontologies carry with them important normative commitments that direct institutional operations and the ideals that inform them.

I partially agree with Holman’s (2017), Herzog and Zacka’s (2017), Ackerly and Bajpai’s (2017) as well as Godrej’s (2011) justifications for the use of ethnographic methods in

political theory. Rather than emphasising cultural difference as the reason for adopting ethnographic methods, comparative political theorists should situate their preference for ethnographic methods in terms of critiquing dominant liberal and rationalist methods within political theory and as an analytical tool for understanding post-colonial engagements with frameworks of modernity. There two primary reasons for this argument.

First, comparative political theorists run the risk of conceptualising difference in a manner that treats radical otherness as a natural and innate development. There are two consequences to this move. First, it reproduces a vision of otherness, as timeless, innate, naturally occurring and apolitical. It confirms the oriental worldview by romanticising and reifying cultural difference (Said 1978). Second, as I stated in the last chapter, practice-based CPT differs from a text-based CPT which privileges difference without taking stock of the porous, inevitably power-laden and political boundaries between categories of us and them, west and the non-west, Europe and its cultural others.

These porous boundaries give rise to the inevitability of ideational exchange between different contexts and even renegotiations of how we draw conceptual and geographical boundaries. These exchanges make it analytically difficult and empirically impossible to operate with a neat and parsimonious understanding of difference and the categories that underpin representations of difference. However, I want to stress here that ideational exchange does not merely mean a neat dialogue or easy transfer of intellectual resources. I do not mean to suggest a power neutral transfer of knowledge and intellectual resources. Instead, I speak of such exchanges as products of colonialism, racialisation of marginalised populations and key features of modernising ‘third world peoples’. This further delineates the point that colonialism (and its corollary Eurocentrism) is not just a temporally limited event; it consists of a totalising attitude towards knowledge production and categorisation that surpasses the temporal limits of the formal encounter itself. If this is so, then methods that contribute to such knowledge production need to be critiqued, rejected, and shown to be normatively undesirable and analytically insufficient.

Second, comparative political theorists unnecessarily limit the analytical as well as the normative scope of their subfield by making the case for ethnographic methods through an appeal to radical alterity. Does this mean that spaces where radical alterity is absent are not suitable for ethnographic research through the comparative lens? What about movements and

locations within the post-colonial context where subjects use intellectual resources of western political thought to take part in political projects? How can comparative political theorists make sense of subject positions within the post-colonial context, which contradict the framework of radical otherness by subscribing to the same dynamics of power that comparative political theorists are so keen to criticise?

Furthermore, how can comparative political theorists then account for the movements that utilise narratives of modernity, rule of law, civilisation and progression to confirm the teleological rationale of enlightenment thought? Should we disregard such subjectivities and movements as a mere after effect of colonialism? Where do these subjectivities lie on the spectrum of agency and structure? Should we see liberal subjects in the post-colony as an aberration that cannot be explained by CPT? As I detail in the next three chapters of this thesis, my research subjects in Pakistan draw on narratives of modernity, rule of law and supremacy of the constitution to argue for a progressive Pakistan, in doing so, they see themselves as involved in a project to be modern. An account of these subjects in post-colonial contexts is only analytically possible when one understands the manner in which subjectivities in the post-colony engage with the heritage of colonialism and local/national relationships of power as tied to class, gender, and postcoloniality.

But how can ethnographic methods then help us answer these questions above and conceptualise a critical account of post-colonial subjectivities? I claim that ethnographic methods are suited towards drafting a vision of the subject that is situated in real-world constraints, contingencies, histories, violence, expectations and emotions. However, critical use of ethnography to not only question the dominance of Eurocentrism and liberal rationalism within political theory but also furnish a new vision of the subject is not possible if, like Herzog and Zacka, we neutralise the critical potential of ethnographic methods by stressing the importance of detachment and impartiality when undertaking normative reflection.

Herzog and Zacka (2017: 16) note, “normative theorists are not just concerned with understanding people, institutions...but also seek to evaluate them in light of certain normative values or principles, and to draw lessons from them regarding what one ought to do or value. As such, they must worry not only about the possibility that they may misrepresent or distort what they see in the field, but also about the risk that their experiences

in the field may affect their capacity to remain detached and impartial enough to engage in normative reflection.” The belief that theorists can step into the field, then detach themselves from their experiences and transcend to a higher intellectual space where they can conduct objective analysis, appeals to the universalising and transcendental features of normative, especially, liberal theory. However, for comparative political theorists, this should be treated as a red herring. Godrej (2011: 54) responds to similar appeals to objectivity by noting, “Setting aside one’s own subjective concerns to enter the world of the object is thus not only impossible, it implies a mistaken view of the process of interpretation. The subject-object dichotomy is a deeply mistaken notion of how we come to understand things, because we always already have some relationship to the very thing that we are trying to understand.”

Ethnography, Critique, and Enlightenment

For practice-based CPT, ethnography serves the analytical purpose of going beyond a transcendental vision of the subject that hinders our understanding of the situated-ness of the subject. It also serves a normative purpose by giving us tools to critique the dominant liberal rationalist methods within political theory by stressing complexity, immersion, lived experience of the political (Baiocchi and Connor 2008). However, the use of ethnography for practice-based CPT also entails going beyond just a thick descriptive account to critically engage with the construction of post-colonial subjectivities and their struggles. But how can comparative political theorists productively utilise the concept of critique, to undertake this critical engagement? Can we conceptually isolate critique from the weight of enlightenment thought and its tendency to universalise the western experience and normative assumptions about the ‘good life’? In this section, I elaborate on how comparative political theorists can draw on Foucault’s (1984) work to rethink the nature of critique and its relationship to transcendental theorising. Furthermore, I argue that drawing on Foucault (1963; 1964; 1966; 1969; 1975; 1978; 1984) makes it possible for practice-based CPT to be engaged in nature. March (2009) claims that comparative political theorists must engage in moral dilemmas of determining ‘which ideas are the right ideas for us’. But how can a comparative political theorist enter into a normative debate on ‘right ideas’ without providing foundational justifications for why certain ideas are bad and others right? Which intellectual resources do they draw on to determine which ideas are desirable?

There has been little methodological engagement with Foucault's work within the scholarship on CPT. This is not surprising given that internal critics of CPT, from within the subfield, have stressed the importance of using non-western methods to understand non-western traditions (Jenco 2007a; 2015; 2016). However, theorists that maintain a deep-seated commitment to non-western methods fail to realise that if comparative political theorists are to critique existing dominant methods within political theory, then it is only natural that they find co-conspirators in shape of existing critics of these methods.³ Foucault makes for an excellent co-conspirator for the comparative enterprise because he rejects the universal subject of enlightenment thought. In addition, as I elaborate later in this section, Foucault's conception of the subject, as grounded, historical, and situated in relations of power, supplements the ethnographic emphasis on lived experience, immersion and self-understandings of research participants.

In his essay, *What is Enlightenment*, Foucault (1984) critically engages with Kant's understanding of the enlightenment as a process through which we can transcend our immaturity. According to Kant, immaturity is a state where we submit to authority in conditions where exercise of reason is required. Kant argues that we shed this immaturity and become enlightened when we exercise our own reason without subjection to authority (Kant 1784). Foucault picks up on Kant's project of enlightenment and links the processes of shedding our immaturity with modernity. Foucault (1984: 39) conceptualises modernity⁴ as an attitude, he notes, "I wonder whether we may not envisage modernity rather as an attitude than as a period of history. And by 'attitude,' I mean a mode of relating to contemporary reality; a voluntary choice made by certain people; in the end, a way of thinking and feeling; a way, too, of acting and behaving that at one and the same time marks a relation of belonging and presents itself as a task."

³ Furthermore, as I argued earlier, colonial relations of power, modernity, and histories of violence between the West and the non-West have made it impossible to think of a pristine non-West which can be understood only in reference to its own isolated internal logic. Therefore, it only makes sense to enter into a conversation with those critics of enlightenment thought who critically engage with modernity.

⁴ It is important to note here that Foucault does not reduce modernity and enlightenment to 'just' an attitude. In the same essay on enlightenment, Foucault (1984: 42) notes later on, "I think that the Enlightenment, as a set of political, economic, social, institutional, and cultural events on which we still depend in large part, constitutes a privileged domain for analysis. I also think that as an enterprise for linking the progress of truth and the history of liberty in a bond of direct relation, it formulated a philosophical question that remains for us to consider." For more, see: Foucault, M. (1984) "What is Enlightenment" in Paul Rabinow (ed.) *The Foucault Reader*. New York: Pantheon Books.

Drawing on Baudelaire, Foucault (1984: 41) further explains that modernity, as an attitude, also brings with it a particular self-understanding that locates “oneself as an object of complex and difficult elaboration”. Foucault’s broader point here is that modernity is the reconceptualisation of our self-understandings in a manner that makes it possible for us to speak about ourselves as autonomous, reason exercising, subjects. This conception of the subject, Foucault notes, requires interrogation through problematising the subject’s relation to the present and taking stock of its historical formation as grounded in enlightenment thought. Foucault (1984: 43) categorises this mode of problematising the subject as a method of permanent critique that is aimed at interrogating, and possibly going beyond, the parameters under which reason must be exercised, i.e., “the contemporary limits of the necessary”.

Foucault is quick to emphasise that permanent critique, cannot be universal or transcendental a la Kant⁵. Foucault (1984: 46) argues that the aim of critique is not to discover a set of universal values that form the ultimate limit of our understandings. Instead, it is a historically situated critique, which questions “the events that have led us to constitute ourselves and to recognise ourselves as subjects of what we are doing, thinking, saying”. Scholars of the situated turn, that I mentioned in the previous chapter, like Koopman (2013: 15) argue that Foucault’s work should be understood as “investigations of the conditions of the possibility of the practices whose critique they perform”. Koopman (2013: 15) explains that Foucault undertook transformative renewal of Kant’s critical project from within. He notes, “the transformative renewal might be summarily described as follows: whereas Kant undertook a transcendental critique of the various employments of our reason, Foucault undertook a historical critique of the various deployments of our thought”. Foucault (1984) terms his mode of interrogating subject formation as a critical historical ontology of ourselves that must reject a global mode of analysis. He also stresses the importance for a critical inquiry that is specific and precise, rather than universal.

In his other works, Foucault (1977: 98) stresses a deep relationship between power and subject formation. He explains, “The individual is not to be conceived as a sort of

⁵ For a complete discussion of how Foucault sits in relation to Kantian thought and universalism in particular, see: Koopman, C. (2013) *Genealogy as critique: Foucault and the Problems of Modernity*. Bloomington: Indiana University Press.

elementary nucleus, a primitive atom, a multiple and inert material on which power comes to fasten or against which it happens to strike, and in so doing subdues or crushes individuals. In fact, it is already one of the prime effects of power that certain bodies, certain gestures, certain discourses, certain desires, come to be identified and constituted as individuals. The individual, that is, is not the vis-à-vis of power; it is ... one of its prime effects.” The subject, then, cannot be isolated from power and the social and political relations that produce it⁶. Foucault’s (1984: 49) categorises his work on the subject, into three modes of objectification, i.e., methods through which human beings are made into subjects. He asks, “How are we constituted as subjects of our own knowledge? How are we constituted as subjects who exercise or submit to power relations? How are we constituted as moral subjects of our own actions?”⁷

The first mode of objectification is ‘dividing practices’. Rabinow shows that Foucault (1964; 1978) understood dividing practices as a mode of objectification that separate, categorise and divide the subject from others or themselves. Foucault (1963; 1964) uses examples of separating individuals based on medical classifications, such as infections, diseases and other ailments. Through classifications, like a leper, criminal, prisoner and sexual deviants, individuals are given social identity, which become the basis for their representation, distinction and discipline. This identity is produced by connecting classifications and categories to “a distinctive tradition of humanitarian rhetoric on reform and progress” (Rabinow 1984: 8). The second mode of objectification is termed ‘scientific classification’. Rabinow notes that whilst this mode is connected to dividing practices, it is nonetheless distinct because it is aimed at those fields of knowledge, which are considered to be objective and scientific.

Foucault (1982: 777) mentions economics, philology and linguistics as particular fields of knowledge that depend on a ‘productive’ subject, “the subject who labours in the analysis of wealth and of economics. Or...the objectivising of the sheer fact of being alive in natural history or biology”. Foucault’s broader point in pointing to these scientific classifications is to show how ‘scientific’ disciplines are a product of consolidation of discourses around life,

⁶ For a fuller exposition of the relationship between subject and power, see, Foucault, M. (1982) ‘The Subject and Power’. *Critical Inquiry* (8)4: 777-795.

⁷ For a complete discussion of these three ways of understanding subject formation, see, Introduction, in Rabinow, P. (1984) *The Foucault Reader*. New York: Pantheon Books.

labor, and language. These discourses are commonly thought to engage with “universals of human social life and therefore progressing logically and refining themselves in the course of history” (Rabinow 1984: 9). More significantly though, Foucault notes that disciplines like economics and biology, make it possible to quantify, classify and operationalise the body as a site of scientific knowledge. Consequently, objectification of the body is a key feature of discourses around life, labor and language.

The third, and the most significant form of subject formation and reproduction for the purposes of this thesis, is called ‘subjectification’. Foucault (1982: 778) defines subjectification as, “the way a human being turns himself into a subject”. In this mode of inquiry on subject formation, Foucault looks at practices, discourses, habits, actions and self-understandings undertaken by individuals and groups, to form themselves into particular subjects. In investigating subjectification empirically, Foucault (1985) focused on elites like the French bourgeoisie and Greek citizens to identify how these groups took part in producing their own subjectivities through inculcating various habits, taking part in various discourses and participating in sexual practices aimed at social reproduction of the self. However, the focus on the activities of the subject does not mean that Foucault suddenly submits to a simplistic agency-centric conception of the subject. His broader point in conceptualising self-formation of the subject is to note that self-understandings, discourses, and practices that reproduce the self are not an affirmation of universal values. Instead, they are reflective of the powerful processes through which we come to relate ourselves as a subject of a particular kind in submission to an external authority figures like psychiatrists, the sovereign, and the rule of law (Foucault 1982; 1978; 1985).

Foucault (1982: 781) explains, “There are two meanings of the word “subject”; subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power, which subjugates and makes subject to”. In summary then, Foucault conceives of subjectivity as situated and historically informed. His view of the relationship between power and subjectivity takes a view of subjects that neither privileges agency or a structural-causal explanation. According to Allen (2002:135), for Foucault, “individuals are subjected...in a dual sense; they are subjected to the complex, multiple, shifting relations of power in their social field and at the same time are enabled to take up the position of a subject in and through those relations. In other words, for Foucault, power is a condition for the possibility of individual subjectivity”.

How can Foucault's methods help us conceptualise, understand and critique post-colonial subjectivities? Foucault's rejection of a transcendental subject, and rethinking the concept of critique as grounded in historical complexity and specificity is instructive for practice-based CPT in two particular ways. First, Foucault's excavation of critique from the universality of enlightenment thought provides us with the analytical tools required to critically engage with post-colonial subjectivities. Going back to the three questions that Foucault poses above with regard to subject formation, each question creates space for parochialising the dominant autonomous subject of political theory through a methodological critique. The first two questions, "How are we constituted as subjects of our own knowledge? How are we constituted as subjects who exercise or submit to power relations?" conceive the subject as produced through disciplinary practices of institutions and systems of law. Methods of objectification like 'dividing practices' and the 'scientific classification', that follow these questions, bring into question the ways through which knowledge occupies a neutral ground to classify, value and adjudicate between different modes of life.

Godrej (2011: 51), whilst eschewing Foucault's language, points to such practices in colonial India. She explains, "The British codification and canonisation of legal codes for Hindus and Muslims in colonial India fixed relatively fluid identity categories into rigid ones. It transformed personal law from a vast body of texts and locally variegated customs into a rigid, codified body of legal rules that recognised a specific set of religious texts as ultimately canonical for each religious community (Brahminical Shastric texts for the Hindus and Shari'ah for the Muslims). The very categories of "Hindu" and "Muslim" are themselves constructs of a colonial interpretive lens, and what is now called personal law in contemporary India is the result of a broad colonial misperception and even distortion of the role of India's classical literature in everyday legal practices".

Godrej's account above sheds light on the practical implications of the colonial interpretive lens⁸. It shows us that categories and methods we use to slice up the world have implications beyond the text. To elaborate, if the categories of Hindu and Muslim in postcolonial contexts

⁸ Scholars like Legg, S. (2014) do similar work when they use Foucault to show how colonial administration and legal procedures employed dividing practices through legislation and spatial control of colonial Delhi to regulate prostitution. See: Legg, S. (2014) *Prostitution and The Ends of Empire*. Duke University Press. Also see, Legg, S. (2007) *Spaces of Colonialism*. Oxford: Wiley-Blackwell.

are products of a colonial interpretive lens⁹, then their practical implications in contemporary post-colonial contexts have a direct impact on how we think about engaged forms of CPT. Foucault's focus on denaturalising the subject and questioning fields of knowledge that make it possible to objectify individuals provides us with tools to critically engage with post-colonial subjectivities and their relationship to colonialism.

The second point that I want to emphasise here is that whilst Foucault emphasises the historical constitution of the subject, ethnography takes us beyond just a historical analysis, to the present. Ethnography also gives us access to lived experiences and practices, which are important when it comes to understanding how subjects take part in their own reproduction through actions, habits and practices. It allows us to conceptualise self-understandings of subjects, their desires and their motivations. Ethnography also gives us access to meaning-making practices, practices through which subjects give meaning to their actions and convey their self-understandings in the context of the normative situation they find themselves in. The use of methods like participant observation, informal discussions, anecdotes and storytelling combined with trust and relationship building, make it possible for scholars using ethnographic data to give a thick account of social and political situations that would evade positivist methods (Biaocchi and Connor 2008).

This makes ethnography a suitable methodological tool to combine with the last of Foucault's questions that I mentioned above, i.e., "how are we constituted as moral subjects of our own actions?" Analytical affinities between Foucault's conception of the subject and ethnographic methods are vital for practice-based CPT as they fulfil two important aims. First, like above, they allow us to produce a methodologically oriented critique of dominant liberal rationalist methods within political theory, this critique is made possible by furnishing a different conception of the subject which does not privilege an autonomous use of reason but rather looks at the practice of reason as a complex, contingent and historically constituted exercise. Second, they bring CPT closer towards engaging with real-world issues and normative disagreements, by giving us a better understanding of the subject-positions and modes of argumentation that underpin these disagreements. Koopman (2013: 26) notes that Foucault's methods facilitate, "a better understanding of those conditions of possibility that constrain

⁹ Ashish Nandy also stresses a similar ontological relationship between colonialism and religious identity within South Asia, see, Nandy, A. (1983) *The Intimate Enemy: Loss and recovery of self under colonialism*. Oxford University Press: New Delhi.

and enable us today, right now, in our present.” For practice-based CPT, this means taking stock of the constraints that the colonial past has imposed on post-colonial subjects, and how these constraints alter the options available for taking part in normative argumentation in these contexts. It also means understanding how the modern nation-state, its institutions with disciplinary powers and rationalising capacities are also a vestige of colonialism rather than a hallmark of unproblematic triumphant post-colonial nationalism¹⁰.

Furthermore, engaging with internal critics of the western tradition, like Foucault, that question its boundaries, epistemologies and methods, can be productive for comparative political theorists. I say it can be productive because if CPT is more than rehabilitating marginalised traditions through looking at elite texts and high order literary traditions then, like Ackerly and Bajpai (2017), I would argue that it should be a critical endeavour aimed at problematising the narrow borders of contemporary political theory by introducing a methodological critique of existing liberal-rationalist methods within the discipline. Foucault offers us tools to undertake this methodological critique but practice-based comparative political theorists need not just rely solely on Foucault, they can combine his critique of the subject with reconstructive resources from Gandhi’s political thought. One recent example of such a productive engagement appears in Godrej’s (2017) work on combining Foucault’s focus on bio-politics with Gandhi’s emphasis on self-care in terms of dietary practices.

To conclude then, if we assume that the ‘we’ in Foucault’s questions above are the lawyers whom I conducted my fieldwork with, then it becomes possible for us to interrogate their subjectivities in a critical manner by connecting them to historical events, particularities and their present-day actions. In addition, Foucault’s rethinking of critique allows us to critically engage with the presence of colonial ideas, their offshoots, varying relations of power, and heritage in a post-colonial context. Put simply, if our current subject-positions are related to our historical encounters as well as present day practices, desires and actions, then looking at specific encounters that shape subject positions becomes significantly valuable. Ultimately, Foucault’s (1984: 43) work removes enlightenment thought and its institutional

¹⁰ Comparative political theorists like Loubna El Amine (2016) have also stressed that fellow comparativists should focus on modernity and the state. See: El Amine, L. (2016) “Beyond East and West: Reorienting Political Theory through the Prism of Modernity”. *Perspectives on Politics* 14(1): 102-120.

manifestations, from a ‘privileged domain of analysis’ to an analysis of “ourselves as beings who are historically determined, to a certain extent, by the Enlightenment”.

Fieldwork and Data Collection

In chapters five and six of this thesis, I unpack the ways in which my research subjects, i.e., lawyers, participated in the Lawyers’ movement and also how they understood and justified this participation. In this section, I detail my research process and fieldwork in Islamabad, Rawalpindi, and Lahore, from July 2016 to February 2017. During the course of my fieldwork, I utilised ethnographic methods to access the self-understandings which characterised my research subjects’ participation in the Lawyers’ movement. These methods consisted of non-participant observation, informal discussions, conversations, unstructured interviews, storytelling and narration of incidents from the movement as well as attending social events and gatherings with my research participants. Furthermore, I utilised a snowballing method to gain access to lawyers and activists by drawing on my connections in Islamabad, Rawalpindi, and Lahore. This method worked well as it allowed me to gain access to legal and activist communities within Islamabad, Rawalpindi and Lahore through multiple entry points making it possible for me to verify stories, connect incidents and sketch a broad picture of the movement that I detail in the chapter five. The snowballing method also made it possible for me to develop cross-city contacts due to the close proximity of Rawalpindi, Islamabad and Lahore¹¹.

However, despite these multiple entry points my access to lawyers remained narrow in terms of demography as my research subjects primarily belonged to a middle-class background despite the heterogeneous populations of Rawalpindi and Lahore in particular. The first reason for this narrowness is the fact that my initial contacts, who introduced me to other lawyers, were primarily from middle-class backgrounds. This limited the amount of access I had across class backgrounds in particular. The second reason for this narrowness is associated with the large majority of middle-class professionals in the legal profession in Pakistan (Azeem 2017). Nonetheless, the legal profession is not a complete monopoly of middle-class professionals as there are also those lawyers who do not belong to middle-class

¹¹ Rawalpindi and Islamabad are called twin cities because of their close proximity to each other. Lahore is located at a distance of 365KM from Rawalpindi.

circles. These lawyers, which were sometimes pejoratively referred to as '*tharay walay wakeel*' (lawyers working on wooden or steel slabs) by my research participants, were visible in district court compounds in Lahore, Rawalpindi and Islamabad and the high court compound in Lahore. One of the unmistakable features of *tharay walay wakeel* were the way they would sit outside court rooms in courtyard areas and tout their expertise to those seeking legal assistance by displaying their legal titles, stamps, documents, and stationary on wooden slabs and tables.

These less-affluent lawyers were hesitant to talk to me as they were suspicious of the institutional processes that accompanied my research. For example, when I approached some of these lawyers in the early parts of my research in Lahore, they would shy away from reading any of the plain language statements and consent forms. When I explained to them that I was interested in speaking to them about their experiences of participation in the Lawyers' movement, they would more often than not tell me that my purposes would be better served to talk to other lawyers who *really* participated in the movement. They would then refer me to middle-class lawyers working with firms around court compounds. On other occasions, working-class lawyers would politely refuse to talk to me by saying that they were waiting for clients to show up or that if they took out their time to talk to me, they would miss out on walk-in clients. These instances of interaction with different types of lawyers around court compounds across Lahore, Rawalpindi, and Islamabad gave me an insight into the heterogeneity of the legal profession in Pakistan and also allowed me to observe the ways in which different lawyers understood their role within the profession and its representation to outsiders.

In total, I interviewed 33 lawyers who resided in various parts of Islamabad, Lahore, and Rawalpindi. The spread of my research subjects in different areas of Rawalpindi, Lahore, and Islamabad allowed me to experience different parts of these cities and enter into conversations with local shopkeepers as well as taxi, Uber, and rickshaw drivers. These conversations often came back to where I was from and what I was doing in Pakistan? They gave me important insight into how 'outsiders' like these cab drivers saw the movement because of their daily work in and around congested spaces like public courts in each city. For example, one of the cab drivers, warned me to be careful in my dealings with lawyers because they were *choors* (thieves) and *badmash* (bullies/vagabonds). Another one noted that because I was studying in Australia, 'a civilised country' and spoke fluent English, I would

stand in good reputation in front of lawyers and other ‘educated’ people in Pakistan. These stories and comments, combined with the interactions that I had with working class lawyers described earlier, made me think about my position as a theorist as well as an ethnographer in the field despite being a citizen of Pakistan and growing up there. Overall, they underscore the importance of reflexivity for comparative political theorists interested in ethnographic fieldwork as such stories and comments make us aware of our privileged positions vis-à-vis the people, the contexts and the situations, we engage with during our research.

In Rawalpindi and Islamabad, I was guided by Talha, my research contact, who introduced me to lawyers within the twin cities and in Lahore, I was assisted by Ali, who gave me a guided tour of the Lahore High Court, before introducing me to other lawyers at the courts. In the early stages of my fieldwork, I kept my interviews unstructured and was interested in the tropes, issues and themes that my research subjects would bring up voluntarily. I adopted this open-ended approach to understand the concerns and anxieties that informed participation in the movement but also to see gain a sense of how my research subjects captured the Lawyers’ movement in their own words. After the first 8-10 interviews, I came to know that my research participants understood the movement to be about the rule of law. However, I was still confused as to what was so alluring about the rule of law that prompted two years of large-scale protests in Pakistan and resulted in the resignation of the President as well as the Chief of Army Staff. This confusion was alleviated when I started pushing my participants, during our conversations, discussions and interviews, to clarify why they invested so much significance in the rule of law.

My research subjects understood the rule of law to be a defining feature of *civilised* and *modern* people. They saw their fight for the rule of law in Pakistan, as a fight to transform Pakistan from a ‘banana republic’ to a ‘civilised’ country. In this regard, they understood their participation in the movement to be driven by the desire to be modern. This became apparent to me during the course of my fieldwork as I spent more time with the lawyers, activists as well as my research contacts. To elaborate, my research participants would often bring up my connections to Australia as a way of explaining their participation in the movement. For example, one of my research participants, Shahzad, often brought up the point that I was ‘working’ in Australia on ‘Pakistani politics’. He would assume and often say out loud that I understood the importance of the rule of law because I lived and worked in a country where ‘*goray log* (white people) form lines’ and ‘everyone drives within their lanes

on the road'. Simply put, Shahzad's point was that white people follow rules, whereas Pakistanis don't. These self-deprecating narratives appeared several times during the fieldwork and prompted me to think reflexively about the relationship between my position as a researcher from an Australian university, a political theorist who is critical of Eurocentrism and a national of a post-colonial country like Pakistan¹². Furthermore, such narratives combined with the public political impact of the Lawyers' movement in terms of shaping public discourse through emphasising the importance of independent judiciary and the rule of law also means that middle-class lawyers lend themselves towards understanding how the political is constructed and shaped in post-colonial Pakistan. In particular, the dominance of middle-class lawyers in terms of monopolising popular public commentary through newspapers and TV news channels on the role of judiciary and the significance of law allows me to use ethnographic data to critically engage with specific idealisations of the rule of law and consequent imaginings of citizen-state relationship. Therefore, the link between public political space occupied by middle class lawyers and the broader impact of the Lawyers' movement provides an analytical reason to connect ethnographic observations with staple theoretical concerns of the discipline of political theory.

In the chapters that follow, I offer an analysis of political subjectivity in the Lawyers' movement inspired by self-understandings of my research subjects in Pakistan. In this analysis, I focus on why and how lawyers and activists in Pakistan took part in the movement through mobilising the emotion of anger whilst locating themselves as the 'most educated' and 'civilised' members of the Pakistani society due to their education in law. In particular, I unpack how the combination of anger, middle class idealisation of education and the rule of law, symbolic value of the 'black coat' worn by the lawyers, and desire to be modern and civil, rests at the heart of constituting political subjectivity which values juridical equality in conditions of postcolonial modernity.

¹² Most of the discussion around positionality within CPT assumes that the 'theorist' immersing themselves in a foreign tradition, is actually foreign to the tradition itself (Godrej 2011; Holman 2017; Ackerly and Bajpai 2017). For example, Godrej (2011) makes the case for ethnographic immersion in foreign traditions to understand their texts because western political theorists are trained in the Anglo-American tradition of inquiry and therefore might miss the radical otherness of these texts. However, it is unclear as to when one becomes a western political theorist; do theorists occupy a 'foreign' position against Indian traditions if they undertake doctoral training in the Anglo-American world? Do theorists occupy a foreign position against Indian traditions if they undertake their doctoral training in India? Does this 'foreign' position change if a theorist is educated in Japan or Egypt or China? What do these arguments presume or ignore about the political economy of academia and globalisation of higher education?

Chapter 4 - Historicising Discourses of Modernity: Middle Class Subjectivity in Colonial India

“If I were asked to describe their class by a single name, I should not hesitate to call it our new middle class. For here too English goods have driven out native goods: our society has lost its old landmarks and is being demarcated on the English model. But of all the brand-new articles we have imported, inconceivably the most important is that large class of people—journalists, barristers, doctors, officials, graduates, and traders—who have grown up and are increasing with prurient rapidity under the aegis of the British rule: and this class I call the middle class: for, when we are so proud of our imported English goods, it would be absurd, when we want labels for them, not to import their English names as well.” (Ghosh 1893)

“But the greatest injury they (lawyers) have done to the country is that they have tightened the English grip. Do you think that it would be possible for the English to carry on their government without law courts? It is wrong to consider that courts are established for the benefit of the people. Those who want to perpetuate their power do so through the courts... The chief thing, however, to be remembered is that, without lawyers, courts could not have been established or conducted, and without the latter the English could not rule. Supposing that there were only English judges, English pleaders and English police, they could only rule over the English. The English could not do without Indian judges and Indian pleaders.” (Gandhi 1997: 61)

“Remember, the legal profession in Pakistan is pretty much a middle-class profession” – Ali
(Personal interview, 22 December 2016)

In the first three chapters of this thesis, I called into question the methodological and normative assumptions implicit in the field of comparative political theory (CPT). In particular, I have argued that comparative political theorists should not limit the scope of their subfield to exploration of radical otherness, through methodological moves that disturb eurocentrism. Instead, as I note in chapter two, comparative political theorists should expand

their analytical focus to post-colonial subjectivities and how they engage with the broader institutional context of modernity that bears the weight of colonial violence and heritage. In chapter three, I propose that this shift of analytical focus needs to be complemented by a methodological discussion on the appropriate methods to dislodge the figure of the transcendental Kantian subject from the centre of political theory. I contend that comparative political theorists can de-centre the transcendental subject that allows political theorists to make universal claims by using ethnographic methods.

The use of ethnographic methods is proposed here to historically and politically situate the subject in complex relations of social and political relations that are produced through institutional mechanisms of modernity and are reproduced through subjects' actions, thoughts, discourses and participation in private as well as public political life. Consequently, I forward a conception of CPT that is practice-based, i.e., it focuses on real world practices, subjectivities, discourses and actions to understand and critically engage with post-colonial subjectivities and their position within the broader framework of modernity. However, a practice-based CPT is not just descriptive and analytical but also a critical enterprise that aims to show the contingent and historically situated nature of our postcolonial subjectivities, arguments, discourses, and visions for a collective future. In other words, a practice-based CPT does not issue judgement as critique but instead reveals that the very mechanisms that order our existence and present themselves as self-evident arbitrators of emancipation are themselves contingent and arbitrary, therefore, subject to transformation.

In the second half of this thesis, I draw on self-understandings of lawyers who participated in the Lawyers' movement in Pakistan to outline how these understandings are grounded explicitly in notions of juridical equality and imagine the state as the locus of reason, rationality and modernisation. Here juridical equality and modernisation are associated with being modern and struggling for equitable and efficient representation through a teleological development of institutions. However, appeals to modernity in this fashion amongst my research participants were not just a simple self-evident fact. Instead, my research participants often qualified their belief in the power of juridical equality and rights, as tied to the rule of law, by appealing to an outside 'other' that is considered to be a reference point for justifying a particular political trajectory and mode of organising politics, i.e., modernity. These reference points appear as 'Australia', 'the United Kingdom' and the West in general but crucially always served to reify modernisation as the remedy for everyday political

problems within the state. The central location of the state in this discourse is significant here because it takes an emancipatory view of the post-colonial state that is destined to bridge the moral as well as the developmental gap within Pakistan, and between Pakistan and the western others that I mentioned above. This understanding of, and enchantment with, the state is not a simple consequence of the coercive function of state power. Instead, the enchantment with the state emerges through an interplay of middle-class politics in Pakistan, and the desire to be modern which consists of negatively associating the anxieties of everyday political life with allegiance to kinship and the resultant nepotism, corruption, and favouritism.

Middle-class belief in the progressive power of education, meritocracy, and principles of ‘good governance’ were central to the self-understandings of lawyers who became a part of my research. My research participants not only confirmed this by the *way* they justified their belief in principles such as the rule of law and meritocracy but also by telling me stories from their personal and professional lives that directly engaged with injustices brought about by the lack of perceived meritocratic modernist values. Furthermore, the research participants situated these stories in context of their involvement in the Lawyers’ movement to elaborate on why they became a part of the movement, how they participated to fight for the rule of law, meritocracy, and juridical equality. Consequently, I argue that political subjectivity of lawyers in the Lawyers’ movement cannot be understood without taking stock of the broader milieu of middle class politics and its historical formation in colonial India and post-independence Pakistan.

This chapter is aimed at laying down a historical context for the discussion of the subject positions I highlight above. In this chapter, I locate the emergence of narratives regarding modernist values within the formation of middle class views in colonial India rather than taking them as a natural product of the ‘civilising’ colonial mission. I show how these narratives can be seen as a part of the broader discourse of modernity that was taken up by middle class groups in Colonial India. This broader discourse consisted not only of the ways in which middle class Indians under British rule came to engage with the tension between tradition and modernist values but also included the broader normative justifications offered in support of, or against, the British rule. Normative justifications came in shape of appeals to law and order, superiority of the modernist way of life when offering apologetic reasons for the British rule. In other times these justifications would appear in shape of a critique of

Indians who were seen to be supporting British control over India and thus denying Indians self-rule. These justifications, and the responses to them, under conditions of colonial rule, show how middle-class subjectivities constituted themselves through various political and social practices. It is members of this middle-class that went on to play a significant role in nationalist movements and became high ranking members of both the Muslim league and the Indian National Congress, two political parties which led movements towards the independence of Pakistan and India respectively.

In this chapter, I also qualify my use of the term middle class by using the work of South Asian historians like Joshi (2001; 2010; 2017) and Chakrabarty (2000; 2010) to analytically treat the category of middle class as constructed through practices and participation in the limited public sphere in Colonial India. Finally, this chapter works towards locating practices of textual production in context of public debate in colonial India. For comparative political theorising, historical accounts provided in this chapter act as an empirical context for providing nuance to the CPT focus on doctrinal orthodoxy and otherness by elaborating on the relationality between different contexts. In other words, the chapter shows how western modernist ideas became ideals for middle-class subjectivities in colonial India. The diffusion of modernist ideas amongst middle-class subjectivities in colonial India allows one to expand the scope of CPT scholarship beyond the textual emphasis on difference and orthodoxy by taking into account the constitutive impact of colonialism on South Asian politics.

Middle class in Colonial India

There is considerable disagreement amongst scholars of South Asian history regarding the presence of an ‘authentic’ middle class in Colonial India. Some scholars take a Eurocentric comparative approach and regard Indian middle class groups as a myth that does not live up to the ideal model of the European middle class (Misra 1961; Torri 1991; Oberoi 1994; Nehru 1946). Others from the Cambridge School of historians sketch a history of Indian life under British rule that centres on factional interests and rarely accords any ideological coherence to Indian subjects (Jalal 1985; Seal 1968; Gallagher et al. 1973).

In this section, I draw on Joshi (2001; 2017) and Chakrabarty (2000; 2010) to treat the middle class as a social construct, with a focus on how middle-class groups take part in their own (re)production through various social and cultural practices rather than grounding the concept

of class in reductive economic determinism or comparing these groups to ideal-type Eurocentric conceptions of class. This consists of understanding the middle class as a fluid category rather than a pre-defined group according to economic income. It also consists of treating the category of class as tied to historical contexts, where operations of the colonial state, empire, and the interplay between modernity and tradition, come to manifest themselves in the way middle class subjects constitute themselves.

Joshi (2001: 7) argues that “one objective factor that distinguished most people that came to be termed middle class in colonial India was the fact that they belonged to the upper strata of the society but not at the apex”. This upper strata consisted of high caste Hindus and those Muslim families which were regarded as *ashraf* (noble or deserving of respect) with a history of serving in courts of local rulers and landlords¹³. Maqsood (2017) contends that there was a lower tier of colonial middle-class groups that consisted of professional groups, like lawyers and doctors, as well as local government officials. Individuals who became a part of these groups shared certain economic traits, first, they belonged to those families which were financially well-off but not aristocratic. Second, they valued education and regarded it as the “most important and marketable skill with family traditions stressing educational achievements” (Joshi 2001: 7).

This is evidenced by the stream of western educated Indian men that returned to India at the end of 19th century as well as in the early decades of the 20th century like Jinnah and Nehru amongst others¹⁴. In a similar manner, Maqsood (2017: 5) adds to our understanding of middle class formation by highlighting that middle-class groups in colonial India, especially those that were a part of government bureaucracy, were outcomes of the colonial education system which attempted to sanitise the Indian by ridding them of superstition and inculcating English morals and tastes. She also outlines that while some members of middle class groups were educated in colonial schools in India, others from wealthier families were sent to Oxford and other British universities. It is no surprise then that Nehru (1946) thought of

¹³ For details on *Ashraf* families and their lineage and transition into middle classes, see: Pernau, M. (2013) *Ashraf into Middle Classes: Muslims in Nineteenth Century Delhi*. Oxford: Oxford University Press. Also see: Ahmad, I. and Reifeld, H. (2018) *Middle Class Values in India and Western Europe*. New York: Routledge.

¹⁴ For more on Jawaharlal Nehru and Mohammad Ali Jinnah see: Nehru, J. (1946) *Discovery of India*. New York: The John Day Company. Wolpert, S. (1984) *Jinnah of Pakistan*. New York: Oxford University Press.

himself and his contemporary nationalist leaders in India, just a year before the partition of the subcontinent, as belonging to the middle class¹⁵.

Joshi (2017) argues, that middle-class groups truly came into their own when they utilised their western education and fluency in English to differentiate themselves from the subalterns of the Empire as well as the ruling elite. These practices of differentiation primarily took place within the limited public sphere in British India where educated Indians created space for public political dialogue, discussion, and formation of political organisations, under conditions where women and the majority of Indians were not seen as a ‘part’ of the public sphere¹⁶. In this limited public sphere, Indian men, who Joshi argues, were “hardly the richest nor the most powerful...were able to represent themselves as middle class”. Maqsood (2017:5) notes that it is this participation in the public sphere, exchange of ideas, and government employment that was the source of “middle-class respectability”. Joshi (2017: 4) states, “It was they (middle class men) who invested in presses, worked as journalists, created civic and political associations, and published and debated their ideas either in the press or in the forums of their association”.

However, one cannot understand the making of the middle class in British India without paying adequate attention to the changes that the modernising ambitions of the British empire made to the fabric of Indian political life especially after the failed war of independence in 1857¹⁷. The British Rule introduced significant administrative changes in India. Before British rule, kinship ties were vital in terms of securing positions in local royal courts and governance systems amongst *ashraf* families. These kinship ties granted a central place of

¹⁵ In his autobiography Nehru (1946: 57) remarks, “The present for me, and for many others like me, was an odd mixture of medi-aevalism, appalling poverty and misery and a somewhat superficial modernism of the middle classes. I was not an admirer of my own class or kind, and yet inevitably I looked to it for leadership in the struggle for India's salvation; that middle class felt caged and circumscribed and wanted to grow and develop itself”.

¹⁶ For more on women in public political life in colonial India, see: Lal, V. (1993) ‘The Incident of the ‘Crawling Lane’: Women in the Punjab Disturbances of 1919’, *Genders* 16: 35-60. Also see: O’Hanlon, R. (2002) *A Comparison Between Women and Men: Tarabai Shinde and the Critique of Gender Relations in Colonial India*. Delhi: Oxford University Press. Sarkar, T. (2001) *Hindu Wife, Hindu Nation: Community, Religion, and Cultural Nationalism*. New Delhi: Permanent Black.

¹⁷ Historians of the British Empire in South Asia usually divide colonial rule in India in pre-1857 and post 1857 terms. The primary reason for this distinction is analytical, the failed war of independence in 1857 by Indians was followed by bringing the East India Company under the control of British government. For more on this transition, see: Sarkar, S. (1987) *Modern India 1885-1947*. Macmillan: Delhi. Metcalf, B. and Metcalf, R. (2002) *A Concise History of Modern India*. Cambridge: Cambridge University Press.

power and prestige to the family elders¹⁸ that were seen as important connecting points for communal life, social existence, as well as employment through introductions (Sender 1988). British administrative changes especially in terms of who could be recruited, under what conditions, and with which qualifications, impacted broader political life for middle class groups who were servicing local rulers in their courts and governance before the colonial rule.

Joshi (2001: 27) provides an overview of these changes by highlighting that “...training in western-style institutes became almost compulsory”. New employment opportunities also required individuals to attain western education; this was evident in the legal profession and the teaching profession, along with journalism. There was no participation in the British legal system, as a lawyer, without education and socialisation into the forms of reasoning and argumentation that make such a system possible and functional¹⁹. The decline of old patronage networks drove Indian middle class groups to value western education and modernist values because these values were presented to them as a necessity in order to take part in public political life under British rule. The limited public sphere for middle class groups in colonial India was also constituted through the means by which modernist values were articulated. Perhaps the most important of these were newspapers.

Newspapers before the colonial rule were limited to courts and mercantile elites; their circulation was not intended for the larger population (Fisher cited in Joshi 2001: 34). In some cases, where printing presses did exist, their use was strictly controlled by the local rulers. However, under British rule, newspaper circulation became an important feature of public political life, so much so, that the British thought newspaper circulation amongst the ‘natives’ was partially liable for the war of independence in 1857 (Nataraja cited in Joshi 2011: 34). In Lahore, the first Punjabi operated English-language newspaper titled, *Tribune*, came into existence in 1881. This newspaper was owned by Dyal Singh Majithia and edited by Kalinath Ray who was arrested by colonial authorities in the aftermath of *Tribune*’s critical commentary after the Jaliawala Bagh massacre where 1200 Indians died and 3600

¹⁸ Family elders are referred to as *buzurg* in Pakistan. They still perform important social tasks, such as setting up arranged marriages, mediating marital disputes, as well as other ‘private’ disputes. These elders had far more political power in pre-colonial times where they would make appropriate recommendations and introductions through kinship ties for work with local rules.

¹⁹ For a detailed history of the development of the legal profession in India, see: Schmittthener, S. (1968) ‘A Sketch of the Development of the Legal Profession in India’ *Law and Society Review*, 3(2/3) 337-382.

were wounded according to a Congress commission report (Talbot and Kamran 2016; Fein 1977). After the partition, the newspaper moved to India where it still circulates today.

Newspapers as well as new journals and other forms of publication, became a means for articulating ideas and values that defined the self-understanding of the middle-class Indians. But what sort of values and ideas were these? If they were modernist, what was their content and which tropes did they specifically employ? It is impossible to provide a comprehensive overview of how modernist values were cultivated within colonial Indian middle class subjectivity. However, it is possible for us to sketch an account of middle class subjectivities which draws on writings, speeches, public statements, lectures, diaries, and journal contributions, through which modernist ideas were articulated in the limited colonial public sphere. Baviskar and Ray (2011: 5-6) argue that belonging to a middle-class position consisted of taking up a “particular orientation towards modernity”. This orientation consisted of a progressive attitude, coupled with respect for established systems of law and order. Middle class subjectivities also valued the presence of science and rationality in public life whilst going beyond older social relations of caste and kinship.

Reform and Modernist Values amongst Middle-class subjectivities in Colonial India

Modernist values, and their teleological promise, are evident in Sir Sayyid Ahmed Khan’s appeals to Muslims in colonial India to educate themselves. A reformist Islamic thinker, Sir Sayyid Ahmed Khan, was a central figure in the Aligarh movement in British India. The Aligarh movement was aimed at the moral and intellectual uplifting of Indian Muslims in the post-1857 era. Sayyid Ahmed Khan also established the first ‘Muslim’ university in South Asia, the Mohammedan Anglo Oriental College which was later transformed into the Aligarh University²⁰. The original college was modelled on institutes like Oxford and Cambridge in Britain (Robinson 2007). Sir Sayyid came from a noble Muslim family and worked for the East India Company in the judicial branch. During the 1857 war of independence, he was responsible for saving British lives in the district of Bijnor where he also served as the assistant magistrate. Sir Sayyid’s Aligarh movement had a lasting impact on the self-understandings of Muslims in India and this impact still persists on both sides of the border in

²⁰ For more on Ali Garh and Sir Sayyid Ahmed Khan, see: Robinson, F. (2007) *Separatism Among Indian Muslims The Politics of the United Provinces' Muslims, 1860–1923*. Cambridge: Cambridge University Press.

South Asia²¹. On the Pakistani side, Sir Sayyid has been referred to as, the “pioneer of Muslim nationalism” which eventually translated into Pakistani nationalism (Paracha 2016). In India, where the Aligarh University is now located, he has been remembered “as a visionary leader” by the former President Pranab Mukherjee (Hindustan Times 2017).

In his speech to an audience of Muslims in Lucknow, India, Sir Sayyid urged Indian Muslims to gain western education as a way of progressing in an increasingly changing India under British Rule (Khan 1888). Before I quote a section of his speech here, it is significant to note that the audience for Sir Sayyid’s lecture was consisted of largely of the Muslim elites that Joshi (2001; 2017) highlights in his work on middle class groups in Lucknow. One description of the crowd captures the demographic rather poignantly:

The meeting was attended not only by the Mahomedans of Lucknow, but by gentlemen who had come from all parts of Upper India to be present at the Mahomedan Educational Congress. It represented the intellect and the aristocracy, the brain and the muscle, of the Mahomedan community. There were present the taluqdars of Oudh, members of the Government Services, the Army, the Professions of Law, the Press and the Priesthood; Sayyids, Shaikhs, Moghals and Pathans belonging to some of the noblest (*ashraf*) families in India; and representatives of every school of thought, from orthodox Sunni and Shiah Maulvis to the young men trained in Indian colleges or in England (Khan 1888: 1)

Sir Sayyid spoke at length during his address to the audience at the Mohameden Education Congress touching on issues of political representation in the British colonial system, uprisings against the imperial government, education, as well as a broader commentary on the Muslim condition under British rule. Sir Sayyid began by explaining that Indian Muslims should be cautious with regards to the political movements against the colonial government, he also warned them that the Muslim community was in no position to compete with Hindus, Bengalis and other communities in India because of their lack of education as well as their historical status as ‘rulers’ of the subcontinent. He heavily criticised the demands made by

²¹ Sir Sayyid’s thought is a central part of ‘Pakistan Studies’ in Pakistan now. I first came across his name in primary school in Pakistan. While I was conducting my fieldwork in Pakistan, the President of Pakistan stated that Sir Sayyid Ahmed Khan laid Pakistan’s foundation. See: Iqbal, J. (2017) Sir Sayyid Laid Pakistan’s Foundation: Mamnoon, *The Nation* 11/1. Available at: <https://nation.com.pk/11-Jan-2017/sir-syed-laid-pakistan-s-foundation-mamnoon> . Last accessed on 13 February 2019.

the Indian National Congress to the British government for Indian representation within the empire's governmental machinery by pointing to their competitive nature. In the same speech, Sir Sayyid also appealed to the power of education (1888: 24) concluded by stating:

Until our nation can give birth to a highly-educated people, it will remain degraded; it will be below others, and will not attain such honour as I desire for it. These precepts I have given you from the bottom of my heart. I do not care if any one calls me a madman or anything else. It was my duty to tell those things which, in my opinion, are necessary for the welfare of my nation....

A year on in 1888, Sir Sayyid (1888: 53) spoke again on similar issues, this time in Meerut, India in front of over 400 people. He once again stressed the importance of education by noting:

“When you shall have fully acquired education, and true education shall have made its home in your hearts, then you will know what rights you can legitimately demand of the British Government. And the result of this will be that you will also obtain honourable positions in the Government, and will acquire wealth in the higher ranks of trade. But to make friendship with the Bengalis in their mischievous political proposals, and join in them, can bring only harm. If my nation follows my advice they will draw benefit from trade and education. Otherwise, remember that Government will keep a very sharp eye on you because you are very quarrelsome, very brave, great soldiers, and great fighters”.²²

The contents of Sir Sayyid's speech are worth quoting in detail here as they give us insight into the self-understandings of middle class Indians under British Rule. They also serve to highlight the progressive power of education as a central feature of middle class viewpoints

²² One might object at this point to the communal and particularistic tropes that are seen in both these addresses in front of majority Muslim crowds in India as signs of betraying modernist ideals. For example, Sir Sayyid's fear that Hindus would dominate Muslims in the representative proposals put forth by Indian National Congress given their number as a majority of the total population. To persist with this argument, one might also claim that these communal tropes do not fit into our picture of modernity and modernist values which stress egalitarianism and meritocracy regardless of religious, and ethnic affiliations. Furthermore, Sayyid's religious background and appeals to religion as a source of education within these speeches also perhaps undermines a neat picture of a south Asian modernist. However, there are more nuances to the formation of the Middle Class self-understandings in colonial India rather than just passing judgement on these understandings as deficient in forms of 'true' modernity. See Joshi (2001; 2017) on the conceptual framework of fractured modernity.

and positions. Sir Sayyid's emphasis on 'true' education through which Muslims of India would get to know how to demand rights legitimately mirrors Joshi's claims quoted earlier in this chapter regarding the centrality of education amongst middle class groups in India. However, Sir Sayyid's arguments in favour of modernising the Muslim psyche in India cannot be understood without his understanding of the 1857 war of independence. Sir Sayyid, like other modernist Indian leaders with middle class grounding, such as Nehru, both regarded Muslims as primary losers in an equation where new forms of education were required to engage with the imperial machine in terms of employment as well as in gaining a say in public political life. Nehru (1941: 289), in his autobiography, notes, "After 1857, the heavy hand of the British fell more heavily on the Moslems than on the Hindus. They considered the Moslems more aggressive and militant and possessing memories of recent rule in India and, therefore, more dangerous. The Muslims had also kept away from the new education and had few jobs under the British government".

There is more to just the surface reading of these claims by Nehru and Sir Sayyid. As Joshi (2017) acknowledges middle class intellectuals in British India often employed orientalist tropes in order to engage with their own traditions and encourage internal reform. Sir Sayyid is perhaps the best example of such an endeavour given his focus on reformation and compatibility between traditional Islamic ideas and scientific knowledge. For example, Sir Sayyid established the Ghazipur Scientific Society in 1862 which was later relocated and converted into the Aligarh University. The scientific society also translated Mill's *On Liberty* into Urdu. Scholars also point to the impact that Jeremy Bentham's work had on Sir Sayyid's thoughts, especially on the possibility of representative government in India (Ingram 2015; Rai 1966).

Writing in the aftermath of the 1857 war of independence, Sir Sayyid argued:

The blind prejudice of Muslims is preventing them from emulating [Western] education, sciences and technology; Muslim society erroneously admires the blindness of those who are stubborn and haughty and considers all nations except their own inferior. There is not a single nation in the world which acquired excellence, material progress and spiritual happiness entirely by virtue of its own efforts. Nations always benefit from each other; only bigots deny themselves the fruits of their fellowman's labour. They are like wild animals, happy in [the narrow life of]

their flock, and are deaf to the sweet melody of the nightingale and the chirping of little sparrows, and know not how the garden [i.e. world] was laid out and what makes the flowers bloom. Prejudice and progress will never mix. (Khan cited in Malik 1968: 235).

Sir Sayyid's modernising ambitions appear to be particularly lofty if one takes into account his support for including Muslims (men) from those familial backgrounds which were considered to be ignoble. His arguments against those who proposed to limit Mohameden Anglo-Oriental College admission to those of noble backgrounds further highlight his reformist and modernist positions (Robinson 2007). The reason here for quoting Sir Sayyid here is not to produce a critical commentary on his works for that would be beyond the scope of this thesis. Neither do I mention Sir Sayyid to position him as a perfect statistical representative of middle class groups in colonial India, given the diverse positions held by different members of these groups. However, Sir Sayyid's views, and how they overlap with other members of the Indian colonial middle class, give us a way into looking at the commonalities between middle class groups and their self-understandings. His understanding of the Muslim condition in Colonial India, its diagnosis, and proposals for reconstitution through thorough engagement with science and cultivation of western education give us a real sense of the appeal of modernist values amongst Indian middle class groups. These values appeared to take a hold in Sir Sayyid's reformist political imagination but it would be naive to treat them here as having a natural force on their own. In the broader milieu of middle class subjectivity in colonial India, the tension between tradition and modernity was manifested in agendas of modernisation which took tradition as their primary subject. In Sir Sayyid's case, his project of social reform, and work on incorporating modernist values and scientific knowledge within the Islamic tradition illustrate the conflicts that defined constitution of middle class subjectivities through public political debates in colonial India.

What is also significant and can be considered a component of Sir Sayyid's reformist approach is the means through which his words appear in the public eye. In 1870, Sir Sayyid established a journal titled, *Tehzeeb al-Akhlaq* or "Muslim Social Reformer" (Robinson 2007). Sir Sayyid modelled the publication on similar magazines and journals in London, like

the *Spectator* and *Tatler*²³, which he came across on his visit to Britain in 1869 (Wasti 2010: 529; Siddiqi 1967). Writing in the first edition of the journal, Sir Sayyid described its purpose as, “The objective of issuing this journal is to persuade Indian Muslims to adopt a complete degree of civilisation meaning culture, so that the hatred with which the civilised (cultured) nations view them should go away and they may also be said to be exalted and cultured nations of the world...” (Khan cited in Naeem 2017). *Tehzeeb al-Akhlaq* went onto to publish important translations of European works like Jeremy Bentham’s *An Introduction to the Principles of Morals and Legislation* along with commentaries by Sir Sayyid and other members of the Aligarh movement on the Muslim condition and public political issues (Rai 1966). Sir Sayyid’s emphasis on publications and journals was not unique to him but rather a broader feature of the Indian middle class under British rule. Joshi (2017) highlights that those middle-class groups who opposed modernising efforts of Sir Sayyid also took to their own publications sources, like journals and magazines, to heavily criticise him along with other modernists.

Sir Sayyid’s extensive appeals to the progressive value science and western education and the need for Muslims to modernise their view of the world were also accompanied by a scepticism towards the education of Muslim women. This scepticism was grounded in Sir Sayyid’s understanding of the effects of colonial education and how these effects were particular to Muslim women given their relegation to the private sphere. In particular, Sir Sayyid’s considered the prospect of colonial education for Muslim women particularly undesirable because it would collapse the lack of contact between Muslim women from *ashraf* families and those from lower classes. Tahera (2005) highlights two instances where Sir Sayyid took up a stringent position against colonial education for Muslim women. In a letter from London, Sir Sayyid noted that the English had created appropriate procedures for the “manners and customs of their country” so that English women would get “good, moral and religious education” whilst also keeping them away from the “low and ill-calculated females” (Tahera 2005: 90). In 1889, Sir Sayyid affirmed his stance on the question of colonial education for Muslim women by arguing that the colonial schools and education were “neither suitable to the conditions nor there would be any need for them for our women thousands of years to come” (Khan cited in Tahera 2005: 80).

²³ *Spectator* and *Tatler* are also mentioned by Jürgen Habermas in his work on bourgeois public sphere in Europe. For more, see: Habermas, J. (1991) *The Structural Formation of the Public Sphere*. Cambridge, Mass.: MIT Press, 43-44.

Another interesting example, to read together with Sir Sayyid's writings above is that of Mahdi Hasan Khan²⁴, also known as, Fath Nawaz Jung. Hasan Khan's example is lesser known but like Sir Sayyid, he was a part of the Aligarh movement and published seven articles in *Tehzeeb al-Akhlaq*. Hasan Khan's father was a revenue collector for *Nawabs* in Hyderabad. He attended Canning College which was established after 1857 and went on to pursue a career in government service and law. At the time of writing his travel diaries, Khan was the Chief Justice of the state of Hyderabad but he lost his job in 1893 after rumours regarding his Irish wife's character were published through an anonymous pamphlet. The travel diaries were translated in 1893 into Urdu by Hasan Khan's friend, Maulwi Aziz Mirza, another Aligarh graduate. Hasan Khan's travel notes and diary offer a productive example of the thought process and value systems that informed Indian middle class views, under British rule, described earlier in this chapter. His travel accounts and reflections are productive because at the very start of his travelogue, Hasan Khan (2006: 3-4) states:

My main objective in projecting a visit to England were to study the question of difference of nationality, to see the broad principles, political and social, wherein Indian races differ from the English...to study...the institutions and customs of England, and to form some opinion as to the class of people that we get to rule us...I am quite conscious of the fact that for an insignificant person like myself to write a diary is presumptuous, and yet I think of it as an advantage for those of my countrymen who have never been to England for me to lay my life there open before them and thus give them an opportunity of sharing with my feelings for England and the English people.

Hasan Khan's practice of locating the very process of writing about his trip to England with a public audience in mind is indicative of the genre of travel writing and diary writing as it emerged in Colonial India. Chakrabarty (2000) notes that Indian diaries and autobiographical accounts tend to be deliberately public in content rather than shedding light on the private realm. The public nature of these diaries corresponds to the emergence of a bourgeoisie

²⁴ Rai (1966) also mentions Hasan Khan as 'Mehdi Hasan Khan' in his first open letter to Sir Sayyid Ahmed Khan. Rai writes, "I came to know (if my memory does not deceive me) that the present Chief Justice of Hyderabad [Mehdi Hasan Khan], a staunch opponent of the National Movement, once translated Jeremy Bentham's book on "Utility" for the readers of your *Social Reformer*". However, the translation does not get a mention in the preface or the contents of his own travelogue.

individual in Colonial India. This public orientation comes across clearly in the beginning of Hasan Khan's travelogue but is prevalent throughout due to his commentary on the superiority of the English way of life. Khan constructs this commentary by providing constant comparisons between how the English live in London compared to how Muslims live in India. These comparisons once again only serve to locate India as a place that is not sufficiently modern and therefore needs to learn appropriate lessons in order to progress beyond its assumed infancy. What is even more telling in Hasan Khan's travelogue is the description of what one might consider to be aspects stereotypical of modern life. Khan expounds on museums, theatres, clubs, education, women, aesthetics, science and technology, railways, civil rights, class relations, gender relations as well as architecture. These topics are touched upon in context of his travels from Hyderabad to England whilst also making stops in France, Switzerland, Italy and, Egypt.

In his travel diaries, Hasan Khan describes the English as a "mighty nation" and one of the most advanced 'races' of the world. He attributes this superiority to the way English conduct and present themselves in the larger context of their social life. Khan (2006: 8-9) explains that the English are well-educated so much so that "a coachman, groom or maidservant" can read and write. He also notes that there are many newspapers in circulation in England and even poor men read them as to develop their political viewpoints and then express them "on a bench in Hyde Park with a long pipe in his mouth...". The focus on education in Hasan Khan's description of the English people also finds its way into his contrasts between English, and Indian children. He outlines that English children are fortunate to have an early education as well as mothers who are "highly educated", whereas Indian children are "seldom so polite in speech". These views on the English are accompanied by Hasan Khan's comments on the class divide in England. He explains that the class divide in England is "strictly observed" but notes that this strict separation between classes is beneficial as "there is no confusion of classes as there is among us". Hasan Khan, inspired by the display of bourgeoisie social practices by the English during his travels, also remarked on the pleasures that occupied the English. He saw these practices as a by-product of education and a modern way of life. Hasan Khan (2006: 19) writes:

English people know how to make the best of things...even on-board ship...they get up lotteries, concerts and dances and other forms of amusement. After dinner, they make themselves quite at home...near the bar...pegs...and conversations with their

friends. We have much to learn from the from the English in the art of social enjoyment...it pains me to think that even if there were twenty Mahomedans on board besides myself, they would not make the least effort to enhance their mutual social pleasures. The reason of this is the inequality and imperfection of education in India has left us on such different levels, and with such different tastes and modes of thinking, that we are unable to enjoy one another's society

Hasan Khan's civilisational comparisons between the English and their colonial subjects appear in his observations on Egypt as well. In Egypt, Khan (2006: 32) came across Coptic Christians and their churches. He describes them as having "many superstitious beliefs, like our ignorant Indian Mahomedans; near Cairo for instance, is a tree under which they believe that Mary rested, and it is consequently worshipped and visited by thousands of persons". Later, during his stay in Italy, Khan recalls his visit to the Italian opera and ballet. After watching *Excelsior*, Hasan Khan (2006: 48) notes that the ballet was designed around the theme of vice and virtue. Vice was represented by a "lovely female figure" whereas virtue was portrayed by a "black figure". The ballet performance consisted of a display that Khan terms as cosmopolitan because it represented "every costume, every nationality...". When at the end of the performance, vice is defeated, Hasan Khan writes that there was an exchange of ideas and views, as well as progress in science and all of these developments were celebrated via a dance amongst all the represented nations. He concludes by noting:

but one people, the Indians, were conspicuously absent from this field of triumph; and their absence spoke eloquently to the fact that the unfortunate natives of India have as yet no share in the development of science and civilisation. In truth, we are so backward that we have not become properly known to Europeans, so they could not have represented Indians with their proper characters and costumes. When the very nation that rules us is deeply ignorant of our customs and manners, what wonder is it if other European nations do not know us all.

Much like his contemporary Sir Sayyid, Hasan Khan's modernising ambitions implicitly took lower class Muslims as their subjects. As I noted above, in his travel diaries, Khan remarks on the level of education amongst English women in their role as mothers in a positive light. However, these remarks appear in contrast to his views on the place of Muslim women in colonial India. Hasan Khan (2006: 21) writes that although he is in favour of freedom for

women, “among nations that are not so advanced, I am a staunch supporter of old customs, which were adapted to existing social circumstances, and should not be changed until those circumstances change”.

Both Hasan Khan’s travelogue and Sir Sayyid’s views mentioned above consist of a set of practices that differentiate their positions from those that are understood to be subjects of modernising processes of the colonial state and those that need to be protected from it. These practices of differentiation are crucial in understanding middle class subjectivities because their deployment signifies moments of self-understanding that define hierarchy and acceptable political order. For instance, Sir Sayyid’s vehement appeals to the power of science, technology and western education coupled with criticism of Muslims who dream of former glories is particularly telling in this instance. In Sir Sayyid’s understanding, it was this romantic nostalgia for a lost Muslim past, as associated with power, that was preventing Muslims of India from progressing and developing under British Rule. However, the progressive appeal of modernist ideals in Sir Sayyid’s thought were implicitly tied to the public sphere, the sphere of men in Sir Sayyid’s understanding, rather than the private sphere where ‘old customs’ had to reign supreme. Understood in this manner, the limited colonial public sphere was inherently tied to the efforts to maintain a private sphere away from colonial intervention.

Tahera (2005) explains that Sir Sayyid’s views on colonial education for Muslim women were reflective of the larger notion in late 19th century colonial India on the role of women as tied to the private sphere. However, as Tahera outlines, Sir Sayyid’s views were also developed in the broader colonial milieu of missionary education and zeal to convert locals, especially Muslim women. This is evident by the discussion of conversion cases, and subsequent warnings issued to Indian women, in the new and upcoming venues of expression for middle class activists such as the *Aligarh Institute Gazette* and newspaper *The Bharat Jivan*. I do not mean to call into question the normative suitability of Sir Sayyid’s moral positions here. However, I do want to use these positions to conceptualise the way middle class subjectivities, as tied to notions of respectability, relied on the private sphere to create the difference between those who were seen as a part of the ‘public’ and those who were seen to be a part of the ‘private’.

In Hasan Khan's travelogue, we see a different deployment of logic that relegates India to the sphere of 'not so advanced nations' or in Chakrabarty's (2000: 8) words, "the waiting room of history". Again, the point here is not to pass judgement on Khan's partial reproduction of colonial discourses but to use them to understand the diverse ways in which middle class subjectivities distinguished themselves. Hasan Khan's lamentations on the imperfection in education of Indians and the absence of subsequent sensibility to take part in bourgeois pleasures, much like his English acquaintances, serve as a way to frame the developmental gap between the colony and its subjects as tied to the absence of modernist values. The fix then is to be more modern and the purpose of Hasan Khan's travelogue fits in with this worldview as well. This political mission is clearly indicated by the realisation that he is not the most significant person in India, according to the preface of his travelogue, yet he feels that sharing his thoughts and feelings on England with other Indians is necessary in the hope that he can "enlighten his people" (Khan 2006).

In framing this account, I've used two figures from the Aligarh movement which is considered by historians of South Asia as one of the most influential modernising social movements in pre-independence India (Robinson 2007; Ingram 2015). However, this does not excuse the normative implication that I might be favouring certain voices over others, and certain discourses over others, with analytical as well as normative consequences. For example, what about those voices within the middle class who were challenging Sir Sayyid and Hasan Khan's views from within the middle class? An equally significant analytical question relates to how clashes between modernising and anti-colonial discourses produced nationalist movements? One might also raise a question about the impact, availability, and the exclusionary nature of the journals, associations, and other sources of expression that became sites for middle class subjectivities.

For example, how many people would be literate enough in dominant languages of the day to engage with these publications. The intuitive answer appears to be not many given that a majority of Indians did not have the capacity to read or write in the late 19th century. However, this is where the political function of these publications becomes clear. Joshi (2001) argues that men like Sir Sayyid Ahmed Khan and his middle-class contemporaries were making claims to represent the public. These representative claims, Joshi contends, are evidenced by the way middle class groups came to express themselves. Writings and speeches that recorded protest on important public political issues, like the treatment of

Indians by the British and restrictions on Indian participation in the government, came to feature prominently in middle class publications (Joshi 2017; 2001).

The diversity of these views is illustrated by Sir Sayyid and Hasan Khan's words on one end of the spectrum and Lala Lajpat Rai's response to Sir Sayyid's rejection of Congress' reform proposals directed at limited representative government for Indians. Congress' proposals were called into question by Sir Sayyid on account of their unfair impact on 'Mohamedan' interests. Lala Lajpat Rai (1966) responded to Sir Sayyid's objections in a series of open letters. In his letters, Rai (1966), who abandoned a training in law to participate in the Indian national movement and subsequently succumbed to injuries sustained in a protest, called into question Sir Sayyid's critiques of Indian National Congress. The open letters were published in a Lahore based urdu newspaper titled, *Koh-noor*. Rai (1966: 10) wrote:

Remember that we are the product of that education which you so strongly recommended...Our English education, the study of eminent European minds and European sciences -- alas! that you cannot feel this -- has expanded our souls, and we can no longer be... prodigies of your Oriental language. Sir, your fall seems to remind me of the fall of Adam. Just as Satan is said to be the cause of the fall of that progenitor of our race, this seeking after worldly honours seems to be real explanation of your decline. It is nothing to you, because your term in this world must at no very distant period expire; but to us, who are yet, we hope, to live long and to fight out the bloodless battle of liberty, it is destined to remain a permanent disgrace. The line of argument against us would be that the races which produce such inconsistent philosophers are not fit to receive the boon of Local Self-Government.

Rai's response takes issue with not only the perceived hypocrisy of Sir Sayyid's views but also shows concerns regarding how Sir Sayyid's views might be used by the colonisers to justify their rule. However, what is important for my purposes in this chapter, is the commonality of representational practices that is occurring in writings of Sir Sayyid, Hasan Khan, and Lala Lajpat Rai and their association with middle class subjectivity in colonial India. Writings from middle class intellectuals in colonial India involved practices of representations that can be seen as constant references to words like 'us', 'we' and 'our'. It is these categories of 'we', 'us', 'our' that made it possible to talk about the Indian self or the Hindu self or the Muslim self in colonial India. This process of claiming a 'we' or 'us' also

draws on western education, as is evident in the writings quoted above. Both Sir Sayyid's arguments in favour of western education and Rai's severe critique of Sir Sayyid's views are ways in which western educated middle-class Indians spoke back not only to the Empire but also to their own, locally situated anxieties. Content of these anxieties, ways of expression, sites of argumentation, come together to build middle class self-understandings in colonial India²⁵.

To sum up, the modernising task that is central to middle class subjectivities, like Hasan Khan's and Sir Sayyid's above, emphasise reformist practices and locate themselves on the positive end of modernist equations that middle class subjects employ to delineate themselves from subaltern sections of Indian population under British rule. This move entails a claim of representation as well as a normative claim towards reconstruction of the subject that is being represented itself. Middle class subjectivities appear through representation of a subject that needs to be modernised whilst positioning oneself as a part of a group that has taken up the project of modernisation. The reformist ideas that underpin such representations and desires for modernising fellow Indians did not just undertake a simple restating of the colonial discourse. Indian use of modernising discourses was always in a way situated to talk back to the colonial masters, it was never a case of simple reproduction. In Sir Sayyid's writings, this is seen in his vociferous efforts to combine Islam with modern science and his refusal to allow colonial governmental interference in the private realm. In Hasan Khan's travelogue, it appears through valuing tradition and 'older social customs' where they are deemed 'appropriate' because of the perceived underdevelopment of Indians and also appears in more subtle ways in which Khan expresses his sorrow and sadness at the fact that even those who were ruling him were aloof to Indian "customs and manners". In Rai's response to Sir Sayyid above, and his other writings, 'talking back' occurs by arguing that Indians are deserving and ready for self-rule thus defying the colonial discourse of the immature, uneducated native divorced from the world of civilisation.

²⁵ Middle class positions and ways of life in colonial India came under criticism from Indians and British colonial intellectuals. Rudyard Kipling in his novel *Kim* presents Huree Chunder Mookerjee as a caricature of the westernized Indian. Huree Chunder Mookerjee is described as an "owner of a native press" and "Barrishter-at-Lar". Kipling uses the idiosyncratic spellings in 'Barrishter at Lar' to show the Indian inability to speak correct English despite 'western' education. For more, see: Kipling, R. (2004) *Kim*. New York: Modern Library.

The modernising ambitions of middle class subjectivities discussed above are instructive in terms of taking into account the way modernist ideas became a part and parcel of public discourse in colonial India. In particular, these ideas were converted into ideals through access to western education, a project initiated by the colonial state and subsequently taken up by middle class subjectivities. The constitutive impact of these ideas amongst middle class groups also provides an important counter point to the emphasis on difference and orthodoxy amongst comparative political theorists, discussed in the first half of this thesis, who insist on focusing on doctrinal difference and orthodoxy in our exploration of non-western political thought (March 2009). Sir Sayyid's and Mehdi Hasan's views above challenge this emphasis by showing how textual production and dissemination of public views takes place in a particular setting that is essential in terms of understanding what is being said/published and why it is being said published? To put it simply, practices of textual production take place in contexts and relations of power, such as those between the colonised and the colonisers, which need to be taken into account rather than just treating texts themselves as neat abstract units of analysis.

Furthermore, the contextual engagement with worldviews of both Sir Sayyid Ahmed Khan and Mehdi Hasan Khan above, also reveals the limits of treating traditions and contexts as sealed and distinct from one another thereby underscoring the need to take porosity of boundaries as analytically necessary. The historical processes of colonial governance, civilising missions of the empire, and their interplay with how colonised people took up various ideas to take part in constructing various modes of politics; ranging from Sir Sayyid's reformism to Lajpat Rai's nationalism.

This diffusion of ideas thought to be 'western' reveals the interrelated nature of contexts, a point that becomes increasingly important when one takes into account the deep-seated impact of modernist ideals in shaping post-colonial contexts and South Asian politics in particular. In the early 20th century colonial India, the reformist and modernising ambitions of middle class groups along with nationalist demands became the dominant way of engaging with the colonial state until the arrival of the Gandhian mass movement (Joshi 2001; Mukherjee 2010; Chatterjee 1993). Middle class leadership also dominated the Indian National Congress and All India Muslim League and often presented their demands in legal language and modes of argumentation. This is not surprising when one takes into account the

central role that lawyers and public courts played in creating Indians as rights claiming subjects.

Gandhi's quote at the start of this chapter captures the anti-modernist critique of lawyers and public courts in colonial India. Despite being a lawyer himself, Gandhi was critical of lawyers and the British introduction of secular law in India and epitomised the anti-modernist critique of colonial rule in India. However, Gandhi's critical position on 'western civilisation', something that he once regarded satirically as a 'good idea', was not shared by many of his contemporaries (Devji 2012). It is no coincidence that Sir Sayyid Ahmed Khan, Hasan Khan, and Lala Lajpat Rai were all a part of the legal profession in colonial India. Lawyers in British India played a crucial role in exposing the tensions in British claims to civilisational superiority, law, order and justice whilst also offering constitutional and legal arguments for future modes of self-determination in the sub-continent. Jinnah and Nehru, the first Governor General of Pakistan and the first Prime Minister of India respectively, were also lawyers.

According to Sayeed (1967: 55), lawyers were the second largest group amongst members of the Muslim League Council in 1942. South Asian scholars have acknowledged the role of lawyers in presenting Indian claims towards imperial citizenship and just treatment as subjects of the crown. Historians of a critical bent have also pointed out the way that legal talk and arguments became the de facto mode of engagement for the Indian National Congress with the colonial state until the arrival of the Gandhian mass movement in the 1920s. Middle class Indian men were attracted to the respectable status of the legal profession. The colonial state, through regulation of the legal profession, conferred this respectable status on the profession whilst also promoting the idea that 'men of character' would be the only ones allowed to enter the profession. The Bengal Regulation VII of 1793 regulated the legal profession by outlining that "no persons shall be admitted to plead in the courts but men of character and education, versed in the Mohammedan or Hindoo law and in the Regulations passed by the British Government..." (Schmitthener 1968: 351). Public courts became the sites for contestation between Indians as subjects of the crown and the reach of the colonial government. Lawyers became the means through which contestation took place as they converted political and social claims into the language of the court accompanied by the mannerisms necessary to gain respect from British judicial gatekeepers.

Bayly (2012) draws our attention to cases where Indians used colonial courts to challenge the colonial government. However, given the restricted power and mandate granted to colonial courts and the limited representative mechanisms available to Indian subjects of the British Empire, Indians had to carefully tailor their claims with appeals to customs, position, authority, respectability as well as service and faithfulness to the empire. In addition, the majority of Indians did not have access to legal representation which remained limited to the reach of middle class groups and landowners. The former is evident in the kind of language that Indians often used in their petitions in high courts like Ameer Khan's petition to the Calcutta High Court against incarceration. Ameer Khan's case was presented in the following language:

He was a true and loyal subject of Her Britannic Majesty, and that he had never conspired with her enemies, or consorted or been in league with any person or persons, who had for their object the intention of disturbing tranquillity in the territories of Native Princes entitled to the protection of the British Government, or of imperilling the security of the British Dominions by foreign hostility, or by internal commotion (Steller 2010:1)

My point here is not to go into the discursive details of how Indians tried to challenge the colonial government but to first briefly situate the middle-class subjectivities that I discussed above against the larger backdrop of colonial law in British India. Second, to emphasise the importance of focusing on transformation and spread of ideas considered to be western, as important for resistance against colonial government. Under the colonial state, the Indians were not rights bearing subjects, i.e., their position was not one of citizens but of subjects dependent on the sympathy of the colonial state. The language of Ameer Khan's case above highlights this point productively given how his petition is grounded in loyalty to the empire rather than in notions of legal rights and constitutional mechanisms as tied to a state where Khan was a citizen. For those who followed in Ameer Khan's footsteps in the subcontinent, the emergence of India and Pakistan in 1947 introduced large scale structural changes. No longer were Pakistanis (and Indians) mere subjects of the British Empire, they were now de facto rights bearing citizens as enshrined through the constitutional documents.

Consequently, these constitutional documents took on the force of law as exerted through the state's exercise of control. The modernist project of middle class groups in colonial India

became universalised in the shape of two states and it is the middle classes that became ruling elites in both India and Pakistan (Joshi 2017; 2001; 2010; Baviskar and Ray 2011; Chatterjee 1993). The modernising ambitions of these classes were not only manifest in the creation of nation-states but also in the way these states were organised. In contemporary Pakistan, we see new middle-class subjectivities that retain, in unique ways, the older middle-class romance with modernist values. But their participation in public political life is directed at reforming institutions of the state with emancipatory power granted to the rule of law and juridical equality. It is these subject positions and their politics that I turn to in the next chapter.

Chapter 5 – Postcolonial predicaments and Urban Middle-Class Subjectivity in the Pakistani Lawyers’ movement

Dealing with our first function in this Assembly, I cannot make any well-considered pronouncement at this moment, but I shall say a few things as they occur to me. The first and the foremost thing that I would like to emphasise is this: remember that you are now a Sovereign Legislative body and you have got all the powers. It therefore places on you the gravest responsibility as to how you should take your decisions. The first observation that I would like to make is this: You will no doubt agree with me that the first duty of a government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State. - Muhammad Ali Jinnah's first Presidential Address to the Constituent Assembly of Pakistan (August 11, 1947)

In the previous chapter, I outlined how middle-class subjects took part in their reproduction under conditions of colonial rule in British India. Postcolonial scholars of South Asia have highlighted that the end of formal colonial rule in the sub-continent did not result in a clean break from colonial structures of domination whether they are material or ideational. Post-colonial states were ‘new’ in particular ways but retained a mode of organising political life that still relied on the intellectual resources of modernity, and their historical development through the colonial encounter. The Pakistani state inherited, and operationalised, structures of organising political life from colonial rule. These included judicial institutions like courts, and accompanying legal codes, along with the bureaucracy, police and military forces. Such structures of organising political life in the post-colony encountered subjects that were no longer ‘colonial’ but a product of nationalist discourse and politics that shaped the last four decades of British rule in India.

As I stated at the end of last chapter, it is the exercise of rule over nationalist subjects rather than colonial subjects that differentiates the Pakistani state from its colonial predecessor. But national subjects, although presumed to be strangers and abstract figures in modern juridical forms of governmental practices did not consider themselves to be ‘strangers’ living under colonial rule any longer. In other words, national subjects now had everyday expectations, anxieties and demands associated with their formally independent post-colonial states. Such expectations in some cases preceded the institutionalisation of rights in the shape of

legislation, production, debate and implementation of post-colonial constitutions in South Asia.

Sarah Ansari's (2011) work on citizen expectations in early days (1950-53) of Pakistan highlights that citizens were already voicing certain demands and expectations of the state through use of letters to the editor section in one of the oldest newspapers in Pakistan, *Dawn*. These ranged from unhappiness with treatment by bureaucrats and public servants to perceived ills of bribery and dishonesty in government departments. One citizen wrote in a letter to *Dawn*:

... True it is that the generality of the foreign rulers of this subcontinent felt themselves to be under no obligation or compulsion to be well-behaved towards the subject people; nor did they consider it necessary to require their subordinate functionaries to be courteous towards the general public coming in daily touch with them. But now that the old distance between ruler and ruled—maintained by racial arrogance, social segregation and official haughtiness—has been eliminated, a new and more human spirit among the country's public servants is to be expected. The change for the better can be sensed... It is absolutely necessary that all Government departments, and particularly those coming in daily contact with the common people, should make courtesy the rule... Observation of courtesy is essential if a favourable atmosphere for the elimination of inefficiency and corruption from the service is to be created (Ansari 2011: 178).

In this chapter, I unpack and analyse expectations, anxieties and demands that inform the middle-class subject-positions of those lawyers who took part in the Lawyers' movement in Pakistan (2007-2009). In the first section, I provide a brief historical account of the Lawyers' movement in order to contextualise the subsequent discussion of why the movement and its aims resonated with middle-class subjects who formed a major part of the movement itself. In the second section, I furnish an account of middle-class subjectivity, and the processes through which subjectivity is reproduced, by engaging with stories, narratives and experiences, shared with me by research participants to explain their involvement in the Lawyers' movement. In furnishing these accounts, I outline how middle-class subjectivity is located at different points of intersection between class, postcoloniality, and gender under the rubric of modernity. In particular, I highlight the ways in which a middle class imagination

and worldview represents a self-understanding of middle class subjectivity through narration of stories, everyday experiences from the Lawyers' movement, newspaper reports as well as uncomfortable and difficult experiences of being in a jail cell. In my analysis, I also consistently outline the methodological importance of engaging with experience, imagination and story-telling to refine our understandings of how postcolonial subjectivities in a context like Pakistan constitute themselves.

I utilise the modernist aspirations and ideals embedded in the stories and experiences of research participants to show continuities as well as important disruptions amongst the kind of subject positions embodied by middle-class subjectivities in British India and post-colonial Pakistan. I argue that middle-class subjectivities in contemporary Pakistan, in the context of the Lawyers' movement, remain attached to modernist ways of envisioning the future but differ from colonial middle-class positions in terms of the way they outline their expectations of the state itself. Furthermore, I show how the figure of the common man occupies a central place in the middle-class imaginary as an ideal Pakistani caught between corrupt politicians, inefficient bureaucrats and law-breaking generals. This ideal figure of the common man is one of the ways in which middle class subjectivities speak in the name of everyone and everybody. In other words, middle class subjectivity lays claim to the universal by drawing modernist values and the desire to fulfil the (incomplete) project of modernity. However, before I proceed further, I want to clarify that my use of the category of middle-class follows from theoretical framework outlined in the previous chapter where following post-colonial scholars and historians, I conceptualise class as a category which is produced in practice as tied to specific historical contexts rather than to pre-determined economic categories.

The Lawyers' Movement: A Brief History

On October 12th 1999, then Chief of Army Staff (COAS) Pervez Musharraf dressed in a camouflaged military jacket, suspended the 1973 constitution of Pakistan. Musharraf stated in a speech addressed to the people of Pakistan that his military takeover of the country was to prevent destabilisation and collapse of state institutions. He noted in a late night televised address, "I request you all to remain calm and support your armed forces in the re-establishment of order to pave the way for a prosperous future for Pakistan" (Musharraf 1999). Five days after the coup, now the self-appointed Chief Executive of Pakistan noted, "My dear countrymen. The choice before us on 12th October was between saving the body -

that is the nation, at the cost of losing a limb - which is the Constitution, or saving the limb and losing the whole body. The Constitution is but a part of the nation therefore I chose to save the nation and yet took care not to sacrifice the Constitution. The Constitution has only been temporarily held in abeyance. This is not martial law, only another path towards democracy. The armed forces have no intention to stay in charge any longer than is absolutely necessary to pave the way for true democracy to flourish in Pakistan.” (Musharraf 1999) Musharraf remained the Chief Executive of Pakistan till 2001, and after that, the President till 2008. He also retained his position as the COAS till 2007. Musharraf’s suspension of the constitution, military mobilisation to arrest politicians and political activists, and house arrest (as well as subsequent imprisonment and exile) of the sitting Prime Minister, was not the first case of a military coup in Pakistan where General Ayub in 1958, and General Zia in 1977, had already come to power through military takeovers. The history of military takeovers in Pakistan is a lengthy one which I will not recall here but it is important to note that the judiciary in Pakistan has always validated military coups through legal mechanisms.

However, none of the earlier military rulers had been forced out through a national political movement which emphasised the rule of law and constitutional supremacy as ideals for a democratic mode of political life in Pakistan. The Lawyers’ movement started when on 9th March 2007, the Chief Justice of Pakistan (CJP) Iftikhar Mohammad Chaudhry was ‘summoned’ by President Musharraf to the army house in Rawalpindi. CJP arrived at the army house around midday and proceeded to meet with Musharraf, who was dressed in his military regalia. During the meeting, Musharraf confronted Chaudhry Iftikhar with allegations regarding misconduct, corruption and misuse of his public office. In this confrontation, he was joined by other high-ranking members of the military as well as the Prime Minister. Musharraf told the CJP that he had two options, one to resign from his office and the other to stand trial before the Supreme Judicial Council (SJC). Chaudhry refused to resign and was detained at the army house till 5pm where he was further pressured by military officials to resign his office. In the meantime, Musharraf moved to suspend Chaudhry from his post as the CJP and also successfully initiated procedures to replace him with an acting chief justice (Khan 2009).

For the ensuing weekend, Chaudhry was under house arrest and was not allowed to meet with anyone including his lawyers. On 13th March 2007, Chaudhry was due to appear before the

Supreme Judicial Council at the Supreme Court in Islamabad. Upon his refusal to be driven in a government car, Chaudhry was harassed and beaten up by the police. Images of police pulling Iftikhar Chaudhry's hair, slapping his head and trying to force him into a government vehicle were widely shared by news channels in Pakistan which caused an uproar amongst lawyers and human rights activists (Khan 2013)²⁶. Yasir, one of my research participants, took part in protests on 13th March 2007 in front of the Supreme Court. I met Yasir through a research contact and interviewed him in a small room at his office and residence, located two floors above a series of small departmental and grocery stores in Islamabad, only accessible through a dimly lit staircase with visible signs of fading local graffiti. During his interview with me, Yasir narrated his first day at protests in front of the Supreme Court amongst other lawyers from across the country who had gathered there to protest against CJP's suspension.

Yasir said, "The news media reported that Chief Justice was dragged on the ground, they were pulling his hair, right in front of his family, in front of his residence, after he was removed from his post by Musharraf. This particular incident enraged me to no end. It was as if someone had shot me in the head with a buckshot. A person like me who is completely apolitical, I never participated in any movement, never joined a political party, never gave a speech...didn't take part in any activity to identify myself with a particular interest-group...we never objected to the army taking over, running the affairs of Pakistan, forming dictatorships, we then saw that the COAS can become the President...we did not object to any of it. But when the institution of the judiciary was let down like that, they grabbed him by the hair and threw him around. He had constitutional protection! I really felt hurt in my heart because of how the institution was treated...because this procedure was wrong, their method was completely wrong. That is why I got angry! When I went to the district courts, I realised there were other lawyers there who were even angrier than me..." (Yasir, personal interview, 12 January 2017)

Another research participant, Adnan, who received his law degree in the U.K., also shared his views on Chaudhry's dismissal with me. I met Adnan at his joint office and residence on the outskirts of a newly developed up-market housing society in Rawalpindi. His office was overflowing with case documents and was only lit by a single tube light. Adnan had been

²⁶ To see the image in question, refer to: Qureshi, S. A. (2007) Chief Justice. Image available at: <https://flic.kr/p/681szs>. Last accessed: 13th February 2019.

practicing law since 2000. He recalled, “My secretary came to me and told me that his mother had called him to say that the CJP had been suspended by Musharraf. I saw on the television that the new chief justice was taking an oath and that Chaudhry had been dismissed. This was quite an alarming and unsettling situation...I was against the army and never liked Musharraf. So, when I went to the district bar, everyone was discussing what should be done about this? No one was supporting his actions whatsoever. This was on 9th March. On 13th March, we tried to go to the Supreme Court in Islamabad but we were not allowed to enter into the city because the police had established a barricade and blocked off the main highway to the city...eventually when we did get to the courts, there was already a large number of lawyers there but by this time the media was also showing these scenes on in front of the supreme court so the crowd started growing...” (Adnan, personal interview, 20 January 2017)

Other lawyers who became a part of my research also narrated similar experiences from the early days of the movement. Bilawal, a lawyer in Islamabad, who had been a young barrister in 2007, pointed out to me that his fellow lawyers made some posters to take with them to the protests in front of district courts. Bilawal told me that the posters highlighted important issues that lawyers saw as crucial in terms of bring Pakistan to the ‘right path’. He said that the lawyers were trying to highlight, “the importance of the rule of law, constitutional supremacy, we will need to stand up to safeguard the supreme court...otherwise we will be left with no rights...a lot of people appreciated our efforts, we saw students from different law schools and universities along with members of the civil society. In fact, when the media started providing coverage of our protest and posters, the police even arrested some of my colleagues but I managed to sneak away...” (Bilawal, personal interview, 2 February 2017)

Lawyers were also mobilising in Lahore, Pakistan’s second biggest city. Hajra shared her experiences from the first day of protests at Lahore High Court. She told me that it was weird that the media was providing coverage of events, which was unprecedented as compared to previous coups in Pakistan where media was under strict state control and censorship. Hajra noted, “it was weird because we all know that previously there had been a history of political changes in judiciary in Pakistan but not like this... An army chap calls in the CJP and asks him to leave plus the house arrest. Everyone in the (law) firm where I worked thought that we should definitely do something and protest. We got to know that there were protests planned already so I gathered my colleagues on from the firm and charged on...by the way this was

my first political protest, previously I had never been to any sort of a political gathering. I had never even voted in my life...I was not interested in politics...I was doing corporate cases, environmental cases...I was what you would call in Pakistani lingo a ‘burger’ lawyer or a ‘mummy-daddy’ lawyer. But suddenly I found myself caught up in protests and planning trips to Islamabad to participate in protests!” (Hajra, personal interview, 29 January 2017).

Lawyers organised themselves through professional bar associations and protested throughout the Spring and Summer of 2007. Through bar associations, they were able to contact each other and coordinate in order to protest collectively. Bar associations also became venues for broadcasting the movement, as the Chief Justice went on a nation-wide tour, addressing lawyers at bar associations (with extensive media coverage) on issues of the rule of law, constitutionalism and judicial reform. These nation-wide tours attracted massive crowds across the country as well as police brutality towards those who were publically protesting. Protests planned by the lawyers were usually scheduled to take place alongside Chaudhry’s appearances in front of Supreme Judicial Council at the Supreme Court in Islamabad where the apex court was determining the validity of the government’s actions in terms of dismissing the sitting Chief Justice.

During this time period (March – July 2007), the lawyers participated in a nation-wide boycott of the courts too where they argued justice was no longer being dispensed given that Musharraf had effectively purged the judiciary of honest judges, others had resigned in light of the CJP’s suspension and the only remaining ones were those that were loyal to the dictator. As one of my research participants put it rather bluntly, “one form of protest that we had is to boycott the system, we thought let’s block the system. I mean what’s going to happen when there is a case in the high court but none of the lawyers show up? What are they really going to do? There is going to be an absolute jam” (Kamran, personal interview, 3 January 2017).

On 20th July 2007, the Supreme Court decided that Musharraf’s decision to put Chaudhry on ‘compulsory leave’ was illegal. Therefore, the Court restored him to the original office of the Chief Justice of Pakistan. The Supreme Court’s decision was greeted with celebrations in the civil society as well as the legal fraternity. A famous Pakistani lawyer and human rights activist told the New York Times, “They thought the military was invincible, unshakeable, that no one could stand up to them. Well, people have stood up to them. It is a message that a

dictator cannot get away with everything anymore. a very happy change for Pakistan.”
(Sengupta 2007)

However, these celebrations were short lived as on 3rd November 2007, Musharraf proclaimed emergency rule and once again suspended the constitution as well as any members of the superior judiciary who refused to take oath under the ‘Provisional Constitution Order’ (PCO) and therefore validate the suspension of the 1973 constitution. The lawyers soon released a resolution through the Pakistan Bar Council condemning the suspension of the constitution (Khan 2009). The resolution outlined an agenda for restoration of judges and the constitution of Pakistan by rejecting the PCO and the imposition of emergency rule as unconstitutional. The resolution also declared those judges who took oaths under the PCO as illegitimate and therefore boycotted all superior courts in the country until the pre-3rd November judges were reinstated.

The decision to declare emergency rule and suspend the constitution proved to be a critical point in the Lawyers’ movement as a broad coalition of lawyers along with civil society actors such as human rights activists and members of various political parties, joined together to protest across major urban centres in Pakistan for almost two years until the pre-emergency judiciary was reinstated in March 2008 following federal elections in Pakistan. Musharraf resigned shortly after in August 2008 following threats of impeachment and trial by the newly elected civilian government.

Middle-class Subjectivity and the Lawyers’ movement

Recent scholarship on Pakistan has highlighted the increasing power of the emerging middle class. Rafiq (2016) argues that scholarship on Pakistan has ignored the category of the middle class because of its overt reliance on the binary of civil-military relationships. He contends that over the last thirty years, Pakistan has experienced demographic change which has resulted in mass urban migration. The political results of these demographic changes are seen in the way the Lawyers’ movement mobilised urban middle class Pakistanis. This mobilisation would not have been possible without lawyers – again from the middle class – and civil society activists along with a resurgent media that captured and aired every available moment, protest and speech in the Lawyers’ movement. The rise of the new middle class in Pakistan is credited to the ways in which white collar jobs in the service sector

economy, such as those related to the media, have increased, thereby increasing the size of those who can be classified as salaried professionals. According to various estimates, the middle-class segments in Pakistan accounts for 20%-35% of the total population. In addition, middle-class segments have increased their ownership of assets as well from 53.7% of the total in 2001-2002 to 71.54% in 2010-2011 (Rafiq 2016). This change in ownership of assets in particular exhibits the increasing economic power of the middle-class in Pakistan which often translates into contesting and raising public voice regarding various government actions and policies.

The rising middle class is also the target of the newly liberalised media. Rafiq (2016) notes that channel ratings, viewership and revenue are all heavily calculated with an emphasis on urban centres of Pakistan like Lahore, Rawalpindi, Karachi and Islamabad, where the majority of the viewers reside. However, it is important to note that, whilst demographics might be changing in Pakistan, not all migrants to urban centres are successful in getting prestigious white-collar jobs and becoming a part of the middle-class ‘proper’, a point that I return to in chapter six.

Maqsood (2017) divides the middle-class population in Pakistan into two segments, the new middle class and the old middle class. She argues that older sections of the middle class emerged under General Ayub Khan’s rule in the 1950s and 1960s. The belief in progressivism amongst the older middle class is evidenced by the ways in which there is a convergence between their ideals and those put forward by modernisation theorists in 1960s. Maqsood (2017) explains that the older middle class is also characterised by their *ashraf* [noble/respectful] etiquette and employment in state institutions as well as participation in the urban public sphere during the first ten years of Pakistan’s independence. The older middle class which was educated in colonial schools and their children were often sent to universities in Britain. Younger generations of the older middle class do not have the same relationship with the state as their predecessors, rather they are employed in the private sector of the economy. In contrast, ‘upwardly mobile’ urban groups that have emerged over the last 30 years since the 1980s constitute the new middle class. The new middle class is primarily educated in public schools and government colleges. Maqsood (2017: 7) notes, “a significant portion (of the new middle class) works in mid-level positions in the private sector or runs small businesses. Although some groups within this new middle class have some economic

capital, most of them are vulnerable to setbacks, caused by sudden death or illness of the main earner, or by economic and political instability in the country.”

Middle class lawyers played a constitutive role in shaping the Lawyers’ movement. This constitutive role is best captured through the emphasis on the rule of law, supremacy of the constitution, demands for procedural justice and an understanding of politics as tied to order through the autonomy of law in the nation-state. These components in the middle-class imaginary are indicative of civilised forms of organising political life as they are often understood to be emblematic features of a modern civilised democratic state. I use the words ‘modern’ and ‘civilised’ here specifically in order to draw attention to the ways in which my research participants often qualified their participation in the Lawyers’ movement through appeals to the inherent value in organising politics along the lines of legal-liberal proceduralism.

Take for example, a conversation that I had with Kamran. Kamran is in his mid 30s and works as a lawyer at the Lahore High court. I met Kamran in his well-furnished office close to the hustle and bustle of Mall Road in Lahore. Kamran told me that he had been to the United Kingdom to study law. He returned to Pakistan after completing his education in UK and was a young lawyer when the movement first started. Kamran had been practicing law since 2002 and spoke fluently in English during our conversation with a healthy sprinkle of urdu, a trait common amongst urban upper-middle class Pakistanis. During our conversation, he often referred back to his time in Britain to give shape and context to his motivations for participating in the Lawyers’ movement.

In our conversation in his office, I asked Kamran specifically regarding the reasons behind his participation in the Lawyers’ movement. He explained:

Our training as lawyers as a default contains a rebellious element. This rebellious element is present in the very structure of our training as lawyers... You know we raise voice for the grievances of people. Now I am not claiming that lawyers raise voices for only noble causes, I understand this is a profession after all, they earn their bread and butter through this. But this is something instinctual as well, for example, if someone comes to us and says that I have been mistreated or abused, while fully understanding that I might receive a fee in return, the natural response is always to

say let's find out where the remedy is. So, what is then the remedy for people who matter, people who control the affairs, people who control the military establishment, civil establishment, these people on one fine morning are calling the head of the judiciary and telling him to resign. People didn't like this move at all.... we thought if this could happen to head of the legal fraternity then what would happen to us? We don't even have constitutional protection that is granted to judges, so what will happen to us, the *aam admi* (common man). Furthermore, the kind of decisions that Chief Justice was taking before his removal especially in cases like the Steel Mill case²⁷ created a popular common opinion that he is sowing the seeds of change (Kamran, personal interview, 3 January 2017)

Kamran further added:

One reason is this natural instinct as a lawyer to seek remedy, another reason is associated with the fact that we had been living with a military government for 6-7 years before the movement began. We had been frustrated with military rule while witnessing changes in other countries. During this time period, we were also hearing initial news reports from the middle-east that eventuated in the Arab Spring. And as people who lived in a 'so-called' democracy, we always had a pejorative view of Arabs, we thought they were not civilised, they live like slaves who are just happy with cheap petrol and luxurious life. So, when these people started having political conversations we thought it was about time we should have some too (Kamran, personal interview, 3 January 2017)

²⁷ Pakistan Steel Mill (PSM) case was a famous case taken up by the Supreme Court of Pakistan under Chief Justice Iftikhar Chaudhry in 2006. The decision gathered a lot of media attention and became a subject of public debate because the Supreme Court decision reversed government's privatisation of PSM due to procedural irregularities and gross undervaluation of PSM as a state asset. The case made headlines in newspapers across Pakistan for its anti-corruption stance. For the Supreme Court decision, see: Constitution Petition No. 9 of 2006 and Civil Petition Nos. 345 and 394 of 2006. Available at: http://www.supremecourt.gov.pk/web/user_files/File/CJD_Pakistan_Steel_Mills_Case.pdf. Last accessed: 13th February 2019.

For media coverage of PSM privatisation, see: Dawn News (2006) Pakistan Steel Sold At Throwaway Price, 4/7. Available at: <https://www.dawn.com/news/186584> and Masood, S. (2007) Furor over Musharraf's Suspension of Pakistan's Chief Justice, *The New York Times* 15/3. Available at: <https://www.nytimes.com/2007/03/15/world/asia/15iht-pakistan.4922391.html>. Last accessed: 13th February 2019.

Kamran's response above is indicative of the sentiments held by several upper-middle class lawyers that I spoke to in Lahore and Islamabad during my fieldwork. These lawyers, who are mostly educated in Britain, are also in tune with the changes happening in Pakistan in the 2000s as well as the broader regional and global political developments. In this sense, they were connected to both global flows of capital and information which provided them insight into ways in which discourses around justice, rights and democracy could be mobilised in order to shape the political in Pakistan through the Lawyers' movement. This particular subject position allowed them to identify institutional signifiers around which the movement could be drafted. This is perhaps best shown in the way Kamran locates the necessity to have political conversations around rights and democracy in Pakistan by highlighting the fact that "even Arabs were having these conversations..."

In a similar manner, when I further queried Kamran about the possible impact his education in U.K. had on his participation in the movement, he replied:

In U.K., a lawyer can't even think of sharing an opinion with their client that might not be legally appropriate but in Pakistan this happens all the time. As far as the matter of boycotting courts and protesting is concerned, these sorts of actions don't really take place there because the system is already so refined. Now this lack of boycott might seem odd...but then have you ever imagined whether there is even the possibility that the Prime Minister of Britain would call the Chief Justice and ask them to empty their desk and go home? Is there even the possibility that the Chief of Army Staff would call the British Prime Minister and ask them to resign and undertake a coup against them? Do we even know the name of the Chief of Army Staff of Britain? No, we don't even know the name. But here (in Pakistan) we see heaps of praises showered on the Chief of Army Staff whenever they make a public statement or appearance. Children in Pakistan might not know the name of their Prime Minister but they do know the name of the Chief of Army Staff (Kamran, personal interview, 3 January 2017).

Kamran went on to give me a contemporary example from Britain. He narrated that the higher courts in Britain had asked the sitting government to seek parliamentary approval to supplement the BREXIT referendum. The newspapers heavily criticised the High Court's decisions but then Bar Council sent a letter to the Prime Minister alerting them to the

irresponsible ways in which the judiciary was being criticised by various news outlets. The point that Kamran stressed was that the Bar Council of England and Wales raised concerns regarding the ways in which the judiciary was being critiqued in the media. Kamran ended by noting, “the system is already in place in U.K. everything is properly functioning as it should in their proper institutional places. Their legal profession is based on high moral principles unlike Pakistan, it is unthinkable that someone would treat their client unfairly in that system but here it happens all the time” (Kamran, personal interview, 3 January 2017).

Kamran’s detailed responses and the discourses they engage with above highlight several important features of the post-colonial middle classes as well as the discursive means through which middle-class subjectivity is reconstituted, especially in the context of the Lawyers’ movement. Kamran’s remarks exhibit a deep sense of the difference in the ways in which modernity is manifested through specific modes of organising the political order in post-colonial contexts. When Kamran notes that the system is already in place in U.K., what he is effectively identifying is the imagined point of origin of modernity where institutionalisation of political ideals such as the rule of law and constitutional supremacy are already the bedrock of political life. The phrase that everything is working as it should in proper places is not just a reference to the imagined efficiency and rationality with which the state functions in the West but also exhibits a sense of how similar processes are lacking in post-colonial settings like Pakistan. This particular experience of modernity and the place of post-colony in such experiences is fundamentally tied to the ways in which the middle classes and members of civil society in Pakistan understand their subject position in the broader global as well as local public spheres.

Partha Chatterjee (2010) provides a useful analytical framework for understanding claims embedded in Kamran’s remarks above. Chatterjee explains that post-colonial modernity is characterised by the incomplete project of modernisation where middle class citizens, who take part in civil society membership, exercise almost exclusive control over civil social institutions which engage with state institutions on legal-rational terms. The political dynamic that defines incomplete modernisation is then manifested in the ways in which civil society groups and middle-class citizens aim to reform and modernise the rest of the society, in particular, the urban poor. These efforts at modernisation are often undertaken with an understanding, like Kamran’s above, that post-colonial contexts like Pakistan, lag behind in their efforts to be properly modern and therefore fail to operate with the assumed benchmark

of efficiency and rationality that characterise states like the U.K. This problematic illustrates a central element of post-colonial modernity, where the legal- bureaucratic reach of the state extends to all citizens but the capacity and ability to shape the way in which governance takes place through institutions via legal-rational means is primarily limited to civil society.

Chatterjee (2010: 169) elaborates, "...the legal bureaucratic apparatus of the state was able, by the late colonial and certainly in the postcolonial period, to reach as the target of many of its activities virtually all of the population that inhabits its territory, the domain of civil social institutions...is still restricted to a fairly small section of 'citizens'".

In the Pakistani context, the universal reach of the modern legal-bureaucratic apparatus is partially evidenced by the quote at the start of this chapter from Muhammad Ali Jinnah's first Presidential Address to the Constituent Assembly of Pakistan in 1947 where he highlights the role of the state in Pakistan as the maintainer of law and order and protector of life, property and religious belief (Jinnah 1947). The very format of organising political life along the axis of the modern nation-state extends legal and bureaucratic power to all domains of human existence. In political theory, Foucault (1982) criticises the legal and bureaucratic power of the state and its relationship with the construction of subjectivity. Foucault (1982) argues that the modern state seeks to integrate individuals into a polity by submitting them to a construction of subjectivity that is particular to the organisation of power through the state. He notes that the modern state is "a very sophisticated structure, in which individuals can be integrated, under one condition: that this individuality would be shaped in a new form and submitted to a set of very specific patterns" (Foucault 1982: 783). But what is the specific pattern and subjectivity that the modern state seeks to push individuals towards? Foucault answers this question by explaining that modern forms of power, made possible through the state, are both totalising and individualising.

Power is totalising in the sense that it requires the creation of categories of quantification such as the concern with population. On the other hand, power is individualising through the way individuals are curated as objects of thought in the fields of medicine, psychiatry, education etc. For Foucault (1982), such curation of individuals is linked to modernity in particular through the ways in which 'salvation' is sought in this world, rather than the hereafter, through the emphasis on health, well-being and security amongst other things. If one goes back to Jinnah's quote at the start of this chapter, the legal-bureaucratic reach of the post-colonial state is evident in the way the state's protective role is outlined by the 'founding

father' of Pakistan. What is left unsaid in the statement by Jinnah relates to the curatorial role that the state plays through establishing concerns with "life, property and religious beliefs" of its citizens. However, it is important to remember here that these fields of individual curation and categories of quantification are granted their legitimacy through juridical mechanisms. It is these judicial mechanisms, their subtle details, and modes of governance, that are given shape through the ways in which civil society politics is played out in the domain of civil social institutions such as non-governmental organisations and other associative organisations in bourgeois society.

In practice, the parameters under which such legal and bureaucratic power is to be exercised, justified and consistently reformed to perform curatorial functions upon citizen-subjects are always defined within institutional forms of knowledge production (such as the production of legislation) which, in post-colonial contexts, are primarily the domain of institutional politics and civil society. As mentioned earlier, Chatterjee (2010: 169) argues that this is the defining feature of post-colonial modernity. He notes, "This hiatus is extremely significant because it is the mark of non-western modernity as an always incomplete project of 'modernisation' and the role of an enlightened elite engaged in a pedagogical mission in relation to the rest of the society". In the previous chapter, I highlighted the role that colonial middle classes played in terms of engaging in a pedagogical relation to the rest of the society, where the likes of Sir Sayyid Ahmed Khan and his colonial middle-class contemporaries were responding to the changes brought about by colonisation in India in the context of the colonial state. But in Kamran's case above, the desire to be a *modern* subject of a state with the rule of law and constitutional supremacy, two concepts that are integral to the domain of contemporary constitutional democracy, is related to his subject position as an upper middle-class man in Pakistan.

In this context then, Chatterjee's (2010) and Foucault's (1982) claims above regarding the distinctiveness of post-colonial modernity and specificity of the modern organisation of power are useful because they allow us to interrogate the kind of subject positions that make civil society politics a possibility as related to specific class articulations at the intersection of post-coloniality. In Kamran's case, he is a middle-class lawyer with a university education from Britain practicing law in Pakistan, a country with widespread class inequality. On the other hand, Kamran's subject position is also partially constituted through the ways in which he often draws on tropes of who is considered 'civilised' and 'developed'. These tropes show

faith in the telos of modernity, i.e., the absolute belief in the utility and value of designing our political life on the model of modernity, on the model of a system that is perceived to be embedded in western liberal constitutional setups.

Such faith highlights some of the continuities between colonial middle-class Indians that I discussed in the previous chapter and the post-colonial middle class men like Kamran. However, the narratives that come through Kamran's responses above also highlight the ways in which middle class subject positions are not just a simple by-product of the structural power of class within post-colonial contexts like Pakistan. Take for example, his references to Arabs as uncivilised and the apparent surprise at initial reports of Arab Spring. This particular narrative is associated with the complex relationship between Islam and Pakistan where justifications and rationalisations regarding the decline of Muslim civilisation in South Asia is often popularly associated with the leisure-based lifestyle of particular Mughal princes and Muslim monarchs. In the kaleidoscope of middle class imagination, anxieties associated with the representations of Muslims as backward and unfit for modern political life under colonialism, and more recently Islamophobia in global media discourses, combine to produce varying forms of narratives that Muslims often deploy to create a sense of their place in the world.

The process of imagining, as a social practice, is tied to modernity too. Arjun Appadurai (1996: 3) explains the relationship between imagination and construction of subjectivity by noting that the diffusion of new media and technologies have made it possible for ordinary people to use imagination as a way to "experiment with self-making". This deployment of imagination is distinct from the way imagination has been understood as a practice exclusively belonging to charismatic individuals or to domains of art, ritual, and myth making. In addition, imagination, as a practice, also exceeds classification as a dream-like mechanism through which people escape the brutality of their everyday existence or a practice limited to the elite. Appadurai (1996: 31) argues, "imagination has become an organised field of social practice, a form of work... a form of negotiation between sites of agency and globally defined fields of possibility ... Imagination is now central to all forms of agency, is itself a social fact, and is the key component of the new global order".

If we put Appadurai's conceptualisation of imagination in conversation with Foucault's emphasis on the ways in which subjects take part in their own construction, a central theme in

chapter 3 of this thesis, we can understand imagination to be a practice central to subject-construction as located in complex relationships of power at the intersection of class and post-coloniality. In this context then, the references to media, in most of the conversations with my research participants mentioned above, when sharing their experiences from the Lawyers' movement illustrates some of the ways in which economic liberalisation in Pakistan has also been connected with an outburst of private media channels over the last twenty years. These changes have made it possible for middle class subjectivities in Pakistan to engage with popular narratives in western media alongside the ways in which everyday events are narrativised in the local electronic media (Appadurai 1996).

What kind of lessons can we draw from Kamran's responses above with regards to middle class subjectivity in the Lawyers' movement in Pakistan especially when one takes into account his appeal to what will happen to the presumably 'common man' like him if even the Chief Justice of Pakistan can be suspended from his position on the orders of a general? Leela Fernandes' (2004; 2006) work on the new middle class in India offers insight into how the middle class in India often operates with hegemonic aspirations in terms of claiming to be representing and sometimes talking on behalf of the 'common man' or *aam admi*. Fernandes argues that the figure of the common man in India has emerged over the last three decades courtesy of economic liberalism and the expansion of the middle class population. The common man is understood in the Pakistani middle-class imagination as someone who has been hard done by, someone who is struggling between the greed of politicians and the corrupt bureaucrats to create a simple family life.

Discourses that mobilise the figure of the common man are quite prevalent in Pakistan. During my fieldwork, several research participants like Kamran above, reverted to the trope of the common man either to explain the conditions which led to the emergence of the Lawyers' movement or to highlight their dissatisfaction with the conditions existing in contemporary Pakistan even after the movement (Umer, personal interview, 28 October 2016; Ali, personal interview, 22 December 2016; Asad, personal interview, 4 January 2017). To put it rather simply, the common man is the ideal figure against which politics comes to be located. The common man is the ideal victim of politics when everyday politics is understood as a mere struggle between dishonest politicians, generals, and corrupt public officials (Fernandes 2006).

To elaborate, I want to share a quote from a newspaper article titled, *The Common Man*, published in an English language newspaper in Pakistan. The author, who is a prominent constitutional lawyer in Pakistan, writes:

“The common man in Pakistan is no different from the common man anywhere else. He is consumed by needs and demands of the circle of life. He needs basic security. When he is young he needs an education. As a youth, he needs a job. Once married he needs to provide for his family, including ailing parents. He needs to afford his children an education, take them to hospital when they are sick and marry them off when they are of age. And he needs social security for old age. Why are hardworking Pakistanis so desperate to leave Pakistan and work in the Gulf or the West? Because the Pakistani state and the power elites who control it have refused to fix warped state priorities to deliver on the state’s guarantee of upholding the right of the common man to a meaningful life. A job in a foreign country comes with the promise of enabling him to earn and save enough to provide for his needs; a promise that the Pakistani state was meant to keep” (Sattar 2016)

One can see the similar tropes in this quote from the article as discussed earlier in this chapter with regards to middle-class subjectivity in context of the Lawyers’ movement especially in terms of subscribing to the teleology of modernity, in particular through belief in the nuclear family and the assumptions that all ‘common men’ are the same because they all need education, social security, and fixed participation in the economy (Pandey 2010). The ideal figure of the common man is central to how middle-class subjectivities locate themselves in broader modernist discourses of progress, democracy and development, as it represents an abstraction that serves to speak in the name of everyone rather than in the name of a particular group or ethnicity like *Balochi*, *Sindhi*, *Pathan* and *Saraiki* etc. However, it is important to note that the figure of the common man is also deeply gendered in the way it is described in the article quoted above especially with regards to the assumption that the ‘common’ is always a ‘man’. Pandey (2010: 21) argues that historically middle-class groups have played an integral role in manufacturing the ideal of masculinity in which men were considered to be the only ones worthy and capable of being main ‘breadwinners’.

Middle class subjectivities speak in the name of everyone rather than a particular group. This is exhibited in the way the figure of the common man, comes to be the imagined lowest

common dominator in some of the narratives I've highlighted above from the Pakistani media as well as some of the responses from my research participants. The figure of the common man is also seen in the way Hamaad, one of my research participants, described the relationship between the lawyers, the judicial system and the '*aam admi*'. Hamaad is a lawyer in his early 40s and lives in a gated housing society close to the outskirts of Lahore. He also serves as a consultant to a popular local bank. Hamaad started his career as a clerk at the Lahore High Court because of his IT/computer skills but then completed a part-time law degree to eventually become a practicing lawyer.

Hamaad described the relationship between lawyers and 'the common man' in the following terms:

Through the movement, we tried to give strength to the courts, before any matter reaches the court, lawyers act as a bridge between the common man and the court. The court then decides what is just...I think that every lawyer, engineer, and doctor, should do something to improve our society. We were nothing, it is this society that has made us into what we are. I serve on the board of a local private school, anytime they have a legal query or a legal problem that they need help with, I am always available to resolve the issue and offer advice. This has so many benefits for our society...our lawyers and doctors need to do philanthropic work, they need to dedicate some time every week to entertain those people who cannot afford their services (Hamaad, personal interview, 15 December 2016).

Hamaad's response shows us how the common man is located within the middle-class imaginary as someone who requires assistance and help from the more educated members of the society. Equally significantly, it also communicates the importance of self-development and achievement for middle-class subjectivities, in the shape of respectable professions such as medicine, law and sciences, - and the social status that comes with them – and then using that to reform and improve their nation thus taking active part in fulfilling the telos of modernity.

Middle class subjectivity in context of the Lawyers' movement is also constituted by the ways in which every day experiences of my research participants created conditions for their participation in the movement. These everyday experiences were often narrated to me in the

shape of stories that conveyed a sense of disappointment, anxiety and powerlessness amongst my research participants. Such stories would often either be grounded in the participants experiences in professional life as lawyers, or in incidents that happened during the movement. One of these stories was narrated to me by Musa, a high court lawyer in Rawalpindi and Islamabad in his mid 40s. I met Musa in his office in Islamabad which was located above a set of shops in a busy commercial sector in the capital city. When I walked into Musa's office, I immediately noticed a wall-sized shelf stacked with law digests and court records. Musa was welcoming and shared a smoke with me whilst we spoke about his experiences from the Lawyers' movement. Musa worked in Islamabad and Rawalpindi but originally came from the city of Abbottabad. He also told me that he came into the legal profession after being 'impressed' with some of the lawyers in his family. These lawyers came to be an inspiration for Musa and encouraged him to seek a career in law.

Unlike some of my other research participants who had British law degrees, like Kamran above, Musa graduated from a Pakistani law school. Musa justified his participation in the movement by telling me about one of his previous cases where the judge in question changed his decision after government pressure and bullying. This case consisted of an extradition request placed on the Pakistani government by the United States government. The person accused in this case was charged with involvement in drug trafficking. Musa filed a bail petition on behalf of his client. This case held considerable importance for Musa as he told me that this was the case which made him lose all faith in the judicial process in Pakistan as a practicing lawyer. He said:

During the case, I argued that the judge should look at the allegations against my client because the main charge against him was that he had hosted the drug traffickers in question for several meetings at his office in Islamabad. This is all that they had against him, just a couple of meetings in his office. The judge asked my opposing counsel about what sort of evidence was available against the petitioner. The public prosecutor replied to the judge by stating that the government of Pakistan was under tremendous pressure from the United States in order to surrender my client and that my client had already been granted a 5 year stay order from the court. Instead of pointing out legal arguments, the public prosecutor presented this line of argument to the judge. Subsequently, the judge announced 'this bail is granted subject to

furnishing bail bond of Rs. 500,000 to the satisfaction of this court' (Musa, personal interview, 30 November 2016)

Musa further explained that the decision to grant bail by the judge brought excitement and happiness to his client's wife, who was worried about her husband's ordeal. He termed her as "just a housewife who was having difficulties managing the construction of her family house in outskirts of Islamabad due to bullying tactics by construction workers and land grabbers" (Musa, personal interview, 30 November 2016). Musa stated that the next day some of the newspapers also published headlines regarding the case with the judge in question supposedly claiming that, "The American pressure might have an impact on the government but never on the judiciary".

However, Musa then revealed to me that when his court clerk went to deposit the bail money on behalf of Musa's client, the judge had changed his orders. The changed order rejected the bail request. Musa stated, "I was thinking at that time, what were the hidden resources which compelled the judge in question change his decision? I didn't know the answer to this but what I did know was that his decision was certainly changed overnight because of government pressure. Somebody might have approached him from the government's side because nobody changed a decision after announcing it in open court" (Musa, personal interview, 30 November 2016). Musa told me that he felt quite aggrieved by the judge in question and now whenever he sees him in courts, he makes a point not to shake the judge's hand.

Musa went on to explain that he participated in the movement because he saw hope in someone like the Chief Justice who took a stand against the armed forces. He said, "we thought, with some hope, that maybe corruption, nepotism...and all these things would be brought to an end through the movement. Perhaps we would have some honest people as judges. The system would go towards progress through some sort of improvement and we would stop making decisions based on reputations and go towards merit. We wanted a change in this system" (Musa, personal interview, 30 November 2016). Musa's emphasis on the corruption in the 'system' was echoed by almost all of my research participants. The feeling that 'people' were being let down by 'the system' were dominant in my conversations with both lawyers and civil society activists. Here the system is used as a stand-in word for the institutional-political mechanisms that people have to deal with on an everyday basis in

Pakistan. The system comes to represent the post-colonial condition which for middle-class subject positions is always characterised by a lack of modernity, more specifically a perceived lack of modern ways of organising power based on the rule of law, procedure, and meritocracy.

Musa's story above illustrates a mode of thinking which often locates Pakistan in the international order and relates domestic developments to international events. This view was not exclusive to Musa, as I stated earlier in this chapter, other research participants were also keenly aware of the ways in which Pakistan is understood and represented in the global media. My point here is to draw out the ways in which someone like Musa locates what might be considered national problems in the context of Pakistan's global position vis-à-vis the United States. Unlike Kamran above, Musa does not idealise certain aspects of western liberal democratic setups but instead contextualises his participation in the Lawyers' movement by explaining how for him, the movement was not disconnected from larger flows of power that structure the international order and place post-colonial states in their 'place'. Musa's narrative provides insight into how middle class subject formation in context of the Lawyers' movement often takes place at the complex intersection of national and international politics. In the context of Pakistan, this intersection is characterised by the post-9/11 relationships of power that defined the parameters within which Pakistan was represented, and engaged with, in the international order as a post-colonial state. At the same time, these engagements often impact instances of dissatisfaction with modern institutions like the judiciary in Musa's story above.

Musa's story also has carries methodological lessons for political theorists who follow Arendt's arguments regarding the power of storytelling. Arendt (1958) argues that storytelling is one of the ways in which private meaning is converted into public meaning. Storytelling involves reconstituting events and retelling them in ways in which one is put into conversation with others and one's own self. This implies that story-telling is an important component of understanding the self and the processes through which the self comes about. Furthermore, story-telling in the way Musa narrates his story above is also indicative of the way in which story-telling is deployed to create space for agency and sense-making. Space for agency is created by deploying the story in a narrative where one gets to have a say in what happened but at the same time the story itself contains a limit to the ways in which the self can determine the course of the story. However, it is also important to stress here that

stories come from places and positions. They are indicative of social formations, relations of power and signifiers that are pre-determined but only to a certain extent by the conditions of the possibility of life around us. In this sense, they are always partial but illuminate anxieties and spaces of discomfort that require imagination and narrativisation in the shape of stories.

Musa's narrative shares some similarities with Kamran's experiences from the Lawyers' movement too. Like Kamran, Musa locates the problems of everyday politics in Pakistan in the notions of corruption and nepotism. These concerns are rooted in everyday realities of middle-class engagement with the post-colonial state but have a long history as well. Take for example, the fact that themes of nepotism and bribery feature in Jinnah's inaugural address to the Pakistani constituent assembly. Jinnah (1947) stated, "One of the biggest curses from which India is suffering -- I do not say that other countries are free from it, but I think our condition is much worse -- is bribery and corruption. That really is a poison. We must put that down with an iron hand, and I hope that you will take adequate measures as soon as it is possible for this Assembly to do so."

Jinnah further noted, "A citizen who does black-marketing commits, I think, a greater crime than the biggest and most grievous of crimes. These black-marketeers... ought to be very severely punished, because they undermine the entire system of control and regulation of foodstuffs and essential commodities, and cause wholesale starvation and want and even death. The next thing that strikes me is this, here again it is a legacy which has been passed on to us. Along with many other things, good and bad, has arrived this great evil -- the evil of nepotism and jobbery. I want to make it quite clear that I shall never tolerate any kind of jobbery nepotism, or any influence directly or indirectly brought to bear upon me."

The similarities between modernist discourses deployed in Jinnah's speech along with Kamran and Musa's narratives above are striking. For Jinnah, a lawyer himself, it was the poisonous presence of older and inherited forms of social and political organisation which was the cause for India's suffering and therefore the solution to this suffering was to create a state which would function purely through modern forms of social and political organisation. For Kamran and especially Musa, the ills lie in prevalence of corruption and influence of outside powers as tied to the incomplete project of modernity. In both these narratives, the master discourse of modernity is granted a special privileged position as the fix for the lack of justice as well as the historical 'backwardness' of South Asian society (Dube 2002). In

such narratives then, we see the enduring legacy of colonial rule in India where the ghosts of the civilising project manifest themselves in specific subject-positions at the intersection of global and national politics. If we understand subject construction as a contingent process that does not necessarily follow from what has come before but is inevitably entangled with everyday life and the specificity of contexts, then Kamran and Musa's stories above, serve to highlight the need for understanding political actions by situating them in the lifeworld that they take place in, rather than abstracting them into a transcendental realm.

Furthermore, what also requires pointing out in the narratives above in Kamran's and Musa's cases is the way they are all concerned with the domain of the public political institutions. Through the emphasis on public political institutions and their function, we see how the political amongst middle-class subjectivities is largely located in the realm of institutional politics and civil society. Such an emphasis has consequences for how the political is constituted in post-colonial settings like Pakistan, where middle class subjectivities have an advantage in terms of defining the institutional parameters under which politics must take place within the post-colony. The advantage that I refer to here is firstly associated with education in the fields of knowledge production that are closely tied to the function of the state, such as law, medicine, economics. These allow one to appropriately navigate a trip to a police station, a court house, and even a hospital. Second, the advantage is compounded by the potential to activate relations established via institutional socialisation into said fields of knowledge as they create possibilities of coming together to safeguard and advocate for particular social and political configurations of power.

Social and political relations of power and privilege that give middle-class subjectivities their capacity to contest the contours of the political through a movement such as the Lawyers' movement are seen in Hajra's conversation with me. While I quoted some of my conversation with Hajra earlier in the chapter, I want to provide further detail regarding her experiences from the movement in order to show some of the differences in the self-understanding of my research participants in terms of their participation in the movement. In addition, her experiences from the movement especially from her time in the holding cell at a local police station illustrate how middle-class subjectivities in the Lawyers' movement are also located at the intersection of class, gender and post-coloniality.

Hajra is a lawyer at the Supreme Court of Pakistan in her early 40s and as stated earlier in the chapter she shared with me that her involvement in the movement was the first time she became involved in anything ‘political’. Much like other upper-middle class Lawyers that I spoke to, my conversation with Hajra took place in English with bits of Urdu. I met Hajra at her residence which was located in a gated housing society in Lahore. In our conversation, Hajra elaborated on the way she was treated in a holding-cell after she was arrested at a protest and also mentioned about the way she resisted police violence after police baton charged a group of protesting lawyers. In her conversation with me Hajra brought up her family, mentioning that she was raised with two older brothers and connected that to the way she reacted to police violence.

Hajra said, “In one of the initial protests, I was attacked by a policeman during a baton charge. He attacked me with his baton by hitting me twice on my back. My instant reaction to such an attack - I think because I am raised with two older brothers – wasn’t like a typical woman, my reaction was to grab the baton and snatch it away from him. I think the policeman was quite shocked! I yelled at him, saying, ‘what in the hell are you doing? Can’t you pick up on someone your size... You’re hitting women... have you lost your mind? You’re beating up on women, is this what your mother has taught you at home?’” (Hajra, personal interview, 29 January 2017).

Hajra continued and told me that the policeman apologised in a state of shock. She also explained the reasons behind why she was talking part in the protests. Hajra stated:

We all thought that this was against the rule of law, you can’t dismiss the Chief justice of Pakistan like this. There is a procedure in the constitution, if the Chief Justice is corrupt, use that procedure. There is a specific supreme judicial council where you can complain against the judge and remove him through proper procedure but you can’t do this. And if you can do this to the judiciary then what is left in the country? I felt we have to take a stand...right or wrong, no one was thinking at this time, we were just thinking about the rule of law and to protect the rule of law. We thought at least the lawyers should stand up for the Chief Justice. We had zero political ambitions, there were many people in the movement, who had zero political interests. We were just those kinds of lawyers who would do cases honestly and then

go home with the money. No participation in professional politics or bar politics of any kind (Hajra, personal interview, 29 January 2017).

There are several elements in Hajra's experiences from the movement that require unpacking. The way Hajra shames the policeman after being struck with a Baton shows how the emotion of shame can be mobilised in post-colonial contexts by women against men in order to secure their presence in a public space. However, this mobilisation of shame is not divorced from relationships of both gender and class that shape Hajra's encounter with the policeman. As a well-educated lawyer, who speaks fluent English and works with corporate companies, she has a class background that allows her to 'talk back' to the policeman in a particular discursive format. This is perhaps best encapsulated by the fact that Hajra's mobilisation of shame is aimed at the policeman's mother. In this context, the question, 'is this what your mother has taught you at home?' is not just a way of securing public space as a woman during a protest in a male-dominated domain but also a class-based claim against the lack of proper moral education and behaviour assumed to be a default feature of those classes that are not considered to be a part of the educated middle-class mind-set.

As someone who grew up in Pakistan, I would often see similar narratives deployed by my grandmother who would often shame religious clerics from a local mosque when they would visit our house but then refuse to communicate with her because they wanted to talk to the 'head of the house' or as some of them put it, 'her oldest son'. The implication of a lack of proper moral education, in Hajra's response to the policeman, also signifies the centrality of the family, with women as mothers and responsible for proper moral upbringing of their children, within the middle-class worldview in Pakistan (Pandey 2010). It is also a jab at the policeman himself who is seen as behaving in an unacceptable moral manner and therefore needs to be shamed into conformity with those notions of public morality that middle-class subjectivities endorse and aspire towards.

My conversations with Hajra stood out during the fieldwork because she was one of the few research participants that pointed out in detail her experience of being in a holding-cell at a police station or *thana* after being arrested at a protest in Islamabad. Lawyers and civil society activists who were arrested during the movement for protesting, especially after the suspension of the 1973 constitution of Pakistan in early November 2007. Hajra told me that

in many ways it is far more uncomfortable to be placed in a holding-cell rather than being taken to the jail. She said this is so because:

It is extremely humiliating. It is sickening. The men's holding cells and the women's holding cells were opposite to each other. So, if you have to use the toilet as a woman, men can see you. There is no wall, they could have installed the loo on the other side but no, they have purposely placed the toilet in men's sight so that they can humiliate you. The men who were kept in the cell opposite to ours were not just other lawyers picked up from the streets but also ex-policemen who had lied about the authenticity of their education degrees. My friend wanted to use the toilet so we started thinking what should we do? I was wearing a shawl so told my friend that I can stand with the shawl as a screen so that she could go to the toilet. When some of the male lawyers from the opposite cell saw what was happening, they made a wall as well so that they can block the direct view of our toilet from their cell (Hajra, personal interview, 29 January 2017).

Hajra explained to me that after holding her, along with her friend, in the cell overnight, the police transferred her to a jail after their bail was denied. In the jail, Hajra was greeted by a jailor whom she recognised from some early career pro-bono work she had done. She said, "the jailor asked us if we needed two rooms or one – as if we were checking into the Pearl Continental Hotel! We were kept in B-class; for women A-class is house arrest. B-class is your own room and C-class is a shared cell, like a hospital ward, with only one toilet." The jailor also reassured Hajra that she had made special food arrangements for them. Hajra and her friends were in jail for 2-3 days, where Hajra's brothers were allowed to bring her blankets to keep cold in the winter weather. (Hajra, personal interview, 29 January 2017).

Hajra's experience in the jail, especially the privileges that her friendship with the jailor reveals is indicative of the kind of class privilege that middle-class subject positions often mobilise when dealing with state institutions. This is not only seen in the way old friendships, courtesy of professional associations, lead to preferential treatment but through the ways middle-class individuals show solidarity with each other when faced with humiliation and threat from lower-class men. However, Hajra's remarks cannot be just reduced to her position as an upper-middle class woman in Lahore. There are gendered dynamics at play here in terms of constructing her subjectivity. The level of humiliation she outlines with regards to

her experience in the holding-cell is located within relations of gender power where despite whatever power her class-position brings with it, her position as a woman in a police-station is central to the way she feels about being in a hyper-masculine space. No male research participant that I spoke to highlighted this level of discomfort and humiliation as associated with their experience of being held in a holding-cell despite several of them revealing that they were arrested whilst protesting.

Hajra's experiences from the Lawyers' movement highlight class and gender tensions which often manifest themselves in urban spaces within Pakistan. These tensions are particularly visible in the context of public gatherings, protests, and movements where tropes of civility, morality and proper public behaviour are often deployed to clearly delineate spaces where educated and civilised middle-class families can safely 'hang out'. Middle-class subjectivity in the context of the Lawyers' movement also needs to be understood through the ways in which middle-class subject positions are often defined in contrast to those who are not considered to belong to the middle-class. Let me give an example that stood out for me in terms of how certain upper-middle class lawyers, like Hajra above, would talk about their co-professionals in the legal profession.

In one of our conversations on the legal profession in Pakistan, Hajra and I discussed the differences in ways in which different lawyers practice law in Pakistan. The discussion drifted towards the ways in which lawyers conduct themselves in professional settings, such as their offices, courts and bar rooms, especially in terms of how they dress up and represent their profession in doing so. Hajra noted that lawyers do not dress up properly and wear stained suits, improperly knotted ties as well as sweat ridden shirts. She said:

Properly dressing should be a part of a lawyer's training. This is about representing our profession and upholding law and judiciary but unfortunately such education is not a part of our legal training. Wearing a clean *kurta* (a traditional Pakistani dress), or wearing clean pants is not very difficult. I am not saying that they should be wearing a Versace suit...you know they have no dignity, they are indifferent in terms of preparing for the profession, preparing for their cases even, I've moved away from litigation recently and invested more time in consultancies but I recently went to the court and realised that things had become far worse that they were earlier in my career (Hajra, personal conversation, January 2017).

Hajra's characterisation and commentary on what some of my research participants often pejoratively referred to as '*Thara walay wakeel*' (a lawyer who works off of a slab) is indicative of a divide within the category of middle-class as well. *Thara walay wakeel* refers to those lawyers within the legal profession in Pakistan who do not operate out of well-established offices and firms but rather operate in a manner close to road-side hawkers. During my fieldwork at the Lahore district courts, I would see such lawyers lay out their everyday stationary and other wares, such as stamp paper, ink pots, pens, on a slab of wood, or an old desk in the courtyard of the courthouse complex with a small poster or banner hanging from the front of the table, usually in urdu, advertising their legal services such as attestation of documents. In summary, Hajra's remarks above showcase two important features of middle class subjectivities. First, they show the ways in which middle-class subjectivities are made distinguishable through practices and narratives that locate themselves against those members of the population who are not considered to be as educated and morally refined as them, such as the policeman who attacked her with a baton. Second, they show that middle-class subjectivity is also contrasted against those members of the same class that do not meet the aspirations, qualities and normative features associated with the worldview that the class aspires to project and realise.

In this chapter, I have outlined the ways in which middle class subjectivities are constructed in complex ways at the intersection of class, gender, postcoloniality and the allure of modernity. Throughout the chapter, I have utilised conversations and interviews with various lawyers during my fieldwork to highlight the ways in which middle-class subjects take part in their own production. This chapter, therefore, illustrates one aspect of a practice-based CPT which grants primacy to practices, narratives and discourses in real-politics rather than imagined textual comparisons. A tangential product of this analysis has been an effort to highlight the ways in which discourses of rule of law and procedural justice as tied to legal-liberal forms of organising power were one of the consistent normative claims made by research participants in terms of explaining their participation in the Lawyers' movement. It is the politico-ideological nature of these claims and their relationship to the production of emotions such as anger along with specific imaginations of the political that I turn to in the next chapter.

Chapter 6 – Emotions, Rule of Law, and the Political

In the previous chapter, I outlined specific features of middle-class subjectivity in the Lawyers' movement in Pakistan to show how subject positions are constructed and given shape in particular lived experiences of everyday life and narratives of participation in the movement. Through explaining the ways in which my research participants framed and associated their involvement in the Lawyers' movement, I highlighted how political subjectivity is not just a simple product of one vector of power but rather a collection or cluster of ways in which gender, class, and post-coloniality intersect with each other. These various vectors of power come to form elements of subjectivation as they constitute the fields of possibility within which subjects come to represent themselves.

In this chapter, I shift towards analysing the role of emotion and discourse of the rule of law in constituting subjectivities and the relationship of these subject-positions with the political in contemporary Pakistan. In particular, I argue against the overwhelming emphasis on the power of ideas in CPT to highlight how ideas are always meshed with emotional attachments, social relationships, aspirational political claims and how emotions can themselves be understood as practices that are enmeshed with political action. Specifically, I show how my research participants framed their participation in the Lawyers' movement by reference to a specific image taken by local journalist which exhibited the Chief Justice, Iftikhar Chaudhry, being 'manhandled' by the police. The photograph was continuously reproduced in the media during the movement and came to be a key piece of evidence in the Supreme Court proceedings to reinstate Iftikhar Chaudhry after his initial dismissal by Musharraf. The image in question became a defining picture of the Lawyers' movement particularly in the way it produced anger and action, amongst lawyers in particular.

By emphasising the central role of emotions in understanding the lived experience of subjectivities in post-colonial contexts, I build on the previous two chapters of this thesis to undermine the liberal-rationalist understanding of the subject and its politics. I highlight the conceptual poverty of the liberal-rationalist conception of the subject by explaining how subjectivity is not only constituted in specific historical contexts rather than transcendental ones, but also through the operationalisation of emotions, images, and feelings about appropriate political conduct. I further argue that the conceptual poverty of the liberal-

rationalist view of the subject is located in the mind-body distinction that grants overwhelming autonomy to cognition, ideas, and the supremacy of the mind, whilst disregarding the role of emotions in politics.

This chapter proceeds in three sections. In the first section, I engage with existing scholarship on emotion in political theory and beyond to develop a framework through which we can understand, and make sense of, the ways in which emotion of anger became a central feature for political mobilisation and protest amongst lawyers. In this section, I argue for taking emotions as practice, which require interpretation of political situations and contexts, rather than treating emotions as bodily reactions to naturally given triggers of injustice against abstract notions of fellow human beings. Furthermore, in the same section, I deploy the framework of emotions as practice to explain the relationship between collective identification and emotions within the Lawyers' movement through emphasising the ways in which emotions are tied to processes of identification through which we determine who has been harmed and draw frontiers between 'us' and 'them'.

In the second section, I move towards outlining the ways in which middle-class subjectivities have shaped the parameters of the political in Pakistan by emphasising the normative importance of the rule of law. In the same section, I explain how the emphasis on normative importance of the rule of law leads towards idealisation of the rule of law and a specific imagination of the political. In particular, idealisation of the rule of law produces a particular view of the political where the rule of law protects naturally given rights against repressive power and therefore creates conditions of peace under which politics can take place. In particular, I connect idealisation of the rule of law to social contractarian views of the political in works of John Rawls and Jeremy Waldron. In the second section, I also elaborate on the post-colonial critique of the rule of law which criticises frameworks of imagining the political where the rule of law creates order in the post-colony and therefore creates conditions for 'peaceful' politics.

In the third section, I offer a reconceptualisation of the rule of law through Foucault's framework of governmentality and bio-power. Specifically, I problematise the idealised view of the rule of law and subsequent imagination of the political as tied to peaceful politics through engagement with Foucault's (1978; 1982; 1991; 2009) work alongside political theorists like Chatterjee (1993; 2004) in order to reframe the position of law as one that is

best understood as a tactic of bio-political power. In the third section, I also contend that the rule of law and juridical practices are not just a way through which repressive power is exercised over naturally free individuals. Instead, juridical practice and its procedures have a constitutive impact on subjectivities that cannot be reduced to a repression of natural rights. The juridical framework, particularly law, can lend itself towards tactical manipulation by those subject to governmental practices under conditions when political life itself becomes the object of curation and maintenance through “governmentalisation of the state” (Foucault 1991: 103).

Theorising Emotions and Conduct in the Lawyers’ Movement

The Lawyers’ movement emphasised the importance of the rule of law and constitutional supremacy in Pakistan. The movement consisted of country-wide protests and marches by lawyers to showcase a public display of political strength. These protests and marches consisted of passionate poetry recitals, slogan chanting, and singing of songs as well as speeches fuelled by fiery rhetoric. Take for example, how the lawyers shouted chants and slogans that portrayed an imagery of lawlessness and the emphasised the popular impact of the movement. One of the chants that featured regularly at protests was the following, “Institutions are on fire.... courtesy of black coats! Institutions are on fire.... courtesy of black coats! This land has awakened.... courtesy of black coats! People’s hopes have become tied with ...black coats! Criminals and looters are running...courtesy of black coats! *Sharfu* (Musharraf) is trembling.... courtesy of black coats!” (Rubab 2010)

The movement involved mobilisation and appeal to emotions as much as it appealed to legal justifications regarding the appropriateness of legal procedures and the normative value of constitutional supremacy. The central role of emotions in the Lawyers’ movement is also substantiated by turning our attention to the ways in which different lawyers and civil society actors articulated the emotional components of their lived-experience from the protests. Ibrahim, a lawyer in the Lahore High Court, described his participation in the movement by stating that the dismissal of the Chief Justice by General Musharraf “gave rise to a wave of anger amongst the *Wukla* (lawyers)”. Another lawyer framed his experience of the protests by describing how lawyers were so angry that they smashed the government vehicle that was supposed to take the suspended Chief Justice to the Supreme Court for a hearing. He said:

We heard a rumour that the intelligence agencies might kidnap and escort the disposed Chief Justice to the Supreme Court, so that they can avoid the protestors. We decided to march straight to the Supreme Court to receive the Chief Justice ourselves. We had cars but we decided to walk all the way to the court because we were angry, we went there in *fasaad* (a state of purposely instigating munity and rebellion), in anger and let me tell you that we were not in small numbers, a whole lot of lawyers from nearby district courts marched together (Ibrahim, personal interview, 1 October 2016).

He continued:

When we reached the Supreme Court and saw the car carrying our Chief Justice, we stood in front of the car to block its path because of the rumours regarding intelligence agencies. In fact, there were some individuals in civilian clothing right next to the Chief Justice's car. They were trying to prevent us from accessing the car and bringing him out. I pushed the security official on my side of the car aside and then we all pulled him (Chief Justice Chaudhry) out of the car. The lawyers literally raised the Chief Justice on their shoulders and carried him into the Supreme Court (Ibrahim, personal interview, 1 October 2016).

Another lawyer, Mahmood, also described the protest scenes in a similar register to Ibrahim. He said:

The protest created an emotional atmosphere, particularly because of the images of Chief Justice's mistreatment by police officials. Journalists told us that Chief Justice had been beaten by the police because he wanted to walk to the Supreme Court by himself rather than via an official car. He was forced to go via the car and journalists captured snapshot pictures of this instance and showed them to us (Mahmood, personal interview, 11 January 2017).

A renowned international media organisation described the protests by highlighting the intense anger amongst protestors through the statement; "Angry protests by thousands of lawyers in Lahore and other cities on Monday demonstrated the first organised resistance to the emergency rule imposed by the Pakistani president, Gen. Pervez Musharraf" (Perlez and

Rohde 2007). But what prompted the lawyers to act in this particular way? In other words, what brought about these emotions and their operationalisation? At the start of the previous chapter, I highlighted how Yasir, specifically pointed towards media representations of the Chief Justice being humiliated by police officials. In a similar manner to Yasir, another lawyer Hira also emphasised how she was moved by the images and videos shown by the media. Hira said, “We heard on the news and saw images of our Chief Justice being removed from his post. This was so odd because it was being aired on the news, we had never seen changes or coups being publically aired on different news channels” (Hira, personal interview, 7 February 2017)

The imagery that lawyers above refer to also came to play an important part in the Supreme Court proceedings to reinstate Iftikhar Chaudhry. In particular, one image stood out in accounts of the movement by various research participants, this image also became a piece of evidence in a subsequent case against Musharraf in the Supreme Court. The image in question showed Iftikhar Chaudhry being forced into a government vehicle, surrounded by policemen in uniform, one of whom had grabbed Chaudhry’s hair to shove him into the car (Qureshi 2007). This image was brought to my attention by several research participants, one of whom also put me in touch with the original photographer who captured the image. The photographer confirmed that he had been summoned by the Supreme Court as a witness to talk about the image in question (Khan 2013).

The above account constructed through my fieldwork data highlights a central role of emotion in narratives of lived experience through which participation in political movements is shaped and articulated. So, what particular tools does political theory offer us to take emotions as political phenomenon seriously? Passions and emotions occupy an uncomfortable space within political theory as a discipline. In the context of CPT, a discussion of emotions is largely absent given the textual and idea-based focus of comparative political theorists on non-western intellectual traditions. However, broader critical work within political theory, and the humanities more generally, has called into question the absence of emotions through the affective turn. Scholars of the affective turn bring to light the social and political significance of affects and passion that inform contemporary political movements and practices (Connolly 1999; 2006; 2011; 2002; Williams 2007; Scheer 2012; Ahmed 2014; Galston 2018; Lorde 1984; Butler 2004; Hogget and Thompson 2012; Mouffe 2014; 2002; 2000; Leys 2011; Mazzarella 2009).

One key point of contention within this scholarship is the way these thinkers locate emotions on the mind-body spectrum. This spectrum is relevant to conceptualisations of subjectivity in particular because it serves as an analytical microcosm of the way subjects are conceptualised. In other words, is subjectivity a mere reflection of cognitive processes and ideational positions taken up by thinking subjects or is it a combination of thinking, acting, feeling and expressing oneself in a particular manner within varied spaces and historically specific conditions of possibilities?

For theorists like Connolly (2011; 2002), who combine neuroscientific research on emotion with philosophical perspectives developed by Nietzsche and William James, emotions appear to be centrally located in the realm of body rather than mind. Connolly (2011) regards emotions as a mixture of affective energies and intersubjective processes but in this equation greater weight is allocated to intense bodily energies through which emotions manifest themselves. Connolly (2011: 792) operates with a notion of a half-second delay in “consolidation of perception and intention” that he claims is validated not only by neuroscientific research but also through earlier works of thinkers like Whitehead along with James and Nietzsche. Connolly (2011) also highlights that media plays a significant role in ‘touching our infrasensible registers’ through the production of a cacophony of noise and images. For other theorists like Sarah Ahmed (2014), Leys (2011) and Scheer (2012), emotions are integrally related to mind and the body and cannot be thought to exist outside of the combination of both. Ahmed (2014) understands emotions as bodily processes of being affected and affecting. She notes that emotions are a matter of coming into contact with things, objects and bodies around us.

Furthermore, emotions in this sense are not just bodily variations or mere psychological states but actions and practices themselves rather than something that leads to action. To put it differently, emotions are not mere catalysts for action and practice, they are practices and actions themselves. This particular theorisation of emotions only becomes a possibility when we do not think of emotions as something purely located in intense bodily energies but rather as already integrated with cognitive appraisals, gestures of differentiation and shared perceptions of what is the appropriate mode of acting and feeling. To make this point, Ahmed (2014: 209) argues “to be affected by something, such that we move toward or away from that thing, is an orientation toward something. It is in the intensity of bodily responses to

worlds that we make judgements about worlds; and those judgements are directive even if they do not follow narrative rules of sequence, or cause and effect. Those judgements are enacted: they do not lead to actions; they are actions.” Significantly, Sarah Ahmed’s (2014) account of emotions allows us to go beyond emotions as individual cognition towards how emotions are access points into ways through which shared perceptions develop and become solidified. These shared perceptions create space for understanding the political aspect of emotions and in particular the ways in which “emotions ‘matter’ for politics; emotions show us how power shapes the very surface of bodies as well worlds” (Ahmed 2014: 12).

Scheer (2012) makes a similar case to Ahmed for taking emotions seriously, not just as psychological phenomenon that motivate action but rather as practices themselves. She critiques those two particular conceptions of emotion, as mere mental states or as primarily a work of the body to argue that emotions are something ‘we do’ rather than something that ‘we have’. In making this critique, Scheer (2012: 195) distinguishes her approach from neo-Jamesonian understandings of emotions as “primarily originating in the body” as well as those approaches that take a more psychological approach and treat it as a mental event. Scheer locates her conception of emotion beyond the cognition versus body divide and proposes that emotions should be understood as a joint function of cognition and the body. In making this claim, she understands emotions in a communicative and de-naturalised manner. For Scheer (2012: 196), understanding emotions as a practice allows us to work against the notion of subjectivity as “self against social norms or true feelings against convention, thus reproducing the divide between experience and expression”. This divide between experience and expression is perhaps exemplified by approaches such as William Connolly’s mentioned earlier in the chapter where the body is granted an element of autonomy over the social order and political field that a particular subject is located in.

Scheer (2012: 199) notes that “practices executed by knowing bodies” where “bodies are infused with social structure both of which participate in the production of emotional experience”. The crucial point to note here for political theorists interested in subject-formation and emotion is that the subject is not metaphysically conceptualised in the formulation of emotions as practices, rather the subject is already constituted through the field of politics and social sedimentations. Furthermore, Scheer’s (2012) framework of emotions as practices creates room for understanding the specificities of emotion in various contexts. She notes that depending on where one lives, social and political spaces we inhabit,

we encompass a specific emotional register of sorts where vernacular phrases, language, movements of body and other gestures constitute the ways in which we learn to ‘listen to our heart’ or be ‘true to ourselves’.

In other words, the difference between what is kept ‘inside’ and what manifests ‘outside’ in terms of emotions is not ontologically prior to our fusion with social and political orders. In this respect, attending to emotions, giving them shape, expressing them in a particular format is a practice which is not reliant on a simplistic mind-body distinction but rather how subjectivity is a consequence of their combined force. Subjectivity in this way of thinking about emotion is deeply associated with shaping conduct which includes shaping of bodies and speech. Conceptualising subjectivity through emotion as related to conduct also strongly resonates with a Foucaultian understanding of government in modern states where power is aimed at shaping the “conduct of conduct” (Foucault 1982: 220-221). This resonance becomes significant because if our understanding of emotion is associated with certain dispositions that are not merely bodily but also socially manufactured and political regulated, then it becomes important to relate these dispositions to workings of power within social and political fields.

Finally, Scheer’s (2012) work on emotions also consists of a move away from viewing emotions as essentially reactions to naturally occurring triggers that bring about a bodily response. Drawing on Dewey (1896), she argues, “the “triggers” of emotional “reactions” are constituted by...emotional acts, a constitution that can only be accurately clarified by examining the situation in which it took place and understanding the cultural meanings of the emotion/trigger circuit.... emotions can be viewed as the meaningful cultural activity of ascribing, interpreting, and constructing an event as a trigger”. This particular point is important for understanding the relationship between subjectivity and emotion because it allows us to entertain the possibility that subjects are not just reaction to a naturally given world but rather through emotions as practice, subjects produce a particular way of intending the world through judgements, expressions, gestures.

Scheer’s (2012) approach shares certain aspects of Ahmed’s (2014) understanding of emotions. Both scholars theorise emotions to create space for subjectivity that is neither submitted to the body nor submitted purely to cognition. In doing so, they reject the hard mind-body distinction and frame emotions as judgements, practices, and actions in

themselves rather than phenomena that inspire us into political action. Equally significantly, Ahmed (2014) and Scheer (2012) both stress the social and political aspects of emotions by locating them beyond the individual within particular social and political fields as well as spaces. Emotions in this sense are always connected to things, bodies, actions, gestures around us. They are always intertwined with the ways we learn to situate ourselves in spaces inhabited at the same time by others.

Within political theory both Raymond Geuss and Chantal Mouffe have advocated for a move beyond a rationalist understanding of politics in order to expand our notions of what actually constitutes politics to take part in radical critique and democratic politics. In advocating for political theorising that is attentive to non-rationalist components of politics, both Geuss and Mouffe touch upon importance of emotions in their work. Geuss (2010: 38) remarks that once we leave the realm of rational propositions and abstracted thought experiments, political theorists enter into a realm of “imagination, of human desires, ideals, emotions, hopes, projects, the more clearly we enter the world which most of us inhabit much of the time. Here things are left indeterminate, contradictory beliefs are entertained, trains of thought are left unfinished...”.

Geuss’ emphasis on the indeterminacy of real-world politics along with an acknowledgement of the space for desires, ideals and emotions as attached to hopes and projects creates space for thinking about the political in more critical yet *realistic* terms. Here by realistic, I do not mean to convey any sort of objective reference point through which political theorists might devise accurate understandings of real politics as one would separate ‘fluff’ from reality. Rather, I refer to the intricate ways in which the real comes about through various processes and practices (Little 2015). The point is to ask; how such practices, when put into conversation with subjectivities as attached to certain political projects and desires, create visions of the political that demarcate our normative conceptions of political life itself.

Mouffe’s (2005) work on the political grants a priority to passions as a way of going beyond the liberal consensus driven view of the political exemplified by deliberative democracy scholars who follow Habermas in imagining rational discussion amongst free and equal citizens. Mouffe (2014: 149) elaborates on her theorisation of passions as distinct from emotions by arguing that emotions are often associated with individuals whereas the term passion(s) refers to collective political identities. She notes that the term ‘passions’ also

implies violent connotations, as compared with the term emotions, which allows her to stress the centrality of conflict in her understanding of the political as opposed to the liberal-rationalist emphasis on consensus. Mouffe further argues that passions also denote a confrontation between collective political identities, another feature that is central to her understanding of the political.

Mouffe (2014: 149-155) contends "...by 'passions', I designate a certain type of common affects, those that are mobilised in the political domain in the formation of the we/they forms of identification. My aim is to challenge the rationalist view dominant in democratic political theory by underlining both the collective and partisan character of political action, bringing to light the crucial role played by affects in the construction of political identities." Mouffe (2014: 155) castigates liberal political theorists for reducing the individual to notions of self-interest and abstract moral principles which are also used as causal explanations for political action. She puts forth an alternative view which brings to attention the 'affective dimensions' of politics via an emphasis on collective identification and the role of affects in the construction of collective identities and processes of identification. Drawing on Spinoza and Freud, Mouffe (2014: 156) remarks "Bodies have the capacity of being affected and an affection...is a state of a body insofar as it is subject to the action of another body."

I agree with Mouffe's analytical insistence on the importance of 'passions' but do not agree with the emphasis on a vocabulary of passion rather than emotion. Mouffe might well have her own reasons for thinking that emotions are individual in nature, rather than collective, but these reasons do not come through clearly in her work other than the insistence on passions as tied to processes of collective identification. My point here is that emotions are collective by default as long as we do not consider them to be asocial or apolitical as tied to an abstract body or rational cognition. This implies that emotions, like Ahmed and Scheer stress in their work, are always social and political if they are conceptualised as practices in themselves. In making this point, I follow Appadurai's (1996: 148) observation that "there is little payoff in separating the world of emotion and affect from the world of language and self-representation and that these in turn are remarkably responsive to macro conceptions of civility and dignity..." An analytical focus on self-understandings and representations combined with a conceptual framework that takes emotions as practices gives us the tools to theorise the place of emotions in constructions of subjectivity.

However, I do find Mouffe's critique of liberal-rationalism useful in order to create space for emotions in political theory in general and CPT in particular. The usefulness of Mouffe's (2014: 156) critique is perhaps best inscribed in her claim that, "What needs to be emphasised is that to be effective, institutions require allegiance and this is where the affective dimension of the hegemonic struggle lies." Mouffe's argument regarding affective dimensions of hegemonic struggles is deeply associated with her normative project of radical democracy through which counter-hegemonic struggles can be created. But for my purposes, Mouffe's claims above also serve as analytically important markers for identifying linkages between the self-representations and understandings of my research participants from the Lawyers' movement and the role of emotion in construction of subjectivities. When lawyers narrate their experiences from the movement with reference to how they felt during protests or whilst watching images and news coverage of Iftikhar Chaudhry's suspension and subsequent 'humiliation', they are not just expressing the way their bodies experienced certain emotions in separation from their social and political life, rather their narratives are deeply implicated in the social and political spaces they occupy as both knowers of law and practitioners of law. The question then becomes; how does emotion work together with power within social and political spaces to create allegiances to institutions through articulation of different forms of collective identification that constitute the political?

In terms of lawyers quoted at the start of this chapter and in the previous chapter, it is clear that there are forms of collective identification at play not only in matters of speech but also in terms of slogans that guided the movement as well as the larger effect of the movement on Pakistan. My argument here is that collective identification is in play via the processes through which subjectivities situate themselves in particular social, and political fields. When lawyers note the symbolic power of 'black coats' in their speeches, protest slogans and even newspaper articles, they are not just expanding on the moral role of lawyers in a particular society, they are also taking part in construction of collective identities through associating various norms with their professional cadre whilst juxtaposing those whom they oppose with the normative ideals that are attached with the former (Express Tribune 2011).

This is illustrated in the way collective identification works in narratives of participation in the Lawyers' movement. Processes of collective identification are visible through delineating who comes to be seen as a target of humiliation and injustice via fostering responses to humiliation in terms of anger. I refer to anger here in a specific manner as a particular way of

engaging with the world. Galston (2018: 97-98) argues that “we feel anger because of what someone has done...Anger seeks to impose pain or punishment on its object...anger seeks rectification for the wrongs the perpetrator has committed...we typically feel anger when someone has harmed us, but we may also experience it—as righteous indignation—when we observe harms to others”. I share Galston’s view of anger but would add to his theorisation of anger by pointing out that exercise of anger is also a part of producing judgement on the world around us.

In other words, anger is tied in complex ways with identifying who is the perpetrator and the victim as well as the political field within which such judgements are being made. The act of identifying the object of punishment and those who have been wronged does not occur in abstract scenarios but rather always relies on how power is already infused with subject-positions and social fields. Therefore, anger relies on interpretation and articulation of that interpretation by varying subject-positions in order to give it some social and political shape. This articulation can be performed through various practices of speech as well as through bodily gestures, rhetoric and even silence. A similar view of anger is espoused by Solomon (1984: 249-250) who argues that anger is not just a biological response to external stimuli by an asocial human body that occupies a universal space. He notes, “Anger... is essentially an interpretation, a view of its cause (more accurately, its “object”) ...consequent forms of behaviour... it is ‘a kind of interpretation...of the world. It is...a way of being-in-the-world, a relationship between oneself and one’s situation.”

The view of emotion as practice, combined with anger as a mode of judgement that requires interpretation, opens up space for understanding how collective identification is performed through emotions. In this particular conceptualisation of emotion, anger is not considered to be a primal reaction to naturally occurring injustice against fellow human beings in the abstract. Instead, anger, as an emotional practice, is one that requires interpretation of symbols, words, images, speech acts. Furthermore, interpretation also requires an understanding of social and political contexts where anger might be an appropriate response to a particular action. For example, when lawyers like those quoted at the start of this chapter and in the previous chapter identify Chief Justice Iftikhar Chaudhry as someone who was humiliated by the police and also refer to him as ‘our’ chief justice and to the lawyers as a collective ‘we’, one can see frontiers being drawn in terms of who has done what and more importantly who has done wrong to whom.

Let me elaborate on the content of these identifications by discussing examples of how lawyers explained their internal unity and opposition to the military in light of the Lawyers' movement. One lawyer noted, "Our movement was a war for the rule of law...and this was made possible by the internal unity amongst lawyers. Maybe this is because of Allah but lawyers are the most organised group in Pakistan. During the movement, we even received calls of solidarity from lawyers in New York, various bar associations condemned how we were being treated in protests..." (Asad, personal interview, 4 January 2017). Another lawyer explained to me:

The Chief of Army Staff does not even have the legal authority of a magistrate, maybe he can fire some bullets across the border but it is our misfortune that these people have become powerful in this country. Only lawyers were in the position to undertake the movement because we understood that Musharraf had entered our political system like a thief! Our main claim was to reinstate the Chief Justice but then other issues also became apparent like Musharraf as a general should be answerable to our defence minister rather than occupying the position of a President. In the constitution, he has no worth but he ousted the Chief Justice (Hussein, personal interview, 16 September 2016)

The above examples from my fieldwork illustrate the ways in which lawyers positioned themselves through articulating their stance on Musharraf's rule by noting the unconstitutional means through which he became the President. For our purposes, the above examples highlight various ways in which institutional allegiances manifest themselves in self-representations of lawyers who participated in the lawyers' movement. These allegiances become clear when we shift our attention towards how the constitution, associated procedures, and legal forms of authority are treated as appropriate, normal, and therefore worthy of endorsement and defence. Furthermore, the collective identifications that come about as a result of allegiance to constitutional supremacy, the rule of law and legal forms of authority are indicative of the normativity that underpins identifications that shape subjectivity. In other words, the normativity of collective identifications and the way they are articulated gives us insight into how collective identification and construction of subjectivity takes place through particular professional as well as institutional allegiances.

By institutional allegiances, I refer to Mouffe's (2014) argument for giving passions a proper place in political theory as she claims that in order for institutions to be effective, they require allegiance. One can sense allegiance to the institution of the judiciary and associated procedural norms in different ways through which lawyers during my fieldwork framed their self-understandings and participation in the movement. The sense of allegiance to the institution of judiciary was also particularly visible in the way lawyers made a point of outlining that their efforts were not just undertaken to safeguard a single man, i.e., the disposed Chief Justice Iftikhar Chaudhry. The lawyers stressed often that their movement was directed towards the strengthening the institution of judiciary.

For example, Danish, a lawyer in his early 40s in Lahore explained his participation in the movement by emphasising that the movement was not just about Iftikhar Chaudhry but about strengthening the institution of the judiciary. Danish was practicing law in his father's firm and had participated in protests in Lahore as well as accompanying other lawyers and Iftikhar Chaudhry on his visits and speeches at various bar associations across Pakistan during the movement. I interviewed Danish at his office close to the Lahore High Court. He said:

It (Lawyers' movement) was not for a specific man but for the institution. We thought that our efforts will improve the institution because any dictator can come in and remove the sitting Chief Justice of Pakistan even when he is doing his duties according to the constitution. They (Musharraf and other army generals) called him in and asked him to resign and when he refuses to do so, they send in a reference against him to the Supreme Court. We wanted to strengthen the institution of the judiciary so that next time no dictator would be able to take such actions... (Danish, personal interview, 6 January 2017)

Danish went on to specifically connect his emphasis on institutions with the constitution of Pakistan. He said:

Article 209 of the constitution gives clear guidelines where if you have any complaints against any judge of the high court or the supreme court, you can send a reference against him to the President of Pakistan. And if the President thinks that this reference is liable to be tried by a competent authority which is the Supreme Judicial Council then he can forward the reference to the council. Now if the misconduct is

proven to the council then they can remove the justice in question. But this procedure of forcing Iftikhar Chaudhry to resign...that was not good. Lawyers again wanted to strengthen the institution (Danish, personal interview, 6 January 2017)

Danish's emphasis on strengthening the institution was not an isolated moment in my fieldwork but rather a frequent occurrence during my interviews and conversations with various lawyers who participated in the movement. Similar stress on strengthening the institution of the judiciary along with the rule of law and supremacy of the constitution was also communicated by other lawyers I interviewed (Ali, personal interview, 22 December 2016; Waqar, personal interview, 26 January 2017; Ahmed, personal interview, 9 September 2016; Alam, personal interview, 27 January 2017; Wasim, personal interview, 5 November 2016). The nexus between collective identification, emotion, and institutional allegiance is illustrated by the priority given to strengthening the institution rather than seeking out the individual exercise of power. This highlights how emotional attachments are always involved when it comes to construction of subjectivities and the processes of identification that constitute such construction. Furthermore, processes of identification in terms of what has gone wrong (forced resignation), who has done wrong (the dictator) and explaining what constitutes the wrong (lack of procedure) are all, in Scheer's words, (2012: 211) "tightly bound up with apprehensions of who the other is, whether they are higher or lower in rank than oneself, if they are like or unlike oneself, if they are victims or perpetrators." Ahmed (2014: 21) makes similar observations when she notes that experiencing emotions, naming them, identifying them, all consist of various "orientations towards objects and others".

My discussion of emotion above suggests that emotions as judgements and practices are also involved with normative aspirations and desires. In this context, when lawyers allocate an extraordinary amount of value to procedure and the rule of law, this is not just a simple by-product of the ways in which justice has come to be understood in the contemporary world via natural rights discourse, the dispersion of human rights language and the value attached to constitutional democracy in general (Habermas 1996; Bohman 1994). Furthermore, neither can one reduce the presence of the idealisation of the rule of law to a simple imperial function of narratives pushed by international organisations ranging from United Nations to the World Bank. In a similar vein, one cannot reduce the discourse of the rule of law as tied to structural positions occupied by middle-class lawyers in Pakistan.

I claim that neither an analysis in terms of imperialism nor an analysis that grants the final determinant to economic structure would be satisfactory because such analysis would miss how there is a particular political imagination at work in giving supremacy to the rule of law and procedural justice. My argument here is that the discourse of the rule of law represents a specific orientation towards how power needs to be organised and structured, in other terms then, this implies a juridical and procedural view of the political where the rule of law creates conditions for all other activities to take place. The proceduralist view of the political comes through not only in the ways lawyers stress procedure and the place of the constitution within their self-understandings, but also in terms of how these self-understandings present a specific imaginary of the relationship between state and society. In the next section, I turn my attention towards this relationship by engaging with the rule of law as a discourse of legitimacy.

However, before I proceed onto the next section, I want to clarify that my conception of emotion in this section as judgements and practices located at the intersection of mind and body allows us to widen the scope of CPT. Thus far, comparative political theorists have only focused primarily on textual analysis as a way of making political theory more inclusive, thereby challenging the assumed universality of western political thought (Dallmayr 2004; Godrej 2011; March 2009; Jenco 2016). In this section, I have aimed to widen the scope of CPT by paying attention to lived experiences, self-representation, and understandings of post-colonial subjectivities. My point has been to show the possibility of using tools developed in western contexts to theorise non-western contexts while maintaining a sensitivity towards the disciplinary power of certain forms of western political thought. However, this is only made possible if our activity of theorisation is interdisciplinary rather than tied to traditional canonical thinkers of political thought. In this context, it is important to note that my conceptualisation of emotion in this section has neither been pejorative nor concerned with rescuing the romantic value of emotion by treating it as a sort of aphrodisiac for political action. Following anthropologists like Lutz (1986; 1988), Lutz and Abu-Lughod (1990), I locate these two polar opposites as sites to be avoided because of the dichotomous view of emotion they produce through treating it as tied to estrangement, irrationality, impulsiveness, danger, physicality, nature, and femininity.

Catherine Lutz (1986) argues that the history of emotion in the West has been tied to dichotomous conceptions of emotions. She explains that one of the primary ways in which

emotion has come to be understood is through an evaluative framework that juxtaposes thought to emotion. Emotion, in this mode of thought, is considered to be “property of individuals” that has an aura of authenticity where emotion is thought of as raw feelings belonging to individuals. Lutz remarks that one way we can understand this particular conception of emotion is to juxtapose familiar terms through which one comes to understand emotion. She argues that one can locate the cultural position of emotion by looking at various binaries within our worldview through which we understand emotion. Lutz (1986: 290) writes,

“Emotion is to thought as energy is to information; as heart is to head and as the irrational the rational; as preference is to inference; as impulse is to intention, vulnerability is to control and as chaos is to order. Emotion is to thought as knowing something is good is to knowing something is true, that is as value is to fact or knowledge, the relatively unconscious is to the conscious, the subjective is to the objective, the physical is to the mental, the natural is to the cultural, the expressive is to the instrumental or the practical, the morally suspect is to the ethically mature, the lower classes are to the upper, the child is to the adult, the female is to the male.

Lutz’s (1986) critique of the binary and canonical ways of understanding emotion creates space for us to question the foundations of supremacy of reason and rationality in philosophies of Kant, Locke and Descartes who consider emotion to be a primitive phenomenon. The conception of emotion that I have outlined via an interdisciplinary engagement with anthropologists, sociologists, feminist theorists and political theorists like Mouffe, provides an example of practice-based CPT. In this mode of theorising, concepts, like a particular understanding of emotion, can be deployed eclectically whilst maintaining a keen eye for how a particular concept lends itself towards framing and theorising real world political practices and lived experiences in conditions of post-colonial modernity. In addition, through conceptualising emotions as practices, a practice-based approach to CPT takes theorising beyond a neat binary of mind and body or cognition and feeling. Consequently, a practice-based approach to CPT allows us to conceptualise the way in which emotions as practices, in their particular contexts and involving specific forms of subjectivity, manifest themselves in real-world situations, actions, and movements in varying locations. This analytical move not only serves to take CPT beyond the usual fascination with texts and ideas but also acts as an internal critique of political theory as a discipline by pushing beyond

settled ontological domains that associate ideas with the mind and emotions with the body by drawing on ethnographic observations.

The rule of law and the political in aftermath of the Lawyers' movement

When lawyers who became a part of my research lament the lack of procedure and the rule of law in Pakistan, they also refer to corruption and arbitrary decision-making within institutional setups more broadly. This is perhaps most evident in terms of how lawyers described the kind of hopes they attached to the movement and its expected effects. Bilal, a lawyer in Lahore explained the importance of procedure and strengthening of the institution of the judiciary in the following way:

If the judiciary...is fully empowered and if they are not taking biased decisions, if they are doing justice on merit regardless of whether they know the person whom they are judging for murder or corruption etc., and in particular if they are declaring decisions based on law then people's trust in the judicial system will increase. This trust is crucial because it will lead people to disregard short-cuts and corrupt methods so that they can seek justice from the courts, so that people get speedy and natural justice as per law. This was our expectation in the movement, this is why we took part in it (Bilal, personal interview, 23 August 2016)

Bilal further expanded:

Second thing is that if courts are functioning in an appropriate way then we will get investment in the country, maybe more multinational companies (MNC) will invest. So, if there is an MNC which then enters into a legal dispute with a local agent or department, then the courts are at everyone's disposal. This will also lead towards developing trust in Pakistan as a country. If the investors and other people think that if there is a lot of corruption and delay in the court system, then they are more inclined to give and take on an informal basis and settle their matters even before they reach the courts (Bilal, personal interview, 23 August 2016)

Bilal's comments again are not isolated remarks, they resonate with how other lawyers outlined the importance of procedure, the rule of law and independence of the judiciary

(Raza, personal interview, 2 September 2016; Ahmed, personal interview, 9 September 2016). For example, Shoaib, a lawyer in Rawalpindi, shared similar views with me on the importance of rule of law and procedure. He said, “If there is rule of law in Pakistan, an ordinary citizen and the Prime Minister of the country can stand on an equal footing before the courts, meaning that you can even challenge the Prime Minister. Ordinary citizens will have fair representation in courts. Under military rule, courts are always under pressure from the government” (Shoaib, personal interview, 10 February 2017) In the same vein as Shoaib and Bilal, Hussein, another lawyer whom I interviewed in Lahore commented on the lawyers’ movement and the rule of law by noting:

This was not our personal struggle. Our movement was for the rule of law and for betterment of our society. This means that basic rights of people should not be violated, no one should be mistreated...lawyers largely understand this but ordinary people also need to understand that if the judiciary is weak, then a society cannot function. When judiciary is strong, there cannot be any abuse of power by any particular group or individual. Do you know that story related to Churchill...one day someone asked Churchill if Britain was going to lose the war, he replied by asking, is the judiciary working? His staff answered in affirmative and Churchill stated that Britain cannot lose the war if the courts are doing justice! (Hussein, personal interview, 16 September 2016)

Recently, even the newly elected Prime Minister of Pakistan, Imran Khan, stated that the rule of law is the foundation of a ‘civilised society’ (Khan 2018). Khan said that only those societies have ‘progressed’ which have exhibited the rule of law. The principle of the rule of law was also affirmed by Iftikhar Chaudhry after he was reinstated as the Chief Justice of Pakistan through the Lawyers’ movement. He noted that only those “societies that have followed the rule of law and supremacy of constitution have thrived and prospered” (Chaudhry 2012). Furthermore, the discourse of the rule of law is not just prominent amongst middle-class subjectivities in Pakistan, it has become an important ideal for evaluating particular countries and their position in the hierarchy of states. In other words, it now forms the basis for knowledge that informs governance. For example, there is now a well-known organisation titled, World Justice Project (WJP). The WJP produces an index of the rule of law which classifies and categorises countries based on “how the rule of law is experienced and perceived in practical, everyday situations by the general public worldwide” (WJP 2018).

The index outlines four ‘universal principles’ for defining the rule of law; accountability, just laws, open government, accessible, and impartial dispute resolution. The WJP boasts on their website that their data has been used by political leaders, entrepreneurs as well as heads of judiciary (WJP 2018). Finally, they also elaborate on the rule of law as an ideal that leads to improved “public health, economic development and political participation” as the essential “ingredient to all forms of human endeavour”. The totalising view of the rule of law associated with economic development and public health is not exclusive to the WJP. In fact, such a view permeates and finds its justifications within political theory too, as I explain later in this section, both Waldron (2011) and Rawls (2005) endorse the rule of law as a principle beyond question and often justify it with reference to either ‘social cooperation’ in Rawls or ‘human agency’ in Waldron.

I mention valorisations of the rule of law through the examples above - not to disregard them as the false ideology of elites or an absolute function of the post-colonial condition where the race to become modern consists of submitting to ideals like the rule of law. I also want to avoid treating the rule of law as a function of class dominance where narratives of law are deployed by the dominant to oppress the lower classes. These modes of analysis have their use but they run into two primary problems. First, treating the rule of law as a mode of class dominance operates with a view of politics that grants priority to a fixed structural field of action where the subject is ultimately tied to their structural position. The structuralist mode of theorising as tied to the historical materialist perspective grants material conditions the final say in determining the political because of the a priori nature of structural power.

Second, treating valorisation of the rule of law as a simple manifestation of the effects of colonialism, which has set down structural limits to what can be followed, or worse imitated, attributes extraordinary weightage to the deterministic aspects of colonialism. A form of theorising that takes colonialism to be overwhelmingly determinate does not require an investigation of lived experiences in the post-colony for it already entails a pre-formed conclusion to the absolute effects of colonial rule. My point here is not to doubt the impact of colonialism but to be careful in terms of ascertaining its determinate effects and affects. In other words, colonial experience shapes certain features of the post-colonial condition, such as the inheritance of colonial governmental technologies but these technologies of power have to be deployed in post-colonial settings after decolonisation where ‘well-being of the

people' comes to occupy a central concern as well as a source of legitimacy for post-colonial states (Chatterjee 2010).

In contrast to these two positions then, my analytical approach is to take the ideal of the rule of law seriously in two ways. First, as a discourse of legitimacy which produces a particular imaginary view of the configuration of the state-society relationship and the political. Second, to treat the rule of law in a practical manner by drawing on Foucault's (1991; 2008; 2009) work on practices of governmentality where law is understood to be a tactic of power that shapes conduct of conduct rather than something that guards against repressive power as understood in the liberal social contractarian worldview. My critical goals in this exercise are spread along two lines:

- First, I aim to problematise the ideal of the rule of law by questioning the discourse of legitimacy that grants the rule of law its ideal place. My interest here resides in the political work that idealisation of the rule of law does in terms of discursively creating and reproducing a particular configuration of the political. This configuration charts the location of the state and law as atemporal entities standing above individuals who belong to a homogenous society characterised by free and equal citizens. This homogenous society does not mean a disregard for individuals and their rights and neither does it imply a unitary logic through which state and law work together. Instead, the law comes to the rescue of the subject to safeguard natural rights against excesses of power.
- Second, I aim to further problematise the rule of law as an ideal by placing it within a framework of governmentality to see its effects on those that appear to be the constituent others/outside of the realm of the rule of law in post-colonial Pakistan. I elaborate on the effects of rule of law by analysing how different subjectivities respond to being governed by drawing on Chatterjee's discussion of political society and civil society.

The rule of law as an ideal via the discourse of legitimacy comes together to shape the narratives of lived experience amongst lawyers who participated in the Lawyers' movement. My research participants drew on the discourse of the rule of law to locate it as an ideal that

constructs an imaginary relationship between the state and society. This relationship consists of portraying the state in a particular manner where the rule of law creates possibility for economic competition and social cooperation to take place amongst free and equal citizens (Habermas 1996). However, before I proceed further, a point of clarification is in order. In the previous chapter, I outlined how middle-class subjectivities assume a pedagogical role towards the rest of the polity following Chatterjee's (2004) conceptualisation of civil society and political society in post-colonial contexts. This pedagogical role is deeply associated with the ways in which modernity comes to be thought of as an ideal to be achieved by correctly using modern forms of knowledge, such as law, to order and shape the society.

We can see similar dynamics of middle-class pedagogy prevalent in the way lawyers quoted at the start of this section along with several other informants framed the rule of law and its significance especially in terms of the language of justice and equity for 'ordinary' people and citizens. However, the normative appeal of the rule of law and procedural justice also represents a mode of imagining specific relationships between state and society (Gupta and Ferguson 2002). In other words, an analysis that locates expressions of the importance of procedure and the rule of law as ways to pedagogically discipline political society might tell us something about power-relations as tied to modernity, class, and inequality in post-colonial contexts. However, taking these narratives as illustrative of a particular political imaginary that is tied to the idea of the rule of law as a discourse of legitimacy allows us to understand the means through which the political is constructed and demarcated.

Conceptions of procedural justice as tied to the idea of the rule of law which guarantees conditions under which rights and liberties of citizens are secured, social cooperation encouraged and economic competition made possible are defended in works of Rawls (2000) and Waldron (2011). Rawls (2000: 206-213) argues that "regular and impartial" administration of public rules when put into action in a legal system transforms into the rule of law. In this conception of the rule of law, the legal system is defined as a "coercive order of public rules" directed at "rational individuals" so that their conduct can be "regulated". Rawls also considered the legal system to be a background for social cooperation. Social cooperation in this instance takes place through just rules of the legal system as they come to form legitimate expectations amongst different persons. These rules also then become the basis for individuals to object to betrayals of legitimate expectations. Rawls (2000: 207) explains that what makes legal systems distinct and unique is their "comprehensive scope and

regulative powers” as well as their exclusive right to “extreme forms of coercion”. The exclusive right that legal systems exercise through the rule of law is tied to having “final authority over a well-defined territory”. The rule of law also features regulation of different activities and “the fundamental interests it is designed to secure”.

For Rawls (2000: 207) then, “the law defines the basic structure within which the pursuit of all other activities takes place”. The normative function of law for Rawls becomes evident when he claims that the rule of law provides for “a secure basis for liberty” and “organising cooperative schemes” (Rawls 2000: 208). Rawls (2000: 208) also notes that the law must not impose restraints on rational individuals that they cannot “reasonably be expected to do or to avoid”. In addition, the law should also be cognisant of the impossibility of certain individuals to ‘perform’. Here Rawls (2000: 209) is referring to the possibility of mitigating circumstances which law has to take seriously in order to regulate conduct of rational individuals. Rawls also considers case precedent to be a crucial element of the rule of law as it functions to limit the discretion provided to judges and other legal officials and also comes to form the basis of argumentation for future decisions.

In line with his earlier emphasis on public rules, Rawls further notes that laws should be known and propagated publically because no rational individual’s conduct can be regulated without the assumption that the individual in question is aware of the presence and meaning of the laws designed to regulate conduct. Finally, Rawls (2000: 211) outlines the centrality of ideals of natural justice for the rule of law by arguing that “rational procedures of inquiry”, “rules of evidence”, “due process: a process reasonably designed to ascertain truth” all are essential for the impartiality of the legal order. Along with an emphasis on impartiality, Rawls (2000: 211) also reiterates the Hobbesian thesis by noting that a well-functioning penal system is also a requirement for the rule of law. He argues, “a coercive sovereign is always presumably necessary” for “man’s security to one another”.

In his article, *The Rule of Law and Importance of Procedure*, Jeremy Waldron (2011: 5) describes the lawyers’ movement in Pakistan in the following terms; “When people clamoured recently in Pakistan for a restoration of the Rule of Law, their concern was for the independence of the judiciary and the attempt by an unelected administration to fire a whole slew of judges”. Waldron (2011) argues that the rule of law and accompanying importance of procedure should be understood through a richer theorisation of procedures essential to the

rule of law rather than just relying on Lon Fuller's (1964) formal features such as "generality, publicity, prospectivity, intelligibility, consistency, practicability, stability and congruence". Waldron argues that procedural elements which underpin the rule of law are tied to procedures that characterise courtrooms and judicial systems more broadly.

He lists several procedural features ranging from impartial tribunals and formal argumentation in light of evidence to a right of appeal. Waldron further understands the rule of law as a combination of formal, procedural, and substantial dimensions. In combination with formal aspects of the rule of law and substantive elements of procedures themselves, Waldron (2011: 7) argues that there are other substantive dimensions that are integral to the rule of law, such as "respect for private property, prohibitions on torture and brutality, a presumption of liberty, and democratic enfranchisement". He also notes that one can determine a breach of the rule of law when "due attention is not paid to...procedural matters or when the institutions that are supposed to embody these procedures are undermined or interfered with" (Waldron 2011: 7).

Waldron further notes that a legal system which supports the rule of law is constituted by courts. He refers to courts as institutions which enforce norms developed in the 'name of whole society' to particular cases. He adds that courts are "tightly structured procedurally" so that an impartial body can provide a decision on "rights and responsibilities" of individuals in a fair manner after taking into account the legal evidence and argumentation (Waldron 2011: 11). Waldron contends that the procedure of the court in terms of hearings, arguments and treatment of evidence, constitute essential, rather than contingent, elements of the rule of law. He makes the case that judicial institutions have to work according to procedure, for if they are absent, then it is very much like the absence of free and fair elections in a democracy. Waldron (2011: 14) argues that "law comes to life in institutions" especially through modern political argumentation that is integral to court-systems. He explains that rather than viewing procedures as just rules that need to be applied, one needs to be cognisant of their relationship with dignity. Waldron (2011: 16) also makes the case that procedures in the law are tied to dignity through the way they privilege a view of the person, who is subject to regulation of conduct via legal norms, as a "someone who is capable of explaining themselves". He claims that this view of the person understands individuals to be bearers of "reason and intellect".

In summary, for Rawls, the rule of law performs two functions, it creates conditions under which other activities can take place, i.e., social cooperation and operationalisation of legitimate expectations. We can understand social cooperation and legitimate expectations as related to a contract, where the presence of law and the state makes it possible for people to enter into contracts knowing fully well that if their legitimate expectations are not fulfilled they have recourse to legal action with the state as a mediator. Furthermore, Rawls understands the rule of law to be impartial and directed at regulating conduct of rational individuals through making available, publicly, the content of the law itself. Rawls in this sense conceptualises individuals as rational actors who will respond accordingly to (legal) information provided to them by shaping their conduct and interests. Finally, Rawls thinks of the rule of law as a secure basis for liberty by virtue of its procedural content drawn from natural rights. This is a significant point because it allows for impartial and fair treatment of rational individuals.

For Waldron, the rule of law is primarily defined through substantial and procedural elements, although he pays far more attention to the latter. Much like Rawls, Waldron begins by asserting the importance of publicity of law and impartial trial. Waldron understands procedure to be integral to proper conceptualisations of the rule of law as procedures are what makes an impartial trial a possibility. Procedure in this context becomes the bedrock of the rule of law much like free and fair elections are thought to be the bedrock of democracy. Finally, in a similar vein to Rawls, Waldron also emphasises that the law takes those who are subject to regulation of conduct and behaviour as bearers of reason and intelligence.

There are several points of resonance between the view of the rule of law sketched by Waldron and Rawls and the normative claims made by lawyers described at the start of this section. When lawyers like Shoab and Bilal relate the rule of law to possibility of economic investment in shape of MNCs, they are touching upon how the rule of law creates possibilities for social cooperation. Similarly, when lawyers state that merit based judgements are important for increasing the public's trust in judicial institutions, they are reflecting on claims similar to Rawls regarding law as an authoritative mediator of legitimate expectations through impartial administration of public rules. In this mediating role, the trust in law and its applicability is essential for regulating individual conduct as well as providing a forum for resolution of legal disputes. Amongst the lawyers whom I interviewed, there was also clear concern that corruption in the judicial system causes people to lose trust and therefore they

settle their disputes “outside the legal system” as exemplified by Bilal’s quotes at the start of this section. These concerns also connect with Rawls’ (2000: 207) claims regarding legitimate expectations under the rule of law which he describes as “they (public rules) constitute grounds upon which persons can rely on one another and rightly object when their expectations are not fulfilled.”

The presence of ‘merit’ in the discourse of rule of law amongst my research participants cannot be understood without engaging with the domain of procedure. Procedure in this context is connected to natural rights in Waldron’s claims above, which is supposed to guide the method through which adjudication is undertaken and judgements produced. In this sense, merit becomes another word for appropriate procedure that serves as a fair method to produce just outcomes. Rawls’ emphasis on liberty and Waldron’s’ emphasis on rights also resonates with the way lawyers understand the rule of law as something that safeguards liberties and rights through procedural judicial mechanisms. This is illustrated by Bilal and Hussein’s remarks regarding how the rule of law protects rights and gives citizens an equal footing in courts against popularly elected leaders. My point here is not to redeem post-colonial middle-class subjectivities by making them appear as if they are confirming the modes of theorisation that liberal political theory has already outlined. Neither is it to make post-colonial subjectivities palatable for western audiences who might rush to identify a common need for the defence of civil liberties, rights, rule of law, and constitutional democracy as universally desirable features of a modern state.

Rather the point here is that the discourse of the rule of law implies a certain imaginary where law comes to be seen as a saviour. Law as a saviour in this worldview appears to act with benevolence that not only creates conditions of possibility for political life itself but also maintains these conditions through mediation of conflict and interest between various citizens. This particular view of the law was also confirmed by former Chief Justice Iftikhar Chaudhry during a speech as the Chief Justice when he stated, “the judiciary has successfully emerged as a saviour and a protector of constitutional supremacy and fundamental rights” (Chaudhry 2013). In the same speech, the former Chief Justice also noted that ‘good government’ was impossible without the judiciary. In other words, the judiciary as the juridical pillar of the state comes to ‘safeguard’ and ‘protect’ citizens from executive power. Iftikhar Chaudhry’s quotes here confirm the broader discourse amongst my research participants. The Lawyers’ movement took up the rule of law as an ideal to be expounded and

supported, not only in protests that constituted the movement. But also in terms of the way Supreme Court of Pakistan, styled itself as a defender of the rule of law after Chaudhry was reinstated in the aftermath of the movement.

Cheema (2016) commenting on the significance of the rule of law, in context of the Lawyers' movement, claims that as the movement developed to engulf larger concerns around democracy and social justice, the rule of law emerged as a central ideal. He argues:

The slogan of the Rule of Law began to emerge as the repository of expectations that went far beyond the independence of the judiciary. Upon the restoration of the Supreme Court to its pre-emergency composition, the judiciary began to articulate an understanding of the Rule of Law shaped through the experience of the Lawyers' Movement. It appeared that the court visualised itself, perhaps justifiably, as an institution with considerable democratic credentials and the mandate to give effect to the demands that had propelled public support for the court's independence and the judges' restoration (Cheema 2016: 451)

The rule of law as a discourse of legitimacy presents a particular imaginary of the relationship between state and society. In this view, law stands as a check on the exercise of power and therefore contributes towards a just-society defined by the merit-based application of rules so that conditions for economic participation and social cooperation can emerge between free and equal citizens. In this understanding, the rule of law appears as a norm, an unchallengeable norm because it is the norm that guides everything else. In Rawlsian terms, “the law defines the basic structure within which the pursuit of all other activities takes place” (Rawls 2000: 207). Historians, postcolonial scholars, and legal theorists have challenged this atemporal view of the rule of law by undertaking inquiry into the historical emergence of the phenomenon of the rule of law. Mukherjee (2010: 73) argues that the rule of law in South Asia emerged through the need to justify colonial rule via a “discourse of governance”. She outlines that the rule of law emerged within a discourse of governance in the post-1857 period in colonial India as a means of ushering Indians towards ‘civilisation’. This route to civilisation was predicated on an ontological understanding of India as a land of ‘disorder’ and ‘chaos’ closely tied to the heuristic device of the state of nature.

However, India as disordered and chaotic was also a perspective that was deeply ingrained in the politics of bringing ‘civilisation’ through colonialism via the establishment of a colonial state after 1857. In other terms, the very practice of the rule of law as tied to a neutral and impartial position of the colonial state was dependent on exhibiting Indians as disorderly and chaotic, requiring an intervention of a third, supposedly, neutral party to act impartially. The notions of disorder and chaos as characterisation of the colonised is also deeply implicated with the heuristic of the state of nature that now occupies a central location within the discipline of political theory. However, what Mukherjee (2010) shows is that rather than taking the rule of law as an atemporal ideal, it should be considered as a historically emergent phenomenon. The ideal of the rule of law then is not atemporal magic of abstract theory or an inevitable consequence of natural rights procedures but rather a *political* idea associated with ontological frameworks that supported empire and colonialism.

Hussain (2003) also provides a historically grounded understanding of the rule of law as tied to colonial India. However, rather than associating the rule of law with a coherent discourse of governance like Mukherjee, he explains how the rule of law is always linked to the possibility of emergency measures and exceptions. He notes that the principle of the rule of law has constantly undergone change in its shape with respect to the legal functions of the colonial state as well as the jurisprudential feedback between colonies and the metropole. By giving an account of various emergency procedures that were deployed by the colonial state to quell rebellion and enforce ‘the rule of law’ in British India, Hussain historicises the idea of rule of law. Hussain’s (2003: 133-144) work on the rule of law also highlights that by establishing the rule of law as a norm, as the default order of things, law itself appears to be devoid of any exceptions, emergency measures and founding moments.

Theorisations of the rule of law, as devoid of exceptions and arbitrary use of power, is foundational in terms of imagining politics as a peaceful activity where legal argumentations and procedures produce justice. In this particular view of politics, the political is defined by rational procedures and Waldron’s ‘modern argumentation’ that then leads towards ‘bringing law to life in institutions’ (Waldron 2011). Rawls in his insistence on the Hobbesian thesis adds another dimension to the view of the political under rule of law as one where men are provided security against one another. The Hobbesian thesis entrenches the view of the political as a condition of peace where individuals have escaped from the ‘war of all against all’ where all conflicts and antagonisms now relate to rational individuals and therefore must

be settled through the mediation of the state (Mouffe 1993). We can also see similarities between the Hobbesian mode of thinking about the rule of law, which Rawls draws on, and the heuristic device of the state of nature as tied to an imperial ontology of disorder and chaos in the colony. This view of the political then is dependent on imagining the state as a source of peace and stability, one that through the rule of law creates conditions for politics to take place.

However, what is also important to point out is that the state conceptualisation is also pictured to be standing above and beyond individual concerns or corporate interests. Gupta and Ferguson (2002) note that imagining the state in this particular way is also a mode of authorising the state as a particular actor. Gupta and Ferguson (2002: 982) explain that the state is imagined “as possessing such “higher” functions as reason, control, and regulation, as against the irrationality, passions, and uncontrollable appetites of the lower regions of society.” In viewing the state as this all-encompassing figure, Gupta and Ferguson (2002: 983) draw out attention to the ways in which the state itself is made “effective and authoritative”. It is a particular view of the state itself that Foucault (1982: 783) also rallies against. He argues:

I don't think that we should consider the "modern state" as an entity which was developed above individuals, ignoring what they are and even their very existence, but, on the contrary, as a very sophisticated structure, in which individuals can be integrated, under one condition: that this individuality would be shaped in a new form and submitted to a set of very specific patterns.

The specific patterns and forms of individuality that Foucault is referring to can be ascertained through the language of rights, rationality, reason, intellect that feature prominently in Rawls’ and Waldron’s account of the rule of law above. Conceptions of the rule of law that tend to *idealise* it as a source of justice and order through emphasising procedural aspects completely ignore the post-colonial condition where the post-colonial state inherited a whole set of techniques of government from the colonial state. What differentiated the post-colonial state from the colonial state was its emphasis on representing the unified will of the nation engaged in “pursuing a task that was both rational and universal: the well-being of the people as a whole” (Chatterjee 2010: 205) Hussain (2003: 137) argues that the normative ideal of the ‘well-being of the people’ meant that any resistance or

objections to the state policy and action – in shape of strikes or resistance movements – could be dealt with through the “inherited arsenal of emergency powers and with an application that was at least as vigorous as that of its predecessors”. In this context then, the rule of law appears as a tactical device rather than an absolute mechanism that is placed on a normative pedestal.

Hussain (2003: 137) goes on to give an example of the Pakistani post-colonial state which exhibits “a curious political culture consisting on one hand of a strong executive and a military dominant in civil politics and on the other hand, of a strong judiciary where actions are challenged and judicial outcomes seem to matter”. Hussain’s remarks are confirmed by recent developments in Pakistan especially in the post-Lawyers’ movement period where the Supreme Court has increasingly taken on the strong executive. This is perhaps best exemplified by the fact that the court has been directly responsible for the removal of two out of the last five Prime Ministers, including the Prime Minister who had authorised Iftikhar Chaudhry’s reinstatement through an executive order (Boon 2012; Rasmussen 2018).

For my purposes, Mukherjee’s (2010) and Hussain’s (2003) critique of the rule of law combined with Chatterjee’s (2010) characterisation of the post-colonial state as taking charge of the ‘wellbeing of the people’ is significant because it allows me to problematise the idea of the rule of law as a discourse of legitimacy by thinking about the rule of law as a technique of exercising power in post-colonial contexts. To put it simply, if the discourse of the rule of law within colonial India was a manifestation of the colonial aim to civilise the natives from a state of nature to a state of civilisation, then the ideal of the rule of law in post-colonial Pakistan is tied to imagining the post-colonial state as a pastor for the ‘well-being of the people’. In this imagination, the rule of law is predicated on an understanding of the state as responsible for the well-being of the people and the driver of modernisation.

Law as a tactic of power and its practical effects

In this context, it is no surprise that we see the rule of law as tied to other ideals such as ‘economic development’ and ‘good governance’ in the language of state institutions like the Supreme Court of Pakistan and beyond. Thus far I have focused on problematising ideal of the rule of law through grounding it historically and connecting that historical emergence to

an imaginary of the political which pictures the state as standing above society as a repository of reason and rationality thereby mediating between different parties who would otherwise be in a state of nature.

However, the importance of questioning the idealisation of the rule of law, as a discourse of legitimacy becomes increasingly important when one takes into account its practical effects. But in order to take stock of the practical effects of the rule of law one needs to understand law as tactic of power within post-colonial contexts as well as how subjects respond to this particular tactic. This is only possible if one resituates our understandings of power as well as the state beyond conceptions of power as repression or possession and the state as a unitary actor standing above society.

One thinker that is useful in undertaking such an exercise is Michel Foucault. Foucault's work on governmentality and power allows us to shift attention towards practices of government and tactics that are form a part of such practices. Foucault (1991) locates the art of government against the philosophers of right and the Machiavellian mode of political theorising. He notes that political theorisation has been largely concerned with providing advice to the prince. Foucault (1991) in making this claim draws on Machiavelli's famous text *the Prince* to argue against a solely juridical understanding of the politics. He states, "the doctrine of the prince and the juridical theory of sovereignty are constantly attempting to draw the line between the power of the prince and any other form of power, because its task is to explain and justify this essential discontinuity between them..." (Foucault 1991: 91). Elsewhere, Foucault notes in a pejorative tone that political philosophy has been too concerned with checking the "excessive power of political rationality" (Foucault 1982: 779).

Foucault draws our attention to the pre-occupation of legal theorisations of the state based on law as the limit of sovereign power because he conceptualises the art of government as practice that goes beyond juridical models. Drawing on the language of the role of the father within the family, Foucault provides an analogous expression which locates the art of governmentality as the redirection of the father's concern with the welfare of the family to the 'management' of the state. He clarifies, "the art of government is essentially concerned with how to introduce economy into political practice" (Foucault 1991: 92). Foucault uses Rousseau to highlight how economy is concerned with 'the common welfare of all' and also connects the notion of economy with 'good government'. Foucault then differentiates

between the strictly juridical models of politics which consisted of the exercise of sovereign power over a territory against the practice of governmentality. He argues, “One governs things...the things with which...government is to be concerned...are men in their relations, their imbrication with...wealth, resources, means of subsistence...the territory with...climate, irrigation, fertility...ways of acting and thinking...and misfortunes such as famine, epidemic, deaths etc.” (Foucault 1991: 93). Foucault (2008; 2009) terms such government to be a central feature of pastoral power.

Foucault further distinguishes the enterprise of ‘government’ from juridical models of politics that grant supremacy to law. He explains that government is not just a practice of imposing law on subjects in a particular given territory. Foucault (1991: 95) writes, “government is a question of...disposing things; that is to say, of employing tactics rather than laws, and even of *using laws themselves as tactics* - to arrange things in such a way that, through a certain number of means, such and such ends may be achieved” (my emphasis). Foucault links the art of government to emergence of statistics and in particular the emergence of counting of populations as well as the problem of ‘the economic’ as tied to populations. It is through these linkages that the art of government escapes the realm of juridical models of sovereign power. Foucault (1991: 100) explains, “In contrast to sovereignty, government has as its purpose not the act of government itself, but the welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, etc.; and the means that the government uses to attain these ends are themselves all in some sense immanent to the population”.

It is useful to contextualise this reading of Foucault’s notion of governmentality in light of his understanding of power and subjectivity in general. Foucault argues that the power of the governmentalised state is not a mode of power that is merely repressive. In other words, this form of power does not relate to a mere repression of natural rights that then needs to be countered through ‘advice to the prince’. Rather, as Foucault (1982: 783) himself argues that power associated with modern states is “both totalising and individualising...it implies a knowledge of conscience and ability to direct it...it is linked to the production of truth – the truth of individual himself...” Foucault (1982: 788) explains that power is best understood as “a way in which certain actions modify others... it (power) exists only when put into action...”

In this context then, a relationship of power for Foucault (1982: 220) is defined by “a mode of action which does not act directly and immediately on others. Instead, it acts upon their actions: an action upon an action, on existing actions or on those which may arise in the present or the future.” Foucault clarifies that a power relationship relies on two main elements. First, it is the presence of ‘the other’ over whom the power is exercised. ‘The other’ in this context is not the unknown, the unfamiliar, or foreign, but rather someone who is recognised as a rational acting subject. The second element relates to the effect of power which opens up a range of responses, reactions which might lead to interventions. To summarise, Foucault (1982: 792-793) argues, “to govern...is to structure the possible field of action of others. The relationship proper to power would not...be sought on the side of violence or of struggle, nor on that of voluntary linking...but rather in the area of the singular mode of action...which is government...one could say that power relations have been progressively governmentalised, that is to say, elaborated, rationalised, and centralised in the form of, or under the auspices of, state institutions.” Foucault (1997: 292) also notes that power relations need not be conceptualised in an ossified manner, in other words, they are not infinitely stable, power relations can be “mobile, reversible, and unstable”.

In Foucault’s framework of power and governmentality, the law becomes a tactic to structure the field of possibility of actions of others. In this context, law does not occupy a central mode of power, rather it is a tactic of power that can be deployed by state institutions through various mechanisms ranging from constitutional clauses to micro-level policies designed to order the activities, modify conduct, shape the field of action within a particular urban space. Foucault’s account of governmentality and power allows us to move beyond conceptions of the political determined by the rule of law as a discourse of legitimacy. These conceptions, which are prominent amongst theorists like Rawls and Waldron as well as broader narratives of the rule of law amongst my research participants, understand power through either the economic model or the juridical model. In these models, power is understood as something that one can hold, possess or contractually transfer to representatives. Power instead acts on the options available for action to others, it structures the options available and grants a certain amount of precarious agency to those who constitute ‘the other’, the bodies on which power has to be exercised.

Foucault’s account of power and governmentality allows us to critique imaginations of the post-colonial state as a unitary actor standing above society and also allow us to look at the

practice of government rather than treat the state as an abstract category with essential characteristics such as rule of law, constitutional democracy and so on. The value in shifting away from conceptualisations of state as an all-encompassing unitary actor to practices of government is also found in the way a focus on governmentality and those subject to the art of government respond to being governed in a particular manner. Under the idealisation of the rule of law, when rule of law is considered to be a norm applied comprehensively to those who are at the margins of the political are categorised as illegal or irrational. To put this claim rather differently, if the political is defined by the rule of law, if the rule of law is comprehensive in scope over a particular territory then what happens to those who stand in tension to such 'rule'? How can we understand the constituent other of the rule of law, those who are located outside the normalisation introduced by the rule of law? What happens to those who seek exceptions to the rule through demands of arbitrary justice or take part in 'corruption' to escape the tactic of law?

For my research participants, the importance of procedure, merit, and the rule of law were key aspirations that constructed a particular imaginary of the political. However, these aspirations cannot be universalised in the case of Pakistan, they remain tied to middle-class subjectivities, not because of a structural economic base, but through points of articulation like those explained at the start of this section (Mouffe and Laclau 1985). Moreover, the idealisation of the rule of law is not just a subjective feature in this story but rather one that is affirmed by institutions like the Supreme Court of Pakistan consistently.

Furthermore, the state institutions which are supposed to embody the rule of law, like the Supreme Court in Pakistan, have gained strength in the aftermath of the Lawyers' movement, so much so that the Court occupies a central place in public political life and discourse in Pakistan (Cheema 2018a; 2018b). This reveals the dominance of the rule of law as both an idea that informs political theorisation and an ideal amongst my research participants which becomes idealised through a discourse of legitimacy within Rawls' and Waldron's theorisation. However, in order to understand the practical effects of the rule of law, one needs to treat it as a tactic rather than a normative principle beyond question. The series of questions which I have posed in the previous paragraph serve as a way of exploring the practical effects of the rule of law in post-colonial Pakistan. The practical effects of the rule of law relate to practices of governmentality that are aimed at shaping the field of conduct and action available to subjects.

Partha Chatterjee's (2004) concept of the political society is useful here in terms of differentiating how different subjects respond to being governed in a particular way. If middle-class subjectivities call for the rule of law and procedural justice, then members of the political society often engage with practices of government from a different standpoint. Chatterjee (2004: 37) delineates two conceptual distinctions within post-colonial contexts between political society and civil society. The politics of civil society is one that operates in the vernacular of rights, democratic citizenship and that has resonance with democratic theories within political theory. In formal terms, the politics of the civil society is one that is affirmed by the formal structure of the state where everyone is a rights-bearing citizen via constitutional documents and the state institutions "interact with citizens as individuals or members of associations" (Chatterjee 2004: 38). This is the type of politics that can be carried out under the unquestionable principle of the rule of law.

However, as Chatterjee (2004) argues, most people living in post-colonial settings are not members of 'civil society'. Even though they may have citizenship rights in a strictly legal and formal sense, they have no real say in the politics of civil society other than appearing as a subject of pedagogical reformation, one that is to be made into a citizen rather than a subject of governmental practices. This does not imply that most people living in post-colonial Pakistan are outside the reach of the state. In fact, these groups are treated as population groups that need to be controlled, managed, classified, enumerated so that their 'well-being' can be promoted through appropriate operationalisation of technologies of control by governmental organisations. Foucault (1978: 137-139) touches on the mode of power exemplified by governmental organisations by noting, "power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population...a bio-politics of population".

One can see the bio-politics of population in clear play in the aftermath of the Lawyers' movement through taking a look at various ways in which even those institutions, which are supposed to be thoroughly juridical in nature, like the Supreme Court of Pakistan, have taken on increasing administrative responsibilities in line with bio-political concerns. The Supreme Court has taken on cases, and increasingly expanded its powers of judicial review over administrative actions, related to urban encroachment by 'illegal' hawkers and shop keepers, birth control and population control projects associated with governmental agencies, dam

building campaigns, electricity supply and connections, *katchi abadi* settlements (mud housing communities/slums in urban areas) to name a few (Baloch 2018; Bhatti 2019a; Bhatti 2019b; the News 2018; Tribune 2018).

Chatterjee (2004) argues that practices of governmentality as tied to bio-politics creates relationships between those subject to governmental practices and those administering bio-political mechanisms. He describes groups within political society as those that often organise into associations but delicately straddle the line between legality and illegality in order to make a living. Chatterjee (2004: 40) explains:

They (political society) may live in illegal squatter settlements, make illegal use of water or electricity, travel without tickets in public transport. In dealing with them, the authorities cannot treat them on the same footing as other civic associations following more legitimate social pursuits. Yet state agencies and nongovernmental organisations cannot ignore them either, since they are among thousands of similar associations representing groups of population whose very livelihood or habitation involve violation of the law.

The political society thus presents a lacuna to the ideal of the rule of law in practical terms. If we were to take up a comprehensive and strict application of the rule of law, the political society would have nowhere to go. In other words, their source of livelihood and very existence challenges the boundaries of notions such as the rule of law. Keeping this in mind, the post-colonial state cannot treat groups of political society as ‘normal citizens’ because of their involvement in illegal activities. At the same time, the very number of these groups and their presence within urban areas is a delicate matter to be taken up through practices of governmentality so that they can be managed. Chatterjee (2004) explains that even though groups within political society violate law, their status as subjects of developmental interventions from state agencies constitute a relationship which cannot be reduced to notions of legal citizens.

Members of political society also construct connections with government officials, street level bureaucrats and officials from different political parties (Chatterjee 2004: 41). These relationships develop alongside an understanding of the pastoral functions of government, where imperatives of pastoral power demand that the government deliver certain benefits to

population groups (Chatterjee 2004: 47). Foucault (1978: 141) characterises a similar phenomenon when he explains that under bio-political conditions of power, life itself emerges as the central locus of struggle. He notes, “life as a political object was in a sense taken at face value and turned back against the system that was bent on controlling it. It was life more than the law that became the issue of political struggles, even if the latter were formulated through affirmations concerning rights.” The logic of political society can only be understood if one’s understanding of power is neither contractual nor economic but rather one that Foucault provides us in the form of bio-political power combined with a governmentalised understanding of the state. These two conceptual moves by Foucault allow one to theorise the political as a site of strategic relations of power rather than one characterised by the comprehensive scope of the rule of law, reductive legal notions of citizenship and/or an economised view of power as something to be possessed or limited through contractual transference.

In his work on Shari’ah law in Pakistan, Matthew Nelson (2011) highlights another dynamic amongst certain groups which seek to evade the law by seeking patronage from elected representatives. Nelson (2011: 262) explains that post-colonial modes of accountability in Pakistan consist of “many citizens calling upon their elected representatives to manipulate the machinery of the state in ways that might begin to sustain, however, informally, the countervailing substance of agnatic norms: custom, not Shari’ah”. Nelson (2011) terms this sort of political engagement as “accountability *set apart from* the law” (emphasis in original). However, unlike Chatterjee, Nelson (2011) does not regard politics characterised by political society as democratic but rather locates democracy firmly in the realm of the rule of law and electoral accountability.

Chatterjee (2004) and Nelson (2011) add empirical nuance to my discussions in this section because their analytical focus on practices outside the rule of law allow me to problematise idealisations of the rule of law. Idealisation of the rule of law in both scholarship and amongst my research participants creates a particular view of the political where the rule of law creates possibilities for politics to take place. But both members of Chatterjee’s political society and Nelson’s ordinary citizens engage with politics on the very basis of circumventing the rule of law by engaging in political action that lies outside the scope of analysis that grants the rule of law absolute normative and analytical validity. In fact, the politics of groups outside the domain of civil society and middle-class subject-positions is

dependent on avoiding procedures that characterise the appropriate application of the rule of law as understood by Waldron and Rawls. Furthermore, Nelson and Chatterjee's accounts above of politics 'outside law' allow us to entertain the thought that perhaps it is the 'contingent absence' of the rule of law that makes politics a possibility for some groups rather than its full comprehensive application. This is the concrete practical effect of the rule of law as it exists in post-colonial Pakistan but one can only begin to understand the politics associated with this effect if one is willing to discard the social contractarian view of politics that has become dominant within political theory and beyond.

How does then the idealisation of the rule of law fit in with unique characteristics of post-colonial modernity mentioned earlier in this chapter and the previous one? In other words, how can one take up the problematic of the rule of law in Pakistan as illustrative of certain distinctive features of post-colonial modernity itself? If we recall, Chatterjee (2010: 408) identifies the peculiarity of non-western modernity through the way civil society and middle-class groups come to be "serious protagonists of a project of cultural modernisation still to be completed". The rule of law within this worldview comes to be an ideal that is essential to be considered modern and civilised. Idealisation of the rule of law then comes to play a part in forming pedagogical relationships of power between those who are actively taking up the role of "serious protagonists" and those who are involved in everyday struggles of biopolitical fights between governmental practices and efforts of the civil society. Such power dynamics reveal the post-colonial predicament where lawyers and other civil society actors see their desire for the rule of law as unquestionably natural and desirable if one is to be modern.

On the other hand, those groups operating on the margins of the legal order, who are subject to practical effects of the rule of law described above, are involved in politics that escapes the traditional vocabulary of social contractarian views of the political. This antagonism between citizens and subjects in post-colonial contexts then illustrates the historical and continuing power of locating ideals of modernity as measures of social progress. Chakrabarty (2008: 9) provides a useful lens to explain this antagonism by arguing that one of the defining features of modernity in the 'third world' can be seen in the inauguration of legal citizenship even when the majority of people, such as peasants, urban poor etc., remained uneducated in "doctrinal and conceptual aspects of citizenship". The lack of education amongst the majority of the population (bar civil society and middle-class segments) in public etiquettes of

citizenship relates directly to post-colonial pedagogical efforts to instantiate the rule of law as a way of contributing towards efforts to become ‘truly’ modern

In the previous two sections, my emphasis has been on problematising the discursive idealisation of the rule of law by historicising and critiquing the rule of law as an ideal. My efforts have been largely directed towards critically engaging with narratives of the rule of law as they appear amongst my research participants and the relationship of these narratives to broader understandings of the rule of law in political theory. Therefore, these sections have created a link between lived experiences and normative desires of post-colonial subjectivities and different trends of thought within mainstream political theory. In creating this link, I have shown how a practice-based CPT can break beyond the East-West binary to deploy political concepts and theorisations of power that critically engage with lived experiences in post-colonial contexts and forms of political they imagine. This critical engagement is informed partially by El Amine’s (2016) critique of comparative theorists for their failure to move beyond the East-West binary. El Amine (2016: 106) notes, “My central argument is a simple one: the shared phenomenon of modernity should direct our thinking (at least in some crucial aspects) beyond East and West, to avoid the continuing essentialisation of East and West in CPT and related fields”.

Furthermore, in the previous two sections, I have tried to move beyond the East-West binary to engage with the ways in which law, as a tactic of power, through practices of governmentality, operates in post-colonial Pakistan. Towards this end, I have deployed concepts like bio-power and governmentality in order to critique the imperial and often problematic nature of the ideal of rule of law. However, my efforts have been guided by an engagement with the historical emergence of the rule of law and its post-colonial manifestations. I hope that these two sections, therefore, contribute towards widening the reach of CPT in general by highlighting the significance of taking a contextual view of politics that does not operate by granting superiority to pre-determined moral principles and abstract theories of procedure. Rather, such a view of political theorising, takes actually existing conditions and practices of politics in post-colonial contexts, as tied to modernity, in order to reveal their limitations. In this last aspect, my approach to comparative political theorising has differed from the one outlined by El Amine (2016). The primary reason for this difference is that I think that while it is important to avoid essentialisation of the East and West, it is also important to take a critical look towards manifestations of different political

practices and movements as they exist on the ground. The approach that I have followed in this chapter and the ones before has not been of affirming normative values that are embodied in political movements but rather an approach that engages these values with a critical perspective; one that struggles against essentialisation as well as privileging of post-colonial state power.

Conclusion

In his famous article titled, *Beyond Monologue*, Fred Dallmayr (2004: 239) argues for a CPT (CPT) that is attentive to “burning issues of our time”, “contrasts with hegemonic and imperial modes of theorising” and departs from what is commonly called “formal theory”. Since then, comparative political theorists have firmly established CPT as one of the most exciting and pluralistic fields of political theorising (Dallmayr 1996; 1998; 1999; 2002; 2004; 2009; Euben 1997; 1999a; 2002; 2006; Jenco 2007a; 2007b; 2010; 2015; 2016; Godrej 2006; 2009a; 2009b; 2011; 2015; 2017; March 2007a; 2007b; 2009; 2011; Iqtidar 2016; Parel and Keith 1992; Little 2018; Bashir 2012; Thomas 2010; Idris 2016; 2018). The key arguments and contributions made by comparative political theorists consist of the following:

- First, CPT scholars have voiced their dissatisfaction with the monological nature of traditional political theorising where western canonical thinkers and texts are considered to be in conversation with each other, leaving little to no room for non-western voices and perspectives (Dallmayr 2004; Euben 1999; Godrej 2011; Jenco 2007a).
- Second, CPT scholars argue that under conditions of globalisation with increased intercultural contact amongst peoples from different parts of the world, there is a dire need to expand the discipline of political theory to include non-western perspectives (Godrej 2011; Dallmayr 2004; Euben 2002; Jenco 2007a; Bashir 2012). Hence, Euben (1999: 9) remarks that political theory is not just about ‘western’ dilemmas but human ones.
- Third, comparative political theorists claim that their subfield is well-positioned to undertake the task of expanding the discipline of political theory by bringing in non-western perspectives, primarily in the shape of marginalised non-western intellectual traditions and texts (Ackerly and Bajpai 2017; Godrej 2011; 2011; Jenco 2007a; Jenco 2016).
- Fourth, some CPT scholars contend that the best way to expand the discipline of political theory is to focus on radical otherness and difference as exemplified by certain non-western thinkers, in order to parochialise and challenge the assumed superiority of the western canon (Godrej 2011; 2009a).

- Fifth, recent works within CPT have pushed the boundaries of this subfield beyond an ontological reliance on the East-West dichotomy towards focusing on conceptual comparisons, shared conditions of modernity and immanent critique of political theory (Little 2018; El Amine 2016; Idris 2016; Goto-Jones 2011).

In this thesis, I have engaged with these various arguments, and their methodological approaches, made by comparative political theorists in light of two aims. The first aim of this thesis has been to make the case for a practice-based approach to CPT that grants priority to lived experiences, practices, actions and narratives underpinning post-colonial and non-western subjectivities. The second aim of this thesis has been to operationalise this particular approach to comparative political theorising in the context of the Lawyers' movement in Pakistan. Research questions that have informed the second aim of this thesis are as follows; what sort of lived experiences and self-understandings underpin participation and protest in the Lawyers' movement? What aspirations, desires, and subjectivities come into view through these experiences? What sort of power relations do such lived experiences expose, secure, reproduce, and challenge? How do self-understandings of protesting lawyers and their emotional dimensions produce a specific view of the political? How does this view of the political imagine state-society relations and finally, what are the implications of imagining the political as tied to the rule of law and constitutional supremacy? In what follows, I first explain the key arguments of this thesis in relation to the subfield of CPT through a recap of chapters and their key arguments. Second, I highlight the implications of these arguments for CPT as well as the broader discipline of political theory. Finally, I outline ways in which the implications of the arguments contained within this thesis create space for future research avenues and projects.

Chapters, Key Arguments, and Findings

This thesis is divided into two parts. In the first half of this thesis, which consists of three chapters, I start by providing an overview of the scholarship in CPT in chapter one. Chapter one provides an overview of different methodological and normative debates within CPT. Early comparative political theorists like Dallmayr and Euben define the subfield of CPT through emphasising the challenges introduced by globalisation in the shape of increased intercultural contact, the need to make political theory relevant to burning issues of our time and human dilemmas. CPT works by Dallmayr and Euben are also informed by an effort to

rehabilitate and rescue the non-western other from pejorative theorisations within traditional political theory, hence Euben's dissatisfaction with a functionalist analysis of Islamic fundamentalist movements (Dallmayr 2004; Euben 1999). The redemptive spirit of CPT was carried forward by the likes of Jenco, March and Godrej but their approach to theorising was informed by debates around orthodoxy of traditions, suitability of non-western methods, and emphasis on radical otherness/difference (Jenco 2007a; Godrej 2011; March 2009).

Chapter one highlights that regardless of their internal differences, these works in CPT subscribe to a text-based view of theorising which is based on the assumption that study of marginalised non-western texts is the best way to make political theory more inclusive. Furthermore, chapter one also outlines the problematic emphasis on a simplified view of 'difference' amongst scholars such as Jenco, March, and Godrej. To elaborate, there is little to no discussion amongst these theorists over the suitability of texts as primary units of analysis for CPT. This lack of discussion is perhaps best exemplified by the methodological debate amongst these scholars over proper ways to approach non-western texts given their 'alien', 'orthodox', 'foreign' status. In addition, March, Godrej, and Jenco, all operationalise constructs of CPT that privilege notions of cultural difference by associating particular thinkers and traditions – Gandhi, Chinese exegetical traditions, orthodox Islamic thinkers – as unproblematic representatives of their 'traditions'.

Therefore, chapter one contributes to the overall aims of this thesis by providing a comprehensive overview of scholarship within CPT by outlining shared analytical emphasis on texts and difference amongst most CPT scholars. The emphasis on text and difference amongst these scholars poses troubling questions. First, if the aim of comparative political theorists is to increase the real-world relevance of political theory, then how does an emphasis on elite texts and traditions serve to achieve that aim? Second, what makes comparative political theorists think that certain thinkers can be classified as 'radically different' or 'orthodox' in light of the changes introduced by colonialism and globalisation in terms of informing political movements but also political systems under which such movements take place? Third, doesn't the emphasis on texts and radical difference, obscure the prevalence of 'western' ideas in non-western contexts especially as they relate to political movements like the Lawyers' movement in Pakistan along with the prevalence of ideals associated with modernity in various non-western parts of the world?

In chapter one then, I question the validity of terms like radical otherness in light of the relationality between different contexts that results in instances where ‘western’ ideas have become a part of the political imaginary in ‘non-western’ contexts. However, my point in arguing against an emphasis on difference and text is not to deny the significance of either to the vocation of political theorising. Rather, it is to create room for a methodological intervention in CPT circles that engages with lived experiences, practices and actions in post-colonial and non-western contexts.

The second chapter of this thesis questions the text-centric emphasis of comparative political theorists as well as the privileging of difference in order to make the case for a practice-based approach to comparative theorising. A practice-based approach to CPT takes political practices and problems as starting points of inquiry rather than assuming the suitability of texts as default units of analysis for political theorists. In this chapter, I argue that a practice-based approach to CPT explores historically situated forms of non-western practices, experiences, and subjectivities in their pluralism and complexity. A practice-based approach to CPT takes a contextualised view of practices rather than submitting them to the universal logic of liberal rationalism as underpinned by transcendental view of the subject. In chapter two, I make the analytical case for a practice-based approach to CPT by explaining how a focus on practice and lived experience can take CPT beyond binaries of East-West and simplistic privileging of non-western otherness. In this chapter, my efforts are informed by the overall aim of CPT to challenge dominant modes of theorising and methods within traditional political theory.

Consequently, in chapter two, I argue against the transcendental view of the subject to locate construction and engagement with political problems in non-western and post-colonial contexts outside of the domain of traditional Euro-American normative theory. In chapter two, I build the case for a practice-based approach to CPT by also engaging with the situated turn in political theory. I construct a conversation between comparative political theorists and scholars of the situated turn by highlighting how critiques of ‘ideal theory’ by scholars such as Geuss and Tully problematise the priority granted to meta-physical moralising claims of ideal theory from the liberal-rationalist mode of theorising. The practice-based approach to CPT combines concerns of comparativists regarding the universalising power of western political thought with critiques of ideal theory to argue for an engagement with real world

practices, actions, protests and lived experiences in non-western contexts to increase real-world relevance of political theory.

Furthermore, a practice-based approach to CPT does not avoid questions of relationality between contexts as it takes post-colonial modernity as a shifting background for understanding how political subjectivities in non-western contexts engage with institutions of the modern state. Finally, in chapter two, I also explain that a practice-based approach to comparative theorising not only undermines ontological categories that make Eurocentric claims possible, for example the transcendental subject, but also combines this with critical-empirical insights that locate the construction of the political in post-colonial contexts thereby expanding the empirical scope of CPT.

In chapter three, I engage with the question of appropriate methods for *doing* practice-based CPT and also return to debates within CPT circles regarding the privileging of difference and otherness. In chapter three, I argue that the emphasis on difference, otherness, orthodoxy within certain sections of CPT scholarship act as artificial barriers towards increasing the scope and relevance of CPT via focusing on real world practices and lived experiences of non-western peoples and subjectivities. Here I argue that comparative political theorists often conceptualise difference as innate rather than in terms of how difference comes about as a consequence of social and political relations within contexts as well as historical encounters between different contexts. I highlight that attaching the enterprise of CPT to difference, conceptualised in simplistic terms of declaring a thinker as representative of ‘radical otherness’, is unnecessarily limiting for CPT. This is so because such conceptions of difference rely on binaries of East-West, non-West and West, thereby obscuring the ways in which relations within these contexts are constructed through categories of class, (post) coloniality, and gender through an exploration of practices and real-world in post-colonial contexts and their consequences for imagining different views of the political.

In chapter three, I also expand on the methodological framework that underpins this thesis, i.e. a practice-based approach to political theory. In chapter three, I argue for the suitability of ethnographic methods for undertaking practice-based approach to CPT because of the ethnographic openness towards contextualisation. Furthermore, I claim that ethnography, as a method, allows comparative political theorists to explore a situated view of the subject as tied to particular histories, ways of life and experiences that shape real-world practices and

narratives in post-colonial contexts. However, I explain that a practice-based approach to CPT does not just utilise ethnography to describe or provide thick accounts of practices and lived experiences. Rather, ethnography when combined with insights from thinkers like Foucault (1978; 1982; 1984), on the project of critique as a situated practice directed at a critical ontology of ourselves introduces a critical component to the aims of a practice-based CPT. In other words, Foucault's emphasis on situated critique within specific historical conditions of possibility when combined with the ethnographic emphasis on lived experiences and practices as tied to contexts, pushes practice-based CPT towards real-world relevance and critical engagement with subject-positions and their normative implications for political life. Consequently, the critical potential of practice-based CPT when conceptualised through an engagement with internal critics of western political thought, such as Foucault, avoids the pitfalls of enlightenment universalism whilst at the same time preserving the critical purposes of political theory as a discipline.

The first part of this thesis, i.e., the first three chapters function as the methodological background for the second part of this thesis as they provide a framework for undertaking an approach to CPT that grants priority to real-world practices, actions, narratives and lived experience that shape non-western subjectivities. This particular mode of comparative theorising stands in contrast to the text-centric approaches to CPT which take texts as their default units of analysis and allocate texts to particular non-western traditions. The second part of this thesis, i.e., chapters four to six puts into practice, a practice-based approach to CPT. Chapters four to six then fulfil the second aim of this thesis, i.e., to furnish a critical account of post-colonial subjectivity that emerges via engagement with real-world practices, discourses, actions, protests and processes of power. The second half of this thesis utilises fieldwork conducted amongst middle-class lawyers in Pakistan who participated in a movement for the rule of law, constitutional supremacy and independence of the judiciary.

Chapter four of this thesis provides a historical context under which middle-class subjectivities can be understood in a historical manner. Chapter four engages with middle-class subject-positions from colonial India such as Sir Sayyid Ahmed Khan to explore how middle-class people in colonial India engaged with controversies and debates associated with modernity, tradition, and empire. In chapter four, I explore normative values and identifications that informed public debate in colonial India in order to contextualise the concern with modernist values regarding respect for law and order along with the emphasis

on education and reform. Furthermore, in chapter four, I also engage with practices that accompanied the reproduction of middle-class subjectivities such as publication of texts and magazines. These texts and magazines were often directed at reforming ‘tradition’ in colonial India through influencing public opinion.

In chapter four, I understand practices of textual production and partake in public debate as ways of constructing middle-class subjectivity. These subjectivities become important because of their central role in subsequent national movements for India and Pakistan. However, for purposes of CPT, the historical accounts provided in chapter four, aim to provide empirical nuance to claims regarding radical otherness and difference amongst CPT scholars. In other words, middle-class subjectivities in colonial India through their practices often engaged with, and took up modernist values, which illuminates the ways in which ‘western’ ideas come to be operationalised in non-western contexts. To put it simply, the focus on the construction of middle-class subjectivities in colonial India highlights how western ideas became ideals and therefore a central feature of public political life in non-western settings. Therefore, chapter four operationalises the framework of a practice-based approach to CPT and challenges the simple East-West binary within comparative political theorising to outline the significance of practices, as tied to contexts, in order to reveal their relationship to subjectivity. Furthermore, chapter four provides us with an understanding of the sources of self that inform political practices and subject-positions in post-colonial Pakistan within the Lawyers’ movement.

In chapter five, I critically engage with practices, lived experiences, anxieties, normative justifications, values, and ways of situating oneself in public political life amongst lawyers who participated in the lawyers’ movement. In this chapter, I highlight various ways in which lived experiences and narratives of lawyers shaped their self-understandings and participation in the Lawyers’ movement. In chapter five, I locate these self-understandings and associated justifications in the context of Partha Chatterjee’s claims regarding the pedagogical role of civil society and middle-class segments of post-colonial societies as engaged in completing the incomplete project of modernity. Through Chatterjee’s framework, I focus on practices and discourses that underpin middle-class subjectivity amongst lawyers from the Lawyers’ movement in the historical context of post-colonial Pakistan.

In chapter five, I first give a brief account of key events and developments in the Lawyers' movement. I explain how the movement started with discontent and anger regarding the unconstitutional suspension of the Chief Justice of Pakistan, Iftikhar Chaudhry. The movement was led by lawyers who were also joined by civil society activists after the President of Pakistan, General Musharraf, suspended the constitution of Pakistan through an executive order. The movement ran for two years (2007-2009) and eventually resulted in Musharraf's resignation as the President as well as the Chief of Army Staff. The movement also resulted in the reinstatement of the Iftikhar Chaudhry as the Chief Justice of Pakistan.

Consequently, chapter five locates the construction of middle-class subjectivities in context of the Lawyers' movement at the intersection of class, gender, and post-coloniality. In chapter five, I explain how different research participants framed their participation in the movement by drawing on their stories, narratives and experiences from the Lawyers' movement. I unpack the meanings attached to various experiences to showcase how story-telling regarding corrupt practices in the judicial system or encounters with the police during protests on the streets give shape to middle-class subjectivities in post-colonial Pakistan. By utilising story-telling and forms of imagination involved in creating narratives and shaping self-representations, chapter five takes CPT beyond a text-based focus towards engagement with real-world concerns, anxieties and practices that shape subject-construction. In other words, chapter five contributes towards the project of undermining dominant methodologies in political theory like liberal rationalist understandings of politics by contextually highlighting varying vectors of power, like class, gender, and post-coloniality, and their role in constructing subjectivity in non-western contexts.

In chapter six, I draw on practices, lived experiences, and self-understandings of lawyers who participated in the Lawyers' movement to highlight the central role of emotion in collective identification, political judgement, action and protest. In chapter six, I also outline idealisation of the rule of law amongst my research participants and the consequences of idealising law in post-colonial settings like Pakistan in the aftermath of the Lawyers' movement. In chapter six, I first develop a framework for understanding emotions such as anger as a central feature of lived experiences and narratives through which my research participants framed their participation with the Lawyers' movement. In order to develop this framework, I engage with scholars from political theory, feminist theory, and anthropology to

understand emotion as not just a psychological state of mind that clouds judgement and reason but rather as judgements on the world around us.

Through framing emotion as a practice, I argue that lawyers who became a part of my research stressed how angry they felt when they saw the Chief Justice of Pakistan humiliated on the street by a police officer. Furthermore, I claim by taking emotions as practices of judgement that involve collective identifications of who is harmed, by whom, and for what reasons, we can understand emotions as thoroughly political and therefore worthy of consideration as seriously implicated in construction of collective identifications and subjectivities. Furthermore, taking emotions seriously also allows us to expand the scope of CPT beyond just a concern with ideas as they relate to cognition and thinking to explore how ideas are implicated in institutional allegiances. Institutional allegiances in this context work not just through a rational understanding of some ideas as worthy but also heavily involves emotive resonance with fellow professionals and workers as a part of the same group (Mouffe 2014). For example, lawyers who became a part of my research often associated their anger with absence of the rule of law and procedural justice in post-colonial Pakistan. In this context, emotions such as anger can be considered as a device for collective identification which prompt us to question almost exclusively idea-based focus of contemporary CPT.

Finally, in chapter six, I also engage with and problematise the ways in which an imaginary view of the political is produced through discourses of legitimacy which idealise the rule of law as a fundamental feature of modern nation-states. In undertaking this problematisation, I return to Chatterjee's framework of differences between the operations of civil society and the middle class and political society along with Foucault's work on governmentality and bio-power. I explain that the discourse of legitimacy that presents the rule of law as an unquestionable foundation for politics to take place within nation-states is predicated on an understanding of law as a saviour against the exercise of sovereign power. I highlight the linkages between this particular understanding of the rule of law and works by John Rawls and Jeremy Waldron to outline the limitations associated with granting law the role of a saviour.

These limitations become clear when one takes into account how conceptualising the rule of law as a pre-condition for politics is dependent on problematic ontological devices such as

the state of nature which conceptualise the state as the centre of reason and rationality and imagine it as standing above society to impart justice amongst free and equal citizens. This particular view of the political also has substantial implications for post-colonial contexts. These implications become clear when one contextualises the politics of civil society and middle-class subjectivities as tied to juridical frameworks of power that are based on a language of rights, democracy, legal freedoms, and procedural justice.

However, as Chatterjee (2004) points out, the politics of those outside of civil society and the middle classes, such as the political society is predicated on illegal activities in slums, shanty towns, and illegal settlements on urban peripheries. In the view of the political that takes law to be supreme, there is no analytical space for engaging with the politics of the political society. In other words, political society comes to present a practical lacuna to the ideal of the rule of law in post-colonial contexts. Through this analysis, chapter six expands the scope of CPT by contextualising the various ways in which middle-class subjectivities in post-colonial Pakistan take part in imagining the political whilst also placing this particular imagination against the backdrop of political society in order to highlight its limitations and consequences. In doing so, chapter six contributes to the broader subfield of CPT through engaging with formations of the political in non-western contexts whilst also challenging the dominance of ideas and social contractarian view of politics within political theory.

Contributions and Implications

This thesis expands the scope and relevance of CPT along methodological, analytical and empirical lines. This thesis puts forth the methodological case for a practice-based approach to CPT that takes non-western practices, actions, narratives and experiences as the primary unit of analysis. The practice-based approach to CPT is not just defined by a theoretical focus on practice and experiences but rather locates these activities in a particular historical context in order to explore their situated-ness. In other words, the practice-based approach to CPT cautions against taking texts as the primary units of analysis. This caution comes through via an understanding of texts as themselves implicated in processes of knowledge production and relations of power that characterise post-colonial contexts.

Furthermore, this thesis locates practice-based CPT against an emphasis on ‘radical otherness’, ‘orthodox representatives’ and textual scholasticism. This is primarily because of

the problems associated with conceptualising otherness and orthodoxy in pristine ways that allow certain CPT scholars to mark thinkers as radically different, therefore worthy of being understood as authoritative representatives of a particular way of thought. For example, within certain sections of CPT scholarship, theorists have positioned figures like Gandhi as exemplary figures of radical otherness and difference. However, such a practice seems futile in a world where statues of Gandhi are being taken down from university campuses due to his problematic engagement with questions of race in Africa (Wootson Jr. 2018; Mettler 2016). It seems that one person's 'radical other' is another person's 'racist'. The point here is to ask, how does the placement of Gandhi as a 'radical other' serve the purposes of bringing political theory closer to real-world concerns when the very practice of political theorising is reduced to the study of elite texts and traditions without even a slight problematisation of the real-world politics that underpins the production of tradition and canonical figures?

Instead, of focusing on delineating who is radically different from the 'West' or who can really be considered as an 'orthodox' representative of tradition, this thesis shifts the attention of CPT scholars to real-world concerns, anxieties and practices that inform lived experiences of post-colonial subjectivities. One key point that emerges as a consequence of this shift is that, rather than operating within the confines of binaries such as West and non-West, this thesis explores how politics within non-western contexts takes place through critically engaging with the lived experiences of real people, their concerns and anxieties. In this context, this thesis therefore contributes towards making the activity of comparative political theorising closer to real-world concerns. Therefore, this thesis adds to the project of comparative theorising by bringing political theory "closer to burning issues of our time" (Dallmayr 2004: 249).

Ackerly and Bajpai (2017: 285) claim that critical work within CPT:

Identifies the dissenting strands within elite traditions of political theory and the non-elite voices within the lived experience of political thought. Methodologically, critical CPT is the study of elite and non-elite actors, of canonical and non-mainstream texts, of texts and the actions and aspirations of those in struggle. Some of these actors can be marginalised in global politics or by local politics in struggles with elites. Globally and locally, marginalisation differs whether due to race, religion, ethnonationality, language, sexuality or perceived sexuality.

Keeping this description of critical CPT in mind, this thesis takes CPT beyond the binaries of elite and non-elite to engage with highlighting how those in between elites and non-elites take part in politics: which ideas do they operationalise? What sort of emotions do they practice? How do these emotions relate to their social and political aspirations as well as subject positions? Finally, what sort of consequences do their political aspirations entail? By asking these questions, this thesis introduces critique, as inspired by Foucault (1978; 1982; 1984) into the subject-matter of CPT rather than viewing critique as just a methodological function of delineating marginalised traditions.

Furthermore, the mode of critique that practice-based CPT aspires towards is neither grounded in judgement nor pre-determined moral principles which constitute the foundational basis of liberal ideal-theory. Rather, the model of critique deployed in this thesis is situated and contextualised, thereby in line with the methodological concerns of CPT scholars regarding the universalising pretensions of western political thought. Consequently, this thesis adds an additional critical dimension to the domain of CPT by not only theoretically formulating a mode of critique that rejects universalism but also showing how this critique can be operationalised in relation to empirical subject-matter. This mode of critique resonates with Tully's (2008: 20-22) warning that political theorists cannot take practices as existing units of analysis through pre-existing enlightenment frameworks. Rather, there is a need to critically reframe practices and lived experiences in a vocabulary that pushes beyond confines of 'legitimacy' and 'universality' to problematise the ideals of modernity and their place as constitutive of the conditions of possibility of political life.

Furthermore, this thesis adds to the methodological pluralism that underpins the field of comparative theorising. Ackerly and Bajpai (2017: 285) claim that political theorists can avoid epistemological imperialism and foster greater methodological plurality by being self-reflexive. They note, "The key to avoiding the potential for epistemological imperialism in political theory is to be question-driven, attentive to methodological pluralism even if your own methods tend towards one strand of the field, attentive to the potential of any method to be self-centric due to the building blocks of scholarship, and self-reflective about the best execution of the methods of your selected approach or approaches." This thesis contributes towards the methodological pluralism within CPT by furnishing an approach to comparative theorising that does not dismiss texts altogether but rather brings them in as supplementary

sources in order to engage with real-world problems, concerns and lived experiences of post-colonial subjectivities.

In other words, then, this thesis adds to the methodological diversity of CPT as a subfield of political theory by not only presenting a practice-driven methodological approach but also by showing how CPT scholars can engage with other trends within political theory on methodological terms to expand the real-world relevance of their enterprise. For example, in formulating a practice-based approach to CPT in chapters one to three, this thesis engages with post-structuralist modes of theorising along with the recent situated turn in political theory. This engagement broadens the scope of CPT by bringing in ideas from other disciplinary trends within political theory thereby initiating a conversation between CPT and other critical ventures which are also aimed at increasing the real-world relevance of political theory through methodologically questioning the limitations of ideal-theory (Chin 2016). Following from this methodological critique, the thesis also contributes towards the argument that CPT as a subfield is best understood as an internal critique of the discipline of political theory. Through engaging with other critical strands within political theory such as ones that challenge the dominance of ideal-theory, this thesis brings weight to the claim that CPT functions as an internal critique of political theory. This is done by showcasing the significance of historically contextualising particular ideals and practices associated with the desire to be modern amongst middle class subjectivities, criticising those forms of political theorising which locate emotion on the mind-body binary, and de-naturalising the dominant social contractarian view of the political. These analytical moves in the second part of the thesis follow from methodological commitments delineated in the first half of the thesis which emphasise the need for contextualised, yet critical, understanding of real-world political practices in conditions of post-colonial modernity.

This thesis also contributes in analytical terms to the subfield of CPT by shedding light on how subject-construction takes place in non-western settings. In chapters four to six, I highlight various ways in which colonial as well as post-colonial middle class subjectivities participate in their own reproduction through various narratives, production of political commentary via texts and magazines, protests, emotion as practices and story-telling. These various practices contribute towards construction of the self in non-western settings and allow us to gain a better understanding of the ways in which subject-formation takes place. For example, in chapter 5, I highlight how middle-class subjectivities in post-colonial

Pakistan are constructed through different vectors of power such as class, postcoloniality, and gender. This particular form of understanding subject-construction brings to light meanings that are attached to various stories, incidents and life-events by lawyers who participated in the Lawyers' movement. The thesis contributes to our analytical understanding of subjectivity then by bringing to light how these meanings shape political participation and affirm relationships of power that are often missed in those analyses of political action that take a primarily humanistic approach to theorising.

In chapter 6, the emphasis on emotion and idealisation of the rule of law as tied to particular imaginations of the political further enhance our analytical understandings of how subjects conceptualise and imagine state-society relations. These analytical understandings emerge through a contextualised analysis of how emotions can be considered as practices in themselves and how emotions such as anger can be considered to be integral to forms of collective identification. In providing these analytical clarifications regarding the role of emotions, this thesis expands the analytical scope of CPT beyond a concern with ideas and their 'western-ness' or 'non-western-ness'. In chapter six, I also expand on the implications of imagining the political through idealisations of the rule of law in post-colonial contexts like Pakistan. In highlighting these implications, the thesis adds to our conceptualisation of the political in post-colonial settings thereby providing CPT scholars with an analytical arsenal to push back against the dominance of liberal-rationalist and social contractarian views of the political.

Finally, this thesis adds to the subfield of CPT along empirical lines. This thesis brings to light real-world concerns, anxieties, and practices that inform non-western politics in general and Pakistan in particular. In doing so, this thesis pushes back against ontological dichotomies of 'the West' and the 'non-West', 'modern' and 'pre-modern', 'tradition' and 'modernity' to empirically explain how real-world actions and practices are already implicated in the historical flows of relationality between different contexts. For example, in chapter four, I highlight how Indian middle-class reformist thinkers in colonial India engaged with debates around modernity and tradition.

My discussion in chapter four highlights the key ways in which concerns regarding the desire to be modern and to present oneself as civilised emerge through a deployment of the sources of self which are often taken from 'western' sources thereby empirically complicating the

simplistic privileging of ‘radical otherness’. In chapter five, I highlight how self-understandings, stories and experiences of lawyers from the Lawyers’ movement are imbued in relationships of power that are not only associated with class dynamics but also other vectors of power like gender and post-coloniality. Through empirically locating these relationships of power in non-western contexts, this thesis adds to the empirical depth of CPT by providing a tapestry of empirically informed research from previously ignored contexts within political theory such as post-colonial Pakistan.

This thesis also adds empirically to the subfield of CPT and political theory more broadly by highlighting ways in which the political is intimately associated with, and constructed through, real-world practices and concerns. This thesis then takes political theory beyond an empirical reliance on white settler liberal contexts by locating construction of the political in previously under-examined and under-theorised settings like post-colonial Pakistan. This thesis therefore builds on the trajectory within CPT set by works like Nelson (2011) and Iqtidar (2011) by empirically illuminating processes and concerns through which different subjectivities engage with politics in Pakistan. For example, in chapter 6, I critically engage with the idealisations of the rule of law by reframing the rule of law as a tactic of power rather than an unquestionable principle that leads to peaceful politics. This thesis then adds a practical content to critiques of the rule of law by empirically grounding critique in real-world practices of governmentality and the way different subjects, ranging from middle-class and civil society groups to political society, respond to such practices.

Finally, this thesis contributes to the broader discipline of political theory by situating the activity of theorising within concrete contexts as tied to particular anxieties and histories, thereby taking part in a more grounded form of theorising. In doing so, this thesis shares resonance in spirit and focus with Ackerly and Bajpai’s (2017: 286) claim that critical works within CPT “require an empirical component or triangulation across comparative methods”. This thesis fulfils these two criteria as it is empirically focused and deploys a plurality of methods, whilst giving primacy to practice, ranging from textual analysis to critically unpacking meanings contained within narratives and discourses from the Lawyers’ movement.

Towards a Practice-based CPT

Comparative political theorists grounded the rationale for their subfield in the challenges introduced by globalisation nearly twenty years ago. Since then, CPT scholars have pushed the boundaries of political theorisation to bring political theory closer to real-world issues and problems. In this endeavour, some comparative political theorists have positioned their subfield as an immanent critique of political theory (Idris 2016). Murad Idris (2016: 2) argues that CPT brings political theory down from its unfounded global claims towards a grounded study of politics. He notes, “I understand CPT as an immanent critique of political theory: the discipline presents itself as global, but in practice it is too often confined to studying a few places, histories, and bodies of knowledge. The “comparative” calls for political theorists to more reliably study politics and power anywhere”.

In his overview of the subfield, Diego von Vacano (2015), argues that comparative political theorists need to revive the ‘comparative’ spirit of political theory in light of the dominance of deontological-normative approaches that have come to dominate political theory since the publication of *A Theory of Justice* by John Rawls (2005). Vacano (2015: 475-476) further claims that political theory has become “excessively self-referential” because of an immersion within the Rawls inspired framework of ideal theory particularly the last four decades. He declares the inadequacy of political theory to be tied to the ‘resources of the western tradition’ given the conditions of ‘late modernity’ where flows of capital cut across sovereign states, migration of people challenge the certainty of borders, multiple identities and nationalities problematise ideals of citizenship, subjectivities are impacted by change introduced by “emigration and deportation”, primacy of reason and secular forms of government are challenged by religious movements and great powers look to reconfigure the world order. Vacano (2015) deems these developments as a serious challenge to state-centric models of theorisation which consequently requires a rethinking of political theory itself. Both Vacano and Idris ground CPT as an exercise that brings into question the dominant claims and ways of thinking within political theory, especially as they relate to frameworks of high liberalism based on scholarly works that are essentially only related to a handful of white settler contexts.

I agree with Vacano’s and Idris’ characterisation of CPT as a critique of universalising claims emerging from ideal-theoretical models of western political thought. However, as I have

shown in this thesis, comparative political theorists must not be content with just positioning themselves as well-minded internal critics of the discipline of political theory. In other words, there is a need to introduce critical engagement with the very subject matter of comparative theorising rather than limiting the critical aspects of CPT to just an internal critique of political theory. Let me locate this need in certain global developments that have taken place since CPT has come onto centre stage of political theory. In the last decade, we have seen the emergence of right-wing nationalist governments across ‘western’ and ‘non-western’ contexts. In the proverbial imperial home of academic political theory, Donald Trump claims that he will make America great again. In India, Narendra Modi’s government has been busy arguing that the Indian civilisation can be connected back to ancient Hindu texts and therefore claim an unbroken lineage that stretches back thousands of years. Thereby laying claim to a Hindu past which creates justifications for Hindu supremacy in the present. In China, the communist party under Xi Jinping has been busy claiming that China represents 5000 years of unbroken civilisation. In Pakistan, Imran Khan claims that he wants to create a state based on the model of Medina, the ancient Islamic city-state of prophet Muhammad.

I can go on and present a dozen more examples but the point here remains: how do comparative political theorists respond to such developments? If we recall, one of the foundational justifications for establishing the subfield of CPT appeal to challenges introduced by globalisation. CPT scholars respond to these challenges by introducing ‘non-western’ perspectives to political theory in order to sometimes challenge the dominance of liberal-rationalist methods within political theory and at other times to redeem certain forms of non-western modes of thought. However, the problems that globalisation has introduced are not just contained to issues of the decline of the nation-state, increased migration, the emergence of multiple overlapping identities. Globalisation - and now the backlash against it - has brought about its own politics, anxieties around cultural identity, and retreats into the past to excavate authoritative readings that confirm present formulations of religious, ethnic, and national supremacy. These excavations are routinely supplemented with governmental practices of stricter border control, governmental mechanisms to root out ‘good citizens’ from ‘bad citizens’ (all under the terrain of the rule of law) and increasing valorisation of unproblematised foundational identities that seek validation through a re-reading of imagined pasts.

Under these conditions is it sufficient for comparative political theorists to engage in a comfortable form of critique? In simple words, while I agree that CPT should act as an immanent critique of traditional political theory and its dominant methods, it is also important to consider whether these are convenient forms of critique that are aimed at amorphous methodological frameworks. My point here draws on the heritage through which comparative political theorists like Ackerly and Bajpai (2014: 271) frame the practice of CPT. They argue, “The groundwork for the self-reflective turn in political theory embodied in CPT was laid by their criticisms of imperial and patriarchal ideologies. In particular, postcolonial and feminist criticisms of hierarchal notions of difference on the one hand, and false universalisms on the other, represented one of the profound contributions to political theory.”

While it is true that post-colonial and feminist theories challenge hierarchal notions of difference and false universalisms, their contributions to political theory are just limited to theoretical and methodological interventions. For example, post-colonial scholars have worked hard to challenge and decimate the triumphalist narrative of post-colonial nationalism. Their continued efforts in this direction push them to question the centrality of national identities and the forms of power that underpin such identifications (Guha 1993; Chakrabarty 2000; Chatterjee 1993; Pandey 2010). Feminist scholars have not only challenged patriarchal ideologies, they have brought into question the ways in which nationalism, tradition, canonicity and patriarchy go hand in hand and thereby forwarding a sustained critique of the way both western and non-western states practice violence against women in particular (Butalia 1998; Spivak 1999).

So where is this critical spirit in CPT? My point here is that under conditions of ‘late modernity’ to use Vacano’s term, it is not enough to draw methodological inspiration from post-colonial and feminist works within political theory but rather it is essential to also operationalise their critical spirit in order to challenge re-emerging forms of hegemonic identifications both within the West and the non-West. It is in this direction, that CPT scholars can push their field. I do not claim that all comparative political theorists must be critical in their work but the need for critical inquiry becomes increasingly important when we see a privileging of elite voices, texts, and traditions as alternate to the universalising ambitions of western political thought. This is where an analytical focus on practices rather than texts might be more productive for CPT scholars in order to trace real-world critical

effects of ideas, constructs, and practices of governance. These ideas and practices can very well be connected to liberal-rationalist forms of governance or to operationalisations of caste, religion as tied to particular imaginations of history. The task for CPT scholars in late-modernity lies in critical engagement with triumphalist forms of politics that now characterises both ‘western’ and ‘non-western’ contexts under shared conditions of modernity. However, these shared conditions do not imply a common response but the response differs with regard to the subject matter of CPT, as different subject-positions engage in their own ways with challenges of life under late modern conditions.

Furthermore, such a task becomes increasingly important when one takes stock of the way CPT has expanded as a subfield of political theory. For example, the expansion of scholarship under the banner of CPT means that there are now several developing book series on comparative political theorising amongst recognised academic publishers such as; ‘Routledge Studies in Comparative Political Thought’, ‘Edinburgh Studies in CPT and Intellectual History’, ‘Studies in CPT – Oxford University Press’, ‘Global Encounters: Studies in CPT’ and ‘Elements in CPT - Cambridge University Press’. These book series denote the increasingly comfortable space that CPT has come to occupy in mainstream channels of publications within the discipline. Perhaps what is required is a more uncomfortable approach to comparative theorising; one that does not reproduce commentary on the uniqueness of non-western ideas, painting a romantic view of elite thinkers in different contexts but rather critically unpacks the implications of real-world practices and their critical effects.

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