The Dictator, the Imam and the Judge: Tracing the impact of religion on the courts

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How does religion impact the courts? In this paper, we document a substantial impact of religious leaders on judicial decision making in Pakistan. Utilizing a unique dataset on the holy Muslims shrines across Pakistan, we show that districts where historically the shrine density was high, a military coup in 1999 induced a large decline in judicial independence and quality of judicial decisions. We present evidence consistent with the view that increased political power of religious leaders to influence the courts is the key mechanism explaining the results. The analysis of the type of cases driving the results show that more favourable rulings for the government in land expropriation and human rights cases explain these results. We also show a judicial selection reform that changed the appointment procedure to select judges from presidential appointment to selection by a judicial commission consisting of peer judges greatly mitigated the effect of historical shrine density on judicial outcomes. (*JEL* Z12, D72, K40, P37)

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"*The festivities here are Allah's blessing, it cannot be found in tombs and palaces of kings…the message of this place is clear: for us to follow religion, follow it to the letter …*".

Chief Justice Saqib Nisar at the Shrine of Data Ganj Bakhsh (Dawn, 2018)

I. Introduction

Religion, "the opiate of the masses" or the "soul of the soulless world" (Marx, 1844) is believed to influence economics, politics and society from time immemorial. The economics literature on religion provides wealth of evidence on how religion impacts development (Barro and McCleary, 2003; Kuran, 2011, Rubin, 2011, Cantoni et al., 2018), politics (Plateau, 2011; Chaney, 2013; Belloc et al., 2016; Bazzi et al., 2018) and social wellbeing (Clingingsmith et al, 2009; Campante and Yanagizawa-Drott, 2015). Nevertheless, much less is understood about whether and how religion impacts formal institutions such as the judiciary. So, how does religion impact the judiciary? What are the mechanisms that link religion with judicial decision making?

In this paper, we answer these questions by combining a unique dataset on holy Muslim shrines spread across the districts of Pakistan with data on cases adjudicated in the district high courts. To measure judicial independence, we construct a judicial dependence variable called "State Wins". This variable takes the value of 1 for "state victories" and 0 for "state losses" in a given case when the state is one of the parties.[1] Judicial cases involving the government as a party

[1]For reasons that will become clear we want to examine how religious leaders impact judicial independence from the executive. Therefore, *the State* in this context includes the organs of the state yielding executive power such as public agencies, federal, provincial and local governments (in line with the conceptualizations of The State as an executive organ in Montesquieu, 1748). We ask a law firm to code this variable based on their reading of the texts of judgement orders. To reduce the inherent subjectivity in construction of some of these variables, we ask the law firm to divide in two independent teams to code the same cases. Table C.1 in appendix C presents correlation coefficient of the variables coded between the two teams of the coders. We obtain similar results for using either of the dataset.

in Pakistan cover a wide range of disputes, from business payment disputes to cases involving persecution of minorities, abuse of power, suppression of fundamental rights to the constitutionality of the military rules. Nevertheless, a substantial chunk of the petitions involving The State as a litigant in the high courts involved land expropriation disputes with the government (for instance, about 40% of all petitions filed in high courts involved land dispute with the government).

Using a military coup in 1999 as an exogenous shock to the local district high courts, we show that districts that had high historical shrine density experienced a large increase in State Wins.[2] We provide evidence consistent with the view that religious leaders associated with the shrines were able to influence the courts when they gained political office following the coup: the impact of shrine density on judicial outcomes is only experienced in those districts that implemented a local government system that mandated direct elections of mayors (*Nazims*) where religious leaders connected with shrines gained political power. We verify these results by exploiting the 9/11 attacks in the US as an exogenous shock to implementation of the local government system that increases our confidence that these results are causal.[3]

The increase in State Wins is only observed in cases involving land disputes with the government and human rights cases involving the State. This suggests that following the military coup, shrine leaders were able to use their political power to influence the courts and exert control over the population by expropriating land and violating fundamental rights such freedom of

[2]The 1999 military coup is plausibly exogenous to judicial decision in the local district high courts. This is consistent with anecdotal accounts that argue that the coup was highly unanticipated and led to arrest of most the top government officials including the Prime Minister and his cabinet members (Bose and Jalal, 2004; Siddiqa, 2007).

[3]This is because the War in Afghanistan instigated a 'refugee crisis' with about 2 million Afghan refugees moving to areas bordering Pakistan and Afghanistan (UNHCR, 2017). This reduced the probability that the local government reform was implemented in districts on the Afghan-Pakistan border (more details provided in section 5.2).

movement or right to an education. A placebo test provides a tighter link of this channel, since we observe no impact of high shrine density areas in criminal cases following the coup. This underscores the importance of cases involving land disputes and human rights cases with the government as key in explaining the results. This is consistent with anecdotal (Aziz, 2001) as well recent quantitative evidence (Malik and Mirza, 2018) that religious leaders reduced the provision of public goods for their constituencies (such as education) upon coming to power through the local government elections in 2000-2001. We also document how a judicial selection reform that changed the appointment procedure to select judges from presidential appointment to selection by a judicial commission consisting of peer judges mitigated the effect of historical shrine density on judicial outcomes.

We verify the robustness of the results by conducting a series of sensitivity checks. First, we show that the results are not driven by differential trends where we find no significant differential trends between low and high shrine density areas prior to the coup. Second, we present evidence that the increase in State Wins also implies a fall in the quality of the judicial decisions. Third, we verify that the increase in State Wins following the coup is not a correction of low State Wins for high shrine density districts prior to the coup.[4] Fourth, we present evidence that the results are not driven by a potentially confounding reform in 2004 that may have impacted judicial decision making. Fifth, we show the results are insensitive to exclusion of potential outliers as well as the choice of the shrine dataset.[5]

[4]That is, we show that the State Wins is not decreasing in shrine density prior to the coup.

[5]For instance, we show that the results obtain regardless of the choice of shrine dataset i.e. from British Colonial Gazettes or from Auqaf Department of the Ministry of Religious Affairs, Pakistan.

The paper speaks to several strands of literature. First, the paper relates to growing literature on economics of religion. While most of the literature examines the impact of religion on economic (Clingingsmith et al, 2009; Campante and Yanagizawa-Drott, 2015; Malik and Mirza, 2018) or political outcomes (Platteau, 2008; Belloc et al., 2016; Rubin, 2017; Bazzi et al., 2018), the key contribution of the paper is to link religion with courts and by showing how subnational differences in judicial decision making is grounded in differential political power of the religious leaders. This echoes the themes in Platteau (2011), Chaney (2013) as well as in Rubin (2017) where a large part of the impact of (Islamic) religion on political and economic outcomes stems from the religious leaders' differential power over the course of history.

Second, we contribute to the literature on decentralization (Mas-Colell, 1980; Bardhan, 2002; Besley and Coate, 2003; Baum-Snow et al., 2017; Gulzar and Pasquale, 2017). While most of this literature has focused on the impact of decentralization in delivery of the public goods, we contribute to this literature by showing how greater delegation of power to local politicians can have adverse consequences for formal institutions of dispute resolution, depending on the institutional structure and who is brought to power as a result of the decentralization.

Third, the paper relates to the theoretical literature on how religion impacts formal institutions. On one hand, the "cultural channel" implies that religion impacts judiciary through providing greater legitimacy for the courts to synchronise their decisions with the government: higher shrine density provides greater legitimacy for the government which in turn allows judges to rule in favour of the state more often (Rubin, 2017; Bisin, Verdier and Seror, 2018). One the other hand, greater religiosity impacts the courts through an "institutional channel" where more religion implies greater influence of the religious leaders through a change in institutional structure (Bazzi et al., 2018; Chaney, 2019). The evidence presented in this paper is consistent with the

institutional view of religion impacting courts: the impact of religion on courts is mediated via changes in institutional structure of the local elections and appointment procedure of the judges.

The paper proceeds as follows. Section II provides the historical background on the courts, shrines and their relationship with the military coup. Section III presents the data and describes the sources for key variables used in the paper. Section IV presents the empirical methodology. Section V presents and discusses the main results. Section VI examines alternative explanations and verifies the results through conducting a series of robustness checks. Section VII concludes.

II. Background

This section in divided in two brief subsections that provides the background information and context of the study. We discuss how shrines and courts are related, followed by a discussion on the relationship between shrines, courts and the military coup.[6]

2.1 Shrines and Courts

In this subsection, we discuss the background on the holy shrines and why these matter for judicial outcomes. Most historical sources suggest that holy Muslim shrines in South Asia were constructed around 12th and 13th centuries, where these shrines are places of worship and great reverence (Gilmartin, 1988; Suvorova, 2004). Mughal emperors during the 16th century donated large sums of money and land to garner support from the local population as well as religious leaders associated with the shrine (Faruqui, 2012).

[6]Discussion on the structure and history of high courts is provided in the appendix B.1.

Historically, shrines and formal courts became linked when Indian subcontinent came under direct British rule in 1858. Under the British rule, the reward structure of religious leaders associated with the shrine was better systemized when British established formal property rights that allowed shrine resources to become subject to property law (Gilmartin, 1988). This is important since courts became directly involved in the matters of the shrines since the local district high courts would adjudicate upon shrine-controlled property. Ever since, courts have actively taken interest in matters associated with the shrine as well as the religious leaders associated with it.

The religious leaders associated with the shrine are key to understanding the importance and influence of the shrine. The focal person of each shrine is the *sajjada nashin* (literally, the wearer of the holy turban) is believed to be a direct descendant of the prophet Muhammad (S.A.W) of Islam, a "trusty" of all donations coming to the shrines and is responsible for holding traditional Sufi rituals at the shrine (Gilmartin, 1988; Aziz, 2001; Suvorova, 2004). The power of these *sajjada nashin* or shrine trusties, derive from their devotees. That is, many locals believe that these religious leaders possess supernatural powers as they seek shrine custodians' attention for divine intercession to their problems. The allegiance of shrine devotees provides the shrine custodians a stable constituency of followers, a potentially captive vote bank. The religious legitimacy is sustained through a relationship of master-disciple (*piri-mureedi*) with the local constituents.

The custodians of shrines are different from landed elite since they not only possess material wealth in the form of land but also religious capital. Therefore, some historians argue that shrine custodians can combine traditional instruments of landed elites such as coercion with voluntary

compliance (Aziz, 2001). The persistence of religious power of these shrines perpetuates through a permanent family seat (*gaddi or sajjada*).[7]

Anecdotal accounts suggest that *gaddi nashin* have historically played a prominent role in politics during British rule as well as present day Pakistan (Gilmartin, 1988; Aziz, 2001). For instance, former Prime Minister Yousaf Raza Gilani and the current Foreign Minister Shah Mahmood Qureshi are descendants of shrine families and trusties of shrines in Pakistan (Aziz, 2001). Likewise, anecdotal accounts also suggest that judges including several chief justices have visited these shrines and interact with the *sajjada nashin* (Khan, 2018).[8] Indeed, recently the courts even formalized the role of religious leaders associated with the shrine by setting a legal precedent: "…with *sajjada nashin* rests the responsibility of the spiritual functions of guidance of the disciples and the performance of rituals…" (Case No. 542-L PLD, 2018).

2.2. Shrines, Courts and the Coup

Why might the shrine density and military coup be linked? The answer seems to lie in the decentralization reform by General Musharraf following the military coup. Musharraf "Devolution of Power Plan" introduced a local government system that allowed direct election of a mayor (*Nazim*) with substantial power in the distribution of public goods and allocation of district resources (Cheema et al., 2006).[9]

[7] In fact, shrines provide a safeguard against dilution of landed power through inheritance since the transfer of the *gaddi* or *sajjada* (religious seat) is through a "sacred genealogy" where seat is passed to the eldest son without traditional fragmentation of property due to inheritance (Malik and Mirza, 2018).

[8]See Figure C.1 and C.2 in the appendix for pictures of *gaddi nashins* performing traditional rituals as well as their pictures with multiple judges.

[9]While the local government did exist in the past, they "were practically inactive" since they had no power to allocate expenditures or raise taxes nor were they elected through direct elections (Cheema et al., 2006, p. 14).

Anecdotal accounts suggest that the local government system institutionalized the "patron-client relationship between bureaucracy and local political elites" (Malik and Mirza, 2018, p. 19). We present evidence consistent with the view that judiciary was one such bureaucracy that could be influenced by shrine leaders who gained political power during the 2000-2001 local government elections. This is consistent with a long history of local and national politicians trying to "control the state apparatus" including the courts (Bose and Jalal, 2004; Martin, 2015).

III. Data

The shrine data is constructed from two sources: British Colonial Gazettes and Auqaf Departments of provincial ministry of religious affairs.[10] The British colonial Gazettes provides data for all the shrines in Punjab and Sindh that allows us to cover all the judicial district high courts within the Sindh and Punjab province. The Pakistan governmental archives at the Provincial Auqaf Departments at the Ministry of Religious Affairs allows us to cover the remaining judicial districts in the provinces of KPK and Baluchistan.[11] Therefore, combining these two shrine datasets allows us to measure the number of shrines in every judicial district in Pakistan.[12]

We obtain data on judicial cases from the central repository of cases that are used by lawyers to prepare their cases. We randomly sample 7500 cases from 1986-2016 for all the 16 districts high courts of Pakistan (from universe of all decided cases in this period) and match it

[10]British Colonial Gazettes were official bulletins of the British government that published public and legal notices aimed at the local population in British India. Under the section of "fair and festivals" they recorded the names of the shrines as well as the festivals taking place in the Punjab and Sindh province (see, Figure C.4 for example of the raw data and for further discussion of this data source, see data appendix B.3).

[11]Since, British directly ruled Sindh and Punjab, their official gazettes did not record the shrines of districts outside their geographical boundaries. The data for Punjab and Sindh from colonial archives is compiled by historian Rinchan Ali MIrza).

[12]We show as part of robustness checks that the results are similar if we use either of the dataset.

with details on all shrines mentioned in British colonial archives and provincial Auqaf department.[13] Figure 1 presents the map of shrine density across the judicial districts of Pakistan, while Table 1 reports the descriptive statistics of the variables used in the study.[14] Below we present description of key outcome and the explanatory variables used in the analysis. Further details on data, their sources and compilation can be found in the (potentially online) appendices A and B.

Outcome variables. — The key outcome variable is State Wins. This is a case level measure of judicial independence we use in the paper. It is constructed based on the texts of judgment orders that contains the information on the contents of the case. Following the literature (e.g. Djankov et al., 2003 and La Porta et al., 2008), we asked a law firm to code these variables. In particular, the judicial dependence variable called "State Wins" is coded as 1 for state victories and 0 for state losses, in all the cases that have the government as a party.[15] This includes the organs of the state yielding executive power such as local government, federal and provincial governments (in line with the conceptualizations of The State as an executive organ in Montesquieu, 1748). In the analysis of quality of judicial decisions, we use two additional outcome variables: Case Delay and Merit, where unit of observations is also at the case level. Both these variables are also constructed based on the information available in the texts of the judgement order. The former is calculated by taking the difference between the case decision year relative to the filing year. Merit is a measure of quality of the decision. This is a binary variable, also coded by the law firm, that switches on if

[13] Details on the sampling procedure as well as further information on case level data collection is presented in data appendix B.2

[14] In the baseline regressions, instead of the originally sampled 7500 cases we end up using 7,439 observations. This is because for few texts of judgement orders the quality of texts does not allow to detect the name of the judge to match it with judge characteristics. Nevertheless, running the regression on 7500 observations without judge controls has no significant impact on qualitative and statistical significance of the results (more details in the appendix B.2).

[15]We verify the results by comparing results across two teams of coders within the law firm (see discussion in Appendix B.2 and Table C.1 for correlation coefficient across the coders).

the decision is "based on evidence rather than technical or procedural grounds" (Pound, 1963). This is based on common law jurisprudence, where cased decided on merits i.e. based on evidence and spirit of the law, rather than technicalities of law is an ideal that common law regimes aspire towards (see e.g. Tidmarsh, 2009).

Explanatory variables. — We use cross-district data on shrine density in 1911 from British colonial archives and Auqaf Department Archives at the Ministry of Religious affairs in Pakistan.[16] We measure shrine density with shrines per 1000 people in the judicial district. Specifically, we sum all shrines present in the given judicial district in 1911 and normalize it by the population in the district. This allows us to obtain the "shrine density" measure at the (judicial) district level (see Figure 1).[17] We also construct a dummy variable for military coup which switches on in 1999, the year when General Musharraf seized control of the government through a coup d'état.

IV. Empirical Methodology

We use cross-district variation in shrine density and the exogenous shock of the military coup to the local district high courts to identify the effect of shrine density on judicial outcomes. The main specification is as follows:

$$Y_{cjdt} = \theta + \kappa\, Military\ Coup\ 1999_t \times Shrine\ Density \text{ at } 1911_d + \delta_d + \gamma_t + \boldsymbol{W}'_{cjdt}\varphi + \varepsilon_{cdjt} \quad (1)$$

[16] The Auqaf department records are taken from earliest available year (1950). This is combined with Colonial Gazette records from 1911. This aggregation allows to cover every district high court jurisdiction in Pakistan. We show that this aggregation is indeed justified, where the results are robust to using either dataset.

[17] Specifically: Shrine Density = $\frac{\text{Number of Shrines in the Judicial District}}{\text{Total Population in the Judicial District}}$ x 1000

Subscripts c, j, d and t indexes cases, judges, district and years, respectively. Y represents State Wins where the unit of analysis is at the case level.[18] Military Coup is a dummy variable that indicates the time after the military coup i.e. it switches on in 1999, while Shrine Density denotes historical shrines per 1000 people in a district. δ_d and γ_t are district and year fixed effects while **W** are potential correlates of judicial outcomes, listed as case, judge and district controls presented in Table 1.

The interaction between Military Coup and Shrine Density is the main variable of interest. The coefficient on this interaction, κ, is the differences-in-differences estimator of the impact of shrine density on judicial outcomes (following the coup). The key identification assumption behind equation (1) is that there are no differential trends for judicial outcomes among districts with different shrine densities prior to the coup (conditional on controls). We test for this by replacing the interaction between military coup and historical shrine density by a series of interactions between shrine density and dummies indicating various pre-coup and post-coup time periods. Likewise, to ensure that the results are not driven by a potentially confounding reform that may have impacted the courts, we adjust the specification by interacting time period for which this reform was in effect (2004-2009) with historical shrine density.[19]

[18] When we examine quality of judicial decisions, Y will represent Case Delay and Merit Decisions.

[19]This reform gave the Supreme Court power of judicial review over the Presidents' decision to dismiss the legislature. Although, this power rested only with the Supreme court not the district high courts we analyze here, however, one could reason that the increase in judicial power in the Supreme court could encourage lower courts to follow the Supreme Court (as argued in Chen et al., 2016), in manner correlated with factors correlated with historical shrine density. Therefore, we examine this possibility by including interaction of dummy when this reform was in effect with historical shrine density (although increasing the power of the court in the post-coup period would only bias the estimated results downwards). More details on this will be provided when we conduct this robustness check in Section VI.

V. Results

5.1. The Effect of the Coup on State Wins and Case Delay

Table 2 estimates equation (1) and reports the results on the impact of coup and shrine density on State Wins. We observe that a standard deviation increase in shrine density (0.005) increases State Wins by about 5 percentage points. In all specifications, we find a positive and statistically significant estimate of the military coup and shrine density, estimated by the coefficient on the interaction term between shrine density and post-coup dummy. The coefficients are similar without and with inclusion of large number of controls (listed in Table 1), implying that the military coup acts as a plausibly exogenous shock to the local district high courts.

Nevertheless, these results hinge on the main identification assumption of the differences-in-differences estimator, i.e. there are no differential pre-trends in state wins among districts with high and low shrine densities. Figure 2 visually represents the main results by plotting the coefficients on these interaction term along with their 90% confidence interval in two-year periods. We find no evidence of differential trends prior to the coup. The figure also documents how the magnitude of the effect evolved over time. Particularly, towards the end of sample period, the impact of shrine density following the military coup seems to be attenuating. In the discussion of mechanisms in subsection 5.5, we discuss how this attenuated effect can be explained by a judicial selection reform that changed the selection mechanism of judges from presidential appointment of judges to selection by a merit based judicial commission.

5.2. *Mechanisms: Local Government Elections and Shrines*

In this section, we present evidence consistent with the anecdotal accounts that suggest that local government elections increased the power of religious leaders associated with the shrine,

institutionalizing possibly a patron-client relationship with the local judiciary (Aziz, 2011; Malik and Mirza, 2018). We cannot use the timing of local elections to explicitly test this channel. This is because local elections were held during the early days of a martial law regime, which according to many commentators were held "in a hurry" to give a "democratic cover" to the regime between January 2000 to September 2001 (Paracha, 2003). Given the lack of time variation, we cannot use timing of the elections to examine this channel.

Nevertheless, there was "significant heterogeneity in the extent of implementation" (Cheema et al., 2006) of the local government system, where the occurrence of election did not always coincide with actual formation of local governments in 2000-2001. The speed and lack of administrative capacity for local government system to form implied some districts could not have a functioning local government despite the elections held in these districts (Chellaney, 2002; Cheema et al., 2006). That is, election in a district, did not imply the local government system was enforced. By end of sample period, around 35% of the districts did not have a local government as a result of these elections (ECP, 2018). The local government formation process in the district, however, might be endogenous to coup and district characteristics. This is because district (bureaucratic) capacity might be correlated with differential implementation following the coup.

To mitigate this concern, we exploit the exogenous shock of 9/11 attacks in the United States and consequent US invasion of Afghanistan in October 2001 that instigated a 'refugee crisis' with a move of about 2 million Afghan refugees to Pakistan (Kronenfeld, 2008). By end of 2001, there were over 4 million Afghan refugees living in Pakistan where the UNHCR set camps in the areas along the Pakistan-Afghan border (UNHCR, 2017). This put additional stress on the limited state capacity and increased the relative probability that local governments would not form in the Pakistani districts conjoint with the Afghan border (Chellaney, 2002). We have enough variation

to explore this channel since Afghanistan and Pakistan share a long land border of 2430 km that covers 25% of the total district high courts in the sample. This allows us to examine the differential impact of the shrine density on judicial outcomes for only those districts that did have a functioning local government i.e. where the local government system was enforced.[20] The following equation is estimated:

$$Y_{cjdt} = \theta + \kappa\, MilitaryCoup\ 1999_t \text{ x } ShrineDensity \text{ at } 1911_d + \lambda\, MilitaryCoup\ 1999_t \text{ x } ShrineDensity \text{ at } 1911_d \text{ x LG Enforced}_d + \delta_d + \gamma_t + \boldsymbol{W}'_{cjdt}\varphi + \varepsilon_{cdjt} \quad (2)$$

LG Enforced is a dummy variable that is switched on for the districts that did have a local government by end of 2016 (when our sample period ends), while it is turned off for districts touching the Afghan border. The coefficient of interest here is λ that measures how much shrine density affects judicial outcomes in districts where there was higher probability that elections did lead to the formation of local government system. Table 3 presents these results. We observe the estimate of λ is qualitatively and statistically significant. One standard deviation increase in shrine density increases State Wins by about 5 percentage points. The observed $\lambda > 0$ imply that in districts that had higher probability for the local government to be formed, the impact on State Wins is greater relative to districts where local government was not formed. Moreover, we cannot reject the null effect of $\kappa = 0$. This implies that most of the impact of historical shrine density following the coup is observed only in areas where decentralization was enforced. This suggests that "cultural channel" linking religion with courts is relatively less important than the

[20] Specifically, LG Enforced is switched off for the following district high courts whose district jurisdictions share a border with Afghanistan: Quetta High Court, Khyber High Court, D. I. Khan High Court and Kashmir High Court (see Figure 1).

"institutional channel" of decentralization.[21] The impact of shrine density experienced in only those areas where decentralization was 'enforced' is also consistent with an increase in fraction of shrine leaders elected to office in these districts from an average of 9% (from 1990-2000) to 15% in the post-coup period (from 2001-2008).[22]

5.3. Mechanisms: Types of cases driving the results

In this subsection, we examine the type of cases driving the results. In the first two columns of Table 4, we estimate equation (1) for cases involving land disputes with the government without and with full set of controls, respectively. This is motivated by anecdotal accounts that suggest that the expropriation of private property by local government agencies (such as the Lahore Development Authority and Karachi Development Authority) is facilitated by the courts in Pakistan (Sattar, 2017).[23] Following the local elections, these agencies began to report directly to the locally elected *Nazim* (mayor). The results from regressions on cases involving land disputes with the government imply that a 1 standard deviation increase in shrine density increases State Wins by about 8 percentage points.

[21]Nevertheless, it is possible that we do not have enough statistical power to disentangle the residual impact of the coup separate from the decentralization.

[22]The figures on shrine elites elected in these districts, however, should be interpreted with caution. We do not have data on local government elected officials. Here figures reported are average shrine leaders elected in these districts in national elections. Therefore, the argument holds insofar as there is correlation between results of local and national elections in these time periods. Specifically, the data presented here are averages from the national elections of 1993, 1997 compared with national average of 2002 and 2008 elections (ECP, 2018).

[23]Examples of raw data based on the texts of judgement order of typical cases involving land disputes with the government can be found in the Appendix C (Figure C.5 and C.6).

Next, we consider how the military coup and shrine density impacted human right cases. We define human right cases as constitutional petitions that does not involve land disputes with the government. These cases are separately marked as "writ petitions" within the constitutional cases and involve cases pertaining to violation of fundamental rights such as freedom of movement or discrimination based on religion, gender and caste. For instance, in a typical case in the dataset, a woman pleads that she was "denied entry into medical school based on her gender" or that an individual pleads his fundamental right of freedom of movement across and outside Pakistan was restricted by the government.[24] We observe qualitatively and statistically meaningful impact in human rights cases: 1 standard deviation increases in shrine density increases State Wins by about 7 percentage points (Column 3 and 4, in Table 4).

Next, to conduct a placebo test on the political influence channel, we examine the impact of shrine density on State Wins for criminal cases, where *The State* acts as the prosecution. Therefore, the State Wins here can also be interpreted as conviction rate. Table 5 presents these results. We find none of the coefficients are statistically significant. In fact, in most specifications, the coefficient corresponding to the interaction term of interest is negative. This more tightly links the political influence channel where the increase in State Wins is only observed in land and human rights disputes with the government and not in quotidian criminal cases.

5.4.Does the increase in State Wins imply a deterioration in quality of judicial decisions?

Next, we show that the increase in State Wins following the coup reflects a deterioration in the quality of the judicial decisions. To do this, we replace the outcome variable, State Wins with Case Delay and estimate equation (1), where the latter is the difference between decision year

[24] Examples of raw data for these cases i.e. texts of judgement orders can be found in the Figure C.7 and C.8 of Appendix C.

and filing year. Table 6 (Panel A) presents these results by type of cases. Overall, 1 standard deviation increase in shrine density implies an increase in case delay by about 0.2 years. Consistent with what we observed before, the results stem from cases involving land and HR disputes with the government, whereas we fail to reject the null effect of no increased delay in criminal cases.

State Wins and Case Delay can be interpreted as separate outcome variables where the former is a measure of judicial independence while the latter a measure of judicial efficiency. Nevertheless, there is good reason to believe that in the current context State Wins and Case Delay are linked. Several anecdotal accounts suggest that judges delay cases as a strategy to favor governments (Zafar, 2012). This becomes particularly salient when government officials use the expropriated land for private benefit while the case is pending in the court or they do not rule over cases when the government position is particularly weak (Arshad, 2018). The null effect in criminal cases for Case Delay is consistent with this channel.

It may be reasoned, however, that the increase in case delay following the coup may stem from a greater deliberation on the cases. This kind of increased case delay would represent an increased quality of the judicial decisions. Nevertheless, our confidence that the increase in State Wins and Case Delay following the coup implies a deterioration in the quality of the judicial decisions is further strengthened when we examine cases decided 'on merits'. In common law jurisprudence, the rulings on merits imply that the judicial decision is "based on evidence rather than technical or procedural grounds" (Pound, 1963). We use this as a measure of quality of the judicial decision. We examine the quality of the decisions, by examining how historical shrine density differentially impacted meritorious decisions following the coup. Table 6 (Panel B) reports these results by type of cases. The overall estimates imply that a standard deviation increase in shrine density decreases case quality by about 6 percentage points. The point estimates imply that the largest reduction in

quality of decisions is observed in cases involving land disputes with the government, whereas there seems to be no change in the quality of decisions in criminal cases (the coefficient in criminal cases is in fact positive, though statistically insignificant).

5.5. Mechanisms: Attenuation in the impact of Shrines through a Judicial Selection Reform

We proceed, the examination of mechanisms, by documenting how a 2010 judicial selection reform that changed the appointment procedure to select judges from presidential appointment to selection of judges by a merit-based judicial commission consisting of peer judges attenuated the impact of historical shrine density following the coup. The motivation behind examining this is presented in Figure 3, where we notice large and statistically significant falls in State Wins and Case Delay and increase in Merit Decisions following the 2010 judicial selection reform.

We examine how the historical shrine density affect the impact of the selection reform on judicial outcomes. Since, there are limited vacancies for the judges in the district, the implementation of the reform was staggered across district-time. We exploit this feature to examine the extent to which the intensity of the reform differentially impacts state wins in more and less shrine density districts. The following equation is estimated:

$$Y_{cjdt} = \theta + \omega\, ShrineDensity \text{ at } 1911_d \text{ x } \frac{Commission\ Appointed\ Judges}{Total\ Judges}_{dt} +$$

$$\zeta\, D1999\_2007 \text{ x } ShrineDensity \text{ at } 1911_{dt} + \Upsilon\, D2008\_2010 \text{ x } ShrineDensity \text{ at } 1911_{dt} +$$

$$\eta\, DPost2010 \text{ x } ShrineDensity \text{ at } 1911_{dt} + \delta_d + \gamma_t + \delta_d\, t + \boldsymbol{W}'_{cjdt}\varphi + \varepsilon_{cdjt} \quad (3)$$

All variables are similar to those defined in equation (1) with the following exceptions: $\frac{Commission\ Appointed\ Judges}{Total\ Judges}$ is the fraction of judges appointed by the judicial commission in a given district-year. $D1999\_2007$ and $D2008\_2010$ are dummy variables that switch on during military and democratic rules, respectively, prior to the selection reform, whereas $DPost2010$ is a dummy that switches on in the post-reform period.

Since, there may be a differential effect of historical shrine density on judicial outcomes in military and democratic periods before and after the reform, we add several interaction terms: $D1999\_2007$ x $ShrineDensity$ at 1911 captures the differential effect of shrine density on judicial outcomes during military rule before the reform, whereas $D2008\_2010$ x $ShrineDensity$ at 1911 captures the differential impact of shrines on judicial outcomes during the democratic period before the reform. Finally, $Post2010$ x $ShrineDensity$ at 1911 captures the differential effect of shrine density on judicial outcomes in the post reform period. The coefficient of interest here is ω that measures how the judicial outcomes are differentially impacted by the judicial selection reform in high and low shrine density districts.

Table 7 (panel A) estimates equation (3) by least squares. We find empirical support for the conjecture that the judicial selection reform reduced the impact of historical shrine density on judicial outcomes. The judges appointed under the new selection procedure had the largest impact on judicial outcomes in higher shrine density districts where more judges appointed by the judicial commission reduces State Wins, Case Delay and increases decisions on Merit. For instance, 1

standard deviation increase in shrine density and a 10% increase in judges selected by the judicial commission reduces State Wins by 1.3 percentage points (obtained through 0.005x10x26.02).

Nevertheless, least squares estimation of ω might be biased if the new judicial commission appointments are made considering factors correlated with historical shrine density such as non-religious political power of the district. Although, we do add district fixed effects and host of controls to the specification but we verify the results by using an instrumental variable strategy where we instrument fraction of judges appointed by the judicial commission by fraction of judges reaching the mandatory retirement age of 62 following the selection reform.[25] Under the assumption that judges reach their 62nd birthday randomly across district-time, this increases our confidence for the causal interpretation of ω . Table 7 (Panel B) reports these IV results. We find that the estimates using the instrumental variable are qualitatively and statistically similar to the estimates from least squares.

VI. Robustness

6.1. Are the estimates reflecting particularly high judicial dependence before the coup?

The positive and statistically significant coefficient estimates of κ in equation (1) does not necessarily reflect that following the coup, there is an increase in judicial dependence in high shrine density districts. It is possible that the increase in State Wins following the coup in high shrine districts is a correction of particularly low State Wins in high shrine district prior to the coup. This is possible if, for example, the military dictator restores a 'disequilibrium' by correcting the

[25]Figure C.9 in the Appendix C provides plots of the endogenous and instrumental variable used in the regressions. It shows that following the reform in 2010 exit of judges based on mandatory retirement age of 62 is highly correlated with the fraction of judges appointed by the judicial commission. We also find evidence consistent with this view that the instrument is plausibly exogenous since it is uncorrelated with any of the district or case characteristics controls used in the paper (results available on request).

disproportionately low State Wins in high shrine districts prior to the coup. We examine this possibility by examining the average State Wins for high and low historical shrine density districts. If State Wins is decreasing in shrine density prior to the coup, while following the coup State Wins is constant for high and low shrine density districts, then the observed $\kappa > 0$ might indeed reflect the post-coup correction of particularly low State Wins prior to the coup.

We examine this possibility. Figure 4 plots average State Wins and shrine densities both before and after the coup. We observe that State Wins is roughly constant prior to the coup, whereas average State Wins is increasing in shrine density following the coup.[26] This observation is robust to both district-level averages (left panel) as well as district-year averages (right panel).[27] This strengthens the case that following the coup, the increase in State Wins is not a pre-coup correction for particularly low State Wins.

6.2. Alternative Explanation

One key alternative explanation that might be driving the results is the 17th Amendment to the Constitution of Pakistan that was passed in the December 2003. This amendment included a package of reforms that gave legislative cover to the military coup of 1999.[28] Nevertheless, this legislation had an important clause impacting the courts. As result of negotiation between the national politicians opposed to General Musharraf and Musharraf regime, the presidential power to "dissolve national assemblies" was retained but was subjected to judicial review or a "veto" by the Supreme court (Nelson, 2010). This could be an alternative mechanism driving the results if

[26]Similar results hold for Case Delay and Merit decisions (Figure C.10 in the Appendix C show the case delay is roughly constant prior to the coup and increases sharply following the coup). Likewise, Merit decisions is roughly constant prior to the reform, whereas it falls steeply following the coup (Figure C.11).
[27]The district-year averages are a more relevant comparison since we exploit variation across district-year in the estimations.
[28]This was required to preempt further litigation against General Musharraf since under Pakistani constitution, a military coup is "high treason punishable by death" (Constitution of Pakistan, 1973; 2018).

local district high courts follow the precedents of higher State Wins set by the Supreme court following the coup (as in Chen et al., 2016). This is possible under scenarios where the Supreme Court justices want to signal compliance to the military regime and the lower courts follow suit.[29]

We examine this alternative channel by estimating the following equation:

$$Y_{cjdt} = \theta + \kappa\, MilitaryCoup\ 1999_t \text{ x } ShrineDensity \text{ at } 1911_d +$$

$$\rho\ 17\ Amendment_t \text{ x } ShrineDensity \text{ at } 1911_d + \delta_d + \gamma_t + \boldsymbol{W}'_{cjdt}\varphi + \varepsilon_{cdjt} \quad (4)$$

All variables are similar to those defined above except the additional interaction term of shrine density with a dummy for the time period 17th Amendment remained active. This dummy switches on for the period that this law was in effect (2004-2009).[30] Table 8 (column 1 and 2) presents these results. We observe that there are no differential effects on State Wins over the baseline impact of shrines following the coup due to the 17th amendment.

6.3. Additional Sensitivity Checks

In this subsection we conduct two additional robustness checks. First, we demonstrate the robustness of the results by showing that the results are similar when we exclude potential outlier districts. Second, we show that the results are insensitive to the choice of the shrine datasets.

From Figures 4, we observe Shrine Density is particularly high in some districts (for instance, Sukkur and Bahawalpur have 0.15 and 0.13 shrines per 1000 people). It is possible that the positive

[29]Unfortunately, we do not have a common identifier for cases across the high and Supreme court to empirically examine this.

[30]This law went into effect in January 2004 and was abolished in early 2010 after the democratic government passed the 18th Amendment to the Constitution of Pakistan that took away the power of the President to dismiss the parliament (making judicial review of the act redundant).

relationship between shrine density and State Wins we observe post-coup is primarily driven by changes occurring in these outlier districts. To examine this possibility, we estimate the following equation:

$$Y_{cjdt} = \mu + \kappa\ MilitaryCoup\ 1999_t \text{ x } ShrineDensity \text{ at } 1911_d + \theta\ MilitaryCoup\ 1999_t \text{ x } ShrineDensity \text{ at } 1911_d \text{ x OutliersExcluded}_{\text{d}} + \delta_d + \gamma_t + \boldsymbol{W}'_{cjdt}\varphi + \varepsilon_{cdjt} \quad (5)$$

The equation above is similar except it has an additional interaction term where the key variable of interest ($MilitaryCoup\ 1999_t \text{ x } ShrineDensity \text{ at } 1911_d$) is interacted with the Outlier Excluded variable. This is a dummy variable that switches on for all districts except for the 'outlier' districts of Bahawalpur and Sukkur. Column 3 and 4 of Table 8 presents these results, without and with the full set of controls, respectively. We find no differential effect of exclusion of outliers on judicial outcomes.[31]

Likewise, since we combine two datasets to obtain shrine density data across all district courts of Pakistan (i.e. from British Colonial Gazettes from Malik and Mirza, 2018 and Auqaf Department, Ministry of Religious Affairs), we examine if the results are dependent on the choice of datasets. We do a similar exercise as the outlier exclusion test above where we construct a dummy variable that switches on when the data is from Colonial Gazettes and zero if it is from Auqaf Department. The following equation is estimated:

[31] Note: $\theta = 0$ and $\kappa > 0$ implies no differential effect since dY/dShrines = κ.

$$Y_{cjdt} = \zeta + \kappa\, MilitaryCoup\ 1999_t \text{ x } ShrineDensity \text{ at } 1911_d +$$

$$\varphi\, MilitaryCoup\ 1999_t \text{ x } ShrineDensity \text{ at } 1911_d \text{ x Colonial Gazette}_{\text{d}} + \delta_d + \gamma_t +$$

$$\boldsymbol{W}'_{cjdt}\varphi + \varepsilon_{cdjt} \qquad (6)$$

Table 8 (column 5 and 6) presents these results, where we observe no differential effect of being an observation from the colonial gazettes. Therefore, estimates from Table 8 increases our confidence that the results are not driven by outliers nor the specificity of the chosen dataset. [32]

VII. Concluding Remarks

In this paper, we provide evidence on the impact of religion on the courts. Specifically, we show that districts that had high historical shrine density, a military coup in 1999 induced a large decline in judicial independence and quality of judicial decisions. We find evidence consistent with the view that increased power of religious leaders following the coup is key in explaining the results: we only observe this effect in those districts that implemented a local government system where religious leaders associated with the shrine gained political office. We trace the type of cases driving the results as well as how a judicial selection reform that changed the appointment procedure to select judges mediated the impact of religion on the courts. The results are robust to a host of sensitivity tests and alternative explanations. Taken together, the results suggest that religion impacts the courts through changes in institutional structure.

[32]We also examine the robustness of the results to the 17th amendment, exclusion of potential outliers and shrine dataset used for Case Delay and Merit Decisions variables, where we obtain similar results (see Table C.2 in the appendix C for these results).

VIII. Tables and Figures

Table 1: Descriptive Statistics of the variables used in the study

Panel A: Case Characteristics

Variables	Observations	Mean	Std. Dev.	Min	Max
State Wins	7,439	0.50	0.50	0	1
Case Delay	7,439	3.33	2.47	0	23
Merit	7,439	0.62	0.48	0	1
Year Filed	7,439	1999.69	9.53	1970	2016
Year Decision	7,439	2003.03	8.88	1986	2016
Constitutional Cases	7,439	0.72	0.44	0	1
Land Cases	7,439	0.41	0.49	0	1
Human Rights Cases	7,439	0.31	0.46	0	1
Criminal Cases	7,439	0.28	0.44	0	1
Pages of Judgement Order	7,439	8.88	7.71	1	81
Number of Lawyers	7,439	4.04	3.62	0	32
Number of Judges on a case	7,439	1.81	0.84	0	5
Chief Justice in Bench	7,439	0.06	0.24	0	1

Panel B: Judge Characteristics

Variables	Observations	Mean	Std. Dev.	Min	Max
Tenure at Decision	529	4.10	3.64	8.46	27
Gender	529	0.95	0.19	0	1
PM Assistance Package	529	0.33	0.47	0	1
Promoted to SC	529	0.05	0.23	0	1
Former Lawyer	529	0.11	0.31	0	1
For. Office Holder Bar. Asso.	529	0.63	0.48	0	1
Former Judge	529	0.88	0.31	0	1
After Reform Judge	529	0.14	0.34	0	1

Panel C: Treatment Variables and District Characteristics (by district-year)

Variables	Observations	Mean	Std. Dev	Min	Max
No. of shrines per 1000 people	480	0.005	0.00526	0	0.016
Military Coup	480	0.669	0.4702	0	1
Total Judges in district	480	17.16	7.5448	6	30
Area (sq. km)	480	3570.64	2772.65	906	13297
Population	480	3562527	3303489	22454.11	1.14E+07
Density (per sq. km)	480	2065.55	2466.17	8.46	9023.83

Table 2: Impact on State Wins

VARIABLES	(1)	(2)	(3)	(4)
	State Wins			
Shrine Density 1911 X Coup 1999	9.318***	9.693**	9.566**	9.654**
	[2.859]	[3.550]	[3.450]	[3.398]
District Fixed Effects	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes
District Controls	No	Yes	Yes	Yes
Case Controls	No	No	Yes	Yes
Judge Controls	No	No	No	Yes
Observations	7,439	7,439	7,439	7,439
R-squared	0.045	0.045	0.052	0.055

Robust standard errors in brackets (clustered at district level)
*** p<0.01, ** p<0.05, * p<0.1

Table 3: Mechanism - Impact on Decentralized Districts

VARIABLES	(1)	(2)	(3)	(4)
	State Wins			
Shrine Density 1911 X Coup 1999 X	10.98***	10.69**	8.086*	7.853*
LG Enforced District	[2.863]	[4.005]	[4.412]	[4.456]
Shrine Density 1911 X Coup 1999	-1.603	-1.241	1.297	1.624
	[2.787]	[5.448]	[5.825]	[5.916]
District Fixed Effects	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes
District Controls	No	Yes	Yes	Yes
Case Controls	No	No	Yes	Yes
Judge Controls	No	No	No	Yes
Observations	7,439	7,439	7,439	7,439
R-squared	0.045	0.045	0.052	0.055

Robust standard errors in brackets (clustered at district level)
*** p<0.01, ** p<0.05, * p<0.1

Table 4: Impact on State Wins (by type of Constitutional Cases)

	Land Cases		HR Cases	
VARIABLES	*State Wins*			
Shrine Density 1911 X Coup 1999	13.49***	17.31***	14.45***	13.72***
	[3.485]	[4.999]	[3.718]	[4.243]
District Fixed Effects	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes
District Controls	No	Yes	No	Yes
Case Controls	No	Yes	No	Yes
Judge Controls	No	Yes	No	Yes
Observations	3,041	3,041	2,323	2,323
R-squared	0.082	0.088	0.051	0.057

Robust standard errors in brackets (clustered at district level)
*** p<0.01, ** p<0.05, * p<0.1

Table 5: Placebo on Mechanisms – Impact on Criminal Cases

	(1)	(2)	(3)	(4)
VARIABLES	*State Wins*			
Shrine Density 1911 X Coup 1999	-2.534	0.0267	-1.722	-1.828
	[5.340]	[6.169]	[5.662]	[5.514]
District Fixed Effects	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes
District Controls	No	Yes	Yes	Yes
Case Controls	No	No	Yes	Yes
Judge Controls	No	No	No	Yes
Observations	2,075	2,075	2,075	2,075
R-squared	0.072	0.072	0.079	0.086

Robust standard errors in brackets (clustered at district level)
*** p<0.01, ** p<0.05, * p<0.1

Table 6: Impact on Quality – Case Delay and Decisions on Merit

Panel A: Case Delay				
		Case Delay		
	(1)	(2)	(3)	(4)
VARIABLES	Overall	Land	Human Rights	Criminal
Shrine Density 1911 X Coup 1999	41.06**	42.25*	77.95***	20.26
	[15.47]	[23.21]	[15.17]	[16.72]
District Fixed Effects	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes
District Controls	Yes	Yes	Yes	Yes
Case Controls	Yes	Yes	Yes	Yes
Judge Controls	Yes	Yes	Yes	Yes
Observations	7,439	3,041	2,323	2,075
R-squared	0.086	0.144	0.141	0.088
Panel B: Decisions on Merit				
		Decisions on Merit		
	(1)	(2)	(3)	(4)
VARIABLES	Overall	Land	Human Rights	Criminal
Shrine Density 1911 X Coup 1999	-12.28***	-20.63***	-13.35**	6.958
	[1.485]	[4.169]	[4.655]	[7.809]
District Fixed Effects	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes
District Controls	Yes	Yes	Yes	Yes
Case Controls	Yes	Yes	Yes	Yes
Judge Controls	Yes	Yes	Yes	Yes
Observations	7,439	3,041	2,323	2,075
R-squared	0.086	0.134	0.078	0.164

Robust standard errors in brackets (clustered at district level)
*** p<0.01, ** p<0.05, * p<0.1

Table 7: Judicial Selection Reform and Shrines

Panel A: OLS Results			
	Least Squares Estimation		
VARIABLES	State Wins	Case Delay	Merit
Shrine Density 1911 X	-26.02***	-122.3***	33.24***
Commission Appointed/Total Judges	[5.738]	[33.45]	[5.464]
D1999_2007 X Shrine Density 1911	6.960*	49.08***	-7.769***
	[3.512]	[13.13]	[1.042]
D2008_2010 X Shrine Density 1911	8.737	-16.83	-8.261
	[6.433]	[30.03]	[4.839]
Dpost_2010 X Shrine Density 1911	21.79***	68.70***	-31.36***
	[5.952]	[21.07]	[2.584]
District Fixed Effects	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes
District, Case, Judge Controls	Yes	Yes	Yes
Observations	7,439	7,439	7,439
R-squared	0.057	0.089	0.091

Panel B: Instrumental Variable Results			
	Instrumental Variable, 2nd Stage		
VARIABLES	State Wins	Case Delay	Merit
Shrine Density 1911 X	-29.95***	-145.1***	34.42***
Commission Appointed/Total Judges	[9.688]	[33.71]	[7.691]
D1999_2007 X Shrine Density 1911	6.854**	48.47***	-7.737***
	[3.296]	[12.72]	[0.988]
D2008_2010 X Shrine Density 1911	8.549	-17.92	-8.204*
	[6.090]	[29.15]	[4.575]
Dpost_2010 X Shrine Density 1911	22.93***	75.29***	-31.70***
	[6.934]	[20.71]	[2.751]
District Fixed Effects	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes
District, Case, Judge Controls	Yes	Yes	Yes
Observations	7,439	7,439	7,439
R-squared	0.057	0.089	0.091

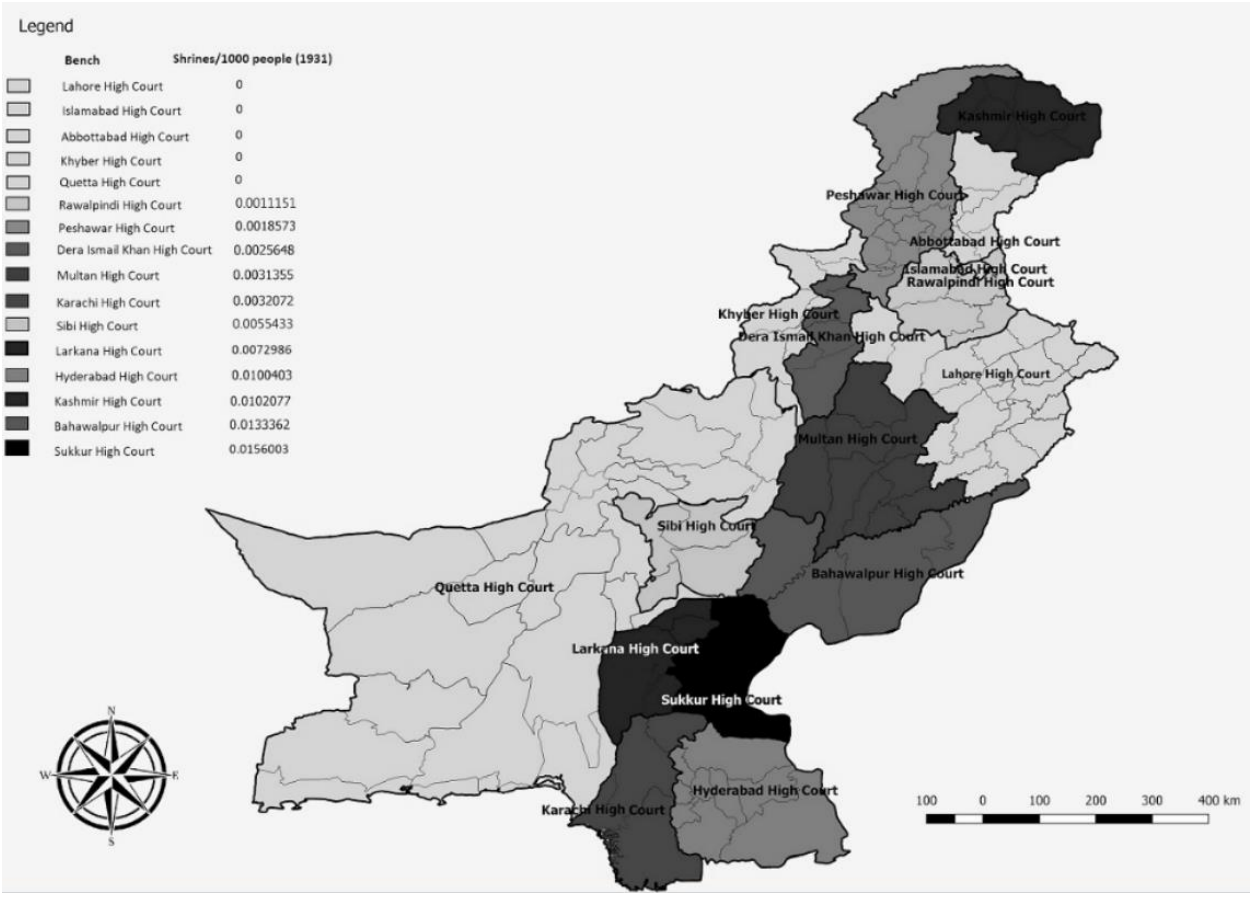
Note: Shrine Density 1911 X Commission Appointed / Total is instrumented by Shrine Density 1911 X Fraction Reaching 62 following the reform.
Robust standard errors in brackets (clustered at district level)
*** p<0.01, ** p<0.05, * p<0.1

Table 8: Robustness - Alternative Reform, Outliers and Dataset

VARIABLES	17th Amendment		Outliers Excluded *State Wins*		Colonial Gazette Data	
Shrine Density 1911 X Coup 1999	9.160***	9.585**	9.448**	9.712**	7.315**	8.749**
	[2.931]	[3.345]	[3.319]	[3.654]	[3.204]	[3.764]
Shrine Density 1911 X 17th Amendment	0.436	0.196				
	[2.998]	[2.742]				
Shrine Density 1911 X Outliers Excluded X Coup 1999			-0.749	-0.649		
			[3.288]	[3.536]		
Shrine Density 1911 X Colonial Gazette					2.075	0.898
					[3.239]	[3.088]
District Fixed Effects	Yes	Yes	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes	Yes	Yes
District Controls	No	Yes	No	Yes	No	Yes
Case Controls	No	Yes	No	Yes	No	Yes
Judge Controls	No	Yes	No	Yes	No	Yes
Observations	7,439	7,439	7,439	7,439	7,439	7,439
R-squared	0.045	0.055	0.045	0.055	0.045	0.055

Robust standard errors in brackets (clustered at district level)
*** p<0.01, ** p<0.05, * p<0.1

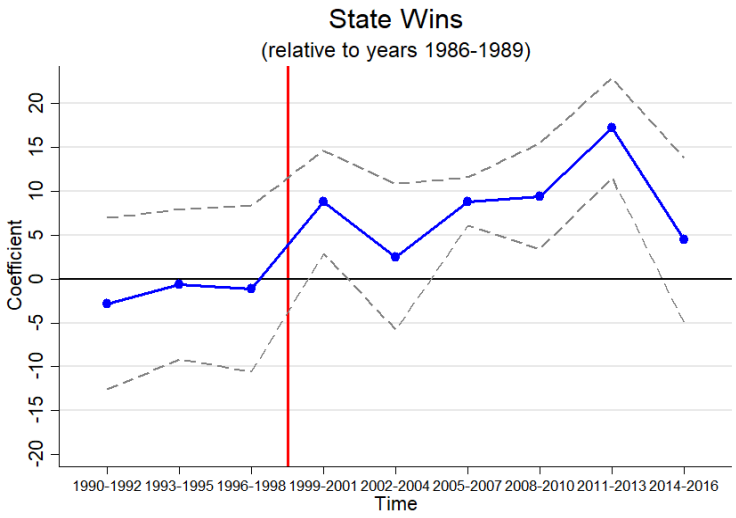
Figure 1: Map of Shrine Density in Judicial Districts of Pakistan



Note: The shrine data covers all of Pakistan where shrine density is computed by total number of shrines in the jurisdiction divided by the population.

Figure 2: Time varying impact of military coup (90% CI)

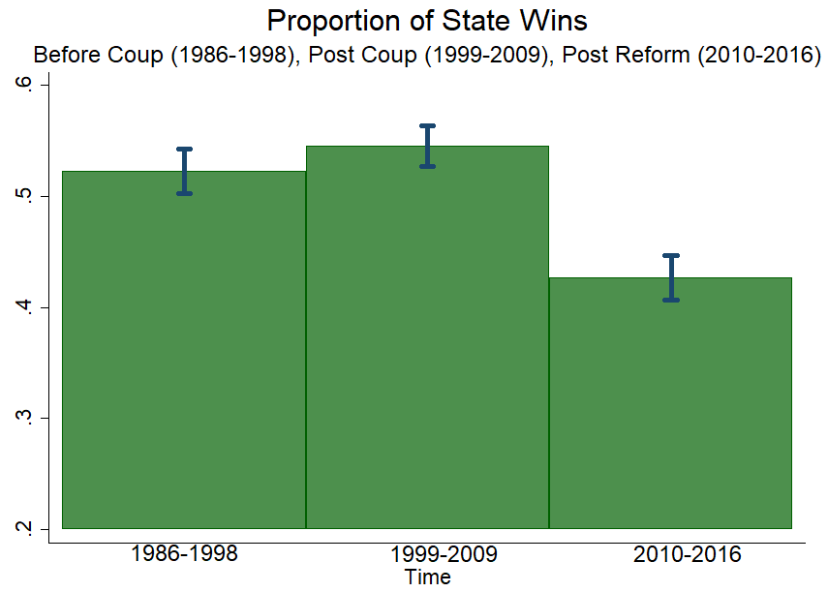
State Wins coefficient over time



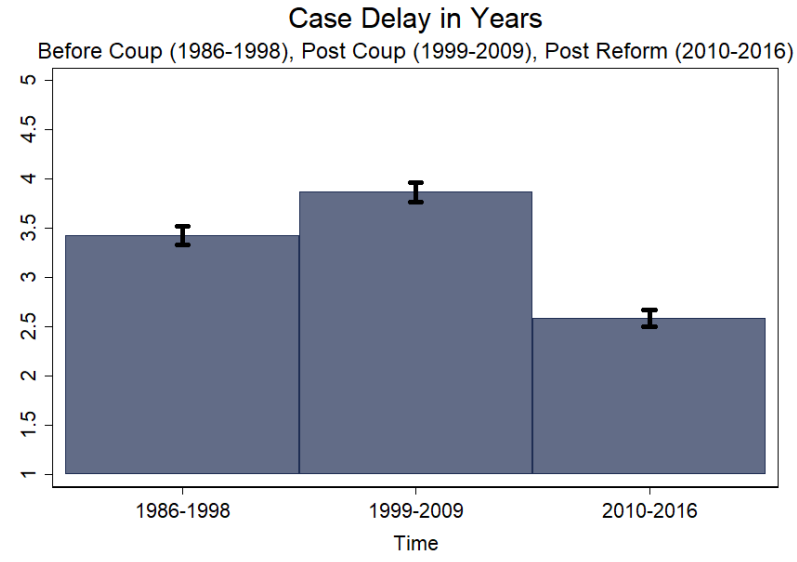
Note: The Figure presents coefficients and the corresponding 90% confidence intervals in the regressions of State Wins on 2-year interval dummies interacted with shrine density in the district together with case, judge and district controls as well as district and year fixed effects. Cross-sections between 1986 to 1989 are held as the comparison group. The vertical line marks that timing of the military coup that occurred in 1999.

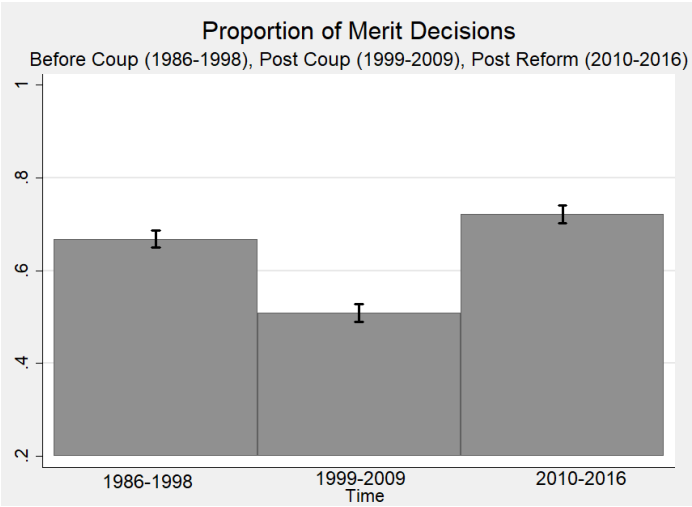
Figure 3: Judicial Outcomes in three periods

Panel A: State Wins in three time periods



Panel B: Case Delay and Merit Decisions in three time periods

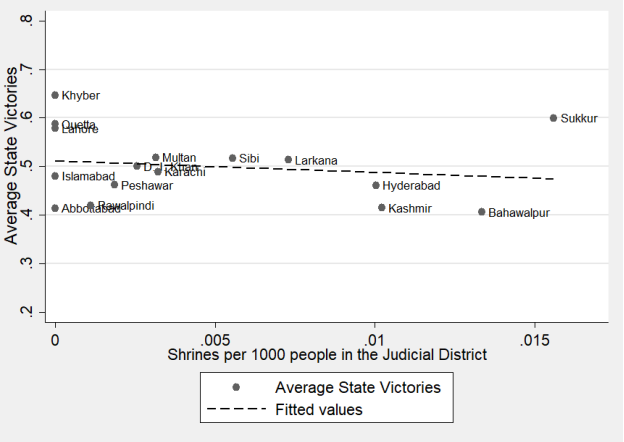


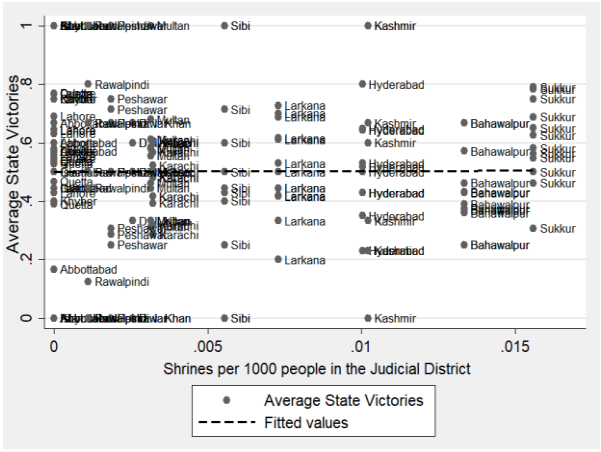


Note: We divide average State Wins, Case Delay and Merit Decisions in three time periods. One is during the democratic or pre-coup period (1986-1998), one is the post-coup and before reform period (1999-2009) and one following the judicial selection reform. Averages across the three time periods along with 95% confidence interval are presented.

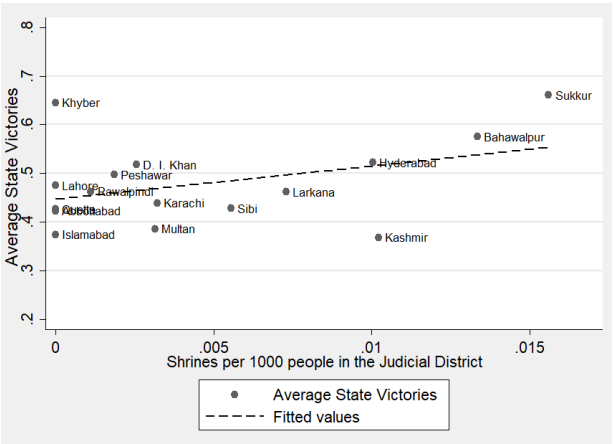
Figure 4: State Wins by District Average

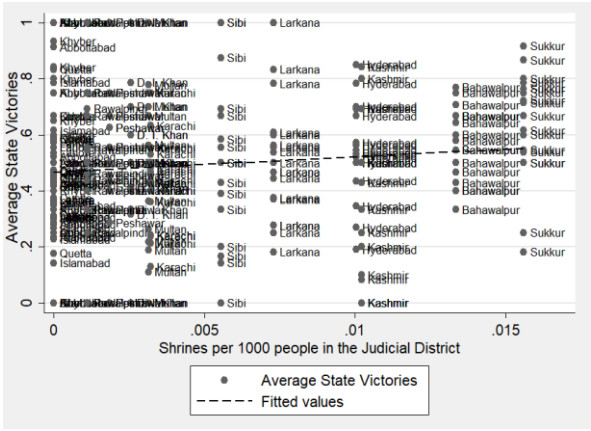
Panel A: Shrines and Average State Wins Before Coup (1986-1998)





Panel B: Shrines and Average State Wins After Coup (1999-2016)





Note: The figures on the left averages State Wins by the district regardless of the year, whereas, the figures on the right provides an average of each district for a given year. Similar plots for Case Delay and Merit Decisions can be found in Appendix C (Figure C.10 an C.11, for case delay and Merit, respectively).

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Online Appendix to:

The Dictator, the Imam and the Judge: Tracing the Impact of Religion on the Courts

BY SULTAN MEHMOOD

Contents

A. Variable Definitions and sources

State Wins = Average State Victories in a district for a given year. The law firms coded this variable based on the following rubric: it takes the value of 1 in case of a "state victory and zero in case of a state loss". This variable is constructed based on judgement orders compiled from cases in published law journals (PLD, PLJ, CLC, NLR, CrLJ, YLR, PLR) and high court websites.

Shrine Density = This is number of shrines per 1000 people in British Colonial Gazettes of 1911 and number of Shrines in Auqaf Department records in 1952. The variable is constructed from the following simple operation: Shrine Density = $\frac{\text{Number of Shrines in the Judicial District}}{\text{Total Population in the Judicial District}}$ x 1000.

Case Lag = It is the difference between case decision year and case filing year. This variable is also based on text of the judgement orders compiled from high court websites and published law journals (PLD, PLJ, CLC, NLR, CrLJ, YLR, PLR).

Merit Case = It is a dummy variable that takes the value of 1 if the case is decided on based on "evidence rather than technical or procedural grounds" (Pound, 1963). This is based on the assessments of the law firms based on reading the text of the judgement order.

Judicial Commission / Total Judges = It is the fraction of judges selected under the new selection procedure. Information on the new appointments is obtained from judicial administrative records obtained from Registrar Offices of the high courts. Data on total judges in each district high court is obtained from High Courts Annual Reports submitted to the Ministry of Law, Justice and Human Rights, Government of Pakistan.

Retiring at 62 / Total Judges (instrument) = It is the fraction of judges who reach the mandatory retirement age of 62 (in the post reform period). Information on judge retirements is obtained from judicial administrative records obtained from Registrar Offices of the high courts. Data on total judges

in each district high court is obtained from High Courts Annual Reports submitted to the Ministry of Law, Justice and Human Rights, Government of Pakistan.

Constitutional Case = It is a dummy variable that takes the value of 1 if it is a constitutional case and zero otherwise. In the main specification is averaged across-district and over time. This is indicated on the text of the judgement order.

Land Case = It is a subset of constitutional cases, it is a dummy variable that takes the value of 1 if it is a case involving land ownership or expropriation dispute with "*The State*" and 0 otherwise. Often it is Ministry of Defense, housing authority or most commonly a "development" agency, which is authorized to resolve disputes regarding land ownership (Defense Ministry, Defense Housing Authority, Lahore Development Authority (LDA), Karachi Development Authority (KDA), Peshawar Development Authority (PDA), Capital Development Authority (CDA)).

Criminal Case = It is a dummy variable that takes the value of 1 if it is a criminal case and zero otherwise. In the main specification is averaged across-district and over time. This is indicated on the text of the judgement order.

Number of Lawyers = It is based on a count variable documenting the number of lawyers arguing in the particular case. This is also indicated on the text of the judgement order.

Number of Judges = It is based on a count variable documenting the number of judges adjudicating upon the particular case. This is also indicated on the text of the judgement order.

Bench Chief Justice = It is dummy variable that takes the value of 1 if the chief justice or senior most judge was adjudicating in the case and zero otherwise. In the main specification is averaged across-district and over time.

Number of Pages of Judgment Orders = It is a count variable documenting number of pages of the judgement order issues in the particular case. This is also indicated on the text of the judgement order.

Age at appointment = It is the difference between date of birth and age at appointment. This data is obtained from Judicial Administrative Data Records at the High Court Registrar Offices.

Gender = It is a dummy variable that takes the value of 1 if it is a male judge and 0 if it is a female judge. It is coded in two ways: 1) Manually, where the author checks every judge name, the dummy variable takes the value of 1 if it is male and zero if female. 2) Automatically, where the author asks Stata to read the string starting with "Justice Miss" and "Justice Mrs." as zero and the string started by "Justice Mr." as one. The two methods yield identical number of males and female justices.

PM Assistance Package = It is a dummy variable for the judge who received a (residential) plot as part of the PM Assistance Package and zero otherwise. This is obtained from the list of names available in Public Accounts Committee report "List of judges allotted plots since 1996".

Promoted to SC = It is a dummy variable for the judge who was elevated to the supreme court bench and zero otherwise. This is obtained from judicial administrative records of the Supreme Court Registrar Office.

Former Lawyer = It is a dummy variable for the judge who was formerly a lawyer before being appointed as a justice of the high court. Data for this obtained through a combination of biographical information contained in annual reports, bar council records and judicial administrative data.

Former Office Holder Bar Association = It is a dummy variable for the judge who was formerly an office holder of the lawyers' bar association (before being appointed as a justice of the high court). Data for this obtained through a combination of biographical information contained in annual reports, bar council records and judicial administrative data.

Former Judge = It is a dummy variable for the judge who was formerly a lower court (civil or session court) judge. Data for this obtained through a combination of biographical information contained in annual reports and judicial administrative data.

Total Judges = It is a district-time count variable that tells us the number of judges at a district high court in a given time period. Data for this obtained through a combination of information contained in annual reports and judicial administrative data.

Area = It is the area (in square kilometres) of the district where the high court is located. This is obtained from a linear interpolation of 1998 and 2017 census of Pakistan.

Population = It is the population of the district where the high court is located. This is obtained from a linear interpolation of 1998 and 2017 census of Pakistan.

Density = It is the per square kilometre population density of the district where the high court is located (area/population). This is obtained from a linear interpolation of 1998 and 2017 census of Pakistan.

B. Data Appendix: Additional information and data collection

B.1 History and Structure of Courts in Pakistan

In this subsection we discuss background and structure of courts in Pakistan. The Indian High Courts Act of 1861 authorized the Crown to create the high courts in the Indian colony. These courts served as precursors to the modern-day high courts of both India and Pakistan. With the independence of India and Pakistan from British colonial rule in 1947, gradual changes were made in the legal institutions in both countries, but both retained the overarching institutional structure such as the common law jurisprudence.

Pakistan's judiciary is composed of a three-tier hierarchical structure. The lowest courts are the civil and session courts where the civil courts hear civil cases and session courts adjudicate upon the criminal cases. These courts are located in the provincial capitals and have jurisdictions dictated by domicile of the litigating parties. Decisions in civil and session courts can be challenged in the high courts of Pakistan. If the government expropriates land or violates any fundamental right, the high court is the first (and in most cases) the only platform for the citizens and firms for remediation. Although, in theory there are only four provincial high courts in Pakistan, but the benches of each provincial high court are spread within the 4 provinces of Pakistan (see Figure 1). This is in the form of 16 district high court benches (about 4 district benches in each of the 4 provinces). Most important for our paper is the fact that in the high court, one can also file a case against the government. This takes the form of a constitutional petitions against The State or Criminal Petition against the State. Constitutional cases involving The State as a party involve cases filed against the federal government, provincial governments and local governments or any organ of the state that yields executive authority (such as the office of the Prime Minister). Finally,

there is the final appellate court, the Supreme Court of Pakistan, located in the federal capital of Islamabad. It typically hears appeals on "technical" ground for the criminal and constitutional cases from the high courts. The Supreme Court can have at most 16 judges which greatly limits the number and scope of cases it can hear. Therefore, only a small fraction of cases ends up being heard by the Supreme Court (Arshad, 2017).

B.2 Case Data Sources and Construction

The case characteristics is obtained from central repository of cases used by lawyers to prepare their cases. This is available online at Pakistan Law Site (https://www.pakistanlawsite.com/). This website is the "Central Library" used by lawyers to prepare their cases (since Pakistan is a common law system where case precedent is crucial) as well as paralegals and students studying for their law exams. Access for this is password protected where permission to use the website and cases is gained through a law firm. Two teams of paralegals supervised by a senior lawyer each record key information related to the cases in the texts of the judgement order available at the website. Table C.1 presents averages for case characteristics coded by the two teams as well as correlation coefficient between them.

Since, the Pakistan Law Site library contains the whole universe of (undigitized) cases decided from 1950 to 2017, we had to choose a sample period given our budget and research question. We randomly sample all the available cases for every year depending on the total universe of cases decided in that year from 1986 to 2016 inclusive. As number of cases decided in a year gradually rises, so does the fraction of sampled cases in our sample. Figure C.3 presents this information as plot of total cases sampled with total available cases.

B.3 Shrine Data Sources and Construction

The key source for the shrine data is the British Colonial Gazettes. The publication in the gazettes was a legal necessity that allowed documents to come into force and enter the public realm. Essentially, these were official legal and public bulletins of the British Government for its Indian Colony. Information on the shrines was published a regular section on "fairs and festivals". This section contained the names and associated festivals of all shrines in the district. These shrines are counted for each district and forms the basis for the shrine dataset. Likewise, since British directly ruled in two of the provinces in present day Pakistan (Punjab and Sindh), this source only contains data on these provinces. Therefore, this Gazette data for shrines is complemented by data from Auqaf Department in the Ministry of Religious Affairs (Auqaf department is responsible for overseeing religious charities and donations within the ministry of religious affairs). Auqaf Department records all shrines with their location, which we use to construct the shrine dataset. Specifically, Auqaf department overseen by the provincial government is responsible for administration of "Waqf properties" (literally, devote indefinitely) that is an "inalienable charitable trust" (Bazzi et al, 2018, p. 1). These properties include shrines, mosques and other religious institutions that such as *Madrassas* (religious seminaries). Important thing to note is that the *Waqf* properties cannot be bought or sold where in the case of shrines, the shrine family can hold it infinitum. We combine both these data sources to obtain shrine density for every judicial district of Pakistan.[33]

[33]For further information on the shrine dataset, see Malik and Mirza (2018).

C. Additional Tables and Figures

Table C.1: Outcome Variables and Case Characteristics

Comparison of Team 1 and Team 2

Variables	Team 1	Team 2	Difference	Correlation (ρ)
State Wins	0.50	0.56	-0.06	0.89
Case Delay	3.33	3.30	-0.03	0.99
Merit	0.62	0.67	0.05	0.88
Constitutional	0.72	0.70	-0.01	0.95
Land Cases	0.41	0.38	0.03	0.94
HR Cases	0.31	0.33	0.02	0.96
Criminal Cases	0.28	0.29	-0.01	0.93
# of Lawyers	4.04	4.09	-0.05	0.94
# of Judges	1.81	1.83	-0.02	0.87
CJ in Bench	0.06	0.08	-0.02	0.83
Pg. of Judgement	8.88	8.71	0.03	0.97

Note: The table compares the outcome variables and case characteristics for the two teams of coders for the same 7439 cases used in the analysis. Team 1 is the data used in the analysis. Means, their difference, and correlation coefficient between the two groups are presented.

Table C.2: Case Lag and Merit - Robustness - Alternative Reform, Outliers and Dataset

	17th Amendment		Outliers Excluded		Colonial Gazette Data	
VARIABLES	*Case Delay*	*Merit*	*Case Delay*	*Merit*	*Case Delay*	*Merit*
Shrine Density 1911 X Coup 1999	49.42**	-11.49***	57.12***	-10.56***	73.93*	-10.72**
	[20.49]	[2.593]	[17.30]	[1.383]	[39.31]	[4.510]
Shrine Density 1911 X 17th Amendment	20.51	5.246*				
	[32.46]	[2.951]				
Shrine Density 1911 X Outliers Excluded X Coup 1999			-1.496	5.646		
			[24.64]	[4.702]		
Shrine Density 1911 X Colonial Gazette					-17.67	1.173
					[26.50]	[4.798]
District Fixed Effects	Yes	Yes	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes	Yes	Yes
District Controls	Yes	Yes	Yes	Yes	Yes	Yes
Case Controls	Yes	Yes	Yes	Yes	Yes	Yes
Judge Controls	Yes	Yes	Yes	Yes	Yes	Yes
Observations	7,439	7,439	7,439	7,439	7,439	7,439
R-squared	0.082	0.080	0.082	0.080	0.082	0.079

Robust standard errors in brackets (clustered at district level)
*** p<0.01, ** p<0.05, * p<0.1

Figure C.1: The Shrine of Bahauddin Zakariya (left) with Trusty of the Shrine (right)

Note: The person in white turban "giving blessings" to the child on the right is a prominent shrine elite and current foreign minister of Pakistan.

Figure C.2: Chief Justices of Pakistan at Shrines with Religious Leaders

Panel A: Chief Justice of Pakistan *Saqib Nisar* at Data Darbar Shrine in Punjab (tenure of CJ from February 2010-January 2019) with shrine elites

Panel B: Former Chief Justice of Pakistan *Iftikhar Chaudhary* (tenure 2005-2013) at Shrine of Hazrat Sachal Sharif in Sindh with shrine elites

Figure C.3: Total vs Sampled Cases

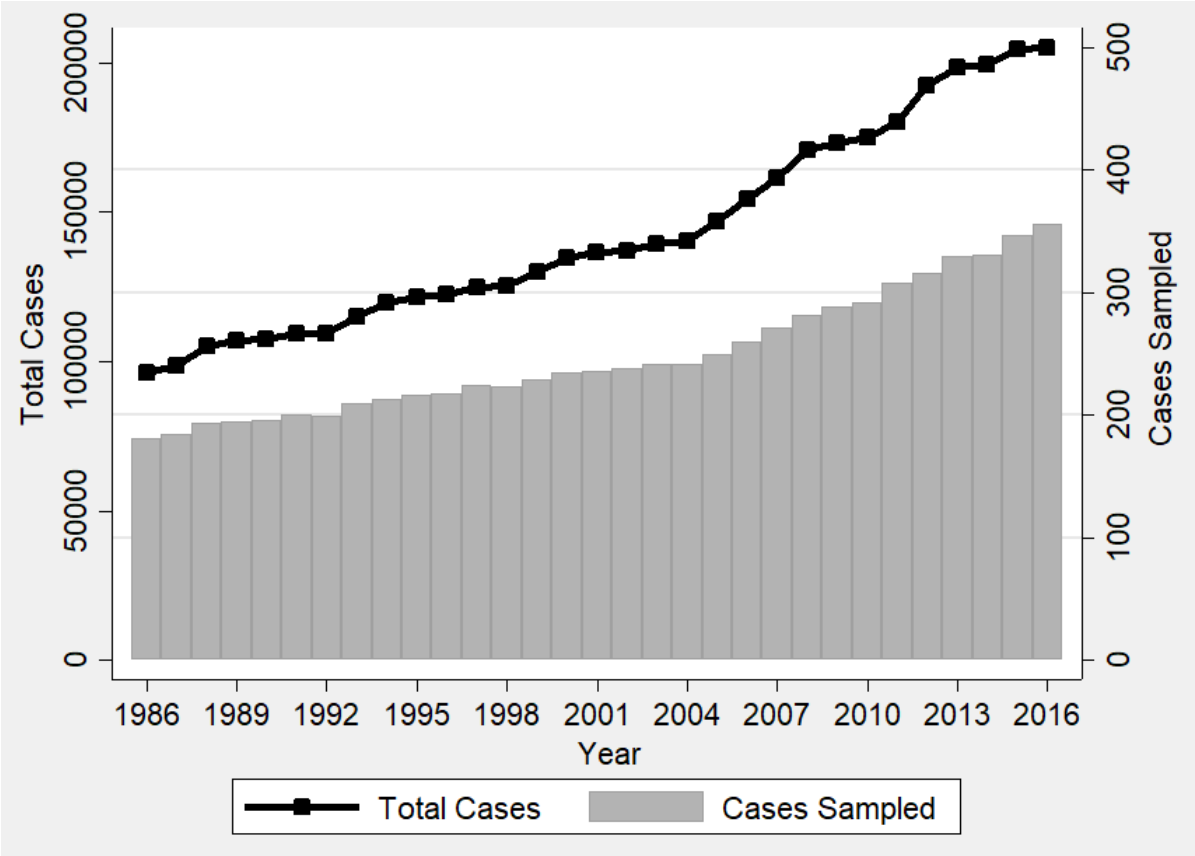


Figure C.4: British District Gazetteers

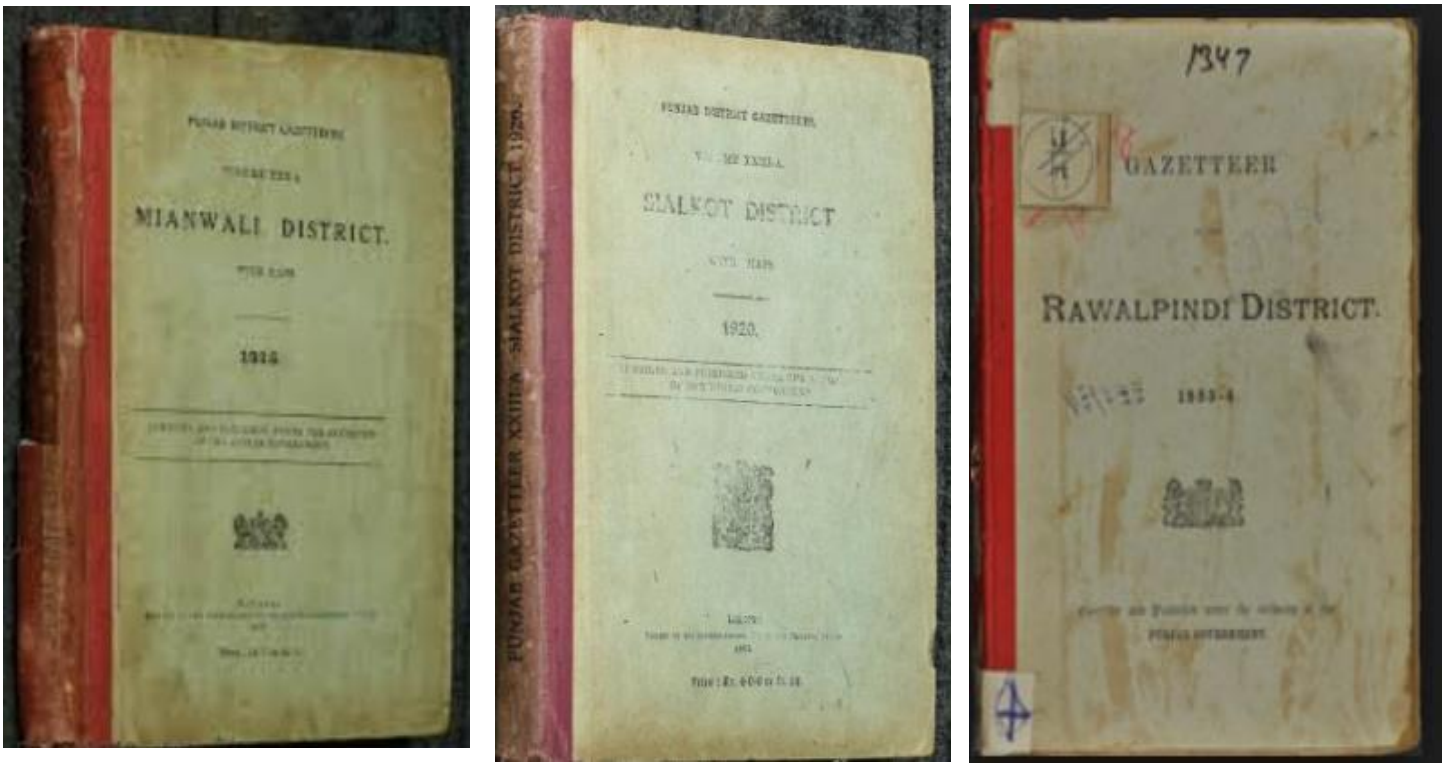


Figure C.5: Example of Land (Land Grab Case)

2005 C L C 745

[Karachi]

Before Sabihuddin Ahmed and Khilji Arif Hussain, JJ

KHALID MOHSIN---**Petitioner**

versus

SECRETARY, MINISTRY OF DEFENCE, Government of Pakistan, Islamabad and 2 others---**Respondents**

Constitutional Petition No.59 of 1988, decided on 23rd November, 2004.

West Pakistan Land Revenue Act (XVII of 1967)---

----S. 45---Constitution of Pakistan (1973), Art.199---Constitutional petition---Maintainability---Disputed question of fact---Mutation, a document of title---Petitioner claimed to be owner of the land which had been mutated in favour of his predecessor-in-interest on the basis of allotment by Settlement authorities---Question for determination was whether the petitioner had acquired any title to the land so as to entitle him to the relief of possession or whether he had locus standi to seek declaration in respect of existence or otherwise of requisition---Validity---No allotment order by a competent officer in favour of the predecessor-in-interest of the petitioner was available on record---Petitioner had relied upon an order of Assistant Rehabilitation Mukhtiarkar directing that the land be mutated in the name of the predecessor-in-interest of the petitioner---Nothing was available to show that the predecessor-in-interest of the petitioner had applied for allotment of evacuee land against units available with him---Predecessor-in-interest of the petitioner was entitled to 159 units but was allotted land comprising of 453 units---Mutation entries did not confer title but could at the best be considered evidence of title which was rebutable---Such disputed questions requiring detailed scrutiny of facts and production of evidence could not be undertaken in the proceedings under Art.199 of the Constitution---Petition was dismissed in circumstances.

Hassan Akbar for Petitioner.

Nadeem Azhar Siddiqui, D.A.-G. and S. Tariq Ali, Federal Counsel for Respondents.

Ahmed Pirzada, Addl. A.-G.

Date of hearing: 29th August, 2004.

Figure C.6: Example of Land Case (Payment on land not made by government)

2009 C L C 1199

[Karachi]

Before Gulzar Ahmed and Malik Muhammad Aqil, JJ

MORRIS TANVIR----Petitioner

Versus

FEDERATION OF PAKISTAN through Secretary Ministry of Defence, Islamabad and 2 others-Respondents

Constitutional Petition No.D-2331 of 2006, decided on 16th July, 2009.

Transfer of Property Act (IV of 1882)---

----S. 54---Cantonment Land Administration Rules, 1937, Rr.15 & 16---Constitution of Pakistan (1973), Art.199---Constitutional petition---Amenity plot---Allotment---Plot in question was amenity plot reserved for school and petitioner contended that he purchased the same from a foreigner---Grievance of petitioner was that authorities were not issuing lease in his favour---Validity---Sale of land for any such purpose without definite order of Central Government was prohibited under R.15 of Cantonment Land Administration Rules, 1937---Lease could be granted under R.16 of Cantonment Land Administration Rules, 1937, for maximum period of 30 years and maximum period of 90 years through public auction for building sites---Plots meant for municipal services and amenities could not be leased, sub-leased, 'sold or transferred to any person or to any one class of persons for the use and enjoyment rather it had to remain as government property for public purposes for unhindered free access, use and enjoyment of public at large---In no case plots meant for municipal services and amenities could be termed as building sites nor there could be any exceptional case or exceptional reasons for disposal of such land by private agreement or otherwise---There was no document of sale and purchase of plot in question between Defence Housing Authority and the foreigner in accordance with S.54 of Transfer of Property Act, 1882---Agreement to sell relied upon by petitioner was no agreement in the eyes of law as no authority had been shown nor any seemed to exist to sign the same on behalf of the foreigner---Transfer documents relied upon by petitioner were, therefore, of no consequence being themselves illegal and without authority of law and also seemed to High Court, without consideration---It seemed to High Court that fraud had been played by petitioner and officials of Defence Housing Authority for usurping and misappropriating valuable government property and there had to be an accountability of the same---High Court directed Federal Government to hold inquiry in the whole affair and to take action against all officials and persons found responsible in usurping and misappropriating valuable government property and also to initiate criminal proceedings against such persons---High Court declined to issue any direction in favour of petitioner to authorities for issuance of lease deed---Petition was dismissed accordingly.

Ardeshir Cowasjee and 10 others v. Karachi Building Control Authority (KMC), Karachi and 4 others 1999 SCMR 2883; Four Square Enterprises v. Karachi Building Control Authority PLD 2000 Kar. 161; Dr. Zahir Ansari and others v. Karachi Development Authority and others PLD 2000 Karachi 168 and Shafiqur Rehman and others v. Government of Sindh and others PLD 2006 Kar. 10 ref.

S.A. Jalib Chaudhry for Petitioner.

Ashiq Raza, Dy. A.-G. along with Hamid Niaz, Dy. Military Estate Officer for Respondents Nos.1 and 3.

Raja Sikandar Khan Yasir for Respondent No.2.

Date of hearing: 7th May, 2009.

Figure C.7: Example of HR case: Discrimination based on Gender

2005 Y L R 2063

[Quetta]

Before Raja Fayyaz Ahmed, C.J. and Akhtar Zaman Malghani, J

Miss MEHAK HASNAIN---Petitioner

Versus

SELECTION COMMITTEE and others---Respondents

C.P. No.159 of 2004, decided on 13th April, 2005.

Constitution of Pakistan (1973)---

----Art. 199---Constitutional petition---Educational Institution---Admission in 1st year M. B. B. S. Course---Petitioner submitted application form for admission in 1st year M. B. B. S. Course of Medical College concerned against one of reserved seats on District merit as well as for the seat reserved for doctors' children---Respondent whose father was working as Associate Professor in the college concerned and her mother as Doctor in Health Department, submitted three application forms for admission in 1st Year M. B. B. S. Course against Seats of District Merit, and categories "A" & "B" of Doctors' children seat---Respondent who could not succeed to get admission on District Merit, her forms were considered for categories "A" & "B" of doctors' children seat as in both categories she was at serial No.1 and granted her admission on seat allocated for category "A"---Respondent while submitting three application forms gave conflicting choices---In the form first in time, her first preference was on District Merit Seat and second preference was for category 'B'---Respondent having failed to get seat of District Merit, her second preference was for category "B", but Selection Committee, instead of granting admission to her on her choice which was category 'B', granted admission to her against category "A" which could not have been done by Selection Committee being contrary to object and option exercised by candidate and also admission policy---Choice of preferences once exercised by a candidate in his application form, would always, to all intents and purposes for admission on merits in the light of admission Policy, would be final---Selection Committee had acted arbitrarily and in excess of its authority by abusing its powers in granting admission to respondent in category 'A' instead of category 'B' which had resulted in depriving petitioner to get admission in 1st year M.B.,B.S. of the college---Impugned decision of Selection Committee was illegal, void and without any lawful authority---Authorities were directed to grant admission to petitioner on the seat reserved for category 'A' in M.B., B. S. Course.

Syed Ayaz Zahoor for Petitioner.

Salahuddin Mengal, A.G. and Zahid Malik for Respondent No.3.

Date of hearing: 29th March, 2005.

Figure C.8: Freedom of Movement Limited

P L D 2007 Quetta 41

Before Amanullah Khan Yasinzai, C.J. and Akhtar Zaman Malghani, J

MIR KHALID LANGOV---Petitioner

Versus

SECRETARY, MINISTRY OF INTERIOR, GOVERNMENT OF PAKISTAN, ISLAMABAD---Respondent

Constitutional Petition No.479 of 2006, decided on 27th November, 2006.

Exit from Pakistan (Control) Ordinance (XLVI of 1981)---

---Ss. 2 & 3---Constitution of Pakistan (1973), Art.199---Constitutional petition---Placing name on Exit Control List---Petitioner had challenged in constitutional petition validity of notification whereb his name was placed on Exit Control List---No reasons, whatsoever had been mentioned in the said notification---Validity---Under subsection (3) of S.2 of Exit from Pakistan (Control) Ordinance, 198 it was not necessary for Federal Government to specify grounds, if it would not be in the public interest, but as liberty of a citizen guaranteed by the Constitution was being curtailed, Federa Government was under legal obligation to have at least shown the basis of its intention of exercising power under subsection (3) of S.2 of Exit from Pakistan (Control) Ordinance, 1981---Federa Government on demand of court was legally bound to place on record the material which prompted it to place name on Exit Control List in order to satisfy conscience of the court and to show that suc exercise was not colourful one---Contention of Standing Counsel of Federal Government regarding non-maintainability of constitutional petition without availing remedy of review available under S. of Exit from Pakistan (Control) Ordinance, 1981, was repelled, in view of the fact that reasons for placing name of petitioner on Exit Control List had neither been communicated to petitioner nor wer disclosed in the impugned notification; which was necessary to enable the petitioner to avail remedy of review and in absence thereof, it was neither appropriate nor possible for petitioner to hav availed such remedy of review---Constitutional petition, was maintainable, in circumstances---Impugned Notification whereby name of petitioner had been placed on Exit Control List, was declared t be bad in law, invalid and without lawful authority and same was struck down by the High Court.

PLD 2003 Kar. 705; PLD 1997 Lah. 61; 2003 CLC 246 and PLD 1999 Lah. 459 ref.

Muhammad Wasey Tareen for Petitioner.

Mumtaz Yousaf, Standing Counsel for Respondent.

Date of hearing: 10th October, 2006.

Figure C.9: District-Time Evolution of Judges Appointments and Retirements under the New selection mechanism

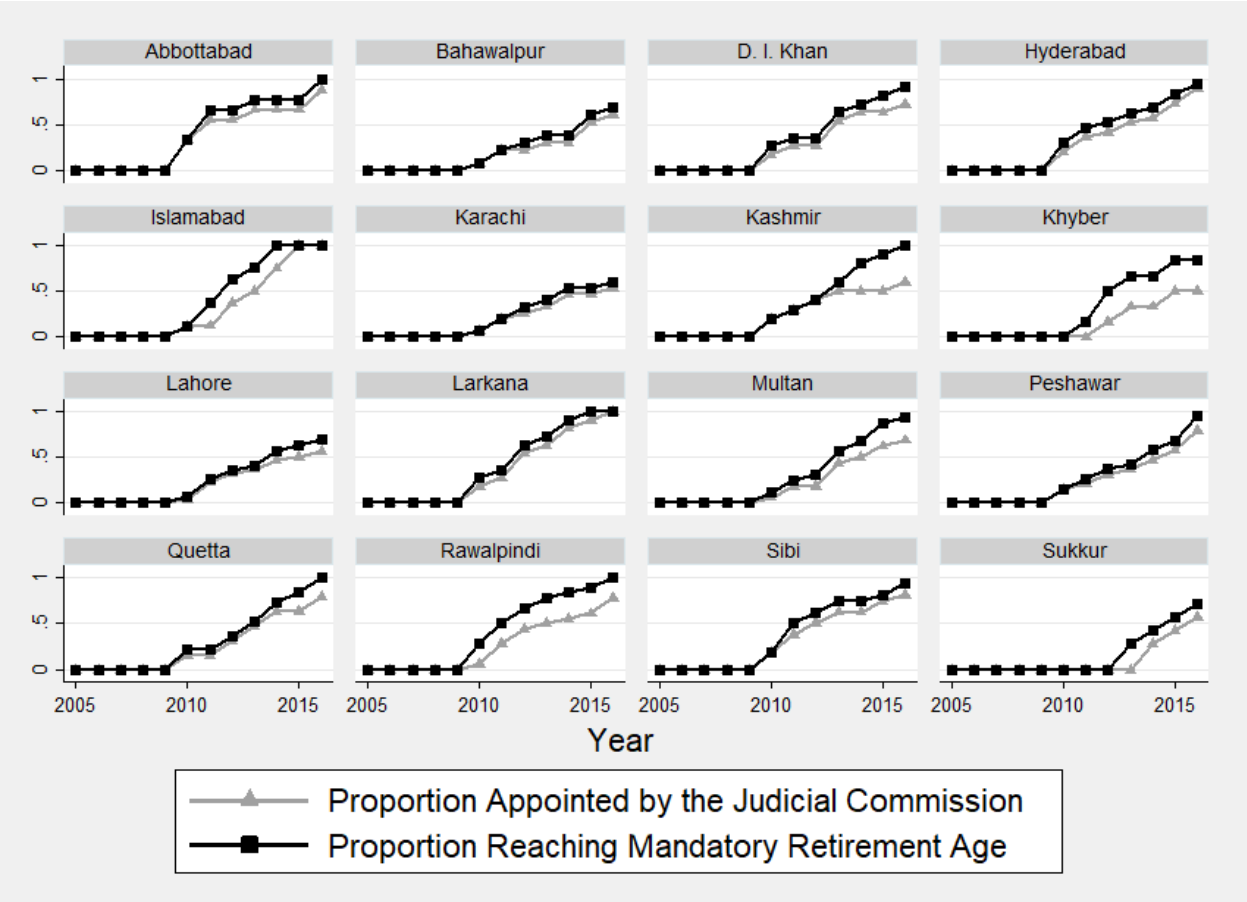
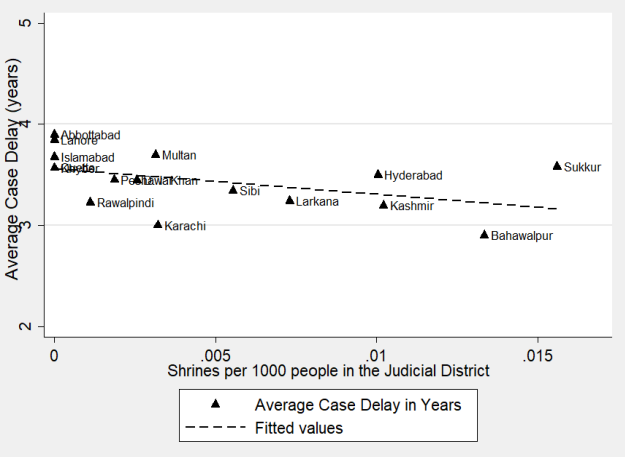
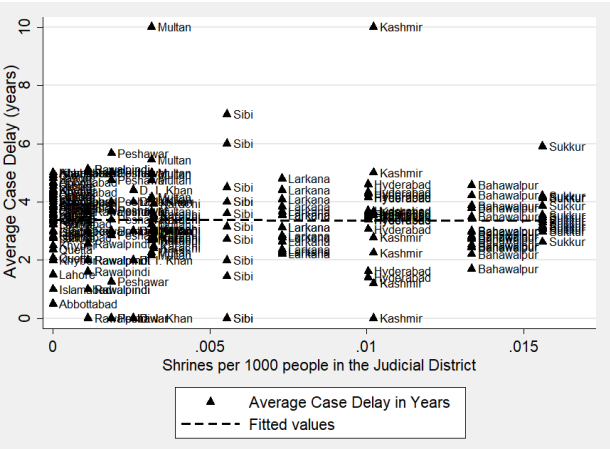


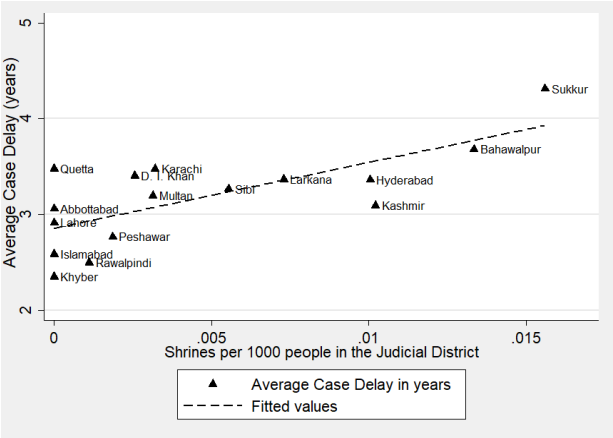
Figure C.10: Case Delay by District Average

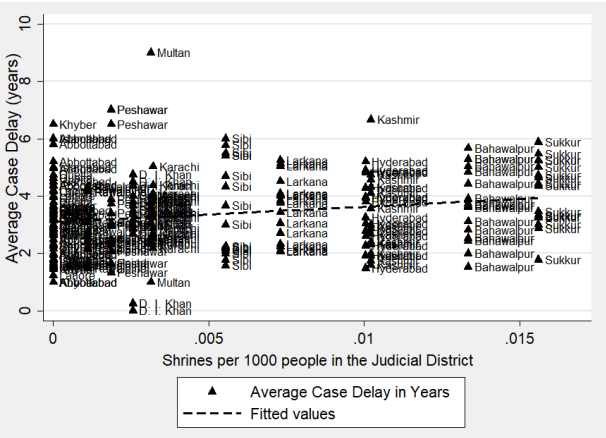
Panel A: Shrines and Average Case Delay Before Coup (1986-1998)





Panel B: Shrines and Average Case Delay After Coup (1999-2016)

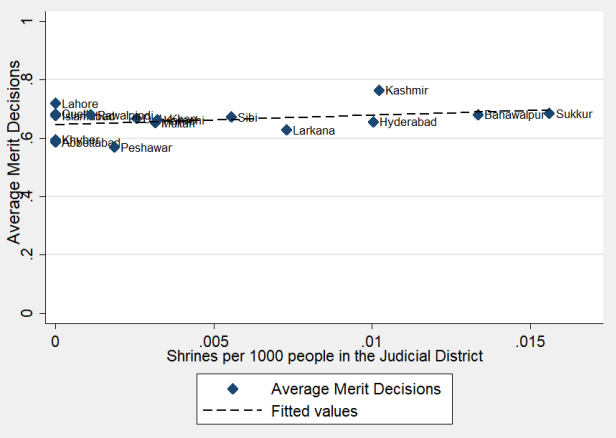




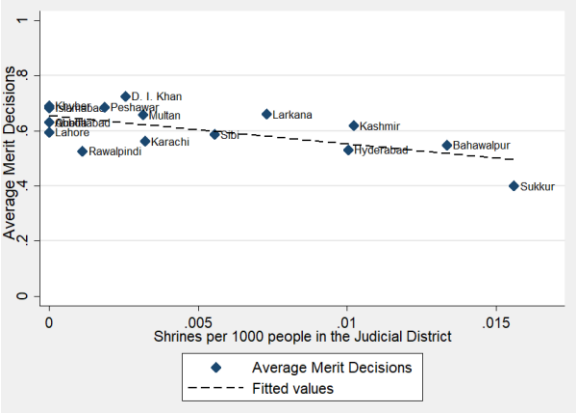
Note: The figures on the left averages Case Delay by the district regardless of the year, whereas, the figures on the right provides an average of each district for a given year.

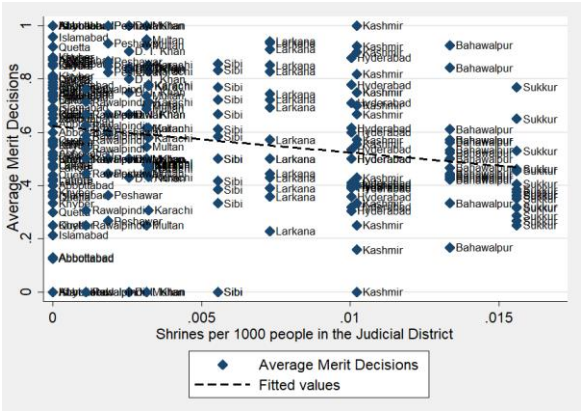
Figure C.11: Merit Decisions by District Average

Panel A: Shrines and Average Merit Decisions Before Coup (1986-1998)



Panel B: Shrines and Average Merit Decisions After Coup (1999-2016)





Note: The figures on the left averages Merit decisions by the district regardless of the year, whereas, the figures on the right provides an average of each district for a given year.