Locating Ḥākimiyya in Global History: The Concept of Sovereignty in Premodern Islam and Its Reception after Mawdūdī and Quṭb[1]

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Abstract

The concept of ḥākimiyya (sovereignty), as understood by its leading proponents, refers to the notion that it is God, rather than humans, Who possesses the prerogative to make laws. A concomitant of this is that Muslims with political power and authority must recognise the supremacy of Islamic law. This notion, perhaps most notably articulated in modern times by Abū al-Aʿlā Mawdūdī, may be viewed as the rearticulation of ideas latent in the premodern Islamic juristic tradition, but whose modern incarnation as ḥākimiyya emerged in response to the legislative norms of the liberal colonial state. Despite its modern articulation, and against the views of several scholars, I argue that ḥākimiyya qua sovereignty finds its antecedents quite clearly in the Islamic scholarly tradition. Such an understanding leads into a discussion of how Islamic conceptions of sovereignty can help us reassess influential Western articulations of the concept. I also show that Mawdūdī's influential younger contemporary, the Islamist alim Abū al-Ḥasan ʿAlī Nadwī, upholds ḥākimiyya despite his critique of Mawdūdī and Sayyid Quṭb's conceptions of it. I conclude with a brief reflection on how our understanding of ḥākimiyya as sovereignty can help us provincialise Europe in global historical studies.

Keywords: ḥākimiyya; Mawdūdī; Quṭb; sovereignty; Islamic political thought; Islamic law; Islam and modernity

Ḥākimiyya is a term that was coined in the fourteenth/twentieth century that has come to denote the notion that in Islam, God is the ultimate legislative authority (ḥākim).[2] The

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[2]For dates, I generally first cite the Hijri followed by the Common Era, e.g. 1442/2020.

most influential early elaborator of this term was the Indian, later Pakistani, Islamist intellectual Abū al-Aʿlā Mawdūdī (d. 1399/1979).[3] A capable communicator, Mawdūdī's conception of *ḥākimiyya*, which he himself translated as "sovereignty", came to dominate the understanding of this term in the Indian subcontinent. However, Mawdūdī was also globally influential as a writer, and many of his ideas travelled in translation to the Middle East.[4] In this part of the world, they influenced his Arab Islamist contemporary, Sayyid Quṭb (d. 1386/1966). The latter expanded on Mawdūdī's ideas with the verve of a *litterateur* and the passion of a revolutionary. For both Quṭb and Mawdūdī, perhaps the most significant dimension of *ḥākimiyya* concerned God's legislative prerogatives—that God was the ultimate Lawgiver and that humans had no right to arrogate to themselves this divine privilege of creating norms. To impinge on these prerogatives would, for Quṭb, constitute outright unbelief (*kufr bawāḥ*).[5] While South Asian Muslim scholars do not generally appear to have used such stark language, Muhammad Qasim Zaman convincingly shows that the sentiment of God's sovereignty in the Islamic legal sphere having pride of place in modern Islam is hardly the preserve of Islamists like Mawdūdī and Quṭb alone.[6]

The present article has three main aims. The first is to situate the concept of *ḥākimiyya* in the history of Islamic political theology. A number of scholars suggest that the concept, and in particular Mawdūdī's influential articulation of it, finds little or no precedent in the Islamic scholarly tradition and more specifically in premodern Islamic political theology. In contrast with such scholars, I argue that there is relatively clear evidence that *ḥākimiyya* had antecedents in the premodern Islamic discursive tradition.[7] Second, I wish to situate *ḥākimiyya* in the wider intellectual history of the concept of sovereignty. I undertake this in an effort both to provincialise Europe and to tentatively chart a more 'global' approach to intellectual history with respect to the concept of sovereignty.[8] In this regard, I ask how

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[3] I use the term Islamist in this article to refer to Muslims associated with religiously inspired political movements like the Muslim Brotherhood and Jamāʿat-e Islāmī in South Asia, and not groups such as IS and al-Qāʿida that I do not consider to belong to this category (as I hope to discuss in future work).

[4] See Zaman, *Islam in Pakistan: A History* (Princeton, NJ, 2018), p. 161; Zaman, 'The Sovereignty of God in Modern Islamic Thought', *Journal of the Royal Asiatic Society* 25, 3 (2015), p. 417.

[5] See S. Quṭb, *Fī Ẓilāl al-Qurʾān*, 34th edition (Cairo, 2004), vol. 4, p. 1990. Quṭb is commenting on Q. 12:40. For a translation, see: Zaman, *Islam in Pakistan*, p. 139; Zaman, 'The Sovereignty of God', p. 393f. Quṭb also highlights the concept of *ḥākimiyya* throughout later editions of his *al-ʿAdāla al-Ijtimāʿiyya fī al-Islām* (*Social Justice in Islam*) as well as *Maʿālim fī al-Ṭarīq* (*Milestones*) which was written towards the end of his life. For a diachronic study of the *ʿAdāla* that traces Mawdūdī's influence in later editions, see W. E. Shepard, *Sayyid Qutb and Islamic Activism: A Translation and Critical Analysis of Social Justice in Islam* (New York, 1996). For an exploration of Mawdūdī's influence on Quṭb more generally, see O. Carré, *Mystique et politique: Lecture révolutionnaire du Coran par Sayyid Qutb, Frère musulman radical* (Paris, 1984). For a translation of the *Maʿālim*, see S. Qutb, *Milestones*, (ed.) A. B. al-Mehri (Birmingham, 2006). *Ḥākimiyya* is translated "sovereignty" throughout, though Mawdūdī is mentioned nowhere by name.

[6] Zaman focuses on South Asia, but one can also find the ideas underlying *ḥākimiyya*, often without the use of this particular word, in writings of non-Islamist contemporaries of Mawdūdī and Quṭb. For example, the Saudi-based Mauritanian scholar, Muḥammad al-Amīn al-Shinqīṭī (d. 1393/1974), argues in a similar fashion to Mawdūdī—though he does not cite him or Quṭb—that legislating is a divine prerogative. See M. A. al-Shinqīṭī, *Aḍwāʾ al-Bayān fī Īḍāḥ al-Qurʾān bi-l-Qurʾān* (Beirut, 1995), vol. 3, pp. 259f. Further examples are given below.

[7] On the notion of an "Islamic discursive tradition", see T. Asad, 'The Idea of an Anthropology of Islam', *Qui Parle* 17, 2 (2009 [1986]), p. 20.

[8] For more on such approaches, see D. Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton, 2000); S. Subrahmanyam, 'Connected Histories: Notes towards a Reconfiguration of Early Modern Eurasia', *Modern Asian Studies* 31, 3 (1997), pp. 735–762; S. Moyn and A. Sartori (eds.), *Global Intellectual History* (New York, 2013). For a critical review of Moyn and Sartori's work, see S. Subrahmanyam, 'Global Intellectual History beyond Hegel and Marx', *History and Theory* 54, 1 (2015), 126–137.

Mawdūdī's conception of sovereignty can help us better recognise the variety of global conceptions of the idea. I also reflect on how it can help us reconsider dominant conceptions of sovereignty in Western political theory, historiography and international relations, thereby enriching Western conceptions of the concept in unexpected ways. In this connection, I argue that sovereignty is better viewed as an essentially contested concept, much like justice or democracy, which Mawdūdī and his colleagues were decontesting. Decontestation, a notion developed by the political philosopher Michael Freeden, is the discursive effort to take an essentially contested concept like sovereignty and argue for the preference of one particular conception of it over the alternatives.[9]

Finally, I explore the reception of *ḥākimiyya* by an Islamist scholar who was, in the late twentieth century, perhaps the most influential alim in the Indian subcontinent since Mawdūdī, namely the latter's one-time Indian associate, Abū al-Ḥasan ʿAlī Nadwī (d. 1420/1999). While he was never a senior leader of an Islamist organisation in the way that Mawdūdī and Quṭb were, he arguably comes close to them in the extent of his influence on intellectual trends linked to global Islamism. His importance has been recognised in the secondary scholarship to a limited degree, although his ideas regarding sovereignty have not been systematically examined thus far.[10] Where these have been considered in passing, they have sometimes been portrayed as closely corresponding with those of Mawdūdī and Quṭb. Indeed, it is frequently suggested in the secondary literature that Nadwī was a Quṭbist despite the former's explicit critique of Quṭb as early as 1398/1978.[11] By extending our analysis to incorporate Nadwī, in addition to correcting this widespread mischaracterisation of his ideas, I offer further evidence that a rejection of the distinctly Quṭbist reading of *ḥākimiyya* was mainstream in the Islamist intellectual tradition of recent decades.[12] Yet, I will also show that Nadwī does not at all reject the notion of God's sovereignty in the legal and political spheres.

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[9]See M. Freeden, *Ideologies and Political Theory: A Conceptual Approach* (Oxford, 1998); idem, *Ideology: A Very Short Introduction* (Oxford, 2003).

[10]Muhammad Qasim Zaman describes Nadwī as "the most influential Indian religious scholar of his generation". For more on him and the institution he headed, see M. Q. Zaman, *The Ulama in Contemporary Islam: Custodians of Change* (Princeton, 2002), pp. 52, 160–170. For a detailed biographical study, see J. Hartung, *Viele Wege und ein Ziel. Leben und Wirken von Sayyid Abu l-Hasan ʿAli al-Hasani Nadwi (1914–1999)* (Würzburg, 2004). I concur with Euben and Zaman in viewing Nadwī as an Islamist despite my disagreeing with their inclusion of a figure like Usāma Bin Lādin (d. 1432/2011) in this category. See R. L. Euben and M. Q. Zaman (eds.), *Princeton Readings in Islamist Thought: Texts and Contexts from al-Banna to Bin Laden* (Princeton, 2009), pp. 107–111.

[11]For the suggestion that Nadwī was a Quṭbist, see D. Lav, *Radical Islam and the Revival of Medieval Theology* (Cambridge, 2012), p. 55: E. Sivan, *Radical Islam: Medieval Theology and Modern Politics* (New Haven, 1990), pp. 22–23, 27, and passim; E. Shepard, 'Sayyid Qutb's Doctrine of "Jāhiliyya"', *International Journal of Middle East Studies* 35, 4 (2003), p. 533f.; S. Lacroix, 'Ḥākimiyya', in *Encyclopaedia of Islam, Three*, (eds.) K. Fleet, et al. (Leiden, 2017); J. Calvert, *Sayyid Qutb and the Origins of Radical Islamism* (New York, 2010), pp. 213, 332, n. 57. Calvert presents Nadwī as the 1955 translator of the work of Mawdūdī's *Four Basic Qurʾanic Terms*, a work that Nadwī would strongly criticise in 1978. In fact, the edition of Mawdūdī's work that I use later in this article claims to be the first to be translated into Arabic in the 1374/1955 preface to its first edition. The translator is a certain Muḥammad Kāẓim Sabbāq. My fifth edition was printed in 1391/1971 by Dār al-Qalam in Kuwait. There was another slightly older Nadwī, i.e. a graduate of Dār al-ʿUlūm Nadwat al-ʿUlamāʾ, involved in translating much of Mawdūdī's writings into Arabic, namely Masʿūd ʿĀlam Nadwī (d. 1373/1954). It is possible that the shared last appellation has been a source of confusion for scholars.

[12]For a study of the Muslim Brotherhood leadership's rejection of Quṭbism since the late 1380s/1960s, see B. Zollner, *The Muslim Brotherhood: Hasan al-Hudaybi and Ideology* (Abingdon, 2009).

Recent scholarship on *ḥākimiyya*

In the foregoing, I have particularly highlighted the legal dimension of Mawdūdī and Quṭb's conceptions of *ḥākimiyya*. It is worth emphasising, however, that the concept of sovereignty as these writers use it inevitably has a political dimension as a necessary concomitant to the legal dimension since the designation of a law-making authority is an inherently political act, at least as conceived of in Western historical studies of sovereignty. The legal and the political are thus inseparable in the concept of sovereignty.[13] In the Islamic tradition, I argue below, this merging of the legal and the political is similarly taken for granted, in as much as pre-modern jurists would have assumed that the legal sovereignty of God necessitated that political rule was subordinated to the *Sharīʿa*: that is to say, they recognised that the political authorities had to acknowledge that their authority as rulers was ultimately subordinated to Islamic law. To the extent that premodern *ʿulamāʾ* held this to be the case, they recognised God's sovereignty to be both legal *and* political.[14]

The foregoing helps us better contextualise Zaman's observation that for Quṭb and Mawdūdī, the concept of sovereignty was clearly both legal *and* political. He notes that they contend that anything besides absolute and exclusive obedience to God's laws "in religious *and* political terms" constitutes idolatry (*shirk*), the most odious sin in Islam.[15] More specifically with respect to Quṭb, Zaman argues that the former is clearly concerned with "sovereignty as a political concept" when he speaks of God being "the exclusive locus and source of all power".[16] In the case of Nadwī, a similar conception of sovereignty is present that combines the legal and the political, as we shall see below.

Notably, however, Zaman and other scholars who have recently written about the concept of *ḥākimiyya* view it as a distinctly modern innovation.[17] In his recent book on modernism in Pakistan, Zaman appears to emphasise the distinctly modern nature of Islamist claims. He characterises Quṭb's conception of *ḥākimiyya* alluded to in the opening of this article as "a decidedly modern view of God's supreme power and authority".[18] Zaman's

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[13]In a different context, the legal scholars Martin Loughlin and Stephen Tierney underline that sovereignty as a modern idea is "intrinsically political *and* legal" (emphasis added). See M. Loughlin and S. Tierney, 'The Shibboleth of Sovereignty', *The Modern Law Review* 81, 6 (2018), p. 999f. Loughlin and Tierney are specifically concerned with the sovereignty of the British state from the late nineteenth century to the present. This merging of the legal and the political can also be seen in Andrew March's assessment that "[t]he ultimate right to legislate is seen as the quintessential sovereign power from the ancient Roman constitution to Hobbes, Kant, and Austin". See A. F. March, *The Caliphate of Man: Popular Sovereignty in Modern Islamic Thought* (Cambridge, MA, 2019), p. 243, n. 2. If we turn to the chief architect of the concept of sovereignty in early modern Europe, namely Jean Bodin, the key feature is again the political sovereign's ability to legislate. In his view, the power to legislate was "the principal mark of sovereign majesty" (*le point principal de la maiesté souveraine*). See J. Bodin, *Six Books of the Commonwealth*, (ed.) M. J. Tooley (Oxford, 1955), p. 32. Invoking Bodin, the noted German legal scholar Dieter Grimm avers, "The most important characteristic of the sovereign is that he 'makes law for the subject, abrogates law already made, and amends obsolete law'". See D. Grimm, *Sovereignty: The Origin and Future of a Political and Legal Concept*, (translated by) B. Cooper (New York, 2015), p. 20.
[14]This is not to say, of course, that the ideal upheld by the *ʿulamāʾ* was always realised in practice. But this is trivially true for the ideals that underlie all political systems.
[15]See Zaman, *Islam in Pakistan*, p. 136; Zaman, 'The Sovereignty of God', p. 389f. Emphasis added.
[16]See Zaman, *Islam in Pakistan*, p. 139; Zaman, 'The Sovereignty of God', p. 394.
[17]I will address the views of Vali Reza Nasr, Muhammad Qasim Zaman, and Humeira Iqtidar presently. Other scholars who make such arguments include William Shepard, John Calvert, Shiraz Maher and Stéphane Lacroix; See Shepard, 'Sayyid Qutb's Doctrine of "Jāhiliyya"'; Calvert, *Sayyid Qutb and the Origins of Radical Islamism*; S. Maher, *Salafi-Jihadism: The History of an Idea* (New York, 2016); Lacroix, 'Ḥākimiyya'.
[18]See Zaman, *Islam in Pakistan*, p. 139; Zaman, 'The Sovereignty of God', p. 393f.

brief discussion of medieval exegetical works suggests that premodern Muslims were in principle perfectly eclectic about their legal regimes, and that if their scholars were to replace modern Islamists and those in their thrall, there would be no great obsession with the establishment of Islamic legal or political hegemony in Muslim majority polities. Similarly, Seyyed Vali Reza Nasr in his earlier monograph on Mawdūdī insists repeatedly that the latter's ideas, including the notion of God's sovereignty, represent a "radical break" with what Nasr calls "traditional Islam".[19] This expression, the latter asserts, corresponds to what William Graham describes as "those societal norms and institutions that [Muslims perceive] as congruent with or continuing older precedents and values, and as important if not essential to [their] identity".[20] But in practice, throughout Nasr's work "traditional Islam" appears to function more as a term of approbation that stands in sharp contrast with the problematic ideas that Mawdūdī has idiosyncratically developed out of an "ideological" reading of Islam.[21]

In addition to these scholars, Humeira Iqtidar has recently engaged the political dimension of *ḥākimiyya* in Mawdūdī's writings. Among other things, she notes that Mawdūdī's conception of *ḥākimiyya* is meant to serve as a means of instilling "epistemic humility" in the modern state which, in the latter's assessment, provides unfettered and absolute authority to human beings through the concept of "popular sovereignty" in a way that is both an unjustifiable arrogation to power as well as a danger for those at the receiving end of such a state's power.[22] But as she notes, as well as viewing the modern state's sovereignty as representing a threat, Mawdūdī also sees the state as a potential tool for social engineering on a grand scale that would have been unimaginable to premodern Muslims.[23] In particular, she highlights

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[19]Nasr similarly portrays Nadwī as viewing Mawdūdī's thought as "a radical break with traditional norms", a view I critique below when considering Nadwī's ideas. See: Nasr, *Mawdudi*, p. 59. I read Zaman as implying a similar idea, though Zaman does not state this as explicitly as Nasr does.

[20]See W. A. Graham, 'Traditionalism in Islam: An Essay in Interpretation', *Journal of Interdisciplinary History* 23 (1993), p. 499 (cited in Nasr, *Mawdudi*, pp. 6, 144, n. 17). The words in brackets are introduced by Nasr.

[21]See Nasr, *Mawdudi*, passim. The term 'ideology' and its derivatives are used by Mawdūdī and some of his critics in very different senses. Mawdūdī wrote many of his political essays in the early and mid-twentieth century when ideologies and their representatives were considered serious and respectable participants in political discourse. This explains the pride with which Mawdūdī speaks of "the Islamic ideology". By the late twentieth and early twenty-first centuries, however, the term ideology has come to be viewed as a pejorative in popular discourse, and has a mixed reputation in scholarly circles. In the 1380s/1960s, the American sociologist Daniel Bell published his influential classic, *The End of Ideology: On the Exhaustion of Political Ideas in the Fifties*, in which he argued that the grand post-enlightenment ideologies of the past century had become spent forces. For much of the second half of the twentieth century, the term ideology has often been a derogatory label in Western discourse, denoting inauthentic, narrow-minded doctrinaire thinking. This semantic shift needs to be borne in mind when reading Mawdūdī. Misreading his usage of ideology can be avoided by substituting it with other terms that may be viewed as synonyms for his notion, such as 'worldview', or 'imaginary' in the sociological sense. Alternatively, one can recognise that 'ideology; need not function as a derogatory term, as has been persuasively argued by Michael Freeden. See Freeden, *Ideology*.

[22]See H. Iqtidar, 'Theorizing Popular Sovereignty in the Colony: Abul Aʿla Maududi's "Theodemocracy"', *The Review of Politics* 82, 4 (2020), pp. 603f, 609, 617.

[23]Mawdūdī may be drawing on premodern inspiration for his view that the state has a role to play in fashioning pious subjects by promoting sound Islamic teachings, beyond its basic responsibility to provide minimal order in society. On this, see March, *Caliphate*, p. 30. Such a sentiment is readily found in premodern treatises on governance when they discuss the duties of the ruler. The preservation of the religion from deviation is the first duty listed in what is the seminal and perhaps best-known work of this genre. See A. Ḥ. al-Māwardī, *al-Aḥkām al-Sulṭāniyya*, (ed.) A. Jād (Cairo, 2006), p. 40. For the translation, see al-Māwardī, *The Ordinances of Government* (Reading, 1996), p. 16. This contrasts with Iqtidar's reading which views Mawdūdī's concerns with social engineering by means of the state to be a modern innovation. Such premodern antecedents strongly suggest otherwise, while the scale of social engineering possible with the modern state is undoubtedly new, and as Iqtidar highlights, a worry for Mawdūdī.

Mawdūdī's concern that the all-encompassing nature of the modern state, with its secular Western genealogy, was liable to uproot what he viewed as the comprehensive and all-encompassing remit of Islam in modern societies.[24]

Like Zaman, however, Iqtidar views a number of Mawdūdī's interventions as an "unusual and innovative reading of the Quranic verses affirming Allah's authority".[25] Drawing on Zaman, she too suggests that premodern scholars displayed little interest in "establishing God's political authority". Iqtidar contends, for example, that Mawdūdī's reading of the Qur'anic verse 24:55 represented a break with "the vast majority of ulema" who, by contrast, understood this verse as meaning "each human is responsible for her own actions". She further asserts that in contrast with the "dominant *ulema* opinion", Mawdūdī viewed political engagement as an obligation upon all Muslims.[26] However, she provides no citation of the views of the *ʿulamāʾ* to support either claim. While I offer a broader illustration of the premodern antecedents of Islamic political and legal sovereignty in the sections that follow, here I will briefly consider Iqtidar's claims regarding this Qur'anic verse and Mawdūdī's supposed innovations. In contrast with her view just cited, all the *ʿulamāʾ* whose exegetical works I have consulted on this verse hold that in fact it specifically refers to God's bestowal of *political* authority upon Muslims should they believe and act righteously.

This view ranges from the classical to the modern periods and spans a wide range of Sunni schools in disparate geographic regions. Thus, for example, one finds it expressed by the Persian polymath al-Ṭabarī (d. 310/923),[27] the Persian Ḥanafī al-Jaṣṣāṣ (d. 370/981),[28] the noted Iraqi Shāfiʿī al-Māwardī (d. 450/1058),[29] the Persian Sufi al-Qushayrī (d. 465/1072),[30] the Persian Shāfiʿī al-Baghawī (d. 516/1122),[31] the Andalusian Mālikī Ibn al-ʿArabī (d. 543/1148),[32] the Egyptian Shafiʿī al-Suyūṭī (d. 911/1505),[33] the Ottoman Ḥanafī Ebussuud (d. 982/1574),[34] the early modern Iraqi Ḥanafī, al-Alūsī (d. 1270/1854),[35] the modern

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[24]See Iqtidar, 'Theorizing Popular Sovereignty', passim. As she notes, Mawdūdī believes that an Islamic state would be less susceptible to totalitarian and fascistic impulses given that its pretensions to sovereignty are curtailed.

[25]*Ibid.*, p. 605f.

[26]*Ibid.*, p. 607f., citing A. A. Mawdūdī, *Islām kā Naẓariyya Siyāsī* (Bareilly, n.d.), p. 19f. For the Arabic translation, see A. A. al-Mawdūdī, *Naẓariyyat al-Islām al-Siyāsiyya* (Cairo, 1951), pp. 49–51. The verse in question translates:

God has made a promise to those among you who believe and do good deeds: He will make them vicegerents in the land (*layastakhlifannahum fī al-arḍ*), as He did for those who came before them; He will empower the religion He has chosen for them; He will grant them security to replace their fear. "They will worship Me and not join anything with Me." Those who are defiant after that will be the rebels.

Adapted from: M. A. Abdel Haleem, *The Qur'an: A New Translation* (Oxford, 2010).

[27]Al-Ṭabarī, *Jāmiʿ al-Bayān fī Tafsīr Āy al-Qurʾān*, (ed.) ʿA. M. al-Turkī (Giza, 2001), 17:345–348.

[28]Al-Jaṣṣāṣ, *Aḥkām al-Qurʾān*, (ed.) M. Ṣ. Qamḥāwī (Beirut, 1992), 5:191.

[29]Al-Māwardī, *al-Nukat wa-l-ʿUyūn*, (ed.) S. b. ʿAbd al-Raḥīm (Beirut, n.d.), 4:117–119.

[30]Al-Qushayrī, *Laṭāʾif al-Ishārāt*, (ed.) I. al-Basyūnī (Cairo, 2000), 2: 620f.

[31]Al-Baghawī, *Maʿālim al-Tanzīl fī Tafsīr al-Qurʾān*, (ed.) M. al-Namir et al. (Riyadh, 1997), 6:57–9.

[32]Ibn al-ʿArabī, *Aḥkām al-Qurʾān*, (ed.) A. Q. ʿAṭāʾ, 3rd edition (Beirut, 2003), 3:408–413.

[33]Al-Suyūṭī, *al-Durr al-Manthūr fī al-Tafsīr bi-l-Maʾthūr* (Beirut, 2011), 6:215f.

[34]Abū al-Suʿūd, *Irshād al-ʿAql al-Salīm ilā Mazāyā al-Qurʾān al-Karīm* (Beirut, n.d.), 6:190.

[35]Al-Alūsī, *Rūḥ al-Maʿānī fī Tafsīr al-Qurʾān al-Karīm wa-l-Sabʿ al-Mathānī* (Beirut, 1995), 9:393f.

Saudi Ḥanbalī al-Saʿdī (d. 1376/1956),[36] and the modern South Asian Ḥanafīs, Muḥammad Shafiʿ (d. 1396/1976) and his son Muḥammad Taqī Usmānī (b. 1362/1943).[37] This diverse range of Sunni scholars all recognise that this verse refers specifically to the political power and authority wielded by the Muslim community. Some of them point out that the promise of this verse applied most perfectly to the first four caliphs while recognising that the broader ideal of upholding these values in the political sphere continues for the Muslim community thereafter.

To take a few concrete examples: al-Ṭabarī notes that the phrase "*layastakhlifannahum fī al-arḍ*" in this verse indicates that God would bestow upon the believers the lands of the Arab and non-Arab polytheists, rendering the believers kings (*mulūk*) and rulers (*sāsa*) over those lands.[38] The same commentary is repeated more or less verbatim by al-Baghawī a couple of centuries later. Similarly, the celebrated Ottoman polymath Ebussuud comments on the same phrase with the remark: "It means that He will make [the righteous believers] Caliphs (*khulafāʾ*) who will be able to exercise mastery over [those lands] like kings in their kingdoms".[39] This turn of phrase is again reproduced verbatim in al-Alūsī's commentary three centuries later. None of this is to say that the verse implies monarchic absolutism for the above scholars, but it is unmistakable that they hold the verse to express God's promise of bequeathing political power to the community of righteous believers. Finally, Mawdūdī's younger contemporaries of the 'rival' Deobandi orientation, namely the aforementioned Shafiʿ and Usmānī, note in their commentary on the verse that it indicates God's promise to the Prophet that "his Ummah will be made His vicegerent on earth and will rule over it […with] power and grandeur".[40] Over several pages, they express the ideal of Muslim "power and control over authority" of which they hold the first four caliphs to be the greatest exemplars in keeping with Sunni orthodoxy.[41] But that this entails an ongoing ideal of political power being wielded by the righteous is, again, unmistakable.

It is thus hardly surprising that Mawdūdī should appeal to the verse in this way. Indeed, the establishment of the political power of the Muslim community as a *Sharīʿa* obligation is widely attested in the writings of premodern scholars and is discussed in legal manuals, usually in passing, since it was generally assumed to be the case that there was a legally constituted Caliphate.[42] There is no doubt that Mawdūdī was influenced by what Iqtidar calls the "liberal imperial state" in his own conceptualisation of what a modern Islamic state should look like, but this does not warrant her conclusion that it was Mawdūdī's reconceptualisation of Islam that "transformed Muslim and non-Muslim into political rather than purely

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[36]ʿA. R. al-Saʿdī, *Taysīr al-Karīm al-Mannān fī Tafsīr Kalām al-Raḥmān*, (ed.) ʿA. R. al-Luwayḥiq (Beirut, 2000), p. 573.
[37]M. Shafiʿ, *Maʿaariful-Quran*, (translated by) M. I. Husain, (ed.) M. T. Usmani (Karachi, 2007), 6:450–55.
[38]Al-Ṭabarī, *Tafsīr*, 17:436.
[39]Abū al-Suʿūd, *Irshād*, 6:190.
[40]Shafiʿ, *Maʿaariful-Quran*, 6:451.
[41]Ibid., 6:453.
[42]These are found in disparate chapters in different legal schools, usually under the heading *Wujūb Naṣb al-Imām* (the obligation of establishing a Caliph). For a representative discussion, see Wizārat al-Awqāf, *al-Mawsūʿa al-Fiqhiyya* (Kuwait, 1986), 6:215–233. For a classic statement of this, see al-Māwardī, *al-Aḥkām*, 15f. For its translation, see al-Māwardī, *The Ordinances*, p. 3. The obligatory nature of religio-political power in the ruler's capacity as vicegerent of the Prophet is expressed in the very opening sentence of the first substantive chapter of the work. In the English translation, the single Arabic sentence is divided across two sentences.

religious categories".[43] Such a sharp distinction between the religious and the political would have been quite alien to premodern peoples in general, and Muslims in particular, notwith-standing modern secular presuppositions regarding the distinct natures of religion and polit-ics. As Ovamir Anjum notes, the Prophet was historically viewed by Muslims as a role model in what in the modern West would be seen as the distinct realms of the religious and the secular. This naturally included the realm of politics.[44]

For his part, Zaman presents Mawdūdī's conception of legal and political sovereignty as recognisably falling within the traditions of the influential European political theorists Jean Bodin (d. 1004f./1596) and Thomas Hobbes (d. 1090/1679), though, he suggests, notable premodern Muslim luminaries would not have shared such conceptions of sovereignty.[45] In what follows, I contest this view by considering the writings of notable premodern *ʿulamāʾ* which, in my view, clearly show that the most authoritative representatives of the Islamic tradition over the course of its history held that ultimate sovereignty in an Islamic polity belonged to God. While they did not explicitly use a single word to refer to the con-cept of 'sovereignty', they recognised that law-making was a divine prerogative, something that entailed that rulers in an Islamic polity were constrained by Islamic law from exercising the sort of sovereignty conceived of by European jurists like Bodin and his successors.

Sovereignty in premodern Islam

A growing body of secondary literature helpfully illustrates the ways in which the normative Islamic tradition articulated by the *ʿulamāʾ* asserts God's monopoly over law-making. As noted earlier, theorists of sovereignty have tied it closely to the prerogative of law-making, hence many of the examples below focus on this dimension of sovereignty. Of course, law can be rendered meaningless without the ability to constrain the most powerful in society, and herein lies the link to the political authorities. Implicit in the assumption of a divine monopoly over law-making was that the political authorities were themselves constrained by that law. And as is widely recognised, Islamic law was not something over which rulers had any direct control.[46] The law was developed dialectically by the community of *ʿulamāʾ* who were viewed as 'heirs of the Prophets' given their role of deriving laws from the Qurʾan and the Prophetic Sunna, and they operated largely independently of the executive.[47] While the executive could exercise "brute force" (*shawka*), the *ʿulamāʾ* saw them as ultimately ser-vants of the law and normatively subordinate to the *ʿulamāʾ*, even if in practice they often did not have the means to restrain them directly beyond appeals to norms. Yet, as Andrew March notes, "Insofar as the scholars retained the prerogative of vetoing a sultanic edict or policy on *Sharīʿa* grounds, there is a sense in which they made a claim to ultimate legis-lative sovereignty".[48] Similarly, Patricia Crone observes how premodern jurists often spoke

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[43]Iqtidar, 'Theorizing Popular Sovereignty', p. 616.

[44]O. Anjum, *Politics, Law and Community in Islamic Thought: The Taymiyyan Moment* (Cambridge, 2012), p. 2.

[45]See Zaman, *Islam in Pakistan*, p. 136; Zaman, 'The Sovereignty of God', p. 389f.

[46]On this, see March, *Caliphate*, pp. 18–22; W. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York, 2013), especially pp. 37–73.

[47]This is based on a canonical hadith in which the Prophet states, "The ulama are the heirs of the Prophets". See Sunan Abī Dāwūd, 'Kitāb al-ʿIlm, Bāb al-Ḥathth ʿalā Ṭalab al-ʿIlm', *Sunnah.com*, https://sunnah.com/abuda-wud/26, cited in March, *Caliphate*, p. 244, n. 8.

[48]March, *Caliphate*, p. 21f.

cynically of rulers as "mere muscle power, mere brute force" to be wielded by scholars in order for the religion to be upheld. They had no intrinsic value to them besides their necessary function of maintaining order.[49] Likewise, Noah Feldman highlights that the legitimation of rulers in premodern Islamic polities was predicated on their recognition that they were subordinated to God and God's law, as interpreted by the ʿulamāʾ.[50]

These sentiments may be illustrated by considering the following statement from a prolific Damascene Ḥanbalī jurist, Ibn Qayyim al-Jawziyya (d. 751/1350):

> Properly speaking the rulers are obeyed [only to the extent] that their commands are consistent with the religious sciences. Hence, the duty to obey them derives from the duty to obey the jurists. Obedience is due only in what is good (maʿrūf), and what is required by the religious sciences. Since the duty to obey the jurists is derived from the duty to obey the Prophet, concomitantly the duty to obey the rulers is derived from the duty to obey the jurists.[51]

This passage illustrates a view that is not marginal among premodern ʿulamāʾ, namely that their status was in some sense superior to that of the political authorities, since the duty to obey those authorities derived from the duty to obey the ʿulamāʾ. The jurists' authority in turn derived not from their being sovereign law makers, but rather as interpreters of revelation in the form of the Qurʾan and Prophetic teachings. And as Michael Cook persuasively argues, for the jurists, these sources were the only legitimate fount of the law. Through the writings of many authoritative premodern Islamic jurists, he shows that there is a consistent trend through the ages of them resolutely rejecting laws of non-Islamic provenance unless they had been naturalised into the *Sharīʿa* through an Islamically grounded justification.[52]

This can be illustrated through the remarks of the premodern Damascene exegete, Ibn Kathīr (d. 774/1373). In his Qurʾanic commentary, while discussing those Muslims who appeal to laws of non-Islamic provenance, preferring them over the Qurʾan and Sunna, he declares: "Whoever of them does this is an unbeliever who must be fought until he returns to the law of God and His Messenger, so that he does not judge by anything else in matters great or small".[53] This view was by no means a fringe sentiment among ʿulamāʾ over Islamic history, but one upheld by an authoritative figure in central Islamic lands. One may speculate that the importance of the issue of God's monopoly over law is very forcefully articulated at this specific moment in Islamic history in response to the half-hearted conversion to Islam of the Mongols who were dominating the Fertile Crescent at the time. Famously, Ibn Taymiyya (d. 728/1328), a one-time teacher of Ibn Kathīr, had excoriated the Mongols for continuing to practice the "Great Yāsā" and legitimated jihad

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[49]P. Crone, *Medieval Islamic Political Thought* (Edinburgh, 2004), p. 246.

[50]N. Feldman, *The Fall and Rise of the Islamic State* (Princeton, 2008), p. 54f.

[51]See K. A. El Fadl, 'The Centrality of Sharīʿah to Government and Constitutionalism in Islam', in *Constitutionalism in Islamic Countries: Between Upheaval and Continuity*, (eds.) R. Grote and T. Roder (New York, 2012), p. 49. Cited in March, *Caliphate*, p. 19. I have very slightly modified the translation March and Abou El Fadl provide.

[52]See M. Cook, *Ancient Religions, Modern Politics: The Islamic Case in Comparative Perspective* (Princeton, 2014), especially pp. 270–282. Cook refers to this as a manifestation of "divine jealousy". His work informs the discussion that follows.

[53]Ibn Kathīr, *Tafsīr al-Qurʾān al-ʿAẓīm* (Riyadh, 1999), 2:131 (commenting on Q. 5:50). Cited in Cook, *Ancient Religions*, p. 273. It should be noted that, like Cook, Zaman also cites Ibn Kathīr and al-Ṭabarī in his discussion of medieval conceptions of sovereignty but considers passages other than those considered by Cook. See Zaman, *Islam in Pakistan*, p. 136f.; Zaman, 'The Sovereignty of God', p. 390f.

against them. Ibn Taymiyya's influence upon Ibn Kathīr can be felt in the latter's remarks just cited, but this does not indicate that they were especially unusual.

One can find plenty of other examples that illustrate how widespread such sentiments were in Islamic legal culture. The commentary of the much earlier authoritative Sunni exegete al-Ṭabarī highlights that such views are clearly normative early on. In the Persian exegete's commentary on Q. 5:44, "Whosoever judges not according to what God has sent down, they are the unbelievers", he notes that, although it was revealed in connection with some Jews who had sought arbitration with the Prophet, as a general rule, the verse also applies to Muslims.[54] While considering this commentary in a chapter exploring certain laws of *jāhilī* provenance that have found acceptance in Islam, Michael Cook comments on the unusual character of such laws—namely their having non-Islamic origins—which requires explanation and justification as exceptions to the more general rule of God's legal monopoly.[55] After the incursion of the Mongols in Islamic lands and their eventual conversion to Islam by the early 700s/1300s, their predilection for their ancestral Yāsā/Yāsāq code over the *Sharīʿa* remained a persistent cause of consternation for centuries among Islamic jurists.[56] In relation to the question of sovereignty, this may be viewed as a tension between the normative Islamic conception that viewed law-making as an exclusively divine prerogative, and the Chinggisid conception in which the sovereign authority was Genghis Khan.

Such an aversion to non-Islamic laws was also found among the *ʿulamāʾ* beyond the Arabo-Persian heartlands of the Caliphate. In premodern India, one finds the comparably oblique example of a scholar condemning the syncretistic reforms of Emperor Akbar (d. 1014/1605). The excoriation of such practices by Aḥmad Sirhindī (d. 1034/1624) illustrates the scorn poured on non-Islamic laws by one of the most revered Islamic scholars in the history of South Asia. Among Akbar's transgressions according to Sirhindī was his translation of the laws of the unbelievers into Persian in order to destroy Islam.[57] Once again, Akbar's assertion of sovereign legislative authority entirely independent of the *Sharīʿa* raised hackles among the Islamic scholarly classes because this contravened the agreed upon juristic consensus that legal authority was vested in the revelation bequeathed to the Prophet Muhammad. Nor was Sirhindī the only scholar to question Akbar's commitment to Islam. Even an admiring scholar of his court considered Akbar an apostate in his later life.[58] Over a century later, the major concern of another illustrious Indian Islamic scholar, Shāh Walī Allāh of Delhi (d. 1186/1762), regarding the smattering of Muslims in India living in a sea of Hindus was their urgent need to save themselves from Hindu influences that were antithetical to Islamic law, such as the ostensible Hindu prohibition on widows remarrying. Even in South Asia, then, concerns about God's monopoly over the law predates Islamists and those under their influence by centuries.

[54]See Al-Ṭabarī, *Tafsīr*, 8:466–8. Cited in M. Cook, 'Early Medieval Christian and Muslim Attitudes to Pagan Law', in *Islam and Its Past: Jahiliyya, Late Antiquity, and the Qurʾan*, (eds.) C. Bakhos and M. Cook (Oxford, 2017), pp. 224f.

[55]Cook, 'Early Medieval Christian', *passim*, and pp. 240–242.

[56]Cook, *Ancient Religions*, p. 272f.

[57]Y. Friedmann, *Shaykh Aḥmad Sirhindī: An Outline of His Thought and a Study of His Image in the Eyes of Posterity* (Montreal, 1971), pp. 33–34. Cited in Cook, *Ancient Religions*, p. 258.

[58]See André Wink, *Akbar* (Oxford, 2009), pp. 92–95, especially 94f.

In the Ottoman regions too, one senses the anxiety of Muslim jurists about state law (*qānūn*) that some of them viewed as impinging on God's monopoly over law-making. In 927-8/1521, one scholar in the recently conquered Ottoman province of Egypt denounced Ottoman extra-*Sharʿī* state laws as "the Yasaq of unbelief" (*yasaq al-kufr*) for which he was sent to prison.[59] Yet, for all the elaborate Islamic legal justifications for the *qānūn* that great Ottoman jurists would develop, tensions between the *Sharīʿa* and what was perceived as the extra-*Sharʿī qānūn* would find periodic expression among Ottoman scholars, illustrating the overwhelming sense of God's legal monopoly in Islam through the ages. In this connection, two unusual instances of apparent conflict between the *qānūn* and the *Sharīʿa* are worth considering. In two separate cases in which litigants argued that the *Sharīʿa* did not apply to them whereas the *qānūn* did, the Ottoman *Shaykh al-Islām* ʿAbdürraḥīm Efendi (d. 1128/1716) stated in both cases that the litigants concerned had to renew their faith and marriage, the implication being that they may have apostatised by uttering these statements.[60] We can see from the foregoing that neither Quṭb nor Mawdūdī is the originator of excommunication (*takfīr*) on the basis of denying the *Sharīʿa*'s authority, although, as we will see, critics of Quṭb point out that his excommunication of entire Muslim societies is an unprecedented innovation.

Indeed, the *qānūn* served an important, some would argue essential, function in the administration of the Ottoman state, and given Mawdūdī's own rationalisation for administrative regulations and what he calls "human legislation", he could perhaps be less conservative in his outlook than some of his premodern and early modern peers.[61] In the case of the Egyptian Quṭb, he too was not an innovator in his complaints about the *Sharīʿa*'s marginalisation in the country by Western hegemony in the legal sphere. Some decades before he was born, the Shafiʿī Mufti of Egypt excoriated the country's rulers for succumbing to pressure from colonial powers and "compos[ing] laws that are in conflict with the *Sharīʿah* and with our rules", requiring Egypt's courts to follow these non-*Sharʿī* laws in disregard of the Qurʾan.[62] Commenting on this, Cook argues such foreign legal regimes more closely resembled the "pagan Yāsā" than the "domesticated Qānūn" of the Ottoman Caliphs. The Islamist response to colonial and postcolonial legal paradigms can thus quite plausibly be viewed as in keeping with the premodern Islamic discursive tradition. Mawdūdī's contribution here was to adopt a term from the European tradition, namely sovereignty, to refer to the well-established notion of God's monopoly over the law, and by implication over the political sphere more generally, in a recognisably Islamic idiom.

Rethinking influence and conceptual Eurocentrism

The tendency to view ideas articulated by modern Muslims, such as *ḥākimiyya*, as breaking with the past may be a consequence of the way in which influence has historically been conceived of in the social sciences. As suggested earlier, scholars are increasingly questioning the

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[59]Cook, *Ancient Religions*, p. 274.
[60]Cook, *Ancient Religions*, pp. 274–276, n. 146.
[61]S. A. A. Maudūdī, *The Islamic Law and Constitution*, 2nd edition, (translated and edited by) K. Ahmad (Lahore, 1960), pp. 77–79.
[62]R. Peters, *Islam and Colonialism: The Doctrine of Jihad in Modern History* (New York, 1979), p. 81f. Cited in Cook, *Ancient Religions*, p. 281.

convention of reading the 'East' through the Western gaze, a habit that has arguably been engrained over centuries of Western domination over the non-West. In this context, and given the historical origins of the Islamist conception of *ḥākimiyya*, one must wonder: should the modern intellectual historian still be evaluating a concept like sovereignty in the conception developed by Mawdūdī through a comparison with Bodin and Hobbes after a fashion that suggests that the latter two are an appropriate yardstick for measuring the conceptual meaningfulness of the former?

As scholars have noted, Bodin and Hobbes developed their innovative conceptions of sovereignty in reaction to upheavals that gripped Europe in the sixteenth century that radically reconfigured previous conceptions of sovereignty from a relatively diffuse and distributed concept to one that was to be concentrated in the figure of the absolutist head of state.[63] Mawdūdī's ideas are, as I hope to have illustrated above, not marked by as significant a break with the past as that of the two aforementioned Europeans. Rather in the case of Mawdūdī, one arguably finds a reassertion of tradition adapted to changed political realities. Given the relative continuity of the Islamic discursive tradition's notion of God's sovereignty in Mawdūdī's conception of *ḥākimiyya*, it is not clear why the standard against which Mawdūdī's conception of this idea needs to be evaluated should be a European one. Arguably, a more reasonable way of engaging the notion of sovereignty is to recognise it as a concept that has its analogues in every society, like 'religion', 'politics' or 'economics', while being attentive to the discursive variations that such concepts exhibit as they manifest in different contexts.

But does it even make sense to search for 'sovereignty' in a non-European culture? Some scholars have recently asked whether such efforts represent conceptual anachronism or, worse, Eurocentrism?[64] The charge should be taken seriously. It need not be seen as limiting inquiry, but rather as opening up productive new vistas while elucidating the flaws of existing paradigms. The charge has its limits, however, for I would argue that all the major analytical concepts used in the English language have most systematically been developed in an academy that is deeply integrated into the modern history of Western hegemony over the non-West. As Dipesh Chakrabarty has observed, the "knowledge protocols" of the Western academy systemically privilege a "hyperreal Europe".[65] It follows from this, I would argue, that scholars still routinely utilise concepts like 'religion', 'state', 'politics' and 'sovereignty' when analysing the spatial or temporal 'other', while being inattentive to the fact that their analyses of these essentially contested concepts are often normatively overlaid with their distinctive modern Western conceptions. Indeed, that these concepts and their dominant Western conceptions have been systematically engaged by scholars from non-Western societies, like Mawdūdī, in a context of Western hegemony must be recognised as the backdrop for the various efforts to develop more global and connected histories approaches to studies of the other. In this regard, while acknowledging its limitations, what follows is a deliberate

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[63]For a summary of this view, see Grimm, *Sovereignty*. For a nuanced reflection on the conventional history and its problems, see J. C. Lopez, et al., 'Forum: In the Beginning There Was No Word (for it): Terms, Concepts, and Early Sovereignty', *International Studies Review* 20, 3 (2018), pp. 489–519.

[64]For an excellent recent discussion of the problems, including Eurocentrism, that bedevil the study of sovereignty, see Ayşe Zarakol's contribution in Lopez, *et al.*, 'Forum'.

[65]Chakrabarty, *Provincializing Europe*, p. 45.

effort to 'invert the gaze' by rereading influential Western conceptions of sovereignty in light of Mawdūdī's interventions.

Rereading sovereignty through Mawdūdī

In Western inquiries into the concept of sovereignty, the influential definition of Hans Morgenthau (d. 1400/1980) continues to be frequently cited. He defines sovereignty concisely as "supreme power over a certain territory".[66] He adds that it refers "in legal terms to the elemental political fact of [the early modern period]—the appearance of a centralised power which exercised its law-making and law-enforcing authority within a certain territory".[67] Morgenthau's conception of sovereignty thus fuses the legal and the political. He is also naturally referring to a development in Western European history. Published in 1367-8/1948, this definition instantiates a particular conception of sovereignty that reflected the views of a European academic who would become one of America's preeminent international relations scholars as the country enjoyed the peak of its post-Second World War authority around the globe.

But like the concept of 'religion', which Talal Asad has influentially argued cannot be given a universal definition, and which Brent Nongbri has argued is generally used in a way that is Eurocentric, I would argue that discourses concerning 'sovereignty' can at best give rise to competing conceptions of this important concept.[68] Drawing on W. B. Gallie's notion of essentially contested concepts, I would suggest that like so many of our ideas, sovereignty is essentially contestable and contested.[69] What Morgenthau offered in 1948 represents a conception that served to explain international relations from his vantage point but which must necessarily be reconceptualised to apply to Islamic political thought and history. This, I would argue, is one possible way of seeking to understand Mawdūdī and his successors' usage of the term. As Zaman has helpfully illustrated, the use of the English term 'sovereignty' predated Mawdūdī in the British Raj. Mawdūdī and the other *ʿulamāʾ* whom Zaman discusses may therefore be viewed as engaging a conception of sovereignty that had entered the discursive context of South Asia through the colonial presence of hegemonic Western power. Mawdūdī's articulation of sovereignty as belonging to God, rather than the state may be conceived of as reflecting both his intellectual engagement with two traditions of inquiry—the colonial Western and the Islamic—as well as his articulation, in Islamic idiom, of his political opposition to Western conceptions of state sovereignty.

In doing this, Mawdūdī recognised that the conception of sovereignty that Western powers had developed—of which Morgenthau's 1948 definition suggests the sort of concept to which Mawdūdī may have been exposed—was incongruent with historical Islamic conceptions of law-making and law enforcement in a given territory. Rather than sovereignty

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[66]H. J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York, 1948), p. 243; H. J. Morgenthau and K. W. Thompson, *Politics Among Nations: The Struggle for Power and Peace* (New York, 1997), p. 328.
[67]*Ibid.*
[68]See T. Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, 1993), p. 29; B. Nongbri, *Before Religion: A History of a Modern Concept* (New Haven, 2013), p. 18.
[69]See W. B. Gallie, 'Essentially Contested Concepts', *Proceedings of the Aristotelian Society*, New Series, 56 (1955), pp. 167–198.

residing in a single individual—as Bodin and Hobbes advocated—or a single institution—the state—as may have been closer to the colonial practices that Mawdūdī could witness in his own time, it made much more sense to attribute sovereignty to God. The likely reasons for this are not far to seek. As considered earlier, 'law-making' was not 'centralised' in Islamic history, but rather distributed among the juristic community. Indeed, in the regnant pre-Bodinian European conceptions of natural law, such laws were, like Islamic conceptions, viewed as requiring discovery rather than 'making'.[70] God was the author of laws, and humans through rational inquiry could uncover God's laws. It is not clear to me whether Mawdūdī was familiar with this pre-Bodinian conception of God's sovereignty in Europe, but its parallels with Islamic conceptions of divine legislation and juristic discovery through *ijtihād* are noteworthy.

The theoretical shift to a more centralised law-making process advocated by the likes of Bodin, Hobbes, Filmer and others was, current scholarship suggests, a response to transformations instigated by the European Reformation and the subsequent Wars of Religion. These scholars sought to realise peace through the investiture of the powers to make laws and enforce them in a single autocratic ruler against whom it was not legitimate to rebel. But these two powers—the law-making and the law-enforcing—remained separate in premodern Islam. Law enforcement and other coercive powers were, indeed, in the hands of the political ruler, but, as we have seen, that political ruler was not in fact sovereign in the sense of having a free hand to make laws. He operated within a legal framework that was in the charge of jurists who worked in concert with the ruler but maintained their independence, largely successfully according to recent scholarship on the issue.[71] As March notes, it was arguably jurists, a term that may be used almost synonymously with the *'ulamā'*, who could claim "ultimate legislative sovereignty" in Islamic political thought. But as already suggested, and as March is well aware, this is not really true in the way that Bodin, Hobbes or Morgenthau use the term 'sovereign'. None of the *'ulamā'* would have claimed the right to *make* laws, only to discover through the exercise of reasoned deliberation over revealed texts what the law *might be* in probabilistic terms where a legal issue was not a matter of juristic consensus.[72]

By continuing to locate sovereignty in God, Mawdūdī was able to theoretically preserve this premodern conception of Islamic law and the role of political power to uphold it as normative, while arguably providing modern conceptions of state with an alternative normative paradigm of sovereignty—one whose rule of law structure may reflect post-authoritarian realities of many states in the late twentieth and early twenty-first centuries better than the absolutist conceptions of either Bodin or Hobbes. Furthermore, as many scholars have argued in recent years, sovereignty as a concept has increasingly come under pressure with the rise of multilateralism in international relations through institutions like the United Nations and the European Union. These institutions and the international agreements into which modern states enter by participating in them often entail, at least in theory,

[70]See Grimm, *Sovereignty*, pp. 14–17.
[71]See the works of March, Feldman and Hallaq cited earlier.
[72]On probabilism in Islamic law making, see Aron Zysow, *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory* (Atlanta, 2014).

the surrender of aspects of a state's sovereignty, classically understood, to institutions beyond the control of those states.[73]

Having earlier established that Mawdūdī and Quṭb's conceptions of *ḥākimiyya* are by no means a completely unprecedented or radical departure from the Islamic tradition's conceptions of God's legal authority, it is important to bear in mind that these scholars' writings have not been spared critique on the part of notable contemporary *ʿulamāʾ*, including ones largely sympathetic to their Islamist enterprise. In the remainder of this article, I will consider one such Islamist scholar who has expressed reservations about Mawdūdī and Quṭb's conceptions of *ḥākimiyya*, viewing them as poor reflections of the teachings of Islam. In the global historical inquiry into the concept of sovereignty being offered here, this scholar's reading may be viewed as an effort at maintaining the intellectual vitality of another scripturally-rooted Islamic conception of sovereignty that is, like those of Mawdūdī and Quṭb, in competition with the various Western conceptions just considered.

Nadwī's critique of Mawdūdī and Quṭb

As noted in this article's introduction, an early critique of Mawdūdī's conception of sovereignty may be found in the writing of his onetime colleague and long-time friend, Abū al-Ḥasan ʿAlī Nadwī, the prominent Islamist alim and rector of Nadwat al-ʿUlamāʾ. Nadwī maintained warm relations with his older contemporary, Mawdūdī, and would also develop a relationship with Sayyid Quṭb, whom he describes as a "dear and learned friend", and a martyr (*shahīd*) on account of his execution at the hands of the government of Gamal Abdel Nasser (d. 1390/1970).[74] According to his generous obituary of Mawdūdī, Nadwī, who was just over a decade Mawdūdī's junior, had been a participant in the founding of the latter's political organisation, the Jamāʿat-e Islāmī, in the early 1360s/1940s and appears to have played a senior role on several of its committees.[75]

While he maintained great respect for Mawdūdī even after leaving the Jamāʿat not long after joining, Nadwī wrote a short booklet critiquing Mawdūdī's religio-political ideas a year before the latter's death. The work was published in Urdu in 1398/1978 and was subsequently translated into Arabic and English.[76] Nadwī notes in it that he had shared the work with Mawdūdī before the latter's death, adding that Mawdūdī appreciated the critique even though he respectfully disagreed with it.[77] Nadwī's critique should be recognised as what Muhammad Qasim Zaman calls "internal criticism" from within the ranks of the

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[73]See, for example, Grimm, *Sovereignty*, pp. 81–98.

[74]A. H. ʿA. al-Nadwī, *al-Tafsīr al-Siyāsī li-l-Islām: fī Mirʾāt Kitābāt al-Ustādh Abī al-Aʿlā al-Mawdūdī wa-l-Shahīd Sayyid Quṭb* (Cairo, 1980), p. 68. For the English translation, see A. H. A. Nadwi, *Appreciation and Interpretation of Religion in the Modern Age* (Lucknow, 1982), p. 58. The title in English is somewhat misleading given that this is a book about the interpretation of Islam, and not religion in general. For the Urdu original, see A. H. ʿA. Nadwī, *ʿAṣr-e Ḥāżir maiṇ Dīn kī Tafhīm-o-Tashrīḥ* (Lucknow, 1980), p. 60. I use all three texts in the present article, but depend more on the Urdu and Arabic versions, since these were languages that Nadwī knew well and his editorial oversight is indicated in both. See Nadwi, *Appreciation*, p. 12; Nadwī, *ʿAṣr-e Ḥāżir*, p. 11.

[75]A PDF of the obituary (henceforth, Nadwī, 'Mawdūdī Obituary') is available at https://archive.org/details/nadwimawdudiobituary/mode/2up (accessed 5 April 2020).

[76]Nadwi, *Appreciation*, p. 11; Nadwī, *ʿAṣr-e Ḥāżir*, p. 10.

[77]Nadwi, 'Mawdūdī Obituary'; Nadwi, *Appreciation*, p. 12; Nadwī, *ʿAṣr-e Ḥāżir*, p. 11. Nadwī further notes that Mawdūdī encouraged him to similarly critique his other works. The Arabic edition I have been using does not contain the 'Foreword to the Second Edition' found in the Urdu and English editions to which I have had access.

ʿ*ulamā*ʾ. Nadwī,[78] like the other scholars whom I will consider below, shares many of the goals of his fellow Islamists, disagreeing on matters of detail rather than on the need for Muslim political engagement and power.

Nadwī portrays both Mawdūdī and Quṭb as sharing a similar understanding of Islam, describing Quṭb as having been "deeply impressed by" and "in total agreement" with Mawdūdī's ideas.[79] His collegial critique of these two older authors, whom he would have considered friends and perhaps mentors for some part of his life, may be summarised in two related points, namely a concern regarding over-politicising Islam that in turn leads to engaging in excommunication. In this connection, Nadwī argues that some of Mawdūdī's contentions regarding *ḥākimiyya* are overstated. To illustrate this, he cites Mawdūdī's assertion that rejecting God's political authority is no less anathema to Islamic teachings as rejecting God's oneness. Mawdūdī states: "If anyone regards the word of someone else to be deserving of obedience without any sanction from God, he is as guilty of the offence of associating partners with God (*shirk*) as the one who prays to or worships someone other than God". Likewise, he argues that a ruler who claims absolute political authority effectively claims godhood.[80] These are indeed striking claims, and Nadwī contends that they are not in conformity with Islamic teachings.

But first, he highlights their influence upon Sayyid Quṭb whom he presents as arguing that all norms of governance and political rule besides authentic Islamic ones, by designating human beings as the ultimate political authority, thereby setup human beings to be worshipped in place of God. Drawing on Quṭb's *Milestones* (*Maʿālim fī al-Ṭarīq*), he presents the latter's argument that the Islamic *shahāda* (declaration of faith)—"There is no god but God"—ultimately meant that there was no legitimate sovereign and law maker aside from God. The implication that Quṭb drew from this, which most troubled sympathetic critics like Nadwī, was that the average modern Muslim who often did not see things this way, and indeed modern Muslim societies as a whole that had integrated Western legislative models into their state structures, were therefore not really Muslim and needed to be taught or instilled with the true meaning of the *shahāda* anew.[81] It is this sailing close to the wind with respect to the excommunication of his fellow Muslims as a whole that Nadwī places at the heart of his critique of the Quṭbist reading of *ḥākimiyya*.

The journey from reconceptualising the *shahāda* through *ḥākimiyya* to declaring Muslim societies that fall short of his definition to be non-Muslim is a short one in Quṭb's writings. When it comes to worshipping God, Quṭb declares that "[t]he worship that distinguishes people as Muslim or non-Muslim is complete obedience, subservience, and adherence to

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[78]See M. Q. Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (Cambridge, 2012).
    [79]See al-Nadwī, *al-Tafsīr al-Siyāsī*, p. 68; Nadwi, *Appreciation*, p. 58; Nadwī, ʿ*Aṣr-e Ḥāżir*, p. 60.
    [80]See al-Nadwī, *al-Tafsīr al-Siyāsī*, pp. 67, 84f.; Nadwi, *Appreciation*, pp. 57f., 67f.; Nadwī, ʿ*Aṣr-e Ḥāżir*, pp. 59f., 64f. For the original, see S. A. A. Mawdūdī, *Qurʾān kī Chār Bunyādī Iṣṭilāḥaiṇ: Ilāh, Rabb, ʿIbādat awr Dīn* (Lahore, n.d.), p. 36f. This book is available in English and Arabic translation. See S. A. A. Maududi, *Four Basic Qurʾanic Terms*, (trans.) Abu Asad (Lahore, n.d.), p. 28; A. A. al-Mawdūdī, *al-Muṣṭalaḥāt al-Arbaʿa fī al-Qurʾān*, 5th edition (Kuwait, 1971), p. 31f. The Arabic text was first published in 1374/1955 and was very likely read by Quṭb not long thereafter. As noted by its Arabic publisher in a prefatory note (p. 3), the original treatise was written in 1360/1941 in Lahore.
    [81]See al-Nadwī, *al-Tafsīr al-Siyāsī*, p. 69f.; Nadwi, *Appreciation*, p. 59; Nadwī, ʿ*Aṣr-e Ḥāżir*, p. 63f.

the sovereignty of God (*ḥukm Allāh*) alone".[82] Quṭb's anathematisation of other Muslims would eventually become very explicit, a fact recognised and actively opposed by the Muslim Brotherhood in the late 1380s/1960s.[83] Yet, as we have seen, possible excommunication on the grounds of the rejection of God's monopoly over the law is not a complete innovation of these scholars; rather one finds echoes of such a doctrine throughout Islamic history. Given the prevalence of such a view that is most probably also shared by Nadwī, his critique of Quṭb should be recognised as highlighting a more subtly graduated understanding of what Islam demands of Muslims. Nadwī's critique of Mawdūdī should certainly not be regarded as an argument for the legitimacy of the absolute sovereignty of human beings in law-making. Rather, he is contending that polytheism and the literal worship of others besides God is a far greater sin in Islam. In his view, these constitute outright *shirk*, while the others are a more subtle form of *shirk* that is not as blameworthy as the former.

In making this argument, Nadwī is following a well-established distinction in the Islamic scholarly tradition that is disregarded by Mawdūdī and Quṭb in the writings that he is sampling. This is the distinction between greater or manifest *shirk* (*al-shirk al-akbar* or *al-shirk al-jalī*) and lesser or subtle *shirk* (*al-shirk al-asghar* or *al-shirk al-khafī*). The latter types of *shirk* are referenced in hadiths in which the Prophet warns against the lesser form of *shirk* (*al-shirk al-asghar*), which he explains as referring to *riyāʾ*, i.e. insincerely performing acts of worship only so that others may see one's devotion.[84] In another hadith, the Prophet is reported as warning against a similar danger but uses the expression subtle *shirk* (*al-shirk al-khafī*).[85] Such concepts are thus cited throughout the premodern Islamic tradition. Hence, the early Mālikī, Ibn Baṭṭāl (d. 449/1057) notes that the Prophet's statements regarding *riyāʾ* indicate that this sin does not take one out of the fold of Islam unless it impinges on the core of one's faith (*ʿaqd al-īmān*).[86]

Similarly, the later Ibn Rajab al-Ḥanbalī (d. 795/1393) argues that *shirk* can on occasion necessitate leaving the fold of Islam, whereas at other times, it is lesser (*asghar*). Examples he gives of the latter include swearing by other than God, fearing other than God, relying upon and rendering oneself servile to other than God, and uttering statements like "Whatever God wills and what you will" (*mā shāʾ Allāh wa-shiʾta*).[87] Elsewhere, he makes clear what

[82]See al-Nadwī, *al-Tafsīr al-Siyāsī*, p. 71f.; Nadwi, *Appreciation*, p. 60; Nadwī, *ʿAṣr-e Ḥāżir*, p. 65. My translation follows Nadwī's Urdu translation of Quṭb. Nadwī translates the Arabic *ḥukm Allāh* into the Urdu <u>Kh</u>udā kī ḥākimiyyat, which although not strictly literal, is in keeping with the tenor of Quṭb's argument. For the Arabic original, see Quṭb, *Fī Ẓilāl al-Qurʾān*, 4:1963f.

[83]On the MB response, see n. 12 above. For a broader history of Quṭb's activities during this period, see Calvert, *Sayyid Quṭb*.

[84]This hadith is narrated in the *Musnad* of Aḥmad (d. 241/855). See Aḥmad Ibn Ḥanbal, *Musnad*, (eds.) Sh. eds. al-Arnaʾūṭ et al. (Beirut, 2001), 39:39–44. The modern editors deem the report to be fairly strong in its attribution to the Prophet (*ḥasan*). It is also found in the short collection of legal hadiths compiled by Ibn Ḥajar al-ʿAsqalānī (d. 852/1449), who also deems the hadith *ḥasan*. See Ibn Ḥajar al-ʿAsqalānī, *Bulūgh al-Marām min Adillat al-Aḥkām*, (ed.) S. al-Zuhayrī (Riyadh, 2003), p. 450.

[85]Aḥmad, *Musnad*, 17:355. This version of the hadith is deemed weak by the editors, but still may be taken as an indication of the concept's presence in Islamic discourses relatively early.

[86]Ibn Baṭṭāl, *Sharḥ Ṣaḥīḥ al-Bukhārī*, 1:112–14. I am indebted to the website Islamweb.net for this and the following reference: 'al-Riyāʾ bayn al-Shirk al-Akbar wa-l-Asghar', *Islamweb.net Fatwā Portal*, 16 March 2017, https://www.islamweb.net/ar/fatwa/348361/الرياء-بين-الشرك-الأكبر-والأصغر (accessed 5 April 2020). Also see the discussion by al-Ghazzālī (d. 505/1111) of the concept of lesser *shirk* drawing on one of the aforementioned hadiths in A. Ḥ. al-Ghazzālī, *Iḥyāʾ ʿUlūm al-Dīn* (Jeddah, 2011), 6:324f. and 348.

[87]Ibn Rajab al-Ḥanbalī, *Tafsīr Ibn Rajab al-Ḥanbalī*, (comp.) Ṭ. Abū Muʿādh (Riyadh, 2001), 2:676. The passage is also cited in ʿA. al-Ghufaylī, *Ibn Rajab al-Ḥanbalī wa-Atharuhū fī Tawḍīḥ ʿAqīdat al-Salaf* (Riyadh, 1998), p. 391.

type of *shirk* renders one beyond the fold. In commenting on a hadith that highlights that Muslims must believe in God as the ultimate cause of all blessings, Ibn Rajab notes, "whoever attributes any of these blessings to other than God *alongside a belief that they are not from God* is an actual polytheist (*mushrik ḥaqīqatan*)". By contrast, he asserts that one who attributes blessings to other causes, such as rain occurring due to celestial bodies while believing that God is the ultimate cause, has only committed the sin of subtle *shirk* but not left the fold of Islam.[88]

Nadwī draws a similar distinction in his critique of Mawdūdī when the latter asserts that those who reject God's sovereignty are "as guilty of the offence of *shirk* as the one who prays to or worships someone other than God".[89] By contrast, Nadwī argues that the question of political order cannot be placed on the same footing as actual polytheism. He adds that anyone who reads only Mawdūdī's writings would come away with the impression that the most significant form of *shirk* pertains to political and legal orders, and that actual polytheism in the form of idolatry would be considered of secondary importance.[90] For his part, Nadwī underlines that the Qur'an's most foundational concern is confronting actual polytheism and idolatry. He provides a long list of Qur'anic citations that highlight this as the central concern of every prophet's mission.[91] It is this relative downplaying of idolatry and polytheism —which the Indian Nadwī argues is still widespread in the modern world—alongside what he views as an overemphasis of the importance of matters of politics and the state that Nadwī notes are his main concerns regarding Mawdūdī's conception of sovereignty.[92]

In light of this brief survey of the premodern tradition, we can consider a critic of Mawdūdī like Nadwī to be arguing that the former's innovation is to disregard and even invert this all-important distinction between greater and lesser *shirk*. This serves to undermine the scriptures priorities, as recognised by premodern juristic authorities. Writers such as Nadwī are not asserting that God does not claim a monopoly over law-making and, by extension, authority over the political realm in Islamic thought. Rather they are contending firstly, that denying this does not automatically constitute unqualified disbelief on the part of individual Muslims; and secondly, that the sin entailed in such denial is not as serious as, let alone greater than, actual *shirk* or disbelief.

Nadwī's conception of sovereignty

Nadwī's severe critique of what he views as Mawdūdī's over-politicisation of the notion of God's sovereignty notwithstanding, he himself certainly does not think that politics and political power are not a significant concern in Islam. While Nadwī appears to generally avoid the fourteenth-/twentieth-century neologism of *ḥākimiyya* when describing his own

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[88]Ibn Rajab al-Ḥanbalī, *Laṭāʾif al-Maʿārif fī-mā li-l-Mawāsim min Waẓāʾif*, (ed.) Y. al-Sawās (Beirut, 1999), p. 142. Emphasis added.
[89]See al-Nadwī, *al-Tafsīr al-Siyāsī*, pp. 67, 84; Nadwi, *Appreciation*, pp. 57, 67; Nadwī, *ʿAṣr-e Ḥāżir*, pp. 59f., 74f.
[90]See al-Nadwī, *al-Tafsīr al-Siyāsī*, p. 85; Nadwi, *Appreciation*, p. 67f.; Nadwī, *ʿAṣr-e Ḥāżir*, pp. 74–76.
[91]The verses he cites are: 21:25, 51, 54; 11:25–26, 50, 61, 84; 26: 69, 82; 19: 41–42; 29: 16–17, 25; 12: 37–40. See al-Nadwī, *al-Tafsīr al-Siyāsī*, p. 86f.; Nadwi, *Appreciation*, p. 69; Nadwī, *ʿAṣr-e Ḥāżir*, p. 77f.
[92]See al-Nadwī, *al-Tafsīr al-Siyāsī*, p. 93f.; Nadwi, *Appreciation*, p. 74f.; Nadwī, *ʿAṣr-e Ḥāżir*, p. 84f. His concern is arguably undermined somewhat by its late articulation. Mawdūdī published these remarks as early as 1360/1941, and Nadwī associated with him for more than three decades before publishing this critique.

conception of what Islam demands of Muslims in the political realm, there is no doubt that scholars like Nasr present a misleading portrait of Nadwī when they characterise him as completely opposed to Mawdūdī's doctrines.[93] In fact, Nadwī's critique concerns what he sees as Mawdūdī's overemphasis of the political and underemphasis of the spiritual. Contrary to what Nasr holds, Nadwī was not 'apolitical', nor opposed to the need for political or even military struggle to establish Islamic political power and authority that would enable the implementation of *Sharīʿa*-based norms.[94] Certainly Nadwī, whom Nasr portrays as a "traditional Islamic scholar" unlike Mawdūdī, was in fact himself an Islamist in that he recognised and indeed valorised the importance of the political dimensions of the Islamic tradition.[95]

Nadwī's commitment to a political conception of *ḥākimiyya* is well expressed in the later chapters of his work critiquing Mawdūdī. He notes the following in a section entitled "The obligation of establishing the religion in light of the *Sharīʿa* and history". In it, he states:[96]

> There is no difference of opinion, to my knowledge, amongst the *ʿulamāʾ* of Islam about the necessity of endeavoring to acquire political authority (*sulṭa*) and power (*quwwa*) to enable the practical implementation of God's sovereignty (*taṭbīq ḥākimiyyat Allāh*) on humanity, and the execution of its legal rulings and punishments in society such that there remains no power, authority, system (*niẓām*), submission (*ṭāʿa*), or government (*ḥukūma*) opposed to it causing conflict and fitna among people. As directed by the Quran: "And fight them till fitna ceases and the religion is all for God". (Q. 8:39)

> It is also necessary to attain such power and authority (*makāna*) as allows the Muslim community to undertake commanding [right] and forbidding [wrong]. We should not suffice with merely calling [to Islam] verbally and encouraging [its embrace] through statements alone. For this reason, the Qurʾan and the language of revelation chose to express itself with the words "command" (*al-amr*) and "prohibition" (*al-nahy*)—despite the breadth and wealth of the Arabic language—and these words necessitate a degree of power, ascendancy (*ʿuluww*), and supremacy (*ghalaba*). God says: "[O believers,] you are the best community brought forth for mankind. You command the right and forbid the wrong and believe in God". (Q. 3:110) […]

> Working seriously and assiduously in order to acquire this kind of authority (*sulṭa*) and power is required of Muslims by Quranic verses and authoritative [revealed] texts which one may not

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[93]*Ḥākimiyya* is widely recognised as a neologism. Recently, however, Shiraz Maher (*Salafi-Jihadism*, pp. 171, 241, n. 2), purportedly drawing on a translation of the classic treatise of al-Māwardī on governance, *al-Aḥkām al-Sulṭāniyya*, has asserted that the term was used by the premodern scholar. According to worldcat.org, the translation of the work he references does not appear to exist, and the page he cites does not correspond with either of the two English translations of which I am aware. An electronic search of the original Arabic edition of the work available on *al-Barnāmaj al-Shāmila* confirms my suspicion that the modern word *ḥākimiyya* does not occur in al-Māwardī's text.

[94]Of course, the legitimation of violence in certain contexts does not necessitate that the form of political power that Nadwī would advocate would be authoritarian or totalitarian.

[95]See Nasr, *Mawdudi*, pp. 58–65. Nasr's distinctive use of the label "traditional" is indebted to his father, Seyyed Hossein Nasr's influential work on Traditionalism as indicated in the older Nasr's frequent citation in the footnotes of the younger Nasr's work. Interestingly, Mark Sedgwick has argued that the older Nasr's conception of Traditionalism is a modern invention. See M. Sedgwick, *Against the Modern World: Traditionalism and the Secret Intellectual History of the Twentieth Century* (Oxford, 2004). On Nadwī's Islamism, see n. 10 above.

[96]This is the translation of the section heading as found in the Urdu and Arabic versions of the work. The English version partially mistranslates it.

disregard or show negligence towards under any circumstances. […] It is for this reason that the Islamic *Sharīʿa* has placed so much emphasis on the establishment of a system of rule and the caliphate to the point that it rendered life without it to constitute a life of pre-Islamic misguidance (*jāhiliyya*) and death in such circumstances "a *jāhilī* death".[97]

Nadwī adds that the Companions of the Prophet and those who came after them, including jurists and *ʿulamāʾ*, all recognised the religious necessity of establishing political power. Yet he highlights that political power was always only a means to the greater end of seeking God's pleasure by spreading Islamic teachings, values and practices. To this end, political power was a necessary but not sufficient means. His critique is thus concerned with what he perceives as Mawdūdī's improper balance of priorities. For Nadwī, Mawdūdī's preoccupation with the political dimension of Islam came at the unacceptable cost of sidelining certain core tenets of the faith that were, in Nadwī's view, the ultimate purpose of Islam.

Analysis of the notion of 'establishing the religion' (*iqāmat al-dīn*) that scholars like Mawdūdī invoke on the basis of the Qurʾanic verse (Q. 42:13) provides another instance in which Nadwī uses the term *ḥākimiyya*. The verse in question, Nadwī argues, is in fact a call to establish religion in a holistic sense, "in all its parts, with all its teachings, including creedal tenets (*ʿaqāʾid*), devotional practices (*ʿibādāt*), and social transactions (*muʿāmalāt*). The purport is not solely the caliphate, government, and gaining political authority and sovereignty (*ḥākimiyya*)".[98] This further underlines that, for Nadwī, Muslims gaining political sovereignty is hardly something undesirable. But it is by no means the be all and end all of Islam in his estimation. He has much more to say on this theme, but the forgoing suffices to illustrate his obvious commitment to Islam's political dimension. His real objection to Mawdūdī's project is its centralising of the political aspects of the Islamic tradition *to the detriment of* Islam's true central concerns, as he saw them, most notably its more purely devotional aspects. In his eyes, the political concerns are only the means, albeit important ones, to that spiritual end.

One could thus argue that Nadwī is not actually opposed to Mawdūdī's project of establishing an Islamic state that upholds the *Sharīʿa*, broadly understood, as its exclusive legislative framework. What distinguishes him from his older contemporary is his conviction that the latter's emphasis on the political dimension of such a project inverts the proper order of things. Nadwī argues that this approach reduces religion and God to a desiccated list of commands and prohibitions rather than embodying a spiritually profound realm in which humans can develop meaningful relationships with the divine.[99] Thus, while Nadwī does not appear to be an especial enthusiast of Mawdūdī's term of *ḥākimiyya* when describing God's monopoly over law-making, he is—as I have argued above—fully committed to its historically inexplicit but normative status within the Islamic tradition.

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[97]See al-Nadwī, *al-Tafsīr al-Siyāsī*, pp. 134–136; Nadwī, *ʿAṣr-e Ḥāżir*, pp. 107109; Nadwi, *Appreciation*, p. 92f.
[98]See al-Nadwī, *al-Tafsīr al-Siyāsī*, p. 141; Nadwi, *Appreciation*, p. 96; Nadwī, *ʿAṣr-e Ḥāżir*, p. 113.
[99]For his remarks to this effect, see al-Nadwī, *al-Tafsīr al-Siyāsī*, pp. 77–83; Nadwī, *ʿAṣr-e Ḥāżir*, pp. 68–74; Nadwi, *Appreciation*, pp. 62–66.

Conclusion

This article set out to argue that the concept of *ḥākimiyya* developed by modern Muslim intellectuals had clear antecedents in the premodern tradition, and that it may be fruitfully recognised as an Islamic equivalent of what is referred to in Western intellectual history as sovereignty. Concomitantly, I have sought to illustrate that the South Asian Islamic intellectual Abū al-Aʿlā Mawdūdī's conception of *ḥākimiyya* may be productively read in juxtaposition with Western conceptions of sovereignty. Seeking to transcend Eurocentrism, however, I have attempted to read Mawdūdī's endeavours in a global perspective that self-consciously seeks to decentre and provincialise the West. This allows us to view Mawdūdī as a *participant* in contestations over the meaning of sovereignty, rather than merely as a scholar *reacting to the West* in a way that credits his intellectual creativity to a Western spur upon whose concept of sovereignty he was ultimately dependent. Instead, we can locate Mawdūdī's primary inspiration in the Islamic scholarly tradition whose resources in this area, I hope to have illustrated, are significant. In this regard, we can view Mawdūdī as engaged in what Michael Freeden calls decontestation—the discursive process by which one particular conception of an essentially contested concept gains ascendency over its competitors. Yet, as we have seen, what *ḥākimiyya* means in the modern world is contested even among its Islamist proponents. Mawdūdī has been critiqued by his influential Islamist colleague, Abū al-Ḥasan ʿAlī Nadwī for his prioritising some of Islam's political facets over its more purely religious concerns.

The foregoing also helps us recognise ways in which the Islamic discursive tradition's presuppositions in the realm of politics contrast with those dominant in Western scholarship. Earlier we saw Humeira Iqtidar's assessment that Mawdūdī had transformed "Muslim" and "non-Muslim" into political rather than religious categories. An alternative conceptualisation of Mawdūdī's intervention, and arguably one that better provincialises hegemonic European concepts, would be to recognise that it was in fact the liberal imperial state that was instrumental in transforming Muslim and non-Muslim into purely "religious" categories. "Religion" is here conceived of in Eurocentric terms to exclude "secular" concerns, and such a conception of religion was instrumental in allowing the colonial state to discipline and punish any Muslims liable to draw on the Islamic discursive tradition to make demands in the political realm that were disruptive to the coloniser. Indeed, this practice has its echoes in the ongoing securitisation of Muslims in the context of the contemporary War on Terror and calls by European politicians to develop a more "muscular liberalism".[100] As Ovamir Anjum has noted, given the palpable presence of political concerns in Islamic law and theology from Islam's earliest period through to the present, the question we should be asking today is "not how Islam became *politicized*, but how it came to be *depoliticized*".[101] Colonial and postcolonial efforts by the West to reshape the world in its own secular image have no doubt played a significant role in this transformation.

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[100]On securitisation, see K. E. Brown, 'Contesting the Securitization of British Muslims', *Interventions* 12, 2 (2010), pp. 171–182; J. Cesari, *Why the West Fears Islam: An Exploration of Muslims in Liberal Democracies* (New York, 2013), pp. 83–105. On muscular liberalism, see C. Joppke, 'The Retreat is Real—but What Is the Alternative? Multiculturalism, Muscular Liberalism, and Islam', *Constellations* 21 (2014), pp. 286–295; Jan Dobbernack, 'The Missing Politics of Muscular Liberalism', *Identities* 25, 4 (2018), pp. 377–396.
[101]Anjum, *Politics*, pp. xii-xiii. Emphasis in original.

Modern scholars like Nasr, Zaman and Iqtidar are doubtless correct when they emphasise decisive modern influences on contemporary Islamist thought. Yet, as I have argued in this article, it would appear that these scholars take matters too far when they contend that concepts like *ḥākimiyya* represent a break with, or at the very least a radical reconceptualisation of, ideas within the Islamic tradition in ways that would render them unrecognisable to earlier generations of Muslim scholars. Hence, I have sought to argue that this concept finds its roots firmly in the premodern Islamic juristic and exegetical traditions. According to my reading, with the colonial domination of recent centuries followed by postcolonial Western hegemony over the global order, by the latter half of the twentieth century Muslim societies had experienced significant institutional ruptures with their past. This led to the explicit articulation of ideas previously taken for granted. One such idea was *ḥākimiyya*. Implicit in the premodern Islamic juristic heritage, this became particularly salient in a modern world dominated by Western norms that, among other things, aspired to the separation of religion from political and legal discourse. The assumed Islamic primacy of God's law began to be explicitly advocated as normative after it came to be threatened by the encroachment of Western legal and political norms. Muslims concerned about this erosion of historical Islamic paradigms responded by expressing their alternative model in an idiom that they borrowed directly from the Western hegemon. Sovereignty, a concept developed in the context of the European wars of religion to express the legal and political authority of a monarch vis-à-vis their subjects, could, making necessary adjustments, readily be transposed onto the Islamic tradition's understanding of God's authority vis-à-vis the Muslim faithful.

Accordingly, we may view Islamist scholars as drawing on the resources of the premodern Islamic tradition to argue against the dominant Western conception of modern states as sovereign entities. Instead, they assert that there is no necessary connection between the state and sovereignty, since an Islamic state abjures claims to supreme authority in legislation where any such legislation is not in conformity with a higher authority, namely God's will, as known through revelation. While Muslim scholars have always recognised the contingency of human interpretations of revelation, the principle that Mawdūdī is upholding here with respect to legislative norms is uncontroversial in the mainstream of premodern Islamic political thought. Through such an intervention, Mawdūdī and his colleagues after him have arguably tried to contest the dominant conception of sovereignty upheld by the Western powers of his time. To the extent that researchers wish to develop a more global history of the concept of sovereignty, they can draw on Mawdūdī's contribution to this area as a seminal intervention in the articulation of an Islamic critique of Western attempts at *intellectual* hegemony in the Muslim world.[102]

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[102]I continue to use the expression "Muslim world" despite Cemil Aydın's recent interventions, because his work focuses on the usage of the term in the modern period and disregards the premodern usage of terms like "umma" and "*dār al-Islām*" found in the Qur'an, hadith and/or juristic literature, for which the modern expression, "Muslim world" functions as a largely congruent rendering. For his main statement of his position, see: C. Aydın, *The Idea of the Muslim World: A Global Intellectual History* (Cambridge, MA, 2017).