

Theorizing Popular Sovereignty in the Colony: Abul A‘la Maududi’s “Theodemocracy”

Humeira Iqtidar

Abstract: Abul A‘la Maududi (1903–1979), the influential Indo-Pakistani Islamist thinker, proposed a detailed vision of what he called “theodemocracy.” This has been seen widely as a theocracy despite Maududi’s explicit rejection of the term and its philosophical underpinnings. I suggest here that Maududi’s vision of theodemocracy opens up a productive space for reflection on the relationship between popular and state sovereignty. Maududi saw popular sovereignty as an ethical problem; it corrupted the potential for individual moral development that the institutional mechanism of the state could otherwise allow for. Highlighting the complicated relationship of his ideas with colonial rule, and showing that he used the colonial liberal state as both a foil *and model* for his analysis, I argue here that “theodemocracy” was his attempt at divorcing sovereignty from the state. This endeavor generated creative tensions, and forms an important contribution to the global discussion about sovereignty and the state.

Theorising Popular Sovereignty in the Colony: Abul A‘la Maududi’s “Theodemocracy”

Widely seen as an ideologue of what today we call Islamism—although this was not a term that he would have recognized—Abul A‘la Maududi

Humeira Iqtidar is a Reader in Politics in the Department of Political Economy at King’s College London, Bush House, North East Wing, 30 Aldwych, London WC2B 4BG (humeira.iqtidar@kcl.ac.uk).

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(1903–1979), the influential¹ Indo-Pakistani thinker proposed a detailed vision of what he called “theodemocracy.” This has received some academic attention,² as well as significant misunderstanding, particularly in popular media. His theodemocracy is seen primarily as a theocracy,³ despite his explicitly stated interest in rejecting theocracy by provincializing its philosophical underpinnings as specifically European. I show here that Maududi’s vision of theodemocracy opened up a productive space for reflection on the relationship between popular and state sovereignty, particularly within the colonial context. Maududi saw popular sovereignty as a moral problem. Popular sovereignty, he thought, corrupted the potential for individual moral development that the institutional mechanism of the state could otherwise allow for. He recognized that the idea of popular sovereignty held a complicated, nonlinear relationship with the sovereignty of the modern state, and was prescient in his intuition that one possible implication of this obfuscated relationship was the enhanced autonomy of the state against its own citizens. Yet he was also enthusiastic about the potential for the state to transform individual morality, using the colonial liberal state as both a model and a foil for his arguments. Highlighting the complicated relationship of his ideas with colonial rule, involving both rejection and selective appropriation, I show here that “theodemocracy” was his attempt at divorcing sovereignty from the state while retaining the state’s institutional framework for the moral transformation of individuals. This endeavor generated creative tensions and forms an important contribution to the ideas about the state and sovereignty that have inspired political action and debate around the world.⁴

Scholars have tended to place Maududi’s ideas only within the Islamic or the Indian context,⁵ imposing limits Maududi sought actively to transcend. I add depth to our understanding of Maududi’s vision of theodemocracy

¹In Euro-American scholarship Maududi’s influence has been noted mostly through the imprint of his ideas on Syed Qutb, the Egyptian Islamist ideologue; see, for instance, Roxanne Euben, *Enemy in the Mirror: Islamic Fundamentalism and the Limits of Modern Rationalism* (Princeton: Princeton University Press, 1999), 55, 75, 189.

²S. V. R. Nasr, *Mawdudi and the Making of Islamic Revivalism* (New York: Oxford University Press, 1996), 80–107; Charles J. Adam, “Mawdudi and the Islamic State,” in *Voices of Resurgent Islam*, ed. John L. Esposito (New York: Oxford University Press, 1983); Jan-Peter Hartung, *A System of Life: Mawdudi and the Ideologisation of Islam* (Delhi: Oxford University Press, 2014), 108–9, 124–26.

³For a representative work see Nasir Khan, “Islamist Radicalism in Pakistani Politics,” *Foreign Policy Journal*, December 18, 2017, <https://www.foreignpolicyjournal.com/2017/12/18/islamist-radicalism-in-pakistani-politics/> (accessed June 19, 2019).

⁴Maududi’s influence on political practice is also widely acknowledged. See, e.g., “How Islam Got Political: Founding Fathers,” <http://news.bbc.co.uk/1/hi/uk/4424208.stm> (accessed August 24, 2019).

⁵Irfan Ahmed, “Genealogy of the Islamic State: Reflections on Maududi’s Political Thought and Islamism,” *Journal of Royal Anthropological Institute* 15, no. 1 (2009):

by providing a glimpse of the rich hinterland of ideas that he drew upon, including Islamic, Pan-Asian, and European debates, as well as his lived experience in colonial British India. Placing Maududi's thought in this wider context goes beyond the Indian and Islamic concerns that scholars have tended to highlight, but also beyond the diffusionist vision of European ideas.⁶ Internalist histories of the emergence of the modern state within Europe do not recognize the role of colonialism, and forget that the modern state was not a fully developed entity at any stage that was "brought over" to the colonies. I suggest that Maududi's theodemocracy has to be viewed as an immensely influential and critical engagement with the emergence of the state, both the idea and the institution, as the dominant political frame of the twentieth century for social, political, and individual transformation. Taking seriously the state as an institution, Maududi created one of the more systematic, albeit problematic, bridges over the gap between *shari'a*, the Islamic normative framework including but not restricted to legal reasoning, and European political theory.

In the first section I elaborate Maududi's critique of popular sovereignty by placing it within the context of international debates that Maududi was exposed to and participated in. The second section fleshes out the innovations in Islamic thought that Maududi undertook to develop his concepts of *hakimiyyat ilahi* and theodemocracy as alternatives to popular sovereignty. The third section focuses on Maududi's fascination with the state as an agent of individual transformation at the mass level, and the inspiration provided by the liberal, colonial state for his vision of theodemocracy.

Popular Sovereignty or *Hakimiyyat ilahi*?

Writing in the mid-1930s, Maududi defined the state as that entity or "system" (*nizām*) that has "coercive power" (*qahirāna taqat*) over a population within a determined geographical region.⁷ But, he asked, how does the state establish that coercive power, and more critically, how is this coercion legitimized? Maududi implied that since the state was essentially an entity that

145–62; Hartung, *A System of Life*. However, Hartung recognizes that Maududi worked within a wider intellectual context of debates about communism and fascism.

⁶For discussions of new approaches to history of political thought and intellectual history beyond diffusion see Stefanie Ganger and Su Lin Lewis, "Forum: A World of Ideas: New Pathways in Global Intellectual History, c. 1880–1930," *Modern Intellectual History* 10, no. 2 (2013): 347–51; Andrew Sartori, "Beyond Culture-Contact and Colonial Discourse: 'Germanism' in Colonial Bengal," *Modern Intellectual History* 4, no. 1 (2007): 77–93; Andrew Sartori and Samuel Moyn, eds., *Global Intellectual History* (New York: Columbia University Press, 2013).

⁷Maududi, *Tehrik-e-Azādi Hind aur Musalmān* (Lahore: Islamic Publications, 1999 [1938]), 269. Hereafter TA.

exercised coercive power, obedience could not be obtained without some level of chicanery. Popular obedience to the state, he suggested, is obtained through a conception of sovereignty that allows the population to believe that it has not been enslaved.⁸ The sense that the state is the collective form of the population and its will, which is then supplied with coercive force, is, he claimed, the basic principle of democracy. The deception involved here lies in the fact that while in theory *hakimiyyat* or sovereignty belongs to each person within the state, practically this is not possible. Thus, for practical purposes, democratic governments claim to respond to the desires of the majority, and not all members of the polity (TA, 269–70). How that majority is formed, along what lines, and in which ways, he worried had grave implications for democratic governance.

The idea of majority rule, he thought, could work well where the population had deep “agreement about fundamental concerns” (*asasi umūr*) (TA, 271) and the discussion is primarily about “means and methods” (TA, 281). However, this was likely to be the case for a very small number of situations. The more likely and prevalent outcome was that majority rule would very easily descend into racist and competitive nationalism as had happened in the case of white oppression of blacks in America, Nazi atrocities in Germany, and English oppression of Irish and Catholic citizens of Britain.⁹ Once the logic of majority rule was allowed to operate unhindered the state could legitimize any action, however immoral, through the mythical notion of popular will. There was no philosophical justification in that case for any minimum standards of decency or humanity; popular will could and had, Maududi argued, legitimized the flouting of such norms in some of the most developed democracies already. *Shari‘a*, on the other hand, for him, provided a clear normative framework for governance.

His concern about this conflation of popular and state sovereignty was part of his attempt at parsing out the implications of European history for political ideas and practice, and was directly linked to his concern about the reductive conceptualization of religion in European thought. He repeatedly pointed out that Europeans are mistaken when they translate *dīn* as “religion,” by which they mean some rituals and beliefs unconnected with other aspects of life.¹⁰ Equally, his Indian and Muslim audiences were mistaken when they did not realize that the one idea that offered direct competition to *dīn*, in terms of its comprehensiveness and its demands for sovereignty, was “the idea of the state [*istait*] . . . even though it needs more depth to fully take over the meaning of *dīn*.”¹¹ He reminded his audiences that the state’s arena had

⁸Ibid.

⁹Maududi developed these examples in much detail in several writings. See, for instance, TA, 295.

¹⁰Maududi, *Islām Kya Hai!* (Lahore: Manshoorat, n.d.), 10; and *Qur‘ān ki Chār Bunyadi Islāhain* (Lahore: Islamic Publications, 2000 [1939]), 124–33.

¹¹Maududi, *Qur‘ān ki Chār*, 132.

almost become as all-encompassing as that of *dīn* and aspects of life that were in the past regulated by *dīn* were increasingly being taken over by the state.

Maududi's suspicion was not unfounded; recent research has suggested that a historically specific conception of religion was critical to the emergence of the idea of popular sovereignty providing legitimacy to the state in Europe as it separated from the church and established an independent basis for lawfulness.¹² Given the very specific historical contingencies of the coming together of the Roman Empire and the Catholic Church, the struggles in Europe were certainly different from much of the Muslim world where such a structured clerical hierarchy with institutionalized access to the state did not exist. Imagining religion as interiorized, individualized belief was a specifically European development,¹³ as the church-state's attempt "at uniformity failed" and policies of limited toleration were instituted that allowed political power to move "out of a purely derivative status into its own unique role."¹⁴ This was not a linear, nor a simple, process, but from the seventeenth to the eighteenth century various developments led to an increase in the reliance on the idea of popular will for state legitimacy. The authority of the church when replaced by the sanction of popular will sharpened the focus on territoriality and belonging; popular sovereignty was the expression of the will of a territorially and culturally distinct people.¹⁵ Nineteenth-century European thought increasingly conflated nationalism with popular sovereignty and the two with the state.¹⁶ Duncan Kelly has rightly suggested that "if the nineteenth century does have a theory of popular sovereignty, it exists only with reference to the particular development of a new state theory of national, indirect and representative government."¹⁷ Resounding

¹²Talal Asad, "Thinking about Tradition, Religion, and Politics in Egypt Today," *Critical Inquiry* 42, no. 1 (Autumn 2015): 166–214; Lorenzo Zucca, "A Genealogy of State Sovereignty," *Theoretical Inquiries in Law* 16, no. 2 (2015): 399; Quentin Skinner, "A Genealogy of the Modern State," *Proceedings of the British Academy*, no. 162 (2009): 325–70, esp. 330–35.

¹³Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, MD: Johns Hopkins University Press, 1993), 40–44.

¹⁴Ingrid Creppell, "Secularisation: Religion and the Roots of Innovation in the Political Sphere," in *Religion and the Political Imagination*, ed. Ira Katznelson and Gareth Stedman-Jones (Cambridge: Cambridge University Press, 2010), 36–37.

¹⁵This association between the nation-state and popular sovereignty remains dominant today, too. See Bernard Yack, "Popular Sovereignty and Nationalism," *Political Theory* 29, no. 4 (2001): 527.

¹⁶Istvan Hont, "The Permanent Crisis of a Divided Mankind: 'Contemporary Crisis of the Nation State' in Historical Perspective," *Political Studies* 42, no. 1 (August 1994): 166–231; Georgios Varouxakis, *Mill on Nationality* (London: Routledge, 2002), 23–37, 60–67; Yack, "Popular Sovereignty and Nationalism."

¹⁷Duncan Kelly, "Popular Sovereignty as State Theory," in *Popular Sovereignty in Historical Perspective*, ed. Richard Bourke and Quentin Skinner (Cambridge: Cambridge University Press, 2017), 296.

echoes of this conflation between representative democracy, nationalism, and statehood can still be found in contemporary liberal nationalist theories.¹⁸

One way in which many within the colonized world, particularly the Western-educated elites, interpreted and contributed to this conflation was to believe that they needed to be identified as a nation for their claims to popular sovereignty to be recognized.¹⁹ Thus, many nationalist movements were predicated on a claim that their nation had existed before colonialism and had the right to self-determination *as a nation*. In India, this position was articulated by leaders as diverse as the socialist Nehru, the liberal nationalist Jinnah, and the Hindu revivalist ideologue Savarkar. Recognizing this confusion between nation, sovereignty, and the state but also rejecting it, Maududi argued against the need to establish nationhood in the mold of European nation-states for demanding self-determination. He developed a detailed critique of nationalism that built on his analysis of the differences between European and Islamic historical experiences as well as philosophical divergences.

He also built on ideas critiquing popular sovereignty that had been articulated by a number of European and Indian thinkers and activists from the late nineteenth century as mass democracy began to seem an actual political possibility. Foremost among them was Gandhi, of whom Maududi had reportedly been an admirer until the early 1920s, and whose notion of self-rule or *swaraj* was tinged with a deep mistrust of mass democracy.²⁰ Maududi suggested that while the legitimacy of the state rested on the idea of popular sovereignty, the difficulty in operationalizing this meant that the state as an institution established its sovereignty over the people.²¹ Two important consequences flowed from this for him. First, the state had become an institution

¹⁸David Miller, *On Nationality* (Oxford: Oxford University Press, 1995) and *Citizenship and National Identity* (Cambridge: Polity, 2000); Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993).

¹⁹Karuna Mantena, "Popular Sovereignty and Anticolonialism," in Bourke and Skinner, *Popular Sovereignty in Historical Perspective*, 297–320; James Mayall, "Nationalism and Imperialism," in *The Cambridge History of Twentieth-Century Political Thought*, ed. Terence Ball and Richard Bellamy (Cambridge: Cambridge University Press, 2003); Benedict Anderson, *Imagined Communities* (London: Verso, 1983).

²⁰Dilip Menon, "An Eminent Victorian: Gandhi, *Hind Swaraj* and the Crisis of Liberal Democracy in the Nineteenth Century," *History of the Present* 7, no. 1 (2017): 33–58.

²¹Maududi's concerns here are shared independently and separately by both Bluntschli in the nineteenth century (Kelly, "Popular Sovereignty as State Theory," 281–83) and Schmitt in the twentieth (Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* [Chicago: University of Chicago Press, 2005]). There is little evidence of any direct conversation between Schmitt and Maududi, although both articulated anxieties about the place of the moral, or what Schmitt called "the political idea," which is, for him, ultimately a moral question (*Political Theology*, 65), in discussions about state sovereignty. I take this similarity as a symptom of

without any moral limits to its power,²² and second, its value as a vehicle of societal and individual transformation was squandered because the state was not dedicated to establishing justice through the imposition of *shari'a*, which was for him connected with the moral transformation of individual lives.²³

It was with this concern about the importance of a moral framework directing state actions that he developed his notion of divine sovereignty and theodemocracy. Maududi is credited, perhaps incorrectly,²⁴ with coining the neologism *hakimiyyat ilahi*. The term and related ideas were already in circulation, and one important Indian scholar that Maududi would have known about, Abul Mahasin Muhammad Sajjad (1883–1940), had initiated a discussion about the notion of divine governance, albeit with a different inflection regarding the role of the state.²⁵ However, Maududi gave the idea its most systematic and influential treatment. Maududi argued as early as his first major publication, *Al-Jihād fil Islam* (1930), that only an alternative moral framework could provide an antidote to the exclusions engendered by secular, national democracy and imperial rule. He concluded his discussions about the ineffectual international legal regime by arguing that

first, international law is in reality not a “law” [*qānun*]. For its articulation and propagation it is dependent entirely upon the empires of the day. They make and change it according to their interests and benefits. . . . Thus, the law does not decide how governments should act. Rather governments decide what the law should be. In contrast, Islamic law is truly a “law”²⁶ because it has been articulated by a higher authority and individual Muslims cannot change or modify it. . . . If Europeans don’t follow their national or international law it stops being a law. But if all the Muslims of the world stop following Islamic law even then it remains a law within itself.²⁷

Moving smoothly, and somewhat disingenuously, between *qānun* (state law) and *shari'a* (the normative framework), which he well knew were considered different elements by Islamic jurists, he argued that the core principles of

connected, but not identical, global institutional arrangements rather than the confirmation of a derivative discourse in the world beyond Europe.

²²See, for instance, Abul A'la Maududi, *Al-Jihād fil Islām* (Lahore: Idāra Tarjumān-ul-Qur'ān, 2007 [1930]), 106–7; also his *Islām ka nazariya siyāsi* (Bareilly: Maktaba Al Furqan, n.d.), 7–9, hereafter NS.

²³Abul A'la Maududi, *Islamic Law and Constitution*, ed. and trans. Khurshid Ahmed (Lahore: Islamic Publications, 1960), 231. Hereafter ILC.

²⁴Muhammad Qasim Zaman, “The Sovereignty of God in Modern Islamic Thought,” *Journal of Royal Asiatic Society* 25, no. 3 (2015): 405.

²⁵Ebrahim Moosa, “Shari'at Governance in Colonial and Postcolonial India,” in *Islam in South Asia in Practice*, ed. Barbara Metcalf (Princeton: Princeton University Press, 2009), 317–25.

²⁶English term in original Urdu text.

²⁷Maududi, *Al-Jihād fil Islām*, 596–97.

shari'a were clearly defined and could not be modified or reneged upon, unlike the promises made by the European empires to the Ottoman Empire and reneged upon at the end of the First World War.

This was an important debate of the period that provided inspiration to Maududi, and to which he had been exposed in his role as a journalist at a time when the Khilafat movement swept through India. The Khilafat movement, a broad-based mobilization in India that included not just Muslims but also Hindus, Sikhs, and others, was part of a wider anticolonial movement that called for the restoration of the Ottoman Caliphate as part of its opposition to European colonialism. Gandhi, a non-Muslim, was an important leader of the Khilafat movement. The Ottomans themselves had been ambivalent about the international association of their putative spiritual leadership of an entity called "the Muslim World."²⁸ Many Pan-Asian anticolonialists, including the Japanese and the Chinese, viewed the treatment of the Ottoman Empire as a failure of the international-law regime as well as a manifestation of rapacious European colonialism, and saw it primarily as another form of "anti-Western internationalism," not thinking of it "as a conservative religious movement."²⁹

Another somewhat surprising source of inspiration for Maududi and for viewing Islamic ideas as vehicles for anticolonial movements was the Bolshevik government in Russia, which supported various regional movements that used Islamic ideas and practices as expressions of antisarism and anticolonialism into the mid-1920s. The coming together of communist support for subnational anti-imperial groups and the dismemberment of the Ottoman Empire created intellectual ripples in direct, as well as subtle and nonlinear, ways. As an example of the more circuitous intellectual influences, consider the paradox that despite the association of communism with atheism, many of the first Muslim communists in India were deeply religious men³⁰ who had left India declaring it a *Dār-ul-Harb* (Land of War against Islam) as a result of the failure of Khilafat movement, and decided to move to Afghanistan to be able to live their lives in close accordance with Islamic principles. The Afghan government's suspicious treatment led many of these migrants to move to Tashkent. Welcomed by the Soviet Union, some

²⁸The association between the Ottoman Empire and the so-called Muslim World was a late nineteenth- / early twentieth-century development fueled paradoxically by the efforts of Christian missionaries and European powers. See Cemil Aydin, "Globalizing the Intellectual History of the 'Muslim World,'" in Moyn and Sartori, *Global Intellectual History*, 187–204.

²⁹Aydin, "Globalizing the Intellectual History," 172. See also Cemil Aydin, "Beyond Civilization: Pan-Islamism, Pan-Asianism and the Revolt against the West," *Journal of Modern European History* 4, no. 2 (2006): 204–23.

³⁰K. H. Ansari, "Pan-Islam and the Making of the Early Indian Muslim Socialists," *Modern Asian Studies* 20, no. 3 (1986): 509–37.

enrolled in the University of Eastern Toilers and went on to become prominent Indian communist leaders.

Maududi too was involved in the earlier stages of this movement, called the *Hijrat* (migration) movement, but moved away from it after disputes with its leaders, apparently because of his insistence that the strategies and goals be planned and realistic.³¹ In the late 1920s and 1930s Maududi also attended meetings organized by the socialist Khairi brothers in Delhi,³² who had in their appearance before the Central Committee of the Soviets in Russia in 1918 proclaimed, “The time had come for India to free herself, following what had been done in Russia.”³³ The imprint of discussions among Indian communists and socialists is readily discernible on Maududi’s thought—from his insistence on organizing *Jamaat-e-Islami* as a cadre-based Leninist party to his rhetoric around revolutionary takeover of the state.³⁴

Yet Maududi remained deeply suspicious of the role that ideas of popular sovereignty had played in fascist dictatorships, communist purges, and imperial nationalisms. He argued that popular sovereignty decimated the existential and epistemic humility³⁵ with which humans and previous political orders had approached lawmaking. He claimed that the “real cause of persecution [*fitna*] and conflict [*fasād*] in this world is man’s desire to act like God over other men [*insān par insān kī khudai hai*]” (NS, 7). The framework of popular sovereignty legitimated this impulse to dominate through majoritarian rule.³⁶ In contrast, in a polity defined by the humility engendered by *shari’a*, he argued, laws existed to reinforce moral values, not the whims of the

³¹Khurshid Ahmed and Zafar Ishaq Ansari, eds., *Islamic Perspectives: Studies in Honour of Sayyid Abul A’la Mawdudi* (Leicester: Islamic Foundation, 1979), 361.

³²K. K. Aziz, *The Idea of Pakistan* (Lahore: Vanguard Books, 1987), 88–92.

³³Quoted in Ansari, “Pan-Islam,” 518.

³⁴Humeira Iqtidar, *Secularizing Islamists? Jamaat-e-Islami and Jamaat-ud-Dawa in Urban Pakistan* (Chicago: University of Chicago Press, 2011), 61–64.

³⁵Maududi was not alone in finding the lack of existential humility an important element of modernity. In India, Gandhi had seen popular sovereignty as a trap and argued against the notion of inalienable rights (Faisal Devji, *The Impossible Indian: Gandhi and the Temptation of Violence* [London: Hurst, 2012], 185–90 and chap. 6). In recent decades the Tunisian scholar Taha Abdrehman has articulated an influential and very differently inflected reading of *shari’a* that foregrounds the role of humility in political and social life (Wael Hallaq, “Re-Forming Modernity: The Philosophical Ethics of Taha Abdurrahman,” unpublished manuscript, 198–99, 295–97, 328–33).

³⁶This remained an enduring concern. In a speech to the Karachi Bar Association in 1952 Maududi argued once more that “if we invest some human agency with this superhuman mantle of sovereignty, overlooking the inherent shortcomings, would it be of any service or advantage to humanity? No human being whether invested with this status individually or collectively, can easily digest such a heavy dose of sovereignty, where in he has unlimited powers to enforce his will over large numbers of people. Such authority whenever and wherever invested in human agency has invariably resulted in injustice” (ILC, 216).

majority, and thus the violation of certain minimum standards of behavior towards minorities and vulnerable populations could not be publicly justified (ILC, 231, 266). It was to return the state and its citizens to moral reasoning that human beings had to be stripped, conceptually and politically, of their pretensions of being the lawgivers in either their individual or collective capacity.

One implication of Maududi's arguments was that while individuals and groups had controlled states in the past, their oppression of others was seen for what it was—illegitimate and immoral. In contrast, decisions made through popular sovereignty had a seal of legitimacy and were undergirded by the idea that humans knew best what they or others under their control needed. Discussions about popular sovereignty, he thought, had remained mired in questions about the processes of selecting and electing representatives, and had led humans to believe that they could also decide what was right and good. However, humans are unable to work through the implications of their own decisions not only because human knowledge is limited, but also because it is frequently clouded over by short-term interests, habits, and social norms (ILC, 13–14). Human attempts at becoming lawgivers are destined to perpetuate oppression and can only be combated through a clear recognition of human limitations.³⁷ At a philosophical level, then, for Maududi, popular sovereignty legitimated the oppression of man by man, whether in the form of colonialism, racist nationalism, or fascism. He characterized this oppression as *fitna*, reconceptualizing the term beyond its classical and still dominant³⁸ usage in Islamic thought as chaos in society, to mean persecution.³⁹ In the interwar period, when he first articulated these ideas, exclusionary nationalism, colonial control, and fascism were associated almost exclusively with the most developed democracies of the world.

Theocracy as Limited Sovereignty: Reimagining *Dīn*

At the same time, Maududi could not but recognize the appeal, particularly among the colonized, of the idea of popular sovereignty as anticolonial self-

³⁷This relationship between epistemic humility, morality, and politics that the idea of *hakkimiyat ilahi* engendered was of great importance to Maududi and he developed it further in a later essay, the influential *Qur'ān ki chār bunyādi islāhain* (Four fundamental concepts of the Quran).

³⁸For the classical meaning of the term see L. Gardet, "Fitna", in *Encyclopaedia of Islam*, 2nd ed., http://dx.doi.org/10.1163/1573-3912_islam_SIM_2389.

³⁹"The real meaning of *fitna* is a test or a trial. . . . Set by other humans, it is oppression because human beings don't have the right to put others to trial. When a human [*insān*] puts another to *fitna* his objective is to appropriate the freedom of conscience, to enslave him and to push him towards moral and spiritual degradation. Within this context the word *fitna* is closest in meaning to the English word 'persecution.' Only, the English word does not have the depth that the term *fitna* does" (Maududi, *Al-Jihād*, 106).

determination. He needed to articulate a response that addressed this enthusiasm for popular sovereignty and did so by fundamentally reimagining *dīn*, the lived Islamic tradition. The first element of his response was establishing the idea of sovereignty of Allah or *hakimiyyat ilahi* as a conceptual alternative to popular sovereignty. Maududi modified existing ideas in Islamic thought about Allah being the creator (*khāliq*) and owner (*mālik*) to claim that *hakimiyyat* or political sovereignty belonged to Allah. As Muhammad Qasim Zaman has perceptively noted, Maududi presented an unusual and innovative reading of the Quranic verses affirming Allah's authority. Zaman argues that medieval and early modern jurists had debated the nature and extent of God's authority without showing much interest in or enthusiasm for establishing God's political authority. The Quranic verse which proclaimed that "authority [*al-hukm*] belongs to God alone" and was central to Maududi's interpretation of *hakimiyyat* was, if at all, debated by other jurists with an emphasis on the relationship between reason and revelation. Modern Islamists, Maududi foremost among them, reinterpreted this and other related verses to argue that "anything less than exclusive submission to God's law is . . . idolatory."⁴⁰

A key difficulty that Maududi faced here was that Islamic history did not really help him in making the case for divine sovereignty as the guiding principle of statecraft. Islamic political thought contained in the vast "mirrors for princes" literature conceived of religion as an ethical framework that may *or may not* be helpful in statecraft and did not require any direct management of the souls of citizens through the state, even though the sovereign was exhorted to be an exemplar for his subjects.⁴¹ Premodern and early modern Islamic empires and kingdoms had remained uninterested in managing the individual conscience and lives of all their subjects.⁴² Maududi avoided reference to the vast body of *akhlaq* or ethical literature that emphasized individual piety rather than political transformation, and to which the Persianate South Asian Islamic scholars had made significant contributions.⁴³ Moreover, despite its local relevance and historical proximity the Indian context, the Mughal Empire seems to have been, if anything, a source of embarrassment for him, and there is scarcely a mention of it in his writings. In his native India and neighboring Iran, Mughal and Safavid emperors had crafted forms of sovereignty that locked kingship with sainthood such that embodied practices of sovereignty by these kings bordered on heresy and blasphemy by

⁴⁰Zaman, "Sovereignty of God," 389.

⁴¹In that sense, as Naguin Yuvari, *Advice for the Sultan: Prophetic Voices and Secular Politics in Medieval Islam* (London: Hurst, 2014), has suggested, Islamic polities were secular before European secularism was articulated.

⁴²See Sudipta Kaviraj, "The Modern State in India," in *Politics and the State in India*, ed. Zoya Hasan (Delhi: Oxford University Press, 1999), for the Mughal Empire.

⁴³Muzaffar Alam, *The Languages of Political Islam in India 1200–1800* (New Delhi: Permanent Black, 2005).

doctrinal standards.⁴⁴ The Mughal king Akbar (1542–1605) had gone so far as to proclaim a new synthetic religion *dīn-e-ilahī*,⁴⁵ of which Maududi thoroughly disapproved. Apart from noting, quite correctly, in his discussion regarding the rights of minorities that the Ottoman and Mughal Empires had demonstrated greater inclusion of non-Muslims in economic, political, and social elites than contemporary European empires had in the case of their minorities, Maududi could not really draw upon these historical examples for his ideal Islamic state.

Instead he attempted to articulate a systematic theoretical vision that built on his involvement in debates around state sovereignty and alternatives to imperialism. In 1939 he published *Islām ka Nazariya Siyāsi*.⁴⁶ Here Maududi made the first detailed attempt at presenting Islam as a set of coherent and mutually reinforcing ideas that should dictate action—in his words, “a regulated system” (*bāzābita nizām*), or what we might call an ideology. This was, by his own admission, at least in part a response to those commentators who he claimed had generated the impression that Islam was a collection of “scattered ideas and practices” in their haste to demonstrate Islam’s compatibility with socialism, dictatorship, democracy, or other dominant ideologies (NS, 1–2). In this essay he first used the terms *hakimiyyat*; “theodemocracy”; and *‘amūmī khilāfat* (popular caliphate), terms that were to become the foundations of his theory of Islamic state.

Maududi defined sovereignty as the final authority to make laws and argued that only a being prior to the state or any particular group of people could claim that role: “*hakimiyyat* (sovereignty) belongs only to God. The only *qānun sāz* (law-giver) is God.” His use of the terms “sovereignty” and “law-giver” in English in the Urdu text was in part an indication of his familiarity with European political theory,⁴⁷ but perhaps most importantly it was an attempt at helping his readers understand what he meant by the Urdu neologisms not in wide circulation yet. *Hakimiyyat ilahi* for him was a

⁴⁴Azfar Moin, *The Millennial Sovereign: Sacred Kingship and Sainthood in Islam* (New York: Columbia University Press, 2012).

⁴⁵See *ibid.*, 282nn2–3 for the varying portrayals of Akbar’s new religion in contemporary scholarship.

⁴⁶The title can be translated as “Islam’s political viewpoint” but *nazariya* can also mean “ideology.”

⁴⁷Maududi was erratic with referencing in general. Here he did not provide any references to Bodin or any European theorist of sovereignty. He used extensive references primarily for his first major book, *Al-Jihād fil Islām*. That he read some translations of French and German thought in English, as well as English and American books on history and philosophy, is clearly indicated in that book. For discussions related to international law he referred, for instance, to Birkenhead, *International Law* (1927); Carl von Clausewitz, *On War* (1832); Otfried Nippold, *The Development of International Law after the World War* (1923); Edward Gibbon, *History of the Fall and Decline of the Roman Empire*, vol. 2 (1776); T. J. Lawrence, *Principles of International Law* (1900).

fundamental characteristic of an Islamic state such that “any person, family, class, or group, in fact the whole population of a state [*istait*, transliterated in Urdu text] combined, cannot claim *hakimiyyat* or sovereignty [English word in Urdu text]. The true sovereign is only Allah, everybody else is a subject” (NS, 12). In his elaboration of *hakimiyyat ilahi* Maududi conceived of *shari‘a* as a divine “constitution” (*dastūr*) that defined some overarching principles for social, political, and economic life (NS, 16).

Conceiving of Islam in this way allowed him to move beyond the limits of both communism and liberalism. This was an explicitly stated aim for him and he argued that this constitution, *shari‘a*, supported both personal freedom and freedom from class oppression. This was possible, he argued, because the economic limits on interest, a clearly defined law of inheritance for both men and women, the injunction for *zakat* (a tax on all wealth to be distributed directly to the needy), and a prohibition on speculation existed in Islam, at the same time as complete support for private ownership (NS, 15). The notion of *hakimiyyat ilahi* then allowed a polity to circumvent the divisive politics of both liberalism and communism.

Characteristically, he was also not entirely willing to give up on the idea of popular sovereignty and the second element of his response to widespread enthusiasm for it was the idea of a popular viceregency (his term), which he translated as *‘amūmī khilāfat*. He needed to reconcile this new notion of Allah’s sovereignty with his ideas about the rationality of human beings. Democracy to him represented the ability of humans to make rational decisions about their everyday life, which was for him entirely compatible with the Islamic tradition. To him democratic decision-making was not the problem; it was the notion of popular sovereignty that allowed for no limits on what majorities could decide to do with the minorities, or even with themselves.

For making an argument about political engagement and establishing the right kind of a state as a responsibility for all Muslims, Maududi relied heavily on the Quranic verse (al-Nur-7) “Allah has promised those who believe in you, and practice good deeds that they will be made his viceregents [*khalifa*] just like He made others before them his viceregents.” Maududi argued that the Quran addresses all Muslims here. Thus, all Muslims are eligible for viceregency, and the role has not been specified for any group, family, or class. For Maududi, “every believer [*momin*] is God’s viceregent, and thus responsible to God for his deeds” (NS, 19). Rather than interpreting this verse to mean that each human is responsible for her own actions, as the vast majority of *ulema*, or Islamic scholars, had done, Maududi expanded its implications to include the responsibility to political involvement. He argued that the verse implied that each Muslim was accountable for making sure the state operated within the overarching framing of the *shari‘a*. Political engagement was not an optional extra but a central requirement for leading a good

Muslim life. Going against the dominant *ulema* opinion, Maududi made political engagement an obligation for Muslims.⁴⁸

Another implication that he drew from this Quranic verse and others was that there was no space for dictatorship (a word Maududi transliterates in Urdu) of an individual or a class in an Islamic state (NS, 20). Ordinary Muslims had the right to make decisions about their profession, skills, children's education, and so forth. He claimed that in Islamic historical experience slaves had become kings, low caste individuals had led prayers, and weavers and cloth sellers had become *qāzi* (judge) and *muftī* (legal scholar) (NS, 20). All this showed, to him, that there were no legal and discursive barriers to leadership and active participation across classes in Islam.

Muslims, he argued, have the right and duty to elect an *amīr* or a president whose "position is no more than . . . the concentration of the viceregency of all the Muslims" (NS, 22). He—and it had to be a man⁴⁹—would not be above criticism and oversight. Ideally as a sign of his piety and modesty, the contender would not put his own candidacy forward (NS, 23). The *amīr* would also be directly responsible to the *majlis-e-shūra*, a body elected through general election. Maududi recognized that elections were not part of the state in Medina and noted his support for electing a *shūra* "even though there is no example of this among the first caliphs" (NS, 23). The Medianian polity of the Prophet and his first caliphs provided some hints but not the full picture of his ideal Islamic state. In Maududi's Islamic state, democratic decision-making was to be facilitated by the *shūra*, where each individual member was to be responsible for voting based on his conscience rather than party discipline. In keeping with long-running Islamic practice, the courts would be entirely independent of the executive.⁵⁰

This is the form of government that Maududi called "theodemocracy"⁵¹ or *ilahi jamhūrī hakumat*. He was conscious that he was coining a term and

⁴⁸This has been an immensely important reconceptualization of individual responsibility and its popularity has meant that many explicitly Islamic groups see it as their duty to question monarchic and autocratic regimes in countries such as Egypt, Tunisia, and Saudi Arabia.

⁴⁹Maududi argued that since one of the roles of the leaders of the Islamic state was to lead prayers, the leader had to be a man (ILC, 243). In practice, and until the ideal Islamic state could be fully established, he was willing to modify his stance. In 1965, he and his party Jamat-e-Islami allied with the opposition parties in Pakistan against the dictatorship of General Ayub Khan, and backed Fatima Jinnah, a woman, for the presidency.

⁵⁰This is one area where Maududi could comfortably draw upon Islamic history and philosophy for providing a relatively solid ground for his argument. For an overview of this separation in Islamic legal and social history see Wael Hallaq, *The Impossible State: Islam, Politics and Modernity's Moral Predicament* (New York: Columbia University Press, 2013), 37–74.

⁵¹The term had been also used by the Mormon leader Joseph Smith in 1844 and remained in use by the group into the twentieth century. See Patrick Q. Mason,

declared that it was necessary because people were likely to confuse his Islamic state with a theocracy. This Islamic “theory of the state” (NS, 19) he insisted was different from the European experience. Europe, he wrote, “is familiar with that theocracy in which a particular religious class (priestly class) uses God’s name to make its own rule and impose it on others, and establishes its God-like writ [*khudai*] on common citizens” (NS, 12). Maududi’s ideal Islamic state drew upon the historical experience of Muslim *ulema* who as a class had not been imbricated with the state in the way the clergy had been in Europe.⁵² Maududi wanted to incorporate these important differences in historical experiences into his theory of the state, at the same time as recognizing the transformed institutional and ideational context of the twentieth century. He thus claimed that his theodemocracy was a democracy to the extent that it supported limited popular will for rational decision making, but also produced epistemic humility by recognizing conceptually and practically that *shari’a*, not unbounded human will, provided the overarching moral framework for this state.

The State as an Agent of Ethical Perfection

Ironically, given his concerns regarding the sovereignty that the state appropriated for itself, Maududi ended up moving the state center stage in Islamic normative thinking and argued more forcefully than others before him for bringing the state and *shari’a*, the normative ethico-legal framework, together.⁵³ He viewed the modern state with awe precisely because he recognized its power as an institution in shaping individual behavior, declaring that “the nineteenth-century vision of the state is now utterly outdated. . . . The state is no longer outside of society. . . . Now the state’s arena has almost become as all-encompassing as that of *din*” (TA, 292–93). Maududi’s sensitivity to the state’s ability to catalyze social and individual transformations places him clearly within a global intellectual and political conversation of his time. The early to mid-twentieth century was a period of particular

“God and the People: Theodemocracy in Nineteenth-Century Mormonism,” *Journal of Church and State* 53, no. 3 (Summer 2011): 349–75. However, it is not clear if Maududi knew about this use.

⁵²Wael Hallaq, *Sharia* (Cambridge: Cambridge University Press, 2009); Mohammed Qasim Zaman, *Custodians of Change: Ulema in Contemporary Islam* (Princeton: Princeton University Press, 2007).

⁵³In tracing an exclusively Islamic lineage to Islamist ideas, some scholars have highlighted the influence of Ibn Taymiyya. However, as Ovarmir Anjum, *Politics, Law and Community in Islamic Thought: The Taymiyyan Moment* (Cambridge: Cambridge University Press, 2012), 270–72, has convincingly argued, Ibn Taymiyya was focused primarily on the relationship between the community and *shari’a*, and not specifically the state.

openness to alternative utopias and many different visions, the vast majority of which revolved around the idea of the state.

Some scholars have already noted the importance of the lived experience of the British colonial state for Maududi;⁵⁴ in this section I highlight its role as both a foil and a *model* for his vision of theodemocracy. In the Indian context, the British colonial state—liberal, secular, and modern by its own reckoning—intensified its hold after the 1857 rebellion that attempted to overthrow the creeping control that the East India Company had exerted. In the ensuing years, the British state took explicit control, and an unprecedented raft of new interventions in everyday life followed along with the intensification of older initiatives: revamping the form and substance of mass education;⁵⁵ consolidation of spiritual, economic, and political power to create a pernicious form of feudalism;⁵⁶ sharpening of individual religious identities through census, separate electorates, and, critically, codification and stultification of Muslim and Hindu laws,⁵⁷ in addition to the increased legalization of social life.⁵⁸ All this highlighted the power and role of the state in a very dramatic manner to Indians. More critically, and even with the best of intentions, British colonial administrators' own understanding of religion as a set of privatized rituals combined with the interests of governance meant that the norms and values that the British saw as secular were perceived as particularly European Christian by most Indians.⁵⁹ The appropriation of neutrality by the colonial state in this increasingly polarized context directly impinged on the capacity for cross-religious political engagement by local actors while permitting the colonial state greater reach into their everyday life.⁶⁰

Maududi often reminded his audiences that a unique feature of the modern state seems to be its intrusive management of individuals and communities, which he implied was tied to European historical experience. Some recent researches have explored these differences between modern imperial states

⁵⁴Ahmed, "Genealogy of the Islamic State"; Iqtidar, *Secularizing Islamists?*, 38–54.

⁵⁵Barbara Metcalf, *Islamic Revival in British India: Deoband 1860–1900* (Princeton: Princeton University Press, 1982).

⁵⁶David Gilmartin, *Empire and Islam: Punjab and the Making of Pakistan* (London: Tauris, 1988).

⁵⁷Scott Alan Kugle, "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia," *Modern Asian Studies* 35, no. 2 (May 2001): 257–313.

⁵⁸Tanika Sarkar, *Hindu Wife, Hindu Nation: Community, Religion and Cultural Nationalism* (Bloomington: Indiana University Press, 2001).

⁵⁹Peter Van der Veer, *Imperial Encounters: Religion and Modernity in India and Britain* (Princeton: Princeton University Press, 2001).

⁶⁰Critics such as Gandhi argued that even if the colonial state did not actively pit Muslims against Hindus in India, its appropriation of neutrality made Hindus and Muslims unable to proclaim any impartiality at all; their concerns, proposals, and solutions immediately became either Hindu or Muslim (Devji, *The Impossible Indian*, 154–59).

of Asia and Europe.⁶¹ Influential scholars such as the postcolonial theorist Talal Asad and European intellectual historian Larry Siedentop have, from very different perspectives, highlighted the centrality of European Christian ideas about the management of individual conscience and its implications for modern governance.⁶² These ideas came together with resources and ideas from colonies in making the modern liberal state European, global, and an ongoing project at the same time.⁶³ In this context, state power grew⁶⁴ in tandem with liberal ideas about wresting individual freedom from the state. This complicated, passionate yet oppositional, relationship with individual liberty remains the substantive core and historical legacy of the intertwined emergence of both the modern state and liberal thought. A broad range of thinkers and activists—from fascists to communists, socialists,

⁶¹This is not to say that states elsewhere were not sophisticated but that they did not bring together impersonal bureaucracy with the focus on managing the individual citizen in the same way as some European states. Early modern imperial states in Asia, such as the Mughal (Sumit Guha, "The Politics of Identity and Enumeration in India c. 1600–1990," *Comparative Studies in Society and History* 45, no. 1 [2003]: 148–67), the Ottoman (Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective* [Cambridge: Cambridge University Press, 2008]), and the Qing (Liping Wang and Julia Adams, "Interlocking Patrimonialisms and State Formation in Qing China and Early Modern Europe," *Annals of the American Academy of Political and Social Science*, no. 636 [July 2011]: 164–81; Jonthan Ocko and David Gilmartin, "State, Sovereignty, and the People: A Comparison of the 'Rule of Law' in China and India," *Journal of Asian Studies* 68, no. 1 [Feb. 2009]: 55–133) had already developed elaborate bureaucracies for purposes of taxation and stability but not the emphasis on managing individual subjects/citizens.

⁶²Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press, 2003), esp. 130–58 and chap. 6, traces liberalism's focus on the individual through its continuity with European Christian ideas of individual salvation managed through the institutional mechanism of a hierarchical church. Larry Siedentop, *Inventing the Individual: The Origins of Western Civilization* (London: Penguin Books, 2005), e.g. 243–44, also traces the emphasis on individual conscience and rights in liberalism to specifically Christian ideas about individual conscience.

⁶³Internalist histories of the development of the state in Europe tend to sequester colonialism and state building, but scholars—from dependency theorists such as Andre Gunder Frank ("The Development of Underdevelopment," *Monthly Review Press* 18, no. 4 [1966]) to postcolonial theorists such as Gyan Prakash ("Who's Afraid of Postcoloniality?," *Social Text*, no. 49 [Winter 1996]: 187–203)—have long argued for recognizing these intertwined histories. For others, such as James Scott (*Seeing Like a State* [New Haven, CT: Yale University Press, 1998]), the modern state is inevitably a project of internal colonization.

⁶⁴As Christopher Bayly observed, "By the start of the First World War in 1914, the state could deploy more men, more authority, more resources, and more destructive power against its own citizens and against other states than it had done earlier" (*The Birth of the Modern World, 1780–1914: Global Connections and Comparisons* [London: Blackwell, 2004], 265).

and liberal nationalists⁶⁵—began to view the state as the primary vehicle for societal transformation, even as they differed on the exact contours of the state and the purposes to which it must be deployed. It was not despite the contradictions within the “state idea,”⁶⁶ but because these contradictions offered capacious possibilities for interpretation of its relationship with individuals and communities, that there was immense excitement about it. By the twentieth century the state had emerged as the master concept of political vocabulary⁶⁷ at an international scale, such that popular sovereignty has “no form, place and time apart from the state itself.”⁶⁸

Maududi participated in this global conversation by imaging a state wedded to *shari‘a* norms to bring about much-needed social and individual transformation. Here the colonial state provided an important model for him. With mass democratic participation becoming a reality only close to the beginning of the twentieth century—and we sometimes forget that through the nineteenth century, “popular sovereignty did not mean popular government”⁶⁹—various kinds of thinkers around the world were beginning to articulate anxieties about the implications of allowing “the people” access to the state.⁷⁰ The colonial state exhibited these anxieties in a more pronounced manner. Mill, influential in Britain and relatedly India, tempered his powerful articulation of freedom from compulsion as a basic principle, by adding caveats that legitimated rule over those deemed too immature to govern, including the colonized.⁷¹ Moreover, despite his deep sympathy for classical economic theory, he endorsed an expanded role for the state to

⁶⁵In India an important source of liberal nationalist enthusiasm for state capture was Giuseppe Mazzini, whose ideas found wide circulation in many parts of the world. See Christopher Bayly and E. F. Biagini, *Giuseppe Mazzini and the Globalization of Democratic Nationalism, 1830–1920* (London: Oxford University Press, 2008).

⁶⁶Timothy Mitchell’s suggestion is productive: that through the twentieth century the state became a “powerful idea” that provided political legitimacy to a range of power relations (“The Limits of the State: Beyond Statist Approaches and Their Critics,” *American Political Science Review* 85, no. 1 [1991]: 77–96).

⁶⁷Skinner, “Genealogy of the Modern State.”

⁶⁸Paul Kahn, *Putting Liberalism in Its Place* (Princeton: Princeton University Press, 2005), 266.

⁶⁹Bayly, *Birth of the Modern World*, 302. In fact, exclusions across gender, race, and class were the norm through the first quarter of the twentieth century within the more developed democracies.

⁷⁰For instance, for anxieties about mass democracy among German thinkers such as Thomas Mann and Max Weber, see Timothy Stanton, “Popular Sovereignty in an Age of Mass Democracy: Politics, Parliament and Parties in Weber, Kelsen, Schmitt and Beyond,” in Bourke and Skinner, *Popular Sovereignty in Historical Perspective*.

⁷¹Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Princeton: Princeton University Press, 1999), esp. 77–114.

develop the right kind of citizens.⁷² The transformations that the British colonial state brought about were couched in the language of scientific progress and civilizational development; the empire was increasingly legitimized in the name of scientific expertise that would facilitate progress.⁷³ Influential liberal thinkers had endorsed and supported this role for the state in the service of progress. Indian urban audiences had been thoroughly primed by the first decades of the twentieth century to imagine and accept the need for improvement at the individual and social levels managed primarily by the state.

Maududi's fractured attempt to bring together the centrality of the individual in *shari'a* with the institutional mechanisms of the modern state paralleled the conflicted relationship between individual, state, and sovereignty manifest in the limited democratic procedures introduced in India by the colonial state. The 1919 reforms introduced a contradictory dynamic with each individual responsible for his vote in a dual capacity: as the holder of an individual conscience that must stand apart from society, as well as in his capacity as a member and representative of a community or social group, defined often through class, religion, or ethnicity. This vision of "the individual as both an active player in the world, and yet, at the very same time, as an autonomous moral agent, transcending the bonds of society,"⁷⁴ created deep tensions. How was the individual to understand herself: as a member of a community with the right to communal sovereign decision-making, or as an isolated, sovereign being? How was individual ethical perfection, central to the task of religious piety, linked to the political order?

This was an important question for Maududi, as it was for many other influential Indian thinkers who saw liberal ideas around popular sovereignty as creating new ethical dilemmas and possibilities, for individuals as well as for society. Gandhi, as Devji has argued, expressed a deep concern about the reliance on the state for establishing the value of human life. His solution was to entirely bypass the state by locating sovereignty firmly within each individual. This sovereignty could only be achieved by following one's ethical duty.⁷⁵ Sovereignty, then, was not an automatic attribute but one that each

⁷²John Gibbins, "J. S. Mill, Liberalism and Progress," in *Victorian Liberalism: Nineteenth-Century Political Thought and Practice*, ed. Richard Bellamy (London: Routledge, 1990), 102.

⁷³David Gilmartin, "Scientific Empire and Imperial Science: Colonialism and Irrigation Technology in the Indus Basin," *Journal of Asian Studies* 53, no. 4 (1994): 1127–49. From the 1930s onwards these ideas about progress were linked to the idea of development. See Timothy Mitchell, *Rule of Experts: Egypt, Techno-Politics, Modernity* (Berkeley: University of California Press, 2002), 82–83; Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World* (Princeton: Princeton University Press, 1995).

⁷⁴David Gilmartin, "Towards a Global History of Voting: Sovereignty, the Diffusion of Ideas, and the Enchanted Individual," *Religions* 3, no. 2 (2012): 411.

⁷⁵Devji, *The Impossible Indian*, esp.102–18.

individual had to strive for. For Gandhi, Ambedkar, and Har Dayal, otherwise very different thinkers, the idea of popular sovereignty was linked inexorably to the attempt at personal reformation through the “freedom to pursue one’s ethical potential.”⁷⁶ It was within this context that Maududi too foregrounded the ethical, but with a different inflection.

Unlike Gandhi, Maududi saw immense potential in the state as a vehicle of individual moral transformation and thought that “the evils which are not eradicated through the preachings of the Quran need the coercive power of the state to eradicate them” (ILC, 231). The imprint of the liberal imperial state’s power to remodel individuals and communities and the desire to modify behavior in Maududi’s thought came even more forcefully to the fore with the formation of Pakistan in 1947. Maududi’s Islamic state could only be effective in bringing about the social and individual moral revolution that he envisioned if it continued along the institutional pathways established by the colonial administration. Operating in a secular state formed as a state for Muslims of India, but not one committed to Islamic governance, forced new challenges upon Maududi⁷⁷ and required him to operationalize his theory of the state in more detail than before. It is in these elaborations that the contours of the colonial liberal state underlying his Islamic state begin to emerge more sharply.

Soon after the formation of Pakistan, Maududi argued that the establishment of democratic procedures was critical to the enterprise of establishing an Islamic state. In an address to a law college in Lahore in 1948 he argued that the new state had an unprecedented opportunity to shape its constitution entirely in consonance with *shari‘a* through democratic procedures. Refuting the claim that *shari‘a* was not compatible with a modern state legal system, Maududi first established that law was indeed central to the enterprise of running a state (ILC, 45–46). It was, he declared, only that the different vocabulary of Islamic legal language as well as the diffuse ways in which *shari‘a* was practiced meant that some effort had to be expended in systematizing it so that its compatibility with the modern state could be revealed. Dividing *shari‘a* into its core elements and central mechanics and vehemently rebutting criticisms that *shari‘a* was “archaic, barbarian and riven by internal divisions” (ILC, 69), Maududi worked hard, but not entirely persuasively, to assure his

⁷⁶Shruti Kapila, “Self, Spencer and *Swaraj*: Nationalist Thought and Critiques of Liberalism, 1890–1920,” *Modern Intellectual History* 4, no. 1 (2007): 126.

⁷⁷Having opposed the formation of Pakistan precisely because to him a state for Muslims without a commitment to Islamic governance made no sense, Maududi made the decision to move to Pakistan as he saw a greater potential for establishing his ideal Islamic state in a Muslim-majority country. However, he had to contend with intense criticism because there was no ready consensus on what Muslim nationalism was to mean and because of the strength of left secular ideas in the cultural sphere. See Kamran Asdar Ali, “Communists in a Muslim Land: Cultural Debates in Pakistan’s Early Years,” *Modern Asian Studies* 45, no. 3 (2011): 501–34.

critics that many aspects of the state as they knew it would remain unchanged. The organs of the Islamic state, he said, would be the legislature, the executive, and the judiciary. These organs would function independently of one another (ILC, 225–27).

Identifying the *ahl al-hal wal 'aqd* (those who bind and loosen) with the legislature (ILC, 221), Maududi presented an unconventional reading of the role of scholars who had in medieval practice been seen as those who had the responsibility and right to elect a leader. Further, Maududi argued that consultation is an imperative for the Islamic state, but while the *amīr* is obliged to consult his advisers, he is not required to follow their “unanimous or even majority opinion” if it contradicts *shari‘a* (ILC, 228). How different interpretations of *shari‘a* were to be reconciled he left vague, implying only that the legislature would be the body that would debate such matters, and ultimately, the *amīr* must always follow his conscience. On surer historical footing regarding the role of the judiciary in Islamic history, Maududi argued at length that the judiciary had to be independent of the executive.

What saved Maududi’s vision of a theodemocratic Islamic state from descending quickly into fascism was, in his view, his insistence on the importance of individual conscience — for the *amīr*, as noted above, and individual members of the *shūra*, as well as each citizen. Maududi did not elaborate upon the modalities of how this would work. Perhaps this was because he was relying on the deep entrenchment of ideas about nonbureaucratic individual ethical responsibility in Islamic thought to render unnecessary further elaboration for a Muslim audience. Hallaq has argued that the wide range of *shari‘a* practices converged on “a common denominator, namely, the cultivation of the individual as a moral subject,” where individual conscience did not have to suffer from “theistic tyranny and the absence of individual moral autonomy . . . against which the Reformation and Enlightenment constituted reactions.”⁷⁸ Within the classical *shari‘a* framework, individual ethical responsibility did not have to be separated from piety and/or managed through bureaucratic procedures but instead provided an important building block of sound governance that Maududi took for granted.

From the 1950s on, Maududi expanded upon his vision of the Islamic state, detailing the qualifications for rulers, the norms of citizenship, the terms of inclusion of non-Muslims into his Islamic state, and the duties of different organs of the state. Responding to debates within the Pakistani constitutional assembly and criticism of his position regarding non-Muslims in his Islamic state, he now elaborated that non-Muslims could be members of the legislature as long as the constitution clearly stated that laws repugnant to *shari‘a* could not be passed. They could rise to the high offices, barring that of the president, because having a non-Muslim leader (including those Muslims who do not agree with the ideology of the Islamic state) of an ideological

⁷⁸Wael Hallaq, *Restating Orientalism: A Critique of Modern Knowledge* (New York: Columbia University Press, 2018), 75, 262.

Islamic state would be as nonsensical as “a non-communist becoming the leader of a communist state, or a fascist becoming a leader of a democratic state.”⁷⁹ In short, he transformed Muslim and non-Muslim into political rather than purely religious categories. Much like the colonial liberal state, his Islamic state would incorporate difference up to a point, frame norms based on its own normative architecture, and allow the individual freedom while binding her closely to her community. The project of individual ethical perfection his Islamic state would be committed to, with some differences in its substance, was similar to the colonial state’s civilizing mission in form.

Conclusion

Maududi’s theodemocracy presents a systematic, if imperfect, attempt at rethinking the place of popular sovereignty in a colonial context, within a *shari’a* framework, and at using Islamic resources to propose a solution to the imposition of state sovereignty on individuals. This becomes evident as we recognize the innovations Maududi carried out within Islamic thought to make possible the coming together of the state and *shari’a*, moving *shari’a* from being primarily self-enforced to being state-enforced. In claiming that the modern state is profoundly incompatible with Islamic governance, Wael Hallaq⁸⁰ argues against the viability of the Islamist project to suggest that classical Islamic governance “rests on moral, legal, political, social and metaphysical foundations that are dramatically different from those sustaining the modern state.” The modern state, he proposes, rests on philosophical foundations that allow the state to appropriate sovereignty for itself. Hallaq is right to alert us to these differences, and Maududi’s vision of theodemocracy illustrates the challenge of reformulating *shari’a* from a system that did not rely upon state enforcement to a state-imposed one. The creative energy that Maududi had to spend in bringing *shari’a* and the state together is an indication of the distance that had to be covered to make the Islamist project plausible; it meant, ultimately, that Maududi’s Islamic state is closer to the colonial liberal state than any historic Islamic state. Hallaq has argued that the Islamist state may well be impossible in the terms of long-held *shari’a* norms, and certainly Maududi’s increasing deference to the state and the whittling away of the complexity and flexibility within *shari’a* would support Hallaq’s contention.

Despite its shortcomings, Maududi’s theodemocracy remains an important and imaginative attempt to weave together a broad range of ideas to address the moral challenges thrown up by the idea of popular sovereignty. Unlike many European theorists who saw popular sovereignty as an

⁷⁹Ibid., 266.

⁸⁰Wael Hallaq, *The Impossible State*, 49.

attractive alternative to divine sovereignty precisely because it placed some limits on the otherwise unlimited authority of the monarch, Maududi thought that popular sovereignty created moral problems because it removed epistemic and hence political restrictions on the oppression that humans could inflict on others.

In advocating a theodemocratic state Maududi accepted the ability of the modern state to manage individual lives as an important and valued capability of the state. He also accepted the value of democratic decision-making as a mechanism for allowing members of a polity to exercise their rational faculties for organizing themselves in ways best suited to their time. He sought primarily to transform the idea of popular sovereignty to one limited by a moral code. In doing so he participated in a global discussion about the moral problems engendered by popular sovereignty and the modern state and proposed solutions from within an Islamic framework. That they were not entirely acceptable to many Muslim scholars,⁸¹ as well as other interlocutors, does not detract from the ambitious nature of his venture or its far-reaching consequences in contemporary politics.

⁸¹Maulana Mufti Mohammed Yusuf, *Maulana Maududi par aitrazāt ka ilmī jaiza* (Lahore: Islamic Publications, 1971). For an alternative vision of divine governance see Moosa, "Shari'at Governance," 319.