RESEARCH ARTICLE

Sulh-i kull as an oath of peace: Mughal political theology in history, theory, and comparison

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Abstract

Sulh-i kull or 'Total Peace' with all religions was a policy introduced by the Mughal empire in South Asia in the late sixteenth century. It was a radically accommodative stance for its day, especially when compared to the intolerant manner in which other Muslim and Christian polities of the early modern world dealt with religious difference. This article introduces a new perspective on Mughal Total Peace by arguing that it was meant to solve a long-standing problem created by the monotheistic ban on oaths sworn on non-biblical deities. Such a ban restricted the ability of Muslim kings to solemnize peace treaties with their non-monotheist rivals and subjects. In the second half of the article, I examine two pre-Mughal cases, from the eleventh century (Mahmud of Ghazna) and the seventh century (the prophet Muhammad), respectively, to explore what other, less 'total', mechanisms were invented to suspend this ban and enable oath-taking and solemn peace-making between monotheist and non-monotheist. In effect, I use the Mughal case to highlight a specific issue that shaped political theology in Islam over the long term.

Keywords: Islam; religious pluralism; political theology; Mughal empire

Sulh-i kull as an oath of peace: Mughal political theology in history, theory, and comparison[1]

> [Allah] it is Who hath sent His messenger with guidance and the Religion of Truth (*din al-haqq*), that He may exalt it over all religion ('*ala al-din kullihi*), however much the idolaters (*mushrikin*) may be averse.
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> Qur'an 9:33 (seventh century)

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[1] Adapted from *Oaths of Peace: Sovereignty and Political Theology in Islam* by A. Azfar Moin. Forthcoming in 2022 from Columbia University Press. Used by arrangement with the Publisher. All rights reserved.

And on coming to exalted dignity if he [the king] do not inaugurate Total Peace (*sulh-i kull*) and if he do not regard all conditions of humanity, and all sects of religion with the single eye of favour,—and not bemother some and be-stepmother others,—he will not become fit for the exalted dignity.[2]

The Book of Akbar (sixteenth century)

The Mughal imperial religious policy inaugurated by the emperor Akbar (r. 1556–1605), called *sulh-i kull* and translated variously as 'total peace', 'universal peace', 'universal civility', 'peace with all', 'peace for all' religions, overturned a foundational tenet of scriptural Islam and, more generally, of biblical monotheism. As repeatedly expressed in the Qur'an (9:33, 48:28, and 61:9), this was the principle that there existed only the one true god, who had revealed in written form the one true religion, whose believers formed the only righteous community.[3] While other Qur'anic verses encouraged accommodation—'To you your religion, and to me mine' (109:6)—early Muslim exegetes explained these away or declared them abrogated.[4] This was in keeping with the dominant trend of biblical monotheism in late antiquity that drew a line between belief and unbelief that was sharp, clear, and impermeable, a sentiment repeated by the famous jurist al-Shafi'i (d. 820 CE): 'All infidelity (*al-kufr*) is one religious community (*millat wahida*) … in the same way as Islam is (one) religious community (*millat*).'[5] Al-Shafi'i was simply restating what the first Islamic coins to carry canonical Qur'anic verses had proclaimed. Issued in the 690s at the height of Arab imperial expansion, these 'canonical' coins cited the very same Qur'anic assertion (9:33, 48:28, and 61:9), making it the caliph's duty to exalt Islam as the Religion of Truth (*din al-haqq*) 'over all religion' or 'religion in its totality' (*'ala al-din kullihi*).[6]

As the centuries rolled by, Muslim kings began to find ways to sidestep this Qur'anic-biblical doctrine of Religion of Truth and to accommodate a diversity of religious beliefs, practices, and communities. Yet, none before Akbar transgressed this injunction so explicitly and unapologetically, declaring its annulment a fundamental duty of kingship. For good reason, then, Akbar is praised today for implementing secularism *avant la lettre* and, in equal measure, condemned for abjuring Islam. This article contributes to the scholarship

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[2] Abu al-Fazl ibn Mubarak and Henry Beveridge, *The Akbar Nama of Abu-l-Fazl: History of the Reign of Akbar Including an Account of His Predecessors*, 3 vols (Vols 1 and 2 bound in one) (Calcutta, 1897–1921; repr., Lahore: Sang-e-Meel Publications, 2005), Vol. 2, p. 421.

[3] For the positions that jurists of early and classical Islam took on the predominance of Islam over other religions, see Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (New York: Cambridge University Press, 2003), pp. 34–38.

[4] Ibid., pp. 88–96.

[5] Quoted in ibid., pp. 55–56. For Islam as a phenomenon of late antiquity, see Guy G. Stroumsa, *The Making of the Abrahamic Religions in Late Antiquity* (Oxford: Oxford University Press, 2015); Aziz al-Azmeh, *The Emergence of Islam in Late Antiquity: Allah and His People* (New York: Cambridge University Press, 2014).

[6] The coins are inscribed with the first portion of this verse (the portion that is duplicated in 48:28 and 61:9), leaving out 'however much the idolaters (*mushrikin*) may be averse'. Fred McGraw Donner, *Muhammad and the Believers: At the Origins of Islam* (Cambridge, MA: The Belknap Press of Harvard University Press, 2010), p. 210.

on *sulh-i kull* but it also expands the scope of enquiry in terms of history, theory, and comparison. By taking the Mughal case as a point of departure, it invites scholars from within and outside the fields of Mughal history and the study of Islam in South Asia to rethink critical problems of religion and sovereignty over the long arc of Islamic history.

The bulk of scholarship on *sulh-i kull* examines the phenomenon within the context of Akbar's reign. However, when viewed over the long term, *sulh-i kull* comes into focus as a total solution—*kull* means 'total' or 'universal' as opposed to 'partial' or 'particular' (*juzw*)—to a fundamental problem that Muslim rulers had faced since the beginning of Islam but had been able to solve only in part. This was the Biblical-Islamic ban on oaths taken on deities other than the god of Abrahamic monotheism. This prohibition stood behind the Religion of Truth doctrine—what Jan Assmann calls the Mosaic distinction after the biblical figure of Moses—that there can be only one true god, all others being false.[7] Such a ban created a problem for those monotheist kings who wanted to solemnize peace (*sulh*) settlements with non-monotheists. Accordingly, Muslim sovereigns in South Asia and elsewhere marshalled and institutionalized a variety of cultural resources to overturn this ban and circumvent the Religion of Truth doctrine.

To catalogue these resources, I first examine the Mughal case of *sulh-i kull* and then, in comparison, analyse two other paradigmatic examples of solemn treaty-making between Muslim rulers and 'pagans' from earlier eras: Mahmud of Ghazna in the early eleventh century and the Prophet Muhammad in the early seventh century. Both these rulers also had to confront the same issue that Akbar faced—that is, how to seal with oaths formal peace agreements (*sulh*) with non-monotheists. Taken together, these case studies allow one to trace a genealogy of *sulh-i kull* and highlight significant breaks in the practices and conceptions of sovereignty in Islam. They also underscore the fact that the key problem that the Mughal policy of *sulh-i kull* confronted in the sixteenth century was indeed a long-standing one in the history of Islam: how to suspend the ban on oaths taken on non-biblical deities. To appreciate the foundational nature of this ban and to grasp why its suspension was crucial for *sulh-i kull* and the running of Akbar's empire, it is necessary to take a brief foray into the history of how the category of 'legitimate' religion evolved in Islam.

Oaths and boundary-making in early Islam

The only type of religion the Qur'an deems acceptable is that of the 'people of the book' (*ahl al-kitab*), that is, the biblical religions of Christianity and Judaism.[8] Thus, in early Islam, these religious communities could live under Muslim protection and practise their religion if they paid a tax, *jizya*. Notably, Christians and

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[7] Jan Assmann, *The Price of Monotheism* (Stanford, CA: Stanford University Press, 2010).

[8] The following summary is a simplified description. For a nuanced and exhaustive treatment, see Friedmann, *Tolerance*.

Jews swore oaths on the same god as the Muslims did, which is the only oath legally recognizable in Islam.[9] The viability of their oaths enabled the 'people of the book' to receive the status of 'protected people' (*ahl al-dhimma*) in early Islam. A key sign of this recognition was that Muslims were allowed to eat meat slaughtered by these communities and Muslim men were permitted to marry their women, who did not have to convert to Islam. These two bodily acts—eating and procreating—directly affected the purity of the Muslim body politic, which is why both the deeds required an oath to the biblical god. This foundational oath was the key that unlocked the door to the sovereign realm of Islam.

As the early Arab Muslim empire expanded in Iran, Central Asia, and India, and encountered non-biblical religions like Zoroastrianism, Buddhism, and Hinduism, the exigencies of empire required the category of 'protected people' to be expanded to encompass these communities. In the process, however, this category became dislodged from the category of the 'people of the book'. Several classical jurists accepted two levels of accommodation. Closer to Islam were Jews and Christians—the 'people of the book'—whose oaths were deemed acceptable. More distant were Zoroastrians, Buddhists, and Hindus, the 'protected people' who could pay the *jizya* and practise their religions within limits under the protection of a Muslim ruler but whose oaths were not deemed acceptable; Muslims were not allowed to eat meat slaughtered by them and Muslim men could not marry unconverted women from these communities.[10] Practical considerations are likely to have driven this two-tiered policy. After the Arab imperial expansion, it was not feasible to uphold the ban on all non-biblical religions (in the manner in which Arabian paganism had been proscribed).[11] However, accepting all religions and gods as equally valid under Islam would clearly have violated the Religion of Truth directive, permanently suspended the Mosaic distinction, and defanged the missionary zeal of biblical monotheism. This fuzzy scheme of accommodation put Muslim rulers in a bind, however. They could offer protection to non-monotheists like Hindus as subjects but could not accept their solemn oaths.

This predicament also shaped the Islamic law of treaty making and peace-making (*sulh*). In early Islamic doctrine, the world was divided into two realms: the abode of Islam (*dar al-islam*), where a Muslim king ruled and offered

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[9] Even oaths on the Prophet were frowned upon. Johs Pedersen, 'Ḳasam', in *Encyclopaedia of Islam. First Edition*, (eds) M. Th. Houtsma, T. W. Arnold, R. Hartmann and R. Basset (Leiden: Brill, 1913–1936), http://dx.doi.org/10.1163/2214-871X_ei1_SIM_3960, [accessed 21 December 2021].

[10] Although Zoroastrians were mentioned in the Qur'an, the bulk of juridical opinion in early and classical Islam did not treat them as biblical scripturaries equivalent to Christians and Jews. According to Friedmann, *Tolerance*, p. 184: 'Zoroastrian women constitute a special category … the Zoroastrians were given *dhimmī* status, though most schools of law do not consider them People of the Book, and so Qur'an 5:5 is not applicable to them: Muslims may not marry Zoroastrian women and may not consume meat slaughtered by Zoroastrians.'

[11] Hanafi jurists were the most pragmatic, declaring all non-Arab 'idolaters' to be 'protected people', effectively separating this category from that of the 'people of the book'. Ibid., pp. 84–85. However, even this expansive compromise provided no mechanism for accepting oaths on non-monotheistic deities.

protection to those non-Muslims who paid the jizya, and the abode of war (*dar al-harb*), where the law of Islam did not hold sway and hence war with non-Muslims was permissible. However, as the Arab empire expanded across Eurasia and Africa, there developed a third category, the abode of treaty (*dar al-sulh* or *dar al-'ahd*), where a Muslim king established a formal agreement with a non-Muslim ruler. There were two caveats to establishing such a treaty: it could only be temporary and, in legal terms, it was only possible with the 'people of the book'. This was because there were no provisions in Islamic law for solemnizing such a treaty with an oath on a non-biblical deity. Muslim kings could ignore the doctrinal stipulations in striking agreements with non-monotheists in exceptional times of war and conquest but eventually the matter was bound to catch up with them. This had been the case with Akbar who, to make military and political alliances took many—certainly more than the four permitted by shari'a—Hindu wives, none of whom converted to Islam and one of whom gave birth to the next emperor. Although there was some precedent in Turkic custom for taking more than four wives, this state of affairs was difficult to square with Islamic law. Once his empire was established, Akbar reportedly demanded a legal resolution to the problem of his many non-monotheist wives.[12] In one account, the jurists debated various solutions to get around the limit of four wives, even discussing whether the Qur'an could be read creatively to allow for nine or 18 wives. However, even in this report, which was critical of the emperor and mocked the Muslim jurists in his employ, no one brought up the problem that the emperor's wives were non-monotheists, to which there was no solution besides conversion to Islam. The matter was too fundamental to be set aside, however. Without a legitimate arrangement, the next emperor would be, under the law of Islam, a bastard. The 'total' solution of *sulh-i kull*, which raised the oath to the king above an oath to god, was, among other things, an ingenious way to tackle the intractable problem created by the blanket ban on non-biblical oaths.

The sources of *sulh-i kull*

Whose idea was *sulh-i kull*, what inspired it, how was it institutionalized and propagated, and when was it was abandoned and forgotten? No book-length study addresses these questions. However, a set of articles by historians of South Asia—S. A. A. Rizvi, M. Athar Ali, Irfan Habib, Iqtidar Alam Khan, and Shireen Moosvi—together provide something of an established view on the topic.[13] For the sake of convenience, albeit at the risk of losing some nuance,

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[12] Corinne Lefèvre, 'Beyond Diversity: Mughal Legal Ideology and Politics', in *Law Addressing Diversity. Premodern Europe and India in Comparison (13th–18th centuries)*, (eds) Thomas Ertl and Gijs Kruijtzer (Berlin: De Gruyter Oldenbourg, 2017), pp. 116–41, 116–17.

[13] Irfan Habib, 'A Political Theory for the Mughal Empire—A Study of the Ideas of Abu'l Fazl', *Proceedings of the Indian History Congress* 59 (1998), pp. 329–40; M. Athar Ali, 'Sulh-i Kul and the Religious Ideas of Akbar', in *Mughal India: Studies in Polity, Ideas, Society, and Culture* (New Delhi: Oxford University Press, 2006), pp. 158–72; Saiyid Athar Abbas Rizvi, 'Dimensions of *Sulh-i kul* (Universal Peace) in Akbar's Reign and the Sufi Theory of Perfect Man', in *Akbar and His Age*,

I refer to this view as the 'Aligarh perspective'.[14] This stream of scholarship demonstrates that *sulh-i kull* was a policy that took formal institutional shape late in Akbar's reign, after 1579. In this year, leading Muslim jurists at the Mughal court made a public attestation (*mahzar*) that the emperor Akbar, as a just ruler (*sultan-i 'adil*), had the authority to decide unresolved questions of Islamic jurisprudence as long as he remained true to the text of the Qur'an. This was the first formal step Akbar took to declare his authority over matters of religion. He had already presided over religious debates among representatives of different religions in the *Ibadat Khana* (Hall of Worship). Soon, however, Akbar decided to remove all constraints on his ability to pronounce on matters related to Islam or any other religion and declared *sulh-i kull*—Total Peace.

The two most important imperial sources where the expression *sulh-i kull* first appears and is formally discussed are Akbar's imperial chronicle, the Book of Akbar (*Akbar Nama*, composed between 1589 and 1602), and the imperial manual and gazette, the Institutes of Akbar (Ain-i Akbari, completed in 1598).[15] Abul Fazl 'Allami, who was Akbar's chief minister, ideologue, and confidante composed these massive works in close collaboration with the emperor, the royal family, and a large number of courtiers, bureaucrats, artists, and intellectuals. It is fair to say that in these books, Abul Fazl retrospectively rationalized practices that Akbar had adopted in an ad hoc manner earlier in this reign. Most notable among these practices were two: the suspension of the Islamic poll-tax on non-Muslims, the *jizya*, which Muslim rulers are supposed to collect from non-Muslim religious communities living peacefully under their protection (*dhimma*); and the emperor's marriages to Hindu women, which had been solemnized without conversion to Islam and which had exceeded the limit of four legal wives allowed by the Qur'an.

In trying to explain Akbar's formal and public shift away from classical Islamic doctrine, the Aligarh perspective credits the emperor's increasing interest in Sufi mysticism. Specifically, it identifies the metaphysical writings of Ibn 'Arabi and, to a lesser degree, the Illuminationist philosophy of Suhrawardi Maqtul as sources of inspiration for Akbar and Abul Fazl. These strains of Sufi and metaphysical thought certainly fit well with Akbar's political programme. Something akin to the teachings of 'unity of being' (*wahdat al-wujud*) associated with Ibn 'Arabi's followers, in which divinity manifests itself in the cosmos in a variety of forms, was promoted in the Book of

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(ed.) Iqtidar Alam Khan (New Delhi: Northern Book Centre, 1999), pp. 3–22; M. Athar Ali, 'Akbar and Islam (1581–1605)', in *Islamic Society and Culture: Essays in Honour of Professor Aziz Ahmad*, (eds) Milton Israel and N. K. Wagle (New Delhi: Manohar, 1983), pp. 123–34; Iqtidar Alam Khan, 'Akbar's Personality Traits and World Outlook—A Critical Appraisal', *Social Scientist* 20, no. 9/10 (1992), pp. 16–30; Shireen Moosvi, 'The Road to Sulh-i Kul: Akbar's Alienation from Theological Islam', in *Religion in Indian History*, (ed.) Irfan Habib (New Delhi: Tulika Books, 2007), pp. 167–76.

[14] The only author among the ones listed above who did not spend the majority of his career at Aligarh Muslim University (AMU) was S. A. A. Rizvi, but even he began his teaching career at AMU, and his scholarship is referred to by the other AMU historians.

[15] For a history of when this term was first used in earlier non-imperial sources, see the article by Gommans and Husseini in this special issue.

Akbar: 'there is one heart-ensnaring Beauty which casts splendour through many thousands of veils. They have spread an expansive carpet, and it sheds forth many different colours.'[16] In addition, the notion of the Perfect Human (*insan-i kamil*) associated with the writings of Ibn 'Arabi and his intellectual successors allowed for the existence of earthly leaders so spiritually polished that divinity could see itself reflected in them, rendering them in some sense above doctrinal constraints. However, the issue that the Aligarh perspective does not address satisfactorily is that if the juristic attestation of 1579 had constrained Akbar to the letter of the Qur'an, then what was it that had radically transformed the emperor a few years later into a perfect being who transcended scriptural truth? In other words, it does not identify either a sanctioning authority or transformative event that propelled the emperor's sacred stature to such heights.

Going beyond mystical philosophy, the Aligarh perspective also credits an Enlightenment-type rationalism based on Greek reason ('*aql*) and 'science' for the Mughal shift away from scriptural Islam. Admittedly, this leads to a conundrum. Was Akbar a self-absorbed mystic or a sober rationalist? Was it an enchanted worldview that transformed the emperor into a Perfect Human, or was it an exercise in clearheaded analysis that rendered illusory all the religions of the world? Moreover, if reason and 'science' were to be the foundations of Mughal sovereignty, then how does one explain the grand cult of veneration centred on Akbar that was formally unveiled alongside *sulh-i kull*? The Aligarh perspective leaves these discrepancies unresolved, *pace* the observation that it was Abul Fazl's 'obvious theoretical weakness'[17] to mix reason and religion.

To be fair, the Aligarh perspective correctly criticizes the widespread notion, inaccurately promoted in the work of early British Orientalists, that Akbar had tried and failed to create a new religion—the so-called Divine Religion (*din-i ilahi*)—meant to replace or absorb all the religions of his empire, including Islam. While Akbar's Muslim and Christian critics accused him of posing as a prophet or even a deity of a new religion, the official Mughal sources assiduously avoided the term *din-i ilahi* and did not advocate an independent organized religion. What they promoted with vigour was the policy of *sulh-i kull*. Yet, the idea that Akbar had tried and failed to promulgate his own religion became an enduring part of the lore surrounding the Mughal emperor.

No matter how inaccurate, the idea of 'Akbar's religion' persisted because of the new imperial rituals that portrayed the emperor as the most sacred of beings, a claim that the imperial chronicle openly asserted.[18] While the Book of Akbar refuted the accusations of apostasy and self-deification against emperor, it insisted that the emperor was born as the most wise and holy person of his time. It even recorded the presence of courtiers who venerated Akbar as the manifestation of divinity (*mazhar-i haqq*) along with the

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[16] Cited in Habib, 'Political Theory', p. 331.

[17] Ibid., p. 334.

[18] A. Azfar Moin, *The Millennial Sovereign: Sacred Kingship and Sainthood in Islam* (New York: Columbia University Press, 2012), p. 141.

explanation that the emperor did not promote such practices but only protected them under the policy of *sulh-i kull*. Moreover, it mentioned the existence of a sufi-like order that encouraged the Mughal elite to swear, on a voluntary basis, loyalty to the emperor above life, wealth, honour, and religion. The commoners, on the other hand, could gather outside the imperial fortress to catch a glimpse of his sacred person when he appeared at sunrise from a palace window. Called *darshan*, a word typically used for the veneration of icons in Hindu temples, this imperial ritual divinized the ruler in a manner that was innovative, even from the perspective of Hindu kingship.[19]

If all of Akbar's major transgressions Islamic doctrine are taken together—the abolishment of the *jizya*, the extra-legal marriages to unconverted Hindu women, the voluntary oath of loyalty that courtiers swore to the emperor above their religion, and the public display of the emperor in the manner of a Hindu divinity—it becomes evident that for the emperor, scriptural Islam no longer provided a code to live or rule by. This did not mean that Islam was banned or replaced under Akbar, but it certainly implied that the emperor was no longer bound by its foundational principles. In fact, the imperial chronicle treated Islam as simply one religion among many in the realm. As the Aligarh perspective astutely notes, Abul Fazl even provincialized Islam by giving it a new name—the religion of Ahmed (*Ahmedi kesh*)—demoting the Religion of Truth to a tradition associated with a mere mortal (Ahmed being another name of Muhammad).[20] This was an extreme transgression of the Qur'anic doctrine that Islam was to be exalted 'over all religion' (*'ala al-din kullihi*) (9:33, 48:28, and 61:9). The consternation at Akbar's rejection of biblical monotheism's exclusive claim to truth was best captured in the lament of a Catholic missionary in India, the Jesuit Father Antonio Monserrate, who wrote that Akbar 'cared little that, in allowing everyone to follow his own religion, he was in reality violating all religions'.[21]

Can a Muslim king who takes this stance even remain within the fold of Islam? In this vein, it is work asking whether the impulse for *sulh-i kull* came from outside the Islamic paradigm. Here, the most relevant case is that of a secretive religious group of a Neoplatonic and Neopythagorean bent, active in sixteenth-century Iran and India, founded by Azar Kayvan, who taught that all scriptural religions were permutations of the same perennial (Iranian) religion. As Daniel Sheffield shows, Azar Kayvan claimed to possess the esoteric master key to decode the linguistic equivalence of—and hence, universal translatability across—all scriptures. He thus promoted 'peace with all' (*sulh ba hama*) religions, even advocating it to Abul Fazl.[22] The latter certainly shared with the Azar Kayvanis an intellectually curious

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[19] This point was emphasized by Ali, 'Sulh-i Kul', p. 164.

[20] Ibid., p. 168.

[21] Cited in Khan, 'Akbar's Personality', p. 22.

[22] Daniel Sheffield, 'The Language of Heaven in Safavid Iran: Speech and Cosmology in the Thought of Āẕar Kayvān and His Followers', in *There's No Tapping around Philology*, (eds) Alireza Korangy and Daniel Sheffield (Wiesbaden: Otto Harrassowitz Verlag, 2014), pp. 161–83, 179. Also see his article in this special issue.

attitude towards all religions. As Audrey Truschke has demonstrated, in the preface to the court-sponsored Persian translation of the Sanskrit epic *Mahabharata*, Abul Fazl described *sulh-i kull* as a project of critical enquiry and reform of the self.[23] By this he meant a systematic exploration of all sacred philosophies, regardless of cultural origin and language, a goal that the Azar Kayvanis also pursued in composing a unique comparative encyclopedia of religions, the 'School of Religions' (*Dabistan-i Mazahib*).[24]

Despite all that he shared with the Azar Kayvanis, Abul Fazl gave no formal credit to this group for the idea of *sulh-i kull*. Even if he had, it would not have solved the problem of sanctioning authority. The Mughals could not have overruled Islamic law—and nullified apostasy, the ultimate monotheistic crime of being disloyal to god—by citing the esoteric teachings of a secretive non-Muslim movement. Moreover, it is one thing to encourage the critical pursuit of philosophical truth and quite another to impose a ban on violence against religious transgression across the realm. To ban religious violence in the public domain, the Mughal state had to impose a counter-violence. When two Sunni courtiers waylaid and killed a Shi'i colleague for openly cursing the companions of the Prophet whom the Shi'a considered enemies of Ali, Akbar ordered their execution.[25] He did not relent when approached by Sunni notables. From the emperor's perspective, the Sunni assailants had broken the total peace he had imposed. *Sulh-i kull* was not just an appeal to one's better nature or an exhortation to seek edifying truth from all sources, it was also the law of the land.

After Akbar, his son and successor Jahangir (r. 1605–1626) continued the policy of *sulh-i kull*, once going as far as to reassure a Muslim courtier that if the latter wanted to convert to Christianity, the emperor would ensure that no harm came to him.[26] This was a major transgression of Islamic law, which prescribes the ultimate penalty for leaving the fold. In the reign of Jahangir's son Shah Jahan (r. 1628–1658) *sulh-i kull* appears to have undergone a transformation. Earlier scholars thought that Shah Jahan had abandoned the policy because the imperial sources do not mention the term. Recently, however, Rajeev Kinra has shown that the term proliferated in sub-imperial sources in the reign of Shah Jahan and even later.[27] Kinra marshals a

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[23] Audrey Truschke, *Culture of Encounters: Sanskrit at the Mughal Court* (New York: Columbia University Press, 2016), pp. 132, 52. Also see Christian Blake Pye's article in this special issue on the preface to the *Razmnama*.

[24] A. Azfar Moin, 'Dabistān-i madhāhib', in *Encyclopaedia of Islam, THREE*, (eds) Gudrun Krämer, Kate Fleet, Denis Matringe, John Nawas and Everett Rowson (Leiden: Brill, 2013), http://dx.doi.org/10.1163/1573-3912_ei3_COM_25769, [accessed 21 December 2021].

[25] Mubarak and Beveridge, *The Akbar Nama*, Vol. 3, p. 627.

[26] Abd al-Sattar ibn Qasim Lahuri, Riza Allah Shah Arif Nawshahi and Muin Nizami, *Majalis-i Jahangiri: Majlisha-i Shabanah-i Darbar-i Nur al-Din Jahangir* (Tehran: Markaz-i Pizhuhishi-i Miras-i Maktub, 1385), pp. 34, 71; Muzaffar Alam and Sanjay Subrahmanyam, 'Frank Disputations: Catholics and Muslims in the Court of Jahangir', *Indian Economic Social History Review* 45, no. 4 (2009), pp. 457–511, 492, 96.

[27] Rajeev Kinra, 'Handling Diversity with Absolute Civility: The Global Historical Legacy of Mughal Sulh-i Kull', *The Medieval History Journal* 16, no. 2 (2013), pp. 251–95.

considerable amount of evidence, particularly from the works of Shah Jahan's Hindu courtier, Chandar Bhan Brahman, to demonstrate how, within two generations of Akbar, *sulh-i kull* had become routinized into Mughal norms of comportment (*adab*). Mughal elites, Muslim and non-Muslim, took it upon themselves to be mindful of differences in religion, culture, and even literary preferences. As a type of self-discipline, *sulh-i kull* curbed formal interdictory speech and action towards a custom or thought different from or even repulsive to one's own. What was once edict and ideal had now become ethic and etiquette.

Even though Shah Jahan's son Aurangzeb (r. 1658–1707) was accused of abandoning *sulh-i kull*—indeed, he reimposed, with some exemptions, the *jizya*—in its mannerly form, *sulh-i kull* survived this Islam-inclined emperor and even the decline of the Mughal state in the eighteenth century. In the mid-nineteenth century, it shaped the demeanour of Mirza Ghalib (d. 1869), the most famous poet in the Urdu language and arguably the last Mughal gentleman. Ghalib confessed in one of his letters, 'I hold all mankind to be my kin and look upon all men—Muslim, Hindu, Christian—as my brothers, no matter what others may think.'[28] His biographer, Altaf Hussein Hali, an accomplished poet and student of Ghalib, wrote that his master's 'real religion' (*asl mazhab*) had been *sulh-i kull*.[29] This may well be the last mention of the phenomenon in its lived Mughal form.

For nearly three centuries Mughal *sulh-i kull* persisted by changing shape, evolving from imperial law and an unrestrained mode of philosophical enquiry to cosmopolitan ethos and an embodied norm of comportment. However, the question that remains open is from where did this imperial policy for treating all religions equally, especially in its original legal form, draw its authority? What had enabled the Mughals to sanction the overturning of god's law? One answer is suggested by the important work of Muzaffar Alam, who turns to Perso-Hellenic advice literature (*adab* and *akhlaq*), specifically the writings and legacy of the Iranian polymath Nasir al-Din Tusi (d. 1274). He argues that after Tusi this important literary genre took a humanistic turn and that, from the thirteenth century onwards, authors of *akhlaq* texts, by sheer appeals to justice and the common good, managed to redefine the meaning of *shari'a* in an expansive and inclusive manner. In Mughal South Asia this redefinition took such strong root that 'infidels, like Muslims, could build their own places of worship and could even sometimes demolish mosques'.[30]

To be sure, the nature of advice literature written in Persian shifted towards humanism after the thirteenth century, just as the mystical philosophies of Ibn 'Arabi and Suhrawardi had proliferated. Moreover, this literature provides a marked contrast to the political advice manuals written for Muslim kings in pre-Mughal India, which mostly adhered to the Religion of Truth doctrine.

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[28] Syed Akbar Hyder, 'Ghalib and His Interlocutors', *Comparative Studies of South Asia, Africa and the Middle East* 26, no. 3 (2006), pp. 462–75, 471.

[29] Quoted in ibid.

[30] Muzaffar Alam, *The Languages of Political Islam: India, 1200–1800* (Chicago: University of Chicago Press, 2004), p. 77.

Yet, the question that the intellectual history traced by Alam does not address is why this shift took place. More significantly, the problem of sanctioning authority remains open. Indeed, the Book of Akbar does not cite Tusi or any other *akhlaq* author as the source for *sulh-i kull*. Advice literature was precisely that: advice. While such counsel could potentially temper zeal and promote accommodation among its readers, it could not serve as an explicit basis of law or sovereign authority in the manner of monotheistic scriptures that had forged communities via oaths and testaments.

The political theology behind *sulh-i kull*

To frame the issue in terms of legal and political theory, before a new legal principle can be installed, the previous principle must be undone or, at the very least, put into abeyance. This is only possible with the exercise of sovereign violence. As modern thinkers of the 'political theology'[31] strain have observed, law-making authority is predicated on the power to break the law and, in the most absolute sense, the ability to destroy the entire structure of the law by invoking a 'state of exception' or emergency (*ernstfall*). Counsel and philosophical reasoning, no matter how wise or hoary, are not sufficient to undo or suspend law, especially foundational law sealed by sacred covenants. In the pre-secular age, the annulment of a major collective oath required transgressive violence, either in society (a great sacrifice), or in nature (a grand miracle), or in tandem. Indeed, the foundational myths of biblical monotheism pivot on such transgressive hinges: the 'old testament'—itself sealed by the willingness to sacrifice one's son—was undone by an act of spectacular violence—the sacrifice-miracle of the crucifixion-resurrection in which another son was sacrificed and brought back to life—before a 'new testament' could take its place. What is more, biblical monotheism also anticipates the suspension of all its covenants and the entire structure of the law, but projects the occurrence of this ultimate *ernstfall* to the very end of the world, when the messiah appears.[32]

Akbar's authority to overturn the law of Islam—no less than the foundational law of apostasy, which forbids the breaking of one's oath of loyalty to god—was messianic. His miracle, in political theological terms, occurred at the end of the first Islamic millennium that signalled not the end of the world but the beginning of a new dispensation. *Sulh-i kull* was the new law of this miraculous dispensation that Akbar had inaugurated as the millennial sovereign in 1582, when a major astrological conjunction marked the second

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[31] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, University of Chicago Press edn (Chicago: University of Chicago Press, 2005); C. Schmitt, *The Concept of the Political* (Chicago: University of Chicago Press, 2007); Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Meridian: Crossing Aesthetics), (trans.) Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998); Walter Benjamin, 'Critique of Violence', in *Reflections* (New York: Schocken Books, 1986), pp. 277–300.

[32] Indeed, Agamben equates the law-destroying capacity of the absolute sovereign with the ability of the messiah in monotheistic traditions to annul all previous law. Agamben, *Homo Sacer*, pp. 57–58.

millennium of Islam.[33] The coming of the millennium, which raised the emperor above the law, finally solved the problem of oaths.[34] A sign of this new dispensation was how Mughal coins and the imperial letterhead replaced the two basic Islamic oaths—*basmala*[35] and the profession of faith—with the expression *Allah-u Akbar* (God is Great or God is Akbar). As long as one swore an oath on the person of the emperor, no other aspect of divinity needed to be invoked.

Thus, at a stroke, Akbar solved a major problem of law that all Muslim—indeed all monotheist—kings had faced: the swearing of oaths between monotheist and pagan. The divine name was translatable across pantheons once more. However, in the Mughal scheme, the middle term facilitating the translation and oath was no longer an aspect of the cosmos—the sun, the moon, and so on—as Jan Assmann shows it to have been the case in the ancient world. [36] The middle term was the emperor himself, whose unique relationship to the sun as a cosmic being—referred to in the Mughal sources by the Illuminationist (*ishraqi*) title, His Excellency the Greater Light (*Hazrat Nayyir-i 'Azam*)—was both formally proclaimed and publicly enacted. Nevertheless, there remained a limit on the freedom of religion at the Mughal court: one could practise any form of religion or belong to any type of sect no matter how heretical—'true or imperfect'[37] as Jahangir had noted in his memoir—but the one thing that the empire did not tolerate was atheism.[38] One had to affirm divine presence, either in the heavens or on earth, because without it there could be no oath of loyalty.

Sulh-i kull, if it was to counter the totalizing 'Religion of Truth' impulse of biblical monotheism, needed such a messianic, totalizing performance of sacred kingship. This is why Akbar was venerated as the Manifestation of Truth (*mazhar-i haqq*). His son Jahangir even referred to himself as 'Total Manifestation' (*mazhar-i kull*) when he declared his status to be above the religious affiliations of his subjects.[39] The paradox is that the Mughal suspension of monotheism was accomplished within an Islamic idiom. The millennium was, then, an Islamic *ernstfall* that Akbar used to switch out the sovereign law of Islam with that of his own. Once installed, this millennial dispensation was then rationalized via mystical cosmologies, allied with philosophical free enquiry and cultivated as ethic and mode of conduct.

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[33] Moin, *Millennial Sovereign*, pp. 130–69.

[34] Lefèvre, 'Beyond Diversity', pp. 131, 35.

[35] The *basmala* is more typically used as an invocation, but it has the grammatical form of an oath. William A. Graham, 'Basmala', in *Encyclopaedia of the Qur'an*, (ed.) Jane Dammen McAuliffe (Leiden: Brill, 2001).

[36] At times equivalency tables (sun god to sun god, moon god to moon god, and so on) across multiple pantheons and languages were maintained that were six columns deep for the purposes of oath-taking in the ancient world: Assmann, *The Price of Monotheism*, pp. 19, 23.

[37] Jahangir and W. M. Thackston, *The Jahangirnama: Memoirs of Jahangir, Emperor of India* (Washington, DC: Freer Gallery of Art, 1999), p. 40.

[38] For this reason, the Brahmans at the Mughal court tried to frame their Jain rivals as atheists. Truschke, *Culture of Encounters*, p. 45.

[39] Moin, *Millennial Sovereign*, p. 178.

Did Akbar and Abul Fazl come up with this millennial political theology on their own or did they have any models to emulate? As any competent astrologer-historian of the sixteenth century would have told the Mughal emperor, there had been only two world transformative events in the previous thousand years. One was the rise and spread of Islam after the Qur'an was revealed to the Prophet. The other was the rise and spread of Mongol sovereignty when Chinggis Khan and his progeny brought much of the world under their rule. Both events had transformed religion and politics on a world-historical scale. Islam had toppled Christian and Zoroastrian imperial regimes across Mesopotamia and the Mediterranean, while the Mongols had caused a massive disruption across the Muslim world, culminating in the sacking of Baghdad and the destruction of the Abbasid caliphate, a five-centuries-old dispensation that undergirded Muslim rule from Egypt to India. Indeed, the execution of the last Abbasid caliph was an *ernstfall* on a millennial scale; centuries earlier, the famous Sunni jurist al-Ghazali (d. 1111) had issued the dire proclamation that without a caliph ruling on earth, *shari'a* would be suspended and all marriages annulled.[40]

Today Akbar stands accused of believing himself to be another prophet like Muhammad. It is more likely, however, he saw himself as another Chinggis Khan, the Mongol ruler who had also declared a peace among religions and suspended the laws of biblical monotheism.

The Mongol pre-history of *sulh-i kull*

The Mongols, by destroying the Abbasid caliphate in 1258, left their singular mark on later Muslim kingship by instituting the ruler as a holy figure in his own right. In their interactions with Muslim and Christian rulers, they had not only promoted religious tolerance but had declared Chinggis Khan to be 'the living god' and 'sweet and venerable son of God'.[41] The Mongol chancellery proclaimed on its letterhead:

> In Heaven there is God, the One, Eternal, Immortal, Most High,
> On Earth Chinggis Khan is the only and supreme Lord.[42]

The striking divinization of the Mongol conqueror did not abjure the one god of monotheism, but rather used the latter in a new analogy with the ruler on

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[40] Ghazali wrote that without the caliph the entire Muslim world would be plunged into disorder and sin: the 'carpet of the law would be rolled up in its entirety' and 'all public appointments would be invalid, marriages would not be lawfully contracted, all the dispositions of all officials in all parts of the Muslim world would be void, and all humans would be engaging in forbidden acts'. Quoted in Patricia Crone, *God's Rule: Government and Islam* (New York: Columbia University Press, 2004), p. 239.

[41] Eric Voegelin, 'The Mongol Orders of Submission to European Powers, 1245–1255 (1941)', in *Published Essays: 1940–1952*, (ed.) Ellis Sandoz (Columbia, MO: University of Missouri Press, 2000), pp. 76–125, 93, passim.

[42] Quoted in ibid., p. 113. Also see Denise Aigle, 'The Letters of Eljigidei, Hülegü, and Abaqa: Mongol Overtures or Christian Ventriloquism?', *Inner Asia* 7, no. 2 (2005), pp. 143–62, 147.

earth. The king was now sovereign on earth in the same way that god was king in heaven. Crucially, it meant that the source of earthly law was the Mongol sovereign, not god. The law of Chinggis Khan, the *yasa*, trumped previous legal norms.[43] Indeed, in the Mongol worldview, neither 'faith' in an exclusive deity nor divine 'law' was at issue. What mattered was cult. They considered all religious rituals valuable as long as the Mongols remained the beneficiaries of divine attention that such cults could bring to focus.[44] Their main condition for religious freedom, as they defined it, was political loyalty to the Mongol ruler, and a respect for long-standing ritual taboos that were part of the Mongol's steppe customs.[45] Otherwise, unlike Christian and Muslim kings of the time, the Mongols did not subscribe to the 'Religion of Truth' doctrine. They were unapologetically 'tolerant' towards other peoples' religions and indeed preached religious accommodation as a political virtue.[46]

This virtue, like the salvific promise of biblical monotheism, came at a price. Total peace among religions, Mongol style, rested on total submission to the one true Mongol sovereign. In the perceptive insight of the philosopher Eric Voegelin, the Mongol empire was, *imperium mundi in statu nascendi*, a World-Empire-in-the-Making, awaiting the cosmically ordained conquest of all peoples.[47] By analogy, biblical monotheism was a World-Cult-in-the-Making, awaiting the scripturally ordained submission of all peoples to its one law-giving deity. The totalizing vision of universal empire (one ruler for all) was analogous to the monotheistic vision of universal religion (one god for all). In both cases, 'total' peace required submission to the one true sovereign. The difference was simply that in one case one swore an oath of loyalty to the sovereign present on this earth and in the other to the sovereign directly ruling over humanity from a cosmic throne.

The Mongol elevation of kingship above religion left two major traces in the Muslim empires that followed, one genealogical and the other cosmological. In terms of genealogy, a few generations after the conquest of Baghdad, when Mongol kings began to convert to Islam, they insisted on Islamizing the sovereign prestige of Chinggisid lineage by establishing an equivalence between

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[43] This notion left a clear trace on post-Mongol Islamic law. Guy Burak, 'The Second Formation of Islamic Law: The Post-Mongol Context of the Ottoman Adoption of a School of Law', *Comparative Studies in Society and History* 55, no. 03 (2013), pp. 579–602.

[44] Christopher P. Atwood, 'Validation by Holiness or Sovereignty: Religious Toleration as Political Theology in the Mongol World Empire of the Thirteenth Century', *The International History Review* 26, no. 2 (2004), pp. 237–56. Also see his article in this special issue.

[45] Peter Jackson, *The Mongols and the Islamic World: From Conquest to Conversion* (New Haven: Yale University Press, 2017), pp. 297–327.

[46] Iqtidar Alam Khan also speculated that Akbar's policies might have been influenced by a memory of Chinggis Khan's law, or *yasa*, which maintained that a king's duty was to treat all religions equally. However, the full implication of the changes wrought by the Mongols were not worked out by him nor any of the other scholars who contributed to the Aligarh perspective. Khan, 'Akbar's Personality', p. 18. It was during the collaborative writing of the Tarikh-i Alfi at Akbar's court in the 1580s that earlier Ilkhanid and Timurid sources were quoted to explicitly praise the Mongol imperial practice of judiciously managing religious difference. See the article by Gommans and Husseini in this special issue.

[47] Jackson, *Mongols and the Islamic World*, p. 114.

descent from Chinggis Khan and that from the Prophet through his cousin and son-in-law Ali ibn Abi Talib.[48] Ibn Taymiyya (d. 1328), an activist Sunni intellectual based in Mamluk Syria and a staunch critic of the Mongols, lamented that even after converting to Islam the Mongols claimed 'these two, Muhammad and Chinggis Khan, are both exalted signs emanating from God'.[49] He was right. The Mongol joining of 'pagan' imperial and 'Islamic' prophetic genealogies treated the Alids, rather than the Abbasid caliphs, as the sacred sovereign bodies of Islam.

Since the most important Alids were enshrined saints, both Imami Shi'i and Sufi, it led to the increased political significance of the saint shrine, which in an important sense replaced the body of the caliph as a relic of sovereignty.[50] In the sixteenth century, this development led to the creation of the 'imperial shrine', in Mashhad for the Safavids and in Ajmer for the Mughals, where patron saints of the empire maintained the balance of the cosmos and the ruler on the throne. Eventually, the connection between saint and king in Islam became so strong that, given the right circumstances, the two roles could merge, producing the Muslim saint-king, a sovereign body sanctified in its own right. This development manifested itself both in material terms —the grand mausoleums of Mughal emperors being the most significant expression—as well as in ever more sacred titles of sovereignty. A striking feature of post-Mongol Muslim kingship is that saintly and messianic titles such as the guided one (*mahdi*), renewer (*mujaddid*), and the axis (*qutb*), which had been previously reserved for caliphs, saints, and the most learned of scholars were now publicly used for the ruler.[51] This milieu also witnessed the spread of another 'exceptional' title of sovereignty in Islam, Lord of Conjunction (*sahib qiran*)—identified with the *ernstfall* of cosmically ordained world conquest— that gathered all other royal and saintly titles within it.[52] The newly sanctified king's body had acquired a new cosmology to frame and adorn it.

The Qur'an and the Hebrew Bible had reserved sovereignty for the one true god. These scriptures begrudgingly granted a small share of this sovereignty to earthly rulers, and even that only after much scolding and warning (1 Samuel 8:6–18; Qur'an 38:26). In the sixteenth century, far more liberating for kingship was the cosmological wisdom of the 'ancients', much of it believed to be antediluvian. This wisdom served as the basis of occult 'Hermetical' sciences like

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[48] Judith Pfeiffer, 'Confessional Ambiguity vs. Confessional Polarization: Politics and the Negotiation of Religious Boundaries in the Ilkhanate', in *Politics, Patronage and the Transmission of Knowledge in 13th–15th Century Tabriz*, (ed.) Judith Pfeiffer (Leiden: Brill, 2014), pp. 129–68.

[49] Quoted in ibid., p. 158.

[50] A. Azfar Moin, 'The Politics of Saint Shrines in the Persianate Empires', in *The Persianate World: Rethinking a Shared Sphere*, (eds) Abbas Amanat and Assef Ashraf (Leiden: Brill, 2019), pp. 105–24.

[51] Matthew Melvin-Koushki, 'Early Modern Islamicate Empire: New Forms of Religiopolitical Legitimacy', in *The Wiley Blackwell History of Islam*, (eds) Armando Salvatore et al. (Hoboken, NJ: John Wiley and Sons, 2018), pp. 353–76.

[52] Moin, *Millennial Sovereign*, pp. 23–55. For Shah Jahan, the title Second Lord of Conjunction summed up all his other titles, royal and saintly. See the list of this emperor's 40 titles in Rajeev Kinra, *Writing Self, Writing Empire: Chandar Bhan Brahman and the Cultural World of the Indo-Persian State Secretary* (Oakland, CA: University of California Press, 2015), p. 103.

that of astrology, lettrism, geomancy, and alchemy. The widely read works of metaphysical philosophers like Ibn 'Arabi and Suhrawardi also cited the Thrice Great Hermes, equating this antediluvian sage with Idris of the Qur'an and Enoch of the Hebrew Bible. After the rise of the Mongols, these forms of knowledge provided the foundational cosmologies of sovereignty.[53] As a consequence, even readings of Islamic scripture began to favour its inner or occult (*batini*) meaning over its manifest (*zahiri*) truth.[54] In interpreting the hidden meaning of divine signs (*ayat*), this mode of enquiry did not limit the reader to the literal word of god but encouraged a dialectic exploration of scripture, self, and cosmos. The post-Mongol followers of Ibn 'Arabi called it *tahqiq* or 'pursuit of truth'.[55]

The Andalusian theorist of sainthood had defined *tahqiq* in opposition to *taqlid*, meaning 'imitation of tradition'. This was a bold position because *taqlid* was an established technique of Islamic schools (*mazahibs*) of jurisprudence for interpreting god's law. Moreover, by promoting *tahqiq*, the later post-Mongol followers of Ibn 'Arabi—such as the Azar Kayvanis and Abul Fazl—did not merely call for *ijtihad* or the use of individual reasoning in interpreting scripture. Rather, with *tahqiq* they sought to create entirely new methods of reaching truth that broke free of scripture. Such methods, moreover, made free use of *'aql*, better translated not as 'reason' but as Platonic 'intellect'.

Plato had taught that the intellect was a human faculty that, when sharpened to perfection, could reveal truths beyond those available to the five senses. Nevertheless, these were not the observational truths of science or common sense but of a higher cosmic reality. The struggle between the *taqlidi* followers of al-Ghazali—whom Abul Fazl reportedly called inane (*na ma'qul*, without intellect)[56]—and the *tahqiqi* disciples of Ibn 'Arabi was not over science and religion, an anachronistic opposition. Rather, it was an argument over who had the more perfect intellect: the biblical prophets to whom scriptural truth had been revealed or those sages, mathematicians, and philosophers of ancient

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[53] Matthew Melvin-Koushki, 'Astrology, Lettrism, Geomancy: The Occult-Scientific Methods of Post-Mongol Islamicate Imperialism', *The Medieval History Journal* 19 (2016), pp. 142–50; Melvin-Koushki, 'Early Modern Islamicate Empire'; Kevin Thomas Van Bladel, *The Arabic Hermes: From Pagan Sage to Prophet of Science* (Oxford: Oxford University Press, 2009); John Walbridge, *The Wisdom of the Mystic East: Suhrawardi and Platonic Orientalism* (Albany: State University of New York Press, 2001); A. Azfar Moin, 'The "Ulama" as Ritual Specialists: Cosmic Knowledge and Political Rituals', in *The Wiley Blackwell History of Islam*, (eds) Salvatore et al., pp. 377–92.

[54] Melvin-Koushki, 'Astrology, Lettrism, Geomancy'; A. Azfar Moin, 'Cosmos and Power: A Comparative Dialogue on Astrology, Divination, and Politics', *Medieval History Journal* 19, no. 1 (2016), pp. 122–29, 127.

[55] The concept of *tahqiq* in Ibn 'Arabi is multifaceted, and one that has not received much attention in the historiography of the Mughal empire. For a philosophical overview, see William Chittick, 'Ibn Arabi', in *The Stanford Encyclopedia of Philosophy,* (ed.) Edward N. Zalta (2014), http://plato.stanford.edu/archives/spr2014/entries/ibn-arabi/, [accessed 21 December 2021]. For a new comparative and historical perspective, see the review article by Matthew Melvin-Koushki, 'Taḥqīq vs. Taqlīd in the Renaissances of Western Early Modernity', *Philological Encounters* 3, no. 1–2 (2018), pp. 193–249. Also see the article by Christian Blake Pye in this special issue.

[56] Muhammad Hashim Kishmi, *Zubdat al-Maqamat* (Kanpur: Nawal Kishore Press, 1889), pp. 131–32. The incident is mentioned in Habib, 'Political Theory', p. 331.

Greece and Egypt who had polished their intellect to the point of cosmic perfection. After all, the argument went, had not Hermes made the ascension journey to the heavens millennia before Muhammad?[57] What was contentious from a scripturalist perspective was that the Hermetic (Neoplatonic and Neopythagorean) method of *tahqiq* relegated to a lower status the literal and legal import of the Qur'an and, in its place, exalted a 'mystical' or 'intellect-driven' free enquiry that transcended the surface meaning of the text.

That the post-Mongol age of Islam was fast becoming the age of *tahqiq* can be heard in the desperate fourteenth-century polemic of Ibn Taymiyya against the followers of Ibn 'Arabi. Ibn Taymiyya lamented that Ibn 'Arabi's writings, by removing the distinction between the Creator and the created, served the needs of the Mongols who revered 'many things such as idols, human beings, animals, and stars'.[58] Again, he was right. Ibn 'Arabi's theories allowed for divine immanence in the cosmos. In his famous work, Bezels of Wisdom (*fusus al-hikam*), Ibn 'Arabi points out that there are two types of elevated status, one of degree, belonging to the prophet's heirs (*muhammadiyyin*), both physcical and spiritual (a genealogical path), and the other of position, belonging to the sun (a cosmological path), where Hermes resides.[59] This scheme fitted neatly with the origin myth of Mongol kings. The line of Chinggis Khan had started, the Mongols asserted, when a ray of sun light penetrated the womb of the princess Alan Qo'a (also Alan Gua, Alan the Fair). This legend was modified in the fifteenth century to allow for the light of the sun to first take the shape of a descendant of Ali, thus merging the two paths to elevated status (that is, sovereign perfection), one of genealogy and the other of cosmology, that Ibn 'Arabi had identified.

It was such a religious environment that enabled the occult sciences of Islam to become 'de-esotericized'. These were now taught and transmitted openly and patronized at the most powerful courts of the post-Mongol era.[60] What used to be derided as magic now became part of high literature and ethical self-cultivation (*adab* and *akhlaq*). Put another way, in post-Mongol times, wisdom literature became esotericized, infused with the truth uncovered by occult (*batini*) and Hermetic (*tahqiqi*) means. Nasir al-Din Tusi, the aforementioned *akhlaq* humanist, was a key agent of this process. The 'pagan' ruler Hulegu Khan, the grandson of Chinggis Khan, had appointed Tusi as head of religious endowments (*waqf*, pl. *awqaf*) in Iran. Tusi used his newfound power to change the madrasa curriculum in favour of the philosophical sciences, mathematics, and astronomy at the expense of scriptural learning, which he reportedly despised.[61] In addition, with Mongol patronage, Tusi

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[57] Van Bladel, *Arabic Hermes*, Vol. 3, pp. 164–233.

[58] Quoted in Alexander D. Knysh, *Ibn 'Arabi in the Later Islamic Tradition: The Making of a Polemical Image in Medieval Islam* (Albany: State University of New York Press, 1999), p. 97.

[59] Ibn al-'Arabī and R. W. J. Austin, *The Bezels of Wisdom* (New York: Paulist Press, 1980), pp. 82–89. Muyhi al-Din bin 'Arabi, *Fusus al-Hikam*, (ed.) Abu al-'Ala 'Afifi (Beirut, Lebanon: Dar al-Kitab al-'Arabi, 2002), pp. 75–80.

[60] Melvin-Koushki, 'Taḥqīq', p. 231.

[61] Said Amir Arjomand, 'The Law, Agency, and Policy in Medieval Islamic Society: Development of the Institutions of Learning from the Tenth to the Fifteenth Century', *Comparative Studies in Society and History* 41, no. 2 (1999), pp. 263–93, 271–72.

gathered the greatest mathematical minds of the age at the astronomical observatory at Maragha to improve astrological predictions for his 'pagan' overlords. He even composed a manual on geomancy ('ilm al-raml) for Hulegu.[62]

All this is to say that the *akhlaq* tradition that Tusi inspired was inseparable from the rest of the occult (*batini*) sciences and the unrestrained pursuit of philosophical truth (*tahqiq*) that took the post-Mongol Islamic world by storm.[63] No wonder that later Muslim critics condemned Tusi as a sorcerer who worshipped idols, taught magic, and attempted to replace the Qur'an with philosophy, charges that Akbar's chief adviser, Abul Fazl, also had to face.[64] From the perspective of scriptural Islam and biblical monotheism, these charges make sense. The two men—Tusi in the thirteenth century and Abul Fazl in the sixteenth—were the dawn and zenith, respectively, of a new type of Muslim intellectual ('alim), who could expertly integrate the study of cosmos and scripture, and harness Neoplatonic and Neopythagorean (*batini*) truth in the service of sacred kingship.[65]

Altogether, the *ernstfall* of the Mongol conquests had raised the sacred stature of the monarch above scripture, unleashed the power of the occult (*batini*) sciences, and encouraged radical pursuit of truth (*tahqiq*)—ingredients that made possible Mughal *sulh-i kull.* Nevertheless, there was no inevitability to this process, which unfolded differently in various parts of the Muslim world. While kingship remained elevated above scripture almost everywhere in post-Mongol Islamic empires, this did not necessarily translate into sustained philosophical free enquiry and the equal protection of all religions and sects. In Iran, despite the foundational significance of Alid Sufism and messianic status of the early Safavids, doctrinal religion returned with a vengeance by the end of the sixteenth century, confining philosophical gnosticism ('irfan) to ever more obtuse texts and rarefied intellectual circles. In the same timeframe, the Ottomans—despite serious experiments with millennial sovereignty and the occult sciences in the fifteenth and early sixteenth centuries—finally developed a staunchly Sunni 'confessional' identity.[66]

This was to be expected, as the original 'pagan' impulse of the Mongols to treat religion not as doctrine but as cult gradually ebbed away. In its place, traditional scriptural (*taqlidi*) models of managing religious difference based on the 'protection' tax (*jizya*) were instituted once again. In the late Ottoman empire and Safavid Iran, the only path to full imperial subjecthood required 'conversion' to the correct (Sunni or Shi'i) doctrine of Islam.

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[62] Matthew Melvin-Koushki, 'Persianate Geomancy from Ṭūsī to the Millennium: A Preliminary Survey', in *The Occult Sciences in Pre-modern Islamic Cultures*, (eds) Nader El-Bizri and Eva Orthmann (Beirut: Ergon Verlag, 2018), pp. 151–99.

[63] Alam also observes that the non-Muslim Mongol environment may have had something to do with the success of Tusi's ideas. Alam, *The Languages of Political Islam*, p. 49.

[64] F. J. Ragep, *Nasir al-Din Tusi's Memoir on Astronomy* (*al-tadhkira fi 'ilm al-hay'a*), 2 vols (New York: Springer-Verlag, 1993), Vol. 1, p. 19.

[65] Moin, '"Ulama"'.

[66] Tijana Krstić, 'Illuminated by the Light of Islam and the Glory of the Ottoman Sultanate: Self-Narratives of Conversion to Islam in the Age of Confessionalization', *Comparative Studies in Society and History* 51, no. 01 (2009), pp. 35–63.

However, one area of the Islamic world where the 'pagan' Mongol model of managing religious difference enjoyed a long life was Mughal India. This was a region where non-monotheists were in the majority and held a great deal of power. Moreover, it was in India that the problem of sovereign oath-taking and peace-making could not be solved by the traditional techniques of doctrinal Islam.

Thus, the millennial Mughal oath—Allah-u Akbar ('Allah is Greatest' or 'Allah is Akbar') stated in true occultist (*batini*) fashion, its real or inner meaning—the divinization of Akbar—hidden in plain sight from those with the proper intellectual (*tahqiqi*) ability to perceive it. What is more, the Mughal oath stated in condensed Islamized form what Mongol chancellery had declared for Akbar's Mongol ancestor, Chinggis Khan: a direct correspondence of god and king. The Mughals' Muslim predecessors in India had also faced similar problems of oath-taking and peace-making with non-monotheists, but had not resorted to measures as radical as invoking the millennial state of exception. What made the Mughal case different from their predecessors was their will to enact the principles of Mongol sacred kingship in an 'Islamic' guise, that is, cloaked in the Neopythagorean and Neoplatonic language of Suhrawardi and Ibn 'Arabi. Crucially, this was not an abandonment of scriptural Islam, but rather its incorporation into the body of the monarch as it had been under the 'pagan' Mongols when the king's word had superseded god's law.

Peace (*sulh*) in the Caliphal Age

If Mughal *sulh-i kull* had been unimaginable before the Mongols, when the caliph had reigned—if not ruled—supreme, then what avenues had been open to Muslim kings for making a solemn pact with non-monotheists? With this question in mind, let us consider the actions of Mahmud of Ghazna, the first Muslim ruler to come to India at the turn of the eleventh century, whom posterity transformed into the most renowned warrior (*ghazi*) and iconoclast of Islam.[67] As the son of a slave soldier, with no royal blood, Mahmud could only rule at the pleasure of the reigning (but powerless) caliph. Mahmud thus became an extension of the caliph's body, quite literally his 'Right Hand' (*yamin al-dawla*)—or the embodiment of his 'oath' (another meaning for *yamin*)—the title most frequently stamped on Ghaznavid coins.

Caliphal titles—Mahmud had several—were neither free nor mere rhetoric. From the ninth century onwards, from Egypt to India, no Muslim ruler could rule without a title from the Abbasid (or Fatimid) caliphs. Moreover, these titles had to be paid for in material and symbolic coin.[68] Mahmud's frequent iconoclastic raids into India, especially his well-publicized looting of the wealthy temple of Somanatha in Gujarat, functioned, among other things, as 'gifts' to the caliph in Baghdad in exchange for titles.[69] Indeed, Mahmud

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[67] In broad terms, this is Thapar's argument in Romila Thapar, *Somanatha: The Many Voices of a History* (London: Verso, 2005).

[68] C. E. Bosworth, 'The Titulature of the Early Ghaznavids', *Oriens* 15, no. 1 (1962), pp. 210–33.

[69] Muhammad Nazim, *The Life and Times of Sultan Mahmud of Ghazna* (New Delhi: Munshiram Manoharlal, 1971), p. 165. Thapar, *Somanatha*, p. 51.

became legendary for his zeal and deviousness in collecting these caliphal titles and having his rivals stripped of them.[70]

Such a competition for caliphal titles existed because they served as the markers of investiture across much of the Islamic world. An extensive material and ritual culture had developed in the tenth century to facilitate the distribution of caliphal sacredness to Muslim kings: certificates with the caliphal seal, special prayers for the king and caliph in the congregational Friday sermons, and castoff robes (*khil'at*) that carried within them the 'caliph's touch'. The credit for transforming the caliph into a ritual-symbolic complex—a relic of sovereignty—must go to Inner Asian Turkic rulers of the tenth and eleventh centuries who took power after the Abbasids lost the authority to rule directly.[71] As Turkic dynasties like the Ghaznavids, Seljuqs, or even the non-Muslim Qara Khitai came to rule Central Asia, Iran, and Muslim regions further west, they all sought formal association with the caliphate. Those kings who had not been incorporated into the caliphal system of investiture lay outside the system of mutually recognized sovereign oaths. This was the problem that Mahmud ran up against when he ventured into India: the Hindu rulers were not yet part of the caliph's body.

In the early eleventh century, there was as yet no established formal mechanism for Mahmud to make a solemn treaty (*sulh*) with Hindu kings without converting the latter to Islam. Nevertheless, the Arabic chronicles of the era are replete with mentions of peace treaties that Mahmud concluded with Hindu rivals.[72] The question then is how these treaties were solemnized. The most detailed accounts of such a treaty are for the year 1023 when Mahmud attacked the fortress of Kalinjar. According to the chronicle of Ibn Athir, after Mahmud had besieged the massive fort for 43 days, the Hindu ruler sent a messenger to sue for peace (*sulh*).[73] Mahmud's offer to the Indian king (*malik al-hind*), sent via messenger, included a set of material demands —500 elephants and 3,000 pieces of silver—and a set of ritual requirements— the wearing of a robe of investiture and the girding of a belt. Ibn Athir also noted in an offhand fashion that the Hindu ruler, having agreed to these terms, also cut off a finger and sent it to Mahmud.

The art historian Finbarr Flood investigates the reports, strewn across medieval Arabic chronicles, that Mahmud had a collection of amputated Hindu royal fingers.[74] He argues that these fingers, cut off in ceremonies of ritual submission, played a structurally analogous role to the caliphal robes; both objects

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[70] Nizam al-Mulk provided a detailed story about Mahmud's intense machinations in the competition for such caliphal titles against other Turkic rulers of the time. Nizam al-Mulk, *The Book of Government; or, Rules for Kings: the Siyāsatnāma or Siyar al-mulūk*, (trans.) Hubert Darke (London: Curzon Press, 2002), pp. 148–57.

[71] A. Azfar Moin, 'Sovereign Violence: Temple Destruction in India and Shrine Desecration in Iran and Central Asia', *Comparative Studies in Society and History* 57, no. 2 (2015), pp. 467–96, 472–75.

[72] Ibn al-Athir, *al-Kamil fi al-Tarikh*, 13 vols (Beirut: Dar al-Sadir, 1965), Vol. 9, p. 187.

[73] The fortress was reportedly large enough to accommodate 500,000 men, 20,000 cattle, and 500 elephants.

[74] Finbarr Barry Flood, *Objects of Translation: Material Culture and Medieval 'Hindu-Muslim' Encounter* (Princeton: Princeton University Press, 2009), pp. 83–87.

served as a synecdoche of the sovereign person—the vanquished and the victorious. Moreover, the robe and the finger operated in two distinct spheres of meaning, the one 'Muslim' and the other 'Hindu', which Mahmud had joined together in a concrete act of cultural translation, or 'transculturation'. To extend Flood's argument, these objects of translation enabled oaths of 'peace' (*sulh*) to be exchanged between monotheist and non-monotheist. However, Muslim chroniclers were not keen to acknowledge this act. Ibn Athir, for instance, portrayed the cutting of the finger as something that 'they [the Hindus] believed', as if the raja acted of his own volition born of Hindu cultic desire rather than to satisfy Mahmud's demand. However, there exists a non-Muslim—and less embarrassed—source that sheds more light on the matter, the Syriac chronography of Bar Hebraeus (d. 1286), a bishop of the Syriac Orthodox Church who lived in Syria and in Iraq under Mongol rule.[75]

Bar Hebraeus corroborated Ibn Athir's report about the raja's offering of a finger but also included a detailed sequence of events. According to him, when the envoy of the Indian king first approached Mahmud to open negotiations, he asked about the Muslim king's religion. Mahmud retorted, 'ye Indians must either believe in our God, and accept our Law and eat the flesh of oxen, or pay us as a tax each year one thousand elephants, and one thousand manehs of gold'.[76] The Hindu envoy was alarmed by the requirement to eat beef, a Hindu taboo, and rejected outright this part of Mahmood's demand. By contrast, he was open to learning more about Islamic doctrine, what Bar Hebraeus described as 'faith'. However, when a Muslim scholar explained the requirements of Islam to the Hindu king, the latter decided against conversion. It was then, after learning of the Hindu king's refusal to confess Islam, that Mahmud added the following conditions: 'the king will undertake to wear our apparel, and to gird a sword and a belt about his loin, he must cut off the top of his finger in confirmation of the oath according to the custom of the Indians'.[77]

It was as if Mahmud's first demand—to convert to Islam and give up 'idolatry'—had been pro forma and his alternative requirement—to don the robe and belt and cut the finger—the real plan all along. Even so, the matter did not proceed smoothly. When Mahmud's ambassador presented the raja with the ritual apparel, the Hindu was distressed at the thought of putting on the robe and belt and pleaded with the Muslim envoy to excuse him. The Muslim envoy remained firm, however, and made the raja wear the items sent by Mahmud. Bar Hebraeus did not give a reason for the Indian ruler's aversion, a reaction that Ibn Athir had also noted without explanation. Most likely, the king's disgust had to do with preserving Hindu caste purity.[78]

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[75] Bar Hebraeus, *The Chronography of Bar Hebraeus*, (trans.) E. A. Wallis Budge (Amsterdam: Philo Press, 1976). For a brief biography and description of his works, see Denise Aigle, *The Mongol Empire between Myth and Reality: Studies in Anthropological History* (Boston: Brill, 2014), pp. 66–88.

[76] Bar Hebraeus, *Chronography*, p. 190.

[77] Ibid.

[78] Flood, *Objects of Translation*, p. 83.

Mahmud was a casteless foreigner and his castoff robe was polluting to the touch.

However, once the Hindu king had put on the robe, belt, and sword, it was the Muslim ambassador's turn to be disgusted, because the latter now had to ask for the king's finger. Mahmud's ambassador was so hesitant to state his king's demand that he broached the topic indirectly, by simply asking the Hindu ruler, 'Swear an oath of fealty to us'.[79] When the Hindu replied, 'Our oaths are [taken] by images and by fire, and they would not be acceptable to your folk. By what shall we swear to you?' the Muslim merely said, 'Thou knowest how to swear an oath to us'.[80] In this way Mahmud's ambassador managed to avoid making the explicit demand of the finger from the Hindu king. On the other hand, the latter was entirely at ease with this cultic act. He immediately sent for a razor and 'without his color changing in the slightest degree' cut off the top of his left thumb.[81]

Why ask the Hindu king to undergo a rite if it was embarrassing from a Muslim perspective? Because it was a substitute for taking a sacred oath on a non-biblical deity. Since the Hindu king had refused to convert to Islam, he could not swear on the name of Allah. An oath sworn on a Hindu god was unacceptable to Muslims. Put differently, words could not be used to make a sacred pact because the divine name could not be translated across Islam and Hinduism. Thus, the participants turned to rites, specifically to the cult of sacrifice. Flood argues that in medieval India, the finger sacrifice was used in vows to both kings and gods.[82] This ritual divinized the king. Mahmud, by accepting the sacrificed finger, had also acknowledged his own divinity—in acts if not in words. Without 'saying' so, Mahmud suspended monotheism to accept a ritually performed oath of loyalty from a non-monotheist vassal who would not convert to Islam.

To make a peace pact (*sulh*), Mahmud had met his Indic rivals halfway across the gulf of two systems of investiture—Islamic and Indic. In the former, sanctity travelled down the divine hierarchy, transmitting sovereignty from heaven down to the caliph's body and, via his robe, across the earth. By contrast, in the Indic system, the sacrificed finger moved up the cosmic ladder as an acknowledgement of sovereignty from the sacrificer to the gods. These systems of investiture were structurally analogous but not compatible. To bridge them, Mahmud had to perform a bricolage on two cults of sacred kingship, requiring him to violate the taboos of both Hinduism and Islam. Just as the Hindu king broke caste strictures to don the caliph's robe, the Muslim king transgressed the tenets of his doctrinal religion to accept a pagan sacrifice.

The Ghaznavid peace (*sulh*) was partial, not total, like the peace of the Mughals. Moreover, Mahmud had only attempted this cultic solution at the edge of Islam's frontiers. Seen from the centre, he still appeared as the Right Hand of the caliph in Baghdad, a Muslim iconoclast who zealously raided

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[79] Bar Hebraeus, *Chronography*, p. 191.
[80] Ibid.
[81] Ibid.
[82] Flood, *Objects of Translation*, pp. 83–87.

the 'idolatrous' territory of India in the name of god. What Akbar would unapologetically enshrine in words and laws, Mahmud only performed silently via rites and not as a declared duty of kingship. The epistemic break that separated Akbar from Mahmud had been wrought by the 'exceptional' intervention of the Mongols. After the Mongols, 'peace-making' and 'oath-taking' between Muslims and non-monotheists could move beyond the concrete and silent realm of 'cult' to the abstract and articulate realm of 'law'.

The first peace in Islam

Mahmud's cultic solution had depended on the sacred and iconic body of the caliph. However, the caliph had become a relic of sovereignty only at the end of the ninth century. How would a Muslim king have enacted an oath of peace with 'pagans' before then? For an answer, we must turn to the foundational moment of Islam, well before the caliphate was established, when the first peace (*sulh*) between believer and unbeliever was sealed with a sacred oath. This was the pact that the Prophet made with his Meccan opponents, the 'polytheists' (*mushrikun*) at Hudaybiyya, named after the place near Mecca where the agreement was negotiated in 628 CE (6 Hijri).[83]

It all began with a dream of the Prophet—not a Qur'anic revelation—in which he saw himself at the Ka'ba, a sacred site that he had been unable to visit since leaving Mecca for Yathrib (Medina) under duress six years earlier. To fulfil his dream, he gathered a sizeable number of followers, 1,500 by some accounts, and led them in a pilgrimage caravan towards Mecca. The Muslims carried with them sacrificial animals and only light arms for protection, but the Meccans felt threatened, suspected a ruse, and refused them entry. When the Prophet opened negotiations, the Meccans had the upper hand. They imposed many onerous conditions and then still refused the Muslim pilgrims access to the Ka'ba until the following year. By all measures, the treaty was a humiliation for the Muslims and the Prophet faced severe criticism from his followers.

The peace treaty of Hudaybiyya was meant to last for ten years but was broken within ten months and made irrelevant a year later when the Muslims conquered Mecca in 630 CE. Yet, its memory survived in several genres of classical Islam, the prophetic sayings (Hadith), the lore on the Prophet's exemplary life (*sira*) and heroic deeds (*maghazi*), and the chronicle tradition (*tarikh*), all of which attained canonical shape under the Abbasids in the eighth and ninth

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[83] Hudaybiyya is a well-studied incident of early Islam, but there is much that scholars still argue about in terms of the historicity of the early narratives surrounding the foundational moment of Islam, the precise chronology of events, and even if there were any pagans in Mecca or only various types of 'monotheists'. Here, I provide the account closest to the dominant Sunni tradition. However, see Furrukh B. Ali, 'Al-Hudaybiya: An Alternative Version', *The Muslim World* 71, no. 1 (1981), pp. 47–62; Andreas Gorke, 'The Historical Tradition about al-Hudaybiya: A Study of 'Urwa b. al-Zybayr's Account', in *The Biography of Muhammad: The Issue of the Sources*, (ed.) Harald Motzki (Boston, MA: Brill, 2000), pp. 240–75; G. R. Hawting, 'al-Ḥudaybiyya and the Conquest of Mecca: A Reconsideration of the Tradition about the Muslim Takeover of the Sanctuary', *Jerusalem Studies in Arabic and Islam* 8 (1986), pp. 1–23.

centuries.[84] None of these reports hid the fact of the Prophet's capitulation to Meccan demands and the criticism he had to face from his Muslim followers. Perhaps this was because after the conquest of Mecca the impressive growth of early Islam had lessened the embarrassment of Hudaybiyya. With the Ka'ba in Muslim hands and cleansed of all pre-Islamic deities, and with all non-monotheist Arab tribes in the peninsula converted to Islam, the Hudaybiyya affair could even be viewed in retrospect as the beginning of the end of pagan Arabia. Indeed, in Muslim exegetical tradition, Hudaybiyya became the occasion for a triumphant Qur'anic revelation, 'The Victory' (*al-fath*, 48), which praised the Prophet and those Muslims who had pledged their loyalty to him at that trying moment.

The longest Hadith report on the incident, recorded in multiple sources, including the famous canonical collection of Bukhari in the 'Book of Conditions [for submission to Islam, contracts, and transactions]', which follows the 'Book of Peace (*sulh*) [and reconciliation among people]', became the basis of the most widely accepted view of the Hudaybiyya treaty.[85] This report is in the style of oral reciters of tradition (*qussas*), who recounted the glorious tales of the Prophet's deeds and miracles in the seventh century before a detailed narrative of his life was written down.[86] Oral recitation played a major role in preserving the memory of early momentous events of Islam, including the circumstances of Qur'anic revelations, in a shifting 'stream of tradition' that was later dammed up by canonization.[87] This stylized report is significant precisely for its luxuriant narrative, as if shaped by professional raconteurs who use a plethora of conflicting voices—a deep heteroglossia—to render in high relief the texture of the social, political, and religious tensions of the formative Islamic era. A major source of this tension was the emerging kingship of the Prophet.

According to Ibn Ishaq, the Prophet's eighth-century biographer, his rivals in Medina had already begun to call him the 'King of Hijaz'.[88] The long Hadith

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[84] As is the case with most events of early Islam, the sources were written down more than a century later and contain multiple reports of the incident, ostensibly handed down from known eyewitnesses and others who lived a generation after the event.

[85] This is Hadith 19, book 54, titled 'Book of Conditions' (*kitab al-shurut*) in Muhammad ibn Isma'il Bukhari and Muhammad Muhsin Khan, *The Translation of the Meanings of Sahih al-Bukhari: Arabic-English*, 4th rev. edn, 9 vols (Lahore: Kazi Publications, 1979). Unless otherwise indicated, all citations from Sahih al-Bukhari in the original Arabic or English translations are from this version. 'Book of Conditions' follows the book on 'peacemaking' (*sulh*), which also carries other shorter traditions related to Hudaybiyya. A detailed technical analysis of the early history of this report and the events it covered is in Gorke, 'Historical Tradition', pp. 240–75.

[86] This has caused modern scholars to question the report's facticity. Ali, 'Hudaybiya', pp. 48–52.

[87] For a discussion of the resistance of the oral reciters of the Qur'an to its canonization, see Mohammad Ali Amir-Moezzi, *The Silent Qur'an and the Speaking Qur'an: Scriptural Sources of Islam between History and Fervor*, (trans.) Eric Ormsby (New York: Columbia University Press, 2016), pp. 55–62. The concept of 'stream of tradition' in oral cultures of memory is discussed in Jan Assmann, *Cultural Memory and Early Civilization: Writing, Remembrance, and Political Imagination* (Cambridge; New York: Cambridge University Press, 2011), pp. 76–86.

[88] Abd al-Malik Ibn Hisham, Muhammad Ibn Ishaq and Alfred Guillaume, *The Life of Muhammad: A Translation of Ishaq's Sirat Rasul Allah with Introduction and Notes by A. Guillaume* (Karachi: Oxford University Press, 1997), p. 515.

report on the Peace of Hudaybiyya also compared Muhammad with the great monarchs of the time, but here too the voice belongs to a Meccan elder, 'Urwa bin Mas'ud, sent to negotiate with the Muslims. Impressed by the Prophet's emerging royal status, 'Urwa counselled the Meccans to sign the peace treaty with him. Yet, among the Arab tribes, there was a great anxiety about kingship, which sought loyalty above that of kinship, the primary mode of community-making in tribal Arabia. 'Urwa voiced this apprehension to the Prophet with much pathos when he questioned his morality in threatening his own kin in Mecca. The abusive reply to 'Urwa came from the Prophet's close companion, Abu Bakr, who would succeed him as the ruler of Muslims. Throughout the narrative, Abu Bakr remained the Prophet's unquestioning supporter, standing by him even when other companions began to have doubts about the treaty. As opposed to Abu Bakr, 'Umar, who would later succeed the former as ruler, plays the role of the uncompromising monotheist. Indignant with rage, at one point he even confronts the Prophet with a series of insolent questions: 'Aren't you truly the Messenger of Allah?', 'Isn't our cause true (*haqq*) and the cause of the enemy false (*batil*)?', 'Then why should we be humble in our religion?'

A major issue of contention was the name of the deity to be used in the treaty document. The Prophet had asked his scribe to begin the treaty with the Islamic oath, 'By the Name of Allah, the most Beneficent (al-Rahman), the most Merciful'. The Meccan negotiator immediately objected, 'As for "Rahman," by Allah, I do not know what it means. So write: By Your Name "Allahumma," as you used to write previously.' Neither the Hadith report, nor later Muslim tradition explain why the Meccans rejected the use of the name 'Rahman', which, according to the canonical Muslim view, simply refers to a trait of Allah—beneficence or mercy. However, an analysis of pre-Islamic inscriptions in South Arabia, which had come under Jewish and Christian rule in the century before Islam, reveal that 'Rahman' was used in that region to refer to the god of the Bible. These inscriptions, which identify 'Rahman' with the god of Israel and the Father in the Christian Trinity, appear in the reigns of the Himyarite Jewish king Dhu Nuwas (r. 515–525) and the Christian general Abraha, who led the Abyssinian (Axumite) campaign against Dhu Nuwas and ruled over Himyar independently for three decades.[89] The encroachment of biblical monotheism in South Arabia was in all likelihood a source of anxiety in Mecca. In fact, later Islamic tradition recorded the Christian Abraha's failed attempt to attack the Ka'ba in the year of the Prophet's birth, an incident that Muslim exegetes associate with the Elephant chapter (*surat al-fil*) of the Qur'an (105). Moreover, chronological studies of theonyms in the Qur'an suggest a close association of 'Rahman' with the god of Moses.[90] All of this supports the conclusion that, for the

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[89] Christian Julien Robin, 'Ḥimyar, Aksūm, and Arabia Deserta in Late Antiquity', in *Arabs and Empires before Islam*, (ed.) Greg Fisher (Oxford: Oxford University Press, 2015), pp. 127–71. Also see Sigrid Kjaer's article in this special issue.

[90] Jomier Jacques, 'Le nom divin "al-Rahman" dans le Coran'', in *Mélanges. Massignon Louis* (Institut français de Damas, 1957), pp. 361–81. Also see al-Azmeh, *Emergence*, pp. 293–15.

Meccans, 'Rahman' referred to the 'jealous' god of the Bible, swearing upon whom would have been tantamount to accepting biblical monotheism and rejecting all other gods as false.

Muslims initially held their ground and refused to withdraw 'Rahman' from the oath. They were shocked, however, when their leader relented without explanation and told the scribe to write the Meccan invocation 'in your name, Allahumma'. From the Meccan perspective, 'Allahumma' was not controversial because it had no biblical association. Instead, the expression most likely evoked the 'god on high' who was immanent in multiple forms throughout the cosmos (the immanence is indicated by the use of the second person, *bi ismika*, to address divinity).[91]

This was not the end of the controversy. At the end of the treaty document, when the Prophet dictated to the scribe his name and title to seal the agreement—'Muhammad, the Messenger (*rasul*) of Allah'—the Meccan immediately objected, stating that he did not recognize Muhammad as Allah's envoy. Instead, he demanded that instead of his prophetic designation, Muhammad identify himself by his kin and record his father's name. Again, despite Muslim protests, the latter agreed and ordered his scribe to strike out 'Prophet of Allah' from the treaty document.

Without the name of the biblical god (Rahman) and Muhammad's status as a biblical prophet (Rasul Allah) in the oath and seal, the treaty of Hudaybiyya transgressed biblical doctrine and thus offended Muslim sentiment. Throughout the difficult negotiations, the Prophet did not explain why he had compromised on such fundamental matters. He made no appeals to logic, doctrine, or *realpolitik* as he acquiesced to one Meccan demand after another. As if anticipating the puzzled reaction of the audience, the Hadith narrative records the following cryptic statement from him: 'If they [the *kuffar* of Mecca] ask of me a path that would lead to God's reverence, I will surely grant it to them.' This was the Prophet's only utterance in defence of a peace treaty that was solemnized in a manner acceptable to the pagan Meccans.

Conclusion

Unlike Akbar, who had heralded a new messianic law of peace that suspended the strictures of monotheism permanently, and unlike Mahmud, who had enacted a new cult of peace to bypass monotheism silently, the Prophet did not offer a new principle or ritual mechanism. He needed neither reason nor rite to affect his peace with non-monotheists because he possessed sheer charisma. According to Muslim exegetes, the Qur'an acknowledged the Prophet's charismatic achievement: that his dream (*al-ru'ya*) was true (48:28), and that those who swore allegiance to him at the time had, in fact, pledged their fealty to Allah (48:10). Muhammad's very body, in this view, served as an active beacon of revealed truth and a conduit for the divine

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[91] This theonym, which also appears widely in the Qur'an, was used in pre-Islamic Arabia as a generic epiclesis, an invocation to all divinities 'from on high': al-Azmeh, *Emergence*, pp. 229–30.

oath.[92] However, a peace wrought by charisma could endure but for a moment. The peace of Hudaybiyya was a temporary compromise of the monotheistic principle. Even the Qur'anic chapter on Hudaybiyya emphasized that Muhammad's prophetic mission had not changed: '[Allah] it is Who hath sent His messenger with the guidance and the Religion of Truth, that He may cause it to prevail over all religion (*'ala al-din kullihi*)' (48:28). The Qur'an then added, 'And Allah sufficeth as a Witness'. As the famous al-Tabari (d. 923) explained in his exegesis, 'this is a declaration from God Almighty, to His Prophet, may God's prayers and peace be upon him, and to those of his companions who despised the peace on the day of al-Hudaybiyya, that God would conquer Mecca and other countries for them, thus He relieved them of the gloom and sadness that had afflicted them, by leaving Mecca Before they could enter it, and before they could circumambulate the house'.[93] Another major Qur'an commentator, Abu al-Layth al-Samarqandi (d. 983), added that God was assuring the Prophet by bearing witness to the total dominance of Islam before the end of the world, 'even if the infidels of Mecca refused to bear witness, when he wanted to write "The Messenger of God," as Suhayl bin Amr said: "We do not recognize that you are the Messenger of God, and we do not bear witness."'[94] The compromise with the unbelievers was of the moment. The Religion of Truth was eternal.

The Prophet's path of 'charisma'—what appeared even at the time to be a spectacular abandonment of doctrine and principle, if only for a singular moment—to achieve peace with non-monotheists proved difficult to routinize. Sixty years after Hudaybiyya, when the first aniconic Islamic coins were stamped by the Umayyad caliph 'Abd al-Malik, they referred not to the Peace of Hudaybiyya but to the scriptural verse that affirmed Islam's missionary impulse: '[He] sent him with guidance and the Religion of Truth, to exalt it over all (*kull*) religion'.[95] Later, when Muslim jurists used Hudaybiyya as a precedent, they also allowed for, at best, a temporary truce with non-Muslims.[96] In the opinion of most, such a peace could last no longer than ten years or ten months, the de jure or de facto terms of the Hudaybiyya treaty. Bound by the logic of the law and constrained by precedent, all that the jurists could salvage from Muhammad's charismatic peace was its impermanence. It was left up to Muslim kings—especially those rulers of Inner Asian provenance, like

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[92] More broadly on the topic of the Prophet's body, see Brannon Wheeler, 'Gift of the Body in Islam: The Prophet Muhammad's Camel Sacrifice and Distribution of Hair and Nails at his Farewell Pilgrimage', *Numen* 57, no. 3–4 (2010), pp. 341–88.

[93] Abu Ja'far Muhammad bin Jarir al-Tabari, *Tafsir al-Tabari: Jami' al-Bayan 'an Ta'wil Ay al-Qur'an*, 25 vols (Cairo: Markaz al-Bahuth wa al-Dirasat al-'Arabaiyya wa al-Islamiyya, 2001), Vol. 21, pp. 320–21.

[94] Abu al-Layth al-Samarqandi, *Tafsir al-Samarqandi: Bahr al-'Ulum*, 3 vols (Beirut: Dar al-kutb al-'ilmiyya, 1993), Vol. 3, pp. 258–59.

[95] Donner, *Muhammad*, p. 210.

[96] Majid Khadduri, *War and Peace in the Law of Islam* (Clark, NJ: The Lawbook Exchange, 2006), pp. 202–22. For a recent treatment of the same legal issue from the perspective of sovereignty, and with a more detailed look at the treaty of Hudaybiyya, see Anver M. Emon, 'On Sovereignties in Islamic Legal History', *Middle East Law and Governance* 4 (2012), pp. 265–305.

Mahmud and Akbar, who managed to garner within their persons miraculous and violent powers of exception—to find more inventive solutions to the problem of oaths and to forge more enduring paths to peace.