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# Abul A'la Maududi: Innovator or Restorer of the Islamic Caliphate?

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## ABSTRACT

This article reviews the political thought of one of the most important figures during the Islamic resurgence in the 20<sup>th</sup> century, Abul A'la Maududi. The thought of Maududi is often read superficially by either those desiring to portray him as politically 'liberal' and 'progressive' as well as 'backwards' and 'conservative'. The core of debates surrounding Maududi's support for liberal democratic principles such as equality, freedom, democratic elections, and the like are pinpointed and reviewed individually, according to two main primary texts, *Islamic Way of Life*, and *Islamic Law and Constitution*. The themes that are covered by the article concern (a) the meaning of his term 'theodemocracy'; (b) Maududi's understanding of the '*shurah* council' (advisory council to the Caliph) and its meaning in terms of popular sovereignty; and (c) the people's role in maintaining rule of law and the office of the Caliph. It is argued that after a review of these concepts within their respective contexts, the argument attempting to show Maududi as an 'innovator' or 'progressive' in terms of his application of Islamic law in his modern-day ideal for an Islamic state collapses. Rather, it is shown that Maududi clearly envisioned the ideal Caliphate as one established by the prophet Muhammad and his companions (the '*Rashidūn* Caliphate') and affirmed Divine sovereignty over the general concept of 'popular sovereignty' as conceived by western political thought.

**Keywords:** Maududi, Political Thought, Theodemocracy, Islamic Law and Constitution, Caliphate

## 1 Introduction and Background

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The period of the *nahḍa*, or Islamic Renaissance<sup>1</sup> in the 20th century inspired a reconfiguration in the political thought of the Muslim world.<sup>2</sup> This resulted in several reactions by political thinkers in the Muslim world, which generally consisted of either philosophies that encourage the adoption of western political values under umbrella notions of ‘liberalism’ and ‘democracy’, or ‘reactions’ to the westernization of the western world and calls to return to a period of Islamic government.<sup>3</sup>

Those studying Abul ‘Ala Maududi (c. 1903-1979)—who was one of the *nahḍa*’s foremost thinkers—often portray him as belonging to one of the two types of reactions during the *nahḍa*. For example, some (e.g., Esposito and Voll)<sup>4</sup> have identified Maududi’s work as being one of the quintessential works on the reformation of Islam, and supportive of the notion of ‘Islamic democracy’ and universal human rights. On the other hand, several scholars have argued that Maududi’s work represents the exact opposite line of thinking: that which is fundamentally opposed to the notion of democracy as being a basis for government from an Islamic standpoint (e.g., Bowering).<sup>5</sup> In this analysis of Maududi’s political thought, I will contribute to this discussion by arguing that Maududi’s political thought was reactionary as opposed to progressive, despite his use of vocabulary belonging to the western political tradition. This research paper is significant because it contributes to current discussions in Islamic political thought where the question of the future of the Islamic world it still being hotly debated.<sup>6</sup>

As such, the research question that this study aims to assess is the configuration of Abul A’la Maududi’s political thought. Specifically, it assesses the degree to which the political thought of Maududi accepts the Islamic legitimacy of western political concepts of liberalism and democracy. I argue that while Maududi was clearly open to using vocabulary belonging to the western political tradition to address his audience, and that despite his encouragement for participation in the democratic system, he always envisioned a different ‘ideal,’ Islamic state, which would have very different political institutions and procedures from those found in the western political tradition.

## 2 Literature Review

The literary background of the proposed research concerns a current debate in the Islamic world amongst Muslims and non-Muslims alike. In this section, I will first discuss the two opposing schools of thought in the *nahḍa*, and then discuss debates concerning Maududi’s political thought, in order to identify the scholarly context that the interpretation of Maududi fits into.

I identify two major groups derived from several ideological tendencies, which have been taking place since the mid-20th century. The first group is what can be called the ‘liberal-reformist movement’, whose reformist supporters reject that Islam as a belief system is, ever was, or should be a part of a ‘political system’ known as a theocracy, as An-Na’im and Watt have argued.<sup>7</sup> In fact, it has been suggested that even during the inception of Islam, “all rulers...have had to

renegotiate or mediate the permanent tension between religious and political authority.”<sup>8</sup> Others point out that Islam developed concepts of secular governance and law, serving as religious legal precedent for democratic and liberal governance.<sup>9</sup> Secondly, related to the concept of Islamic law, or *Shari’ah*, reformists emphasize that it is dynamic and that original texts of religious law (i.e., the Qur’ān and *Hadīth*) must be read within their contexts, as Esposito and many others have argued.<sup>10</sup>

In contrast, what I identify as the ‘anti-*nahḍa*’ movement, holds views opposing those of the liberal-reform school of thought. Such thinkers include Hasan al-Banna, Saïd Qutb, and Abdullah Azzam. As a matter of methodology, traditionalists interpret Islamic law must be interpreted literally.<sup>11</sup> This reading is associated with the belief that that Islam is a holistic way of life including societal organization and government. In the words of Sayyid Qutb, “From [Islam] we must also derive out concepts of life, our principles of government, politics, economics, and all other aspects of life.”<sup>12</sup> Concerning the concrete application of these principles in government, it is recognized that the ideal virtuous society consists of individuals striving to strictly adhere to Divine Law, leading to an oral contract between individuals of the *Ummah*, or Muslim nation, and a Caliph who pledges to implement Divine Law.<sup>13</sup>

Maududi is considered one of the foremost figures of Islamic political thought in the twentieth century, and has been referred to as the founder of the anti-*nahḍa*’ movement (Black 2010), which is often portrayed as a reactionary movement desiring to ‘return’ to the ‘Islamic golden age’ (the inception of Islam). Bowering analyses Maududi’s writings on politics and Islamic law and argues that Maududi “considered an Islamic form of government to be a moral imperative: the system which the laws of God are given”.<sup>14</sup> Bowering’s reading of Maududi is based on a surface reading of his Islamic legal works, which include treatises such as “Jihad in Islam,”<sup>15</sup> which advocates for the theoretical Islamic state to be in continuous warfare in order to establish divine dominance over countries that are ruled by non-divine law.<sup>16</sup> Others, such as Metcalf<sup>17</sup> have pointed not to Maududi’s theoretical works, but his dialogues with other thinkers in his time. She argues that Maududi’s responses to thinkers who advocated for both democratic norms and liberal pluralism (amongst different communities of people in British India) was the strict implementation of Islamic law, including the Islamic penal code detailed in works such as the *Islamic Way of Life* and *Islamic Law and Constitution*.<sup>18</sup> Likewise, the analysis of Masud<sup>19</sup> identifies a number of concepts in Maududi’s political thought that have “serious implications for the concepts of democracy”, such as the notion of “*Hakimiyyat Ilahiyya*,” ‘Sovereignty of God’ as opposed to ‘sovereignty of the People’.<sup>20</sup>

While the scholars above would have no problem classifying Maududi’s political thought as being an example of the ‘authoritarian Islamist’ response to the *nahḍa*, several scholars have argued — in an attempt to show the compatibility between 20th century Islam and liberal and democratic notions — that despite Maududi’s social conservatism (and anti-liberalism), he did not believe that representative democracy would be absent in his hypothetical Islamic state. Esposito and Voll<sup>21</sup> in *Islam and Democracy* were the first to systematically argue that Maududi

was not against the idea that democracy is mutually exclusive to Islamic government. The strongest evidence in favour of this argument is found in Maududi's *Islamic Law and Constitution*, where he states that "theodemocracy" would be a better term for true Islamic government (as opposed to 'theocracy').<sup>22</sup> Esposito and Voll<sup>23</sup> argue that Maududi rejected democracy insofar as it promoted secular values (i.e., under the umbrella term 'liberalism'), but otherwise accepted the institution of parliamentary governance as being part of an Islamic state. Irene Oh<sup>24</sup> takes it so far as to state that Maududi relies upon the representative bodies to implement divine law, but otherwise has no legal differences to the lawmaking abilities of the body. The fundamental connection between democracy and Islam is known as the *shura*, a consultative body which existed in the early Islamic state (7th c.).<sup>25</sup> Contenders of this line of argument argue that the *shura*, or representative government, effectively turns the Islamic state into a democracy, perhaps with constitutional restrictions or executive powers preventing from legislative against *shari'ah*. It should be noted that one major argument used by such scholars is that Maududi explicitly refers to the bodies of his theoretical Islamic state as based on a 'constitution,' having a 'parliament' and even election of a leader. In this analysis, I challenge this interpretation by identifying the underlying meaning of these terms instead of taking them at face value. By looking at their function in Maududi's writings, one can identify whether indeed his 'constitution' and 'parliament' is comparable to that of western liberal democracies (or those in Muslims countries).

Taking a different approach, scholars like Miller<sup>26</sup> examine Maududi's views on human rights articulated after the adoption of the Universal Declaration of Human Rights<sup>27</sup> and elsewhere, finding that Maududi defends religious teachings of Islam as being the epitome of human rights.<sup>28</sup> A key point of Miller's argument is that Maududi explicitly and vigorously defends the notion of liberty in Islam to make the above point.<sup>29</sup> The result of such views politically speaking, can only imply his acceptance of democratic norms, albeit with the qualification that Islamic law is a sufficient legal framework of doing so.

The fundamental gap in the literature that exists is a lack of clarification on key terms of Maududi's political thought. An examination of the particulars of the nature of 'theodemocracy,' and 'parliament' will allow for a better understanding of the type of state Maududi envisioned. Specifically, this analysis examines the aforementioned concepts in detail through primary sources (discussed below) and makes the argument that Maududi did *not* envision the contemporary Islamic state to be a form of democratic government, or that it would include any democratic institutions. Furthermore, I contribute to the existing literature by bridging the gap between two different lines of argument. The two 'camps' that exist concerning the political thought of Maududi have a surprising level of discontinuity, in that they do not refer to each other's studies. This could be due to a difference in discipline, such as between political science and Islamic history, where the former tends to support the 'liberal democratic' interpretation of Maududi's thought, while the latter emphasizes the traditionalist character of his ideal Islamic state. This study bridges the gaps between these two lines of thought and advances an argument in favour of the latter, but while taking both arguments into consideration.

### 3 Methodology

The proposed research is an examination into the primary literature of Abu A'la of Maududi: the books which he wrote at the maturity of his political thought — which are analyzed by the authors in the previous section. I will analyse two books, *Islamic Law and Constitution*, and *The Islamic Way of Life*.

The analysis consists of a ‘history of ideas’ approach to textual analysis, in that it attempts to identify concepts in primary literature that are derived from previous literature that discusses such concepts.<sup>30</sup> For instance, Maududi’s reference to ‘*Shūrah*’ (the consultative assembly) will have to be interpreted not only by his own statements concerning them, but also by the tradition from which he is drawing from (the Islamic legal tradition).<sup>31</sup>

### 4 Maududi’s Political Thought: Based on Primary Sources

This paper will now analyze Maududi’s view of the ideal Islamic government structure from both theoretical and practical dimensions. By theoretical, I refer to the way in which Maududi traces the legislative authority of his ideal state. This will allow us to have a reference point concerning Maududi’s view of authority and legitimacy when we examine the second part, which addresses a ‘liberal’ interpreters of Maududi’s political thought. The second part examines the specific terms of ‘parliament,’ ‘theodemocracy,’ and ‘consultative assembly’ that Maududi refers to multiple times throughout his various works. While the first part of the analysis examines Maududi’s view of political authority and draws from current literature, the second part of the section re-analyses the meaning of the aforementioned terms he used. The discussion section that follows examines my observations with the positions existing in the current literature.

Maududi’s *Islamic Way of Life*<sup>32</sup> is a relatively short book that examines the entirety of the Islamic legal tradition, in terms of the organisation of its beliefs and the various legal principles. As such, it addresses questions ranging from the basics of Islam (e.g., fundamental pillars) to the principles of a theoretically Islamic economic system. Of concern to the analysis is the third chapter, the section “essential features of the Islamic political system” and “purpose of the Islamic state”. Maududi opines on the Islamic political system, and, exemplifying a strictly traditionalist approach to Islamic law, identifies that the Qur’an and Sunnah (prophetic tradition) as including authoritative laws that are to be “practically implement[ed],”<sup>33</sup> which is to be viewed as the fulfilment of life’s purpose. Since this is the case, Maududi informs us that its political implications are that the Islamic state “is not intended for political administration only nor for the fulfilment through it of the collective will of any particular set of people,”<sup>34</sup> but rather for the purpose of divine attainment in this life and the next. Maududi then explains the particular rights, duties, and laws that exist in the Islamic political system. He very closely resembles the Islamic political tradition known as ‘Salafism,’ which is a traditionalist school of Islamic thought that

encourages the establishment of an Islamic state based on authoritative Islamic legal sources, and a return to the implementation of the 7th century caliphate. This bares a close resemblance to the most well-known 20th century Salafist and Maududi contemporary, Sayyid Qutb, whose view in his *Milestones*<sup>35</sup> likewise affirms that “[f]rom [Islam] we must also derive our concepts of life, our principles of government, politics, economics and all other aspects of life.” Maududi repeats similar remarks in the introduction of his *Islamic Law and Constitution*.<sup>36</sup> As such, an explicit reading of Maududi’s view of moral and political authority is that it stems from God alone, and thus entails the application of law based on divine sources. We understand that Maududi’s Islamic state is a manifestation of laws in the public and private domain, and that the virtuosity or quality of a state is based on its level of application of divine law. Maududi is clear in rejecting any differentiation between the public and private, and Islam’s role in regulating both spheres of life.

The reading and interpretation of Maududi that I offer is arguably the clearest to the informed reader. For this reason, prominent studies of Maududi’s political thought affirm this view of political and moral authority. This includes Bowering’s and Masud’s<sup>37</sup> analyses of Maududi’s political thought: the Islamic state entails the application of a legal system frozen in time, and establishes law based on what are believed to be divine sources; there is no room for non-Islamic legal systems or government bodies, let alone a recognition of different sources of political sovereignty (e.g., popular sovereignty).

The question still remains as to what Esposito and others meant when Maududi referred to his ‘theo-democracy’ and ‘parliament,’ terms used in his *Islamic Law and Constitution*,<sup>38</sup> which I will now examine. Maududi’s fourth chapter, “Political Theory of Islam” focuses on the theoretical dimension of the Islamic state; the source of authority and government organisation. The first issue to analyse is the notion of ‘theo-democracy,’ which is supposedly a term coined by Maududi in this chapter. The liberal interpreters of Maududi’s political thought, I argue, are misled by the term, which is taken out of the context of the text. In the section Maududi supposedly coins the term, he first establishes the explicit differences between the theoretical Islamic state and the western political model, which he seemed to be quite familiar with. He writes:

“The preceding discussion makes it quite clear that Islam, speaking from the view-point of political philosophy, is the very antithesis of secular Western democracy. The philosophical foundation of Western democracy is the sovereignty of the people ... Law-making is their prerogative and legislation must correspond to the mood and tempter of [public] opinion ... This is not the case with Islam ... [which] has no trace of western democracy ... [and established] its polity on the foundations of the sovereignty of God and the vicerency [*Khilafat*] of man. A more apt name for the Islamic polity would be a ‘Kingdom of God’ which is described in English as a ‘theocracy.’”<sup>39</sup>

Based on this background, Maududi then states that because the word “theocracy” alludes to a specific type of government – i.e., a clergy-governed state within a Christian historical context –

he would rather term the Islamic state a ‘theo-democracy’. What is clear is that Maududi’s ‘theo-democracy’ conceptually does not contradict his previous vision concerning the hierarchy of political thought (from God to man), and as explicitly stated, has no relation whatsoever with the western understanding of democracy, which is grounded in the fundamental principle of popular sovereignty.

While this is the case, the issue one must now answer is, ‘what did Maududi mean by ‘theodemocracy’ and ‘parliament’, what are their functions in his political state?’ This requires an examination into his writings that address societal and political organisation — where he brings up the notion of an Islamic ‘parliament’ and ‘consultative assembly’.

In *Islamic Way of Life*,<sup>40</sup> Maududi starts with the selection of the leader, or *Amīr* of the Islamic state. The leader is to be selected and hold the confidence of “the constitutional body” which he refers to as “parliament” in *Islamic Law and Constitution*.<sup>41</sup> This elite body of individuals is to be elected by the Muslim citizens of the state, but only individuals who adhere to a certain set of criteria will be permitted to join: (a) people of “moral credit” (i.e., religious piety); (b) advanced knowledge of Islamic law; and (c) someone known for their ability to govern justly in a position of power.<sup>42</sup> This ensures that only an expert in Islamic law with the authority to establish it in a position of power will be elected as the head of state, and that the regulation of the leader’s actions will be grounded in Islamic law. Furthermore, as opposed to laws being made for the sake of the people, the ‘parliament’ and ‘leader’ must ensure that all laws that are passed must be made in accordance with Islamic law—this is why rulers can be removed when they draft laws explicitly against the Islamic tradition.<sup>43</sup>

A final issue to note is Maududi’s position on the procedure of decision-making within the Islamic state, which also concerns the issue of the authority of ‘parliament’ and sovereignty of God as opposed to sovereignty of the people. Concerning the process by which laws are made (and on what basis), Maududi writes, “[I]t is essential that the legislative council of an Islamic State, consisting, as it must, of the men of authority and learning, should enact that interpretation...into LAW, through its *ijma*’ (consensus) or majority decision.” The legislative body is generally grounded in the principle of consensus. After describing this, Maududi turns to examples during the 7th century caliphate for ‘case laws’ of this type of governance;<sup>44</sup> in order to make the point that his government was simply a formal recreation of the practices of the four rightly-guided caliphs. This tells us about what ‘authority’ meant for Maududi confirming my original interpretation that God and interpretation of divine guidance is the basis for the establishment of a virtuous government. This is found both in his emphasis that only Islamic scholars can be amongst those who elect the caliphs and deliberate on divine law, and also in his turning to the example of the ‘golden age of Islam’ which is classical in traditionalist thought.

In this regard, I argue that Esposito and Voll, Khan, El-Affendi, and Oh<sup>45</sup> all misinterpret the purpose of Maududi’s legislative bodies (e.g., parliament) as being bodies which rule for the purpose of serving the people, and thus formulate law according to them. I argue that this

conception is too simplistic and that there are large differences between Maududi's parliament and parliaments that exist in secular democratic countries. Specifically, I argue that Maududi's parliament, which is modeled on the 1400-year-old institution of the '*shura*' (consultative assembly), serves the purpose of helping the *Amīr* (head of state, or Caliph) formulate law that addresses the needs of the people. The difference between the two conceptions of legislation is that in the latter conception, the parliament's goal is to formulate law according to Islamic law—or to offer interpretations of Islamic scripture and deliberate on the best possible interpretation. This fundamentally changes the purpose and power of this 'legislative' body, as its focus is to embody the meaning the Islamic law, as opposed to being a legislative body that merely acts within the strictures of Islamic law.

## 5 Discussion and Conclusion

In situating the findings of my analysis of Maududi's political thought in the current literature, there are a number of similarities and differences that exist between existing studies. Firstly, my original conception of Maududi's political thought, in terms of his view of the authority and hierarchy of the Islamic state, is similar to existing studies. As noted above, several scholars have concurred that Maududi's political thought is grounded in the belief of divinely-implemented law, based on the belief that the Qur'an and Sunnah are authoritative in matters of government organization, law, and the like. Secondly, I contribute to the current literature on Maududi by addressing the alternative interpretations offered by liberal readers of his works. Using the framework in the first part of the analysis, I attempt to reconcile an apparent reading of Maududi's political thought, and his alleged support for the inclusion of democratic aspects in his ideal Islamic state. I argued against this interpretation, and instead attempted to contextualize his views within his own literature and his general understanding of divine sovereignty, as well as by identifying what Maududi viewed to be the practical purposes of the 'parliament' and 'consultative assembly' when it comes to decision-making or the appointment of a leader.

As such, I argue that this analysis offers a reading of Maududi that is able to reconcile between Maududi's theoretical view of the Islamic state (as applying divine law from a top-down view), and the way Maududi views its practical politics. My analysis is able to rationalize the two seemingly contradictory concepts of the Islamic state: the theoretical Islamic state with the purpose of applying Islamic law, and the practical Islamic state that has the purpose of legislating for the people.

For this reason, I propose that Maududi is to be viewed as a *restorer* of the early Islamic state, as opposed to a progressive or reactionary. By examining the concerns on both perspectives, we see that Maududi – for all means and purposes – intended for the establishment of an Islamic state that had features of government that attempts to imitate the government of the early Islamic caliphate. While this is the case, he is willing to adapt the nature of the 7<sup>th</sup> century Islamic state to one that rationalizes itself within current trends in political thought.

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## Notes

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<sup>1</sup> The *nahḍa* refers to a period starting in the mid-20<sup>th</sup> century in the Arab world, which is characterized by vast sociopolitical reforms, and the modernization of literature, media, language and fashion (Aksikas 2009). I refer to ‘anti- *nahḍa*’ ideology as belonging to the school of thought that opposed sociopolitical reform, mainly on religious grounds.

<sup>2</sup> J. Aksikas, *Arab Modernities: Islamism, Nationalism, and Liberalism in the Post-Colonial Arab World* (Pieterlen: Peter Lang, 2009), 13-32.

<sup>3</sup> See for example: J. Aksikas, *Arab Modernities: Islamism, Nationalism, and Liberalism in the Post-Colonial Arab World* (Pieterlen: Peter Lang, 2009), 13-32; Jaan S. Islam, “The Contention Between Secular and Revealed Law: Analyzing Ibn Rushd’s Solution to The Problem of the “Virtuous Society,”” Submitted to *Journal of Islamic and Muslim Studies* (2018).

<sup>4</sup> John L. Esposito and John O. Voll, *Islam and Democracy* (New York City/Oxford: Oxford University Press, 1996), 23-24.

<sup>5</sup> G. Bowering, *Islamic Political Thought: An Introduction* (Princeton: Princeton University Press, 2015), 33-34.

<sup>6</sup> See An-Na’im’s survey of current debates in Islamic political thought: Abdullahi Ahmed An-Na’im, *Islam and the Secular State: Negotiating the Future of Shari’a* (Cambridge, M.A.: Harvard University Press, 2010), 1-45.

<sup>7</sup> Ibid; W. Montgomery Watt, *Muhammad: Prophet and Statesman* (New York City/Oxford: Oxford University Press, 1961), 222: “The analysis which has here been given the reasons for Muhammad’s emphasis on expansion northwards, I would again insist, must not be taken to imply that he himself thought in what may be called an analytical way ... The religious aspect was almost certainly uppermost in his thoughts, and the motive which drove him on was the desire to fulfill God’s command to spread Islam ... Somehow or other, though he thought in terms of religious ideas, he must have been aware of the political realities.”

<sup>8</sup> An-Na’im, *Islam and the Secular State*, 53.

<sup>9</sup> John L. Esposito and Dalia Mogahed, *Who speaks for Islam?: What a billion Muslims really think* (Simon and Schuster, 2007).

<sup>10</sup> John L. Esposito, *Unholy war: Terror in the name of Islam* (Oxford University Press, 2002), 64-68; Eréndira Cervantes-Altamirano, "Recovering the Progressive Spirit of Islam: Ijtihad and Its Transformative Possibilities in Islamic Feminism." *Women* (2005): 6.

<sup>11</sup> This type of interpretation of legally authoritative texts, in western constitutional law, can be viewed as fundamentally originalist, in the sense that the application of a law is based on the intent of the law when established during the prophet Muhammad’s lifetime. The effect of the law is not limited to social context or institutional changes. For this reason, it is often (correctly or otherwise) dubbed as “traditionalism” or “conservatism”. This argument was eloquently formulated by ‘proto-salafist’ Islamic scholar Ibn Taymiyyah “[I]t is sufficient to point out that these people have no criterion to say what is and what is not contrary to reason. What one claims that reason allows or even deems necessary, the other claims to be contrary to reason. One wonders by which reason should one judge the Qur’an and the Sunnah.” See: M. A. Ansari, *Ibn Taymiyyah Expounds on Islam: Selected Writings of Shaykh al-Islam Taqi ad-Din Ibn Taymiyyah on Islamic Faith, Life, and Society* (Riyadh: Al-Imam Muhammad Ibn Sa’ud Islamic University, 2000), 78.

<sup>12</sup> Sayyid Qutb, *Milestones* (Beirut: Holy Koran Publishing House, 1978), 6.

<sup>13</sup> Islam, *True Islam, Jihad, and Terrorism*, 24.

<sup>14</sup> Bowering, *Islamic Political Thought*, 34.

<sup>15</sup> Abul A’la Maududi, *Jihad in Islam* (Beirut: Holy Koran Publishing House, 1980), 33.

<sup>16</sup> Bowering, *Islamic Political Thought*.

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- <sup>17</sup> B. Metcalf, *Husain Ahmad Madani: The Jihad for Islam and India's Freedom* (London: Oneworld Publications, 2012), Chapter 6, Section 2, para. 15-20.
- <sup>18</sup> Abul A'la Maududi, *Islamic Way of Life*, trans. Khurshid Ahmad (Riyadh: Cooperative Office for Call and Guidance, 1990); Abul A'la Maududi, *Islamic Law and Constitution*, trans. Khurshid Ahmad (Lahore: Islamic Publications Ltd, 1960).
- <sup>19</sup> Muhammad Khalid Masud, "Clearing Ground: Commentary to 'Shari'ah and the Modern State,'" in *Islamic Law and International Human Rights Law*, ed. M. S. Ellis, A. M. Emon and B. Glahn (New York City/Oxford, U.K.: Oxford University Press, 2012), 104-114.
- <sup>20</sup> *Ibid*, 110.
- <sup>21</sup> John L. Esposito and John O. Voll, *Islam and Democracy* (New York City/Oxford: Oxford University Press, 1996), 22-27.
- <sup>22</sup> Maududi, *Islamic Law and Constitution*, 24.
- <sup>23</sup> Esposito and Voll, *Islam and Democracy*, 22-27; John L. Esposito, *The Islamic threat: Myth or Reality?* (New York City/Oxford: Oxford University Press, 1999), 129-140.
- <sup>24</sup> Irene Oh, *The rights of God: Islam, Human Rights, and Comparative Ethics* (Washington D.C.: Georgetown University Press, 2007), 56-57.
- <sup>25</sup> M. A. M Khan, "The Dimensions of the Emerging Political Philosophy of Islam," in *Routledge Handbook of Political Islam*, ed. S. Akbarzadeh (London: Routledge Publishing, 2012), 27-34; John L. Esposito, *The Islamic threat*, 129-140.
- <sup>26</sup> R. B. Miller, *Terror, Religion, and Liberal Thought* (New York City: Columbia University Press, 2010), 106-107.
- <sup>27</sup> United Nations General Assembly, "Universal declaration of human rights," New York City: United Nations General Assembly, 1948.
- <sup>28</sup> This is supported by: Irene Oh, *The rights of God*, 46, 56-57; Irene Oh, "Approaching Islam: Comparative Ethics through Human Rights," *Journal of Religious Ethics* 36, no. 3 (2008): 405-423.
- <sup>29</sup> Miller, *Terror, Religion, and Liberal Thought*, 106-107.
- <sup>30</sup> M. Bevir, "Meta-methodology: Unclearing the Underbush," in *The Oxford Handbook of Political Methodology*, ed. J. M. Box-Steffensmeier, H. E. Brady and D. Collier (Oxford: Oxford University Press, 2008), 48-70.
- <sup>31</sup> Specifically, I will look back into texts Maududi refers when he uses arguments from within the Islamic legal tradition to make his point. The 'Islamic legal tradition' refers to a vast body of literature spanning over the past 1200-1300 years, often written by jurists or holders of positions in government, that discuss the legal requirements and prohibitions of the Qur'an and other texts.
- <sup>32</sup> Maududi, *Islamic Way of Life*.
- <sup>33</sup> Maududi, *Islamic Way of Life*, 50.
- <sup>34</sup> *Ibid*, 54.
- <sup>35</sup> Qutb, *Milestones*, 14.
- <sup>36</sup> Maududi, *Islamic Law and Constitution*, 2.
- <sup>37</sup> Bowering, *Islamic Political Thought*, 34; Masud, "Clearing the Ground," 104-114.
- <sup>38</sup> Maududi, *Islamic Law and Constitution*, for parliament: 156, 256, 262, for theo-democracy: 148.
- <sup>39</sup> *Ibid*, 147-148.
- <sup>40</sup> Maududi, *Islamic Way of Life*.
- <sup>41</sup> Maududi, *Islamic Law and Constitution*, 264; *Ibid*, 157. That is, those people who have a say in the creation of laws, and hold the ability to depose of a leader, are called "the constitutional body" as well as "parliament", presumably referring to the same government body: *Ibid*, 157.
- <sup>42</sup> *Ibid*, 58.

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<sup>43</sup> Maududi, *Islamic Law and Constitution* 260-262.

<sup>44</sup> A common practice amongst Salafist thinkers, as well as commonly in the mainstream Islamic legal tradition, is to refer to ‘case laws’ recorded in authenticated Prophetic traditions, known as *ḥadīth* literature. *Ḥadīths* are considered the second-most authoritative source of Islamic law. See: Islam, *True Islam, Jihad, and Terrorism*, 24-37.

<sup>45</sup> Esposito and Voll, *Islam and Democracy*; Khan, “The Dimensions of the Emerging Political Philosophy of Islam;” A. El-Affendi, Democracy and its (Muslim) Critics: An Islamic Alternative to Democracy? In *Islamic Democratic Discourse: Theory, Debates, and Philosophical Perspectives*, ed. M. A. M. Khan (Lanham: Lexington Books, 2012), 227-254; Oh, *The rights of God*.