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*Edited by*

**MANSOOR MOADDEL**

*and*

**KAMRAN TALATTOF**

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## Mawdudi and the Islamic State

CHARLES J. ADAMS

No discussion of the demand for an Islamic state in Pakistan and no account of the contemporary resurgence of Islam would be complete without attention to the major role played by Abul Ala Mawdudi in these movements. By far the most powerful and effective factors that worked to create sentiment for an Islamic state in the years immediately after the partition of the Indian subcontinent and the creation of Pakistan were Mawdudi and the movement which he founded and headed, the Jamaat-i-Islami. Indeed, it would be difficult to think of any issue of religious significance that has arisen in Pakistani public life concerning which the same could not be said. Mawdudi was, until his death in 1979 but especially to the time of his resignation as amir of the Jamaat-i-Islami in 1972, the best known, most controversial, and most highly visible of all the religious leaders of the country. He poured his energy unstintingly into speeches, writings, and religious and political activities, leaving behind a rich heritage of literature and thought on most of the issues that have troubled Pakistanis over the years. The number, size, and range of the published writings from his pen in the periods both before and after the founding of Pakistan are truly remarkable.<sup>1</sup> They are evidence of an altogether unusual degree of devotion and great creativity. Although these works were produced originally in Urdu primarily for a Pakistani or Indian audience, many have been translated into other languages of both the Islamic and the Western worlds. Thus, Mawdudi has attracted attention outside the Indian subcontinent, especially in other Muslim countries where he is now revered as one of the foremost modern exponents and interpreters of Islam. Today Mawdudi must rank among the most popular and respected authors in the Islamic domains, if indeed he is not the single most widely read writer among Muslims at the present time. His writings give strong expression to the themes basic to the present-day Islamic resurgence. When the time comes for the religious history of Islam in the twentieth century to be written, Mawdudi's name will unquestionably have a prominent and an honored place in its pages.

## HISTORY

Mawdudi began his public career as a journalist. At the early age of seventeen he served as editor of the weekly *Taj* in Jabalpur, and he continued in journalism for about ten years before turning to other pursuits. The peak of his career in journalism was the editorship of *al-Jami'ah*, the newspaper of the Jamiat-i Ulama, which position he held from 1924 until he resigned in 1927. This was a position of extreme importance and influence for so young and inexperienced a man. It brought him into close contact with some of the leaders of Indian Muslim life and thought, and it gave him occasion to express himself on virtually every subject of importance to the world-wide Muslim community anywhere in the world.

Mawdudi came from a family steeped in the religious tradition of Islam. On his father's side he was descended from the Chishti line of saints; in fact, his very name, Abul Ala, derives from the first member of the Chishti *silsilah* (a Sufi "order") to have settled permanently in India. His own disposition toward religion was quite marked throughout his life. From his childhood Mawdudi received religious nurture at the hands of his father and from a variety of teachers employed by him to ground his sons in the essentials of Islam, Islamic history, and in the literary heritage of the Arabic, Persian, and Urdu languages. Mawdudi had a minimum of formal education (three years), and such as he did get was given him in a *madrasa*. His instruction included very little of the subject matter of a modern school; and European languages, specifically English, were not among the courses he followed. He studied English only some years later when his editorial work made knowledge of the language imperative. In spite of the strictness of his upbringing and the father's determination to insure the youngest son of the family against the influences of Western culture and education, as a young man Mawdudi had the reputation of independent mindedness and of being something of a rebel against traditional ways. Despite these tendencies in his youth, throughout Mawdudi's long life religion was the strong foundation upon which all else was to rest, and with the passing of time it became increasingly clear to him that he had a religious mission to fulfill among India's Muslims.

A significant turning point came for Mawdudi in connection with the murder of a certain Swami Shradhanand by a Muslim fanatic in 1925. Swami Shradhanand had been the principal figure of the Shuddhi movement, an effort among Hindus to reconvert to Hinduism members of the depressed classes of India who had become, at least nominally, Muslim. The murder provoked a great public outcry, and criticisms of Islam and the Muslims began to appear in the public press. There were accusations that Islam relies upon the sword for its propagation, charges of bloodthirstiness, and repetitions of the old slander that

Islam promises Paradise to those who kill an unbeliever. Mawdudi undertook to answer these charges in the columns of *al-Jami'ah*, and the articles which he wrote were later collected into a book and published as *al-Jihad fil Islam*. These essays were his first serious full-scale attempt to write about an Islamic issue, and the effort of composing them apparently brought an insight of great vividness and intensity into the nature of Islam. Many years later he said that the composition of this book was the decisive factor in bringing him to a full understanding of the Islamic way of life.<sup>2</sup> Virtually all of the themes and emphases that characterize his later activity and more mature thought are discussed there. Indeed, the entirety of his subsequent career might be viewed as a working out of the implications of this seminal document.

A second turning point came for Mawdudi in the early 1930s. He had given up his journalistic work in 1928 in favor of literary pursuits and historical research. In 1932 he associated himself with a journal called *Tarjuman al-Quran*, in Hyderabad. This journal, which was originally founded and managed by another, became Mawdudi's sole responsibility in 1933. It has been regularly published from that time until the present with only occasional and brief interruptions. With the assumption of this burden Mawdudi began to see that a mission had been laid upon him: to invite the Indian Muslims to a renewed and purified commitment to Islam and thereby to save them from destruction by the malevolent forces sweeping over their society. He thereupon launched himself into a work of criticism, analysis, and exposition of Islam designed to capture the allegiance of the Indian Muslim leadership and to redirect it into the path of Islam.

Mawdudi professed to see a great flood about to sweep away the Muslims into oblivion. It was to warn them against this danger that he took up his pen in what was to become the central effort of his life. He explained his purpose as twofold: 1) to expose the nature of *jahiliyyah* and all the evil that it contains especially in its modern Western form; and 2) to present the Islamic way of life in a reasoned, argued, demonstrated, and systematic fashion.<sup>3</sup> In practical terms this meant criticism of Western civilization, examination of the various schools of Muslim thought and their shortcomings, and detailed discussions of certain basic issues in Islamic theology such as *aqaid* (beliefs) and *imaniyat* (faith), Islam's understanding of the nature of man, and the fundamental principles of the civilization it seeks to create. The discussion of Islamic doctrines led him to define his religious views very carefully and resulted in much controversy and counter-criticism by sections of the community on whose toes he had trod. Particularly strong were the ripostes he stimulated among those Muslim leaders he blamed for the fallen state of the community.

Mawdudi's efforts were aimed primarily at the leadership of Muslim India, at its educated and intellectually inclined segments, not at the common man.

The first task he felt to be that of capturing the minds of the leadership because they carried the greatest weight in the society and would determine its destiny. Concentration upon the leadership was the logical outgrowth of a theory of social change expressed in *al-Jihad fi-l-Islam*, in which Mawdudi explains that the character of a social order flows entirely from the top down. Authoritarianism was not only the idea of any society in his view but was at the factual level the way in which all societies actually function. He believed that practical social change was impossible unless the theoretical views held by the leadership changed first. His was not a mass movement, nor was the Jamaat-i-Islami in later years ever to become one. The task then was one of education in the principles of Islam, of religious nurture, and of correction of the erroneous ways of thinking into which the Muslim upper classes had been seduced by the agents of *jahiliyyah*. Concentration fell upon the rectification of individual Muslim character and life but not yet upon organized social efforts to transform the society.

Yet another significant change of direction was effected for Mawdudi in 1937 when he began for the first time to concern himself specifically with the political problems then agitating Muslim India. The stimulus to the new orientation was the 1935 Government of India Act and the provincial elections of 1937, as well as certain actions of the Indian National Congress such as the Muslim Mass Contact Movement launched in March 1938. In his youth he had had some part in the Khilafah movement, the Swaraj movement, non-cooperation, etc., and as editor of an important newspaper had inevitably concerned himself with politics both inside and outside India. Now, however, the situation was different, and the involvement was both more intense and more direct. India, it appeared, stood on the eve of achieving independence from the British, who had effectively controlled it for 150 years, and the constitutional arrangements of the future independent India were even then being determined in the debates among the various parties of Indians who opposed the British. Mawdudi saw a great danger in this situation for Muslims. He was fearful lest the political order then being constructed would result in the loss of Muslim identity, culture, and religion by submergence in the civilization of the Hindu majority. Mawdudi's response to the threat was again to take up his pen to address the problems at issue. From 1937 to 1941 he published in *Tarjuman al-Quran* a series of essays dealing with these political matters and their implications for the Muslims. The essays were later printed in book form in the three volumes entitled *Musulmanon aur Maujudah Siyasi Kashmakash* and in the volume called *Masalab-i Qawmiyat*.

The particular source of Mawdudi's apprehension was the stance of the Indian National Congress, which affirmed that all Indians constitute a single nation and that a future government in India must be both democratic and sec-

ular. Mawdudi simply did not believe that the Muslims of the subcontinent constituted one nation along with all other Indians. He insisted that the Muslims had an identity or nationality of their own which was Islam; they were bound together not by ties of race, geography, language, mutual interest, economics, or even culture, but by their commitment to follow the will of God in their lives. There were no claims which Muslims could raise against the British or anyone else on the basis of their common nationhood with other Indians; he stated quite unequivocally, in fact, that Islam is the polar opposite of nationalism and all that nationalism stands for. Within a united India where all were Indians together, it would be construed as traitorous for Muslims to attempt to maintain their peculiar identity and sense of nationality. They would, in fact, be constrained to accept and manifest the identity of the Hindu majority. Although he shared the desire of other Indians for freedom from British rule, independence from the British was not worthwhile in itself if the Indian Muslims were to exchange servitude to outsiders for servitude to the majority within their own country. Hence, he urged the Muslims not to participate in the freedom struggle being led by the Indian National Congress and its nationalist Muslim supporters.

Mawdudi's criticism and fear of democracy echo a similar line of thinking. Democracy, he believed, is the kind of government in which the majority rules whether its views be right or wrong, and in which a minority may hope to have a voice in affairs only by transforming itself into the majority. No guarantees of rights or other safeguards that might be built into a democratic constitution could truly protect a minority in a democratic polity. Democracy, when reduced to its bare bones, amounts only to the tyranny of the majority. Since the Muslims were clearly a minority in India and likely always to remain so, the creation of democratic institutions in the country was nothing less than a deadly poison for them, one that would destroy their culture, take away their identity, and finally force them even to give up their religion.

A third plank in the Congress-led freedom movement was the desire to foster a secular government in India. In Mawdudi's writings the term employed to translate "secular" (*la dini*) in fact literally means "religionless," and it should be evident that a religionless social system would be anathema to him. Theoretically, in a secular system the government would adopt a neutral attitude towards all religious groups, treating them equally. What would actually occur, according to Mawdudi, was that the government would be secularist only toward the minority religious groups, neither helping nor restraining them, but it would be necessarily partisan toward the religion of the majority. Congress secularism he believed to be based on Gandhi's teachings about tolerance toward all other religions; it was nothing but a drawing out of the implications

of a specifically Hindu point of view. Congress policy would, therefore, result in the imposition of Gandhi's religious views on the whole of India.

Mawdudi's answer to the situation of the Muslims in India was that they should become better Muslims. As the result of that very process they would achieve organization, discipline, and social effectiveness, enabling them to transform the whole of India into Dar al-Islam (haven of Islam). The basic cause of the perplexing circumstances in which the Muslims found themselves was the error of thinking of themselves merely as a nation and then struggling for the well-being of the nation in economic, political, and social terms. The Muslims were not, he held, a nation in the ordinary sense but rather a party of community, a group "based upon principles and upon a theory."<sup>4</sup> They were not like the English, the Germans, or the French, nations in the conventional and racial sense, but rather like the socialists or the communists, a party ruled by a system of ideas. If the community, instead of striving for its mundane interests in the Indian situation, would seek to advance its principles and realize its theory of human life, it would attain a peak of power that would allow it to make over the whole of India into the image of the Islamic ideal. The thing required to meet the exigencies of Indian politics was the emergence of a *Salih Jamaat*, a righteous party or community characterized by a clearly defined ideology, allegiance to a single leader, obedience, and discipline. Of such a nature were the fascist and communist parties of Europe which, though minorities in large populations, were able to dominate the majority in their respective countries.

Mawdudi's advice to the Muslims amounted to saying that they could not participate in the political struggle for the independence of India in any of the forms in which it was being waged. All of the parties on the Indian side of the struggle, whether Muslim or Hindu, were operating in terms of ideals that were not principally and genuinely Islamic. The Muslims had to be true to themselves, to become more fully and more steadfastly Muslim, even if this meant the postponement of independence until it could be achieved in the right way and on the right basis. The Muslims should stand aloof and nurture themselves on the ideals that Islam teaches. This was on the one hand a counsel of despair and on the other a strong call to a life centered upon religion for the entire community. This attitude of "you can't get there from here" is the basis for the frequently repeated accusations that Mawdudi gave aid to the British imperialists and that he opposed the movement for Pakistan.

In August 1940, meeting in the shadow of the great Mogul Fort and the Badshahi Mosque in Lahore, the Muslim League passed its now famous Lahore Resolution which called for the establishment of autonomous states in the Muslim majority areas of the subcontinent. From that point on, the great weight of Muslim opinion rallied behind the demand for Pakistan, using the same argu-

ment Mawdudi had employed, that the Muslims of India were a distinct nation, but claiming also that their nationhood gave them the right to a state and territory of their own. In Mawdudi's eyes the new thrust of Indian Muslim political agitation, like what had gone before it, did not meet the needs of the Muslims but posed a new threat to them, for its ultimate result was only to substitute Muslim nationalism for Indian nationalism, and nationalism in whatever form was bad. Both were fundamentally secularist conceptions of the Muslim destiny, and both were concerned with the mundane interests of people, not their ultimate orientation.

Mawdudi's response to the Lahore Resolution was to launch into a new phase of the work of Islamic reform. He now turned to organized activity at the social level. In August of 1941, again in Lahore, a group of some seventy-five interested persons met in response to Mawdudi's invitation, and the Jamaat-i-Islami was born, he being elected as its first Amir or leader.

The intention in founding the Jamaat-i-Islami was to give concrete realization to the concept of the *Salih Jamaat* which Mawdudi saw as the answer to the Indian Muslim political dilemma. In ideal terms the purpose of the Jamaat-i-Islami was "that the whole system of human life in all its departments be erected upon the worship of God and the guidance of the prophets (upon them all be peace)."<sup>5</sup> From a practical and short-range standpoint the purpose was to prepare an organized and disciplined group of sincere Muslims capable of achieving the victory of Islam in the subcontinent. Thus, were the efforts toward partition to fail, there would be a group to counter the results of the failure; and were the efforts to succeed, there would be a group to spread the knowledge of Islam in both India and Pakistan. The Jamaat-i-Islami was to train a class of leaders for the Indian Muslims who would build Muslim civilization and culture. In a speech delivered to the Jamaat-i-Islami in Lahore in December of 1944, Mawdudi said that in his opinion the greatest reason for the world's evils lay in the failure of righteous people rightly to understand what righteousness is. Their tendency is to live in isolation and to leave the affairs of the world in the hands of evil people. The cure for this regrettable state of affairs is to organize a group dedicated to righteousness. There is no political task nobler than this, and there is no greater degree of political success than to achieve such an organization. His Messianic vision became clearly apparent in the ringing declaration that such a group, once formed, would be able to control all aspects of the world's life and to effect a sweeping revolution among mankind.<sup>6</sup>

The period between the founding of the Jamaat-i-Islami in 1941 and partition of India in 1947 Mawdudi has characterized as the time of "organizing and training." His energy and that of his fellows was given to the production of a body of literature that set out the nature of Islam in greater detail and with more depth than had the writings of the earlier phase. At the same time the structure

of the Jamaat-i-Islami was refined and strengthened. Neither the membership nor the influence of the Jamaat-i-Islami was large during these years, and its political stand was unpopular among the majority of Muslims, for the organization, following Mawdudi's lead as its Amir, held itself aloof from the fierce political fight raging in India. These years did, however, weld the Jamaat-i-Islami into a disciplined and responsive organization which, when its opportunity for action came shortly after partition, was able to act swiftly and effectively.

When partition was effected in August of 1947, Mawdudi was living with a group of his followers in a small religious community in East Punjab which he called Dar al-Islam. Mawdudi had left Hyderabad in 1938 to take up residence there as the result of a correspondence between himself and Allamah Muhammad Iqbal. Mawdudi's purpose in moving was to pursue the ideal of a community where the principles of Islam would be fully realized. When the violence and communal hatred that accompanied the partition threatened to overwhelm the tiny and defenseless community, he migrated with his companions to Lahore. A portion of the Jamaat-i-Islami, however, remained in India, and from this time on the Indian and Pakistani sections of the Jamaat were two separate organizations. Almost from the moment of Mawdudi's arrival in Pakistan the Jamaat-i-Islami threw itself into activity to assist the refugees pouring into the ill-equipped new country. The partition of India is beyond all question one of the most traumatic events of the entire twentieth century, resulting in the brutal deaths of hundreds of thousands of people and the displacement of millions of others, as well as suffering and economic loss on a colossal scale. In these tragic circumstances members of the Jamaat-i-Islami in different places, many of them refugees themselves, rallied to help those in need.

More important than the relief efforts, however, was the political activity of the Jamaat-i-Islami. Beginning in January 1948, less than six months after Pakistan's birth, the Jamaat launched a campaign for the creation of an Islamic state in the country. This effort depended heavily on the literature that flowed from Mawdudi's pen<sup>7</sup> but was also taken to the common people by every means at the organization's disposal. Its purpose was to bring as much pressure as possible upon the Constituent Assembly—charged with writing a constitution for the country—to found the polity upon Islamic principles.

Mawdudi was undoubtedly right in his analysis of the situation in Pakistan at the time when he said: 1) that there was great confusion in the national movement because of the diversity of groups and viewpoints that had participated in it; 2) that there was no clear conception of the nature of the new state; 3) that the leadership of the movement rested in the hands of a highly secularized and Westernized portion of the population; and 4) that popular sentiment was strongly in favor of an Islamic state. One of the first and essential tasks was to

write a constitution for Pakistan, and the constitution-making process inevitably raised the question of the role of Islam in forming the institutions of the government and in determining its actions. Since the Pakistan movement as conducted by the Muslim League in pre-partition days was concerned largely with the mundane economic, social, and political interests of the Muslim population and since it was based on a conception of Muslim nationalism that apparently aimed at a secular and democratic state for Muslims much like that which the Indian National Congress sought to create in India, Mawdudi felt that quick action had to be taken to assure that the desires of the majority of Muslims for an Islamic system were not thwarted. Mawdudi saw the achievement of independence in 1947 as a revolution, and he called it by that name (*inqilab*); but it was, he said, merely a revolution in the external circumstances of the Muslims and did not effect the inward and essential changes that Islam demanded. The movement for an Islamic state sought to give the country a definite Islamic stamp before it settled into some other and unacceptable mould whose impression would be very difficult to eliminate.

Mawdudi and the Jamaat-i-Islami were not alone in agitating for the Islamic state. They were joined by a variety of other bodies and individuals, notable among them the ulama organization, the Jamiyat-i Ulama Pakistan, and had behind them the sympathies of the mass of the population. All parties concerned were in agreement that Pakistan was to be an Islamic state though their respective visions of such a state differed widely. Mawdudi himself had discussed the nature and requirements of an Islamic polity in his writings from 1939 onwards. The expectations that people entertained about the creation of an ideal Islamic order that would solve all their problems were strongly reinforced in the difficult days immediately following partition. Faced with the almost insuperable problems of organizing a state, of dealing with refugees, and of conducting the war in Kashmir, the politicians appealed to Muslim religious sentiments as a means of rallying, uniting, and pacifying the population. It was made to seem that Islam contained the resolution of all difficulties, the one possibility for a true paradise on earth. The result was a wave of enthusiasm for an Islamic polity that swept over Pakistan, leaving the authorities little choice but to accede.

From one perspective the leadership shared this enthusiasm because its generally liberal and modernist version of Islam also embraced the concept of an Islamic polity. For many conservatives, however, the conception of the Islamic order held by the leadership proved difficult to distinguish from outright secularism. There is, therefore, no doubt that the Islamic state agitation was a source of great concern for the political leaders and the bureaucracy of the country who viewed it as a threat both to their own power and to the ideal of liberal democracy that inspired most of them. The government was in an uncomfort-

able dilemma; it could not afford to oppose the idea of an Islamic state, but neither could it allow conservative Islamic opinion to prevail.

The essentially religious question of the Islamic state was the most visible issue in Pakistani public life in those early days, but it was not necessarily the most important one. There were other and, in the final analysis, more telling practical considerations as well—such things as the distribution of powers between the center and the provinces, the relations of the two wings of the country, the problem of a national language—and a host of specific local and provincial issues where the power and influence of individual members of the Constituent Assembly—which it must be remembered was also the federal legislature—were at stake. The greatest obstacles to securing agreement on a constitution arose from such matters as these and not from religious issues; but in the public mind the religious questions occupied the foremost place. Given the depth of public response to religious questions and their potential explosiveness, it is not surprising that the government should have been unhappy about Mawdudi's activities. The suspicion, hostility, and fear that the successive governments of Pakistan have exhibited toward Mawdudi and the Jamaat-i-Islami date from this early time in the country's history. Before the end of 1948 Mawdudi and two of his associates were arrested and the newspapers of the Jamaat-i-Islami closed down. The incident that provoked Mawdudi's arrest was statements made in a mosque in Peshawar in which he denied that the war in Kashmir fulfilled the conditions of an Islamic jihad.

An important new stage in Pakistan's development toward becoming an Islamic state was reached for Mawdudi with the passing of the Objectives Resolution by the Constituent Assembly in March 1949. The Resolution, which was very general and quite ambiguous in its provisions, represented a compromise between the liberal modernist and the more conservative factions in Pakistan. The Resolution began with these words:

Whereas sovereignty over the entire universe belongs to Allah Almighty alone, and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust . . . .

In a later passage it speaks of Pakistan as a country

Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam, should be fully observed;

Wherein the Muslims of Pakistan should be enabled individually and collectively to order their lives in accordance with the teachings and requirements of Islam, as set out in the Holy Quran and Sunna . . . .

Those portions of the Objectives Resolution, especially the first and last clauses quoted, as well as its general tone amounted to a declaration by the Constituent

Assembly that Pakistan was to be an Islamic state, at least as Mawdudi understood them. A state that was previously non-Muslim and where there were *shariah* injunctions against Muslim service to the state or participation in its political life now became Muslim by, in effect, the recitation of a kind of collective *shahadah* (confession of faith). The state was made entirely different from what it had been. It was now lawful to serve the state of Pakistan, its laws were worthy of acceptance, there might be resort to its courts, and it was now proper to take part in its elections and to serve in its Parliament. The Jamaat-i-Islami adapted its policies accordingly, began to gear itself to participate in elections and continued agitating for provisions in the still unformed constitution that would reflect the character of an Islamic state. As Mawdudi said: "Now that this has become a regularized Islamic state, it is no longer the country of the enemy against which it is our duty to strive. Rather, it is now the country of friends, our own country, the strengthening, construction, and progress of which are our duty."<sup>8</sup>

Mawdudi's attitude toward the Objectives Resolution was, to say the least, surprising. Before partition he had rejected Pakistani nationalism, indeed, all nationalism, and condemned the leadership of the Muslim League for not following Islamic principles or having Islamic goals before it. The Objectives Resolution changed nothing of substance in Pakistan; it did little more than give vague expression to a desire for an Islamic order, and it left unclear and indefinite far more than it specified. Pakistan was to remain a distinct national entity separate from other Muslim states; its state institutions, essentially British, were in no way changed; there was no significant shift in state policies; even the leadership remained the same. Perhaps most significant of all, the Objectives Resolution did not so much as mention the Islamic *shariah*, much less its being the law of the land. Yet Mawdudi felt that the Objectives Resolution transformed Pakistan into a "regularized" Islamic state. The explanation of Mawdudi's stand is probably to be found in the fact that his approval of the Objectives Resolution provided him personally and the Jamaat-i-Islami generally with a legitimate theoretical basis for participating in Pakistani political life.

Pressure for the creation of institutions and other arrangements in accord with Islamic injunctions continued in Pakistan after the passing of the Objectives Resolution. The ulama in particular stepped up their contributions to the discussions.<sup>9</sup> Religious pressure on the government and the constitution makers reached a new high in 1952 and early 1953 in connection with the agitation against the Ahmadiyah sect which broke out in parts of Punjab. Begun by representatives of the Ahrar party in an effort to regain the public support they had lost by their opposition to the creation of Pakistan, the agitation demanded that the Ahmadiyah be declared a minority and that Chawdhri Zafrullah Khan, a prominent Ahmadi, be removed from his post as Foreign Minister. Virtually all

religious parties supported these demands as did the majority of the general public. Violence soon began with the loss of Ahmadi lives and destruction of property. Because of delays by both the provincial government in Punjab and the federal government in taking steps to deal with the situation, it had finally to be controlled by the imposition of martial law in March 1953 as things were getting out of hand. Among other actions of the military authorities were the arrest of prominent ulama and of the leaders of the Jamaat-i-Islami. Mawdudi himself was brought before a military court and sentenced to death for his part in what had happened—specifically for the publication of a pamphlet entitled “The Qadiani Question,”<sup>10</sup> Qadiani being another name for the Ahmadiyah. The summary decision of the court was greeted with a great public outcry, especially in religious circles, and the sentence was commuted to fourteen years’ rigorous imprisonment in May of the same year. The sentence was not carried out, however, and Mawdudi was released after twenty months’ confinement.

Although Mawdudi had not personally participated in the agitation against the Ahmadiyah nor was the Jamaat-i-Islami officially committed to the “direct action” of the agitators,<sup>11</sup> he clearly had sympathy for the movement. He saw the agitation as an opportunity for advancing some of his own constitutional proposals for the Islamic state and for strengthening his hand in the political game. In consequence he joined with the ulama in discussions of the Ahmadi issue and for a time even acted as their leader and spokesman. The period of the anti-Ahmadi agitation represents the peak of Mawdudi’s influence and prestige among the members of the religious class, and, as well, the peak of his influence in the affairs of Pakistan. That he was able to gain so high a standing among the ulama is somewhat astonishing in view of his strong criticisms of their conservatism dating back to the 1930s and in view of his unwillingness in his constitutional proposals to accord to these venerable religious authorities the role of final arbiters in all matters Islamic. Mawdudi, however, was a very persuasive man, one not given to extremes in his manner of expression, and with a strong bent toward logic. In his qualities of leadership he stood head and shoulders above most of the ulama, and it was perhaps only to be expected that he would come to the fore as their spokesman. In any event, his role in drafting some of the documents which the ulama issued in regard to the constitutional issues in Pakistan was decisive.

When the first constitution of Pakistan was finally promulgated, in 1956, it was not the result of open public debate either in the new Constituent Assembly (the first one had been dissolved by the Governor General in 1954) or elsewhere. Rather, it was the outcome of some assiduous backroom work by the Prime Minister, Chawdhri Muhammad Ali, and was promulgated suddenly with very little advance notice or preparation of the public. Nonetheless, it was welcomed enthusiastically in the country, and among those who acclaimed and accepted it were Mawdudi and the Jamaat-i-Islami.

If Mawdudi’s attitude toward the Objectives Resolution passed by the first Constituent Assembly was surprising, his approval of the 1956 Constitution was even more so. The constitution envisaged a government for Pakistan that was plainly modeled upon British parliamentary democracy. To be sure, it contained elements of a specifically Islamic nature, but many of these were vague, and the most important of them, namely, the provision that no law would be enacted or allowed to continue in force that was contrary to the Quran and Sunna, was specifically declared to be non-justifiable, thus depriving it of real force. The constitution was a compromise between the views of the modernist liberal political leadership, Westernized intellectuals, and the bureaucracy on the one hand, and more conservative religious groups on the other. On balance, however, the content of the constitution and the kind of state that it aimed to create were strongly tilted in the direction of the modernist preferences. In accepting it Mawdudi not only seemed to deny much of what he had previously insisted upon as characteristic of an Islamic state but, indeed, left intact very little that would distinguish him from the liberal constitutionalists he had previously so bitterly criticized for their un-Islamic ways.

The promulgation of the 1956 Constitution effectively brought to an end widespread discussion of the role of Islam in the constitution of Pakistan. Not long afterward, in early 1958, the country came under military rule, and with the exception of the interregnum of the Bhutto era, has remained under military control until this day. Both Mawdudi and the Jamaat-i-Islami continued to be active politically when permitted to do so by government, and they continued to see their ultimate purpose as the establishment of a genuine Islamic order in Pakistan. Many of the issues which they raised were of relevance to constitutional law, but the atmosphere of general public concern for the Islamic state and of interest in its nature and the means of achieving it was not to return. Only to a limited extent did some of these questions resurface in connection with the constitution promulgated by Ayub Khan and at the time of the Ahmadi issue in 1974. The role of Mawdudi and his movement from this point onward became specifically political in the sense of fighting on particular issues and of trying to achieve some degree of political power. His most important contributions to the understanding of the Islamic state belong, therefore, to the pre-partition period and to the period of Pakistan’s history leading up to the ill-fated 1956 Constitution.

#### UNDERSTANDING OF THE ISLAMIC STATE

We may now consider the content of Mawdudi’s conception of the Islamic state.<sup>12</sup> The need and justification for an Islamic state follow for Mawdudi from the nature of the universal order. The Islamic state, therefore, is part of a broad,



integrated theology whose cardinal principle is the sovereignty of nature's creative Lord. There is, Mawdudi reasoned, basing himself on the Quran as well as his own observation, a law that governs everything that exists. That law is nothing other than the will of the Creator who ordained that things should be as they are, that the heaven should be above the earth, that the night should follow the day, and so forth. Most of nature—all of it, in fact, except the human race and they only in respect to some social and moral matters—necessarily conforms to the divine law. Some men may entertain the illusion of their own independence, but there is no independence; all in reality is ruled by God. In this sense the natural order respects the divine will and obeys it and may for that reason be said to be Muslim, or in other words to be among those who submit themselves to the overlordship of God. It is not necessarily so with men, however, who alone among all creation have been endowed with free will or the capacity to choose whether in their behavior they shall follow the will of their creator or not.<sup>13</sup> There is no question, however, that the divine will has laid down a law (*shariah*) for human conduct just as it has ordained a law for everything else. One's attitude toward that law is the central issue of human life; upon it turns the decision whether one shall submit to the divine will for the way in which life should be lived or whether he shall rebel against it and go astray into error. Submission (*islam*) brings in its train earthly blessing and heavenly reward while rebellion and refusal to submit produce only evil, unhappiness, and eternal punishment. Thus, the historical controversy that Islam has awakened has not had to do with whether God is the creator or not but with man's willingness or refusal to recognize him as Lord; the issue is not the control of nature but rather who shall claim the allegiance of men.<sup>14</sup>

The law that God has prescribed for men to follow is readily accessible to all<sup>15</sup> who may be interested to learn its provisions; it is set forth in the Book of God, the Quran, and in the lives of those through whom God has revealed His book, the Prophets; but especially in the practice of the last Prophet, Muhammad. Prophecy is the means chosen by the divine to give concrete expression and exemplification to its will. These two, the Quran and the Sunna of the Prophet, therefore, are the ultimate authorities for all true Muslims in every question that may concern either their individual or their collective lives. When the Quran and the Prophet speak on an issue, there is no higher court of appeal, for to displace or impugn them would be an offense against the awesome majesty of God, to commit the unpardonable sin of associating others with the prerogatives that are exclusively His. There is one true and unimpeachable source of law, one rightful law-giver and only one, who has chosen to make his *shariah* known through the agencies of revelation and prophecy. Everything that men enact or observe as law in their societies is to be measured against the

dictates and the spirit of the ultimate law found in the two great sources of all Islamic inspiration.

Now, the *shariah* in both its broad objectives and its specific provisions envisages more than the fostering of good and the avoidance of evil in the lives of individuals. To be sure, the *shariah* prescribes the modes of worship for the individual and gives guidance for personal morality and action along with many other things of purely individual concerns, but it also prescribes directives for collective life as well. These directives touch such matters as "family relationships, social and economic affairs, administration, rights and duties of citizens, judicial system, laws of war and peace and international relations. In short it embraces all the various departments of life. . . . The *Shariah* is a complete scheme of life and an all-embracing social order where nothing is superfluous and nothing lacking."<sup>16</sup> The *shariah* is also an organic and integrated whole whose many aspects and provisions all flow logically and ineluctably from the same basic principles. The organic and all embracing nature of the divine law Mawdudi believed to have been forgotten or neglected by Muslims for most of their history since the time of the Rightly Guided Caliphs. What is presently known as Islamic law, he said, is only part of the larger whole. It has no independent existence and can neither be understood nor enforced apart from the total system to which it belongs.<sup>17</sup> The establishment of the Islamic system in its entirety was the goal toward which he strove; then alone could the provisions of Islamic law be properly implemented.

One of the implications of the organic understanding of the *shariah* that is repeated over and over again in Mawdudi's writings, almost like a refrain, is that the Islamic *shariah* does not recognize any division between religion and other aspects of life,<sup>18</sup> and most specifically between religion and the state. There is, he insists, no area of man's activity and concern to which the *shariah* does not address itself with specific divine guidance. Thus the cultivation of private piety, worship, and the ordering of the individual's relationship with God, the matters that are normally identified as "religion" in popular parlance, do not satisfy the demands of the *shariah*. True Islamic faith must issue into social actions and attitudes, must strive for the creation of an Islamic society as well as for personal righteousness. Secularism which Mawdudi equated with the separation of religion and state or with religionlessness, he considered to be the very contrary of Islam since it opened the way, as he saw it, to the exclusion of all morality, ethics, or human decency from the controlling mechanisms of society. This, he thought, was precisely what had happened in the Western world whose governments and social bases he never tired of condemning as unutterably and irredeemably corrupt. In his mind, morality of any kind was simply inconceivable without religion and the sanction of eternal punishment to support it. When religion is relegated to the personal realm, men inevitably give

way to their bestial impulses and perpetrate evil upon one another. In fact, it is precisely because they wish to escape the restraints of morality and the divine guidance that men espouse secularism. The evils that arise from the domination of men over man cannot occur in the Islamic system because it will not permit the life of the state to be carried on in isolation from the dictates of religion and the divine law. From the perspective of the *shariah*, life is a seamless whole that must be lived in its entirety under the perspective and within the limits set by God.

A state or some other instrument that will exercise political power is the necessary consequence of this conception of a universal divinely ordained pattern for the life of men in the world. Not only would the realization of the objective of the *shariah* to foster good and interdict evil in society be impossible without the agency of the state and the power it commands,<sup>19</sup> but the *shariah* itself specifically prescribes the creation of a state as witnessed in certain verses of the Quran but above all in the examples of the Prophet and the Rightly Guided Caliphs.

... the reforms which Islam wants to bring about cannot be carried out merely by sermons. Political power is essential for their achievement ... the struggle for obtaining control over the organs of the state when motivated by the urge to establish the *din* (religion) and the Islamic *shariah* and to enforce the Islamic injunctions, is not only permissible but is positively desirable and as such obligatory.<sup>20</sup>

Accordingly, in Mawdudi's understanding, *shariah* also provides the basic outline of the state's nature and characteristics. Guidance for Muslims about the state which they are obligated to establish, or in other words, materials for the constitution of an Islamic state, are to be found in four principal sources: the Quran, the Sunna of the Prophet, the conventions and practices of the Four Rightly Guided Caliphs, and in the rulings of the great jurists of the Islamic tradition.<sup>21</sup> A careful study of these four sources all of which are written down, readily accessible, and well known is, according to Mawdudi, sufficient for the implicit and unwritten state constitution set out in the *shariah* to be reduced to systematic written form. For any careful student of these basic documents the necessity of an Islamic state will be inescapably clear, and it will also be abundantly evident precisely what an Islamic state is. The criticism of the many individuals—mostly liberal and Westernized modernists—who ridiculed the idea of an Islamic state in saying that the basic sources of Islamic faith offer no guidance about the practical aspects of establishing and forming a state, he rejected as ignorance or deliberate mischief-making. Pakistan's constitutional problem he saw as relatively simple: to bring to explicit expression what had so far been only implicit, to transform an unwritten constitution into a written one.

What then is an Islamic state? There are different ways in which this question might be approached and Mawdudi principally used two: 1) through discussion of the basic principles on which the state is erected; and 2) through consideration of its institutions and specific characteristics. We may consider these one by one.

### Basic Principles

The first principle of the Islamic state is its recognition of the sovereignty of God. The practical meaning of this recognition is that God and not man is the source of law in a Muslim society.<sup>22</sup> God must be the legal sovereign as well as the Lord of nature. No man, therefore, should be allowed to pass down orders in his own right, and no one should be obligated to obey such orders if they are given, for the prerogative of command belongs only to God.<sup>23</sup> Neither any individual, although he be a king, nor any class or group of people, nor the state, nor even the people as a whole has the right to make law. God is the unique lawgiver and authority. There can be no legislation independent of His will in the Islamic state, and no one can change what God has decreed. The Quran denies the right of men to exercise any discretion in matters decided by God and the Prophet.<sup>24</sup> The Islamic state must, therefore, be founded on God's law as delivered through the Prophet. Prescriptions or proscriptions laid down by rulers or governments will bear authority and be legitimate only to the extent that they rest directly upon what God has decreed or follow from it. If a government disregards the law revealed by God, its authority will not be binding upon Muslims.

Mawdudi acknowledged that the concept of sovereignty is difficult to comprehend and that it has caused great confusion for political theorists. Sovereignty is, he says, "the most disputed issue of political science."<sup>25</sup> The entire problem arises, however, because men try to locate sovereignty in the wrong place; "the political philosophers have tried to place the cap of sovereignty on man, a being for whom it was never intended and whom it, therefore, never fit."<sup>26</sup> True sovereignty can be ascribed only to God who is Creator, Sustainer, and Ruler of the universe. Basing himself on an analysis of two words used for God in the Quran, *rabb* (Lord) and *ilab* (master and lawgiver), Mawdudi traces the root cause of most human misery and calamity to the tendency of men to dominate over other men, either by claiming themselves to be *rabb*s and *ilabs* or by investing objects, idols, political parties, nations, ideologies, etc. with the qualities of *rabb* or *ilab* and then manipulating the credulity of other men for their own purposes.<sup>27</sup> These problems, both the theoretical issues and the evil consequences of misconceived sovereignty, are obviated in the Islamic state by

the state's uncompromising submission to the sovereignty of God. Every issue of law in an Islamic polity must be referred back to the will of God by reference to the Quran and the Sunna as the ultimate authorities. Thus, the basic source of everything the state will do is the divine will, and in this sense God is the only lawgiver.

The second basic principle of the Islamic state is the authority of the Prophet. The Prophets, all of them, are representatives of God, and in that capacity they exercise the political and legal sovereignty of God Himself.<sup>28</sup> They are entitled to the obedience of those who have pledged themselves to accept the sovereignty of God. "Whoso obeys the Messenger obeys Allah," declares the Quran (S. 4:80) This role of the prophets is the basis for Muhammad's Sunna being considered one of the ultimate bases of law.

The third basic principle of the Islamic state is its status as the vicegerent of God. The state does not make or enforce law in its own name but acts as the agent of its suzerain. Again, the basis for this principle is Quranic, found in Sura 24:55 where God speaks of appointing caliphs or vicegerents in the earth. An Islamic state should properly, therefore, be called a caliphate for such is its nature. At the mundane level when it is considered alongside other states in the world, the Islamic state may be called a sovereign state because it exercises authority within the territory that it controls. This sovereignty, however, does not extend to disregard of the law of God and gives it no ability either to change that law or to go beyond it.

Further, the Quran vests vicegerency in the entire Muslim citizenry of the Islamic state. The right to rule belongs to the whole community of believers. There is no reservation or special prerogative in favor of any particular individual, family, clan, or class.<sup>29</sup> Such a society cannot tolerate class divisions, and it will not permit disabilities for citizens on the basis of birth, social status, or profession.<sup>30</sup> Instead it must give unrestricted scope for personal achievement, always of course, within the limits prescribed by God. Neither is there any room for the dictatorship of one individual or a group of persons. The ruler in an Islamic state is only one caliph or vicegerent of God among an entire community of caliphs, and he rules only because the other caliphs have delegated their caliphate to him. He is answerable both to them on the one hand and to God on the other, as indeed all individual Muslims are directly answerable to God. The ruler must enforce the all-embracing divine law, but he cannot legitimately go beyond its dictates to try to tell people what kind of dress they must wear, what script they must use when they write, or how they must educate their children.<sup>31</sup> His personal whims or preferences count for nothing since he is but the agent of the agents of God on earth. Thus, "popular vicegerency" . . . forms the basis of democracy in an Islamic state while 'popular sovereignty' is its basis in a secular state."<sup>32</sup> The practical meaning of this popular vicegerency is that

the government of the Islamic state can be formed only with the consent of all the Muslims, or at least a majority of them, and can remain in office only so long as it continues to enjoy their confidence.

The fourth principle of the Islamic state is that it must conduct its affairs by mutual consultation (*shura*) among all the Muslims. While Islam does not prescribe the institutional form in which consultation must occur, leaving it to the community to devise the best and fairest means as may suit the conditions of a particular time and place, it does insist that all people concerned in a decision must be consulted, either directly or through their designated representatives whom they trust. Further, this consultation should be completely free and impartial without duress of any kind; otherwise it is hardly to be considered a consultation at all. The rule of consultation applies in the very first instance to the choice of the head of state, and because consultation must occur, there can be no question of dictatorship, monarchy, or despotism in the Islamic context.<sup>33</sup> Another of the implications of consultation is to deprive the ruler under any circumstances of the right and the power to set aside the constitution at his own will, for had he that power, he would be virtually uncontrollable.

The requirement that Islam lays down for mutual consultation and consent among the Muslims is the basis for the claim that the Islamic state is a democratic state. Mawdudi says the most appropriate title for the Islamic state would perhaps be to call it the "Kingdom of God," a notion that is rendered in English as "theocracy." This English word, however, according to dictionary definitions, carries the implication of rule by a priestly order who govern in the name of God. The word, therefore, will not do, and Mawdudi ventures to invent his own term to express the character of the Islamic polity. It is, he says, a theocracy, something that is not to be compared with any other system of government that the world has ever known. It rests upon the twin principles of the sovereignty of God and the caliphate of man. It may be called theocratic in a sense because it bases itself upon God's command and will not depart from it. At the same time it is also democratic because it makes every Muslim the agent for the realization of God's will on earth and demands their constant mutual consultation in the community. The Muslims, Mawdudi says, have a limited popular sovereignty, expressed principally in their right to depose the head of government and their right to express themselves on every public issue.

All administrative matters and all questions about which no explicit injunction is to be found in the *shariah* are settled by the consensus among the Muslims. Every Muslim who is capable and qualified to give a sound opinion on matters of Islamic law, is entitled to interpret the law of God when such interpretation becomes necessary. In this sense the Islamic polity is democratic.<sup>35</sup>

Mawdudi was consistent with this principle in his constitutional proposals; he firmly resisted the desire of the ulama to be given the decisive say in what would be accepted as Islamic or not by refusing to support the demands for a board of ulama with review and veto power over proposed legislation.

These principles pose a number of difficulties. In the first place there is a failure to distinguish between the locus of sovereignty at the theoretical level and sovereignty in the more immediate sense of who actually exercises power. Mawdudi is concerned here, as almost everywhere else and in all of his thought, with the theory and not with practice. As his attitude toward the Objectives Resolution and the 1956 Constitution has shown, he was apparently satisfied when the theoretical principle of God's sovereignty was affirmed. Many of Mawdudi's opponents, however, especially the political leadership, were more concerned to grapple with the institutional forms of government and to attempt to settle the issue of where power would actually reside, how it would be exercised, in what ways it would be limited, how those limits would be enforced, etc.—i.e., they were dealing with down-to-earth issues of constitution making and politics, the kinds of problems that interest the political scientist. The statement that the Muslims have a limited popular sovereignty in the Islamic state—the term “limited popular sovereignty” is itself a contradiction in terms—is a vague and partial recognition of this problem. While sovereignty may belong to God, God does not Himself intervene directly in the life of the Islamic state to give orders, decide policies, or render decisions; there must be a human agency to do those things on His behalf and in His name. Again in theory that agency is the entire Muslim people acting as vicegerents of God, but practically speaking it is the ruler, whoever he may be and however he may be selected, who performs these functions in consultation with the Muslim populace. If the fault of theocratic governments lies in the fact that some human agency attains unrestricted power by acting in the name of God, thereby opening up the possibility of tyranny, then one is hard pressed to understand how the Islamic theocracy that Mawdudi proposed would escape this fault.

The contrast which Mawdudi drew between Western “secular” democracy and Islamic “theo-” democracy also is open to question. The comparison turns upon these two adjectives, one which indicates the primary role of rationality in all human affairs and the other which indicates the primacy of the divine will in the political process. In each case, however, the substantive “democracy” is the same. First of all, it may be questioned whether the conception of democracy in the Western world is as devoid of religious elements as Mawdudi implied. More important, however, is the fact that the comparison is made between elements of different orders. Secularism is not the name of one kind of polity while democracy and theocracy are other types of polities. If there is a legitimate comparison to be made, it can be drawn between the latter two, for

that is where the issue lies. What is the source and the legitimization of law and the state, man's will or God's will? For all the attention he gave it elsewhere, Mawdudi ignores this basic problem at this point; he wants instead to distinguish between good democracy and bad democracy, claiming good democracy as the prerogative of the Islamic state. Retention of the word “democracy” to describe the Islamic state inescapably implies a major role for the will of the people in deciding matters. In effect, Mawdudi was claiming that both the will of God and the will of the people were effective loci of sovereignty since the latter would necessarily conform to the former. The rationale reflects a desire to have things both ways: to reject the very foundation of the concept of democracy as it is normally understood while at the same time claiming for oneself its appeal and its advantages. In a situation of controversy such as Mawdudi faced, the use of such arguments is perhaps understandable, but they did not contribute either to clarity of thought about the constitutional problem of Pakistan or to the strengthening of his own case.

### *Specific Characteristics and Institutions of the Islamic State*

Among the numerous special characteristics that Mawdudi attributed to the Islamic state we may single out two for special consideration: the universal and all-embracing nature of the state and the ideological character of the state.

The purposes of an Islamic state are positive as well as negative, Mawdudi says.<sup>36</sup> The object of the state is not merely to prevent tyranny, to put a stop to evils of various sorts, and to protect its territory but, more basically, to foster a balanced system of social justice and to encourage every kind of virtue. To accomplish these ends requires political power and justifies the state in using all of the means at its command, propaganda, public education, etc., for the task. A state with these purposes cannot permit itself to ignore important segments of the lives of its people on the ground that they are beyond the scope of its authority. Its approach has necessarily to be all-embracing and universal. “Its sphere of activity is co-extensive with human life. . . . In such a state no one can regard any field of his affairs as personal and private.”<sup>37</sup> In short the state is totalitarian, seeing it not just as the state's right but as its divinely ordained duty to exert control, based on proper moral and religious principles, over literally everything. To retreat from this position by permitting a large area of existence to remain beyond the state's authority would be equivalent to denying God's sovereignty over these excluded sections of life. In the controversy whether the best government is the least government or the most, Mawdudi was clearly on the side of those who favored the maximum of government control. He admitted that there was a resemblance between the Islamic state which he described

and the fascist and communist states of the modern world in their mutual espousal of totalitarianism,<sup>38</sup> but as in the case of good and bad democracy he distinguished between good and bad totalitarianism. Islamic totalitarianism, he assured his readers, did not suppress individual liberties just as the limitations placed on popular sovereignty by Islam did not suppress human freedom but rather protected it. There also could be no hint of dictatorship in the Islamic state; it would, presumably, be a totalitarian theo-democracy. In comparison with the democratic states with their emphasis upon freedom on the one hand and the modern totalitarian states with the suppression of the individual on the other, Islam represented a balanced middle way that captured for itself the virtues of both of these extreme expressions of the political order while at the same time avoiding their excesses and shortcomings.

Individual liberties, it would appear, have to do with such things as styles of dress, the script to be used, the modes of the education of children, things mentioned above in connection with the limitations on the power of the ruler. Or alternatively, they may fall within the great category of acts that in Islamic law are classified as neutral or permitted, neither mandatory, recommended, hateful, nor forbidden; the neutral type of acts is by far the largest category of all. In connection with the rights of citizens Mawdudi also indicated some other restrictions on the power of the totalitarian state. It may not deprive its citizens of life, honor, or property unless Islamic law specifically justifies its doing so.<sup>39</sup> It may deprive no one of personal liberty in the sense of incarcerating him without a just cause in law and due process.<sup>40</sup> Mawdudi's own experience with the preventive detention statutes of Pakistan gave him good reason to qualify the totalitarian state in this regard. The state also must allow freedom of opinion and belief, permitting people even in organized groups, to hold such views as they will and peacefully to practice them so long as they do not disrupt the life of the state or attempt to impose their ideology on others by force.<sup>41</sup> Nowhere does Mawdudi enter into a detailed discussion of the precise limits of freedom in the Islamic state or explain how a state may both control everything and yet be limited in its power in certain respects, or leave a large area of conduct, indeed, the greater part of it, to individual discretion.

Another basic feature of the Islamic state consists in its being an ideological state. "All those persons who . . . surrender themselves to the will of God are welded into a community and that is how the 'Muslim society' comes into being. Thus, this is an ideological society—a society radically different from those which spring from accidents of races, colour, or country."<sup>42</sup> The cementing factor among the citizens of the Islamic state is the ideology that they all hold in common. This ideology aims at the reform of human society, and the state is its instrument for that purpose. It follows that the state must uphold its ideology and protect it against every effort to subvert it. Every other ideological

state, Mawdudi argues, does precisely the same thing, drawing the line at those activities which are calculated to destroy the very foundations of the system itself. The Islamic state does not insist that everyone living within its territories subscribe to its ideology, for it does permit the existence of minorities that are not Muslim and acts to protect them, but it clearly cannot permit the system to be attacked with impunity either from within or without.

Two important consequences follow from the Islamic state being an ideological state. The first is that the state must be controlled and run exclusively by Muslims. It is of particular importance that the head of the state, the locus of all power and authority, should be Muslim, and others are rigorously excluded from that most important of all positions. Of almost equal weight is the need to have faithful Muslims in those other posts of responsibility where state policy is formed and the general orientation of the state's affairs determined. It is illogical in Mawdudi's eyes to expect people, non-Muslims, who do not believe in the Islamic ideology to uphold it and work out its consequences in the life of society. "It is a dictate of this very nature of the Islamic state that such a state should be run only by those who believe in the ideology on which it is based and in the Divine Law which it is assigned to administer."<sup>43</sup> People of other religious persuasions may hold non-sensitive posts in an Islamic order, including fairly high ranks in the civil secretariat and even in the military, but they must be rigorously excluded from influencing policy decisions. Mawdudi held the same view with regard to the electoral system, his principal argument for the retention of the pre-partition separate electorates in Pakistan being the necessity to preserve the purity of expression of Muslim opinion without its being influenced or swayed by outside and alien factors. In British India separate electorates had been a political device to protect the rights of the Muslim minority and give it a voice against the majority; in Mawdudi's thought it had become a means of ensuring the continuing dominance of the majority and of ensuring that the minorities would have no real say in the life of the nation.

In this connection even more important for Mawdudi than the necessity for key officers and administrators to be technically Muslim was the need for them to be true and good Muslims as well. To uphold the Islamic ideology, they should be personally committed to everything that Islam enjoins and practice it in their individual lives. "The administrators of the Islamic state must be those whose whole life is devoted to the observance and enforcement of this Law, who not only agree with its reformatory programme and fully believe in it but thoroughly comprehend its spirit and are acquainted with its details."<sup>44</sup> Mawdudi's vision of the government personnel of an Islamic state was that of a uniformly indoctrinated, disciplined, and cohesive cadre. Not only did he believe in a monolithic set of basic principles that would be fostered by a totalitarian government, but he apparently also saw no real room for disagreement or gen-

uine debate on basic matters within the ranks of government at any level. Ideology, unity, and discipline were the keys to the ideal society that Islam seeks to create.

The second consequence of the Islamic state being an ideological state is worked out in its conception of citizenship. Since Islam is straightforward and truthful, it plainly prescribes two kinds of citizenship in the Islamic state,<sup>45</sup> one kind for Muslims who are domiciled within the territory of the state and the other kind for all those non-Muslims who agree to be loyal and obedient to the Islamic state in which they live. Upon the Muslims falls the full responsibility for the conduct of the state, for they alone fully believe in it. It is they who must assume the obligations that Islam imposes, including defense, and in return they have the right to be members of its Parliament, to vote in choosing the Head of State, and to be appointed to key posts where state policy is laid down. The non-Muslim citizens or *dhimmis* are guaranteed protection of life and limb, property and culture, faith, and honor.<sup>46</sup> What they are not guaranteed is either full political expression or full equality with their Muslim fellow citizens. The Islamic state will enforce upon them only the general law of the land while leaving them free to use their own community personal law to regulate affairs in that sphere. They have a number of other guarantees and protections extended to them as well, including the guarantee of the state to provide the basic necessities of life, food, shelter, and clothing to all of its citizens without distinction. Islam, Mawdudi says, does not wish to abolish or destroy its minorities but to protect them, and this policy stands in the starkest contrast, he argues, with state policy toward minority groups in every other political system in the world. Nonetheless, non-Muslims are clearly a category of second-class citizens in the Islamic state; the very recognition of two types or kinds of citizens and of two sets of rules to govern the two types has made them so. Their special and inferior position is justified by their non-adherence to the Islamic ideology.

That this is the standpoint of Islam is proved by the utter absence of even a single instance in the days of the Holy Prophet (peace be on him) or the Caliphs where a *Zimmi* [*dhimmi*] (non-Muslim citizen) may have been made a member of the Parliament, or the Governor of a province, or the *Qadi*, or the Director of any Government department, or the commander of the Army or a Minister of the Government or may have been ever allowed to participate in the election of the Caliphs. . . .<sup>47</sup>

Mawdudi defends the Islamic stance on this matter as being humane and equitable, saying that Islam has been the most just, the most tolerant and the most generous of all political systems in its treatment of national minorities that disagree with the prevailing ideology.

We may now consider two of the institutions of the Islamic state as Mawdudi presented them, the Head of State and the Legislature, for the further light that they will throw upon his conception of a proper Islamic polity.

The key official in an Islamic state is its head or leader, who is called Imam, Caliph, or Amir. His is the major responsibility for the conduct of the state, and he is the real locus of power<sup>48</sup> since he acts as *khalifah* or representative of God on earth on the one hand and as representative of the Muslim people on the other. The ruler does not hold his position in his own right or because of the claims of his family or tribe to special status but rather as trustee of the divine law and the community's affairs. In consequence, there are limitations on his powers and his actions. He must first of all act according to the dictates of the *shariah*; and to enjoy the physical strength for the enormous burden he must bear. The Islamic state would have neither political parties nor a political opposition; its policies would be calculated to meet the real needs of the population and to keep it satisfied. Hence, there would be no reason for elections at regular intervals or for a change of administration.

In accordance with the general principle, that government must be managed through mutual consultation, the ruler is to be selected, appointed, or elected (all three words are used) through a consultative process. Mawdudi says that Islam does not limit the scope of its possibilities by attempting to lay down exactly how the choice of leader will be made.<sup>49</sup> Different methods may be appropriate to different times and circumstances as is evidenced by the lack of uniformity in the ways of deciding the succession of the first four caliphs after the death of the Prophet. What is important is that the ruler chosen should have the full confidence of the nation, and this will happen so long as three principles are observed: 1) the choice of the head of state shall depend on the general will with no one having the right to impose himself by force as ruler; 2) no clan or class shall have a monopoly of rulership; and 3) the selection shall be made without coercion.<sup>50</sup>

As for qualifications of the ruler, they have principally to do with his moral and religious character. The object of the selection process in the Islamic state is to find the best man for the task, and by "best" is meant not only the person most knowledgeable of affairs of state and most capable of running them but also the person of most upright character and greatest piety. If personal devotion to Islam be basic for administrators of the state at large, it is doubly so for the ruler who holds the reins that direct the entire social enterprise. For this reason any person who actively seeks an office of leadership, whether as ruler or as member of the legislative-cum-consultative body, is automatically disqualified from holding the post. The desire for public office represents a degree of greed and self-aggrandizement in an individual that is incompatible with true fear of God or with trustworthiness of character. Thus, though the Islamic state

may choose to elect its public officials, there cannot be political campaigns or competitions for public favor; the personal characteristics of potential officials as well as the qualifications demanded of anyone holding office in an Islamic state would have to be made known through the agency of an Elections Commissioner or similar officer, not as a private undertaking. In legal terms the candidate for leadership must meet four criteria: 1) be a Muslim; 2) be male; 3) be of adult age and sane; and 4) be a citizen of the Islamic state. These four, however, merely mark out the formal legal bounds to eligibility for the rulership of the Islamic society; far more important is the quality of the ruler's commitment to Islam and the depth of his knowledge of what the Islamic system demands.

Many of the considerations that govern the choice of a ruler also apply in the establishment of the legislative or consultative body which is among the basic institutions of the Islamic state. The purpose of the body is to carry out the consultation about their affairs enjoined on Muslims. This body is chosen by some kind of reference to the general will, but the precise means is unspecified.<sup>51</sup> In the time of the Four Rightly Guided Caliphs the consultative body was not elected, and Mawdudi attributes this fact to the circumstances of the time.<sup>52</sup> The important thing about the selection process is that it should result in the choice of the best people by whatever means that result may be achieved. Like the ruler the members of the Majlis-i-Shura, as this body is called, must be trustworthy, good Muslims, male, adult, etc., and must not be active seekers of the office. In connection with a discussion of the scope of legislation in the Islamic state, Mawdudi goes into the qualifications of members of the Majlis-i-Shura somewhat more fully. What is said there, presumably, may be understood also to apply to the Head of State but in a superlative degree. One who acts as representative of the Muslim nation in its legislature must, he says,<sup>53</sup> first of all have faith in the *shari'ah* and an absolute determination to observe it. He must also have a good knowledge of the Arabic language in order to understand the Quran and to be able to derive the authentic Sunna. Sound insight into the Quran and the Sunnah, both in respect to detailed injunctions and the general principles of the *shari'ah* is required. Also important is an acquaintance with the opinions and views of *mujtahidin* (experts in Islamic law) in previous generations. This Islamic knowledge which is the foundation of all else must be balanced on the other hand by a solid understanding of the problems of our time. But by far the most fundamental of all the qualifications for a legislator, however, is a commendable character and a record of good conduct, for laws made by corrupt individuals will not inspire confidence in people. Also of basic importance is the fact that members of the Majlis-i-Shura are not to be the hand-picked men of the ruler but rather persons who enjoy the full confidence of the masses.

The fundamental matter in connection with the establishment of a legislature or consultative body in the Islamic state is the question of why there should be a legislature at all. According to the Islamic ideology as Mawdudi has described it, sovereignty and the right of making law belong to God. The law which He has laid down is all-embracing with complete guidance for every phase of human activity. No man shares in the divine prerogative of command, and no man can, therefore, be the originator of law. Such a position would seem to rule out both the need and the very possibility of a legislature in the normal understanding of the term. Even the trusted representatives of the Muslim people, elected though they may be, have no power to create law or to impose their views on people beyond the limits sanctioned by the *shari'ah*. As we shall see in what followed, in addition to providing a means for the ruler to fulfill the duty of consulting, the function of the legislature is really that of law-finding, not of law-making, and even that function is confined within quite strict limits. Properly speaking, the word legislature should not be employed for the kind of body that Mawdudi had in mind, and his use of the word is another instance of a general tendency, such as we have seen in connection with his conception of democracy, to use a broadly accepted modern term in a new and peculiar way that sharply distorts its usual meaning. This way of proceeding is motivated by apologetic concerns; it implies that all the positive aspects of representative government and of expression of the general will are respected and preserved in the Islamic state, even though the most basic principle from which these things arise, the idea of the sovereignty of the people, has been discarded.

Mawdudi himself puts the problem in this way:

... one is apt to think these fundamental facts [i.e., God's sovereignty and the necessity of obedience to the Prophet] leave no room for human legislation in an Islamic State, because herein all legislative functions vest in God and the only function left for Muslims lies in their observance of the God-made law vouchsafed to them through the agency of the Prophet. The fact of the matter, however, is that Islam does not totally exclude human legislation. It only limits its scope and guides it on right lines.<sup>54</sup>

The legislation envisaged takes four forms, the first of which is interpretation. Although the legislature cannot in any way go against what God has laid down, a great deal that is presented in Quran and Sunna requires to be understood more fully, and to this the members of the Majlis-i-Shura should turn their attention. In Mawdudi's view the consultative body is engaged in legislating when it investigates such issues as the precise nature of the law and its extent, the law's meaning and intent, the conditions in which the law was intended to be applied, the minor details of laws stated too briefly for straightforward application, and the applicability or non-applicability of a law in exceptional circum-

stances.<sup>55</sup> All of these functions depend upon the prior existence of the law that is to be studied and have more to do with what most people would consider the task of the courts than with legislation in the strict sense.

The second form of "legislation" has to do with situations where the *shariah* has not laid down specific injunctions but has made provision for analogous situations in which the same principles are in operation. In these circumstances the task of the legislature would be to determine the causal connections that are operative in the original instance and to apply them to the new situation. What Mawdudi has in mind here is the application of the traditional Islamic jurisprudential principle of *qiyas* which is one of four sources of law recognized by most Sunni Muslims following the opinion of the great jurist, al-Shafi'i.

A third form of "legislation" takes the form of inference from general principles to derive guidance for situations where the *shariah* has provided nothing specific. Here the job of the legislature is to penetrate into the spirit of the *shariah* and the intention of the Law-Giver and to formulate specific rules in accordance with these two. This kind of "legislation" as well as the preceding one plainly fall into the category of a law-finding process which is, indeed, the principal activity of the Islamic consultative body.

The fourth and final mode of "legislation" Mawdudi characterizes somewhat astonishingly as the "province of independent legislation." The "independence" of the legislature in this sphere derives from the fact that "... there is yet another vast range of human affairs about which Shariah is totally silent."<sup>56</sup> Where God has said nothing, he has left it to the discretion and judgment of men to make the laws which they see fit. The alleged "independence" of the legislature is more apparent than real, however, for Mawdudi immediately proceeds to say that any "legislation" of this kind must accord with the spirit of Islam, follow its general principles, and fit appropriately and naturally into the great scheme of the Islamic ideology. All four of these modes of "legislation" represent instances of the well-established Islamic legal principle of *ijtihad* in Mawdudi's view.

The legislature or consultative body in the Islamic state in the final analysis, therefore, comes down to a body of pious men with expert competence in the tools and the subject matter of Islamic law, who will work together to understand the *shariah*, to spell out what it has left unclear or unstated, and to extrapolate from its principles rules to cover what it has not touched at all. This group of men will be at the disposal of the ruler for him to consult, but in Mawdudi's presentation of the matter its opinions and judgments are not binding either upon the ruler or the people of the Islamic state. Complete power remains with the ruler who, so long as he is right, may act in disregard of legislative opinions. Mawdudi plainly expected that people would act and think in accord with the decisions or "legislation" of the Majlis-i-Shura once an ideal Islamic society had

been established, but his expectation was based more on confidence in the desire of the Muslims to do the right thing than upon institutional arrangements built into the structure of the state. There is no anticipation of conflict or of deep, genuine, and irreconcilable disagreement and, therefore, no provision of effective machinery for resolving conflict. What is also striking about the description of both the Majlis-i-Shura and the Head of State is the extent to which one can see Mawdudi's own kind of training, background, interests, and work reflected there: he might have been describing himself in setting out the qualifications for those who must hold the most important positions of authority in the Islamic state.

Mawdudi's discussion of the operation of government in the period of the Prophet and the Four Rightly Guided Caliphs, which was his norm in respect to everything said about the Islamic state and its constitution, also casts some light on the way in which the ruler and the legislature should work. He envisaged a closeness and lack of friction between the two that is utopian, but this expectation is justified by their mutual devotion to the same ends through the implementation of the same ideology. The amir in the time of the Four Rightly Guided Caliphs always attended the sessions of the Parliament and presided over its sittings. He took full part in its discussions and personally accepted all responsibility for his own decisions and those of his government. There existed neither a party of the government nor an opposition party in the Parliament. The entire Parliament was the party of the amir so long as he did what was right, and the entire Parliament became the opposition party when he deviated from the right. There was freedom to oppose him both on the part of his ministers and the members of the Parliament, but since the spirit of cooperation reigned in all, there were no instances of resignation from the government in protest against the policies adopted. The amir was answerable to the Parliament and to the people for what he did, not simply in respect to state policy but also in regard to his personal life.<sup>57</sup> Sadly, however, this kind of government, otherwise unknown in the world, can exist and flourish only in the conditions provided by an ideal Islamic society. It is because such a society has not existed from the time of the Rightly Guided Caliphs until now that this type of government has disappeared from the world. The purpose of the Islamic movement in our time is to restore the unity and righteousness of such a system of government, and in order that this may be possible four principles at least must be observed: 1) those who bear responsibility should face the representatives of the public and the public itself, being accountable for what they do; 2) the party system should be reformed to abolish loyalty to parties; 3) the government should not operate with complex rules; and 4) the people elected to office should have the proper qualifications.<sup>58</sup>



The two institutions of government that we have discussed here, the Head of State and the Majlis-i-Shura, are the only institutions Mawdudi considers in any detail in his discussions of the Islamic state, and the attention given even to them is minimal. From time to time he also mentions the judiciary as a third fundamental institution, but his remarks on this subject are limited to a bitter attack on the "ugly" legal profession as it now exists and the demand for its utter abolition, some comments on the training of future Islamic jurists, and the general stance that the judiciary in an Islamic state must be independent of the executive. The material available is not sufficient to construct a clear picture of the judicial organs of an Islamic state. Certain other institutions are also referred to in passing, for example, the Bayt al-Mal or State Treasury, but nothing is said about their nature, powers, or functions. There is no merit, therefore, in attempting to pursue the discussion of institutions further.

### CONCLUSIONS

As we have seen in the foregoing section Mawdudi gave but little attention—far too little—to the more practical and mundane aspects of the Islamic state. His discussion is notably lacking in any serious thought devoted to the institutional arrangements in the state that he hoped to see come into existence in Pakistan. At almost every point his views raise more questions than they answer because of the failure to consider the working out of principles in their concrete applications. Constitution making, to be sure, is concerned with the expression and preservation of certain broad principles, values and ideas, but the test of the value of any constitution is its capacity to find the ways of making these principles actually effective in the life of society. It is never enough simply to state principles in order to have them observed. Would it were true that justice, equality, peace, brotherhood, etc., could be attained by our mere espousal of them! Unfortunately, human life is more complex than the ordering of a set of abstract ideas, and one has taken only the first halting step toward the achievement of the good in the social realm when he decides upon the principles that shall guide his actions. Principles must be exemplified and put into action in a host of situations where the measures that best embody the principles are far from clear. In the case of the working of a polity the effectiveness of principles is to a large degree dependent upon the machinery and the policies devised for implementing them. A poorly thought out or self-contradictory way of pursuing a noble principle will result in its neglect as surely as will outright rejection of the principle; it may, in fact, result in disillusionment about the value and truth of the principle. Mawdudi seemed not to appreciate how much the life of society from day to day depends upon the specific structures it may evolve for governing

itself. His concern—and this seems to be true of Islamic revivalist movements in the twentieth century in general—was always with abstract philosophical or religious considerations that would form the ideological basis of an Islamic constitution. Mawdudi himself admits the visionary and ideal nature of much that he had to say about the Islamic state. At several places he speaks of characteristics of the Islamic state that are realizable only in the context of an ideal Islamic society which does not now exist. Thus, he was not speaking of the urgent and immediate problems of the real—and far from ideal—Pakistan but of a grand concept of a perfect society that he thought once to have existed for a short time and that might, only might, exist again in future. His real interest and the subject to which he actually addressed himself was moral philosophy or perhaps in a somewhat narrow sense of the word, theology. To the extent that politics according to the old saw is the art of the possible, Mawdudi was not talking in the realm of politics at all but on the level of general ideas.

Unfortunately, when Mawdudi's views were criticized for their inadequacy to solve the real day-to-day problems of building a stable and acceptable government in Pakistan, he tended to interpret the criticism as rejection of the principles he upheld and, therefore, as equivalent to an irreligious or non-Islamic stand. His replies to criticism came in the form of defense of the truth of Islam, a defense that he had no need to mount with most of his opponents who also considered themselves Muslims and even upholders of the Islamic state as they saw it. Mawdudi and his modernist liberal opponents in particular were operating on two different levels of discourse, one in terms of fundamental religious commitment and the other in terms of a series of down-to-earth practical issues. At numerous points in his writing Mawdudi speaks of the details of such things as the method of choice of the ruler being left to the genius of the Muslims to work out. The details, however, are what count if one wishes to ensure that the general principles about proper and fair electoral processes are actually carried out. In a serious constitutional discussion to dismiss the details of governmental institutions as something of lesser importance or something that may be decided in some way or the other at some convenient future time according to whatever exigencies may then exist is simply to remove oneself from the real political battle and to accept defeat without striking an effective blow. The real issues about the nature of a polity are joined only when the specifics of institutions, how many and what they shall be, their structures, their powers, the limitations upon them, etc., come to be talked about.

It is regrettable that Mawdudi seemed unable to disentangle consideration of such matters from what he saw as the acceptance or rejection of an Islamic position altogether. One must remember, however, that he viewed Islam as a monolithic whole, a vast, integrated system of ideas, which, he insisted, must be taken in its entirety or not at all. If something was derived from what he

thought to be a genuinely Islamic position, it had to be accepted, and there could be no possibility of disagreement about it. This understanding of Islam as a monolithic ideology is the source of the rigidity and the authoritarianism in Mawdudi's thought that made him so much feared and so much disliked by many people in Pakistan. His theologically oriented mind, preoccupied as it was with normative truth, could not accommodate itself to disagreement and diversity. Regrettably perhaps, the very essence and stuff of politics is disagreement.

Mawdudi's lack of interest in the details of Pakistan's Constitution and the limited scope of his contribution to discussions about it can be better understood if his theory of the nature of social control is also taken into account. As we have mentioned briefly above, he considered that everything in the life of a society depends upon its leadership, that a society will go exactly where the ruler as the center of power determines that it should go. He seemed not to recognize limitations of any kind on a ruler's effectiveness in achieving what he might want, nor did he acknowledge other forces in a society that might deflect it away from the ruler's intentions. Neither in his thinking about the Islamic constitution nor in the political campaigns he conducted to achieve power in Pakistan did he show recognition of the variety of physical, social, economic, and other difficulties that afflict the country as being in themselves genuine obstacles to overcome. For one with his point of view the sole matter of importance was the character of the person in charge. If the ruler is a good man, a pious, moral Muslim, with the intention of ordering society in the Islamic manner, the society must become what it should be. In such a social philosophy all problems can be reduced to issues of the moral character of leadership, and all political discussions are nothing but consideration of the merits of personalities. Institutional arrangements and other such things, in other words, are simply not important, for they are not the determinants in the social scene. There were no intractable social problems in Mawdudi's understanding; where inequity, injustice, and suffering exist in a society, they are inevitably the result of the lack of moral orientation in the leadership. Such problems exist because the leadership either wishes things to be that way or because it does not care about the well-being of the people. Change bad leadership for a good one, un-Islamic leaders for true Muslim ones, and society will become what it should be. The perspective is moralistic through and through with the realization of the Islamic ideal for society contingent upon the existence of a body of true Muslims who should seize political power. The Jamaat-i-Islami was conceived precisely to be such a body. It was the *salih* (righteous) *jama'ah* (party or group) whose ideological purity, unity, discipline, and personal devotion would act as the leaven in the loaf of Pakistani society. Mawdudi in short invested his efforts at the place where he thought the real key to social change lay—in the formation of

a leadership that would be capable of instituting the Islamic order. In his lecture to the Law College in Lahore he affirmed:

I am sure that if a righteous group of people, possessing vision and statesmanship, wields political power and, making full use of the administrative machinery of the government, utilizes all the resources at its disposal for the execution of a well conceived plan of national regeneration, the collective life of this country can be totally changed within a period of ten years.<sup>59</sup>

Or again when speaking of the enforcement of Islamic law in Pakistan, he said:

What we need is a group of people—a leadership—which is imbued with the spirit of Islam and which is determined to establish Islam, come what may. We all know that if a building has to be constructed, the objective cannot be achieved if the architects who *know* the design of the building and have the *will* to construct it and possess the  *requisite resources* are not available. On the other hand if they are available anything can be built—be it a temple or a mosque.<sup>60</sup>

As Amir of the Jamaat-i-Islami, Mawdudi stood at the head of precisely the kind of group of men, organized on a truly Islamic basis, that Pakistan needed for its realization of the Kingdom of God.

## Notes

1. A list of Mawdudi's writings may be found in the memorial volume dedicated to him after his death. The book, entitled *Islamic Perspectives*, edited by Khurshid Ahmad and Zafar Ishaq Ansari, gives the bibliography of Mawdudi's writings in chapter 2, pp. 3-14. It should be pointed out that many of the writings listed have been published more than once, sometimes in revised versions, and sometimes under titles different from the original titles.
2. Abul Ala Mawdudi: *Jamaat-i-Islami, us ka maqsad, tarikh, aur laih aml* (Lahore: Markazi Maktabah Jamaat-i-Islami, 4th printing, 1953), p. 22, in a footnote.
3. *Laihi aml*, pp. 19, 20.
4. *Ibid.*, p. 27.
5. *Ibid.*, p. 5.
6. The speech was entitled, "The Invitation to Islam and Its Demands" and was published in the annual report of the Jamaat-i-Islami.
7. See the writings entitled *Islam ka nizami hayat, Islami qanun aur Pakistan mayn us ka rifaz ke 'amdi tadabir, Islami riyasat mayn zimmion ke buqac, Azadi ke Islami taqade*, and *Mutalibab-i nizami-i Islam*, all from this period.
8. *Laihi aml*, p. 74. Mawdudi was apparently insensitive to the implications of this statement for his attitude toward Pakistan prior to the passing of the Objectives Reso-

lution. The statement casts a strong light on the government's actions against Mawdudi in 1948 and on its subsequent suspicion of him.

9. For a detailed study of the various constitutional proposals and counter-proposals and the groups who made them see Leonard Binder: *Religion and Politics in Pakistan* (Berkeley and Los Angeles: University of California Press, 1961).

10. The pamphlet was issued prior to the ban on publications dealing with the Ahmadi question. Mawdudi was condemned, therefore, for publishing something that was not against the law at the time he composed and distributed it.

11. Some parts of the Jamaat, however, took an active role in the disturbances, especially in Karachi, as was brought out by the court of inquiry that investigated the anti-Ahmadi agitation.

12. Fortunately much of the relevant material has been assembled within the covers of a single volume and translated into English by Khurshid Ahmad under the title, *Islamic Law and Constitution*. A collection of Mawdudi's speeches with this title, the most important being two addresses to the Law College in Lahore in early 1948, was published originally in 1955, but in 1967 Khurshid Ahmad produced a revised and corrected edition that also included materials absent in the first edition (Lahore: Islamic Publications, 1967). It is this enlarged, revised edition that we have used.

13. *Ibid.*, p. 48.

14. *Ibid.*, p. 138.

15. *Ibid.*, p. 172.

16. *Ibid.*, p. 53.

17. *Ibid.*, p. 57.

18. *Ibid.*, p. 165.

19. *Ibid.*, p. 175.

20. *Ibid.*, p. 177.

21. *Ibid.*, pp. 217-19.

22. *Ibid.*, p. 50.

23. *Ibid.*, p. 145.

24. *Ibid.*, p. 75.

25. *Ibid.*, p. 177.

26. *Ibid.*, p. 178.

27. *Ibid.*, p. 135.

28. *Ibid.*, p. 276.

29. This stand brought Mawdudi some criticism in view of the traditional insistence that leadership of the community must always be vested in Quraysh, the tribe of the Prophet. See *Rasail o Masail*, vol. 1, p. 76.

30. *Islamic Law and Constitution*, p. 158.

31. These examples have reference to issues that Mawdudi discussed in pre-partition times in the political debates with the Indian National Congress.

32. *Islamic Law and Constitution*, p. 278.

33. *Ibid.*, p. 280.

34. *Ibid.*, p. 148.

35. *Ibid.*

36. *Ibid.*, p. 154.

37. *Ibid.*

38. *Ibid.*, p. 155.

39. *Ibid.*, p. 266.

40. *Ibid.*, p. 267.

41. *Ibid.*, p. 268.

42. *Ibid.*, p. 50.

43. *Ibid.*, p. 155.

44. *Ibid.*

45. *Ibid.*, p. 263.

46. *Ibid.*, p. 265.

47. *Ibid.*, p. 264.

48. "... the Amir was the only person to whom obedience and loyalty were enjoined." *Ibid.*, p. 257.

49. *Ibid.*, p. 252.

50. *Ibid.*, p. 252.

51. *Ibid.*, p. 281.

52. *Ibid.*, p. 255.

53. *Ibid.*, p. 80.

54. *Ibid.*, p. 77.

55. *Ibid.*, p. 78.

56. *Ibid.*

57. *Ibid.*, p. 258.

58. *Ibid.*, pp. 259-60.

59. *Ibid.*, p. 109.

60. *Ibid.*, p. 126.