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The Concept of *Al-Ḥākimiyyah* and its Divergence from the Concept of Sovereignty: An Analysis of Mawdūdī's and Sayyid Quṭb's Ideas

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Abstract

The concept of *al-ḥakimiyyah* is a scholarly topic among different categories/discussed and debated by various types of researchers, globally. The term *al-ḥakimiyyah* was pronounced and brought into the Islamic and western dictionaries by Sayyid Abū 'Alā Mawdūdī and theoretically developed by Sayyid Quṭb. Sovereignty is the common and general word/term that is always used as the English word for/substitute for *al-ḥakimiyyah*. Thus, many researchers have analyzed *al-ḥakimiyyah* based on the concept of sovereignty found in the western perspective, which has led to some misconceptions regarding the concept. So, this paper intends to address the concept of *al-ḥakimiyyah* in the discourse of Abu 'Alā Mawdūdī and Sayyid Quṭb and its divergence from the concept of sovereignty found in the western perspective. Qualitative approach was employed in this research to collect the data from different sources and analyze it accordingly in order to determine the areas of difference between both the concepts. The findings revealed the difference between these two concepts in terms of their literal and contextual meanings. Likewise, it was revealed that the concept of *al-ḥakimiyyah* has some connotations which the western concept of sovereignty does not have. To summarize, the concept of sovereignty in the western perspective does not represent fully the concept of *al-ḥakimiyyah* as manifested by Sayyid Abū 'Alā Mawdūdī and Sayyid Quṭb.

Keywords: Al-Ḥakimiyyah, Sovereignty, Legislation, Politics, Western political system

Introduction

It is an indisputable fact that the exact word *al-ḥakimiyyah* in this form is known in the Arabic language as *al-maṣdar al-ṣṣinā'ī* is neither mentioned in the Holy Qur'ān nor used in the Prophetic expressions. More so, the word is not used in the expressions of the early scholars, i.e., companions and their successors.[1] However, the word was first used as a term by Sayyid Abū 'Alā Mawdūdī during his *da'wah* and political struggles towards the establishment of the Islamic system of government in Pakistan after the independence.[2]

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[1]See: Laḥsāsanah Ḥasan, *Al-Ḥakimiyyah fi al-Fikr al-Islāmī* (Doha: Ministry of Awqāf and Islamic Affairs, 1st edn., 2007), 67.

[2]See: Muahmmad 'Imārah, *Maqālāt al-Ghuluww al-Dīnī wa lā al-Dīnī* (Al-Qāirah: Maktabah al-Shurūq al-dawliyyah, 1st edn., 2004), 16-17.

Subsequently, the term was included and mentioned in the context of the first Pakistani constitution in 1953, and also was stated in the Iranian constitution in 1979. Later on, the term was theoretically developed and promoted by Sayyid Quṭb in his writings, i.e., *Maʿālim fi al-Ṭarīq*. Thus, the theory became academic and political discourses in the Arab world in nine sixties, especially amid the Muslim Brotherhood and their likes among contemporary Islamic movements.[3] Consequently, it became the main pivot around which the discourses, ideas, and efforts of all contemporary Islamic movements revolve, and the major theme of the scholarly discussions around the world.

The word (ح ك م) *ḥukm* which is the root of *al-ḥakimiyyah*, and its derivatives have been mentioned in different forms in many places in the holy Qur'ān and Prophetic (*SAW*) traditions connoting different meanings. *Ḥukm* which is the root of the term has several literal meanings.[4] So, in order to have a correct and proper understanding of the general notion of *al-ḥakimiyyah*, the word is needed to be literally and technically analyzed based on its contextual meaning in the holy Qur'ān and *Sunnah*. The combination of those meanings represents the accurate notion and forms a comprehensive concept of *al-ḥakimiyyah*. Taking a step like this in addressing such a polemical and contentious topic will give the result neutrality and balance. According to Laḥsāsanah, the combination of those literal meanings is very important in rooting the concept of *al-ḥakimiyyah*, since the cordial relationship is required between the literal and technical meanings of any given term.[5] *Al-ḥakimiyyah* is always translated into the English language as "sovereignty," however, there is a vacuum between the concept of *al-ḥakimiyyah* discussed by Mawdūdī and Sayyid Quṭb and the notion of sovereignty in the Western perception. So, this aims at analyzing both concepts and figuring out the areas of divergences.

2. Definition of Al-Ḥakimiyyah

2.1. Literal Meaning of *al-Ḥakimiyyah*

The word *ḥukm* which is the root of the term *al-ḥakimiyyah* signifies several meanings, i.e., rule, judgment, decree, verdict…, based on how it is conjugated.[6] *Ḥikmah* (حكمة) can denote the following meanings: wisdom, knowledge, or justice.[7] If *iḥkām* (إحكام) is used it connotes perfection, preciseness, regulation, accuracy, and prevention.[8] Likewise, *Taḥkīm* (تحكيم) can be mentioned and signifies arbitration or mediatorship. Here comes *al-tahkīm* that occurred between ʿAli and Muʿāwiyyah during the Battle of Ṣiffīn.[9] *Taḥakkum* (تحكّم)

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[3] See: Fāteḥ Muḥammad Sulīmān Seh Najāwah, *Muʿjam Muṣṭalaḥāt al-Fikr al-Islāmī al-Muʿāṣir,* (Bayrūt: Dār al-Kutub al-ʿIlmiyyah, 1971), 221-222.

[4] *Mukhtār al-Ṣiḥāḥ*; *Al-Qāmūs al-Muḥīṭ; Lisān al-ʿArab.*

[5] Laḥsāsanah, *al-Ḥākimiyyah fi al-Fikr al-Islāmī*, 35-36.

[6] Aḥmad ʿAwad Jaʿafar Hishām, *Al-abʿād al-Siyāsiyyah li Mafhūm al-Hākimiyyah "Ruʾyatun Maʿrifiyyah,* (Virginia: The International Institute of Islamic Thought, 1994), 55-56.

[7] *Muʿjam al-Maʿānī al-Jāmiʿu.*

[8] *Lisān al-ʿArab.*

[9] *Tahdhīb al-Lughah; Al-Muʿjam Al-Wasīt, Lisān al-ʿArab.*

can also be used to denote control or dominance.[10] While *ḥukūmah (حكومة)* means government.[11] Moreover, *Al-Ḥakam, Al-Ḥakīm,* and *Al-Ḥākim*: these three names are among the names of Allah that have almost the same meanings, which can be interpreted as the judge, or the most perfect that does everything perfectly.

If we study the literal meanings of the word *ḥukm* and its derivatives, they can be loosely restricted to three main meanings, i.e., judgment, perfection, and dominance. These three qualities seem to be absolutely possessed by Allah the Almighty. Thus, several verses of the holy Qur'ān assert the absolute possession of the earth and heaven and all that exist in them by Allah. Likewise, the control and decision of both completely belong to Him. However, man also shares some aspects of those qualities with Allah within the natural capability of man.[12]

2.2. The Meanings of *al-Ḥākimiyyah* in the Holy Qur'ān and Ḥadīth

It has been previously asserted that the exact word *al-ḥākimiyyah* has neither been mentioned in the holy Qur'ān nor used in the Prophetic expression, but its derivatives are mentioned at many places in the holy Qur'ān, connoting different meanings. Some of the derivatives of the word are used in the holy Qur'ān to connote the absolute right of Allah in decreeing *ḥalāl* (lawful) and *ḥarām* (unlawful) in the secular and religious affairs of mankind, and total control of nature based on the predestination.[13] Some other meanings of the word are Prophethood, apostleship,[14] the holy Qur'ān and its sciences,[15] Prophetic tradition,[16] understanding, intellect, or knowledge,[17] judgement and settlement of the dispute and injustice between the people,[18] perfection and restoration,[19] clarity, explicitness, preciseness,[20] and politics.[21] Likewise, the word is used in the ḥadīths to indicate different meanings, i.e., wisdom, judgment, control, arbitration, etc.[22]

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[10]*Al-Muʿjam Al-Wasīt.*

[11]*Muʿjam al-Maʿānī al-Jāmiʿu.*

[12]al-Baqarah 02:284; al-Ḥadīd 57:2; āl ʿImrān 03:26.

[13]al-Mā'idah 05:1; al-Ra'd 13:41; al-Kahf 18:26; Yūsuf 12:40; al-Shūrā 26:10; al-Nisā 04:59, 60-65, 163-166.

[14]al-Qaṣaṣ 28:14; al-Baqārah 02:251.

[15]al-Baqarah 02:269; Ibn Khathīr, *Tafsīr al-Qur'an al-ʿAzīm*, 1:700.

[16]al-Aḥazāb 33:34.

[17]al-Shuʿarā :83; al-Anʿām 06:89; Muḥī al-Sunnah Abū Muḥammad Al-Baghawī,, *Tafsir al-Baghawi,* ed. ʿAbd al-Razzāq al-Mahdī (Bayrūt: Dār Iḥyāi al-Turāth al-ʿArabī, 1st edn., 1420 A.H.) 3: 471;

[18]Ghāfir 40:48; al-Zumar 39:3; al-Nūr 24:48.

[19]Hūd 11:1; al-Ḥajj 22:52.

[20]āl-ʿImrān 03:7; Muhammad 47:20.

[21]al-Nisā 04:58-60; al-Mā'idah 05:43-47; al-Baqarah 02:188.

[22]Laḥsāsanah, *Al-Ḥākimiyyah fī al-Fikr al-Islāmī*, 50-52.

2.3. General Meaning of *al-Ḥākimiyyah*

It is obvious from the above illustration that the word *ḥukm* has been used in different forms with several indications, all of which have a close relationship in such a way that one meaning of the word serves as the complement to the other. Likewise, the word is characterized with the same feature in the context of the holy Qur'ān and *Sunnah*. If the literal meanings of *ḥukm* and its indication in the holy Qur'ān and *Sunnah* are combined, it can be derived that the basic concept of *al-ḥakimiyyah* revolves around the absolute right of dominance and control of others' affairs, by giving them precise and strict guidelines that are characterized by accuracy and perfection, which must be followed in every aspect of their affairs. According to Laḥsāsanah, the main objective of governing people should be the prevention of corruption and evils for the sake of people's interest and reformation. So, *al-ḥakimiyyah* is all about striving towards the establishment of an ideal system of governance with the primary objective of preventing all forms of corruption for the sake of reformation and people's wellbeing. Such a system must be perfectly and accurately established without any slight lapse, and characterized by knowledge, action, justice, and based on divine guidance (revelation and Prophetic traditions).[23] If the above descriptions are critically studied it will manifest that those qualities can be wholly found in the divine law, that its Giver does not give preference to any one over another. Allah says regarding those who turn away from the Law of Allah: "Do they want the judgement according to the Law of Ignorance? But for those who have certainty of belief, whose judgement can be better than Allah's?"[24] Moreover, all other political and social systems have failed in establishing and incorporating morality and value in their systems, while *Sharī'ah* is the only system that appreciates value and morality.[25] Whereas these features are the essential aspects of man, therefore, the Prophet (*SAW*) was mainly sent to mankind to complete that aspect.[26] In this respect, Mawdūdī argues that:

> The aim and purpose of this state [Islamic state], built on the foundation of *Tawhīd*, *Risālah*, and *Khilāfah*, is the establishment, maintenance, and development of those virtues which the Creator of the universe wishes human life to be enriched with, and the prevention and eradication of those evils which are abhorrent to God. The state in Islam is not intended for political administration only nor for the fulfilment through it of the collective will of any particular set of people. Rather, Islam places a high ideal before the state for the achievement of which it must use all the means at its disposal. The aim is to encourage the qualities of purity, beauty, goodness, virtue, success, and prosperity which God wants flourish in the life of His people and to suppress all kinds of exploitation and injustice. As well as placing before us this high ideal, Islam clearly states the desired virtues and the

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[23]Ibid., 35-36.

[24]al-Maidah 05:50.

[25]Sayyid Qutb, *Ma'ālim fi al-Ṭarīq*) Bayrūt: Dār al-Shurūq 6th edn. 1979), 5; Ali Rahnema, ed., *Pioneers of Islamic Revival* (London: Zed Books Ltd, 1994), 158-163.

[26]Abu Hurayrah reported in an authentic narration: Prophet of Allah (*SAW*) said: "I was sent to perfect and complete the morality." (See: Aḥmad bin Ḥambal, *Musnad Aḥmad,* vol. 14 (Mu'assasah al-Risālah, 2001), 513, Ḥadīth no. 8952.

undesirable evils. The Islamic state can thus plan its welfare programs in every age and any environment.[27]"

2.4. The Concept of *Al-Ḥakimiyyah* in the Discourse of Mawdūdī and Sayyid Quṭb

Any discussion about *al-ḥakimiyyah* without referring to Mawdūdī's and Sayyid Qutb's views is incomplete. Besides, the fact that Mawdūdī was the one who introduced the term into the Islamic and Western dictionaries, the struggle for its establishment has been the main pivot around which his whole discourses revolve. Likewise, Sayyid Quṭb who is believed to have been influenced by Mawdūdī's thoughts did. The latter is even considered as a leading ideologue of *al-ḥākimiyyah,* who has played both formative and theoretical roles in the contemporary radical Islamic movements. He is rather considered as the first political theologian of God's sovereignty in the Sunni Islamic space.[28]

2.4.1. The Concept of Al-Ḥakimiyyah in the Discourse of Mawdūdī

Mawdūdī argues that Islam does not recognize any other authoritative lawgiver and determiner of man's affairs besides Allah the Almighty. Thus, no other sovereignty other than that of Allah's. He asserts that what is Islamically considered to be the total submission to the divinity and lordship of Allah contains not only the subjection to His being the sole deity, to whom all the worships should be offered, but also includes the full submission to His complete supremacy related to social and ethical affairs of mankind. Both aspects of the submission are inseparable and twin facets of the real faith of the Muslims. Therefore, any deficiency in one side inevitably affects the other. Based on this argument, he strongly opposes the view saying that the contextual meaning of *hukm* in the holy Qur'ān denotes only the law of nature that made every being submissive to the will of Allah instinctively.[29] According to Mawdūdī, "The concept of the unity of God, as advocated by the holy Qur'ān, is not limited to His being the sole object of worship in the religious sense alone. Along with that, He is invested with complete legal sovereignty, in the sense in which the term is understood in Jurisprudence and Political Sciences."[30]

The holy Qur'ān emphasizes this fact in many places, where it is clearly made known to every believer that obeying Allah's injunctions in all matters is not optional, but strictly compulsory, as it determines the level of one's *Īmān*. Allah says: "It is not for a believing man or woman, when Allah and His Messenger decree a matter, to have any other choice in that matter. Indeed, whoever disobeys Allah, and His Messenger has clearly gone far

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[27]Sayyid Abul A'la Maududi, *Islamic Way of Life*, ed., Kurshid Ahmad (International Islamic Federation of Students Organization, 1997), 40-41.

[28]Dragos C. Stoica, *In the Shade of God's Sovereignty: The Anti-Modern Political Theology of Sayyid Qutb in Cross-Cultural Perspective* (PhD thesis, Concordia University Montreal, Quebec, Canada, 2017), iii.

[29]See: Sayyid Abul A'lā Mawdudi, *The Islamic Law and Constitution*, Trans and Edit: Kurshid Ahmad, (Pakistan: Islamic Publication Limited, 1960), 75.

[30]Ibid.

astray."[31] Likewise, in several other places in the holy Qur'ān, the prohibition of seeking judgement on a matter from any other source other than Allah's is asserted and considered as hypocrisy. Allah says: "Have you -O Prophet- not seen those who claim they believe in what has been revealed to you and what was revealed before you? They seek the judgment of false judges, which they were commanded to reject. And Satan only desires to lead them farther away. When it is said to them, 'Come to Allah's revelations and the Messenger', you see the hypocrites turn away from you stubbornly."[32] The Prophet (*SAW*) said: None of you believes until his desire follows what I brought from Allah.[33]

The illustration of a society to be considered submissive to *al-ḥākimiyyah* of Allah, according to Mawdūdī, is the one whose basic principles of enactment is based on the *sharī'ah* of Allah. Such a society should be formed based on the theory that sovereignty lies with Allah, who is the Lawgiver. The man, however, only functions as a vicegerent of Allah to fulfil the wish of Allah on the earth within the scope of the authority assigned to him.[34] In such a community, "the citizen pays taxes as donations in the service of God; the tax-collectors and the men responsible for spending the tax money consider it the wealth of God and themselves only as its trustees. From an ordinary policeman to the Judge and the Governor, every State official performs his functions in the same frame of mind in which he performs service to God, for both are equally acts of devotion to the Almighty, and in both cases, the same spirit of piety and dread of Divine Authority is required."[35] More so, in the Islamic state:

> No man should rule over another man; all men should live under the One God. Thus fundamental change is needed in the framework of all human governments. Those who govern must not become masters but, recognizing God as their only Sovereign, must rule as His deputies and trustees. They must discharge their responsibilities with the consciousness that ultimately, they will have to give an account of their trust to that King who knows both the seen and unseen. All laws should be based on the guidance of that God who has knowledge of all realities, and who is the source of all wisdom. Nobody has the power to change God's laws or to amend them or to repeal them, otherwise, corruption will creep in due to human ignorance, selfishness, and desires.[36]

In a nutshell, the concept of *al-ḥakimiyyah* in the discourse of Mawdūdī simply means the adoption of a political and social system whereby the whole system is based on the principles of Islam. So, any enactment in such system must coincide with the basic fundamentals of Islam. The basic and essential fundamentals of the Islamic political

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[31]Al-Ahzāb 33:36.

[32]An-Nisa 04:60-61.

[33]Abu Zakariyyāu, Al-Nnawawī, *Al-Arba'ūna al-Nnawawiyyah* (Bayrūt: Dār al-Minhāj, 2009), 113, Hadith no. 41 (authentic and sound hadith, al-Nnawawi commented).

[34]See: Abu 'Ala Mawdudi, *Islam and Ignorance* (n.p, n.d), 17.

[35]Ibid.

[36]Sayyid Abul A'la Mawdudi, *Let us be Muslims*, Ed: Khurram Murad (London: The Islamic Foundation, 1985), 290.

system, according to Mawdūdī, are based on three main principles, which are: *Tawḥīd* (the belief in the oneness of Allah), *Nubuwwah* (Prophethood) and *Khilāfat* (vicegerency).[37]

Tawḥīd entails the total acknowledgement of Allah's absolute right to decide the purpose of man's existence in this life, decide on his affairs, and set the limit of authority given to him. In a simple sense, the full dominion and sovereignty of the whole universe are only vested in Allah's hand. So, "this principle of the unity of God totally negates the concept of the legal and political independence of human beings, whether individually or collectively. No individual, family, class, or race can set themselves above God. God alone is the Ruler, and His commandments are the Law which must be abided by."[38]

Nubuwwah requires the belief in all Allah's messengers and the belief in Prophet Mohammad (*SAW*) as the last messenger of Allah, and the belief in his message, through which the message of Allah and total understanding of the concept of Islam as a complete way of life transformed from the abstract theory into the feasible and empirical system of life. The teachings of the Prophet (*SAW*) "constitute the only source of divine guidance and law, since there will be no further revelation which may become necessary for mankind to turn to. It is this dispensation by Muhammad (*SAW*) that constitutes the supreme law which represents the will of God, the real Sovereign."[39] Allah's law has been transmitted to us by the Prophet (*SAW*) through two means: (i) *Al-Qur'ān* that embodies the verbatim text of Allah's word that contains His injunctions. (ii) *Sunnah* of the Prophet (*SAW*) that serves as the explanation and illustration of Allah's law in His book. He argues that the Prophet (*SAW*) has interpreted the holy *Qur'ān* and portrayed its messages by his ideal conducts, words, deeds, and approvals. So, he was able to transform the ignorant Arab society into an ideal Islamic society within that short period of his prophethood. Thus, he demonstrated the potentiality of establishing an ideal Islamic state based on the full civilization and principles of Islam in any society at any period. He stated that: "This entire lifework of the Holy Prophet, which was completed in twenty-three years of his prophethood, is the *sunnah* which in conjunction with the holy Qur'ān formulates and completes the Supreme Law of the real Sovereign, and this Law constitutes what is called *sharī'ah* in Islamic terminology."[40]

Khilāfah (vicegerency) according to Mawdūdī, is highly demanded from the Muslims who have believed in those two aforementioned fundamentals of Islamic politics, and are ready to interpret that belief into action. Such believers are required to rise and strive for the establishment of the Islamic system of government, by destroying the authority of those who rebel against the wish of Allah and make themselves superior over Allah's subjects. This sacred effort should be made by the Muslims wherever they found themselves, and under any wrong leadership that made himself Allah's rival in His sovereignty. According

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[37]Maududi, *Islamic Way of Life,* 36.
[38]Ibid., 36-37.
[39]Ibid.
[40]Ibid.

to him, doing so would pave a way for the establishment of *al-ḥākimiyyah* on the earth and make the believers be the true vicegerent of Allah on the earth. More so, the believers would be freed from the burden of servitude to human beings like them. The strife and effort made towards the accomplishment of this mission are known as *Jihad* in Islam.[41] Likewise, man will be able to exercise his God-given authority and power delegated to him within the limits prescribed by Allah.[42]

2.4.2. The Concept of Al-Ḥakimiyyah in the Discourse of Sayyid Quṭb

According to Sayyid Qutb, the correct meaning of *al-ḥākimiyyah* in the perspective of Islam is not mere enactment of the law and its enforcement according to the rules and injunctions of Allah. Such a narrow perception of *al-ḥākimiyyah* does not represent general Islamic perspectives, such as it is neither expressing the literal and nor technical meanings of the term. He argues that *ḥakimiyyah* comprises all laws that are legislated and decreed by Allah for mankind to regulate the entire affairs of their lives, whether in the aspect of the principles of faith, or legislations, etiquettes, and knowledge. Likewise, their political, social, and economic systems should be based on the same principles of Allah to express the total submission and complete servitude to Him the Almighty.[43]

He argues that the lordship of Allah which means His supreme sovereignty over all His creations entails the repudiation and rejection of all other forms of authorities and lordships that have ever been recognized by the people and practised by the priests, clan heads, kings, etc., by giving a total surrender and full submission to the will of Allah alone. Thus, Allah's supremacy should prevail over consciences, rituals, all forms of transactions, judiciary, and all other areas of the social, spiritual, and political aspects of man's life. According to him, the above description of *al-ḥakimiyyah* was clearly understood by the people of Mecca when the Prophet (*SAW*) invited them to Islam, hence, they refused to pronounce the word of *al-tawḥīd,* as they found it difficult to abandon their gods. They certainly knew the gravity of pronouncing the statement, which requires them to give up all kinds of *al-shirk* and give their total submission to the will of Allah, whereas they were not ready to do that.[44] According to him, the contemporary social and political legislations are the violation of a unique right of Allah which is His sovereignty. This is indeed a great ignorance, where men have been enslaved by other men like them, by dictating their way of life to them and imposing their personal ideas on them. Whereas only Allah has the right to give and impose the law upon His creatures. The Islamic system is distinguished by giving people the right of worshipping only Allah, their Creator who truly deserves their worship. While other

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[41]Mawdūdi, *Let Us be Muslims*, 290; Maudūdi, *Islamic Way of Life*, 38.

[42]Mawdūdi, *Islamic Way of Life*, 38.

[43]Sayyid Qutb, *Ma'ālim fi al-Ṭarīq*, 123-124.

[44]See: Ali Rahnema, *Pioneers of Islamic Revival*, 163-164; Sayyid Qutb, *Ma'alim fi al-Tarīq*, 24.

political and social systems make men subservient to their counterparts without any valid merit and justifiable privilege.[45]

Based on the discourse of both intellectuals, it is clear that there is no significant difference in the concept of *al-ḥakimiyyah* in their views except in their expressions. Both of them are considered to be the first scholars that gave *al-ḥakimiyyah* the concept of *Īmān* and categorized it as a part of *'aqīdah* (doctrine), by associating the concept with *al-tawhīd al-Ulūhiyyah* (divinity).[46] However, the simple difference between both intellectuals lies in the motives and circumstances that revolve around the formation of the idea.[47]

3. Concept of Sovereignty from the Western Perspectives

There are several definitions for sovereignty in the Western dictionaries; all of which are referring to the people's authority and independence to control and enforce the law on the other people. According to the Lexico dictionary: sovereignty is "the authority of a state to govern itself or another state."[48] Another dictionary says that the core meaning of sovereignty is the "supreme authority within a territory."[49] Sovereignty according to Cambridge dictionary is "the power of a country to control its own government."[50] Britannica defines sovereignty as "the ultimate overseer or authority in the decision-making process of the state and the maintenance of order."[51] In another dictionary, sovereignty is a "supreme and independent power or authority in government as possessed or claimed by a state or community", or "the quality or state of being sovereign, or of having supreme power or authority."[52]

The concept of sovereignty had been a long-time argument of the Western scholars. The history of its development is said to have started from the time of Plato, as almost every political theorist since then had addressed the concept in one way or the other, even though it was not that explicitly addressed.[53] Plato had examined the state of man and his relationship with sovereignty in political life.[54] Jean Bodin (1530-1596) was the first political theorist who defined the modern concept of sovereignty. He said that sovereignty

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[45]Qutb, *Ma'alim fi al-Tarīq,* 9.

[46]Laḥsāsanah, *Al-Ḥakimiyyah fi al-Fikr al-Islāmī*, 164.

[47]Ibid., 182-186.

[48]See*: Lexico Oxford Dictionary*, https://www.lexico.com/definition/sovereignty

[49] Philpott, Daniel, "Sovereignty," *The Stanford Encyclopedia of Philosophy* (Fall 2020 Edition), Edward N. Zalta (ed.), https://plato.stanford.edu/archives/fall2020/entries/sovereignty/

[50]*Cambridge Advance Learner Dictionary,* Third edition.

[51] Britannica, *The Editors of Encyclopaedia,* "Sovereignty." *Encyclopedia Britannica*, https://www.britannica.com/topic/sovereignty, Accessed 15 July 2021.

[52]*Dictionary.com*, via https://www.dictionary.com/browse/sovereignty

[53]*The Free Dictionary,* via, https://encyclopedia2.thefreedictionary.com/sovereignty accessed: 01/09/2020; W. J. Korab-Karpowicz, "Plato: Political Philosophy," via: *Internet Encyclopedia of Philosophy*, https://iep.utm.edu/platopol/, accessed 30/07/2021.

[54] Paul Krause, "Plato's Crito and the Crisis of Sovereignty," 2020, via: VoegelinView, https://voegelinview.com/platos-crito-and-the-crisis-of-sovereignty/, Accessed 30/07/2021.

can be defined as "a supreme, perpetual, and indivisible power, marked by the ability to make law without the consent of any other."[55] So, according to this definition, sovereignty is unrestricted by the law, because the sovereign himself is the originator of the law, thus he possesses absolutism. Though, Bodin himself is said to have acknowledged the divine and natural restrictions imposed on the supreme power of the sovereign.[56] Thomas Hobbes (1588-1679) argued that sovereignty must be characterized by absolutism and unification. According to him, the sovereign does not only enact the law but also creates the law, so, the sovereign possesses the absolute right of both moral and political authority. Hobbes, like other social-contract theorists, affirmed that "the king derives his power from the populace who have collectively given up their own former personal sovereignty and power and placed it irretrievably in the king."[57] John Austin (1790-1859) who was considered as the one who instituted the legal theory of sovereignty that enjoyed long-time acceptance, analyzed sovereignty in another dimension and argued that the sovereignty is entrusted to a nation's parliament. So, the parliament is a supreme member of the community that enacts the laws which are obliged upon everybody. Likewise, the same parliament has the right to change this law at its will.[58] Furthermore, the political scientists of the 20th century (e.g., Léon Duguit, Hugo Krabbe, and Harold J. Laski) have developed the theory of pluralistic sovereignty which is operated by several political, social, economic, and religious groups that control the government of each state. Based on this theory, sovereignty is permanent in the hand of a particular set of people in the society, but it is constantly shiftable from one group or alliance to another.[59] The concept of sovereignty from a non-Islamic perspective is all about the people's authority and right to control and enforce the law on the others or restrict them from some particular acts.

4. Sovereignty Versus *Al-Ḥakimiyyah*

4.1. Difference Between the literal and Contextual Meaning of both the Concepts

The common English translation of *al-ḥakimiyyah* is sovereignty. However, the concept of *al-ḥakimiyyah* discussed by Sayyid Quṭb and Mawdūdī is more comprehensive, and it encompasses some other aspects that sovereignty does not cover. Therefore, sovereignty is not a synonymous English word for *al-ḥakimiyyah*. There is no single word in the English language that can express the full meaning of *al-ḥakimiyyah* discussed by

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[55] *Encyclopedia.com*, "Sovereignty Theory of." Via https://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/sovereignty-theory Accessed: 01/09/2020; *The Columbia Electronic Encyclopedia* S.v. "Sovereignty," Accessed July 30 2021 from https://encyclopedia2.thefreedictionary.com/sovereignty

[56] Khatab, *The Power of Sovereignty*, 27.

[57] *The Great Soviet Encyclopedia*, 3rd Edition. S.v. "sovereignty," Acessed July 30 2021 from https://encyclopedia2.thefreedictionary.com/sovereignty; Khattab, *The Power of Sovereignty*, 27.

[58] See: *Britannica, The Editors of Encyclopaedia.* "Sovereignty," *Encyclopedia Britannica,* https://www.britannica.com/topic/sovereignty . Accessed 30 July 2021.

[59] Ibid.

Sayyid Quṭb and Mawdūdī. The expression of the detailed and actual meaning of *al-ḥakimiyyah* requires a sentence or more. Thus, the concept of *al-ḥakimiyyah* in the discourse of both the intellectuals is being misconceived by many researchers, and therefore, it being compared with the concept of autocracy and theocracy, whereas there is a big difference between these concepts. Such misconception is likely to have resulted from the lack of differentiation between the concept of *al-ḥakimiyyah* and sovereignty.[60] This kind of mix-up and misapprehension is what al-Farūqī observed when he called for the crucial need for Islamizing of the English language in his book "Towards Islamic English."

The concept of sovereignty in the Western perspectives only addresses the legislative aspect of the matter, as all arguments only revolve around man, who is the main sovereign in their views. However, the concept of *al-ḥakimiyyah* addresses both legislative and formative aspects of the matter. The sovereign in this perspective is vested in the hand of the Creator who knows the previous, present and future conditions of man.[61] The legislative aspect of the matter (*al-ḥakimiyyah al-tashrīʿiyyah*) has been addressed earlier in the concept of *al-ḥakimiyyah.* The formative aspect of the matter (*al-ḥakimiyyah al-takwīniyyah*) refers to the absolute power and total control of Allah over every other creature in the whole universe. The fact, which reflects the existence of the entire beings according to Allah's will and His previous knowledge, is that no one creature on the surface of the earth decides its existence, but everyone just finds himself in this world based on Allah's decision. So, this absolute sovereignty of formation and control of nature and the entire universe belong to Him alone. Indeed, there are none of His creatures can object to that cosmic and autonomous will of Allah.[62]

4.2. The Sovereign and the Origin of Sovereignty

4.2.1. Non-Islamic Perspectives on the Sovereign and Origin of Sovereignty

The arguments on the source and justification of political authority and the right of enactment of the rulers can be summarized into four perspectives as follows:

1. Theocratic School: a system of government in which the sovereignty of the ruler is believed to have been derived from a divine source; the system in which the divine directives are believed to have been given to human intermediary that manages the affairs of the people on behalf of God. In the theocratic system, the rulers are the religious leaders, and the legal system of the state is based on religious law.[63] The sovereign in this system

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[60]See: Khatab, *The Power of Sovereignty*, 26-27.

[61]See: Aḥmad, *Al-ʿAbʿād al-Siyāsiyyah*; Laḥsāsanah, *Al-Ḥākimiyyah fī al-Fikr al-Islāmī*, 65-68.

[62]See Laḥsāsanah, *Al-Ḥākimiyyah fī al-Fikr al-Islāmī*, 74.

[63]*The Concise Oxford Dictionary of the Christian Church* (Oxford University Press, 2013), https://www.oxfordreference.com/view/10.1093/oi/authority.20110803103803674; *Britannica,*

is believed to have been elected directly by the deity, so he is a divine selection that rules in the name of the deity. Hence, he is unaccountable to anyone except the deity who vested him with the power. Thus, the theocratic system of government gives absolute sovereignty to the rulers and it is believed that the source of their sovereignty comes from the deity.[64] The system was typically implemented in the early political civilizations.[65] This system of government prevailed for about ten centuries, from the downfall of the Western Roman Empire in 476 A.D till the 15th century, the beginning of the Renaissance Period in Europe. During this period, the social influence and political power of state affairs belonged to the church. The theory of Western theocracy, through which the source of sovereignty is directly referred to as God has led to the absolutism of the power, and denied the public the right of resistance and objection, even if the oppression and tyranny of the government are obvious. Since the sovereign is ruling on behalf of God, no one has the right to go against God. Thus, the miserable social and political system that the European community experienced during the Middle Age period led them to investigate another theory and justification of the source of the sovereignty.[66]

2. The democratic school believes that the sovereignty of any government is derived from the public will. So, no recognition for any authority except with the consent of the citizens. The public serves as the sovereign and source of authority. In this system, every eligible citizen only practices his right of legislation during the election, by electing his representative that will later act on his behalf on the legislative issues. Democracy is a form of government in which the supreme authority is assigned to the people and exercised directly by them or on their behalf by their elected representatives.[67]

3. Another school refers to the source of sovereignty to several social circumstances, such as the theory of family development, the belief that sovereignty is derived from parental authority. This theory believes that the origin of a nation is a family that later developed to become a clan, then a tribe, then a city, and finally became a nation.[68] Another theory of this school believes that the source of sovereignty is a natural phenomenon that resulted from different factors which their subsequent effectiveness led to the creation of social solidarity in the community. Thus, the effectiveness of such factors resulted in the emergence of a group of people in that community who imposed their views on the public. So, the group assigned to themselves the right of legislation and its enforcement on the entire community.[69]

The Editors of Encyclopaedia, "Theocracy," *Encyclopedia Britannica,* Invalid Date, https://www.britannica.com/topic/theocracy. Accessed 30 July 2021.

[64]Adiyy Zayd al-Kaylānī, *Ta'ṣīl wa tanẓīm al-Sulṭah fi al-Sharī'āt al-waḍ'iyyah wa al-Sharī'ah al-Islamiyyah* ('Ummān: dᾱr al-Bashīr, 1st ed. 1987), 17-20.

[65]*Britannica, The Editors of Encyclopaedia,* "Theocracy."

[66]Al-Kaylānī, *Ta'ṣīl wa tanẓīm al-Sulṭah fi al-sharī'āt al-waḍ'iyyah,* 17-20.

[67]*Dictionary.Com,* "Democracy," https://www.dictionary.com/browse/democracy

[68]Paul Krause, *Plato's Crito and the Crisis of Sovereignty*, 3.

[69]Al-Kaylānī, *Ta'ṣīl wa tanẓīm al-Sulṭah fi al-Sharī'āt al-Waḍ'iyyah*, 24.

4. The Marxist Perception that was established on dialectical materialism of human societies and the emergence of power. The theory argues that there was neither sovereignty nor state in form of polity in the previous eras due to the lack of hierarchy. However, sovereignty emerged as a result of economic development that led to the creation of social hierarchical order and the evolution of the state. So, there must be a power that will pressure and impose its view on the public to gain social order. In this case, the source of sovereignty is referred to the level of social influence of one group on the other.[70]

4.2.2. Islamic Perspective on the Sovereign and the Origin of Sovereignty

The right of the legislation in the Islamic perspective is vested in Allah, by deciding the purpose of human existence in this life and decreeing the principles upon which legislations should be based. The revelation which is the holy *Qur'ān* and traditions of the Prophet (*SAW*) represent these principles. Based on the fact that the concept of *al-ḥakimiyyah* is more comprehensive, there is a difference between the source and originator of the law and its administration and enforcement.[71] The source of authority of any Islamic government and its eligibility to enforce the law are neither derived from the ruling party nor from the Muslim community. However, the authority of governorship can only be derived from the activities of facilitating the enforcement of the Islamic law.[72] This argument can be considered as the standard of eligibility of continuity of any Islamic government after its appointment by the community. Iman al-Ghazālī argues that nobody's injunctions or commandments are worthy of enforcement except the ones that come from He Who owns the creatures and orders. However, any other injunctions given by the Prophets, rulers, masters, fathers, etc. can only derive their value, mandate and compulsion of enforcement from the order that has been given by Allah to obey such categories of the people. Had it been that Allah has not enjoined us to obey them, there will be no compulsion for adhering to their injunctions.[73]

4.3. Bases and Sources of Legislation

The primary sources of legislation in the concept of *al-ḥakimiyyah* are the holy Qur'ān and Sunnah of the Prophet (*SAW*) which are the practical aspect of Allah's sovereignty and His divine will, through which the purpose of the creation and functions of the man on the earth are revealed. The absolute formative sovereign of Allah gives Him the right of decreeing man's affairs in this life. So, the whole political and social affairs of man must adhere to the principles of Islam. However, the management and enforcement of these principles are vested in man by making them the vicegerent of Allah on the earth.[74] Therefore, the right of the legislation in Islam is vested in Allah through His revelation, and the application of that legislation is vested in man through the employment of the

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[70]Ibid., 25-28.

[71]Khatab, *The Power of Sovereignty*, 45.

[72]Al-Kaylānī, *Ta'ṣīl wa tanẓīm al-Sulṭah*, 30-31; Khatab, *The Power of Sovereignty,* 46.

[73]Abu Ḥāmid al-Ghazālī, *Al-Mustaṣfā*, 1st ed. (Dār al-Kutub al-'Ilmiyyah, 1993), 66.

[74]Laḥsāsanah, *Al-Ḥākimiyyah fī al-Fikr al-Islāmī*, 73-74.

Knowledge and reasoning that will lead mankind to the correct exploration of Allah's injunctions and proper deduction of their rules, to use them for the right and just decision for the benefit of the entire beings, and fulfil the mission of the vicegerency that Allah has assigned to the man on the earth.[75] Contrarily, the main and primary source of legislation in the concept of sovereignty from the Western perspective is man.

5. Conclusion

The paper addresses the concept of *al-ḥakimiyyah* in the discourse of Abu 'Alā Mawdūdī and Sayyid Quṭb and its divergence from the concept of sovereignty in the Western perspectives. So, the literal and technical meanings of both concepts are analyzed to figure out the misapprehensions that tend to have emerged from the belief that the Western perspective on sovereignty absolutely represents the concept of al-ḥakimiyyah. Al-Ḥakimiyyah in the discourse of Abū Alā Mawdūdī and Sayyid Quṭb simply means the adoption of a political and social system that is completely based on the principles of Islam, whereby all enactments coincide with the basic fundamental of Islam. While the concept of sovereignty from the Western perspective only discusses the people's authority and their independence to control and enforce the law on the other people. Thus, the concept of sovereignty from the Western perspectives only focuses on the legislative aspect of the matter, since all arguments only revolve around the man, who is the main sovereign in their views. However, the concept of *al-ḥakimiyyah* is more comprehensive, and it encompasses other aspects of sovereignty, which is the formative aspect of the matter (*al-ḥakimiyyah al-takwīniyyah),* that is, the absolute power of Allah and His total control over every creature in the whole universe. As a result, Allah is the chief sovereign in the concept of *al-ḥakimiyyah*, and the right of decreeing lawful and unlawful acts -legislation- is vested in Allah. The revelation and traditions of the Prophet (*SAW*) embody this legislation. Likewise, the application and enforcement of the law are vested in man, by exploring the holy Qur'ān and *Sunnah* for proper deduction of their injunctions, to use them for the right and just decisions for the benefit of the entire beings, and fulfil the mission of the vicegerency that Allah has assigned to the man on the earth. Contrarily, the sovereign and the primary source of legislation in the concept of sovereignty from the Western perspective is vested in man. Therefore, the concept of sovereignty from the Western perspective does not mean the same thing that the concept of *al-ḥakimiyyah* means. No doubt about the fact that the holy Qur'ān, *Sunnah*, and other sources of Islamic enactment do not give details of every aspect of legislation, but the fundamentals upon which all legislation should be based are mentioned in the primary sources of Islamic legislation. Therefore, any law initiated by man must be subjected to those principles and fundamentals.

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