Article

A Critique of the Concept of *Ḥākimiyya*: Nasr Hamid Abu Zayd's Approach

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Abstract: This article seeks to demonstrate how the Egyptian scholar Nasr Hamid Abu Zayd (d. 2010) challenges the concept of divine sovereignty (*ḥākimiyya*), or the rule of God, developed during the twentieth century, primarily by Sayyid Qutb and Abul Ala Mawdudi—a concept that has inspired many Sunni Islamist movements. The article first explores key aspects of the concept of *ḥākimiyya* as presented by these two thinkers. Then, key components of Abu Zayd's humanistic hermeneutics are explained briefly. The article argues that Abu Zayd uses this hermeneutic to challenge the concept of *ḥākimiyya* and the three main ideas associated with it: (1) the notion of divine sovereignty; (2) the associations between divine sovereignty, the Prophet, and the Qurʾān; and (3) the necessity of implementing Sharia. The article concludes that while challenging the concept of divine sovereignty, Abu Zayd argues for a political theory which seeks to de-politicize Islam—a theory which emphasizes that the state should take a neutral position toward the religious orientation of its citizens and the state law should not necessarily be derived from religious principles.

Keywords: Nasr Hamid Abu Zayd; Sayyid Qutb; Abul Ala Mawdudi; divine sovereignty; Qurʾānic hermeneutics

1. Introduction

Nasr Hamid Abu Zayd (1943–2010) was an Egyptian scholar who produced works in the areas of literary studies and the Arabic language as well as Qurʾānic and Islamic studies. He received his Ph.D. from Cairo University in 1981 after submitting his thesis on the medieval Muslim Sufi, Ibn Arabi (d. 1240). The controversy created by his works, especially *Naqd al-Khiṭāb al-Dīnī* (Critique of Religious Discourse) and *Mafhūm al-Naṣṣ* (The Meaning of the Text), led the Cairo Court of Appeals to declare him an apostate in June 1995, which resulted in his migration to the Netherlands, where he served as professor of Islamic Studies at Leiden University until his death (Abu Zayd and Nelson 2004, p. ix).

There is now a considerable body of scholarly literature in English in which Abu Zayd's ideas are explored and analyzed. The vast majority of these works deal with his approaches to revelation and Qurʾānic hermeneutics (e.g., Rahman n.d.; Kermani 2006; Campanini 2011, pp. 52–62; Moch 2022), with some scholars considering his approach "humanistic" (e.g., Sukidi 2009). Some works compare Abu Zayd's approaches to interpreting the Qurʾān with those of other Muslim scholars with reformist ideas, such as Muhammad Arkoun and Fazlur Rahman (e.g., Völker 2015, 2017). Abu Zayd's contribution to the reformist debate, particularly its re-examination of Islamic heritage in light of contemporary concerns (Völker 2018) and his ideas on pluralism (Zohouri 2021), are also covered in the literature. Some scholarly works are dedicated to the Egyptian court rulings against Abu Zayd's writings and the critiques made of his works by traditionalist scholars in Egypt (e.g., Bälz 1997; Najjar 2000). Despite this rich literature, Abu Zayd's political ideas, especially his approach to the relationship between religion and politics and his systematic criticism of the notion of divine sovereignty, have yet to be adequately analyzed, though some scholars have addressed the issue in passing (Kassab 2010, pp. 186–91).

To fill this lacuna, we explore how Abu Zayd challenges the concept of divine sovereignty (*ḥākimiyya*), or the rule of God, and illustrate the hermeneutic approach he uses to mount this challenge. We also demonstrate how Abu Zayd's approaches to religion and politics were shaped by his critique of the ideas of *ḥākimiyya* theorists, particularly Sayyid Qutb (d. 1966) and Abul Ala Mawdudi (d. 1979). Analysis of the concept of *ḥākimiyya*, as well as criticisms of it by scholars such as Abu Zayd, is of vital importance given the close relationship between *ḥākimiyya* and the ideology of contemporary radical Islamist movements such as al-Qaeda and the Islamic State of Iraq and Syria (ISIS). With regard to the influence of Sayyid Qutb's ideas on the latter group, Hassan Hassan (2016, p. 1) notes that "the Islamic State's ideology... is the product of a hybridization of doctrinaire Salafism and other Islamist currents such as Sayyid Qutb's concepts of *hakimiyya*." One Salafi-jihadi manifesto used by ISIS leaders was *The Management of Savagery*, written under the pseudonym Abu Bakr Naji in 2004. In this book, Naji borrows heavily from Sayyid Qutb's idea of *ḥākimiyya*, calling for the replacement of *jāhiliyya*[1] with *ḥākimiyya* by force if necessary (Gerges 2016, pp. 34–35). Naji also highlights the importance of Mawdudi's idea that Muslims should revive *ḥākimiyya* and adopt it as their main political system in the contemporary world (Gerges 2016, p. 217). The use of *ḥākimiyya* in ISIS ideology was also seen after the group captured Mosul in 2014, declaring the establishment of the caliphate. At the time, Abu Muhammad al-Adnani, an ISIS spokesman, delivered a speech that included references to the key principles of *ḥākimiyya*. In a similar tone to the arguments of Qutb and Mawdudi, al-Adnani compared contemporary events to the Prophet's era, stating that the present world is in a state of *jāhiliyya*. Therefore, al-Adnani (2014) claimed—in the same way that the Prophet built a state, implemented divine laws, and saved the Arabs from the state of ignorance—it is incumbent upon Muslims today to establish a state governed by God's laws.

This article comprises two main sections. First, key aspects of the concept of *ḥākimiyya* as presented by its two key proponents in the twentieth century, Sayyid Qutb and Abu'l Ala Mawdudi, are explored. Second, we present Abu Zayd's critique of the concept, explore key aspects of his hermeneutics, and demonstrate how he uses his humanistic hermeneutic to challenge *ḥākimiyya* and its key components. We argue that Abu Zayd's critique targets three main premises of *ḥākimiyya*: (1) the notion of divine sovereignty; (2) the associations between divine sovereignty, the Prophet, and the Qur'ān; and (3) the necessity of implementing Sharia in society and considering it the law of the state.

2. The Concept of *Ḥākimiyya*

The concept of *ḥākimiyya*, according to Hashemi (2013, p. 522), "featured prominently in modern Islamic political thought during the mid-to-late 20th century in the context of emerging debates on the moral basis of legitimate political authority in the postcolonial era." The key feature of *ḥākimiyya* includes "relying on the sovereign judgment of God and... applying the rule of God as the only legitimate rule over people" (Kassab 2010, p. 186). The Arabic word *ḥākimiyya*, commonly translated as authority or sovereignty, is derived from the root ḥ-k-m (*ḥukm*). *Ḥukm* appears in several verses of the Qur'ān and conveys a range of meanings. For example, some Qur'ānic verses confirm that God's prophets have been granted *ḥukm* and *'ilm*; in the context of these verses, the former is often translated as wisdom and the latter as knowledge. The prophets Lot, Solomon, and Moses are described in the Qur'ān as having been granted wisdom (*ḥukm*) and knowledge by God (Q 21:74; Q 21:79; Q 28:14). Other figures in the Qur'ān are considered to possess *ḥukm*. For example, the Qur'ān states that John the Baptist received *ḥukm* while he was still a child (Q 19:12). In other verses, the term *ḥukm* is used alongside the terms of prophethood and scripture: "No person to whom God had given the Scripture, *ḥukm* and prophethood would ever say to people, 'Be my servants, not God's' " (Q 3:79; see also Q 6:89).

While the aforementioned verses do not ascribe any political connotation to *ḥukm*, key Islamist figures' interpretations of other verses associate the term with political authority. Those favoring this approach include Qutb and Mawdudi. Most often mentioned by such

scholars is the phrase "authority (*ḥukm*) belongs to God alone," which appears in three verses (Q 6:57; Q 12:40; Q 12:67). In particular, Q 12:40 reads, "Authority (*ḥukm*) belongs to God alone, and He orders you to worship none but Him: this is the true faith, though most people do not realize it." In contrast, pre-modern Muslim scholars and Qurʾānic commentators tended to interpret this verse in a less political manner. Muḥammad b. Jarīr al-Ṭabarī (d. 310/923) interprets the phrase "*ḥukm* belongs to God" to mean that God alone must be worshipped and judgment belongs only to God (al-Ṭabarī n.d.). Another classical commentary on the Qurʾān, *Tafsīr al-Jalālayn*, offered a similar view on Q 12:40: "Judgment decree belongs to God alone. He has commanded that you worship none but Him" (al-Suyūṭī 2021). At times, the idea that "*ḥukm* belongs to God alone" was used by pre-modern Muslim theologians such as Fakhr al-Dīn al-Rāzī (d. 606/1210) to argue against the notion of free will, affirming that "all possibilities are determined exclusively by God rather than by human agency" (Zaman 2015, p. 391). In the twentieth century and concurrent with the rise of Islamist views (particularly the idea that Muslims should live under an Islamic state in which Sharia is implemented), the phrase "*ḥukm* belongs to God" was interpreted in a highly political manner—interpretations that gave rise to the concept of *ḥākimiyya*.

A key figure in the twentieth century who interpreted the concepts of *ḥukm* and *ḥākimiyya* in an absolute political manner, breaking away from the pre-modern Muslim scholarship cited above, was Abul Ala Mawdudi. Mawdudi does not deny that *ḥākimiyya* means God is "the Creator of the Universe" and "the real Sustainer and Ruler" but extends the term to refer to the idea that "God's Will should reign" (Mawdudi 1960, p. 166) and "God alone is the Law-giver" (Mawdudi 1960, p. 168). Indeed, for Mawdudi (1960, p. 169), "God is not the mere Creator of the Universe; He is also its Ruler and Governor." Therefore, the only legitimate political system for Muslims is one in which God's laws are implemented, meaning that human legislation should always be "subject to the Supremacy of Divine Law within the limits prescribed by it" (Mawdudi 1960, p. 169). Mawdudi uses the term *ṭaghūt* to refer to the opposite of the rule of God and a form of disobedience to divine authority. Indeed, *ṭaghūt* represents a condition in which human beings' own laws prevail in society and God's laws are neglected (Mawdudi 1955, p. 2).

To justify his political theory, Mawdudi argues that prophets of God questioned human-made legislation and sought to implement divine law. He believes even Jesus—who may not appear to have focused on legalistic matters—aimed to "revolt against man-made law and to obey Divine Law" (Mawdudi 1960, p. 177). The Prophet Muhammad is described in Mawdudi's work as a legislator who "formulated laws of social culture, economic organization, group conduct and international relations" (cited in Jackson 2011, p. 46). Muhammad, according to Mawdudi (1960, p. 135), established a state, became a ruler, and enforced God's law upon people, aiming to demolish "man's supremacy over man." Mawdudi goes on to state that the Prophet started a revolution in Arabia with the proclamation of Islam as a new religion (Mawdudi 1960, p. 125). Islam, therefore, "is a revolutionary ideology and programme which seeks to alter the social order of the whole world" (Mawdudi 1980, p. 5).

Another influential Muslim thinker of the twentieth century, the Egyptian scholar Sayyid Qutb, wrote about God's power and authority in terms of political sovereignty. Commenting on verse Q 12:40, Qutb states that "judgment and authority belong to no one other than God. It is He... [who has the] authority to legislate and judge... sovereignty, belongs to Him.... Whoever claims any right to it is indeed disputing God's power" (Qutb 2015, vol. 10, pp. 62–63). Qutb states that in the Islamic political system, "the nation selects the ruler, giving him the authority to govern in accordance with God's law"; however, the ruler "is not the source of sovereignty" and is not given the right to legislate, because his duty is limited to implementing "what God has legislated" (Qutb 2015, vol. 10, p. 63). Therefore, any regulation or law that God has not legislated should not be enforced by the ruler. In this sense, in a proper Islamic political system, according to Qutb, *ḥākimiyya* does not belong to human beings but to God alone. The ruler's duty is to ensure that God's legislation is implemented appropriately. In such a system, the ruler does not rule per se; it

is God who rules. God's laws, according to Qutb, are fixed and unchangeable, and no one is permitted to change them according to his or her subjective desire:

> The Qur'ān is immutable.... The Qur'ān is capable of guiding human life today and in the future because... it is God's last and final message... [and] never changing. Would it not be laughable if the sun, for instance, were described as old or "reactionary" and hence it should be replaced by a new and more "progressive" star? Similarly, is it not also laughable for man to be considered antiquated... and his replacement by some other more "enlightened" being to rule the world be argued for? It would also be ludicrous to say the same with regard to the Qur'ān, God's last and final message to mankind. (Qutb 2015, vol. 2, p. 3)

Another key term that appears in Qutb's writings is *jāhiliyya*, which is used to describe the ignorance of Arabian society before the emergence of Islam. *Ḥākimiyya* and *jāhiliyya* are connected in the sense that rejecting the latter implies endorsement of the former, given that the latter refers to submission to human sovereignty, while the former refers to submission to divine sovereignty. Indeed, *jāhiliyya* occurs when an individual or society rejects *ḥākimiyya*. Writing in the mid-twentieth century context, when the secularism thesis was prevalent in the world, including in Muslim-majority societies, Qutb claimed that contemporary societies live in a state of *jāhiliyya*. Mawdudi himself had used the term *jāhiliyya* in his writings but in a less "radical" way than Qutb. According to Zimmerman (2004, p. 234), "Mawdudi believed that the world was a mixture of Jahiliyyah and Islam, whereas Qutb believed that the world was either one or another." For Qutb (2008, p. 41), "*jāhiliyya* is the worship of some people by others; that is to say, some people become dominant and make laws for others, regardless of whether these laws are against God's injunctions." This stands in sharp contrast to Islam's fundamental objective, which from the very beginning of its emergence was to "abolish all those systems and governments which are based on the rule of man over man" (Qutb 2008, p. 37).

Therefore, the concept of *ḥākimiyya* has three key interconnected components. First, because God alone is the real sovereign and *ḥākimiyya* belongs to Him; no individual, party, or class can lay claim to sovereignty. Second, the real law-giver is God, and believers should not create independent legislation, nor should they change laws that God has legislated for them based on their own desires or intentions. Third, an appropriate Islamic political system should be founded upon the legislation laid down by God, or in Mawdudi's words, "The government which runs such a state will be entitled to obedience in its capacity as a political agency set to enforce the laws of God" (Mawdudi 1960, p. 138). Therefore, the main concept behind Mawdudi's and Qutb's political theories is the idea of God's will being embodied, not in a particular person, such as an imam or a caliph, but in the corpus of divine law. Indeed, unlike Shia political theologies in the modern period, in particular the notion of the rule of jurists, Mawdudi's and Qutb's political theories are focused on God's law and an Islamic political system that implements God's law rather than a focus on who is qualified to rule. In principle, *ḥākimiyya* supports the unity of religion and politics and rejects any theory which states that religion and politics, or religious and political institutions, should be separated in one way or another—be they American models of secularism or assertive secularism theories such as *laïcité* (Khatab 2002, p. 155).

Before we explain how Abu Zayd criticizes *ḥākimiyya* and its key elements, it is important to outline that Abu Zayd was not the first scholar in Egypt and in the Muslim world, broadly speaking, who criticized aspects of the concept of religious sovereignty and the establishment of a state based on the sharia. Long before Abu Zayd, Egyptian scholar Ali Abd al-Raziq (d. 1966) argued that the main aim of Islam and the Prophet Muhammad's teaching was not to establish a state. According to him, the Qur'ān and the Sunna of the Prophet do not provide any fixed rule about governance and methods of rulings, and that the caliphate had no basis in the primary sources of Islam (Abd al-Raziq 1978, pp. 5–13). As one commentator on Abd al-Raziq's works notes, the key argument presented by Abd al-Raziq was that "the Prophet never established or headed a government; nor did he call for such, since he was merely a messenger assigned with the task of proclaiming a religious

[and spiritual] message" (Ali 2009, p. 70). Unlike Islamist scholars such as Mawdudi and Qutb, Abd al-Raziq concluded that there is no fixed form of state assigned for Muslims, and thus they can choose an appropriate political system suited to their needs and conditions (Ali 2009, p. 71). As will be discussed below, some of these ideas have also been emphasized in Nasr Hamid Abu Zayd's critique of the notion of *ḥākimiyya*.

3. Nasr Hamid Abu Zayd's Hermeneutic Approach

From the middle of the twentieth century onwards, some Muslim scholars developed a genre of exegesis, seeking to understand the Qurʾān in its historical context. Without negating the divine origin of the Qurʾān, these scholars sought to historicize it, arguing that the historical conditions of the Qurʾān's emergence had an important impact on its style, content, and message. This approach to interpreting the Qurʾān emerged gradually in Egyptian academic circles of Qurʾānic studies scholars. Amin al-Khūlī (d. 1966), who is well-known for his literary approach to interpreting the Qurʾān, adopted a historical approach to revelation—one that was later used by Abu Zayd. According to al-Khūlī, the moment of revelation brought God's speech "into existence amongst people and... in the world" (Naguib 2015, p. 47). Al-Khūlī further emphasized that the study of the world in which the Qurʾān emerged—specifically the political, cultural, and social practices of pre-Islamic Arabs until the era of revelation—is a necessity for any approach to interpreting the Qurʾān. Acknowledging these practices as *mā ḥawl al-Qurʾān* (what surrounds the Qurʾān), al-Khūlī argues that knowledge of the intellectual milieu of the Qurʾān, including the beliefs, history, and family structures of Arabs, is important to understanding the Qurʾān and its message (al-Khūlī 1961, pp. 233–34). Furthermore, al-Khūlī emphasizes that the study of the Qurʾān's historical background should include the circumstances of its revelation. As Salama (2018, p. 44), one interpreter of al-Khūlī's approach, notes, al-Khūlī held that "an exegete has to be equipped both with knowledge of the emotional condition of the Prophet in relation to the verses revealed and insight into the different psychological promptings of different revelations."

This historical approach to the Qurʾān is key to Abu Zayd's hermeneutics. Throughout his work, he highlights the historicity of revelation or its "occurrence in time" (*al-hudūth fil-zamān*) (Abu Zayd 1995, p. 71). From the moment of revelation, the Qurʾān entered history and acquired a status connected to the society and time in which it emerged. Like al-Khūlī, Abu Zayd notes that the Qurʾān is connected to the norms and values of the pre-Islamic era and is thus a "cultural production, in the sense that pre-Islamic culture and concepts are re-articulated via the specific language structure" (Abu Zayd 2006, p. 97; see also Abu Zayd 1998, p. 24). That is, "any genuine hermeneutics has to take into consideration the pre-Islamic culture as the key context" (Abu Zayd 2006, p. 97). For Abu Zayd, the experiences of the Prophet and the nascent Muslim community as well as their communication or debate with others, including opponents, influenced the content of the Qurʾān. This means that the Qurʾān is "the outcome of dialoguing, debating, augmenting, accepting, and rejecting. This horizontal communication and humanistic dimension is in the 'structure' of the Qurʾān, not outside it" (Abu Zayd 2010, p. 287).

Abu Zayd further argues that an interpreter's pre-understandings determine the meaning that can be realized in the act of interpretation. This approach to understanding texts was adopted by some Western philosophers in the twentieth century. In particular, Hans-Georg Gadamer argued that any act of understanding or interpretation takes place in the context of pre-understandings—what the interpreter has already understood. Therefore, our pre-understandings make an essential contribution to our understanding, and interpreters of a given text are preconditioned by a variety of factors, such as the sociopolitical and cultural norms of the societies in which they live (Gadamer 1975, p. 296). Abu Zayd was in favor of this approach. Indeed, Gadamer's influence is apparent in Abu Zayd's ideas (see Akbar 2021). For Abu Zayd, when we deal with the discipline of interpretation, we should always consider the fact that we can never achieve an absolute truth: "there is neither an objective, nor an innocent interpretation" (Abu Zayd 2006, p. 93). Applying

this approach to the realm of Qurʾānic studies, Abu Zayd concludes that when one speaks of Islam or the Qurʾān, one indeed speaks of one's interpretation of Islam or the Qurʾān rather than Islam or the Qurʾān per se. Abu Zayd refers to a statement from Ali b. Abi Talib, the fourth caliph and the first Shia Imam, who once stated that the Qurʾān is just a piece of writing "that is drawn between two covers and that does not speak" for itself; it is humans who speak for it (Abu Zayd 2018, p. 97).

Based on this approach, Abu Zayd makes a sharp distinction between a given text and its interpretation, arguing that they must be distinguished from each other. Abu Zayd refers to interpretation as "the other side of the text," which should never be conflated with the text itself (Abu Zayd 1998, p. 9). In analyzing texts, he argues that "we would not claim that the interpretation was identical to the text or to the author's intent" (Abu Zayd 2018, p. 74). In the case of religious texts or sacred scriptures, this distinction is even more important, given that conflating the human interpretation of a text such as the Qurʾān and the text itself leads directly to "conflation of the human and the divine and confers divine status on the human and the temporal" (Abu Zayd 2018, p. 74). Accordingly, in a religious discipline such as *tafsīr*—or Qurʾānic interpretation—we should take into consideration that no idea is sacred or beyond question or criticism, because it includes human knowledge and human understanding of the text (for similar contextualist approaches see Akbar 2020; Akbar and Saeed 2020).

4. Challenging the Very Notion of Divine Sovereignty

To challenge the theoretical foundation of *ḥākimiyya*, Abu Zayd uses his hermeneutics throughout his writings. He argues that the theorists of *ḥākimiyya*, particularly scholars such as Qutb and Mawdudi, neglect the idea that the interpretation of religion or religious texts takes place in a particular context and that every form of interpretation represents a unique relationship between the text and the interpreter, including the interpreter's particular pre-understandings and presuppositions. Indeed, for Abu Zayd, the main weakness of the concept of *ḥākimiyya* is the erroneous notion that "religious texts are self-explanatory and speak for themselves" (Abu Zayd 2018, p. 111). *Ḥākimiyya* takes "God's word in God's book as the sole arbiter in human affairs" and considers it "the only legitimate rule over people" (Kassab 2010, p. 186). However, this reliance on the word of God takes place through a particular interpretation, given that religious texts, like other texts, require "humans to understand and interpret them" (Abu Zayd 2018, p. 78). Based on this analysis, Abu Zayd considers the ideas presented by *ḥākimiyya* theorists as only one form of interpretation among many other possible interpretations.

Abu Zayd further argues that *ḥākimiyya* theorists fail to distinguish between their own opinions and Islam, and that they emphasize that their ideas represent Islam and absolute truth: "[They] do not present these ideas as individual opinions but asserts that [their] theories are Islam" (Abu Zayd 2018, p. 71). Abu Zayd gives the example of Sayyid Qutb's interpretation of jihad, which he argues is based on the particular approach of medieval Muslim scholar Ibn Qayyim al-Jawziyah (d. 751/1350). Abu Zayd then concludes that Qutb attributes Ibn Qayyim's particular understanding of jihad, which is one among many other interpretations, to Islam itself: "When he [Qutb] discusses the principle of jihad, [he] adopts the classification that Ibn al-Qayyim makes for the relationship that Muslim society has with non-Muslims.... Qutb accepts Ibn al-Qayyim's personal opinion... and, more importantly, equates that opinion with Islam itself" (Abu Zayd 2018, p. 64).

As a result, what proponents of *ḥākimiyya* present as divine sovereignty, Abu Zayd concludes, is nothing more than a human interpretation of religion. Therefore, establishing a government based on *ḥākimiyya* would not result in the fulfillment of God's will but rather impose human thoughts, ideas, or interpretations of God's book on citizens (Abu Zayd and Nelson 2004, p. 90). In the end, *ḥākimiyya*, according to Abu Zayd, is a man-made political system based on the rule of people or a group of people who claim to speak on behalf of God. For Abu Zayd, *ḥākimiyya* is not an Islamic government or divine sovereignty but represents what can be referred to as "human sovereignty" in the garb of religion. Such

a political system, even if ruled or supervised by a group of *ʿulamāʾ*, does not represent divine sovereignty, because "the authority represented by men of religion" is a form of human sovereignty with its "own prejudices and ideological biases" (Abu Zayd 2018, p. 78).

5. The Prophetic State and Afterwards

In his discussions criticizing the concept of *ḥākimiyya*, Abu Zayd argues that *ḥākimiyya* is not rooted in how the Prophet Muhammad and the rightly guided caliphs ruled the nascent Muslim society. During the Prophet's time, as Abu Zayd notes, "there was a well-established understanding that religious texts had special domains of activity, while there were other domains that were open to human reason and human experience and were unaffected by the texts." Despite this, *ḥākimiyya* theorists "expand the authority of religious texts into all domains," including the arena of politics—an idea that neglects the prophetic principle that "You know best about your own worldly affairs" (Abu Zayd 2018, p. 49). Throughout Abu Zayd's writings, the arena of politics is considered a human or non-divine sphere that requires human reasoning, meaning that in general there is no need to refer to religious texts in managing the political affairs of society. Abu Zayd notes that the Qurʾān only identifies a number of values such as fairness and justice that are central to the Muslim polity but does not mandate a specific political administration or form of government (Abu Zayd and Nelson 2004, p. 183). Accordingly, the "form of government... is open to Muslims to choose for themselves" (Abu Zayd and Nelson 2004, p. 183). This is reminiscent of Ali Abd al-Raziq's argument about governance. As we discussed earlier, he argued that the Qurʾān does not instruct the Prophet to rule. Leaning on several Qurʾānic verses such as Q 4:80, Q 6:66–67, Q 10:108, Q 39:41, and Q 42:48, Abd al-Raziq argued that "apart from the right to proclaim the spiritual message", the Qurʾān did not give any authority to Muhammad to rule or claim rulership over his *umma* (Ali 2009, pp. 77–78).

Unlike Qutb and Mawdudi, who believed that the key element of *ḥākimiyya*, namely the establishment of divine sovereignty, is rooted in the era of the Prophet, Abu Zayd argues that it is grounded on the Umayyad rulers' manipulation of religious texts to legitimize their own rulership: "the Umayyads... first put forward the idea of divine sovereignty, with all that implies in the way of claiming that texts are operative in the domain of political rivalry and clashes of interests" (Abu Zayd 2018, p. 60). This began with *Muāwiya* b. Abī Sufyān (d. 60/680), the founder of the Umayyad dynasty. *Muʿāwiya* took the advice of ʿAmr b. al-ʿĀṣ (d. 43/664), who served as his representative in the arbitration talks to end the battle with Ali's forces, ordering his army to place pages of the Qurʾān on their lances and then appeal to the text as an arbiter in their dispute. Indeed, *Muʿāwiya* used the Qurʾān—as Muslims' key religious text—to legitimize his rule because he, in particular, and other Umayyad rulers, in general, "had lost the legitimacy on which any political system must be based" (Abu Zayd 2018, p. 60).

The use of religion as a means of legitimizing politics continued throughout the Umayyad dynasty.[2] The Umayyad rulers collaborated closely with the *ʿulamāʾ*, which gave rise to the emergence of state *ʿulamāʾ*. By using religion and referring to religious texts, state *ʿulamāʾ* sought to decrease, to a great extent, the significant challenges facing Umayyad rulers' authority (Abu Zayd 1995, p. 22). Indeed, without the support of the *ʿulamāʾ*, caliphs lacked the necessary legitimacy, and thus a discourse gradually emerged, according to which the caliph claimed to rule on behalf of God and based on God's law. Abu Zayd (2018, pp. 60–61) further notes that one way in which the Umayyad rulers and state-affiliated *ʿulamāʾ* legitimized their rulership was their emphasis on the concept of *jabr*, or determinism, "which attributes everything that happens in the world, including the actions of mankind, to the total power of God and His indomitable will."[3] This was another technique used by the Umayyads, Abu Zayd argues, to legitimize their rulership. The placing of religious legitimacy on the ruler and appealing to religious texts or using religious concepts such as determination to legitimize his rulership meant that the ruler's political authority was gained through an appeal to divine rule. According to Abu Zayd, today's *ḥākimiyya* theorists, as well as the state they seek to establish, base their legitimacy

not on the Prophet's authority, but on the Umayyad rulers' approach to power, which was oriented around the use of religion to advance their political objectives.

6. Implementation of Sharia and the *Ḥākimiyya–Jāhiliyya* Dichotomy

As previously discussed, one key feature of *ḥākimiyya* is the idea that God's laws should be considered the foundation of the state. Indeed, for a state to legitimately represent divine sovereignty, it must implement Sharia. Abu Zayd challenges this approach based on two arguments drawn from his hermeneutic principles. First, he argues that many areas of what is known today as Sharia include human efforts after the Prophet's death to stipulate regulations and laws, which gradually resulted in the emergence of four major schools within the Sunni tradition. According to Abu Zayd (2006, p. 94), Sharia "is a man-made production" and thus, "To claim that the body of Shariʿa literature is binding for all Muslim communities... is simply to ascribe divinity to the human historical production of thought" (95). This means that the implementation of Sharia does not necessarily bestow legitimacy on a state based on the principle of divine sovereignty. For example, Abu Zayd (2018, p. 64) argues that Sayyid Qutb's approach to the penalty for theft consists of nothing more than citing the opinions of legal experts and thus not only considering them tantamount to the religion itself but also presenting them in such a way that they "cannot be contested or debated."

Abu Zayd's second argument criticizing the implementation of Islamic law is grounded in his historical-contextualist approach to the Qurʾān. The idea that Islamic laws, including those articulated in the Qurʾān, should be implemented today stands in sharp contrast to the fact that they emerged in a particular social and political context. For Abu Zayd, Islamic laws were the product of the sociopolitical conditions encountered by the Prophet and the nascent Muslim community. They "reveal a context of engagement with human needs in specific times" (Abu Zayd 2006, p. 95). Many prescribed punishments, such as the penalty for theft, had their roots in pre-Islamic society: "The Qurʾān adopted particular forms of punishment from pre-Islamic cultures in order to have credibility with the contemporary civilization" (Abu Zayd and Nelson 2004, p. 166). Given that today's context differs from that of the Prophet's time, many aspects of what we refer to as Islamic laws "need to be revised and reconsidered" (Abu Zayd 2006, p. 95). Abu Zayd therefore challenges political systems that claim to implement Islamic laws; for him, "there is no obligation to establish a theocratic state claimed as Islamic. Such a demand is nothing but an ideological call to establish an unquestionable theo-political authority" (Abu Zayd 2006, p. 95).

Based on his historical approach to religious texts and concepts, Abu Zayd also questions the approaches of Qutb and Mawdudi to *jāhiliyya* and *ḥākimiyya*. He argues that such scholars' understanding of *jāhiliyya* lacks a historical approach to the term, given that they reduce it "to a state of mind or an intellectual attitude that can recur whenever society has strayed from the path of Islam, whether in the past, the present or the future" (Abu Zayd 2018, p. 78). Furthermore, from Abu Zayd's perspective, although *jāhiliyya* refers to the pre-Islamic era, Qutb and Mawdudi present an image of Islam versus *jāhiliyya* in a way that constructs a sharp contrast between them. However, although Islam created a "new" culture that was distinct from pre-Islamic Hijazi culture in some important respects (Abu Zayd 1998, p. 24), Abu Zayd notes that the emergence of Islam did not instigate a sharp break or replace all the norms, values, and ideas of the Arabs. Many practices of pre-Islamic Arabian society, including their legal norms, paved the way for Islam. Indeed, by "dismissing the historical dimension" of religion, *ḥākimiyya* theorists redefine the term *jāhiliyya* in a way that suits their own ideology and then wield it against all political systems that are inconsistent with their preferred system. Therefore, based on his historical approach, Abu Zayd not only challenges the implementation of Sharia laws but also questions the validity of constructing a sharp dichotomy between *jāhiliyya* and *ḥākimiyya*.

7. Conclusions

This article has demonstrated how Abu Zayd uses his hermeneutic approach to challenge various aspects of *ḥākimiyya*. First, Abu Zayd challenges the notion of divine sovereignty. Given that the interpretation of religion or religious texts takes place in a particular context comprising a number of presuppositions, any political system established based on *ḥākimiyya* is nothing but a state governed by a particular understanding of religion, meaning that divine sovereignty cannot exist. Second, Abu Zayd challenges *ḥākimiyya* on the grounds that it has its roots, not in the Qurʾān or the rulings of the Prophet Muhammad and the rightly guided caliphs, but in the Umayyads' search for legitimacy. Third, based on his historical and contextualist approach, Abu Zayd questions the implementation of Sharia and the sharp distinction between *jāhiliyya* and *ḥākimiyya*.

Therefore, unlike proponents of the concept of *ḥākimiyya*, who consider the establishment of a state based on religious principles an essential aspect of Islam, Abu Zayd seeks to de-politicize Islam. His critique of *ḥākimiyya* is associated with his defense of alternative political theories such as democracy and political secularism. Indeed, Abu Zayd defends a secular-democratic political system—one in which the state takes a neutral position toward the religious orientation of its citizens and the state law is not necessarily derived from religious principles. The form of a state, according to Abu Zayd, should ultimately be determined by its citizens, because the Qurʾān does not explicitly endorse any particular political system. In such circumstances, the *ʿulamāʾ* do not have a special position. Whether Abu Zayd's ideas can be incorporated into broader Muslim political discourse and the extent to which they would be acceptable to the people of Egypt—a country in which religion still plays a major role in sociopolitical affairs—requires further research.

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Notes

[1]   This term often refers to the time and the religious, political and social conditions of Arabia before the emergence of Islam.

[2]   For example, during the second civil war (680–692), when the Umayyads' enemy ʿAbd Allah b. al-Zūbayr controlled Mecca and the pilgrimage routes, the Umayyads circulated a hadith that encouraged Muslims not to "remove the saddles from their mounts except at three mosques." The circulation of this hadith was conducted in order to establish an alternative annual pilgrimage location in the territories that were under their control in Palestine (see Goldziher 1971, vol. 2, pp. 44–45).

[3]   For more on this topic, see Judd (2014).

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