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ARTICLE

Arguing Pakistan in Late Colonial India: The Political Thought of Shabbir Ahmad Usmani

Hasan Hameed

Department of History, Princeton University
Email: hhameed@princeton.edu

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Scholars of modern South Asia have remained divided on the role of religion in the creation of Pakistan. Many have argued that Pakistan's "founder," Muhammad Ali Jinnah, was a secularist, his argument for Pakistan resting on an abstract notion of Islam within an Enlightenment framework of conceiving minority, nation, and state. Why, then, did madrasa-trained Muslim scholars, the ulama, support his demand for Pakistan? This article explores the political thought of the most influential Muslim scholar immediately before partition, Shabbir Ahmad Usmani (d. 1949). I argue that Usmani viewed Pakistan as a particular kind of Islamic democracy. While he drew on medieval Muslim juridical and political discourses, Usmani's readings reveal his debt to Western political categories. By paying attention to the tensions and opportunities offered by this encounter of modern political conditions with Islamic intellectual thought, this article outlines an Islamic vision of the political that resonates beyond the politics of colonial India.

Introduction

On a cool spring evening in Islamabad, addressing the tens of thousands of followers who had gathered in the nation's capital to show their support for his tottering regime, the then prime minister of Pakistan declared, "Today, there are 200 million Muslims in India. But the Muslims who were in India, they too voted for Pakistan. [Why?] Because it was a dream; they wanted to see a country rise on the model of the state of Medina."[1] Without knowing it, Imran Khan was contributing to a debate that has continued to engage historians of modern South Asia: how was Pakistan imagined before it formally came into being on 14 August 1947?

The debate had exploded in the 1980s with the historian Ayesha Jalal publishing *The Sole Spokesman*.[2] A "full sovereign Pakistan" was not, argued Jalal, Jinnah's

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[1] "Muslims in Hindustan Also Voted for Creation of Pakistan: Pakistan PM Imran Khan during Show of Strength Rally," *OpIndia*, 27 March 2022, at www.opindia.com/2022/03/imran-khan-says-muslims-in-india-had-also-voted-for-pakistan (accessed 29 March 2022). All translations from Urdu and Arabic are my own. For the ease of non-specialists, I have removed diacritics and special characters from the names of people and books, and also the ʿ*ayn* from names commonly known in the English-speaking world today.

[2] Ayesha Jalal, *The Sole Spokesman: Jinnah, the Muslim League, and the Demand for Pakistan* (Cambridge, 1985).

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actual demand; it rather gave him a "bargaining counter" to demand Muslim parity in the center in an undivided India.[3] For Jalal, right until the eve of partition, Pakistan remained "little more than a catch-all, an undefined slogan."[4] Jalal's groundbreaking study was published only two years after the novelist Salman Rushdie had succinctly captured the ambiguity in the Pakistan demand by wondering whether the country was *insufficiently imagined*.[5] In stark contrast, Venkat Dhulipala has recently shown that, in the 1940s, the idea of Pakistan was hotly debated in the public sphere and came to acquire a specific meaning. He concludes that Pakistan was imagined as a powerful, modern Islamic state, a "New Medina."[6] Drawing on Dhulipala, in an article written weeks before Imran Khan's rally, the prominent columnist Nadeem Farooq Paracha scrutinized Khan's rhetorical invocations of the seventh-century Muslim polity, tracing it to a particular figure in the final years of colonial rule: "The well-known Islamic scholar Shabbir Ahmed Usmani … began to explain the yet-to-be-born Pakistan as a 'naya Madinah', or new Madinah."[7] In both popular and scholarly opinion, Usmani, Madinah, and the idea of Pakistan have become closely linked.

This article untangles this connection by presenting a different reading of the political thought of Shabbir Ahmad Usmani (1887–1949). Usmani was a twentieth-century giant within the Islamic scholarly tradition, whose varied contributions to such fields as Quran commentary, Hadith, theology, and jurisprudence continue to be read in seminaries across the Muslim world. Usmani was also a politician, who became in the 1940s the foremost authority defending the Muslim League and supporting the demand for Pakistan against the many prominent Muslim scholars or ulama supporting the Congress. But Usmani never described Pakistan as an "Islamic state," and he used the metaphor of Medina when arguing for Pakistan only in a single speech in 1946—months after he began articulating his support for Pakistan. Pakistan as a Muslim civilizational center for the world was certainly part of his imagination, as was Pakistan as a transcendent symbol of Muslim unity.[8] Neither, however, formed the crux of Usmani's political thought. Instead, the fundamental premise of his arguments for Pakistan, this article will show, was that the country would be an Islamic democracy.

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[3] Ibid., 187.

[4] Ibid., 4.

[5] He was drawing, of course, on the pioneering study of nationalism by Benedict Anderson that had been published the same year. Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London, 1983).

[6] Venkat Dhulipala, *Creating a New Medina: State Power, Islam, and the Quest for Pakistan in Late Colonial North India* (Delhi, 2015).

[7] N. F. Paracha, "Dreaming of Madinah: Imran in Wonderland," *Friday Times*, 20 Jan. 2022, at www.thefridaytimes.com/2022/01/20/dreaming-of-madinah-imran-in-wonderland (accessed 23 Jan. 2022).

[8] In an important article, David Gilmartin has shown how the Muslim League's election posters in the Punjab recorded Usmani's declarations supporting Pakistan as a symbol of Muslim unity. David Gilmartin, "A Magnificent Gift: Muslim Nationalism and the Election Process in Colonial Punjab," *Comparative Studies in Society and History* 40/3 (1998), 415–36. I am sympathetic to Gilmartin's larger argument about the role of the electoral process in bringing together different, even conflicting, visions of Islamic community. However, the intellectual arguments presented by Usmani time and time again also played a major factor in winning support for the League.

Existing studies have missed the intertwined centrality of Islam and democracy in Usmani's arguments for Pakistan.[9] In highlighting these, this article seeks to do more than correct a misrepresentation of an important thinker. Recognizing the force of Usmani's arguments, I argue, is essential to understanding how Pakistan as a political idea won over other ideas in the heated debates in late colonial India.[10] Moreover, paying attention to these themes in Usmani's thought allows us to glimpse an Islamic vision of the political that resonates beyond the time and space of late colonial India.

This article elucidates Usmani's position by tracing the modes of reasoning and categories of analysis that shaped his support for the Pakistan demand. Even as it drew upon the Hanafi legal tradition of Islam, Usmani's argument was refracted through modern categories of minority, nation, and state that dominated the political discourse of the day. The inescapability of these categories, in fact, generated both possibilities and tensions in Usmani's thought.

Examining these opportunities and ambiguities in Usmani's thought, this article also addresses a conceptual lacuna in the scholarship on Indian political thought: what, really, is *Muslim* about Muslim nationalism as a distinct political vision? Existing scholarship on Indian political thought has not adequately addressed this question. To begin with, discussions of Indian political thought have avoided engaging with the idea of Muslim nationalism altogether.[11] Published in 2013, Faisal Devji's *Muslim Zion* counters this trend by taking seriously the imagination of Pakistan as a *political* idea.[12] Devji demonstrates that the ideas characterizing Muslim nationalism possessed "their own autonomy as part of a distinct political logic."[13] *Muslim Zion*, however, locates that political logic wholly within the framework of the Enlightenment, arguing that Muslim nationalism rested on an ontologically empty version of Islam. The "Muslim" in Muslim nationalism thus becomes, ultimately, an insignificant qualifier, with Muslim nationalism relegated to a creative derivate of Enlightenment thought. But such a reading is possible because *Muslim Zion* does not engage with any of the many madrasa-trained Muslim religious scholars, the ulama, who supported the demand for Pakistan, for a consideration of their views immediately poses this question: if Jinnah's support for Pakistan rested on an abstract conception of Islam within a broader Enlightenment framework of conceiving minority, nation, and state, then why did ulama such as Shabbir Ahmad Usmani support the demand for Pakistan? Were they passive recipients of the intellectual work of Jinnah? Were they simply partaking in the League's growing ascendancy to secure power for themselves in a future Pakistan? Or were they operating with a different conception of the political that nonetheless reached the same conclusions as the modernist leadership of the League?

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[9] Even one of the most careful readers of the religious and political thought of the ulama, Muhammad Qasim Zaman, overlooks the importance of democracy in Usmani's arguments for Pakistan. Muhammad Qasim Zaman, *Islam in Pakistan: A History* (Oxford, 2018), 51–2.

[10] As Ali Usman Qasmi and Megan Eaton Robb have written in their introduction to a recent edited collection, "The popularity and success of the *idea of Pakistan*, and the failure of its alternatives, remain inadequately explored." Ali Usman Qasmi and Megan Eaton Robb, "Introduction," in Qasmi and Robb, eds., *Muslims against the Muslim League: Critiques of the idea of Pakistan* (Delhi, 2017), 1–34, at 4. Their own volume addresses this gap "by understanding the failure and, in many cases, intellectual poverty of its critics." Ibid., 6. Equally important is attending to the ideas of its different proponents—a task taken up in this article.

[11] For instance, of the twenty chapters in the much-acclaimed 2010 publication *Indian Political Thought: A Reader*, only a single chapter—that too a descriptive study and not an exposition of ideas—deals with Muslims. Mushirul Hasan, "In Search of Integration and Identity: Indian Muslims since Independence," in Aakash Singh and Silika Mohapatra, eds., *Indian Political Thought: A Reader* (Oxford, 2010), 136–48.

[12] Faisal Devji, *Muslim Zion: Pakistan as a Political Idea* (Cambridge, MA, 2013).

[13] Ibid., 8.

This article takes up these questions through a study of the political thought of Shabbir Ahmed Usmani. The challenge for such a study is that Usmani's political ideas are not to be found neatly packaged in any single treatise of his, partly because he never found the time to write one. From the moment he declared his support for the Muslim League on the eve of colonial India's biggest elections in late 1945—widely seen as a referendum on Pakistan—Usmani actively entered the political arena, traveling across India to rally support for the League. Along the way, he elaborated his political position through a series of public addresses, through religious edicts circulated in the vibrant print media, and through correspondences with other ulama and lay Muslims.[14] While some of these statements read as the ad hoc justifications of a politician who wants to outdo his political opponents, carefully reading through this source material reveals the political thought of an astute thinker, one steeped both in the Islamic scholarly tradition and in the modern political categories that shaped political discourse in late colonial India. These sources —primarily in Urdu, the lingua franca of north Indian Muslims—thus form the primary site of analysis of this article.[15] I also situate Usmani's thought in the larger political climate of late colonial India by examining a range of other views about Pakistan floating in the north Indian print sphere during the crucial months of late 1945 and early 1946.

In attempting to conceptualize Usmani's thought, this article is not suggesting that personal motives—such as a desire for recognition in a postcolonial state—had no role to play in Usmani's support of the League. Nor does this article seek to champion Usmani as a "democrat"—as we shall see, Usmani had a particular understanding of democracy, to the extent that many might not even recognize it as such. Yet its peculiar character is no reason why it should not be studied seriously, just as the possibility of Usmani being motivated partly by self-interest does not negate that a scholar of his caliber was also acting upon some notion of the Islamic political. Studying Usmani's thought is thus important not just to understand the power that his ideas exercised in late colonial India, but also to better comprehend a novel conception of the Islamic political—though it emerged from the encounter of Islamic ideas with modern political conditions in late colonial India whose intellectual value exceeds its historical context.

The article begins with a brief sketch of Usmani's life and his early political career. During the Khilafat and noncooperation movements that swept across India in the early 1920s, Usmani had strongly advocated for Muslims and Hindus to struggle together against the British. An analysis of his early views allows us to trace the evolution of his thinking on the question of the political future of Muslims in India.

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[14] It should be noted that most of Usmani's speeches and his letters were already published in his lifetime shortly after they were composed—Sherkoti has listed the publication details in his compilations (see the following note). This points to the public nature of even Usmani's "private" responses to many letters.

[15] These were compiled and edited by the foremost biographer of Usmani, who first published them in 1972. I have relied on a new edition: Muhammad Anvarul Hasan Sherkoti, ed., *Khutbat-i Usmani* (Karachi, n.d.) Future citations of *Khutbat* refer to this edition. Sherkoti also compiled and published an expanded version of Usmani's letters separately as *Anvar-i Usmani* (Karachi, n.d.).

A scholar, a politician

"Shaykh al-Islam Hazrat ʿAllama Maulana Shabbir Ahmad Usmani, may Allah illuminate his grave, was a shining sun of the sky of the Islamic sharia. He was a major Hadith scholar, a venerable Quran commentator, a high-ranking theologian, respected jurist and splendid orator, a prose writer of high merit, and a great politician."[16] His biographer's comment summarizes the many dimensions of Usmani's illustrious career.[17] Born in Bijnor in 1887, he received a thorough training in the classical Islamic sciences at Deoband, where he reportedly developed a keen interest in the *maʿqulāt* (the rational sciences), in addition to demonstrating exceptional command of the *manqulāt* (the transmitted sciences).[18] Graduating in 1908, Usmani was employed for most of his life as a teacher in Deoband and at the Jamia Islamia madrasa in Dabhel, Gujarat. His large *oeuvre* of academic works, such as his commentaries on the Quran and Hadith, made him a well-known figure in Islamic scholarly circles not only across India but also in other centers of Islamic learning, such as Egypt.[19] His commentary on the Holy Quran, titled *Tafsir-i Usmani*, is perhaps his best-known work; it has been translated into English, Persian, Pashto, and Gujarati.[20] Many of his works, now freely available on the Internet, continue to be published and taught in institutions of Islamic learning across the world.

Usmani's involvement in politics is almost as long as his academic career, dating back to the 1910s when the winds of radical anticolonial activity were blowing around the Deoband seminary. In 1916, the head of the madrasa and Usmani's teacher and mentor, Shaykh al-Hind Mahmud Hasan (1851–1920), launched the famous "Silk Letters Conspiracy," a multinational plot to free India from British rule during the First World War.[21] Leading up to the conspiracy, in 1910 Hasan had formed the Jamʿiyyat al-Ansār in Delhi, an organization committed to the active dissemination of Islamic teachings with an underlying revolutionary agenda, run by such committed anticolonial figures as Ubaydullah Sindhi (1872–1944).[22]

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[16] *Khutbat*, 23.

[17] Much of the biographical details that follow are from Muhammad Anvarul Hasan Sherkoti, *Hayat-i Usmani* (Karachi, 1985). *Hayat* is the most comprehensive biography of Usmani. Another rich source is a special issue of the Urdu journal *al-Qasim*. Dedicated to Usmani's life and works, this special issue was published in book form. See Abdul Qayyum Haqqani (ed.), *Tadhkirah-o Savaneh-i Allamah Shabbir Ahmad Usmani* (Khaliqabad, 2006).

[18] Sherkoti, *Hayat*, 60–74.

[19] As evidence, see a letter that Usmani received from Zahid al-Kawthari (1879–1952), adjunct to the last Shaykh al-Islam of the Ottoman Empire, who was active in Cairo after he was exiled by the Kemalist regime in Turkey. In his letter, al-Kawthari lavished praise on Usmani's *Fath al-Mulhim*, a commentary on one of the most authoritative collections of Hadith, the *Sahih* of Muslim. He also wrote a glowing review of the book in the Egyptian journal *Al-Islam*. Al-Kawthari to Usmani, 7 July 1938, in *Anvar-i Usmani*, 103–6.

[20] For more on these translations see *Tadhkirah*, 297–9.

[21] Saul Kelly, "'Crazy in the Extreme'? The Silk Letters Conspiracy," *Middle Eastern Studies* 49/2 (2013), 162–78.

[22] For details, see Sherkoti, *Hayat*, 99–141. On Sindhi see Muhammad Qasim Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (New York, 2012), 158 and *passim*.

Having completed his traditional training in the religious sciences at Deoband in 1908, Usmani became one of the most prominent members of the new organization, delivering some memorable public addresses in the organization's annual conferences during the 1910s.[23]

The organization ended with the outbreak of the Balkan Wars. Soon afterwards, the Silk Letters Conspiracy failed. Hasan was exiled to Malta, accompanied by a student who would later become one of the fiercest critics of the demand for Pakistan, Husain Ahmad Madani. By the time they returned in the summer of 1920, the Khilafat and noncooperation movements—regarded as the first mass movements in India—were in full swing.[24] The ulama were crucial in stirring up support for these anticolonial movements. In 1919 they formed the Jamʿiyyat Ulama-i Hind (JUH), an all-India political party, a formal platform for their increasing political participation.[25]

Usmani became an active member of the JUH, using the party to voice his support for a joint Hindu–Muslim struggle against the British. His arguments were laid out in an address delivered in 1920 at the second annual session of the JUH in Delhi. The address was soon published in pamphlet form and circulated widely before being reportedly banned by the British.[26] An examination of the address reveals key insights into Usmani's political thought at this time.[27]

Usmani begins by listing the evils of the British.[28] Noting the atrocities committed against the Muslims of Iraq, Syria, Palestine, Asia Minor, and Constantinople, he voices a growing concern among Indian Muslims that British imperialism was a global anti-Muslim project. Through these acts of violence, argues Usmani, the British have settled an important debate raging in India over the presence of a contractual relationship between Indian subjects and British rulers. For those who hold that such a contract exists and precludes Indian Muslims from helping Muslims in other lands, the evils of the British ought to be sufficient evidence that the British no longer respect any such contract; therefore Muslims are under no obligation to respect it either. Instead, they must resist the British via noncooperation (*tark-i*

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[23] In a particularly memorable address, Usmani was reported to have brilliantly countered Altaf Husain Hali's critique of the ulama as being "useless" for they could not even demonstrate the necessity of prophethood or the truth of Islam. Ibid., esp. 106. I mention this to indicate that long before the 1940s, Usmani and other ulama were quite aware of the discourses of the Muslim modernists regarding them and would frequently address their criticisms.

[24] M. Naeem Qureshi, *Pan-Islam in British India: The Politics of the Khilafat Movement 1918–1924* (Karachi, 2009).

[25] For a history of the JUH see Farhat Tabassum, *Deoband Ulama's Movement for the Freedom of India* (New Delhi, 2006).

[26] Shabbir Ahmad Usmani, *Tark-i muwalat par zabardast taqrir* (Delhi, 1920). It seems that another version of the same address was published from Deoband under the title *Tark-i muwalat par mufassal tabsira*. See Muhammad Naeem Qureshi, "The Khilafat movement in India, 1919–1924" (PhD dissertation, School of Oriental and African Studies, University of London, 1973), 162 n. Several online entries on Usmani mention that this pamphlet was promptly banned by the British. See, for example, "Shabbir Ahmad Usmani, Indian Politician," at www.indianetzone.com/62/shabbir_ahmad_usmani.htm (accessed 31 March 2022).

[27] In his reading of Usmani's views on Pakistan, Dhulipala does not deal at all with Usmani's political views in the 1920s, leading to a rather one-dimensional image of Usmani as being perpetually opposed to working with Hindus.

[28] The version I cite is recorded in *Khutbat*, 57–86.

muwālāt). While some hold that the meaning of *muwālāt*, the Quranic term for cooperation, refers (only) to having feelings of love and well-being towards nonbelievers, Usmani quotes different places in the Quran along with classical Arabic dictionaries to argue that the Quranic injunction of rejecting *muwālāt* with nonbelievers includes rejecting material ties as well as feelings of love with nonbelievers. This raised a question: why should noncooperation not be extended to the major disbelieving community of India, the Hindus?

Usmani responds that though Hindus had occasionally inflicted violence on Muslims, "the prominent leaders of Hindus and the majority have vowed to do their best to prevent such instances in the future."[29] The word for "vow" that Usmani used, *'ahd*, also means "contract," and Usmani goes on to imply that the Hindus have made something of a peace treaty with the Muslims, which Muslims ought to respect "unless the *fareb* [deception] and *bad'ahdī* [contract-breaking] of the Hindus was proven."[30]

Though he appears to invoke contractual obligations as matter-of-fact references to classical Islamic jurisprudence where the language of contracts between individuals and groups is common, in his conception of Indian Muslims as a unitary collectivity that has entered into contract with another collectivity, the Hindus, Usmani seems indebted to colonial categories of classification. For the British had always perceived India as composed of abstract religious communities. As Markus Daechsel has written, "colonial observers attested the omnipresence of primordial collectivities that displayed all the negative features that European history had supposedly overcome. These entities included 'tribes', 'castes' and above all religious 'communities'. They were all pre-political in their conception: their membership and internal workings were not considered as open to conflict and negotiation, but as set by essentialist and natural affinities."[31]

Yet even if Usmani's conception of the Muslims and Hindus as two unitary groups betrays his acceptance of colonial categories, his language of contract empowers these groups to renegotiate their relationship over time. In other words, it makes the Muslims (and the Hindus) *political* entities. In fact, in another inversion of colonial rhetoric, Usmani implies that the Hindus and Muslims can manage their relationship without recourse to the British: addressing an objection that many Hindus had joined the noncooperation movement with the aim of achieving *swaraj* (self-rule), Usmani insists that *swaraj* was not opposed to Muslim interests. If India achieved self-rule, he argued, its resources would no longer be used against fellow Muslims in other parts of the world.[32] Usmani displays no trepidation about the postcolonial future, nor does he hint at the form of government that would replace the British. The implication is that these issues can be settled among Indians, which in turn suggests that Usmani believed that there was some base level of commonality, some thread of intimacy, between

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[29] Ibid., 85.

[30] Ibid.

[31] Markus Daechsel, *The Politics of Self-Expression: The Urdu Middle-Class Milieu in Mid-Twentieth Century India and Pakistan* (Oxford, 2006), 22.

[32] *Khutbat*, 79.

Hindus and Muslims which could lead to a shared political settlement in a postcolonial future. As we shall see, he would express very different views in the 1940s.

Despite the popular and intellectual support they garnered, the Khilafat and noncooperation movements failed. The JUH turned its focus on reforming local Muslim communities across India.[33] Usmani remained a tireless worker for the JUH, traveling across the country during the interwar years to work on the party's program. In 1936 he worked hard to bring the JUH closer to the League. The union lasted only a short while, but it shows that contacts between Usmani and the League's leadership in the mid-1940s had earlier precedents.[34] Ties between Usmani and the League only strengthened thereafter. In 1937, Usmani was appointed the head of a small delegation of ulama sent by the revered Sufi master and scholar Ashraf Ali Thanvi (1862–1943) to the Muslim League's annual session in Patna.[35] Usmani personally read out Thanavi's letter to Jinnah, the League's president. According to Megan Robb, the letter sought "to convince the League's modernist leaders to recognize the value of the ulama in their traditional role as overseers of the political process."[36]

While Usmani veered closer to the League, the JUH—following the breakup of its union with the League—moved closer to the Congress. Gradually, Usmani became estranged from the JUH. In an official statement to *ʿAsr-i Jadid Calcutta* in September 1939, Usmani, then president of the seminary at Deoband, publicly distanced the school from any political affiliations. He also stated that he had no connections with the Congress, for he considered united nationalism, integral to the Congress program, unacceptable from the juridical (*sharʿī*) point of view.[37]

The veiled attack here is on the position of the JUH, which had increasingly aligned itself with the Congress using the theoretical base of "united nationalism." Just a year earlier, Husain Ahmad Madani, soon to become president of the JUH, had articulated this idea in debates with Muhammad Iqbal (1877–1938), the Muslim League leader who would later be celebrated as the ideological father of Pakistan. Published in 1938, Madani's *United Nationalism and Islam* argued that Muslims and Hindus constituted one *qawm*, for the word *qawm* (unlike the word *millat*) did not mean a religiously defined community, *contra* Iqbal.[38] To the question of how Indian Muslims could live together with other religious communities of India without losing their distinct Muslim identity, Madani's answer was the idea of contract (*muʿāhadah*). He pointed to the Constitution of

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[33] For details on the JUH's work during the 1920s and 1930s see Barbara Daly Metcalf, *Husain Ahmad Madani* (Oxford, 2009), 72–122.

[34] On this episode see Peter Hardy, *Partners in Freedom—and True Muslims: The Political Thought of Some Muslim Scholars in British India, 1912–1947* (Lund, 1971), 37.

[35] It seems that the League, following its failure in the provincial elections, was eager to appeal to a larger section of Muslims. And perhaps no other Muslim scholar was as popular in the 1930s as Ashraf Ali Thanvi, who was himself eager to advise "modernist" Muslims educated in Western settings. For details of this episode see Megan Eaton Robb, "Advising the Army of Allah: Ashraf Ali Thanavi's Critique of the Muslim League," in Qasmi and Robb, *Muslims against the Muslim League*, 142–68.

[36] Ibid., 154. Robb states that it was Zafar Usmani, another member of the deputation, who read the letter, but Ahmad Said notes that it was Shabbir Ahmad Usmani, which seems more likely. Ahmad Said, *Mawlana Ashraf Ali Sahib Thanavi aur Tahrik-i Azadi* (Rawalpindi, 1972), 135–6.

[37] *Khutbat*, 106–7.

[38] Husain Ahmed Madani, *Muttahida qawmiyyat aur Islam* (Lahore, 2006), 107–68.

Medina, a well-known seventh-century document regulating the relations of all the communities living in Medina to ensure the peace and security of the city-polity of Medina from external threats. Given that historic precedent, Muslims in India could enter into similar contractual agreements with other religious communities, and hence there was no need for Muslims to shy away from a united anticolonial struggle against the British.[39]

Following the passing of the Lahore Resolution in 1940, Madani used these arguments to discredit the case for a separate homeland for Muslims. He and other prominent ulama like Abul Kalam Azad became vocal opponents of the League and strong supporters of the Congress. Usmani remained distant from politics for a while, but on the eve of the 1945 elections, he officially resigned from the JUH. A few days later, he announced his unambiguous support for the Muslim League. He soon became president of the Jamʿiyyat Ulama-i Islam (JUI), a breakaway faction of the JUH established in 1945.[40]

The support of Usmani and the JUI was crucial for the League's electoral success in the 1945–6 elections in northern India and the Punjab. It was around this time that the League had begun appealing to the idea of Islam as a community of believers to attract wider sections of Muslims.[41] But the League was opposed by some of the foremost leaders of the Muslim community among the ulama. It therefore cashed in on Usmani's support with both hands, advertising his endorsement in a number of election-level posters and propaganda materials.[42] Delivered in Urdu—perhaps the most widely understood language in India—and embellished with quotations from not just scriptural sources but also the satirical verse of the well-known Akbar Allahabadi (1846–1921), Usmani's speeches would likely have reached much wider audiences than those of the modernist leadership of the League. In an acknowledgment to both his popularity and his oratory skills, in December 1945 the League requested him to chair the session of the Muslim League at Meerut, the first after its initial success in the elections, and thereafter frequently invited him to important sessions of the working committee and the council of the AIML.[43] In 1946, Usmani was elected to the Constituent Assembly of India from Sylhet, running on a Muslim League ticket. In June 1947, Usmani and Jinnah met in Delhi; on Jinnah's request, Usmani, along with other ulama, campaigned across the North West Frontier Provinces to raise support for Pakistan before the referendum.[44]

On what grounds did Usmani support the demand for Pakistan? How did he justify the idea of Pakistan to Muslim audiences? Why was he opposed to Madani's idea of contracts regulating the relationships between Muslims and Hindus when he himself had held the same view in the 1920s? The next sections address these questions. I begin by unpacking the integral relationship between Islam and democracy that Usmani envisioned in a future Pakistan.

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[39] Ibid., 110–15.

[40] For details about this party's formation see Dhulipala, *Creating a New Medina*, 354–7.

[41] See David Gilmartin, *Empire and Islam: Punjab and the Making of Pakistan* (Berkeley, 1988), 189–224.

[42] In a letter dated 20 Nov. 1945, a distressed former student from Aurangabad asked Usmani whether the many posters that the Muslim League was putting up in "every corner and street of Hindustan" which cited Usmani's support for the League were falsely attributed to him or were his real views. *Anvar-i Usmani*, 214. For an analysis of another League poster that cited Usmani see Gilmartin, "A Magnificent Gift."

[43] Dhulipala, *Creating a New Medina*, 359.

[44] For details, see *Khutbat*, 412–78.

Islam, democracy, and Pakistan

A revealing window into Usmani's thought is a response to a distressed letter he received from Bashir al-Din Ahmad, an ex-Muslim League member who had since joined the Majlis-i Ahrar, a political party "which does not keep the inclusion of any non-Muslim in its program and whose objective is *ḥukūmat-i ilāhiyah* [godly government]."[45] The letter pleaded with Usmani to explain his support for the Muslim League. Usmani responded: if *ḥukūmat-i ilāhiyah* meant a government based on the sharia, "where in India would we establish this?" In a mixed government where the Muslim–Hindu proportion was one and three-quarters, this would be impossible. However,

> if Pakistan is decided then it will be a place where the power of legislation will remain with the Muslim majority. The current leaders of the League are also repeatedly announcing that in Pakistan the government will be established of the noble sharia according to *Qurānī uṣūl* [Quranic principles] … if, assume, at that time these people rescind [from their promises] then Aḥrār can, with the power of all Muslims, force them to establish *ḥukūmat-i ilāhiyah.*[46]

Usmani's subtle shift from "we" in the first half of his statement that deals with the immediate present (*we* must first acquire Pakistan) to "Ahrar" in the second half, dealing with postcolonial Pakistan (*Ahrar* can use the majority to gain *ḥukūmat-i ilāhiyah*) is crucial: it indicates that more than establishing *ḥukūmat-i ilāhiyah*, Usmani is invested in creating the conditions for it to be established in the future. That key condition is acquiring a territorial state with a Muslim majority. For the "power of all Muslims" that would force a hesitant League leadership to establish Islamic governance in a postcolonial future—or what on other occasions Usmani calls *jamhūr kī akhlāqī ṭāqat* (the moral power of the majority)—means nothing other than the electoral voice of Muslims, which in a Muslim-majority state with a democratic system of governance would be the decisive voice when it came to seizing political power and thereby making policies.

Usmani iterated this vision of Pakistan with striking clarity. He was once asked whether—in supporting "Mr. Jinnah's imaginary Pakistan"—he had considered "what that Pakistan [really] means."[47] Usmani responded,

> Pakistan is a technical term which simply means that in the provinces where the Muslim nation has a majority, there its [the Muslim nation's] independent government be established. How its constitution is then framed will be decided

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[45] Bashir al-Din Ahmad to Usmani, n.d. (probably Nov. 1945), *Khutbat*, 195. It appears that *ḥukūmat-i ilāhiyah* was a popular term at the time, so much so that the League's official newspaper had to clarify that "Mr Jinnah … has always sternly repudiated the idea that in it [Pakistan], a *ḥukūmat-i ilāhiyah* of the Muslims will be established." *Dawn*, 9 Sept. 1945, n.p.

[46] Usmani to Bashir al-din Ahmad, 24 Nov. 1945, in *Khutbat*, 197.

[47] Saiduddin Bahari to Usmani, n.d., in *Khutbat*, 162.

> *in due time* in keeping with the conditions there … and the majority therein in this regard will strive its utmost to benefit from the complete law, justice and wisdom of Allah, exalted be He, and the blessed example of the final Prophet, upon him be peace and blessings.[48]

Pakistan is thus defined by Usmani simply as a territorial state with a Muslim majority. That majority has a certain baggage attached to it: insofar as it is a *Muslim* majority, according to Usmani, it will be guided by God and his Prophet. Under that guidance, whatever laws and policies are implemented, they will be Islamic. By contrast, in a united, democratic India, Muslims would always be a minority and hence powerless to implement, at the center, their vision of the Islamic polity. Politics, then, in an undivided India could never be Islamic.

On the other hand, a democratic, Muslim-majority state would not only safeguard Muslim interests; it would also allow Islam to influence state policy. Such a state would, in fact, resolve the tensions *between* those desirous of an Islamic form of government: whose model of Islamic governance would be implemented? Usmani's response is simple: the majority will decide. As he wrote to Bashir al-Din Ahmad, once Pakistan is established, the Ahrar are welcome to use "the power of all Muslims" to establish their *ḥukūmat-i ilāhiyah.*

Usmani himself was careful to outline the role of Islam in Pakistan only in the broadest of terms. For instance, on one occasion, he spoke of the future government in Pakistan as one of the "noble sharia" according to "Quranic principles"—in the highly factitious context of the north Indian Muslim community, there could hardly be more generic terms.[49] Even when he felt the need to define "Quranic commands," he only added that this included the conduct of the prophet and that of the pious predecessors.[50] Usmani similarly explained the League's struggle for Pakistan as broadly serving the cause of Islam, describing it in such generic terms as a struggle for "the promotion of the Muslims' national existence, political authority, the essence of *kalima* [the foundational creed of Islam]."[51] This ambiguity in Usmani's discourse is not because Usmani himself did not have strong opinions about the precise role of Islam in a future Pakistan—his statements in the national assembly following Pakistan's creation clearly indicate his well-formed views.[52] Moreover, as a learned scholar, Usmani would never hold that any Muslim's *understanding* of Islam is as good as any other's. But this epistemic gap, in order to be translated into the political sphere, must go through the process of convincing others of its truth—in other words, via the democratic, messy terrain of politics. This is why Usmani mentions Islamic influence in generic terms. He recognizes the fragmented nature of the Muslim community and the diverse ideas that different Muslim thinkers envisioned with regard to politics. It was not despite, but *because* of, this fragmentation that he saw the task at hand as struggling together for a Muslim-majority state. Once that was achieved, the Muslim majority would determine which version of Islam to implement.

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[48] Usmani to Bahari, 8 Nov. 1945, in *Khutbat*, 164, added emphasis.

[49] Usmani to Bashir al-din Ahmad, 24 Nov. 1945, in *Khutbat*, 197

[50] Address to Muslim League session, Meerut, Dec. 1945, *Khutbat*, 246.

[51] Ibid., 241.

[52] These have been analyzed in Yaqoob Bangash, "Sovereignty and the Constitution: The Development of Pakistan's Grundnorm," *Journal of Law, Religion and State* 7/2 (2018), 129–51, at 139–41.

Herein lies Usmani's crucial critique of any grand projects of implementing Islam (or secularism) from the top down, harboured at the time by so many Muslim thinkers, modernist and Islamist alike. This critique does not stem from any conviction of democracy as the ideal system of governance. Usmani values democracy not as an end in itself but as a means to ensuring, in a Muslim-majority state, that state power falls in the hands of not just Muslims, but the right kind of Muslims.

Usmani laid out these thoughts on multiple occasions. Responding to criticism that the League's current leaders were hostile to the ulama, Usmani argued that were this to be true, the ulama ought to respond by joining the League themselves; because the ulama were dearer to the Muslim masses than the Westernized leadership of the League, all the ulama had to do was enlist more Muslims into the League and thereby "capture" it. This was possible, he noted, because "constitutionally, all its [the League's] matters are resolved through the principle of the majority opinion, and if someone is granted a mandate that too is via the unanimity of opinion."[53] He reiterated the same message to a delegation of the JUH ulama when they raised similar concerns. The "solution" to the League's anti-ulama bias was

> for all of you [the ulama of the JUH] to enter the League and capture it, and within a month or two of recruiting to subscribe 3 or 4 lac two-ana members into the ML. When such a heavy number of our like-minded members enter the League, we can, using the public, easily implement whatever course is beneficial for Muslims. *Do we not even have enough influence over the public to subscribe 3 or 4 lac members*?[54]

Usmani thus saw democracy instrumentally: if the ulama are really the representatives of Muslims, as they claim, the League leaders could not possibly keep them out of power, neither in the Muslim League during the colonial period, nor in postcolonial Pakistan. But the ulama would have to enter the terrain of politics by recruiting members and rallying public opinion in their favor. It is worth noting that Usmani never produced abstract, "Islamic" justifications for democracy, the sort that would become common in the early twenty-first century.[55] He simply assumed—given the political climate at the time—that the postcolonial state would rely on democracy, which he understood minimalistically as a sytem whereby a numerical majority determines political power. Importantly, none of his critics ever questioned this assumption.

Nonetheless, they remained unconvinced by Usmani's arguments. In late 1945, a series of Urdu articles by Husain Ahmad Madani rejected the idea of Pakistan because the tainted past of the League leaders in respecting the sharia meant that they were unlikely to bring about any good to Islam. In an essay published in three parts in *Zamzam* (Lahore) in November 1945 and later published from Delhi by the JUH printing press, Madani asked Muslims if they knew "who are the people that rule this party? What are their past deeds? And what is their present condition?"[56] He then quoted at length a speech by Jinnah in the Viceroy's Council from 26 February 1912, when an amendment was proposed to the Special Marriage Act of 1876. Jinnah's short speech, which Madani cited from the *Government of India Gazette*, is a venerable storehouse of modernist tropes that would alarm any madrasa-educated scholar, as Madani's annotations to the speech make clear. Jinnah had suggested that current Islamic laws may be unjust, that they had to be reinterpreted or sidestepped, and that such changes could be made by people without any training in the classical Islamic sciences—such as Jinnah himself, who had even presumed the authority to speak on the abrogation of Quranic verses. All this sufficed to prove to Madani and his followers the League's disdain for religious law and, consequently, the impermissibility of supporting its demand for Pakistan.

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[53] Usmani to Bahaul Haq Qasmi, 25 Nov. 1945, *Khutbat*, 200.

[54] *Khutbat*, 146, added emphasis.

[55] See Asef Bayat, "Islam and Democracy: The Perverse Charm of an Irrelevant Question," in Bayat, *Making Islam Democratic: Social Movements and the Post-Islamist Turn* (Stanford, 2007), 1–15.

Madani's approach was thus very different to that of Usmani. The former turned to the past to address a political issue in the present. In his manner of thinking, then, Madani was similar to Nehru. As Aamir Mufti has argued, Nehru also rolled out the narrative of history in trying to understand (and explain) the stubborn attitude of Indian Muslims who refused to accept the historical narrative of an Indian nation.[57] Turning to biographies of the League's leaders, however, concealed the *structural* issue that the League's Pakistan demand posed in the political climate of late colonial India.

To effectively counter the criticisms of his opponents, Usmani had to find a way to move the debate beyond individuals and reveal the structural issue at hand. He was able to do so by turning to law. Specifically, Usmani appealed to a doctrine of Hanafi jurisprudence, the dominant school of Islamic law followed in India. Exploring his reasoning allows us to see the ways in which Usmani's reading of the Islamic scholarly tradition was inflected by modernity. It also allows us to glimpse an Islamic notion of the political.

Muslims, Hindus, and the precondition of politics

Time and time again, Usmani faced the question: did Islam permit the support of a party whose members included "deviant" Muslims like the Shia, "apostates" like the Ahmadis, open disbelievers like atheists and communists, and many "Western-educated" Muslims who publicly disregarded the injunctions of the sharia?[58] The question held great importance in the worldview of the ulama, for whom un-Islamic means cannot be justified by Islamic ends.[59]

In his presidential address at the Muslim League session in Meerut in December 1945, Usmani addressed those who opposed the demand for Pakistan on the procedural grounds of joining the Muslim League given the composition of its current membership. He began by identifying with their concerns before alleviating them:

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[56] Muhammad Salman Shahjahanpuri, ed., *Hazrat Shaykh ul-Islam Maulana Sayyid Husain Ahmad Madani ki Siyasi Diary*, 8 vols. (Karachi, 2009), 6: 138.

[57] Aamir Mufti, "Secularism and Minority: Elements of a Critique," *Social Text* 45 (1995), 75–96.

[58] For a blistering objection on these grounds see the letter by Manzur Nomani to Usmani, 20 Dhilḥaj 1364 (26 Nov. 1945), *Khutbat*, 214–18.

[59] On this point see Muhammad Qasim Zaman, *Ashraf ʿAli Thanavi: Islam in Modern South Asia* (Oxford, 2008), 48.

> For a long time [I too] was occupied with similar doubts and questions … Eventually, one thing became the source of my heart's ease and contentment, and that is a declaration of the respected Imam Muhammad bin Hasan al-Shaybānī, may Allah be pleased with him, which is found in his book *al-Siyar al-Kabir*, and you know that all of Hanafi *fiqh* [jurisprudence] is based on the works of the same Imam Muhammad.[60]

The "declaration" that Usmani discovered was a ruling pertaining to the Khawārij, a well-known sect in early Islamic history. In many reports of the Prophet—which Usmani conveniently recounted for his audience—the Khawārij are declared the worst of factions due to their extreme views, most notably that any Muslim who commits a grave sin can no longer be considered a Muslim. Despite their clear condemnations in the prophetic reports, Usmani notes that al-Shaybānī permitted Muslims to join ranks with the Khawārij if they were engaged in war with open disbelievers. This is because, in such an instance, the Khawārij were fighting for the cause of Islam against those who openly renounced it. Usmani then applied the doctrine to the present political scenario: the members of the Muslim League were at least nominally Muslims for they had recited the Islamic profession of faith, and they were engaged in what Usmani called an *āʾīnī jang* (constitutional war) for the promotion of Islam against the open disbelievers of the Congress. All the shortcomings of the League's members notwithstanding, they paled in comparison to the Khawārij, and if supporting the Khawārij was permitted, then so was, a fortiori, supporting the members of the Muslim League.

In his letters, Usmani went deeper into the issue by making a distinction between "deviant" sects like the Shias and "apostates" like Ahmadis who nonetheless professed faith. The statement of al-Shaybānī clearly proved the permissibility of joining ranks with the former, for no sect was more deviant than the Khawārij. As for the "apostates" who were also part of the League, Usmani argued that these apostates were not those who were openly rebelling against Islam itself; in fact, they too were fighting disbelievers to protect the Muslim nation and raise the banner of Islam. So even though these "apostates" were *in fact* outside the fold of Islam, the same rationale (*ʿillat*) that operated in the case of the Khawārij—who were also considered by many scholars to be apostates—applied to groups like the Ahmadis as well.[61] Finally, as he clarified in another letter, the permissibility of supporting the Khawārij was not conditional on the "true" Muslims coming out victorious.[62]

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[60] Meerut address, Dec. 1945, *Khutbat*, 239–40. Muhammad bin Hasan al-Shaybānī (d. 805) was an Iraqi jurist and disciple of Abu Hanifa (d. 767), the eponymous founder of the Hanafi school of jurisprudence.

[61] Usmani to Qasmi, 25 Nov. 1945, *Khutbat*, 201. Usmani perhaps felt compelled to give this special clarification on the question of Ahmadis because his opposition to them was well known. In the early 1920s, during the uproar following the Afghan government's execution of Ahmadis on the charges of apostasy, he had penned a treatise arguing that core Ahmadiyya beliefs constituted apostasy (*irtidād*). Usmani, *Al-shihab li-rajm al-khatif al-murtab* (Deoband, 1924).

[62] Usmani to Manzur Naumani, 29 Dec. 1945, *Khutbat*, 223.

Therefore joining the League was permissible even if the "deviant" Muslims remained in power after the struggle.

Usmani would repeat this argument to great effect throughout the volatile period in late 1945 and early 1946. A closer look, however, reveals some of the tensions in Usmani's application of the Hanafi ruling to the political context of late colonial India.[63] To begin with, the text that Usmani cited, *al-Siyar al-Kabir* (The Grand *Siyar*) is considered a digest of *international* law.[64] The word *siyar* (literally, "conduct") had by the eighth century come to denote the attitude of Muslims toward disbelievers in times of war.[65] Much of the book, accordingly, deals with the conduct of Muslims in war and peace with other (non-Muslim) peoples who are either outside the territorial borders of the Muslim state or (temporarily or permanently) living in a state where Muslims are in power. The author, al-Shaybānī, was a long-time associate of the Abbasid Caliph, Harun al-Rashid (r. 786–808), who appointed him as chief judge in various cities in Iraq.[66] *Al-Siyar* is, therefore, a product of the eighth- and ninth-century Muslim imperial context when Muslim jurists like al-Shaybānī sought to guide the expansionist aims of Muslim rulers under whom they served. It is a text which assumes the classical juristic division of states into *dār al-Islām* (the abode of Islam) and *dār al-ḥarb* (the abode of war),[67] locating its audience squarely within the former. Usmani, however, applied this text to colonial India where Muslims were living, together with a non-Muslim nation (the Hindus),[68] under another non-Muslim nation (the British). This was a creative intellectual move that was not without ambiguities.[69]

To appreciate some of these, we need to turn to the precise words of al-Shaybānī. Fortunately, I have been able to access an early twentieth-century edition of the *Siyar* published in India which is, in all likelihood, the same version consulted by Usmani.[70] The relevant ruling is this: "it is permissible for the balanced Muslims [i.e. non-Khawārij Muslims] to fight alongside the Khawārij against disbelievers from *ahl al-ḥarb* [people of war]."[71] The use of "disbelievers from *ahl al-ḥarb*" indicates disbelievers belonging to a territory with which Muslims have no peace treaty. It can also refer to any disbelievers who are present in Muslim lands without having received the protection (*amān*) of a Muslim. In applying this ruling to colonial India, Usmani is making the following analogies: the Sunni Muslims of India are the "balanced Muslims," the "deviant" sects and the Westernized members of the League are comparable to (though better than) the Khawārij, and the Hindus and the British are disbelievers from *ahl al-ḥarb*. The gravity of the last comparison becomes clear if we take the analogy to its logical conclusion: if Usmani holds that the Hindus and British are among the *ahl al-ḥarb*, then he would have to concede—in line with the classical *fiqh* position—that a Muslim can loot their property and take their lives without fearing any charges in a Muslim court in this life or in the court of divine justice in the hereafter. Of course, that is scarcely a position that Usmani could afford to articulate or accept—not just for the overall chaos that it might unleash but also for the backlash that Muslims in minority provinces (where he was himself based) would receive.

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[63] Because he does not go to the original Arabic source, Dhulipala's account ignores these tensions, giving the impression of an unproblematic translation between the eighth-century text and its twentieth-century application. See Dhulipala, *Creating a New Medina*, 367.

[64] Mashood A. Baderin, "Muhammad Al-Shaybānī (749/50–805)," in Bardo Fassbender, Anne Peters, *et al.*, eds., *The Oxford Handbook of the History of International Law* (Oxford, 2012), 1081–6. For an analysis of *Siyar* stressing the importance of the text in the history of international law and its potential in offering a theory of international law today see Khaled Bashir, *Islamic International Law: Historical Foundations and Al-Shaybani's Siyar* (Cheltenham, 2018).

[65] For an extended discussion of this term and its usages in early Islamic literature see Muhammad Munir, "Islamic International Law (Siyar): an Introduction," *Hamdard Islamicus* 40/4 (2012), 37–60.

[66] Eric Chaumont, "al-S̲h̲aybānī", in Peri Bearman *et al.*, eds., *Encyclopaedia of Islam*, 2nd edn, at http://dx.doi.org/10.1163/1573-3912_islam_COM_1051 (accessed 14 August 2023).

[67] My parenthetical translations are only intended to provide a clue into the literal meaning of these technical terms. On the problems of translating these terms in English see Bashir, *Islamic International Law*, 81–90.

[68] Our present concern is not whether there were only two nations in India but rather with the implications of Usmani's own position for the two-nation theory that he supported.

[69] SherAli Tareen has shown how another major Indian scholar, Ahmad Raza Khan (d. 1921), ignored the Muslim imperial context of certain medieval Hanafi texts in arguing against Hindu–Muslim cooperation at the time of the noncooperation movement. In Usmani's case, a similar lack of attention to the Muslim imperial context leads to a similar denunciation of joint struggle with the Hindus. See SherAli Tareen, "Contesting Friendship in Colonial Muslim India," *South Asia: Journal of South Asian Studies* 38/3 (2015), 419–34.

Usmani's analogy also displays a clear development in his political thought from his earlier advocacy, in the early 1920s, of a united Hindu–Muslim noncooperation movement against the British. As we saw, he had there implied the existence of a peace treaty between the Hindus and Muslims which would continue until the Hindus' "dishonesty and breaking of contract" became manifest. Though he did not specify it, we can gather that Usmani believed that through their attitude, the Hindus had severed any contract with the Muslims. The severing of mutual contracts with the British had been a justification for noncooperation in the 1920s; now, it became Usmani's rationale for applying a Hanafi ruling on warring disbelievers to the Hindus.

The analogy is possible because Usmani frequently describes the situation in India as a *constitutional war*. In fact, on multiple occasions, he cites actual, physical wars from the Islamic and pre-Islamic Quranic past to make arguments about the present. For instance, when arguing for the suitability of Muslim scholars to be part of the League's campaign under the leadership of Jinnah, Usmani cites esteemed companions of the prophet fighting wars under the leadership of Yazid bin Muʿawiyah (646–83), notorious for his impiety and lust for power. He also cited the people of Israel fighting under Saul despite the presence of a prophet (Samuel) among them.[72] Usmani thus seems to have believed that politics was, literally, "war by other means." Those other means, in this case, were constitutional.[73]

The major opponents in this constitutional war were the Hindus, represented politically by the Congress. Surprisingly, it is confrontation with the Hindu majority that creates room for the religious sanctioning of the League; Usmani reminded critics that the League's support should be seen in this context. "You are making a grave error," he wrote to a fellow scholar, "when discussing the support and promotion of the League, you forget that the support and promotion is in opposition to disbelievers and open infidels."[74] The Muslim nation, feared Usmani, was under threat of being subsumed within the Hindu majority. As he once wrote, "the Hindu nation's … foremost agenda is that—whether or not full independence is secured—the clutch of the majority should never be loosened from the Muslim's neck."[75] The numerical strength of Hindus over Muslims—another missing theme in his 1920 speech—was also frequently invoked in Usmani's arguments for Pakistan, not least because his opponents were using these terms. For instance, responding to a critic that Pakistan would have forty-five percent non-Muslims in the government, Usmani's terse response was that the central constituent assembly in a united India would have thirty Hindu members out of forty.[76] On another occasion, as we saw in the last section, Usmani responded to the impracticality of establishing *ḥukūmat-i ilāhiyah* in a united India by saying that it would "obviously" be impossible "in a united Hindu–Muslim government with a ratio of one to three-fourths."[77] We also notice here another major departure from his 1920 speech: whereas the form of government in a postcolonial future was not even raised at the time, the entire premise of Usmani's arguments now is that political power in an independent India will be decided democratically. And Usmani is constantly threatened by the spectre of a Hindu majority perpetually dominating the Muslims in a democratic postcolonial future.[78]

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[70] Muḥammad bin Ahmad Sarakhsi, *Sharh Kitab al-Siyar al-Kabir*, 4 vols. (Hyderabad, 1335 AH (1916)).

[71] The author's term for Muslims who are not from the Khawārij is *muslimīn min ahl al-ʾadl*, which could also be translated as "Muslims from the just group." Ibid., 3: 241.

[72] Usmani to Habibur Rehman, 29 Dec. 1945, *Anvar-i Usmani*, 199.

[73] As he once reminded the top leadership of the JUH ulama who were opposed to Pakistan, one key premise of the debate over the Pakistan question was that the political struggle being envisioned by the ulama was not *faujī* (military) but *āʾīnī* (constitutional). Muhammad Anvarul Hasan Sherkoti, *Tajalliyat-i Usmani* (Karachi, n.d.), 730.

Usmani's change of views did not go unnoticed. In a belligerent letter from Muradabad, a *ḥakīm* (physician) named Rashid Ali reminded Usmani that Shaykh al-Hind Maulana Mahmood Hasan had declared working with Hindus (*ishtirāk-i hindū*) permissible for the freedom of the land (*istikhlāṣ-i waṭan*) in 1920, yet Usmani was now declaring working with Hindus to be betrayal.[79] Another questioner, a former student of Usmani and himself a renowned scholar, recalled Usmani praising *Nusrat al-Abrar*, an 1888 tract that not only permitted Muslims to join the Congress but also warned against collaborating with Syed Ahmed Khan.[80] How could Usmani now permit collaborating—nay, working under—the *rūḥānī aulād* (spiritual progeny) of Khan? The reference, of course, was to the modernist Muslims populating the ranks of the League, and the questioner singled out the questionable leadership of Jinnah.

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[74] Usmani to Manzur Naumani, 29 Dec. 1945, *Khutbat*, 222.

[75] Usmani to Qasmi, 8 Nov. 1945, *Khutbat*, 168.

[76] Usmani to Rashid Ali, 22 Nov. 1945, *Khutbat*, 186.

[77] Usmani to Bahari 24 Nov. 1945, *Khutbat*, 197.

[78] This view is most clearly reflected in Usmani's use of the metaphor of a caged parrot and a hawk in one of his speeches: a parrot that was caged for many years would, of course, desire freedom, argued Usmani. But if it saw a hawk patrolling outside the cage waiting to capture the parrot, then the parrot would stick to the walls of the cage. Similarly, argued Usmani, the Muslim nation could not blindly fight for independence only to be subsumed within and hence disintegrate into the Hindu majority. *Khutbat*, 118–9.

[79] Rashid Ali to Usmani, 16 Nov. 1945, in *Khutbat*, 182.

[80] Habib al-Rahman to Usmani, n.d. (probably late Nov. 1945), in *Khutbat*, 204. *Nusrat al-Abrar* was a tract jointly authored by anticolonial ulama in Ludhiana, Punjab. Among its signatories was Rashid Ahmed Gangohi, one of the founders of Deoband. It was thus an important document for later Deobandis like Usmani.

Usmani's responses indicate several factors behind his change of views. One clear reason was the harrowing experience of Congress ministries that came to power in 1937. He noted, for instance, the "intolerable" (*nā qābil-i bardāsht*) abuses committed by the Hindus against the Muslims during the time of the former in power.[81] Moreover, he pointed out that when the authors of the *Nusrat* had permitted support for the Congress, they were responding to a question which explicitly noted that the Congress's sphere of influence was restricted to only the matters that concerned all Indians and did not extend to any matter that was against a religious community; surely, argued Usmani, this was no longer the case.[82] As for working under Jinnah, he responded, "Granted, Mr Jinnah is not an *'ālim*, but he knows well the strategies and moves of the constitutional wrestling being fought. [It is but natural that] Gama is presented to face Zbyszko."[83] As he clarified on another occasion,

> without doubt there are major scholars and deputies of the prophet of Allah, peace and blessings be upon him, in India. But the political strategies and moves that are the norm in the world today and the far-reaching principles of deceptions and disingenuity that are the basis of contemporary politics—expertise in these is lacking among many of our ulama.[84]

Usmani, then, was clearly influenced by broader changes in the political climate. He demonstrated a keen awareness that the political manoeuvring taking place in the echelons of power in the mid-1940s was very different from the mass movements of the 1920s. He thus repeatedly invoked the "principles prevalent in world politics" (*siyāsat-i dunyā mai rā'ij uṣūl*), to the extent that his opponents vilified him for bowing down to these rules.[85] He also foresaw an imminent departure of the British that had been a remote possibility two decades before, and he had a cold-eyed view of the reality of representational government that had taken major strides since the 1920s, despite all the hurdles and setbacks along the way.[86] Moreover, he sensed the increasing Hindu nationalist influence in the Congress, something recorded recently by historians who have shown how far-right Hindus came to dominate the Congress in the interwar years.[87]

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[81] Usmani to Rashid Ali, 22 Nov. 1945, in *Khutbat*, 184.

[82] Usmani to Habib al-Rahman, 29 Dec. 1945, *Khutbat*, 213.

[83] Usmani to Habibur Rehman, 29 Dec. 1945, *Anvar-i Usmani*, 199.

[84] Usmani to Shorish, 13 Nov. 1945, *Anvar-i Usmani*, 219.

[85] Critics saw Usmani's reliance on the political norms of the time as a betrayal of the ulama's long insistence that Islam is the only standard for deciding both the means and ends of politics. In his scathing critique of Usmani, Maseeh Ansari Matyabarji, another Deobandi scholar, burst out, "Allah Allah! Where the heretofore decision of measuring everything on the scale of 'Islam' and where these excuses at using the impressible prop of 'principles prevalent in world politics!'" The critique was published in two parts in the daily *Zamzam*, 23 and 27 Nov. 1945. The complete essay is available in *Siyasi Diary*, 8: 339–76, at 355.

[86] For important studies of some of these developments see Ayesha Jalal and Anil Seal, "Alternative to Partition: Muslim Politics between the Wars," *Modern Asian Studies* 15/3 (1981), 415–54; David Page, *Prelude to Partition: The Indian Muslims and the Imperial System of Control, 1920–32* (New Delhi, 1982).

[87] The foremost study is William Gould, *Hindu Nationalism and the Language of Politics in Late Colonial India* (Cambridge, 2004).

The most important factor in Usmani's change of views, however, was the existence of a new political vocabulary to represent the Muslim community of India—the nation. Time and time again, Usmani stressed that the League ought to be supported because it was the only party championing the principle (*uṣūl*) that the Muslims were a separate nation (*qawm*).[88] But surprisingly, it was on only one occasion that he justified the modern/secular category of the nation. "I admit," he said in his initial declaration of support for the Muslim League in October 1945, "that nations of the world have correctly or falsely been divided with regards to homeland [*waṭan*], lineage [*nasl*], language [*zubān*], and culture [*tarz-i tamaddun*] etc." But in Islam, he argued, nationality was bifurcated along religious lines between believers and unbelievers, a consequence of the temporal and spatial universality of the revelation of the Prophet Muhammad.[89] By reserving judgment on the conventional definitions of nationalism, Usmani opens the ground for its reformulation, using the familiar motif of Islamic universality to creatively appropriate nationalism for Islam.

It is tempting to think that this was all ad hoc justification to avoid the impression that he was simply parroting Jinnah's two-nation theory—why else would he arrive at this *uṣūl* so late in his life? There is no denying that Usmani was heavily influenced by Jinnah. However, Usmani was already making a conceptual distinction between Hindus and Muslims in his 1920 speech. In that address, his argument implied that Hindus and Muslims were separate political entities, though his language did not distinguish them as such; he did not say that the two were a different *qawm*; rather he simply uses the terms "Hindus" and "Muslims." What Jinnah's remarkable gesture of declaring the Muslim minority a nation does is provide a vocabulary of separate nationhood that was hitherto unavailable.[90] Given Usmani's view of an ongoing "constitutional war" with the Hindus, the vocabulary of separate nationhood—on which rested the demand for Pakistan—held special significance for Usmani. As he once explained to a fellow scholar, "Pakistan's foundation is not in a geographical division but in accepting Muslims as a separate nation. It will enter qua nation into equitable contracts with the other nation. And both nations will be obliged to make arrangements under these same contracts. *Contracts between two nations do not account for numerical minority or majority.*"[91]

We can now better appreciate a key difference between Usmani and Madani, who, as we saw earlier, was committed to mutual contracts between Hindus and Muslims as the way forward in a postcolonial future. For Usmani, contracts in a united India are no longer possible. There is now an insurmountable mutual enmity between the Hindus and the Muslims who now occupy, as it were, a permanent state of war. As Usmani saw it, the condition could only be resolved with the partition of India so that the two nations in their own separate states could formally enter into contracts with each other. The Hindus are thus located outside the space of politics that Usmani envisaged would operate *within* the Muslim community in a democratic Pakistan. This exclusion suggests that, in Usmani's view, Islam constitutes a fundamental principle which people must agree on before they can determine how exactly that principle (Islam) will be applied and interpreted. It is only in a state where the majority of people accept this fundamental principle, however, that debates over the principle acquire significance. This is the crux of Usmani's notion of an Islamic democracy; herein lies an Islamic theory of the political.

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[88] See Usmani's address to the Muslim League Conference, Meerut, Dec. 1945, *Khutbat*, 235. Also see Usmani to Bashiruddin Ahmad, 24 Oct. 1945, *Khutbat*, 196.

[89] Jam'iyyat Ulama-i Islam Conference, Calcutta, Oct. 1945, *Khutbat*, 114–15.

[90] The pioneering work on Jinnah's political strategy, especially his rhetoric of a Muslim nation, is Ayesha Jalal, *The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan* (Cambridge, 1985).

[91] Usmani to Maulana Abdul Hannan, 23 Nov. 1945, *Khutbat*, 189–90, added emphasis.

A comparison with a contemporary theorist of liberal democracy will further elucidate Usmani's vision. "Democracy," writes the political theorist Chantal Mouffe, "requires a 'conflictual consensus': consensus on the ethico-political values of liberty and equality for all, dissent about their interpretation. A line should therefore be drawn between those who reject those values outright and those who, while accepting them, fight for conflicting interpretations."[92] While a "conflictual consensus" is indeed a precondition for democracy, a consensus on the "ethico-political values of liberty and equality for all" is only one of many foundations to construct a conflictual consensus. Mouffe had herself noted earlier that these values represent the foundations of *liberal* democracy.[93] She also hints at the possibility of other forms of consensus: "Conflict, in order to be accepted as legitimate, needs to take a form that does not destroy the political association. This means that *some kind of common bond* must exist between the parties in conflict."[94] In other words, while Mouffe may prefer the values of liberal democracy, there is no reason why other values cannot form the basis of a "conflictual consensus"—and thereby of a political organization that is not liberal democracy—but is still a democracy. That other value could be Islam, a political organization centered on that value, an Islamic democracy.

Usmani, of course, did not lay out his argument in these terms. But his reasoning points in this direction. His central concern was establishing Islam's influence on state law and policy. This, in turn, required both that Muslims have effective political power and that they have a mechanism for appointing the right Muslims to political office. In other words, Muslims ought to be able to appoint those representatives who would implement their highest religious aspirations. But in a united India, Usmani felt that Muslim politics would be reduced to minority politics, concerned merely with safeguarding material interests and preserving the community's internal autonomy. This would preclude *Islam* from being the central focus of Muslim politics. A united India was thus, in Usmani's eyes, little better than the colonial scenario. Here, too, Islam exerted little influence on politics, though for a different reason. Colonial political ideology had room only for a "politics of interest," where individuals seeking their private self-interests competed for state patronage. The same logic was imputed to religious communities, understood as simply the aggregate of individuals possessing a certain religion in common, for the colonial state could only conceive of religion in liberal terms as an "interest," a property of its practitioners. Indians, including Muslims, were thus placed outside the realm of "the political" insofar as they were driven not by ideas but by interests.[95]

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[92] Chantal Mouffe, *On the Political* (New York, 2005), 121.

[93] Ibid., 32.

[94] Ibid., 20, added emphasis.

Given the nature of Muslim politics in the colonial state and a united India, Usmani felt that the only possibility of Islam exerting a meaningful influence on Muslim politics—and thereby on the state—was the creation of a Muslim-majority state. There existed, certainly, innumerable divisions between Indian Muslims along lines of gender, class, caste, geography, and—most significantly—sect. Yet the fact that they were all (at least nominally) Muslim could form the "common bond" for a "political association" in an independent Muslim-majority state. The Muslim majority is thus the condition of the possibility of an Islamic democracy. But the condition of the Muslim majority itself is the partition of India. In a sense, we can see this reasoning as pushing to the literal limit Mouffe's argument on the necessity of "drawing a line" between people who "reject outright" the common bond that forms the political association and "those who, while accepting them, fight for conflicting interpretations."

Importantly, for Usmani, once the boundaries of a separate state were drawn, not only could the people within the Muslim-majority state engage in meaningful interpretive debates, they could also enter into equitable contracts—especially peace treaties—with the Hindu-majority state. We can see in this abstract, legal conception of a separate state Usmani's peculiar contribution to an old problem: in the absence of a common god, what is the condition for the possibility of contracts between believers and unbelievers? It has recently been proposed that this is the question which the Mughal emperor, Akbar, responds to in formulating his doctrine of *ṣulḥ-i kull* (total peace) over and above the divine law of Islam.[96] For Usmani, the establishment of a separate Muslim-majority state allows for the formulation of mutual contracts between a Muslim "nation" and its others. The strategy of separation, then, is deployed by Usmani to an inclusive goal: the ending of enmity between Hindus and Muslims. Thus, in the conclusion of his presidential address to a JUI conference in January 1946, Usmani provides the rationale for Pakistan by gesturing to the otherness and yet the intimacy of the other: "By denying the Pakistan demand it is the Hindu himself who is giving the Englishman the chance to keep *us* mutually fighting and conflicting. Accepting the simultaneous freedom of the two nations will eliminate all conflicts and both will learn to value the feelings of one another."[97] Usmani's views are here very similar to Jinnah's. The latter also perceived the colonial state as a natural state of war between Hindus and Muslims, and it was only the creation of Pakistan that would allow them to enter into a social contract.[98] Both Usmani and Jinnah thus appropriated for anticolonial ends an idea at the heart of the colonizer's self-justification for empire, namely that "the collective personae that made up Indian life were not naturally disposed towards rational cooperation in the same way as the self-contained gentlemen of the liberal imagination; rather, their natural state was one of perpetual warfare … India was not a 'nation' or a 'society', but a communal battleground."[99] The imagined reordering of communal relations through the creation of new states would be a moment of world-historical importance, with the colony becoming the site for the actualization of what had remained only an idea for the Enlightenment thinkers. It is fascinating that Usmani, too, recognized some of the novelty of this moment. Years later, when the bloody inauguration of independence had left deep scars over the memory of the struggle that preceded it, Usmani would remind his audience that while most nations achieve freedom after immense sacrifices of life and blood, the creation of Pakistan was a unique affair without parallel in history, with the obtaining of freedom preceding the outbreak of violence.[100]

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[95] This argument is well developed in Daeschel, *The Politics of Self-Expression*, 21–3.

[96] Azfar Moin, "Sulh-i kull as an Oath of Peace: Mughal Political Theology in History, Theory, and Comparison,' *Modern Asian Studies* 56/3 (2022), 721–48.

[97] Presidential address, JUI Conference, Lahore, January 1946, *Khutbat*, 284, added emphasis.

[98] Devji, *Muslim Zion*, 43.

However, regardless of whatever peace might be established between the two states, within the borders of the new state, Usmani's vision of Islamic democracy was deeply exclusionary. Of course, he never advocated anything as extreme as the expulsion or forcible conversion of non-Muslims; some of his other writings also document and commend the good treatment afforded in the past to non-Muslims living under Muslim rule.[101] Yet he leaves little doubt that Hindus and other religious minorities are excluded from the political community. This exclusion is possible because, to Usmani, Muslims would form a permanent majority in a separate state, just as they would remain a permanent minority in a united India.[102]

Usmani's position is here distinct from both Madani's and Jinnah's, respectively his foremost political opponent and his ally. Madani and other ulama in the JUH opposed to Pakistan envisioned a united India free from foreign rule where a secular state interfered as little as possible in the internal affairs of religious communities. The views of these anti-Pakistan ulama have been well summarized by Peter Hardy: they

> accepted that in the short run at least a large area of temporal life, the non-Muslim, could not be brought under the prescription of the sharia by coercion. But they held to the conviction that if they could win freedom to guide the life of Muslims under the sharia, then that life would so shine forth among men [*sic*] that they would freely choose to come to Islam. To win the freedom to teach true Islam but to win it in a winning way with, rather than from, the non-Muslims of India, this is the ultimate "political" wisdom for the ulama of British India.[103]

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[99] Daeschel, *Politics of Self-Expression*, 22–3.

[100] *Khutbat*, 438. Even during the height of the election frenzy, presiding over the Muslim League conference in Meerut in December 1945, Usmani reminded the audience how dramatically the contours of the anticolonial movement had shifted: "Now, from this historic site where eighty-eight years ago arose the movement of a disorganized, military revolution, I invite you to a disciplined, constitutional revolution." *Khutbat*, 235.

[101] Notably, these are mentioned in the aforementioned treatise of Usmani that sought to prove the apostasy of the Ahmedis. See Usmani, *Al-shihab*, 26–7.

[102] For articulation of such fears see Usmani to Qasmi, 8 Nov. 1945, *Khutbat*, 168.

[103] Hardy, *Partners in Freedom*, 35. In an article published around the same time, Friedmann echoes the same conclusions as Hardy. He writes, "Madani knew very well that the laws of Islam—which he considered exemplary laws—would not be implemented in India. He knew that the Muslims would not have a decisive voice in the government. Nevertheless, he was convinced that the Muslims would have the

To Usmani, such a view was mistaken for one core reason: there was no safeguard for Muslim interests other than the goodwill of the majority. "As per the power-sharing arrangement proposed by the JUH," he observed in a letter, "in the important matters related to the center, the Muslim nation would be at the mercy of the majority. And there would be no independent power which might force it to accept general Muslim demands."[104] Unlike the JUH ulama, then, who envisioned that the composition of India's religious communities might change in the long run, Usmani feared that Muslims would permanently remain a religious and political minority in a united India.

That this was by no means an accepted position even amongst supporters of Pakistan becomes clear when contrasted with the position of Jinnah. The Qaid had long held to the principle that Hindus and other believers could potentially form part of the same political community as Muslims. Especially since 1937, with the rise of Congress ministries and the lack of support for Jinnah and his party among Muslim-majority provinces, the League had sought to systematically court non-Muslim minorities. While this decision was certainly influenced by the League's desire to reach parity with Congress, it also reflected Jinnah's belief in the principle that religious and political communities need not be the same. In other words, for Jinnah, the Muslim "minority" need not always remain one, precisely because of the open possibility of low-caste Hindus and others forming the same political community as Muslims.[105]

Usmani entertained no such possibilities. Indeed, given the centrality of the political exclusion of non-Muslims to his thought, Usmani's vision of an Islamic democracy as outlined here might appear a perversion of democratic ideals to such an extent that some might even question whether the term is an adequate description. My aim is not to champion Usmani as a democrat, but it is worth pointing out that some of the suspicions attending Usmani's notion of an Islamic democracy are similar to those that accompany *any* invocation of an Islamic democracy. As Usaama al-Azami observes in his recent study of the ulama's views regarding democracy and autocracy in the wake of the Arab Springs, "A major challenge for Islamist advocates of democracy is the normativity of liberalism in the global order. In this context, the invocation of non-liberal forms of democracy are [*sic*] seen with considerable hostility."[106] It is also worth noting that in many places in Europe and North America, the coercive and exclusionary strands within liberal democracy are now increasingly visible as expressions of what many scholars have termed "muscular liberalism." In fact, some have even argued that these exclusions are part of the origins of liberal thought. The case has been made forcibly by Uday Singh Mehta in his influential work on nineteenth-century liberalism. An

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opportunity to influence the new Indian state, and that the degree of influence would depend on their ability to explain the Muslim ideals to the other Indians." Yohanan Friedmann, "The Attitude of the Jam'iyyat al-ulama-'i Hind to the Indian National Movement and the Establishment of Pakistan," *Asian and African Studies* 7 (1971), 157–80, at 169.

[104] Usmani to Said al-din Bihari, 8 Nov. 1945, *Khutbat* 165.

[105] Jinnah, of course, preferred the language of Muslim "nation," not minority. For more on Jinnah's thinking on this matter see Devji, *Muslim Zion*, 175 and *passim*.

[106] Usaama Al-Azami, *Islam and the Arab Revolutions: The Ulama between Democracy and Autocracy* (London, 2021), 65.

"exclusionary basis," argues Mehta, lies at the "theoretical core" of liberalism, which —because it encounters the unfamiliar within an abstract, a priori matrix of generality—has an *internal* tendency to be imperialistic.[107] This is why such celebrated liberal thinkers as James Mill and John Stuart Mill could advocate liberty for the British while denying it to Indians.

While such "liberal" attitudes undergirded colonial rule in general, the history of representative government in India was marked in particular by an exclusionary and deeply consequential innovation of the colonial state which seems to have profoundly impacted Usmani's thought—separate electorates. These legitimized the idea of the state determining who was included in the category of a Muslim, which in turn demarcated an exterior boundary to the Muslim community. That is where the extent of Islam's influence on politics ceased, for *among* Muslims, the only form of politics permitted under the colonial government was the politics of interests, whether those interests be determined by class, region, or occupation. Separate electorates thus "embodied, *simultaneously*, the image of a common Muslim community, fixed by state definition, and the reality of deep provincial and local divisions."[108] However, when extrapolated to the level of a state with a Muslim majority, the logic of separate electorates entailed transcending a politics of interest because Muslims would now be deliberating matters concerning the state. In a sense, then, arguing for Pakistan was Usmani's way of simultaneously inserting the political and the Islamic into the existing colonial framework of separate electorates.

Such a majoritarian vision of democracy was little concerned with the "deep local and provincial divisions" among Muslims. Unlike Madani, Usmani displays little concern for on-the-ground social and economic issues of Indian Muslims. In fact, even as Usmani was arguing that the creation of Pakistan would foster communal harmony, Husain Ahmad Madani was warning his readers that partition would lead to a continuous conflict between Hindus and Muslims. In December 1945, he published two articles in Delhi under the title "Pakistān kiyā hai?" (What Is Pakistan?)[109] According to Madani, the idea of partitioning India was originally floated in British circles much before the Lahore Resolution of 1940. As early as 1931, a special contributor based in London had noted that "full efforts are underway to divide India into 'Hindu India' and 'Muslim India', so that forever after there be conflict in India."[110] Pakistan was clearly a ploy of the British, and Madani and other JUH ulama sincerely believed that it would hinder the struggle against the British. As Madani concluded,

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[107] Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago, 1999), 48. For an intellectual historian's critique of Mehta's philosophical and atemporal argument about liberalism see Andrew Sartori, "The British Empire and Its Liberal Mission," *Journal of Modern History* 78/3 (2006), 623–42. For a qualification of Mehta's thesis which shows that liberal imperialism as the official ideology of empire was replaced in the second half of the nineteenth century with that of indirect rule see Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Princeton, 2010).

[108] David Gilmartin, "Partition, Pakistan, and South Asian Historiography: In Search of a Narrative," *Journal of Asian Studies* 57/4 (1998), 1068–95, at 1079, original emphasis.

[109] *Siyasi Diary*, 6: 161–248.

[110] Madani cites the quote from the newspaper *Madina*, 9 Sept. 1931. *Siyasi Diary*, 6: 180.

> This [Pakistan] scheme has been made so that British rule remain forever over India or at least Muslim India [Pakistan]. This principle has always been [behind] Britain's capture of India, and the same principle has been essential to the continuation of its rule; that is, divide and rule. If India is divided into two parts, Britain will get a chance to keep the two fighting and become the master [*chaudharī*], using the excuse of their protection to rule over them.[111]

For Madani, then, the history of the Pakistan idea contaminated the promise of an independent state and peaceful relations with Hindus. We have also seen how, for Madani, the history of the League leaders contaminated the future of Islam in Pakistan. A suspicion of origins was thus at the heart of Madani's rejection of Pakistan. In his turning to history, however, Madani concealed the structural issue that Usmani raised: the absence of Islam's influence on state policy and on politics in a democratic, united India, Usmani's solution to which was a democratic, Muslim-majority state—Pakistan.

Conclusion

More than seventy-five years after partition, Usmani's confidence in Pakistan's creation resolving the communal issue appears tragically misplaced. His hopes for an Islamic democracy in Pakistan have also not borne true. Nonetheless, in the final years of colonial rule, Usmani's arguments exerted considerable force. Through them, we can also glimpse an Islamic theory of the political.

Early in his career, Usmani felt that Muslims and Hindus could regulate affairs through mutual contracts in a postcolonial future. By the late 1940s, however, he had despaired of a minority and a majority community entering into equitable contracts. Moreover, he had come to believe in the principle that Muslims constituted a separate nation. Once the nation had its own state, it could formulate contracts with another state on an equal footing. At the same time, within the Muslim-majority state, Muslims would engage in politics to determine the specific ways in which Islam would influence the polity.

In making his arguments, Usmani drew on a range of sources, including medieval Hanafi jurisprudence. This article has shown, however, that even his readings of the Islamic legal tradition were inflected in profound ways by the political ideas and categories in circulation in late colonial India. Most importantly, he assumed, and thus further legitimated, the idea that the majority would determine political power. We need not conclude that his position was any less "Islamic," but we should recognize the penetrative reach of secular modernity and the attending difficulties of any straightforward invoking of tradition in the present.

To conclude, Usmani's vision of an Islamic democracy holds the potential for a powerful critique of authoritarianism, whether in its secular or Islamist guise. But the majoritarian emphasis in Usmani's thought also has pitfalls, as the tragic story of majoritarian politics in Pakistan and India, with all its attending and often violent anxieties about minorities, demonstrates. Given Usmani's commitment to a strong influence of Islam on state and society, and given the structural incompatibilities between the modern state and the norms and values of the sharia which recent scholarship has made explicit,[112] it seems that the task for an Islamic theory of the political is not just to envision the creation of a new state, but to develop a framework that critiques the logic of modern statehood itself.

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[111] *Siyasi Diary*, 6: 186.

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[112] The clearest articulation is Wael Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York, 2013).

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