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Where the Forest Became Law: Walāya, Landnahme, and the Political Theology of Khan Jahan Ali's Khalīfatābād

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Abstract

This article argues that the founding of Khalīfatābād (c. 1459) by the Turkic Sufi-soldier Khan Jahan Ali instantiates a mode of sovereignty—threshold sovereignty—unaccommodated by the European decisionist tradition, while requiring that Islamic sainthood be read as an operative political concept rather than an inward station alone. Carl Schmitt's Landnahme, the pre-juridical appropriation from which law originates, and Ibn 'Arabī's metaphysics of walāya, in which the saint participates through the Nafas al-Rahmān in the bestowal of existence upon possibles determinate in God's knowledge yet undetermined in existence, are shown to name a single act from two unrelated idioms: the conversion of ungoverned forest into ordered territory without a prior norm to suspend. Examination of the surviving jagir record, the toponym "Abode of the Caliphate," and the hypostyle hall of the Sixty-Dome Mosque and its tank network locates this act in the material and documentary record rather than in doctrine alone. The article thus intervenes on three fronts: historically, by reading Khan Jahan's jagir and his posthumous walāya as a single founding rather than as sequential legitimations; philosophically, by exposing the limits of Schmitt's own decisionist sovereign, who can only suspend a law already in place; and within Sufi studies, by establishing walāya as a world-founding office legible in toponymy and architecture, not merely in hagiography. The result is a political theology of the frontier in which bricks, water, and a name do the work of political theory before any treatise is written.

Keywords: Khan Jahan Ali; Khalifatabad; Walāya; Carl Schmitt; Landnahme; Ibn 'Arabī; Nafas al-Rahmān; Threshold Sovereignty; Bengal Frontier; Political Theology; Sufism and Sovereignty

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I. Introduction: The Forest and the Name

Sometime in the middle decades of the fifteenth century—before the death that an inscription on his tomb records in 863 AH / 1459 CE—a Turkic soldier and Sufi remembered with reverence by tradition as Khan Jahan Ali entered the tidal forests of the south-western Bengal delta and performed there a set of acts that, taken singly, are unremarkable in the history of frontiers: he cleared mangrove and marsh; he cut roads and raised embankments through it; he excavated vast tanks of sweet water in a country of salt; he settled cultivators; and he built in brick a city of mosques. Of great significance, however, is the name he is said to have conferred upon the place. He called it *Khalīfatābād*—the Abode of the Caliphate. And around the same life a second name gathered, one he could not have bestowed upon himself: that of a *walī*, a friend of God, a saint, whose tomb at Bagerhat in present-day Bangladesh has drawn pilgrims for more than five centuries and draws them still, in reverence and in remembrance of a majesty five hundred years old (Dani; Hasan; Michell).

This article proceeds by posing a central unresolved aporia of the existing historical literature on the Islamisation of Bengal. It asks neither, with Richard Eaton, how a forest came to be settled, nor, with the hagiographical tradition, by what stages a soldier came to be venerated as a saint, but combines these and adds to them a political-theological perspective that reorients Bengal history: what mode of sovereignty is instituted when a wilderness is converted into a polity not by a state extending its administration into new ground, but by a saint founding an order where there was, in the relevant sense, none; and what does that mode of institution disclose about the origin of law that the dominant European theory of that origin cannot see?

The argument is that *Khalīfatābād* instantiates a mode of sovereignty—threshold sovereignty, on my proposition—unaccommodated by the decisionist tradition running from Hobbes through Carl Schmitt, because that tradition can conceive only of a sovereign who presupposes, and then suspends, an order already in place. The sovereign of the exception stands at the edge of a juridical order and decides whether to hold or to suspend it; but he presupposes the order he suspends, whereas at the frontier there is no such order to suspend. There is only the appropriation and the actualisation by which an order first comes to be. Threshold sovereignty is the name for that constitutive momentum and act: the institution of a legal-spatial order at the precise boundary between the ungoverned and the governed, effected not by the suspension of a norm but by the bringing-into-being of one.

The article reads this act through two idioms drawn from wholly unrelated worlds, and argues that they converge on a singular concept and expression. The first is Schmitt's *Landnahme*, the land-appropriation from which, on his account, all *nomos*—and hence all law—originates: the

primordial pre-juridical taking that founds a concrete spatial order before any positive norm obtains (Schmitt, *Nomos*). The second is Ibn 'Arabī's walāya, the sainthood in which the friend of God, participating in the Nafas al-Raḥmān—the Breath of the Merciful by which the Real bestows being upon the latent possibles—actualises the undetermined into determinate form (Chittick, *Self-Disclosure*; Chodkiewicz). Landnahme gives the juridical face of the founding; walāya gives its metaphysical face. Between them they describe what happened when a tidal forest became Khalīfatābād.

That the two idioms converge is not, I will argue, a coincidence to be admired, or solely to be acknowledged, but a decisive historical and structural phenomenon to be interdisciplinarily investigated; and its clearest sign lies in a single Arabic root. The consonants w-l-y carry, from a root sense of nearness, both friendship and authority: walī, the friend of God, the saint, but also the guardian, the patron, the master; wālī, the one placed in authority, the governor; walāya, the station of sanctity, and wilāya, its near-homonym, the domain, the guardianship, the province—the very word for a governed territory (Chodkiewicz; Cornell). The language that names the saint names, with the same letters, the governor; the word for sainthood is the word for a province. Where the modern European vocabulary must labour to relate the mystic to the sovereign, Arabic holds them in a single root. Threshold sovereignty, I will suggest, is nothing other than the actualisation—in cleared earth, in standing water, in a name—of the unity that w-l-y carries in potential: the walī who is a wālī, whose walāya is a wilāya.

The article accordingly intervenes on three fronts. Historically, it reads Khan Jahan's worldly founding and his posthumous walāya not as two divergent or sequential moments—first *de facto* power, then its retrospective sanctification—but as a single, temporally extended founding, and so declines the sequence of “power first, legitimation after” on which the conventional account both overtly and tacitly rests. Philosophically, it exposes the limit of Schmitt's decisionist sovereign, who can only suspend a law already in place, and proposes that frontier state formation requires a concept the metropolitan tradition constitutively lacks: not violence-at-the-origin, in the manner of Benjamin, but actualisation-at-the-origin, in the manner of walāya. Within the study of Sufism, it argues that walāya is not only an inward station but a world-founding office, legible in toponymy and architecture and not in hagiography alone. And beyond all three, it stakes a claim about political theology as such: against Schmitt's thesis that the significant concepts of the modern theory of the state are secularised theological concepts (Political Theology), the Islamic frontier presents a political theology that is not secularised at all (cf. Asad; Chakrabarty).

Three methodological cautions frame what follows. First, the comparison of Schmitt and Ibn 'Arabī is structural, not genetic. I do not claim that the one read the other, that Khan Jahan was a self-conscious Akbarian, or that any line of influence connects them. I claim that two independent

vocabularies, brought to bear on one act, illuminate it from complementary sides—and that the illumination is the argument. Second, where the textual record is thin, the built environment is read as primary evidence; in this the article follows a now-established practice of treating monuments as arguments rather than as illustrations (Eaton and Wagoner; Flood). The mosque, the tanks, and the imposed name are not illustrations of a theory documented elsewhere; they are, in their magnitudes, the theory itself—constitutional thought in brick and water before it could be written in prose. A third caution, which is also a substantive commitment, must be registered at the outset and is developed in its place below: to call the forest “ungoverned” is to make a narrow juridical claim about the absence of a certain kind of order, never the false and complicit claim that the delta was empty of people or of prior forms of life. The frontier where forest becomes law has victims as well as beneficiaries, and a political theology worth the name must hold the mercy and the power together.

II. The Frontier and Its Historians

2.1 Khan Jahan Ali and the Making of Khalīfatābād

Of the historical figure himself the secure record is slight, and its slightness is integral to the argument rather than a betrayal of it. He is remembered as Khan-i-A`zam Ulugh Khan Jahan, a soldier and administrator of Turkic descent who, during the reign of the restored Ilyās Shāhī sultan Nāṣir al-Dīn Maḥmūd Shāh (1435–1459), moved into the forested littoral of the south-western delta and there founded and governed a city. The most nearly documentary trace is epigraphic: an inscription upon his tomb at Bagerhat that records his death on 27 Dhū'l-Ḥijja 863 AH, corresponding to 25 October 1459. Around this slender anchor lies a dense material deposit: a constellation of mosques, the most celebrated being the multi-domed prayer-hall called the Sixty-Dome Mosque (Shāṭ Gumbad); roads and causeways, one long in use; and, above all, enormous excavated tanks, the dīghīs—among them the Khānjalī Dīghī beside the tomb and the vast Ghorā Dīghī—which alone made settled life possible in a saline environment (Dani; Hasan; Ahmed). Beyond the epigraphy and the buildings lies a body of tradition that, in the manner of such traditions, thickened after the man was gone, until the administrator and the saint had fused, in local memory, into a single figure whose baraka still resides at the shrine.

The character of these sources deserves emphasis, because it dictates method. We possess for Khan Jahan no chronicles, no correspondence, no treatises—only a dated grave, a set of buildings, a re-engineered hydrology, and a name. This is not a defect to be lamented in the absence of “real” evidence; it is the evidence, and it happens to be evidence of the deepest and most durable kind. Earth

moved and a word imposed outlast every parchment. The task, then, is not to offer, out of imagination, the treatise Khan Jahan did not write, but to learn to read the treatise he did write in distinct categories—in brick, in water, and in the toponym that still names his majestic city.

One documentary qualification must be entered with precision, since the argument that follows depends upon it. The term *jagir*, used throughout this article and throughout the received Bengal historiography, is strictly a usage of later Indo-Persian administrative vocabulary, and the assignment it names is attested for Khan Jahan not by any surviving fifteenth-century deed but by a nineteenth-century colonial revenue notice, which reports that he obtained from the emperor, or from the king of Gaur, an assignment of Sundarbans lands then lying waste under forest (Eaton). The archive of the founding is therefore itself a frontier archive: a later administrative memory of an earlier act, in which the deed survives only as the record of a revival. That the assignment reaches us in this form is not an embarrassment to the argument but an instance of it, for it is precisely the mark of a founding that precedes the documentary order which would later have registered it.

2.2 Eaton's Agrarian Frontier and the Question It Leaves Open

The indispensable framework for understanding this founding is Richard Eaton's account of the Bengal frontier. Against both the old thesis that Islam in Bengal spread by the sword and the opposing thesis that it spread by state patronage of conversion, Eaton argued that the decisive process was agrarian: in the course of time the active delta shifted eastward, and into its forests moved charismatic figures—religious pioneers—who stood at the front of settlement and organised the clearing of woodland, the founding of mosques and shrines, and the settlement of cultivators, so that Islam became the very idiom of an expanding agrarian society (Eaton). The mosque and the shrine were nodes of a colonising ecology; piety and the plough advanced together. Eaton's achievement is a social history of such explanatory power that it can appear to leave nothing further to be said.

Two considerations, however, keep the question open. The first is geographical, and it is more than a detail. Eaton's agrarian-Islamic frontier is located principally in the eastern delta, the Bhāṭī, where the rivers were active and Brahmanical order comparatively shallow; of the revenue-rich south-west he observes that Turkish power there met an already dense agrarian society, so that conquest did not extend the arable at all but simply captured the existing revenue structure (Eaton). Yet Khalīfatābād lies in the south-western littoral, on the Sundarbans fringe, and there Khan Jahan did precisely what Eaton's south-west is said not to have required: he extended the arable by clearing forest and re-engineering water. Khan Jahan is thus not simply a paradigm case of the eastern agrarian frontier but a figure standing at the seam of Eaton's own geographic schema—neither the capture of

an existing revenue structure nor the eastward agrarian drift, but a third thing that the model registers without theorising. The second is historiographical: recent work has questioned whether “frontier” is the right category for a delta so densely connected by sea and trade to the wider Indian Ocean world of Java, China, and the East African coast, urging an idiom of connection over one of edge (Subrahmanyam; Ludden).

This article accordingly extends Eaton rather than correcting him, and the extension is conceptual. To describe the mechanism by which a frontier is settled—the ecology, the economy, the charisma, the institutions—is not yet to name the juridical and theological form of the founding act. Granting everything Eaton demonstrates, one may still reasonably ask: what mode of sovereignty is enacted in that process of state formation? What theory of the origin of law is implicit in a saint’s conversion of wilderness into ordered habitation? Eaton furnishes the process in its fullness; the concept of the act remains unthought—not because his lens is deficient, but because it is trained, with great precision, elsewhere. It is that unthought concept of Bengal history—an extension of Eaton’s frontier from social history into political theology—that the remainder of this article proceeds to demonstrate.

III. Landnahme: The Appropriation Before the Norm

3.1 *Nomos as Land-Appropriation*

In *The Nomos of the Earth*, Schmitt undertakes to recover and redefine the concrete, spatial sense of a word that the modern positivist reduction of law had emptied. *Nomos*, he insists, is not in origin a statute or an enacted rule but derives from *nemein*—to take, to divide, to pasture—and names the primal act by which a people appropriates a territory and, in appropriating it, essentially founds an order (*Nomos*). Before there is any positive norm there is a *Landnahme*, a land-appropriation, that establishes the concrete order within which norms and jurisdictions can thereafter hold and operate. *Nomos*, in Schmitt’s formula, is the unity of *Ordnung* and *Ortung*—of order and localisation, of the rule and its rootedness in a bounded piece of the earth (*Nomos*; cf. Legg; Hooker). The first appropriation is the radical title, the ground of every subsequent legality; law, on this account, is quite literally grounded—it consequentially stands upon appropriated earth.

What crucially matters for the present argument is the direction of Schmitt’s claim. He is not describing how an existing legal order regulates the acquisition of land; he is describing how the acquisition of land first institutes a legal order. The *Landnahme* is prior to the norm, not governed by it. It is the event in which a space is at once exposed, seized and constituted as the space of a *nomos*—the event, one might say, in which a piece of the earth is converted from mere ground into definite terri-

tory. This is the very conceptual site at which the founding of Khalīfatābād must be located: not the administration of a domain by a state already sovereign over it, but the constitutive appropriation by which a domain—a wilāya—first comes to be.

3.2 The Sovereign Who Can Only Suspend

It is a striking feature of Schmitt's corpus that the doctrine for which he is most famous cannot reach this mode of state formation. The Political Theology of 1922 opens with the celebrated definition: "Sovereign is he who decides on the exception" (Political Theology 5). The sovereign is disclosed at the limit of the juridical order, in the moment of the *Ausnahmezustand*, the state of exception, when he suspends the valid laws and norms in order to preserve the order that the law serves. Sovereignty here is a borderline concept: it lives at the edge of the norm and is revealed in the power to suspend it (Political Theology; cf. Agamben, *State of Exception*).

But it must be noted what this presupposes in the first place. To decide on the exception is to decide on a norm—to suspend a law that is already in force within an order already in being. The decisionist sovereign is therefore, by the very structure of the concept, a sovereign of the already-constituted. He can hold or release an order; he cannot originally and principally found one, for the exception is intelligible only against the norm it excepts. Decisionism theorises the maintenance and the crisis of an order, not its institution. This is not a marginal observation but the hinge of the present argument: frontier state formation is not a decision on the exception, because there is no norm at the frontier even to be excepted. That constituent power is irreducible to the constituted power it authorises has of course been argued within the European tradition itself (Schmitt, *Constitutional Theory*; Negri; Kalyvas; Arendt). Schmitt half-saw the limit, which is why the later work turned from the decision to the *Landnahme*—from the edge of the order to its ground. Yet even there a gap remains: the *Landnahme* is, for Schmitt, essentially a taking, a *nehmen*, an appropriation of what lies there to be appropriated. Schmitt has no concept of the founding as the bringing-to-be of what was not there—no account of the origin as actualisation rather than seizure. It is exactly this gap that the idiom of *walāya* will be brought to fill.

A word is owed here to the propriety of drawing on Schmitt at all, given his membership of the National Socialist party and his service to its state, a record this article neither minimises nor excuses (Bendersky; Balakrishnan). The concepts are deployed as much of the political-theological tradition after him—Agamben not least—has found them indispensable: instruments that illuminate the structure of modern sovereignty with a rigour their author's allegiances do not diminish and do not absolve. To think with Schmitt against Schmitt is precisely what the postcolonial turn in the study

of nomos has recommended (Legg).

3.3 The Mystical Foundation of Authority

That the founding of an order cannot be authorised by the order it founds is not a difficulty peculiar to Schmitt; it is the aporia that Walter Benjamin and, after him, Jacques Derrida placed at the heart of the question of law. Benjamin distinguished the law-making violence that institutes a juridical order (*rechtsetzende Gewalt*) from the law-preserving violence that maintains it, and located at the origin a violence that no prior law can legitimate, because it is the very violence by which law first comes to be (Benjamin). Derrida, taking up a phrase from Montaigne and Pascal, named this the “mystical foundation of authority”: the founding act institutes the very framework by which alone it could be judged legal or illegal, and is therefore neither—a coup de force resting on a foundation “mystical” precisely because it is without prior ground (Derrida).

The metropolitan tradition thus arrives, at the origin, at one of two termini: a violence that cannot account for itself (Benjamin), or a groundless performative that can only be called mystical for want of a ground to name (Derrida). I want to hold this result in suspension, because the following section proposes that at Khalīfatābād the “mystical foundation of authority” is not a placeholder for the unaccountable but a determinate metaphysics of the state-founding act. The foundation is mystical in a sense more literal than Derrida’s: it is the work of a mystic, a walī, whose participation in the divine act of existention supplies exactly the account of the origin that Benjamin’s violence and Derrida’s performative leave blank. Where the European analysis cannot resolve the aporia and so names it mystical, the Sufi frontier offers a mystical political ontology that is an answer.

IV. Walāya: The Actualisation of the Undetermined

4.1 The Breath of the Merciful and the Latent Possibles

According to the cosmological analysis of Ibn ‘Arabī, the things of the world subsist as inherent latent realities before even their existence. The a’yān thābita, the immutable entities or fixed essences, are known eternally to God as the objects of His knowledge, but are not yet endowed with existence. Creation is the bestowal of existence upon these latent possibles, and Ibn ‘Arabī names the medium of that bestowal the Nafas al-Raḥmān, the Breath of the Merciful: as breath carries speech into audibility, the divine exhalation carries the possibles into being in the same way (Chittick, *Sufi Path*; Chittick, *Self-Disclosure*; Izutsu). Existention is therefore an act of raḥma, of a mercy that, in the Qur’anic phrase, encompasses all things: to be brought into existence is to be breathed out in mercy.

Consequently, the cosmos is the determinate articulated breath of the Merciful, and each existent is essentially a word within it (Ibn al-ʿArabī; Corbin).

Within this cosmology the walī—and pre-eminently the insān kāmil, the perfect human—occupies a special determinate place. The saint is the locus of divine self-disclosure, which we can call tajallī, and the perfect human is the mirror in which the Real contemplates itself and the channel through which the Breath passes into form (Takeshita; Addas). The saint does not create in his own right; he is the site through which the creative act realises itself, the point at which undetermined possibility is drawn into a determinate being. Sainthood, on this account, is not first of all an ethical accomplishment or an experiential state but a metaphysical function: participation in the very act by which order is drawn from the undetermined (Chodkiewicz; Renard). This is the precise sense in which walāya will be shown to be an operative concept and not an inward station alone, since participation in existention is, at the frontier, indistinguishable from the founding of a world.

A precision is required here, since the term “undetermined,” which recurs throughout this article, might otherwise be thought to misdescribe Ibn ʿArabī's scheme. The aʿyān thābita are not indeterminate. They are perfectly determinate as objects of divine knowledge, and the Breath bestows existence upon each according to the reality it already possesses, adding nothing to its essence. What is undetermined is therefore not the essence but its existence. In the Avicennan idiom Ibn ʿArabī inherits and transforms, the possible, the mumkin, is that whose existence and non-existence stand in equipoise, requiring something beyond itself to preponderate it into being; and it is in this respect alone—undetermined in existence, never in essence—that possibility is called undetermined here (Izutsu; Chittick, Sufi Path). The distinction is no technicality, for it is exactly the one the political argument requires. The forest was not formless, and those who lived in it were not without their own determinate order. What the founding institutes is not determination as such but existence in a particular register: a juridical and spatial order that was not there before. Throughout what follows, “undetermined” is to be read in that sense alone, and never as empty, formless, or void.

4.2 Vicegerency at the Frontier: Walāya, Khilāfa, Istiʿmār

What makes this metaphysics political is the deeply Qurʾanic architecture in which the whole is set. The human being is, according to the Qurʾan, God's khalīfa, His vicegerent upon the earth: “I am placing on the earth a khalīfa” (Qurʾan 2:30), and David is named khalīfa charged to judge with truth (Qurʾan 38:26). Vicegerency is delegated authority to order the earth on behalf of the One who delegates it (Kadi; Crone; al-Azmeh). And the content of that authority is given a further name in wa-staʿmarakum fihā (Qurʾan 11:61): “He brought you into being from the earth and settled you in

it”—here *isti‘mār* is the divine charge to cultivate, to build up, to make the earth flourish. The *‘imāra* thus turns waste into habitation. The medium of that flourishing is water: “We made from water every living thing” (Qur’an 21:30); and rain is throughout the Qur’an a sign of mercy, the trace by which God revives the earth after its death (Qur’an 30:50).

This scriptural charge has, moreover, a precise juridical counterpart, and the coincidence is decisive for the present argument. Classical *fiqh* recognises the category of *iḥyā’ al-mawāt*, the re-vivification of dead land: he who brings waste ground into cultivation acquires title in it, an original acquisition that no prior grant is required to authorise (Johansen; Sait and Lim; Hallaq). Here, within the Islamic legal tradition itself, is a doctrine of appropriation-by-actualisation that answers structurally to Schmitt’s *Landnahme* while grounding title not in seizure but in the giving of life. The forest cleared and the tank dug are, in this idiom, at once a metaphysical and a juridical act.

Read through this idiom, the founding of *Khalīfatābād* is legible as an act of *isti‘mār* performed by a *khalīfa*: the actualisation, through the merciful medium of water, of the latent order of an earth dead in the exact Qur’anic figure. The saline, forested, ungoverned delta is the “dead earth” vicegerency is charged to revive; the excavation of sweet water is that revival; the ordered city is the *‘imāra* in the fullest sense. The name *Khalīfatābād* does not decorate this act but states it: the place is the abode of vicegerency, the seat from which the human exercises the delegated authority to make the earth flourish as God’s *khalīfa*. This is not to claim that Khan Jahan expounded such a doctrine in so many words; it is rather to show that the tradition within which he acted furnishes a complete political theology of the founding, and that his acts—clearing, watering, building, naming—enact it to the letter. *Walāya*, *khilāfa*, and *isti‘mār* are here three names for one office: the friend of God, as vicegerent, actualising the possible earth.

4.3 The Semantic Unity of the Root W-L-Y

The convergence just described is not imposed upon the Arabic; it is carried within it ontologically and etymologically. From the root sense of nearness, the consonants *w-l-y* generate at once the vocabulary of intimacy with God and the vocabulary of authority over a domain. The *walī* is the friend of God and the saint, but the same word names the guardian, the patron, the one who stands close enough to another to act on his behalf. The *wālī* is the one placed in authority over a terrain, the governor. The *mawlā* is master and patron. And the abstract nouns *walāya* and *wilāya*—the near-homonyms whose distinction Sufi authors deploy variously, *walāya* for general sanctity and *wilāya*, in some usages, for a more particular or a higher station—both belong to a single semantic field in which the condition of the saint is never cleanly segregated from guardianship, authority, and rule. Decisively, *wilāya* is also

the ordinary word for a governed territory, a province: the domain of a wālī (Chodkiewicz; Cornell; Karamustafa).

These linguistic inner dimensions are not merely an etymological ornament. They are the disclosure, through the mediation of language, of a structure that the founding of Khalīfatābād enacts in the world. In the modern European lexicon the mystic and the sovereign inhabit opposite poles, and any thought relating them must bridge a lexical chasm. Arabic builds no bridge because it recognises no chasm: the letters that denote sainthood denote governance—the word for the saint's station is the word for a province. This convergence has, importantly, already been registered within Bengal historiography itself: Eaton observes that Sufi and courtly literatures alike stressed authority over a wilāya, a territorially defined region, and that the term walī accordingly signified “governor” or “ruler” in the one register and “saint” or “friend of God” in the other (Eaton). The present argument takes that lexical observation, which Eaton records as a fact about discourse, and develops it into a theory of the founding act itself. The same identification is asserted doctrinally in the earliest Persian treatise on Sufism, where Hujwīrī holds that God has appointed the saints governors of the universe (qtd. in Eaton). When the walī founds Khalīfatābād, the identity that the root w-l-y upholds in potential is realised in factual reality: the friend of God is the holder of the territory, and his walāya is a wilāya in the fullest sense, at once a sanctity and a domain. Threshold sovereignty, to which the argument now turns, is the actualisation of this unity: sainthood that is the holding of a province, a province that is the extension of a sainthood.

4.4 Walāya as Office: The Limits of the Existing Literature

The claim that walāya is an operative political concept, and not an inward station alone, must be measured against a literature that has already established a great deal. Digby showed that the Sufi shaykh functioned in medieval India as a genuine source of authority, holding a wilāyat understood as a territorial jurisdiction and standing in real, at times rivalrous, relation to the sultan. Cornell demonstrated for Morocco that sainthood operated as a socio-political institution rather than a private condition, the walī exercising authority over a domain the state did not wholly command. Ernst traced at Khuldabad how a shrine becomes the organising centre of a region's religious and political life. Green has shown how Sufis in early modern India produced space, their lodges and shrines territorialising the landscapes they settled; and Eaton's Bijapur study established the social roles by which Sufis mediated between state and countryside (Digby; Cornell; Ernst; Green, *Making Space*; Eaton, *Sufis of Bijapur*).

What this literature establishes is the saint as a source of authority within, alongside, or against a polity, and the shrine as an institution that organises space. What it does not take up is the ques-

tion this article poses: whether walāya can be constitutive of a juridical order rather than a source of authority within one. Digby's shaykh contests the sultan; Cornell's saint holds authority in a society already constituted; Ernst's shrine centres an order that exists; Green's Sufis make space inside an imperial frame. In each case the polity is presupposed, and the saint located in relation to it. Khalīfatābād puts the prior question: what happens where there is no such polity to be located in relation to—where the walī is neither rival nor mediator nor settler within an order, but the one by whom an order first comes to be. That is the sense in which walāya is proposed here as a world-founding office, and the precise point at which this argument departs from the literature on which it otherwise depends.

V. Threshold Sovereignty

5.1 *One Act, Two Idioms*

On the argumentative foundations laid above, we may now state the central thesis of the paper. Schmitt's Landnahme and Ibn 'Arabī's walāya, developed from unrelated sources for unrelated ends, nevertheless culminate in a single act under two descriptions. Landnahme names its juridical face, the appropriation that founds a concrete spatial order before any positive norm obtains; walāya names its metaphysical face, the actualisation of the latent possible through participation in the creative Breath. The former is the taking that constitutes a bounded territory; the latter, the mercy that brings a world into being. Brought to bear on the forest that became Khalīfatābād, they describe a single event from two sides—the conversion of the undetermined into the ordered with no prior norm to suspend.

Threshold sovereignty is the name I give to this precise event. It is the constitutive institution of a legal-spatial order at the threshold between the ungoverned and the governed, effected not by the suspension of an existing norm but by the actualisation of a latent order, and authorised not by a prior law but by the founder's participation, in both his capacities as walī and as khalīfa, in the act by which order as such is drawn from the undetermined into the determinate. It is sovereignty at the threshold and of the threshold: the power that operates where forest becomes law, and whose whole nature is to effect that becoming. It is neither the decision of the sovereign of the exception nor the abandonment of the sovereign of the ban, and it is to those two contrasts that we now turn.

5.2 *Neither Decision nor Abandonment*

Threshold sovereignty is not the decision on the exception. The decisionist sovereign, we have seen, stands at the edge of an existing order and suspends its norm; his sovereignty is revealed in the state of exception. The threshold sovereign stands at no such edge, since there is no norm to suspend in

the first place; his sovereignty is therefore revealed not in suspension but in institution. The relation is exactly inverted. For Schmitt, the exception discloses the sovereign at the limit of an order already constituted; at the frontier, the founding discloses the sovereign as the origin of the order itself. Where the one holds or releases a nomos, the other makes one.

Nor is threshold sovereignty the abandonment of the ban. In Agamben's development of Schmitt, the threshold of the juridical order is the site of exclusion: the sovereign ban captures bare life by abandoning it, and the state of exception, in its generalised sense, becomes a zone of indistinction in which life is included in the order precisely by being excluded from its protections (Agamben, *Homo Sacer*). But the frontier threshold of Khalīfatābād runs in the opposite direction. It is generative, not privative: a threshold of inclusion-into-order rather than of abandonment. Whereas the homo sacer is what is exposed and caught in the ban and stripped of standing, the cultivator drinking from the newly excavated tank is what is drawn into a nomos and given a place within it. Threshold sovereignty is, in this precise sense, the photographic negative of the Agambenian paradigm: the same structural site read as institution rather than abandonment. And here the *rahma* at the heart of *walāya* does genuine conceptual work, for it names the founding as a merciful bringing-into-order and not as a sovereign casting-out. This is not to sentimentalise the founding, as the next-but-one subsection will insist; it is to identify the modality that distinguishes it.

5.3 The Founding That Does Not End

The thesis that Khan Jahan's worldly founding and his posthumous *walāya* are a single act, not two, cuts against a framework so habitual that it usually passes unremarked: the framework of legitimation. On the conventional account, broadly Weberian in its logic, there are two moments to be distinguished. First comes the exercise of *de facto* power: the soldier clears, builds, and governs by force and organisation. Then, afterwards, comes sacralisation: the shrine, the cult, the ascription of sainthood, which retrospectively legitimate a power already established. Charisma, in this account, is an extraordinary personal quality that must in time be routinised into institution, and the shrine is the routinisation of Khan Jahan's charisma into a durable form (Weber).

Against this the present argument holds that the ordering of the forest was itself, from the first, the exercise of *walāya*, and that the posthumous shrine does not add subsequent legitimacy to a completed act but continues an act that is, by its very nature, temporally extended. *Walāya* in Ibn 'Arabī is not a momentary achievement but an abiding station; moreover, the *walī* remains a friend of God, and in the logic of the tradition remains present, his *baraka* undiminished by death (Chodkiewicz; Ernst; Eaton, "Shrine of Bābā Farīd"). The veneration at the tomb is therefore not a second, legitimating mo-

ment appended to a first, secular one; rather it is the continuing present tense of a single founding. The still-standing mosque, the tanks that still hold their water, the road long trodden, the name still spoken, the pilgrims still arriving—these are not the afterlife of the founding but its perpetual duration. The founding of a modern state ends when its institutions are in place and its founder is superfluous, but the saintly founding does not end, because the walī who founded the wilāya continues to hold it. This is the content of the claim that jagir and walāya are one: not administration first and sanctity after, but a single founding whose temporal extension includes its own posthumous continuation. And this is why the Weberian idiom fails the case—walāya is not a charisma awaiting routinisation but a participation in divine creativity that does not lapse; it is cosmological where charisma is merely extraordinary.

5.4 Against Terra Nullius: What “Ungoverned” Can and Cannot Mean

The whole argument turns on the claim that the forest was, in some sense, ungoverned—that the founding was prior to any norm. This claim stands one careless step away from the most discredited fiction in the history of conquest: terra nullius, the doctrine of empty land available for appropriation, which has served the dispossession of peoples across the modern world (Fitzmaurice; Benton; Anghe). The article must therefore say with precision what “ungoverned” can and cannot mean here, for on this its integrity depends.

It cannot mean uninhabited. The Bengal delta was peopled by cultivators and fishers, by forest-dwellers, by older populations with their own forms of life, their own uses of land and water, their own orders of meaning that a documentary silence does not annul (Richards; Iqbal). To read the forest as empty would be both historically false and morally complicit, and this article reads it as neither. What “ungoverned” means is strictly what Schmitt’s own analysis requires: the absence of a nomos of the particular kind the founding institutes—a bounded, settled, juridical-spatial order of the sort that Khalīfatābād inaugurated—and not the absence of people, of prior claims, or of life. Landnahme, in Schmitt’s candid account, is never the occupation of a vacuum; it is the imposition of one order where others, or none of that kind, obtained, and it is for that reason never innocent.

Here the idiom of walāya must be held to its double edge. The metaphysics of merciful actualisation can do both: dignify a founding and sanctify a dispossession, rendering the displacement of prior lifeworlds as the pious “revival of a dead earth.” The very Qur’anic figure that lends the founding its grandeur—the dead earth brought to life by water and mercy—can be turned, if left uncriticised, into a theology of erasure, for it is always someone’s prior world that the frontier declares to have been death. The juridical category of iḥyā’ al-mawāt carries the same ambivalence, since a

doctrine that vests title in whoever revives waste ground must first classify as waste what others may have been inhabiting (cf. Wolfe). The concept of threshold sovereignty is offered not to celebrate this founding but to make its structure visible, and that structure includes the appropriation Landnahme never disowns and the coercion any clearing of a settled forest entails—an act with a cost, borne by those for whom the new nomos was not mercy but loss. The mature position this article defends refuses at once the hagiographic reading, which sees only sanctity, and the terra nullius reading, which sees only empty ground, and holds the founding in its full ambivalence: an actualisation that is also an appropriation, a mercy that is also a power, a friend of God who was also the taker of a land.

VI. The Archive of Brick and Water

Because the textual record is thin, the built environment must be read as the primary source, and it repays the reading: the buildings and the name do not illustrate a political theology held elsewhere—they are the political theology, thought in matter before it was written in prose. Three artefacts carry the argument: a hall of columns, a body of water, and a word.

6.1 *The Forest of Columns*

The great hypostyle mosque at Bagerhat—popularly the Sixty-Dome Mosque, though the arithmetic of its name is contested in the scholarship, the counts of its pillars and its domes and even the etymology of Shāṭ Gumbad admitting of more than one account—presents an interior of a single unmistakable type: a vast prayer-hall carried upon a dense grid of stone pillars supporting a multitude of low domes, the whole oriented to the qibla (Hasan; Dani; Michell). Its date must be stated with the caution the evidence permits. The building carries no dated foundation inscription. It is attributed to Khan Jahan, and conventionally placed around 1450, on stylistic grounds—it is the principal monument of what the architectural literature calls the Khan Jahan style—and by association with the securely dated tomb inscription of 863 AH (Dani; Hasan; Ahmed). The attribution is well founded, but it remains an attribution, and nothing in what follows requires more than that the mosque belongs to the founding complex.

What follows is offered as an interpretation and not as a demonstration. The hypostyle plan is an inherited Islamic form with a long history from Kairouan to Córdoba, and no claim is made that its use at Bagerhat was devised to answer the mangrove, or that its builders intended the resonance proposed here. The claim is weaker, and to my mind more interesting: that in this particular setting an inherited form acquires a local legibility it does not carry elsewhere. Where the mangrove stood, a forest of columns stands—aligned, ranked, oriented, roofed; the wilderness given order and given

direction. Schmitt's nomos, we recall, is the unity of *Ordnung* and *Ortung*, of order and localisation. The hypostyle hall answers to that unity in brick and stone: a regular grid, which is order, turned as a single body toward Mecca, which is localisation. On this reading the forest is not merely erased but sublated—its form, the endless multiplicity of vertical supports, retained and disciplined into law. The building may then be said to say in stone what the argument says in concepts: the forest became law, and kept the shape of a forest in order to say so.

6.2 *Sweet Water from a Saline Country*

The tanks are the more eloquent witnesses. In the saline tidal environment of the lower delta, fresh water is not an amenity but the absolute condition of settled life, and Khan Jahan's founding is marked above all by the excavation of enormous reservoirs of it. To dig sweet water from a country of salt is to make life possible where it was not—to enact, in the most literal register, the Qur'anic making of every living thing from water and the leaving of the traces of mercy by which a dead earth is revived. The tank is the material substrate of the nomos: before order and orientation can hold, life must be sustained, and it is the tank that sustains it. In the Islamic idiom the reservoir materialises *rahma*—the Breath of the Merciful made drinkable, mercy that one can carry in a vessel. And in the juridical idiom the same reservoir materialises appropriation, for to remake the hydrology of a landscape is to lay hands upon the earth in the most far-reaching way, founding a polity by re-founding its water. It is at the waterline, precisely, that *Nafas al-Rahmān* and *Landnahme* meet: the sweet water is at once the mercy that gives life and the taking that founds a domain.

6.3 *Reading the Name*

There remains the name. *Khalīfatābād*—the Abode of the Caliphate—is a sovereignty-claim compressed into a toponym. A clearing in a frontier forest is declared to be the seat of the *khilāfa*: not a margin but a centre, not an outpost but an abode of vicegerency. In the light of the Qur'anic architecture set out above, and of the semantic unity of *w-l-y*, the name states the whole political theology in a word. It declares the founding to be an act of *khilāfa*—of delegated authority to make the earth flourish—performed by a *walī* whose *walāya* is a *wilāya*, a sanctity that is a domain. What the mosque enacts in stone and the tanks enact in water, the name enacts in language: it is the shortest possible treatise on the sovereignty of the frontier, and the living veneration at the shrine still keeps it in the present tense.

This is the meaning of the claim that bricks, water, and a name do the work of political theory before any treatise is written—in a place, and by a hand, that wrote none at all. It is theory in its

most durable medium, still legible five centuries on to anyone who learns the idiom in which it was composed.

VII. Conclusion: The Frontier as the Truth of the Origin

The frontier founding is not a curiosity at the margin of political theory but a disclosure at its centre, grounded here in Bengal history. The metropolitan tradition theorises sovereignty from within an order already constituted, and so reaches the origin of law only negatively—as the exception that suspends a norm (Schmitt), the violence that institutes it (Benjamin), the groundless performative called mystical for want of a ground to name (Derrida)—and finds there a blank. The frontier shows the origin positively, because at the frontier it happened in the open: not the suspension of a law but the institution of one, not a violence merely but an actualisation, a walāya that was a wilāya, a mercy that was also a power. Khalīfatābād is the place where the origin of law is visible because there it took place without the cover of a prior state, in brick and water and a name.

Threshold sovereignty is the concept that names this visible origin, and its wider significance is twofold. Against the decisionist tradition, it establishes that the founding is prior to, and other than, the decision: the sovereign of the origin does not suspend but institutes, does not except but actualises; the exception is a mode of the already-constituted, and the frontier is where sovereignty is caught in the act of constituting. And beyond Schmitt's thesis that the concepts of the modern theory of the state are secularised theological concepts, the Islamic frontier presents a political theology that is not secularised at all: khilāfa, walāya, and raḥma are not the theological pre-history of secular political concepts but remain operative as theology in the very act of founding a polity—which is to say that here sainthood is a world-founding office and the origin of law is not only violence but mercy. It stands as an invitation to read other frontiers, other saints, and other foundings in its light.

To read Khan Jahan's forest is to open that avenue; to walk it with the utmost honesty is to hold the mercy and the power simultaneously and synchronously—the friend of God who was also the taker of a land, the Abode of the Caliphate that was once a forest bearing other names, known to other people, before it was made into law. Threshold sovereignty is offered as the concept adequate to that doubleness: the place where forest becomes law, seen at last as a founding and not merely as a settlement in Bengal history, and read in the two idioms at once—the taking and the mercy—that it required in order to be.

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