

Political Legitimacy in Islam

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Legitimacy is the pivot issue when discussing political authority whatever the vantage point from which that authority is viewed, and whatever kind of government it produces, be that positive or negative. It is the measuring stick historians of politics cling to whenever they speak about the government of a king or a president, or when evaluating a historical phase of this or that nation. Legitimacy is the anxiety that grips a political ruler whenever he feels that he is weak and his rivals are strong. The assertion of legitimacy is absolute. Political legitimacy in and of itself is the ruler's *sui generis* justification for defending himself and, moving on from there, it is a weapon he uses whenever he sees the need to silence or muzzle rivals, or when he wants to undermine or silence voices of protest. Movements of political protest and opposition, subtly but more frequently openly,

are nothing but statements that the ruler being opposed and his actions have no claim to legitimacy. The political reality in Islam was not immune to this principle but in fact has confirmed it. In fact Muslim political reality, at crucial historical stages, has been its best exemplar, more so than is evident or obvious in other political expressions in other environments.

Islam began addressing the matter of political legitimacy right after the death of the Prophet when the first differences of opinion in Islam emerged concerning who would succeed the Prophet in administering the religious and political affairs of Muslims. The writings of the historians and their differences of opinion concerning what happened in the affair of the covered portico of Banî-Sâ'idah (*saqîfatu-banî-sâ'idah*) are known and notorious(1). For a second time the issue of political legitimacy reached the rooftop in Muslim history when dissension escalated during the caliphate of 'Uthmân bin-'Affân that ended in the tragedy we know so well ['Uthmân's assassination].

This contestation and conflict emerged a third time in Muslim history with ‘Alî bin-Abî-Tâlib as its focal point. First there came the crisis of adjudication, and that was followed by the assassination of the son-in-law and cousin of the Prophet. We must also note the transfer of power from Mu‘âwiyah bin-Abî-Sufyân to his son and successor. This ignited a furor, both ‘for’ and ‘against’, concerning the political legitimacy of the Umayyad regime. Subsequently, we need to point to the ‘Abbâsid revolution and what that precipitated, both externally and internally, by way of contestations and argument concerning political legitimacy. In the decades that followed there were any number of ‘defections’ (revolutions) some of which successfully established states and others competing caliphates far from the central authority of Baghdad or in portions of it that had failed. There followed internal conflicts and civil wars whose flames burned for a long time.

In summary we can say that the political manifestation of Islam, beginning with the first contest of wills under the covered portico of Banî-Sâ‘idah right up to modern times, passing through many phases, has been a history of conflict for political dominance to assert the legitimacy that the rival does not have. In general we can say that the history of political thought in Islam — for all its varieties of expression, be they theological, juridical or ethical — continues to focus upon the issue of political legitimacy.

In order to gain a clear idea of how Islam addressed the issue of political legitimacy we need to examine its main expressions in their variety, and then we must focus upon how the issue of legitimacy is addressed in contemporary Arab thought, paying special attention to its relevance to our present existence. The main manifestations we note are three: Legitimacy and how it is buttressed in Islamic law, legitimacy in theological discourse, and legitimacy in the discourse of the legists. Our treatment requires brevity and

focus, in the first instance. Furthermore, it aims to be precise in expression and clear in depicting what is being said.

1. Political Legitimacy and the Divine Law:

We find in the Holy *Qur'ân* perhaps a few more than ten percent of all verses relate to legislation concerning the rules of worship and moral conduct. They are sometimes clear and precise but at other times they lack clarity and perhaps must be amplified by the prophetic *Sunnah*. By contrast, we do *not* find in the Scripture anything that may be considered a theory of political government or anything that might point toward a preference for a one type of state or government over another. What we do find in the Holy *Qur'ân* are verses that insist that judgment must be just. By way of example, God Most High said, “God commands you that you give the substance of faithfulness to those responsible for it, and if you adjudicate between people your judgments must be just.” (*Qur'ân, Sûrah 4:58*)

The *Qur'ân* equates just adjudication with returning funds held in trust to those who are responsible for them, and, furthermore, in other verses it equates justice with the doing of good works. In the Beloved Scripture, in a verse related to the verse we have just quoted urges attending to and obeying those entrusted with the people's public affairs. In it God says, "You have come to a mutual pact for security, so be obedient to God and to the Prophet and to those in authority among you (*ûlû-il-amri min-kum*). If you have an issue over which you contend refer it to the Prophet and to God if you believe in God and the Last Day. That is a matter of virtue and the best interpretation." (*Qur'ân, Sûrah 4:59*) This verse is the most prominent and emphatic in the *Qur'ân* concerning the need to be obedient to 'those in authority'. On the one hand it equates obedience to those in authority to obedience to God and to the Prophet when contestation breaks out concerning one's full devotion to God. Clarifying the force of this verse still further, commentators have spoken of it as 'The Verse for Princes' (2).

We see the same thing reflected in the Prophetic *Sunnah*. There we read in one *Hadîth*: “After I am gone governors will rule you: the righteous will govern you rightly, and the shameless will govern you with their shamelessness. Listen to them all and obey in all that promotes the truth. If they do well, that is to your benefit and to theirs. If they do evil, that is your lot and their condemnation.” The character of those governors and how they are to be chosen and the spelling out of the manner in which they must be accepted ... nothing of this is mentioned in the Prophetic *Hadîth*.

It is true that the *Sunnah* emphasizes the need for consultation (*shûrâ*) in line with God’s command to his Prophet in the Holy *Qur’ân* concerning the need to consult: “Talk the matter over with them!” (*Qur’ân, Sûrah* 3:159) In the *Sunnah* there is sharp condemnation of oppression (*dhulm*): “Between the cause of the oppressed and God there is no veil,” and “One act of oppression becomes many on Resurrection Day.” On the

other hand, in the *Sunnah* there is great praise for the just leader. In a well-attested (*sahîh*) *Hadîth* we read: “The cause of three will not be denied: the oppressed, the one who fasts until the fast is broken, and the just leader.” The just leader is the one who issues judgments that accord with the divine law. Such a leader is God’s anointed when he sustains the persecuted because he is devoted to God and God responds to his prayers just as the believer’s cause is vindicated in his fulfilling a religious obligation that is one of the five divinely imposed duties.

Starting with the *Qur’ân* and the *Sunnah* and moving on to the Muslim *Sharî‘ah*, it is possible to adduce generalizations and general principles that can be extended to apply to political legislation. Those legists who spoke about political legitimacy as the measuring stick for judging the negative or positive merits of a given political regime knew that the ruler’s rationalization was the same as that which could be used against him. We find this in the most prolific, notorious and clear writer

on political legitimacy. I mean Taqîyy-ud-Dîn Ibn-Taymiyyah in his well-known book, *Legitimate Politics in Reforming the Shepherd and the Flock* (*as-siyasâh as-shar‘iyyah fî islâh ar-râ‘î wa-r-ra‘iyyah*). This great Hanbalî legist declares that the pivot point of his book is ‘The Verse for Princes’. Commenting upon that verse after analyzing it, he says, “If this verse obliges the government to guarantee security and to judge justly, these characteristics sum up just policies and a legitimate authority.”

2. Political Legitimacy and What the Theologians Say:

In modern and contemporary Muslim Arab thought, among the definitions of religious sources or the theological discipline most often cited is the definition articulated by Ibn-Khaldûn in his well-known *Prologue* (*al-muqaddimah*): “Knowledge includes defense of faith’s doctrines using rational arguments and the refutation of innovators who deviate in their opinions from the doctrines of the forerunners (*as-salaf*) and the people of

orthodoxy (*ahl-us-sunnah*).” The priority being defense of doctrine from the point of view of the theologian’s confessional school, any discussion of politics appears remote from this kind of knowledge. Thus we find the author of the *Prologue* saying, with regard to the Imâmate or the supreme Caliphate and thus with regard to any autocrat of the political system in Islam, “It is a matter of communal interest that has nothing to do with doctrines.”

For the same reason al-Qâdî ‘Abd-ul-Jabbâr, one of the great spiritual leaders of the Mu‘tazilah, linked the Imâmate to ‘commanding what all see as good and forbidding what all disapprove’. He said, “What is relevant in this regard is that most things related to forbidding wrong and approving virtue is primarily the task of the Imâms.”

It is well known that one of the great Sunnî objections to Shî‘ism has to do with the Imâmate. The Shî‘ah make the business of the Imâmate and the Imâm a religious issue. Moreover it is *the* central aspect of their

doctrine, it being understood that the Imâm is the supreme authority interpreting not only the *Sharî‘ah* but also doctrine. Nonetheless, the Ash‘arite to the Hanbalite schools speaking from a Sunnî theological perspective provide space for the Imâmate in their systems even though they manifest some reserve in the matter and adduce rationales that, in the end, do not reflect a high degree of conviction.

Thus in his 1985 book, *Advice Concerning Those Things Doctrinally Decisive* (*kitâb-ul-irshâd ‘alâ qawâti‘-il-adillah fî-l-i‘tiqâd*), ‘Abd-ul-Malik al-Juwaynî, the imâm of the ‘Two Sanctuaries’ (*al-haramayn*) of Mecca and Madînah, wrote in his introduction to the chapter he devotes what has been said about the Imâmate in the most famous of Sunnî theological writings, “The word under this heading is that the Imâmate is not a doctrinal fundamental. Anyone who slides in that direction will increase the danger for anyone who *does* make it a fundamental. ... Al-Qâdî [Abû-Bakr al-Bâqillânî] and others of our leading lights (may God approve them!) wrote

elaborate books on the Imâmate ... and our intention concerning this belief is to specify the sources for the discussion under this heading.” The same reservations are expressed by his student, Abû-Hâmid al-Ghazzâlî, in his discussion of the Imâmate in his book, *The Economics of the Sources of Belief* (*al-iqtisâd fî usûl-ul-i’tiqâd*). But even that is not persuasive with out getting into this book’s treatment of issue of ‘interest’. In fact al-Ghazzâlî gives it, at the most, only one treatment and does vary from that in other chapters and sections of his other books.

The fact is the Imâmate is *the* political issue that links to the matter that concerns us in this study (the matter of political legitimacy). But it is not one of the issues that Muslim theology deals with on the same level as it deals with other issues — the nature of divinity, the unity of God and all creation, the prophetic office, fate, free will, and so on. But *political legitimacy* is the pivotal issue that defines for theology the path that it must follow. (And this is what we have tried to clarify in our article,

“The Ash‘arite Message’ (*al-khitâb al-ash‘arî*), in the anthology, *Studying the Muslim Arab Mind-Set (dirasah fî-l-‘aql il-‘arabi il-islâmî)*, Beirut, 1992.) It is obvious that differences between the theologians of Islam can be attributed to their sects or confessional schools (Ash‘arite, Mâturîdite, Mu‘tazilite, Zaydite, Imâmite, Ibâdite and what have you). The issue of the Imâmte is that to which they all return when differences arise. Most of the books dealing with the sources of religion mask the fact that legitimacy is the real issue or blur it in various ways.

In this study we want to clarify that the issue of political legitimacy in Islam relates to the divine law. It acquires its first and basic underpinning from the doctors of Islamic theology. Therefore a short pause to examine how the issue of the Imâmte is dealt with is essential. We will avoid the confessional disagreements between the doctors of theology and concern ourselves with generalizations and pivotal issues.

The first issue the theologians encountered in addressing the matter of the Imâmate was that the Imâmate or the supreme Caliphate (called such because it was the successor to the prophetic office and because the term, ‘Caliphate’, when it was first coined in Islam, referred to Abû-Bakr as-Siddîq’s assumption of Muslim affairs following the death of the Prophet) was a necessary thing. The divine law requires the Imâmate in order to guarantee the rule of law (the legal decision-making process). Rationally it is also required since it is irrational to abandon the public business of the Muslim consensus without an administrative head.

The second issue had to do with the conditions that the Caliphate had to meet. The theologians (with the exception of the Mu‘tazilah and the Ibâdîs) agreed, first of all, that the Caliph had to be from the tribe of Quraysh. The justice seekers (in contemporary terms, we mean the people of morality or ethics) and the people of knowledge also required that the Caliph be one capable of

religious judgment (*ijtihâd*) or at least be literate in the revelation (*an-nawâzil*) and religious legislation (*ahkâm*).

The third issue was the most important. It had to do with whether the Imâmate could be bequeathed from the former to the latter. Either it would be as the Imâmist Shî'ah proposed or it would be on the grounds of choice as the Sunnîs and the Mu'tazilah insisted. Either that or the Imâmate would better fall to the one with the sharpest sword from among the descendants of 'Alî along with other qualifications, and this is the doctrine of the 5er Zaydî Shî'ah.

The fourth issue had to do with whether the ideal Imâmate existed only when the ideal person was present. The theological conscience could, at the very least, only envision the Islamic Caliphate from the ascension of Abû-Bakr as-Siddîq until Zayd-bin-Mu'âwiyah took power. What was required and demanded was that the Caliph be chosen from among the best of people, but the

‘preferred’ did not block the process of primogeniture.

3. Political Legitimacy as the Legists Saw It:

Islamic political legal discourse reached its apogee in the middle of the 5th century A.H. Its maturation was the product of the coincidence of political and intellectual factors that we do not have space to discuss here. Suffice it to say that the period of which we are speaking was characterized, first of all, by serious political weakness (witness political splintering and the multiplication of kingdoms and states that the Muslim world was then experiencing). Second, there was an intellectual flowering as a product of translations and their elaboration in many books that added to Islamic knowledge, the fruit of an amazing number of books that had been rendered into Arabic. It all gave birth to an active cultural movement. In the environment these two factors created the discipline of Muslim political legal thought, or you may say that the discipline of political

legal opinion achieved its highest mark with the appearance of foundational works like the book, *The Principles of Government* (*al-ahkâm as-sultâniyyah*), by the Shâfi‘ite jurist and Ash‘arite theologian, Abû-al-Hasan al-Mâwardî. We propose to briefly consider the work of this political genius so as to benefit from his insights into political legitimacy and its implications pegged to the divine law (the *Qur’ân* and the *Sunnah*), and in a less obvious way its implications for Islamic history in particular and human history in general.

The subject matter of *The Principles of Government* is the Caliphate or the Supreme Imâmate taken as a whole. He says, “In essence, upon him [the supreme *Imâm*] depend all the rules of the community (*millah*), and in him cohere the basic interests of the commonwealth (*ummah*).” But there is a wide and fundamental difference between the thesis adopted by the theologians (*‘ulemâ’-ul-kalâm*), as we have seen it, and that adopted by the legist, al-Mâwardî. It illustrates the difference between the theologian and the

legist. The first argues about confession, defends a doctrinal position, and endeavors to provide foundation for an opinion. What he is doing is depicting a confessional perspective on the sources of religion. The other, the legist, is concerned about defining law for practical decision-making. That is, he wants to identify the legal conditions that make the institution of the Caliphate plausible.

This pragmatic perspective allows the legist, the political legislator, to stride ahead of the theologian. He speaks about governorships or proxies for the Caliph on the various levels of political, administrative, legislative and financial organization for the Muslim state. In other words, when he speaks about the Imâmate and its religiously-sanctioned authority he is, necessarily, speaking about legally derived legislation for building the Muslim state, its functions and various internal organizations: ministries, governorships over its provinces, leadership of the army, rules about higher level adjudications concerning the abuse of power (*mazâlim*), the courts in

general, and the administration of civil affairs (the imâms of the mosques, the professional guilds, and public morality). Furthermore, this legislative exercise concerning ‘the principles of government’ dealt with land allocations, taxes, and financial matters, both in terms of fixed assets and liquid. Only then did the legist consider the overall issue of government and the theory of the Muslim state seen as a whole.

In his book, *The Principles of Government*, al-Mâwardî begins with that which the Sunnî theologians concluded concerning the Supreme Imâmate: It is “... established as the successor of the Prophet so as to protect religion and govern the world.” It is one aspect of the two aspects of the law and reason, and in that al-Mâwardî supports the theologians in their quotations from the *Qur’ân* and the prophetic *Sunnah*. The Caliphate, first and foremost, is a matter of choice. The Imâmate must meet certain criteria for nomination. For instance, there is a condition concerning which there must be consensus among those specially qualified — the folk of loosening and binding

[the religiously trained elite, the *'ulemâ'*] — who are particularly charged with choosing the commonwealth's Imâm.

After articulating his confessional stand or making his 'declaration of intent' (as it might be phrased in today's political language), Abû-l-Hasan al-Mâturidî dons the cloak of the legislator and his language is abruptly purged of all accents of argumentative theological language and everything he opposed in his legal opinion concerning the principles of the Imâmâte or the administrative ministry or lesser offices of government. It was a reality that, as he saw it, did not conform to the clear requirements of the divine law-giving text, realizing furthermore that government was playing the game of political rationalization or giving precedence to international legal opinion over reality. Now he chose to refer to history and to analogical reasoning as the Muslim Prophet did and those who succeeded him. In the end his primary intent was to lay down legal principles, principles discerned for

the primary political institution and for the governorates that branched off from it.

The first step our legist took on the road toward determining legal principles was to decide that the Imâmate was actually a contract (*'aqd*). From a legal perspective, a contract requires an agreement and consensus between two contracting parties: “A contract is an agreement and a choice in which coercion and force has no part.” Thus, for example, there can be no vote taken between two equally qualified protagonists. Should that be the case then recourse was taken to a relatively complicated standard the crucial element of which decided for the one who appeared “... to advance the government of the day.” That meant that loyalty was given, in the end, to the person who was most closely in touch with the demands of his time.

The second step taken by the legist and the second pivotal issue to which we must pay attention was that “... the Imâmate expresses a shared right — the right of God Most High and the rights of human beings.” As the

Muslim legist saw it, it was self-evident that the grounding of political legitimacy as a whole was the following: protection of the rights of God (and that was the first condition of the Imâmate: It was ‘the successorship to the Prophet through the study of religion’) and the rights of human beings (and that points to the second condition concerning the management of the world, not forgetting that the protection of the rights of people also involves the protection of religion). When these conditions pertain, the legal principles of the mechanisms of the Imâmate that apply to the ‘contract of the Imâmate’ and its practical application also pertain.

The third pivotal issue for a legal opinion concerning the principles governing the contract of the Imâmate, as we have seen, is founded upon an agreement or upon the mutual good will between two parties. It requires an affirmation of that contract and that depends upon the principles of higher administrative authority or ‘government’, as we would phrase it today or, as al-Mâwardî

would put it ‘ministerial authority’. He distinguished between two such authorities: the ministry of empowerment and the executive ministry.

First, the ministry of empowerment, as its name suggests, delegates the management of state affairs to the minister of empowerment “... who exercises his own wisdom and signs off on his own decisions.” Considering the magnitude of its responsibilities, al-Mâwardî believed that this ministry was responsible for “... drawing together the basic interests of the Imâmate excepting only the issue of blood-line since it signs off on opinions and implements legal options.” As al-Mâwardî saw it, “... it demands a second level of ... conditionality that requires the Imâmah approve the people of competence.”

Second, the executive ministry is less encumbered by conditions since it does not delegate authority but is specialized in the familiar area of public administration. What is remarkable — and this may surprise some — is that al-Mâwardî adjudged that “... it can be

appropriate for this minister to be one of the people of the covenant [*min ahl-ud-dhimmah* or a non-Muslim].” Islam, then, is not a condition for the executive ministry in the state of the Muslim Caliphate.

The fourth pivotal issue takes us to the very core of political legitimacy in so far as concerns the necessary attribution or the attachment of religious legitimacy to a political authority. That political authority might have a weak claim to legitimacy and have violated some of its requirements. It becomes an issue of authority or principality over cities. Looking at it from the perspective of the contract, the contract of the Imâmate on behalf of the Caliphate, it is the matter of how cities or provinces are administered. The principality over the country is of two types, as al-Mâwardî writes: “ ... There is the appointed principality (*imâratu-istikfâ'*) that is a contract of choice, and then there is the usurped principality (*imâratu-istîlâ'*) that is a contract made under duress.” The first, the appointed principality, is unambiguous as regards

legitimacy; its principles are legally pragmatic. In essence, it functions on behalf of the Caliph and, first of all, affirms his rule and, so long as the Caliph approves, it comes under the minister who delegates and affirms his authority. (The issue turns upon the system of primogeniture and the will of the Caliph.)

The second form of principality, the usurped principality, as its name indicates and as al-Mâwardî himself defines it "... is a forced contrivance. ... A prince occupies a country by force that the Caliph considers part of his domain. The Caliph then delegates to him its administration and policies." As regards the legitimacy of its political authority, such a principality downloads a whole bag-full of ambiguity. Little wonder that it naturally causes the religious legist all sorts of headaches.

Suffice it to say that this circumstance situates the opinion-giving legist between a rock and a hard place. He must either defend the principles of the legal profession (that is, the law) or deal with reality as it is. The legist

finds himself between two choices ... and there is no third: Either he must stick to the most rigorous religious principle and declare that the ‘usurped principality’ has no legitimacy whatsoever as a principality because it has achieved its goal by coercion and has transgressed the divine law, or else he must rationalize and get what legitimacy he can out of a principality, that al-Mâwardî himself says, whose prince, by virtue of “... his usurpation, has asserted his political dictatorship and administrative authority. Furthermore, the Caliph, at his pleasure, has appointed him to fulfill the principles of religion so as to avoid corruption and restore health, to avoid threat and to find legitimacy.” The first option, in a practical sense, would have declared a fabulous number of principalities illegitimate, and moreover ruled that the supreme political institution was so weak as to conclude that it too lacked legitimacy. Choosing the second option, on the other hand, would mean that “... the laws would be preserved as would the principles of

legitimacy, unadulterated and uncompromised, uncorrupted and unmistaken.”

Naturally the foregoing paragraphs were not intended to lay out the whole of al-Mâwardî's theory about the Muslim state. Our remit does not permit it nor does it call for it(3). Our purpose has been to give indicators of legal opinion in the service of clarifying the issue of political legitimacy, and particularly those indicators that lie at the core of the Sunnî political discourse. Nonetheless, what also bears remarking upon is that what was derived from the divine law (the *Qur'ân* and the *Sunnah*, and thus from the religiously defined legal code) was just one of the two parts of the political discourse. The other part of the discourse concerning political legitimacy and its underpinnings found its new extension in human law (the circumstances of kings, the nature of kingship, and how humanity was constructed). Clearly, for this reason, those Muslim legal theorists who wrote about political legitimacy were the most ardent of those who composed works on the manners of

power that were later known as ‘advice to kings’ or, in the European West, as the ‘mirror of kingship’.

4. The Discussion of Political Legitimacy in Modern Muslim Thought

Modern Muslim Arab thought has dealt with the issue of political legitimacy in a variety of ways ranging from clear speaking to equivocation to pointing the finger at the other. We note, by way of example, what we find among those who took the European pilgrimage like at-Tahtâwî, as-Shidyâq, as-Saffâr, al-Hajawî and others. The Arab travelers to France, Britain, Spain and Italy were amazed, even dazzled, by what they learned ... by the universality of justice, on the one hand, and the political ruler’s lack of a monopoly on power or ‘the tyranny of his opinion’ (as the Muslim legist travelers phrased it), on the other. In addition to the proliferation of the sciences and the broad spread of knowledge, reading and writing, and the evolution of systems of administration, finance and the military, they attributed their

two primary observations to be the result of western Europe's advancement and superiority. In fact in the writings of those tourists there is bitter complaint that all these things are not to be found in Muslim lands.

We also observe that only a very few of these intellectuals, the most prominent among them being 'Abd-ur-Rahmân al-Kawâkibî, undertook to speak about the damage that tyrannical politics caused and the corruption it nurtured. He concluded cautiously that tyrannical political regimes actually canceled out the notion of political legitimacy and made it more difficult to realize. We actually must turn our attention to how a large number of contemporary Muslim intellectuals, both in the East and in North Africa, in various ways have turned their attention to symbolizing the issues of freedom and political authority. They have linked these with the delay in adopting a progressive humanism, and adduced what they saw to be adequate and clear causes that explain the delay. But, in the cause of budgeting our verbiage on the one hand, and,

on the other, of laying out what we see to be the most representative views of modern Muslim intellectuals in the discussion of political legitimacy and how it may be acquired, we choose to focus upon two opposing views or theories that, in the end, concur that the question involves the nature of the sources for acquiring legitimacy for political authority.

The first view is that of an Azharite scholar well versed in modern constitutional law, ‘Alî ‘Abd-ur-Râziq, and expressed in his book, *Islam and the Foundations of Government (al-islâm wa usûl-ul-hukm)*. So far as he is concerned, the pivotal issue is that the Caliphate, as the theologians contended, is not an essential religious matter. This is so because neither the *Qur’ân* nor the *Sunnah* contain anything that required it, no matter what the theologians or religious legists claimed. Their claim was based upon an argument that made reference to the ‘Verse for Princes’ that reads, “O you who have come to believe, obey God, obey the Prophet, and obey

those among you who exercise command.” (*Qur’ân, Sûrah 4:59*) It is a verse that stands alone and is a long way from intending to establish religious law. What actually emerges from it is that the Caliphate is a secular political office that has no religious or legal foundation.

Kings found it in their interest “... to perpetuate that error among the people so as to use religion to shore up their thrones. ... They still continue to do that in various ways. ... They even tell the people that obedience to princes is to obey God, and to oppose them is to defy God.” ‘Abd-ur-Râziq observed that the Caliphate was not part of the religious plan no matter what the historians or the religious legists who supported the authorities have said in support of the state or how they have brain-washed the people in this fiction. The Caliphate “... was just like any other governmental authority and any other state office. ... It was part of a purely political process that had no religious sanction. Religion neither recognized it nor denied it; it

did not command adherence to it nor did it forbid it. Religion left the matter to us to discern the affair rationally using the experience of the nations and political principles.”

What rational discernment, the experience of nations and political principles meant for ‘Alî ‘Abd-ur-Râziq was a whole basket of political issues. First of these issues was that human coherence requires government, and religious principles and reform of the populace depend upon that government. In other respects regarding the type of government and the type of political authority that must be accepted, that matter remains in the hands of the people and what they decide to do. Second, the mission of Islam’s Prophet was a religious mission. His leadership (*ri’âsah*) was not political in any sense of the word. “... The leadership of the Prophet, upon whom peace, ... was a religious leadership that depended only upon the mission. When he died that mission was fulfilled. His leadership ended. Nobody could succeed him in leadership.

Furthermore, none could succeed him in his mission.” Third, what the Muslim world experienced after the death of the Prophet, upon whom peace, in the regime of Abû-Bakr as-Siddîq, the first to bear the title of Chaliph (meaning the successor to the Prophet), was “... a new kind of leadership that was different to the what we knew with God’s Prophet. ... If you look at how loyalty was expressed for Abû-Bakr and how authority was passed on to him, it will become apparent to you that it was a pledge of loyalty to a monarchical political authority having all the characteristics of an emerging state. It emerged as other governments have emerged on the basis of power and the authority of the sword. ... Still it was an Arab state that proclaimed a religious message.”

The reader will conclude from this statement, which needs no elaboration, that political authority need not acquire its legitimacy from divine law. Its sole obligation is to guarantee freedom of worship and religious observance.

Other than that, religion and politics are to be strictly differentiated and separate.

The second modern Muslim view that we need to examine is one whose perspective categorically opposes that of ‘Alî ‘Abd-ur-Razzâq. This second view believes that the Islamic Caliphate embodies all legitimacy, and believes that Islam is both religion and state. It asserts that the government of the Prophet merged the religious mission with the political. The promoters of this opinion today are those whom scholars modestly identify as those who promote ‘political Islam’ in all its variations and doctrinal predilections. In their opinion the Caliphate’s legitimacy was limited to the first four rightly-guided Caliphs — that of Abû Bakr, ‘Umar, ‘Uthman and ‘Alî. Thereafter legitimacy vanished in the Muslim world with the emergence of the Umayyads. What these advocates promote is a return to ‘political Islam’ and the new Caliphal state will be its revival. Every other Muslim state since the first four legitimate ones completely lacks legitimacy.

This return to the Caliphate or to the state of the second Caliphate is described by the Moroccan Islamist propagandist, ‘Abd-us-Salâm Yâsîn, as the prophetic paradigm. The starting point for explaining that paradigm (or for clarifying the meaning of this ‘second Caliphate’) so far as our propagandist/religious scholar is concerned lies in the Prophet’s discourse (*hadîth*) that points to the possibility that the Caliphate might well turn into overbearing or rebellious kingship. He cites the passage as follows: “The prophetic office is in you if God so chooses it to be, and God may remove it if he so chooses; then comes a Caliphate on the model of the prophetic office, and it will be what God wants it to be, and God may remove it if he so chooses; then there will be a devouring king if he wills until he removes it; and then there will be a [second] Caliphate on the model of the prophetic office. Then he [the Prophet] fell silent.”

The state of ‘the second Caliphate’ or the state of absolute religious legitimacy does not derive from any human law no matter its

character. In fact, by nature it stands in contradiction to any such law.

In modern political thought, it is human law that gives political legitimacy its clothing and its meaning. It reaches its high point in democracy and its mechanisms, and gets its first impetus from the commitment that human nature is the foundation for political authority. Its second impetus comes from a commitment to and respect for human rights. There is also a commitment that political power is accessible and that opposition to it within legal constraints is acceptable.

This being the case, those calling for the 'second Caliphate' see in democracy and how it is expressed nothing but all those things that alienate people from God and the prophetic mission. The two perspectives diverge and they cannot meet. The prophetic paradigm opposes the democratic way (democratic awareness with its foundation in human rights) and the way its simplistic and exploitative political agents adopt the rationalizations of

the ruler and how he affirms the rights of the people and goes no further.

Thus our Islamist Moroccan propagandist necessarily and logically comes to the natural and logical conclusion that the formats and structures of modern political life are to be rejected, and that all forms and manifestations of modern democracy are to be condemned — political parties, contests for political power, commitment to human rights, and the notion that the courts must protect those rights. Political authority has no source or cause except the divine law simply because it is *the divine* law and it historically applies to all humanity and most especially to Islam by virtue of a reading that strips it of its human dimension and laid it bare. God, Most High, himself has defrocked it.

References:

*) Sa'îd bin-Sa'îd al-'Alawî is a scholar and academic from Morocco.

1- This pivotal incident under the covered portico of the Banî-Sâ'idah involved the leaders of the Supporters (*ansâr*) of the Muslim immigrants from Mecca (*muhâjirûn*). They met the day the Prophet died. They had already picked one Abû-'Ubaydah Ibn-ul-Jarrâh as their candidate for successor by the time Abû-Bakr and 'Umar arrived at the meeting. ('Alî and his companions avoided the confrontation.) But Abû-Bakr addressed the assembly and gave it the choice between 'Umar and Abû-'Ubaydah, the first a member of the Prophet's tribe of Quraysh and the other not. There followed a vociferous debate that threatened to get out of hand and, when he saw his moment, 'Umar grabbed the hand of Abû-Bakr, the Prophet's closest friend, a member of the Quraysh, and the Prophet's father-in-law, and pledged him allegiance. That trumped the debate. Both the Ansâr and

the Muhâjirûn affirmed Abû-Bakr ('Alî's party, not represented, excepted) as the Prophet's Caliph. (A Guillaume (tr.), *The Life of Muhammad: A Translation of Ishâq's Sîrat Rasûl Allâh* (Lahore: Pakistan Branch, Oxford University Press: 1955), pp. 683-687.) Our author's point is that it was a touch-and-go. It had to do primarily with tribal politics. [TR]

2- It is interesting that the term *amîr* (with its plural, *umâra'*) does not appear in the *Qur'ân* even once. The phrase, *ûlû-il-amri min-kum*, means exactly what it says: 'those in authority among you' or even 'those whom you set in authority from among yourselves'. That it was taken as the 'Verse for Princes', is a post-*qurânic* gloss. [TR]

3- To get a grasp on the matter and from a perspective with which our author also agrees, see: Sa'îd Bin-Sa'îd al-'Alawî, *The Caliphal State and the Foundations of Government: A Study of al-Mâwardî's Political Thought* (*dawlat-ul-khilâfah: dirâsah fî-l-fikr is-siyâsî 'ind il-mâwardî*) (Rabat: 1980). [TR]

