

Al-Māwardī's Political Paradigm: Principles of the Islamic Political System

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FOLLOWING THE WESTERN domination of Muslim countries, Islamic thinkers have reacted to it on three levels in respect of its political system. First, the apologists have advocated the total adoption of the Western model of democracy. In reaction, the traditionalists argue that the wholesale adoption of the Western model will lead to secularization, contradicting the Islamic value system. The third group, the moderates, take the middle of the road position – benefiting from Western learning as the lost heritage of Islam, but also observing the fundamentals of Islamic Shari‘ah. These divisions are not new; they existed in the Abbasid period when the Mu‘tazilites (the rationalists) gave primacy to reason. The rise of philosophy under Caliph al-Ma‘mūn inspired the fear that Revelation might be threatened by Reason, which provoked two kinds of reaction: *Ahl al-Ḥadīth* or the traditionalists, who totally rejected reason; and the Ash‘arites, who put limits on it in order to save Revelation from being rejected. Māwardī, who took up the debate in later times when the rationalists had been banned, was neither *Ahl al-Ḥadīth* nor Ash‘arite, but an independent thinker who held firmly to rationalist theology, where Revelation was silent, and did not lay down the law. His greatest contribution was the introduction of the concept of “political justice” into the Shari‘ah.

Māwardī's *al-Aḥkām al-Sulṭāniyyah* laid down the public law in such a manner that it deemed Shari‘ah an insufficient yardstick for ‘*adl* (justice).

This points to the developed practice among Muslim rulers of defining the Shari‘ah as the observance of religion in line with the recommendations of the ‘alims. This practice satisfied the ‘alims, who then undertook to abstain from judging the politics of the Caliph. Interestingly, this led to the separation of religion from politics, indirectly defeating the commonly held view that the secular and the religious are inseparable in Islam.¹ The root of this idea lay in the practice of Prophet Muhammad – as Prophet and Statesman – and *al-Khulafā’ al-Rāshidūn*, in the formative period of Islam.²

THE CONSTITUTION OF MADINAH

The Madinah state was the oldest known in history; it established the principle of legality, that is, submission of the state to the rule of law.

THE SALIENT FEATURES OF THE CONSTITUTION OF MADINAH

1. The territory became the basis for granting citizenship instead of tribal lineage. All residents became one community, including polytheists and the Jews (Articles 20b and 25).
2. The Prophet became the Head of State and the Final Court of Appeal.
3. The practice of tyranny and injustice was rejected (Articles 13, 15, 16, 36 and 47). Equality was established as the basic principle of an Islamic state (Articles 15, 17, 19 and 45).
4. The principle of *pacta sunt servanda* [treaties are binding], as laid down in modern international law, was adopted, allowing other tribes and minorities to accede to the Madinah Charter.
5. Specific provisions were made regarding murder, the sheltering of criminals, liability of only those who committed crimes, and the preclusion of individuals from signing separate peace with enemies of the state. The Jews were allowed a share in the booty and also a share in the expenses of war. In that case, they did not pay the *jizyah* (poll tax).

6. Some traditions like blood money were maintained on the principle of *‘urf* (customary law), preserving what was sound and abolishing what was corrupt.
7. The Constitution was a comprehensive document, covering all the exigencies: jurisprudence, defense, plans for raids and battles if attacked, financial resources, zakah, treaties, and delegations.
8. The political system established by the Constitution of Madinah covered the functions of Legislature,³ Judiciary and Executive, anticipating the modern state system.⁴

While studying the Māwardī paradigm in the context of Mu‘tazilite and Asha’rite debates, an attempt will be made to delineate the principles that we can learn and adopt from *al-Khulafa’ al-Rāshidūn* (Rightly Guided Caliphs) model. Also, this chapter will seek to underline the principles of an Islamic state. After this analysis of past practices, especially in the light of the Qur’an and Sunnah, it can be determined as to how far the present democratic model is in consonance with the Islamic political system, based on the Qur’an and Sunnah. If it is not, what model can be evolved and adopted on the basis of *ijtihād*⁵ in light of the evolution of modern political thought over the centuries, not only in the Muslim world but in the West as well?

DISTINCTIVE FEATURES OF ISLAMIC POLITICAL THEORY

Upon the death of the Prophet, the *Anṣār* gathered, and three *Muhajirūn* Companions joined them (Abū Bakr, ‘Umar, and ‘Ubaydah ibn al-Jarrāh) at Banī Saqīfah where Abū Bakr was elected Caliph of the Messenger – *Khalīfat al-Rasūl*.⁶ Later, this election was confirmed by voting *bay‘ah* (handshake) in the General Assembly at the Madinah Mosque. The following principles were established at Banī Saqīfah, as part of the political theory of Islam:

1. The election of the Caliph was to be by *Shūrā* (consultation), in two stages, indicating that it was for the Muslims to decide, since the Prophet did not take any decision on the matter, leaving it to the

community to decide, given the time and the place. The will of the community was, therefore, an essential principle for selecting the Head of State as successor to the Prophet – *Khalīfat al-Rasūl*. ‘Umar, who became the Second Caliph, later told the Council of Elders, meaning the elders with knowledge, wisdom, and discernment (*ahl al-ḥal wa al-‘aqd* [those who loosen and bind]): “You must kill any one of you who claims command over you without consulting the Muslims.”⁷ The method of consultation is not prescribed in the Qur’an and Traditions, and can vary depending on the time and circumstances, as is evident from the election of the four Rightly Guided Caliphs.⁸

2. The criterion for electing a Head of State is excellence in religion, *taqwā*. However, a Caliph is also the temporal Head of State,⁹ as has been described in detail by Māwardī in *al-Aḥkām al-Sultāniyyah*.¹⁰
3. The selection of a Caliph cannot brook any delay, even for the burial of the Prophet.¹¹ The Companions did not want to be without a *jamā‘ah* even for part of the day.¹²

However, ‘Umar was nominated by Abū Bakr, with the consultation of *ahl al-ḥal wa al-‘aqd*. According to Māwardī, this was election by a single elector, a precedent quoted by later jurists in justification of the nomination of sons by Caliphs and sultans. However, Māwardī failed to mention this practice as something in violation of the essential criteria of religious knowledge, *ijtihād*, judgment, courage, and physical health, apart from the Caliph being a member of the Quraysh.

The selection of ‘Umar, tantamount to an election which he was bound to win in general voting or *bay‘ah*, was fully justified in the light of his vast knowledge, administrative judgment, and great services to Islam during the Prophet’s time, and as a close Adviser to Abū Bakr, the first Caliph.

The election of ‘Uthmān established the principle that the office of the Caliphate was not hereditary, for ‘Umar, unable to make a choice while selecting the Electoral College omitted his son, ‘Abdullāh, on the grounds of being his son. Also, it established the precedent that six persons could constitute an Electoral College, while other jurists considered three, or even one, sufficient, as was the case in ‘Abbās’s *bay‘ah* [handshake] of ‘Alī,

who was told that if he did not accept, the rebels against ʿUthmān could elect one of their own. Besides, ʿAlī was one of the six candidates considered by ʿUmar to fulfill the conditions for the office of Caliphate. After the third Caliph ʿUthmān’s assassination, he was the only choice.

The assassination of ʿUthmān raised the issue of rebellion against the Caliph, whether it is justified in Islamic political theory. Most jurisconsults view it as unwarranted on the basis of a Tradition:

After me governors will rule over you, and those who are upright will rule over you with their uprightness, and those who are corrupt will rule over you with their corruption; listen to them and obey them in everything which is compatible with truth – if they are correct in their dealings, then it will be to your benefit and theirs, and if they act incorrectly, then that will still be to your benefit [in the next world] but will be held against them.¹³

Rebellion is justified in the case of “unbelief” as provided in the Qur’an. Al-Ḥasan al-Baṣrī, a leading *tabīʿī* (second generation Companion), prohibited fighting against the ruler in a civil war. Learning and practicing Islam was better than arguing and bickering, so said some scholars who refrained from rebellion against the ruler, for it would lead to chaos and anarchy, far more harmful than tyrannical rule despite its long duration. A well-known *fiqhī* doctrine says: “When you are faced with two damaging situations, choose the lesser evil.”¹⁴ Those who justify rebellion against the ruler rely on Abū Bakr’s sermon on his election: “Follow me if I am acting according to the Qur’an and Sunnah, but do not obey me if I do otherwise.”¹⁵

Accordingly, some who were influenced by the propaganda of a converted Jew, ʿAbdullah ibn Saba’, came from Iraq and Egypt to Madinah, demanding ʿUthmān’s resignation despite his clarification in response to their accusations of nepotism in appointing his relatives as Governors.¹⁶

According to Rashid Riḍa, the Imamate of Necessity, *imāmat al-ḍarūrah*, must be obeyed while fulfilling its *raison d’être* of justice, efficiency, and descent from Quraysh (though Kharijites, Ibn Khaldūn and Ottomans disagreed) in order to avoid anarchy and chaos. However, rebellion is justified on grounds of the Caliph’s loss of moral probity, physical disability, insanity, captivity, apostasy, disbelief, or injustice. Therefore, *ahl al-ḥal wa al-ʿaqd*, should resist oppression, but the urge to revolt must be weighed against the fear that it might result in anarchy, which Islam seeks to avoid

as far as possible. Al-Ghazālī, Ibn Taymiyyah considered quietism or submission to injustice preferable to anarchy incidental to rebellion. It is said: “The status quo, being the lesser of the two evils, is preferable to civil strife.” Nevertheless, the Turks revolted against the Ottoman Sultans in 1924. In opposing rebellion, Rashid Riḍa agrees with Ibn Taymiyyah, who made Muslims conscious of a forced choice between anarchy and injustice.¹⁷

Traditionally, the ‘alims were defenders and monitors of the status quo. As *ahl al-ḥal wa al-‘aqd*, they were expected to oversee that the ruler enforced the Shari‘ah, assuming responsibility for proper management of public affairs and restoring the pristine standards of simplicity, humility, and frugality in lifestyle. Also, they were to ensure that those who wanted to occupy the office might be debarred in accordance with a tradition: “*tālib al-wilayah lā yuwallā*” a seeker of office should not be given it.¹⁸

Some of these principles for the election of the Caliph are: *shūrā*, justice, freedom, equality, succession, and election. The Islamic political system does not lay down specific and detailed system of governance. It is more correct to say that the Shari‘ah delineates general principles only, leaving further details to specific circumstances of time and place. The Caliph who is elected should enjoy sound health, possess knowledge of the Shari‘ah to exercise *ijtihād*, and be able to implement domestic and foreign policy with ability, courage, and wisdom. He should abide by the Shari‘ah and promote public good. So long as he does this, Muslims should obey him, offer him advice on what is right, and correct him if he is wrong. The principle of *shūrā* was followed by the four Rightly-Guided Caliphs in four different ways, proving that changes in circumstances can result in the adoption of a different methodology.¹⁹

SHŪRĀ (CONSULTATION)

Shūrā is the most important principle of Islamic political theory. Addressing the Prophet, the Qur’an informed him:

It is by the mercy of Allah that you were lenient with them, for if you had been rough and harsh-hearted, they would have dispersed from around you. So pardon them and ask forgiveness for them and consult with them on the matter. (3:159)

In order to underline the importance of *Shūrā*, Allah is directing the

Prophet to consult with them despite their view being contrary to the Prophet's, who was in favor of fighting the infidels within the confines of Madinah while the Companions advised going out. He was proved right, but since he accepted their advice, the Companions were absolved of their error of judgment. Also, it indicates that the leader should not bear a grudge for giving the wrong advice, nor refrain from future consultation. Further, the Qur'an says:

And those who answer the call of their Lord and establish prayer and who conduct their affairs by counsel, and who spend of what We have bestowed upon them. (42:38)

According to Shaykh Muhammad Abdu, *shūrā* is mandatory, for consultation is an essential quality of those who "enjoin good and forbid wrong." Abū Hurayrah said, "I have never seen anyone else who seeks consultation of his Companions more than the Prophet himself." However, *Shūrā* is not required where there is revelation, though the Prophet held *Shūrā* even though *Waḥī* had come as in the case of the Treaty of Ḥudaybiyyah. However, *Shūrā* was also extended to the interpretation of the Divine Revelation and matters in which there was no *Waḥī*^{20, 21}

When asking for *Shūrā* (Advice), the ruler should not dismiss or veto the advice, for the Prophet followed the advice of the Companions for going out in 'Uḥud. *Bay'ah* or the oath of fealty is conditional upon the Caliph abiding by the *Shūrā*, otherwise *Bay'ah* becomes null and void. This view is held by the majority of jurisconsults. Their minority which consider *Shūrā* not binding rely on the verse: "When you decide, put your trust in Allah" (3:159), apart from the Sunnah of the Prophet in Ḥudaybiyyah; Abū Bakr's stand in sending an army to Syria; his waging war against the apostates; and 'Umar's decision not to distribute lands occupied in Iraq, but retain them for future generations. Ṭabarī considers the above-mentioned verse relevant to *Waḥī* (Revelation), which must be followed irrespective of the *Shūrā*, as happened in Ḥudaybiyyah. Then 'Umar's inquiry from the Prophet as to why Muslims should accept the peace was '*Naṣīḥah*' and not *Shūrā*, and before he was told by the Prophet about *Waḥī*. Though not obligatory, Abū Bakr's holding *Shūrā* in following the Prophet's action of dispatching the army to Syria, was indicative of the imperative nature of *Shūrā*, laying a precedent for future generations, proving at the same time that even though not abiding by *Shūrā*

advice, he had carried out *Shūrā*, in form and spirit, for they, including ʿUmar, promptly reconsidered their opinion, agreeing to Abū Bakr’s reasoning.

Likewise, ʿUmar was able to win the *Shūrā* over his decision on land in Iraq. Indeed, *Shūrā* is mandatory on both the ruler and the ruled as a religious duty, *ibādah*: on the ruler to hold *Shūrā*, and on the ruled to give the right advice. If a ruler does not hold *Shūrā* and the ruled do not offer advice, they are guilty of dereliction of religious obligation, committing a sin.

Where there is no *Waḥī*, *Shūrā* is to be held at three levels:

1. *Ahl al-ḥal wa al-ʿaqd* as practiced by the Prophet and the Rightly Guided Caliphs.
2. Specialists who have an advanced level of knowledge on the subject such as war, foreign policy, or domestic policy, etc.
3. Referendum/Parliament/Popular Vote.

It is exercised where *Shūrā* of *ahl al-ḥal wa al-ʿaqd* has been held and the decision is put before the people for ratification. During the time of the Prophet or the Rightly Guided Caliphs, there was no permanent *Majlis*, Cabinet, or Parliament. A vote was not held, nor was there a formal majority/minority, or government in power and party in Opposition. The *Shūrā* proceedings were confidential and *Shūrā* members did not publicize their opinions, leaving the announcement to the ruler, who had direct access to the people without *ahl al-ḥal wa al-ʿaqd* acting as the spokespersons.

Also, once *Shūrā* was given, the Wise Elders did not feel let down if their opinion was not accepted. The *Shūrā* was given with a good intention, regardless of personal ego or gaining benefit. In fact, *Shūrā* was an exercise in *ijtihād*, which aimed at finding the truth with due concentration on an effort by people gifted with the knowledge of the Shariʿah and right judgment.

SOME EXAMPLES OF *SHŪRĀ* BY THE PROPHET

Before Badr: On receiving the news that a trade caravan of Quraysh was proceeding to Syria, the Prophet held a *Shūrā* (consultation) about pursuing it, not engaging in a fight. The Companions, the majority of whom were *Anṣārs* (Madinah Helpers), pledged full support, unlike the Bani

Israel, who had asked Moses to go and fight. The Prophet went with the Companions in pursuit, making the departure public as a strategy, with the result that Abū Sufyān asked for reinforcements from Makkah and changed the route via the coast. A second *Shūrā* was held to decide whether to return to Madinah or confront the reinforcements coming from Makkah. In Madinah, there was a distinct possibility of the hypocrites, the Bedouins, the non-Muslim Arabs, and the Jews taking advantage of the absence of Muslims. Also, they came hardly prepared for a regular battle, numbering only 313. Nonetheless, they again pledged full support to proceed to Badr. Meanwhile, the Prophet received the revelation that Muslims preferred to go after booty whereas Allah had destined victory for them. His action to seek advice was to reinforce the Companions' conviction and enthusiasm.²²

The lesson is that the leader should not disclose his own personal judgment before allowing the free expression of other opinions. The Prophet decided to camp in a low area. Munzir, a Companion, finding that it was not the result of revelation, advised occupying a spring on high ground to deprive the Quraysh any access to water; it was not a *Shūrā*, but '*Naṣīḥah*', given privately, indicating that one should not hesitate to express one's opinion to the Commander, who should carefully consider it and accept any sound and timely advice from anyone regardless of one's status. This was done by the Prophet, who announced the decision without any public disclosure as to who had made the suggestion influencing it.²³

Before the fight, the Prophet announced that 'Abbās and another Companion should not be killed; Abū Ḥudhayfah disagreed, vowing to kill him. The Prophet asked 'Umar, who had known of 'Abbās's secret conversion to Islam, whether hurting 'Abbās made sense. 'Umar offered to kill Ḥudhayfah, but was restrained by the Prophet, who, realizing that Abū Ḥudhayfah's vow reflected ignorance, excused him, thus establishing the Sunnah principle that a commander should tolerate free expression and difference of opinion for which he should not punish the dissenter.

After Badr: The Prophet held *Shūrā* about the prisoners of war. Abū Bakr advised accepting *fidyah*, whereas 'Umar and four other Companions favored killing them. The Prophet went inside to reflect and on coming out, he favored the suggestion of Abū Bakr, who also knew about 'Abbās's conversion to Islam. The Prophet's similitude to Abū Bakr as Jesus, saying "some are softer than milk," and 'Umar's similitude to Noah,

“others are harder than stone,” show that there is room for both traits of human nature.²⁴

Here, the Prophet, knowing the supreme national interest and helped by *Wahi* (Revelation), not by self-interest, did not disclose it so as to allow free expression of opinions. He did not oppose any opinion outright without full reflection on it. This establishes the principle of Islamic political theory that *Shūrā* is mandatory, on both the ruler and the ruled. This *Shūrā* on prisoners of war also lays down the principle for the ruler that it is Sunnah (the Prophetic example) to keep the counsel or private judgment confidential to oneself so as not to stifle free expression. That is why Allah in His Infinite Mercy supported the consensus²⁵ “*yadu Allah ma‘a al-jama‘ah*”; He asked the Prophet to forgive those in favor of *fidyah*.²⁶

JUSTICE

Justice is the cardinal principle of Islam:

Allah enjoins justice and kindness, and charity to kin, and forbids indecency and abomination, and wickedness. (16:90)

Allah orders you that you return the trust to their rightful owners, and that if you judge between people, you judge justly. (4:58)

And do not let hatred of any people dissuade you from dealing justly. Deal justly, for that is closer to Godliness. (5:8)

O you who believe! Be firm in justice as witness for Allah, even in such cases as are against yourselves, your parents or your kin. (4:135)

And if you give your word, you must be just, even though it be against your kin, and fulfill the covenant of Allah. For that is what He has commanded you so that you may remember. (6:152)

Verily, We have sent Our Messengers with clear Signs, and revealed with them the Book and the Scale of [judgment] so that people may be firm in Justice; and We provided iron, wherein is mighty power and many uses for mankind, and that Allah shall know who will help Him and His Messengers in the unseen. (57:25)

Ibn Taymiyyah said:

The aim of commissioning the prophets and of revealing the Books, therefore, is to have people administer Justice in the cause of Allah and in the right of His creatures ... Thus he who deviates from the Book shall be corrected by iron [force of arms].²⁷

Ibn Taymiyyah also stated: “Allah gives victory to a non-Muslim Government which is just and defeats the Muslim government which oppresses.”²⁸

The indictment shall be upon those who oppress people, and those who commit injustice and wrongdoing on earth shall be severely punished. (42:42)

Allah does not like that evil be spoken about openly except by one who has been wronged. (4:148)

Those who are fighting have been granted permission to do so because they have been oppressed, and Allah is indeed able to grant them victory. (22:39)

And those towns which We destroyed when they became oppressors, and We had set a fixed time for their destruction. (18:59)

And those who commit oppression shall know what kind of destiny they shall meet. (26:227)

According to the hadiths (the Prophet’s Traditions), “the just ruler will be placed foremost among the seven whom Allah will cover with His Shade on the Day when there will be no shade but His.”²⁹ The Prophet warned: “Stay clear of oppression, for oppression is darkness on the Day of Judgment.”³⁰

FREEDOM

Freedom is another principle of the Islamic political system. To protect their freedom of belief and expression, Muslims should migrate to a country where they can worship Allah and carry out their religious obligations. The migration of the early Muslims to Abyssinia set a precedent.

The Abyssinia migration proves that those people who consider migration to the United States or any other non-Muslim country to be a sin have not understood the Qur'an and Sunnah. On the Day of Judgment, Allah will ask Muslims who were persecuted in their homeland whether the earth was not wide enough for migration. This concept is further supported by the Prophetic mission assigned to Muslims – *al-ʿamr bi al-Maʿrūf wa al-nahī ʿan al-Munkar* (to enjoin good and forbid evil,) which allows freedom of opinion and expression. Muslims should have the freedom to say whether they consider an act to be: permissible (*Mubāḥ*) or obligatory (*Wājib*). Under *Mubāḥ*, a Muslim has the choice to do it or ignore it, as distinct from *Wājib*, “what is required to be done”, to the extent that neglecting it is a sin. The exercise of the right to “enjoin good and forbid evil” has broad applications, covering all aspects of public life, be they political, economic, or social.

EQUALITY

Long before the American Bill of Rights and Rousseau's Social Contract established the principle of equality, the Qur'an said:

O people! We have created you from a male and female, and have made you nations and tribes so that you may know each other. Verily the most honored of you in the sight of Allah is [the one who is] the most righteous of you. And Allah is the Knower, Aware. (49:13)

The Prophet said: “Allah has relieved you of the fanaticism of *Jābiliyyah* and its pride in ancestors. Whether you are a pious Muslim or a miserable debauchee, you are the son of Adam and Adam was [made] from dust.”³¹

Again, in his farewell message, he said:

Indeed, there is no superiority of an Arab over a non-Arab, and indeed, no superiority of a red man over a black one except in *Taqwā* [fear or consciousness of Allah]. However, before the Law, everybody is equal, pious or impious; the pious will receive the reward in the Hereafter.³²

When a Companion intervened on behalf of a noblewoman who had committed robbery, the Prophet said: “By Allah, if Fāṭimah, the daughter of Muhammad had committed theft, I would have had her hands cut off.” Caliph Abū Bakr said in his first address after assuming office: “And the

weak among you shall be strong in my eyes until I secure his right, and the strong shall be weak in my eyes until I wrest the right from him.”

Once ‘Alī, the fourth Caliph, appeared before a judge as a defendant against a Jew who allegedly stole his armor. When the judge asked him to sit next to him, he reminded the judge that his preferential treatment was a violation of the principle of equality between the complainant and the defendant. The judge refused to accept the evidence of Ḥasan on the grounds that he was ‘Alī’s son, allowing the Jew to retain the armor, whereupon the Jew, impressed by the impartial justice of an independent judiciary, became a Muslim.

ACCOUNTABILITY OF THE HEAD OF STATE

As the ruled are to obey the ruler who can use force to quell their rebellion, the ruled has the right to question the ruler when he abuses his authority. The Qur’an says: “And when he turns away, he will try to spread corruption on earth and to destroy the crops and mankind, and Allah dislikes corruption” (2:205).

The Prophet said: “You are guardians, responsible for your wards”.³³ He also said: “A Muslim must hear and obey whether he likes it or dislikes it, except when ordered to commit a sin, in which case there shall be no hearing nor obedience,” adding “obedience is only in righteousness,” as was stated by Abū Bakr.

Accordingly, a ruler can be removed if he acts in contravention of his official duties, or commits immoral, oppressive acts, or violates the commandments of the Qur’an and Sunnah.

CONCLUSION

It is clear, therefore, that Māwardī, being part of the Abbasid Administration (*qāḍī*) and envoy, analyzed in detail the late Abbasid political history. He summarized the opinion of all jurisconsults on the criteria for the selection of the Caliph, the qualities of the Caliph and Wise Elders, selection of the wazirs and governors, jihad for public good, judiciary, *ṣalāh*, imam, Hajj administration, *zakah*, *fay* and *ghanīmah*, *jizyah* and *kharāj*, regional statutes, revival of dead lands, reserve and common lands, grants and concessions, *dīwān*, criminal actions, and ombudsman or public order (*ḥisbah*).³⁴

While giving an interpretation, such as the ruler may apply Shari‘ah, but may be unjust, he stopped short of passing judgment (ijtihād), being constrained by his office of judge. However, it was left to later scholars like Rashid Riḍa and Mawdudi, who were courageous enough to criticize the policy of ‘Uthmān for retaining Mu‘āwiyah for nearly 20 years as Governor, thus making him very popular. Also, most jurisconsults agree that in Islam there was no hereditary transfer of power. Another important principle is *Shūrā* by the ruler, which became extinct when the monarchy replaced the Guided Caliphate. In the early Umayyad period, a Caliph gave a long Friday Sermon till ‘Aṣr (afternoon prayer); on objection by a Companion to fear Allah, his head was chopped off. It was no wonder, therefore, that many righteous jurisconsults like Abū Ḥanīfah and Mālik refrained from accepting posts such as that of Chief Judge, suffering torture in prison as a result.³⁵

Shūrā is mandatory both on the ruler and the ruled as ‘*ibādah*, and refraining from it is a sin for, “Allah’s hand is on collectivity” as happened at Badr and ‘Uḥud, when Allah gave the Muslims victory.

There is no veto in Islam. When given, the *Shūrā* is binding on the ruler. Even the dispatch of an army to Syria by the first Caliph, Abū Bakr, following the Prophet’s death, his fighting the apostates who refused to pay zakah, and the Ummah’s denial of zakah money to early Muslims for *ta’līf al-qulūb* (winning over) on the grounds that Islam had gained strength, were the outcome of *Shūrā* (consultation).

Further, it is very clear that early jurists exercised ijtihād in their time, although their decision was not binding on later generations. Validation of ijtihād is dependent on *Maṣlahah* (public good), ‘*Urf*, *Istiḥsān*, *Qiyās* and is therefore a continuing exercise in the light of changing circumstances, as has been mentioned by Imam Mālik and the other three Ḥanafī imams. Even Madinah scholars differed from the Iraqi school, yet they did not accuse each other of unbelief, as was done in later periods, a practice prevalent now.³⁶

On the basis of ‘*Urf*, Islam retained such practices as Hajj, the removal of idols, and a ban on naked circumambulation or *Ṭawāf* of the Ka‘bah. On the same analogy, present and future principles, concepts, and methodology in the Western political system can be adopted, provided they are compatible with the Shari‘ah, the Qur’an, and the Sunnah. If Islam is universal, and there is no doubt that it is, it has to allow room for

the acceptance of what is good in the light of research and practices evolved in the modern world. That is what the International Institute of Islamic Thought (IIIT) is doing and its scope has also included political science from a *Tawhīdī* (Islamic) perspective.

While accepting the possibility of errors, the writer could not cover such aspects of political theory as the sovereignty of Allah, the concept of *Hukūmah Ilahiyyah*, theocracy versus democracy, and its compatibility with the Islamic political system. Likewise, the participation of Muslims in the polity of non-Muslim countries (*Dār al-Ḥarb* or *Dār al-Bayʿah*) has been omitted, being outside the purview of this chapter, even though Dr. Hamidullah³⁷ considers that in the Makkan period, the affairs of Muslims were not decided under the law of polytheists, but by the Prophet, amounting to a state within a state. This and other topics mentioned above require further research.³⁸