

Transformed Politics

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Transformed Politics: From the Chieftain to the Caliph

Law exists whenever a community grows and expands to the point requiring a set of rules to set order in the society. The law is meaningless in the absence of a powerful central authority that will uphold the law. The rule of law is thus dependent on a governing authority. Studying the law without paying attention to the dynamics between the ruler and the ruled masses does not present a full picture of the entire process. This is especially important in the case of the Islamic civilization. The office of the Caliph stood the test of time not only as the temporal expression of the legitimacy of the government but most peculiar as a religious phenomenon. A serious scholar of the history of common law will not and cannot escape the need to talk about the laws and legal tablets produced by the Kings and Monarchs of England throughout history. Similarly an analysis—brief that may be—of the role and manifestations of the Caliphate is justified if not necessary.

In a land known for its drought, among the people recognized for their ruggedness, in the time of aging world religions; rises a solitary prince with the promise to make the land greener, the people kinder, and ethics neoteric. His message was a mixture of appeal to hope and a promise for renewal. At the age of forty, he becomes the Prophet Mohammed and he spends the next ten years of his life working for God in his hometown Mecca. Failing to achieve his desired goals there and sensing better opportunities in the city of *Yathrib*, he orders his handful of followers to migrate there, and on the eve of July 16, 622, he leaves Mecca and sets on a journey that will take him to the city that will be transformed in couple decades into a center of world class civilization. Very few men live to see the fruits of their social and political work, but no man lives forever. Prophet Mohammed undoubtedly can be considered one of the few who lived through his success, but more importantly, a man who lives forever, almost!

There are great number of writings chronicling the history of the Prophet of Islam and his teachings. This essay then shall approach the issue of his *succession* without going into much of the details of the religious and social realities of any of the periods that relate to our analysis.

The Arabs generally lived under tribal organizations; large families living together for protection and for solidarity necessary for their survival. The tribal elders usually keep peace among the various groups constituting the tribe; they act as mediators, counsels, spokesmen, and role models. There is little difference between the tribes in the urban areas and Bedouins who inhabited the vast deserts and occupied isolated oasis. Only differences dictated by the social and environmental conditions found their way to influence the lives and attitudes of these tribes. Rural tribes for instance, were further characterized by their ruggedness and stubbornness. They preferred solitude and exhibited marked desire for independence and self-reliance. Urban dwellers on the other hand found it necessary to enter into alliances and pacts with other tribes for obvious reasons. In Mecca for instance, Quraysh was in fact an umbrella organization made out of a number of small tribes and clans joined together and ruled by a council made out of tribe chiefs and men of high status. There is nothing that keeps these groups together except their common interest in protection and survival.

The teachings of Mohammed have revolutionized the Arabs worldview. It forced people to look at God, themselves, their neighbors, slaves, women, the wealth and health,

and even their pets from a new perspective. No matter how hard one may try to minimize the changes brought about during this period, the activities and the transformations that took place since this period are strong evidence of this historical movement. One of these products of this period is the institution of *Khilāfah*.

While Mohammed is on his deathbed, a handful of leaders from the *Ansār*¹ gathered at *Saqīfat Banū Sá`idah* and started the process of selecting a leadership. On June 8, 632, Mohammed passed away, and `Umar became the first to select and offer "*bay`ah*" to Abu Bakr Ibn Qu`áfah. He then accompanies him to *Saqīfah* and declares that Abu Bakr is the "Successor of the Messenger of God." A many of Companions gave their blessings to this selection but some held back, including *Ali Ibn Abi`álib* whose case will be discussed later in details. Abu Bakr's major achievements were his keeping the Ummah together not only by defeating the so-called "apostates" but also by continuing the plans set by Mohammed to send military expeditions to Syria and Palestine.

On August 23, 634, Abu Bakr dies and leaves a personal will appointing `Umar Ibn al-Kha`b Caliph who then rules for ten years. `Umar again, continued the expansion of the Islamic state and devised great administrative tools that helped him manage one of the largest states of the time. During this time, the Muslim community lived through an unprecedented prosperity. His government was tested by outbreak of the deadly plague that in al-Shám region (Syria, Jordan, Palestine).

There is no documents that will convince any objective researcher that the parallelism or co-existence of the two denominations is a historical necessity or accidental events that could be attributed to bad judgment, dishonest re-writing of history, or exaggerated reading of Islamic civilization. The truth of the matter is that the Muslim community embraced a no win situation the day they adopted the *Saqīfah* resolution. Simply said, the selection of *Abu Bakr* set a collision course between two elements: The Established Reality (*Abu Bakr* as a Caliph who was an acceptable candidate for that position), and a legitimate opposition strongly rooted in the very same source of the religious doctrine (the right of *Ali* for the succession of the Prophet). As the choice of the Caliph gets less convincing, the legitimacy of *Ali* becomes more evident hence, the supporters grow more radical and more militant in their demands to redeem what came to be recognized as a divinely inspired, Prophetly approved *wilāyah* (leadership) of *Ali*.

"When the verse "And warn your closest relatives" [*Qur`án*, 26:214] was revealed, the prophet (S) met with forty of his closest relatives in the house of *Abu`álib* and told them about his message then he asked them: Sons of *Abd al-Mu`álib*! I don't know of any young man who brought to his people better than what brought to you; I brought you the better of the two worlds. Allah had asked me to invite you to it, so who will help me and become my brother, my heir, and my successor? All people turned him down but *Ali* (A) -- who was the youngest of all of them -- stood up and told him: I will be your helper. The Prophet (S) held him and declared: This is my Brother, my heir, and my successor. So do listen to him and obey him."³

¹ Ansār refers to the Muslim converts who were originally from Yathrib and who invited and supported the Prophet throughout his carrier. Muhájirún are those who migrated to Medina the majority of whom were from Mecca but it seems that this social group included those who migrated from elsewhere and joined the Muslim community of Medina.

³ Reported by a number of Hadith collectors and historians like: Ibn Ishaq, Ibn Jarir, Ibn Abi Hatim, Abi Na'im, al-Baihaqi in his sunnan, al-Tha'labi, Tabari in his tafsir and history books, the history of Tabari

Historians and tradition collectors assert further evidence in support of 'Ali's succession. "Indeed your *walī* is Allah, His Messenger, and the Believers who are doing their prayers and giving charity while in *rukū`* position." [Qur'ān, 5:55] This verse was revealed in favor of 'Ali (A) who gave his ring to a beggar while performing his prayers.⁴

When the Prophet (S) said in *Ghadīr Khum* that whomever I'm his *Mawlā* 'Ali is his *Mawlā*, Umar (R) met him after that and congratulated him saying "congratulation *Ibn Abī `alīb*, You've become the *Mawlā* of every believing men and believing women."⁵

While the Prophet (S) is on his death bed, he requested a pen and a paper and said: "Give me a paper I will document to you a book after which you will never go astray" Umar (R) replied: "The Prophet is so ill. We do have the book of Allah, that is enough. Don't do what he asked." This debate caused more arguments to a point where the Prophet (S) ordered them to leave his room.⁶

With these documents and clear textual evidence the *Shī`ah* of `Ali managed to survive while hundreds of other groups failed to rise beyond the circumstances that dictated their existence. Further more, the *Shī`ī* tradition contains within it an inherent mechanism by which it fixated itself to the same source Muslim refer to in order to extract religious and spiritual empowerment.

Added to the above, hard questions remained unanswered by those who supported the *Saqīfah* decision or took a neutral position visa vie the *Shī`ī* claim;

If the prophet (S) could not had appointed 'Ali as his successor for the *Qur'ān* inscribed that task to the *Shūrā* Council, as argued by some, why did *Abu Bakr* disregarded that practice and instead wrote a will appointing *Umar* as Caliph? On what ground was `Ali turned down after his election by the six members board appointed by *Umar*? Who relieved *Abu Bakr* and *Umar* from the army ordered by the Prophet (S) to leave *Madīnah* under the command of *Usāmah*?

Khilāfah, what does it mean?

Before introducing the legal and theological implications and analysis of the notion of *Khilāfah*, it might be worth while exploring the lingual and syntactical dimension of the word involved.

The simple verb "khalafa²" is understood to mean "to replace someone or something." Thus we say "*Khalafa fulānun fulānan*" to mean "*yaqūmu maqāmahu*,

vol. 2, p. 320, the History of Ibn Kathir Vol. 2 p. 41 of Irsal al-Musallamat, al-Hakim's Mustadrak Vol. 3 p. 132, and Vol. 6 of Kanz al-'Ummal which contained the detailed hadith.

⁴ See *Tafsir* al-Tabari, *al-Durr al-Manthur* of al-Sayyuti, *Tafsir* al-Razi, *Tafsir* al-Zamakhshari, *Tafsir* al-Baydhwani, *Asbab al-Nuzul* of Imam al-Wahidi, *Sahih* al-Nisa'i, and *Kanz al-Ummal* of al-Muttaqi al-Hindi vol. 6, p. 391.

⁵ Musnad Imam Ahmed, vol. 4, p. 281 & p. 372.

Mustadrak al-Hakim, vol. 3, p. 109.

al-Khasais al-'Alawiyyah, of al-Nisai, pages 20, 21, & 4.

⁶ Sahih al-Bukhari, vol. 1, section of 'Ilm, p. 39.

² Other derivatives are listed here to add clarity to the meaning of this term:

takhallafa: ta` khkhara (to be delayed), see Ibn Manzur's "lisan al-'Arab", vol.1, pp. 155

akhlafa: `awwadha wa baddala (to exchange), see Mu`jam al-faz al-Qur'an al-Karim, pp. 183

Ikhtalaf: dhidd Ittafaqa (opposite of to agree), see al-Mufradat fi gharib al-Qur'an, pp. 156

Ikhtalaf: iltabasa (to be confusing), see 'Ayyub Ibn Musa al-Husaini's "al-Kulliyat", vol. 2, pp. 301

As for the occurrence of these term in the Qur'an itself:

*wahuwa mawjúd fi ta#ríifi umúrihi ma`ahu 'aw bitafwí_ ihi niyabatan `anhu, kalwakíl al-muwakkal."*³ As is the usual practice, determining the specifics of the a particular Arabic term would require a visit to the book that sets the standards for the language: the Qur'án. The often quoted verse in reference to this context is the one the one designating Adam being "*Khalífah*"⁴ which has been explained as follows:

*"Khalífah" `ala wazn "fa`íla" bima`ná "maf`úl", 'ay yakhlifuhu man kana ba`dahu min dhuriyatihí wahuwa lam yakhluf ghayrahu!*⁵

Khiláfah can simply mean the process of succession within mankind as explained in the above passage, which differ from the meaning asserted by the Umayyads who sought Khiláfah to be succession to God as reported by a number of legal and religious scholars. In the following paragraphs we will briefly explore these various views.

Caliph; a first among equals?

Al-Af_al wa al-Maf_úl

Standing in the gate leading to the third millennium and looking back at the Institution of the Caliphate that originated sometime in the second half of the first millennium, it is awfully tempting to reduce this totality of policies and institutions of early Muslims to the mere natural continuation of languages and forms of power that grew out of the various "histories, 'Oriental' and Roman."⁶ But such a simplistic explanation amounts to abuse of the comparative method that draws on large-case-studies method in order to determine the common factors amongst all the cases.

There is no doubt that the Caliphate was, to some extent, influenced by the interpretations of older Iranian and Hellenistic political traditions, but is absurd to believe that this institution remained constant throughout. In fact there is enough evidence to lead us to believe that the Caliphate was generally conceptualized and defined in the light of the different political, social, and religious ideals and realities of the times and places in which it was employed. Even within the Muslim sources, one can easily notice the changing perception--if not the changing nature--of the Caliphate. The notion of the Khulafá' al-Ráshidún employed to set the reign of the first four Caliphs apart from the rest of the Khulafá' is indicative of the shifting conceptualization of this institution.

khalifa: twice mentioned in the Qur'an

Khulafa': thrice mentioned in the Qur'an

Khala'if: four times mentioned in the Qur'an

Istakhlafa: once mentioned in the Qur'an

Yastakhlifu: four times mentioned in the Qur'an

Mustakhlafin: once mentioned in the Qur'an

³ Al-Asbahani, al-Mufradat fi Gharib al-Qur'an, pp. 155-156

⁴ Qur'an, chapter al-Baqara, verse thirty.

⁵ This commentary was provided by a number of Muslim scholars like al-Fakhr al-Rází in his al-Tafsír al-Kabír, vol. 2, pp. 180; al-Shukání in his Fat^h al-Qadír, vol. 1, pp. 62; and al-Qurtubí in Jámi` li'a-kám al-Qur'án, vol. 1, pp. 225.

⁶ Al-Azmeh, Aziz, Muslim Kingship, pp. 62

Let it be known, before we venture into the analysis of Muslims' views on the Caliphate, that opinions stated herein do not constitute a theory on the form of government as we have seen it in the philosophical writings of the Greek scholarship or modern day political science; For classical views on the Caliphate, as we are going to see, are descriptive in nature.⁷

Contemporary scholarship goes as far as rating the Caliphate in a gradual fashion. It was asserted for instance that the earliest form of Caliphate was very primitive that it could not have "produced statutes and forms of state and of kingship of any determinative or definitive character that informed the later crystallization of Muslim polities."⁸ They further add that "whereas the Umayyads Caliphate was experimental, it is the Abbasids Caliphate that exhibited the more decided and definitive forms of government."

In an attempt to uproot the form of governance in Islam from the Qur'án, we are told that the Qur'án does not provide the sufficient data that would enable a community to establish a definitive and original form of government that does not emulate previous experiments. "Indeed, if one was to read the Koran and the Hadith, one would not be left with the impression of a definite conception of rulership, except for a general character of sublime absolutism not far removed from previous monotheistic conceptions that were classically expressed by Eusebius, tempered here and there with appeal to the tribal spirit of consensus or to an episode anti-hubristic ethic of fraternity, common mortality, and equality before God."⁹ Obviously these emphatic statement are not hypothetical nor rethorical, they are opinions antagonizing modern Islamists' views that states otherwise. We find Crone and Hinds taking the same path as they challenge the belief that Caliphs did lay limited claim to religious authority as argued by some Islamicists:

It is of course true that religious authority was the prerogative of scholars rather than of Caliphs in classical Islam, but we shall argue that this is not how things began. The early caliphate was conceived along lines very different from the classical institution, all religious and political authority being concentrated in it; it was the Caliph who was charged with the definition of Islamic law, the very core of the religion, and without allegiance to the Caliph no Muslim could achieve salvation. In short, we shall argue that the early caliphate was conceived along the lines familiar from Shi'ite Islam.¹⁰

Subsequently, and as was the case during the classical period, recent scholarship devoted respectable space to the discussion of the title itself: is it khalífat rasúl Alláh, or khalífat Alláh. Again Crone and Hinds in their, "God's Caliph" book, provided an adequate presentation that stressed the wide-spread use of the second form in an attempt, I believe, to support their general thesis that tended to minimize the separation of the religious authority from the political authority of the Caliph. They argued that it was only the *Ulamá'* who rejected the title of Khalífat Alláh in order to legitimize their own role as the sole authority in interpreting God's commands:

⁷ This assertion should not be understood in the absolute sense, because as shown in the coming paragraphs, during the Abbasid Caliphate Shi'ite scholars did manage to make the issue a theological one, hence its normative nature.

⁸ Al-Azmeh, Aziz, Muslim Kingship, pp. 63

⁹ Al-Azmeh, Aziz, Muslim Kingship, pp. 66

¹⁰ Crone, P. and Hinds, Martin, God's Caliph, pp. 1

We should like to stress that no `Ulama' were opposed to the use of Khalifat Allah, at least not after they had won the battle for religious authority; even so eminent a Sunni as al-Ghazali accepted his caliph as God's deputy on earth. The title was clearly too embedded in the tradition for the total rejection to be possible. But the `Ulama' did succeed in depriving it of its historical primacy, or in other words, they succeeded in rewriting history.¹¹

Contrary to the above statement, it is evident that Muslim scholarship had accepted early on the need for the office of the Caliph. It is true that there was some disagreement regarding the qualifications and the functions of the Caliph, but there is no supporting evidence whatsoever that even hints to the scholars—jurists or otherwise—to undermine the institution of the Caliphate. Here is al-Farrá' expressing a widely held opinion among Muslim scholars:

Imámah is obligatory not because it is the reasonable thing to do but because reason should not and ought not determine obligatory matters... It is an obligation upon Mujtahids until they designate a Caliph or upon qualified individuals until one of them is established as Imám.¹²

As for the procedure of electing or selecting the Caliph, Sunni scholarship has held the view that *Imámah* shall be accomplished through one of two procedures: (a) by the choice made by ahl al-`all wa al-`Aqd or (b) by the will of the previous Imám.¹³ The title of the person holding this office seems of no concern either. In their mind, the Imám, once designated, might be called Khalífah or Khalífat Rasúl Alláh, but some objected to his designation as Khalífat Alláh on the account that only he who dies or becomes absent can be "succeeded," since God does not leave nor die, then he cannot be "succeeded".¹⁴

Ibn Khaldun presents *Khilafa* to be a continuation of *Nubuwwa* but for him, the lines between *Khilafa* and *Imámah* are very much blurred. In conjunction with his general theory of Solidarity¹⁵, he argues for the need for a strong central authority that imposes its will on the public not only in worldly matters but also in matters concerned with the afterlife. This role is thus filled by the people of *Shari`ah* and whomever substitutes for them namely "*Khulafá'*"¹⁶. In the mind of Ibn Khaldun then, the Khalifa's role is to strike a balance between the "natural tendencies of man to follow his immediate desires, and the political necessity to force people to be rational and considered of the worldly needs"¹⁷ of the society at large. In other words the Khalifa's role extends beyond the mundane affairs to cover issues prescribed by the *Shari`ah*.

Ibn Khaldun represents the classical Islamic view that argued that *Khilafa* is supported by *Ijma`* (a third level *Shari`ah* source) of the Companions and the Followers in contrast

¹¹ Crone, P. and Hinds, Martin, *God's Caliph*, pp. 22-23

¹² al-Farrá', *al-'A $\text{<k$ ám al-Sul $\text{>$ ániyyah*, pp. 19

¹³ al-Farra', *al-'Ahkam al-Sultaniyya*, pp. 23

¹⁴ al-Farra', *al-'Ahkam al-Sultaniyya*, pp. 27

¹⁵ I used this term to refer to "*Asabiyah*", a word which is very central to Ibn Khamdun's Social Theory I discussed in an other paper.

¹⁶ *wakana hadha al-Hukm li'ahl al-Shari`ah wahum al-'Anbiya' waman qama fihi maqamahum wahum al-Khulafa'*

¹⁷ Ibn Khaldun, A., *al-Muqaddimah*, vol.2, pp. 518

with the rational, the utility, or mandate-based arguments.¹⁸ The qualifications of the Caliph are four: The Caliph must be (a) a knowledgeable person, (b) a person of probity, (c) a capable person, and (d) a physically healthy person.¹⁹ Some scholars add his being of Quraysh origins to be a fifth condition.

Though similar conditions can be found in some Shi'ite legal literature, such system is useless since for them the Imam is appointed. To them, the identity of the Imam is a religious matter that is decided in the Qur'an and in the Sunna that cannot be decided by the public. All conditions then can be reduced to one: Infallibility²⁰. In support of the "Chosen Imam" theory, Shi'ites produces numerous Qur'anic verses and prophetic traditions that support the claim that Imāmah is sanctioned by God and determined by the Prophet.²¹

Sunni scholarship is very conscious of the attempt to enlist Imāmah as a pillar of faith and they reject such a claim. Imam al-Haramayn for instance, opens his chapter on

¹⁸ The rational argument here refers to the argument that hinges on "social necessity" wherein it is said that governments exist because it is not possible to have a society without a power that ought to establish a particular social order... The utility claim usually refers to the Mu'tazilites assertion that societies can and ought to exist without the need for "power" that can be corrupted, hence if all individuals of the Umma are empowered and reach moral virtue, it becomes unnecessary to have a ruler... The mandate based argument refers to the Shi'ites position that argued that Imama is ruled on in the Qur'an and in the Sunnah.

¹⁹ 'Ilm, 'Adala, Kifaya, and Salamat al-Hawas wa al-'a'da' are the four conditions generally mentioned, but earlier scholars add al-Nasab al-Qurayshi to be the fifth condition.

²⁰ 'Ismat al-Imam is very critical, a second condition stressed by the twelvers but not shared by the Zaydis is the requirement that the Imam must be better than anyone person in the Umma. Zaydis, while recognizing that Ali Ibn Abi Talib as better than Abu Bakr, Umar and Uthman; they nonetheless accepted the legitimacy of the rule. Twelvers however insist that their rule was invalid since there existed a better person (Ali). This doctrine is widely discussed under the header of "al-Fadil wa al-Mafdul".

²¹ Shi'ites produce many verses and traditions in support of the view that Ali was in fact God's Chosen Imam. From the Qur'an they cite the following verses and they refer to the supporting commentaries: al-Ma'ida: 55; read al-Ghadir vol. II, pp. 25 and fada'il al-Khamsa mina al-Sihah al-Sittah by al-Firuz Abadi

al-Ma'ida: 67; Read shawahid al-Tanzil, vol. I, pp. 187; al-Durr al-Manthur, vol. II, pp. 298; Fath al-Qadir, vol. III, pp. 57; Ruh al-Ma'ani, vol. 6, pp. 168; al-Sawa'iq al-Muhriqa, pp. 75

al-Tathir verses (Innama Yuridu Allah liyudhiba 'ankum al-Rijza ahl al-Bayt wayutahirakum tathira); read commentaries on this verse in al-Haskani's Shawahid al-Tanzil, vol. II, pp. 10-192; Suyuti's al-Durr al-Manthur, vol. V, pp. 198; Tabari's Tafsir vol. 22, pp. 5-7; Ibn al-Athir's Asad al-Ghaba, vol. 4, pp. 29 al-Shura: 23; read: al-Durr al-Manthur, vol. 6, pp. 7; Tabari's Tafsir, vol. 25, pp. 14-15; al-Sawa'iq al-Muhriqa, pp. 11 & 102

al-Baqara: 207; read: Asad al-Ghaba, vol. 4, pp. 25; Shawahid al-Tanzil, vol. 1, pp. 98; Ibn Hijr's Tahdhib al-Tahdhib, vol. 4, pp. 439

al-Mubahala verses (faman hajaka fih min ba'di ma ja'aka mina al-'Ilm faqul: ta'alaw nad'u abna'ana wa abna'akum wanisa'ana wanisa'akum wa'anfusana wa'anfusakum, thumma nabtahil fanaj'al la'nat Allah 'ala al-kadhibin) also is cited as definitive of the proper family of the Prophet; read al-Sawa'iq al-Muhriqa, pp. 93; Musnad Ahmad vol. 1, pp. 185; Sahih Muslim, vol. 2, pp. 108; al-Baydawi Tafsir, vol. 2, pp. 32 al-Baqara: 37; al-Baqara: 123; Maryam: 96; al-Safat: 24; Muhammed: 30; al-Waqi'a: 10; al-Tawba: 19; al-Zukhruf: 45; al-Haqa: 5; al-Zumar: 33; al-'Anfal: 62; al-Ma'ida: 54; al-Baqara: 274; al-'Ahzab: 56; al-Rahman: 19; al-Ra'd: 43; al-Tahrim: 8; al-Bayyina: 7; al-Furqan: 54; al-Tawba: 119; and commentaries on these verses in Sunni sources mentioned above. Shi'ite scholars list a total of nearly eighty four Qur'anic verses and numerous traditions from the Prophet, Ali, and the Imams. For an extended discussion of the sources of Imama read Nahj al-Haqq wakashf al-Sidq by al-Hilli.

Imámah by saying “materials of this chapter (referring to Imámah) are not matters of creed.”²²

Similarly, al-Taftázani states that whereas the question of the Imámah and of public authority is really one that belongs to jurisprudence, being a question of practice and not an article of belief, the dialectical needs dictated by the emergence and determination of the faith made it necessary that it be address.²³

Ámidí also made similar remark when he regretted the inclusion of the topic of Imámah into the subject of theology.²⁴

As for the conditions, al-Juwaynî stresses new set of conditions: Imam must be a Mujtahid, firm in matter of wars and in applying the law, Qurayshí, free, and Muslim. Then he concludes by excluding women.²⁵

The theory of Khiláfah runs into trouble when addressing the war between Ali and Mu`áwiyah and Ali and `Á`ishah. While Shi`ites do not consider the leadership of anyone who opposed Ali to be a legitimate one, Sunni scholarship seem to produce very weak arguments that are apologetic and excessively reconciliatory in tone and substance. Al-Juwaynî for instance, stresses the righteousness and the authority of Ali as *the* Imam, yet he characterizes his killers as “Bughat” who might have had “good intentions!”²⁶

Juristic treatment of the Khiláfah is different from the theological discourse as well as from the historical genre. Consequently, jurists cover three elements related to the Caliphate: (a) establishing Khiláfah as a religious duty, (b) legal means and conditions of designating the Khalífah and (c) the function of the Kalífah.

Khiláfah, in the opinion of Sunni Jurists is religious duty²⁷ that must be carried out by an individual Muslim.

The Caliph must be designated by a committee known as ahl al-`aqq wa al-`aqq, an ad hoc committee that traditionally was made of the elders and the experts...

Full circle: Wilayat al-Faqih!

In Shí`í thought, Imámah is part of the religious dogma as reiterated by Ali Shari`atí.²⁸

²² Al-Juwayni, Kitab al-Irshad, pp. 410

²³ Taftazani, Sharh al-Maqasid, vol. 5, pp. 213-232

²⁴ Amidi, Ghayat al-Maram, fi `Ilm al-Kalam, pp. 363

²⁵ Al-Juwayni, Kitab al-Irshad, pp. 428

²⁶ Al-Juwayni, Kitab al-Irshad, pp. 433

²⁷ Duty here designates “fard Kifaya” which once carried by one Muslim individual becomes “munjaz” hence not a duty anymore on the rest of the members of the community. Fard kifaya could be contrasted with fard `Ayn like regular prayers.

²⁸ “Umatu imamat azkahantarinu mashurtin usuli l`tiqadi-e islam ast. Vabe vjeh dar tashayu`, paya-e asasi `aqiday-e maast. Banabarin az `in jihat mitavan guft ke qadimtarinu mashhurtarin asl l`tiqadi ma muslimananu bikhsus shi`iyatast.” For full discussion of this point see: Shariati, Ali, Umatu Imamat, (Iran: intisharate Qalam, 1980), pp. 5-11

The function of the Caliph

Historically, the Caliph's duties have consisted of (1) preserving of the religion as is and the protection of the *Sharī'ah*, (2) upholding the law, (3) protecting of individual's rights and properties, (4) enforcing the Shari'ah rules, (5) creating defensive army to protect the interests of the Ummah, (6) fighting the infidels, (7) collecting alms and booty, (8) determining and allocating aid, (9) appointing governors and aids, and (10) undertaking all these duties in person.²⁹ Clearly all these duties were not prescribed in a legal document--such as a constitution--nor in a religious manifesto--such as the *\adīth* or the Qur'ān. Rather, they are retro-descriptive statements summarizing the duties and responsibilities established by the Caliphs themselves. But again that is generally the case with most Islamic statutes, rules, and institutions.

The Caliphate and the Law

From the above paragraph, it is evident that the Caliph was not empowered to make law, only protect the *Sharī'ah*. However, this statement is not meant to support the view that Caliphs in general are not law-makers. Because as far as Islamic jurisprudence is concerned no human being--other than the Prophet--is empowered to legislate. "*ini al-hukmu illa lillah,*" It is God who rules on mundane as well as hereafter matters. The Caliphs and the jurists may only interpret God's laws as prescribed in the Qur'ān and the Sunnah. Modern Western scholarship however think otherwise:

Caliphal law is not a notion familiar to the classical lawyers. In their opinion the first four caliphs were qualified to issue rulings on law because they were Companions, while Umar II was qualified to do so because he was an exceptionally pious caliph who cultivated Prophetic *\adīth*, but no legal competence was vested in the Caliphal office itself. . . One is thus not surprised to find that there are traditions in which the Umayyad Caliphs are described as drawing their opinions from the *\Ulama'*.³⁰

A closer look at the so-called Caliphal law issued by the *Khulafá' al-Ráshidún* would reveal that they are actually an interpretation of Propohetic Traditions, Madínan Practice, or Selective Consensus. The perceived legislative authority of the early Caliphs is to some extent, an Umayyad period innovation.

The concept of "Caliph" and "Imam" in Shi`ite thought

It is my opinion that the difference between the Shi`ites and the Sunnis concerning the form of government and the qualification of the leader is so fundamental that I would consider these differences precursors if not a direct cause of conflicts in other areas of theology, law, and practices. For example, had it not been for the difference between the two camps, Shi`ite and Sunni, in regards to the early Caliphate

²⁹ al-Farra', *al-'Ahkam al-Sultaniyya*, pp. 27-28

³⁰ Crone, P. and Hinds, Martin, *God's Caliph*, pp. 48

and their respective positions regarding the status of Ali and Fátimah, later jurists might have had closer legal views in the field of inheritance laws.

Having said this, one could briefly summarize the views of the Sunnis and Shi`ites by arguing that their divergent opinions on the "Caliph" is just an extension of their differences over "Prophetship." While Sunnis hold the belief that Mohammed (d. 11) is the seal of the Prophets and that his mission concludes all missions, Shi`ites on the other hand, counter by asserting that Mohammed is indeed the last Prophet, but his mission should not and ought not be concluded. Hence, "Prophetship" (Nubuwwa), for them, was the precursor of "Guardianship" (Wilaya).³¹ Thus the prophet is chosen by God Who endows him with a divine message (wahy), the Imam on the other hand, is also appointed by God but he possesses the spiritual and hidden meaning (*al-ma`na al-ruhi wal khafi*) of the revelation. Imami³² Shi`ites believe that the number of Imams is limited to twelve: Ali Ibn Abi Talib is the first Imam and the twelfth Imam who went into occultation in the year 329 H. is the last. For them "Imam" is a title that refers only to Ali and his eleven grandsons. Wilayah, just like Nubuwwah, is thus a necessity according to Shi`ite thought. In the following paragraphs, I will present a brief analysis of the concept of the Caliphate in Shi`ism as expressed mostly in the views of *Nasir al-Din al-Tusi*, a prominent Shi`ite intellectual accredited for developing one of the most coherent works on the subject.

The concept of "Caliphate" rests on at least two major assumptions: That God created man and man's destiny is to worship his Creator, God. The fact that man was created requires that his creator provides his sustenance, whereas his prime directive to worship necessitates that God provides him with eternal connection with Him in order to receive clear and sound instructions on the means and method of this process of worship:

Má khaláqtu al-jinna wal-insa illá liya`budún. Má `urídu minhum min rizqin wamá `urid `an yu`imún.³³

`idh qála rabbuka lilmalá`ikati inní já`ilun fí al-ar_í khalífah, qálú ataj`alu fíhá man yufsidu fíhá wayasfíku al-dimá`a wana<nu nusabbihu bihamdika wanuqaddisu lak? Qála inní a`lamu malá ta`lamún...³⁴

Sunnis and Shi`ites use the words "Imámah" and "Khalífah" but to mean different things. An Imám for the Shi`ites is different from a Prophet only in as far as him not being able to see the angel. Sunnis on the other hand may use the two terms interchangeably but without elevating the status of the Imám or the Caliph like Shi`ites did. There is however an early Shi`ite view that considered the Imámah to be equivalent to Caliphate and they find support in the known tradition of "wa`andhir`ashirataka al-aqrabín"³⁵. Making any general conclusions on what each group meant by these terms

³¹ For further discussion on this point read Henry Corbin's "Islam Iranien" page 39-50

³² The Imami Shi`ites are also known as the Twelvers (al-Ithnay`ashriya)

³³ Qur'an, al-Dhariyat: 56

³⁴ Qur'an, al-Baqara: 30

³⁵ It has been reported in Sunni as well as in Shi`ite sources that when this verse (al-Shu`ara': 214) was revealed, the prophet gathered his close relatives and asked them: "man minkum yu`aziruni fi hadha al-'amri `ala an yakuna khalifati min ba`di?" Ali stood up three times only to be taken seriously in the fourth time whereby the prophet declared him to be his "Waliy" and "Khalifa". One may easily argue that the use of two terms may also hint to the possibility of the separation of the two positions, but a detailed account of this cannot be accommodated by the scope and focus of this paper.

however runs the risk of collapsing any otherwise reasonable assessment into unsupported claims. This remains to be true, and as I remarked throughout these pages, because the definition, the role and jurisdiction of the Caliphate and/or Imámah varied greatly depending on the historical context and political and social realities. For instance, Abu Bakr once was called “Khalífat Alláh” to which he replied: “Lastu Khalífatu Alláh, walakinní khalífat rasúl Alláh...”³⁶

In a later period, Some Sunni sources differentiated between al-Imámah al-`U-má (al-Khiláfah) and al-Imámah al-Sughrá (Leader of prayers).³⁷ Umayyad Caliphs on the other hand were never given the title “Imám al-Muslimín” and the same goes for the Abbasid Caliphs who did not attempt to use that title despite their attempt to present a pious character that contrasted the Umayyad secular tendencies.³⁸

Ibn Khaldun does not distinguish between the concept of Imámah and Khiláfah and asserts that Imámah is descriptive since the Caliph is like the leader of the prayers thus we speak of “al-Imámah al-Kubrú.”³⁹

Similarly, there is ample evidence pointing to the possibility that some Shi`ites might have understood Imámah to be separate and different from Khiláfah. It is a valid argument to say that Ali’s silence on the first form of Khiláfah as represented in the persons of Abu Bakr, `Umar, and `Uthmán is in fact indicative of his willingness to accept the supporting role of the Imámah to the worldly Khiláfah. The differentiation of these two concepts becomes evident later on when Imam Ali Ibn Músá al-Ri`á, once declared by al-Ma`mún as Waliyy al-`Ahd, did not change his title, nor did al-Ma`mún attempt to take the title of Imám. The distinction between the Imámah and Khiláfah in Shi`ite tradition is even more stressed during the age of Imam Ja`far al-`ádiq. The Shi`ite Imáms were never reported to have expressed interest in the Khiláfah as much as their expressed interest and their explicit desire to inherit the Imámah.⁴⁰

Imámah should not be understood as a concept developed exclusively by Shi`ite thinkers, for great many Sunni scholars have expressed an understanding of the Imámah that can hardly be distinguished from the concept developed by Imámís.⁴¹ In contrast, later scholars amongst the Shi`ites as well as Sunnis have chosen to use the words Imámah and Khiláfah interchangeably, a move that appears to be politically motivated more than it being a direct result of a change in the scope and meaning of these terms.⁴²

³⁶ See Muqaddimat Ibn Khaldun, vol. II, pp. 519

³⁷ Rashid Rida, al-Khilafa wa al-Imama al-Uzma, (Egypt: Manar Press), see the introduction.

³⁸ Muqallid, Ali, Nizam al-Hukm fi al-Islam, pp. 39

³⁹ See Muqaddimat Ibn Khaldun, vol. II, pp. 519 See Muqaddimat Ibn Khaldun, vol. II, pp. 519

⁴⁰ For more on this point, read Ibn Sa`d’s “al-Tabaqat al-Kubra”, vol. 1, pp. 119

⁴¹ Al-Ghazali and al-Fakhr al-Razi for instance talked of the Imama of “al-Hakim al-Fadil, similarly, Sunni and Shi`ite Sufis also discussed the Imama as a spiritual and divine gift as opposed to the worldly Khilafa. Further it has become commonly known that when Muslims in general use the term Imam without qualifying it any further it is generally taken to refer to Imam Ali Ibn Abi Talib. For more details on this point see Aqqad’s “`Abqariyyat al-Imam”, page 48.

⁴² Sunni theologians like al-Mawardi, al-Taftazani, and al-Ayji all have consciously linked the two concepts which puts them at an advantage when involved in theological debates, an advantage that would not exist have they chosen to keep the earlier view that allowed for the distinct institutions: al-Imama and al-Khilafa. More on this subject can be found in “al-`Ahkam al-Sultaniya.”

Definition of *Imámah* Shi`ite view

The Shi`í view on *Imámah* is rooted in the status of `Ali as the heir and Waliyy per decree of the Prophet. Many scholars have chosen to ignore this fundamental difference because of its marginality and divergence from the orthodox view held by Sunni scholarship. Some of the words used to define *Imámah* are found by many Sunni traditionalists to be offensive and heretic. Let's take a look at a sample definition; *Imám al-Ri`á* defines *Imámah* as follows:

Imámah has the status of the prophets and the heritage of the prophets' successors. *Imámah* is succession to God and succession to the Messenger... *Imámah* is the pillar of the developing Islam... The *Imám* defines the norms, and the *Imám* is he who blesses that which God permitted and forbids that which God has prohibited... He is infallible and made so by God so that he can be used against His people and a witness for them. *Imáms* enjoy the status of Messengers without being Prophets...⁴³

It is safe to say that one cannot easily make a generalization as to whether there is a unified Sunni view that can be contrasted to a unified Shi`ite view, but it is safe at this point to say that the *Imámah* for Shi`ites is clearly a special institution and that the *Imáms* are to be appointed by God through his Prophet. Hence the *Imám*, according to them, does enjoy the same authority and status as that of the Prophet.⁴⁴ Sunnis on the other hand adopted the view that it is the entire "Ummah" that inherited the Prophet, hence it is the Ummah that should decide on who ought to be Caliph. The argument thus, can be carried further to conclude that while infallibility falls on the person of the *Imám* in the Shi`ite view, it is the Ummah that is infallible in the view of the Sunnis.⁴⁵ In order to develop a more comprehensive of a view regarding *Imámah* as seen by the Shi`ite scholarship, I will introduce a short analysis of this notion as treated by the various tendencies within the Shi`ite school of thought starting with the *Isma`ílís*.

Without paying much attention to the extremes, one might conclude that *Isma`ílís'* views on *Imámah* did not differ much from Twelvers' opinions. This assertion can be further supported by evidence found in the works of prominent *Isma`ílí* thinkers who argued within the general guidelines in as much as saying that the "Imám is the successor of God on His earth"⁴⁶ and that the *Imámah* is a necessary institution. This is generally the view expressed by numerous *Isma`ílí* intellectuals like *al-Qá`í al-Nu`mán*, *Abu Ya`qúb al-Sujistání*, *al-Mu`ayyid fí al-Dín al-Shirází*, *A`mad `amid al-Dín al-Karmání*, *Ibrahím al-Hámidí*, and *Abu al-Fawáris A`mad Ibn Ya`qúb*.

Their views on *Imámah* is generally linked to their beliefs on *Shari`ah* and the Hereafter. It is their opinion that man is essentially governed by *Shari`ah* and by *Qiyámah*. While *Shari`ah* establishes the proper order and proper relation of man with his fellow man and the society in which he lives, *Qiyámah* on the other hand liberates

⁴³ This brief translation is of passages taken from *al-Kulayni's "al-Usul mina al-Kafi"*, vol. I, pp. 174, and *al-Tusi's "Kashf al-Murad"* pp. 375-390

⁴⁴ *Al-Tusi, N., Kashf al-Murad*, pp. 373-392

⁴⁵ *Muqallid, A., Nizam al-Hukm fi al-Islam*, pp. 42

⁴⁶ *Ikhwan al-Safa, al-Rasa'il*, vol. 4, pp. 127

man and initiates him anew in the Other Form⁴⁷, hence it determines the relationship of man with his Creator. Consequently, the Sharī'ah originates⁴⁸ from the person of the Prophet whereas Qiyámah originates from the person of the Imám. In this scheme then, Sharī'ah ends with the Nubuwwah and there begins the Imámah.

Evidently, most Shi'ite tendencies share the same view that Imámah, like Nubuwwah, is necessitated by the Luṭf⁴⁹ of God which is evidenced by tradition and supported by the intellect (reason). Therefore, Shi'ites consider Imámah to be a theological issue. In their view, God *must* send Prophets, God *must* appoint Imams, and God *must* guard the Prophets and Imams against error. Without Luṭf⁵⁰, then, man would never be able to lead a righteous live.⁵¹ For the Isma'ílís as well, as stated in Risalat kayfiyat al-Siyasat⁵², the Imám ought to be knowledgeable, intelligent, wise, smart, man of probity etc.⁵³ The lineage remains the differentiating factor.

The third major Shi'ite tendency, Zaydís⁵⁴, shared the same Shi'ite convictions regarding the Imámah, but couple historical and juridical events set them apart from the rest of the Shi'ites.

Historically, Zayd Ibn Ali revolted against the Umayyads because he came to believe that the Caliphate was transformed into "hereditary government."⁵⁵ He also

⁴⁷ The Other Form (al-Nash'a al-Ukhra) is a concept developed by Ismailis and is in their view the real meaning of the twentieth verse of chapter al-Ankabut: "Thumma Alláhu Yunshi'u al-Nash'ata al-Akhira"

⁴⁸ The sense of origination in Ismaili thought is usually expressed by the technical term "Inbithaq."

⁴⁹ Shi'ites define lutf as that which "pushes man closer to obedience and away from sin." It is God's indirect interference in the choice of man that helps him make the better choice or provide him with the needed guidance.

⁵⁰ Lutf (loosely translated here as Grace), as an obligation upon God, is a principal pillar adopted by all Shi'ite sects and accepted as well by Mu'tazilites. Ash'arites on the other hand have rejected it on four grounds: (a) The fact that corruption (fasad) exists in this world proves the invalidity of the notion of Lutf, because if Lutf was an obligation upon God (wajaba al-Lutf `ala Allah), then there would not be corruption on earth given God's omnipotence. (b) The non-believer should be a believer given the existence of Lutf, but since he is not a believer then one must conclude that God deprived him of Lutf, thus there is no Lutf. (c) If Lutf is an obligation upon God, then it follows that nothing that conflicts with it should originate from God. But the fact that God himself stated that some people would wind up in hell and some in paradise affirms the invalidity of the concept of Lutf as an obligation upon God. (d) If Lutf distances man from sin, but one undertakes sinful act, it follows that as if he has willed that there is no Lutf, which means again that lutf is not mandatory (ghayr wajib).

⁵¹ For lively discussion of this matter and answers to the Ash'arites objections read al-Tusi's Fusul al-Aqa'id; al-Qawl al-Sadid fi Sharh al-Tajrid, pp. 300-332; and Tajrid al-Aqa'id, pp. 302-309

⁵² Compiled by al-Imam al-Mastur, Ahmad Ibn Abd Allah, one of the Ismaili Imams who was born in 179 or 169 and who lived during the rule of al-Ma'mun.

⁵³ al-Imam al-Mastur sums up the characteristics of the political leaders saying: man kana ahsanu siyasatan wa 'awfaruhum `ilman, wa 'ghzaruhum fahman, wa 'adhka nafsan, wa 'athbatu hikmatan, wa asra'u fitnatn, wa 'ahsanu tadbiran linafsihi, wa 'a dalu siratan, wa 'ahsanu `ishratan, wa ansafu mu`amalatan, wa 'a dalu hukumatn. See al-Imam al-Mastur's *al-Risalah al-Jami'a*, pp. 532

⁵⁴ Zaid was born in the year 78 H. and died in the year 122 H. (according to Tahdhib Tarikh Ibn `Asakir, Vol. 6, pp. 16, although Yahya Ibn Ali, the author of al-Ifada fi tarikh al-'a'imma al-Sada, thinks that he was born in the year 75. The Umayyad caliph Hisham Ibn `Abd al-Malik is believed to have driven him to civil war because of the personal attacks. It was reported that Hisham once addressed Zayd saying: "I heard that you qualify yourself to be caliph though you are the son of a slave woman." Zayd replied: "does my mother's status disqualify me? By God Ishaq was the son of a free woman and Ismail was the son of a slave woman, yet God had selected Ismail, the father of the Arabs, and from the Arabs came the Prophet Mohammed!"

⁵⁵ al-Khatib, Sharif al-Sheikh, Zayd Ibn Ali, Saudi Arabia: Al-maktaba al-Faisaliya, 1983), pp. 18

charged the Umayyad rulers of favoritism; they favored Arabs and they reduced the non-Arab converts into second-class citizens. Accordingly, the Arabs were the masters and the Mawálí were the subordinates. Mawálí continued to pay Jizyah even though they were Muslims.⁵⁶ These conditions according to Zaydí historians justified the khurúj of Zayd politically.

On the legal front, Zayd was forced to take a stance during the civil war which he led, when a group of Shi`ites approached him and requested him to declare Abu Bakr and Umar's rule invalid. He refused, and as a result they in turn refused to fight with him. They became afterwards known as *al-Rafi'ah*.⁵⁷ It must be noted here that his decree does not effect the general Shi`ite theory concerning Imámah since he did not challenge the religious and theological premise of Imámah, rather he merely argued for the permission of the Khiláfah of the "lesser qualified."

Aside from the Shi`ites, we will conclude the discussion of the Imámah and Khiláfah in three more minority opinions.

Kharijites considered Imámah to be open for all Muslims as opposed to ahl al-Sunnah who see it restricted to individuals from Quraysh, and the Shi`ites who believe that Imámah is restricted exclusively for Ali and his offspring. Further more, Kharijites believed that the Caliph shall be appointed through free election, hence the candidate can be any Muslim who is knowledgeable of the matters of religion and who did not commit sins. Since they consider the sinners káfir.⁵⁸

The other theological group that has also roots in the early years of civil wars is the group known as the Murji'ah. The origin of this group is believed to be the time of the murder of the third Caliph Uthmán. It is reported that when a group of Companions returned from the war and found Muslims divided over the assassination of Uthmán they abstained from stating any opinion in favor or against the killers and they said: "*Nurji' u amruhuma ila Alláh <attá yakúna Alláh al-`akamu bainahuma.*"⁵⁹

Finally, Al-Kisáníyah, or the followers of Mohammed Ibn al-`anífah. They believed he was the Mahdí in occultation in Mount Rizwán who will soon return to fill earth justice. The most renowned of this group: al-Mukh>ár Ibn Abí `Ubayd al-Thaqfí who revolted against the Umayyads after the death of Husayn. This group is known for their rejection to the caliphate of Abí Bakr and `Umar.⁶⁰

⁵⁶ al-Khatib, Sharif al-Sheikh, Zayd Ibn Ali, Saudi Arabia: Al-maktaba al-Faisaliya, 1983), pp. 20

⁵⁷ al-Khatib, Sharif al-Sheikh, Zayd Ibn Ali, Saudi Arabia: Al-maktaba al-Faisaliya, 1983), pp. 136

⁵⁸ al-Khatib, Sharif al-Sheikh, Zayd Ibn Ali, Saudi Arabia: Al-maktaba al-Faisaliya, 1983), pp. 24

⁵⁹ al-baghdadi, *al-Farqu baina al-Firaq*, pp. 202-204

⁶⁰ al-Khatib, Sharif al-Sheikh, Zayd Ibn Ali, Saudi Arabia: Al-maktaba al-Faisaliya, 1983), pp. 22