The "Islamic State": Genealogy, Facts, and Myths

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The concepts of "Islamic state" and "Islamic government" form the cornerstone of much of Islamist doctrine today; that is, the doctrine of those Muslim activists who adhere to political Islam.   Most Islamists assert that these concepts were part and parcel of the lexicon of the earliest Islamic political thought and that a full-blown version of them, consonant with ideas prevalent now in Islamist literature of a particularly strident kind, was available in the first century of Islam. Because of the early and thus "authentic" inception of these concepts in the Islamic milieu, many (but not all) Islamists further maintain that these concepts militate against the modern notion of democracy and that the "Islamic state" must remain at odds with the democratic one. This essay will look critically at some of these assumptions and reprise the situation in the early Islamic period according to the sources available and assess the credibility of such claims.

GENEALOGY OF THE CONCEPTS OF THE "ISLAMIC STATE" AND "ISLAMIC GOVERNMENT": A BRIEF APPRAISAL

As is fairly common knowledge by now, the linchpin of the notion of "Islamic government" has been provided in recent times by the religio-political thought of twentieth-century Islamist ideologues like Abu 'l-A'la Mawdudi (d. 1979), Sayyid Qutb (d. 1966), and those who have followed in their wake.[1] These ideologues have supposedly

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1.   For a discussion of Mawdudi's vision of the "Islamic State," see Seyyed Vali Reza Nasr, *Mawdudi and the Making of Islamic Revivalism* (New York: Oxford University Press, 1996), ch. 5. For Sayyid Qutb's political vision, see Ahmad S. Moussalli, *Radical Islamic Fundamentalism: The Ideological and Political Discourse of Sayyid Qutb* (Beirut: American

grounded the legitimacy of their positions in an earlier layer of political thought and administrative policies. They in fact insist that the genealogy of their concept of "Islamic government" extends all the way back to the first century of Islam, having been fully realized in the practices of the Prophet Muhammad (d. 632 CE), which were then emulated by the four Rightly-Guided (Ar. *Rashidun*) caliphs, as they are called in the literature, who succeeded him as leaders of the Muslim polity (ruled between 632-661 CE). Such views have not gone uncontested, since such ideological assertions need to be critically scrutinized for their historicity and thus their tenability.

What follows now is a survey and assessment of the principal reasons why the case for an early formulation of a specifically "Islamic government" and "Islamic state" remains tenuous at best, and why we must consider such formulations to fly in the face of more pedestrian notions of governance and public conduct already strongly entrenched in the early period. The following broad topics which recur in Islamist literature and that are invoked in the creation of narratives regarding "Islamic government" and "the Islamic state" will be dealt with in this essay. These topics are: (a) early caliphal practices; (b) Qur'anic attitude toward political stewardship; (c) consultation (Ar. *shura*); (d) divine sovereignty vs. human agency; (e) politics and the religious law; (f) concepts of *jahiliyya* (the pre-Islamic period); and, finally, (g) containment of chaos and promulgation of order. A brief concluding section will provide an encapsulation of the issues discussed under these rubrics and dwell on the implications of the kind of conclusions to which our analysis impels us.

It should be stated here that only Sunni political thought and Islamist discourses are being treated here. Shi'i activists have also developed the concept of "Islamic government," notably in the writings of Ayatollah Khomeini (d.1989).[2] Although there are some similarities, Shi'i political thought is sufficiently different from the Sunni so as to merit a separate treatment, presently beyond the purview of this essay.

EARLY CALIPHAL PRACTICES

Islamists like to imagine their concept of Islamic government as coinciding with the kind of government(s) set up by the Rightly-Guided Caliphs.[3] Muhammad's own precedent and practices in

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University of Beirut, 1992); and Yvonne Haddad, "Sayyid Qutb: Ideologue of Islamic Revival," in *Voices of Resurgent Islam*, ed. John L. Esposito (New York: Oxford University Press, 1983).

2. For which see his *Islam and Revolution: Writings and Declarations of Imam Khomeini*, tr. Hamid Algar (Berkeley: Mizan Press, 1981).

3. Thus Mawdudi states that the sources of the Constitution for the Islamic state are the Qur'an, the *Sunna*, the practices of the Rightly-Guided Caliphs, and the legal opinions of the classical jurists; see his *The Islamic State* (Birmingham: UKIM, 1994), 5-9.

governing his polity are invoked as examples to be broadly followed, of course.   However, according to the Muslim view, the Prophet's practices were shaped, after all, by divine guidance and in response to specific historical circumstances during his lifetime, which teleologically led to the demise of Meccan paganism and the inaugural of the Islamic era.   For Muslims of later generations grappling with new problems and bereft of direct divine guidance, the governing practices of Muhammad's immediate successors provide more practical and historically relevant pointers on the manner of organizing the post-prophetic Muslim polity.   It is understandable to expect that the first two caliphs Abu Bakr and 'Umar, as the closest associates and the immediate successors of the Prophet, would try to set up a government according to specific Islamic precepts, if they were aware of such.

The sources, primarily (Sunni) historical and biographical works, relate however that the earliest Muslims were caught by surprise at Muhammad's sudden death in Medina in 632 CE and were confused as to how to proceed to select a leader and maintain political stability. It was clear to a majority of the first generation of Muslims that no successor had been explicitly designated by their Prophet, although a number of his close companions could be considered as the obvious front-runners on account of their prior record of distinguished service to the polity and propinquity to Muhammad.   A significant number of people converged at a portico in Medina immediately after the Prophet's death to select a leader. The procedure, the sources tell us, entailed debating rather noisily and heatedly the merits of some of the obvious contenders for the office of the caliph, which included Abu Bakr, 'Umar, and 'Ali, the Prophet's cousin and son-in-law. The matter was resolved by 'Umar offering his allegiance to Abu Bakr, his older friend, and asking the crowd to follow suit. 'Umar prefaced his offer of allegiance by reciting before the gathered audience an impressive resume of meritorious deeds that Abu Bakr had performed during Muhammad's lifetime. This resume convinced the assembly of people to recognize Abu Bakr as the Prophet's first successor, and they thronged towards him to offer their allegiance, which he accepted with some diffidence and considerable humility, as the various versions of his inaugural speech testifies.[4]   When asked later to reflect on the process of Abu Bakr's election, some of the sources report that 'Umar described it as a *falta*.[5]

The Arabic word *falta* in this context means a "happen-chance" or an "unpremeditated event." 'Umar was essentially describing the process of Abu Bakr's election as something that had happened on the

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4.   Muhammad Jarir al-Tabari, *Ta'rikh al-umam wa-'l-muluk* ("The History of Nations and Kings") (Beirut: Dar al-Kutub al-'Ilmiyya , 1997), 2:244.

5.   See al-Baladhuri, *Ansab al-ashraf* ("The Genealogies of the Notables"), ed. Muhammad Hamidullah (Cairo: Dar al-Ma'arif, 1960), 1:581-83; see also al-Tabari, *Ta'rikh al-umam*, 2:242 ff.

spot, in reaction to the exigencies of the situation. The situation, in fact, was quite serious. Certain Arab tribes had risen in revolt against the Medinan government, assuming their fealty to the government to have lapsed on the Prophet's death, and refused to pay the obligatory alms or taxes, known as the *zakat*. These tribes had to be brought back into the fold and Abu Bakr's skills as a master genealogist—predicated on expert knowledge of tribal relationships and the tribe-based alliances of pre-Islamic Arabia—were greatly in demand.

It is clear from the various sources which record this event that no blueprint for an "Islamic government" as such was invoked in the election of the Prophet's first successor. The early Muslims resorted to human reasoning (Ar. *ijtihad*) and interpretation of general Qur'anic notions such as "precedence" or "priority" in Islam (Ar. *sabiqa)* and "virtue/moral excellence" (Ar. *fadl/fadila*) as well as the concept of "consultation" (*shura*). (More will be said about these notions in the following sections). On the basis of such broad, general concepts, they devised the solution regarded as the most apt and in the best interests (Ar. *masalih*, sing. *maslaha*)[6] of the community, given the harried circumstances that ensued after Muhammad's death. *Falta* in this case is a purely descriptive term and contains no moral valuation (at least in Sunni sources) of Abu Bakr's selection as the Prophet's successor in such a spontaneous and unpremeditated manner. It is clear, however, that if Abu Bakr's election had been perceived as hewing to some kind of a divinely mandated procedure, the sources would not have so candidly underscored its ad hoc nature.

QUR'ANIC ATTITUDE TOWARD POLITICAL STEWARDSHIP

The broad Qur'anic paradigm of legitimate leadership is encapsulated in the two scripturally derived terms mentioned above: "precedence" and "excellence." Several Qur'anic verses point to a hierarchy of moral excellence, both in this world and the next, with political stewardship on earth vouchsafed to those who are the most morally excellent (for example, 7:128-29; 24:55).[7] The early concept-ualization of the caliphate and of legitimate leadership, as the sources tell us, was in many ways markedly different from later formulations. It

6. The term *maslaha* has become an important ratio legis in Islamic law, invoked to justify emendation or abrogation of existing legal rulings and/or promulgation of new ones. One of the best-known proponents of this legal principle is the fourteenth-century jurist Abu Ishaq Ibrahim al-Shatibi (d. 1388) who elucidates its importance and application in his *Al-Muwafaqat fi usul al-shari'a* ("The [Points of] Agreement regarding the Principles of the Religious Law"), ed. Khalid 'Abd al-Fattah Shibl (Beirut: Mu'assasat al-Risala, 1999). For an accessible discussion in English of this concept, see M. H. Kamali, "Have We Neglected the Shari'ah Law Doctrine of Maslahah?" *Islamic Studies* 27 (1988): 287-304.

7. See further my monograph *Excellence and Precedence: Medieval Islamic Discourse on Legitimate Leadership* (Leiden: E.J. Brill, 2002), which discusses the centrality of these principles in the creation of a paradigm of legitimate leadership in the early period.

is well-known that Abu Bakr would only use the title *Khalifat Rasul Allah* ("Successor of the Messenger of God") and recoiled from using *Khalifat Allah* ("God's deputy") because of the undue presumptuousness implicit in its adoption.[8] 'Umar who followed him was at first simply called *Khalifat Abi Bakr* ("Abu Bakr's successor") or *Khalifat Khalifat Rasul Allah* ("Successor of the Successor of the Messenger of God") and then later more commonly *Amir al-Mu'minin* ("leader/commander of the faithful").[9] The last title was adopted by the third and fourth caliphs as well. The Umayyads, who came to power in 661, initiated dynastic rule and had no compunctions about adopting the title "God's deputy" to signal their enhanced status.

The Abbasids who followed them in 750 continued this usage. Ideas of political absolutism and social hierarchy of Hellenist and particularly Persian provenance gained ascendancy under the Abbasids from the eighth century on, undermining the radical egalitarianism of early Islam.[10] The majority of the bureaucratic secretaries (*kuttab*), who were mainly responsible for managing the actual day-to-day affairs of the Abbasid bureaucracy, tended to be of Persian extraction with an understandable proclivity for the Persian way of doing things. Many of the political and social hierarchical notions which began to gain ground after the eighth century may be attributed to their influence to a considerable degree. Imported ancient foreign formulations of political authoritarianism progressively conferred on the Abbasid caliph an unmistakable mystique, reflected in the adoption of honorifics such as "God's Shadow on Earth." Over time, certain political theorists, like the famous Abu al-Hasan al-Mawardi (d.1058), would lend an Islamic veneer to such notions, allowing for a comfortable accommodation with political reality.[11]

The manner of Abu Bakr's election to the caliphate as briefly described above was not to be repeated again, for each of the four Rightly-Guided caliphs was selected or appointed in a different way. During his short reign of two years, Abu Bakr designated 'Umar as his successor, which decision was roundly ratified by the people, according to the sources. 'Umar, after a brilliant and innovative reign of ten years, appointed a six-member electoral council to pick his successor before he breathed his last from the wounds inflicted on him by a Persian assassin in 644 CE. The council chose as caliph 'Uthman, a wealthy, pious man from the powerful clan of the Umayyads, who held

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8.   See, for example, the classic biographical work in Arabic by Ibn Sa'd, *al-Tabaqat al-Kubra* ("The Great Generations") (Beirut: Dar Sadir,1957), 3:183-84.

9.   Ibid., 3:281.

10.   See the rigorous and comprehensive study of this subject by Louise Marlowe entitled *Hierarchy and Egalitarianism in Early Islamic Society* (Cambridge, Eng., 1996).

11.   See my article "Obedience to Political Authority: An Evolutionary Concept,"in *Islamic Democratic Discourse: Theory, Debates, and Philosophical Perspectives*, ed. Muqtedar Khan (Lanham, Md.: Lexington Books, 2005), 37-60.

the office for twelve years, the longest tenure of all. After 'Uthman's assassination by a cabal of individuals disgruntled with him primarily on account of his perceived nepotism, 'Ali, Muhammad's cousin and son-in-law, succeeded 'Uthman as the caliph by popular consent. He inherited a contentious polity in which its populace vigorously debated the politics of piety and legitimacy of leadership. His assassination in 661 by a Khariji extremist (see further below) marked the end of government by the consent of the governed in Islam and saw instead the inauguration of dynastic rule under his rival Mu'awiya b. Abi Sufyan, a member of the tribe called Banu Umayya, which had been the Prophet's most bitter foe until the fall of Mecca to the Muslims in 630 CE.

The Qur'anic paradigm of precedence and excellence was further powerfully illustrated in the institution of the *diwan*, the register of pensions established by 'Umar, the second caliph, roughly four or five years after Muhammad's death. The *diwan* set up a system whereby the precedence of each Muslim became an important criterion in determining the amount of stipend he or she would be awarded from the state treasury. Those who were among the earliest converts to Islam and had suffered persecution as a consequence, enjoyed exceptional closeness to the Prophet, and fought in the early battles were given larger stipends.[12] Thus prominent Companions of the Prophet drawn largely from the Emigrants to Mecca tended to head the list. The *diwan* was an outright innovation on 'Umar's part, there being no precedent for it during Muhammad's lifetime. As the sources tell us, 'Umar borrowed this institution from the Persians, recognizing it as the potential instrument to implement the Qur'anic paradigm of precedence and excellence as a basic socio-political-economic organizational principle. The *diwan* was controversial even in his time, its establishment and function being regarded by some as being in violation of the Qur'an's basic egalitarianism, since it set up a system of preference, albeit on the basis of moral excellence.[13] 'Umar did not claim to be following a prophetic practice (which it was not), nor did he claim that the setting up of the register of pensions was the *only* valid way to implement the broad Qur'anic organizational principles of precedence and excellence. 'Uthman, his successor, saw fit to continue the institution of the *diwan* on the basis of these principles, but 'Ali, the last of the Rightly-Guided Caliphs, did not, believing rather that the Qur'anic intent of creating a polity of equal believers was best served by a nonpreferential system of pension distribution.

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12. Ibn Sa'd, *Tabaqat*, 3:294-304; Abu 'Ubayd Ibn Sallam, *Kitab al-Amwal* ("The Book of Wealth") (Cairo: Maktabat al-Kulliyat al-Azhariyya, 1968), 223-71; Abu Yusuf, *Kitab al-Kharaj* ("The Book of Land-Tax") (Beirut: Dar al-Shuruq, 1985), 140-44.

13. The early author Abu Yusuf (d. 798) in his *Kitab al-Kharaj*, 140, mentions that when 'Umar assumed the caliphate, he awarded larger stipends to the early Muslims who had distinguished themselves by exceptional and prolific service to the cause of Islam.

The point of this brief disquisition on the *diwan* is to demonstrate through a specific example that the traditional sources present the first four caliphs as being highly innovative in reacting to their specific historical and political circumstances. Invoking the same scripture and prophetic precedent, they often arrived at different interpretations based on independent reasoning, later recognized by the polity as equally valid in their given historical circumstances.

CONSULTATION (*SHURA*)

Shura remains a powerfully emotive concept in most Muslims' imagination to this day, and for good reason. The word *shura* occurs in the Qur'an and means "consultation" in general. Two verses specifically refer to this concept: the first (3:158-59) states, "So pass over [their faults], and ask for [God's] forgiveness and consult them in matters; then, when you have made a decision, put your trust in God." The second verse (42:38) runs, "[The believers are] those who answer the call of their Lord and perform prayer, and who conduct their affairs by mutual consultation, and who spend of what We have bestowed upon them." Historically, *shura* has also referred to an electoral council or a consultative body. The most famous *shura* in the sense of a consultative body is the previously mentioned six-man electoral council set up by the second caliph, 'Umar b. al-Khattab, to elect a candidate who would succeed him. The deliberations of this council brought Uthman, the third caliph, to power.[14]

Throughout time, consultation on various matters has been considered obligatory by most scholars while others have tended to regard it as a highly recommended practice. The predominant sentiment in the sources—theological, juridical, ethical, and administrative—is that *shura* as mutual consultation in various spheres (political, communal, social, military, familial) is the preferred and desirable method of resolving matters. Numerous instances of Muhammad's consultative activities are documented in the literature. His close friend and associate Abu Hurayra is thus reported to have remarked, "I did not see anyone more [predisposed] to consultation with his Companions than the Prophet."[15] Such attestations have created, in fact, a powerful normative precedent for succeeding generations of the faithful.

After the Prophet's death in 632, medieval historians, such as al-Tabari (d. 923) in his magisterial historical work, refer to the inaugural address of Abu Bakr in which he stresses the principle of consultation.

14. Fazlur Rahman, "The Principle of *Shura* and the Role of the *Ummah* in Islam," in *State, Politics and Islam*, ed. Mumtaz Ahmad (Indianapolis, Ind.: American Trust Publications, 1986), 87–96.
15. See, for example, Muhammad b. Idris al-Shafi'i, *Kitab al-Umm* ("The Source Book") (Bulaq, Egypt: Matba'a al-Kubra al-Amiriyya, 1903), 7:86.

This address, directed particularly at the Medinan converts (Ansar) who at first had opposed his nomination as the caliph, reassures them of a continued political role through the process of consultation and collective decision-making.[16]   As dynastic rule became the norm after the death of 'Ali in 661, invocation of *shura* as a desirable and even mandated social and political practice became a way of registering disapproval of a political culture that had progressively grown more authoritarian by the Abbasid period (750-1258).[17]

Thus Qur'an commentaries and certain genres of ethical and humanistic literature (*adab*) continued to extol the merits of consultation in various spheres—particularly the bureaucratic, military, and political—throughout the pre-modern period.   Representing a fairly common perspective on the concept of *shura*, the Qur'an commentator Muhammad al-Qurtubi (d. 1273), in his exegesis of Qur'an 3:158-59, records that, "It is the obligation of the rulers to consult the scholars on matters unknown to them and in religious matters not clear to them. [They should] consult the leaders of the army in matters having to do with war, and leaders of the people in administrative issues, as well as teachers, ministers, and governors in matters that have to do with the welfare of the country and its development."[18]   In the twelfth century, the Andalusian scholar and Qur'an commentator Ibn 'Atiyya (d. 1146) was of the opinion that consultation was one of the pillars of the religious law and of judicial activity and "whoever did not consult with the people of knowledge and religion should be subject to removal [sc. from public office]."[19]

The point remains that non-consultative, dynastic rule was regarded in most circles as un-Islamic and as a betrayal of the early Islamic ideal of collective decision-making.   To this day, therefore, the concept of *shura* resonates strongly with a significant cross-section of Muslims, which they understand as leading the way to just and consultative power-sharing in accordance with Qur'anic precept in contrast to arbitrary despotism (Ar. *istibdad*).   In the contemporary period, liberal and reformist Muslims tend to conflate *shura* with modern notions of democracy (constitutional and/or liberal),[20] while the radical right-wing

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16.   Al-Tabari, *Ta'rikh al-umam*, 2:242-43. Other versions of this famous speech occur in various sources.

17.   For example, see Ibn Qutayba, *'Uyun al-Akhbar* (Cairo, 1963), 2:115, where a certain Sudayf laments that under the 'Abbasids, political leadership was no longer consultative and had become despotic.

18.   See his *Tafsir al-Qurtubi* ("The Qur'an Commentary of al-Qurtubi") (Cairo: Dar wa-Matabi' al-Sha'b , n.d.), 2:1491-92.

19.   Ibid., 2:1491.

20.   It should be emphasized here that not all those described as Islamists reject the equation between *shura* and democracy; thus Yusuf al-Qaradawi, the outspoken and controversial activist cleric based in Qatar sees little dissonance between a *shura*-based government and a democratic one; see his influential tract *Min Fiqh al-Dawla fi al-Islam* ("Regarding Legislation on the State in Islam") (Cairo: Dar al-Shuruq, 1997). For a fairly

resolutely refuses to concede any reflection of democracy in the *shura*.[21]   The radical right-wing's refusal to concede any parallelism between the two concepts is a "logical" consequence of its rigid notion of "divine sovereignty."[22]

DIVINE SOVEREIGNTY AND HUMAN AGENCY

The greatest sticking point between most Islamists and modernist Muslims remains the concept of "divine sovereignty" or "divine governance," termed *al-hakimiyya* in Arabic. According to these Islamists, it is precisely the notion of *al-hakimiyya* that prevents the notion of *shura* from being understood to be consonant in any way with constitutional democracy, since in their view, democracy is predicated on popular sovereignty which runs counter to the notion of divine sovereignty. Yet, *al-hakimiyya* as a term and concept is not to be found in the history of Islamic thought until the twentieth century among a highly circumscribed group, despite the protestations of the Islamists to the contrary, and represents in fact an epistemological rupture from mainstream Sunni political thought.[23]   The well-known scholar of Islamic thought Fazlur Rahman has stressed that the Qur'anic concept of God's sovereignty has nothing to with political or legal sovereignty but rather means that "God has bestowed a certain constitution both to this universe and to man. . . ."[24]

The Qur'an does refer to God's dominion over all "the heavens and the earth (24:42)"; the word used in this context is *mulk* while elsewhere it is *malakut* (36:83). One of the divine epithets is the derivative *al-Malik*, (1:4; 3:26; 20:114 etc), meaning the possessor or owner [of all things]. *Hukm* is not used at all in the sense of dominion or sovereignty in the Qur'an (6:57; 12:40) but to refer to divine

wide-ranging discussion of this topic, see the recently published volume of essays edited by Khaled Abou el Fadl entitled *Islam and the Challenge of Democracy* (Princeton, N.J.: Princeton University Press, 2003), instigated by Abou el Fadl's stimulating lead essay.

21.   Mawdudi called the proper "Islamic government" based on *shura* a "theo-democracy"; see, for example, Seyyed Vali Nasr, "Mawdudi and the Jama'at-i Islami: The Origins, Theory, and Practice of Islamic Revivalism," in *Pioneers of Islamic Revival*, ed. Ali Rahnema (London: Zed Books, 1994), 108.

22.   It is interesting that these radical rejectionist statements are echoed by certain Western polemicists who also prefer to maintain, based on a misreading or ignorance of Islamic intellectual and political history, that Islam in its very essence is incompatible with democracy. For a fairly recent example, see Sanford Lakoff, "The Reality of Muslim Exceptionalism," *Journal of Democracy* 15 (2004): 133-39.

23.   Among modernist writers on political Islam who have vigorously and convincingly challenged the notion of *hakimiyyat Allah* and its presumed Qur'anic lineage is Muhammad Sa'id al-'Ashmawi, who in his work *al-Islam al-siyasi* ["Political Islam"] (Cairo: Sina, 1987), states that this concept is actually un-Islamic and contrary to the Qur'an and the *sunna*.

24.   See his article, "The Islamic Concept of State," in *Islam in Transition: Muslim Perspectives*, ed. John J. Donohue and John L. Esposito (New York: Oxford University Press,1982), 264.

judgment of human actions, particularly in the next world. The term *hukm* otherwise does not have an early political genealogy. Early commentators on the Qur'an understand *hukm* and its derivatives to refer only to God's (moral) judgment (Ar. *qada'*) of human beings, in this world and the next, and to have no intrinsic this-worldly political signification.[25]

Why did then the Islamists, more specifically Abu 'l-A'la Mawdudi who introduced this term, pick the abstract Arabic noun *al-hakimiyya* (from *hukm*) rather than *al-mulkiyya* (from *mulk*) to connote God's dominion, which in turn they understand to mean God's status as the sovereign of the polity? The only precedent offered to us in early Islamic history, which would have a bearing on this discussion, is that of the deviant group known as the Kharijites and their appropriation of the Qur'anic term *hukm* to imply God's direct intercessory judgment in mundane affairs.[26]

Contrary to the position of the Kharijites and contemporary Islamists, earthly stewardship is a purely human enterprise from the Qur'anic perspective. The word used in relation to it is *khilafa* while the human as God's steward or vice-regent on earth is a *khalifa* (caliph). Once again, there is nothing inherently political about these terms. In fact, rigorous scholarly studies have shown that the Qur'anic term *khalifa* was understood by the early Qur'an exegetes of the seventh and eighth centuries as referring to the human in his or her basic function as a cultivator of the earth and a general custodian of its resources and order.[27] However, Abu Bakr's adoption of the title—in full, *Khalifat Rasul Allah* ("successor/vicegerent of the Messenger of God")—as is widely reported in the sources would henceforth infuse this term with primarily a political signification and has been continued to be used in that sense in the political sphere until today.

While several modernist Muslim scholars and activists have argued vigorously in favor of a basic ideational compatibility between the

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25. For example, see the early commentary of the well-known eighth-century exegete Muqatil b. Sulayman known as *Tafsir Muqatil* ("Muqatil's Exegesis) (Cairo: Mu'assasat al-Halabi, 1969), 1:564; 2:343; etc.

26. Part of the general Islamist discourse is predicated on the attribution of highly politicized meanings to key Qur'anic terms. In my article, "Obedience to Political Authority," I show that Qur'anic terms like *amr* (broadly meaning "matter"; "affair," but also "authority" of various kinds) and *hukm*, which later became infused with primarily political meanings, were devoid of such significations in their earliest use. In Qur'anic usage (4:59), *amr*, as in the collocation *uli 'l-amr* ("those possessing authority"), refers broadly to moral and social authority, while *hukm*, particularly in relation to God (6:57; 12:40, etc.), refers to "judgment" and "arbitration." By the ninth century of the common era, *amr* would acquire the additional meaning of "political authority" while *hukm* continued to be used in its polyvalent significations of "arbitration," " legal ruling," and "moral judgment."

27. See Wadad al-Qadi, "The Term '*Khalifa*' in Early Exegetical Literature," *Die Welt des Islams* 28 (1988): 392 - 411.

concept of *shura* and Western-style democracy,[28] most Islamists of particularly the Qutbian school of thought tend to see fundamental differences between the two. Islamists of the Qutbian school argue that since a democratic government derives its authority from the will of the people and laws enacted by humans, it is immediately at odds with an "Islamic government" which is understood to derive its authority from God and His revealed laws. Like many an absolutist position, this too is distinguished by obscurantist ahistoricism, as our discussion to this point already demonstrates. As previously affirmed, although the primary sources of Islam clearly offer broad guidelines for righteous behavior in the public sphere, no specific type of political administration was understood by the earliest Muslims to have been mandated by these foundational texts. For majoritarian Sunni Muslims, the caliph is regarded as primarily a political figure, charged with containing chaos and maintaining law and order in the temporal realm (for more on which, see below). The Umayyad and Abbasid rulers' predisposition towards kingly pretensions and adoption of grandiose titles such as "God's Shadow on Earth" are often presented in the sources as being in stark opposition to the humbler attitudes of the Rightly-Guided caliphs, particularly of Abu Bakr and 'Umar.[29]

The Qur'an, to be sure, emphasizes God's suzerainty and lordship over all creation. As His created beings and representatives or vice-regents on earth, humans owe their obedience to Him in which, however, they have a choice (for example, Qur'an 2:256; 22:8-13; 18:28). The Qur'an is, at the same time, a highly anthropocentric text concerned to a great extent with the proper ordering of human, temporal existence which is as of much concern as is life in the hereafter.[30] Such a concern, however, does not translate into specific legal rulings regarding the political ordering of human life but rather into broad moral guidelines for molding and containing political behavior. In the realm of earthly existence, the Qur'an accords much

28. The Tunisian political dissident Rachid Ghannouchi (see his *al-Hurriya al-'Amma fi al-Dawla al-Islamiyya* ["Public Freedom in the Islamic State"] [Beirut: Markaz Dirasat al-Wahda al-'Arabiyya, 1993], Muhammad 'Imara, (see his *Al-Islam wa al-Sulta al-Diniyya* ["Islam and Religious Authority"] [Cairo: Dar al-Thaqafa al-Jadida, 1979]), Sa'id al-Ashmawy (his views are primarily expressed in the important work *Al-Islam al-Siyasi* ["Political Islam"] mentioned above), and Azizah al-Hibri (see her "Islamic Constitutionalism and the Concept of Democracy," *Case Western Reserve Journal of International Law* 24 (1992): 1-27), among others, see no problems with recasting and aggrandizing *shura* as the organizational principle for a modern democratic polity. Among the constellation of choices available to modern Muslims, they regard democracy as the system of government that offers the best opportunity for consultative and collective political decision-making, which has remained a desideratum in Islamic political thought through time.

29. We have already referred above to Abu Bakr's and Umar's aversion to the title "God's deputy" as indicated in the sources.

30. Thus, the Egyptian philosopher Hasan Hanafi in his book, *Islam in the Modern World* (Cairo: Anglo-Egyptian Bookstore, 1995), maintains that Islam is secular at its core.

freedom to human beings in determining their course of socio-political affairs within the broad parameters of the moral and social objectives of the revealed law. This principle was recognized in an important genre of legal works composed under the rubric of *maqasid al-shari'a* ("the objectives of the religious law").[31] Freedom of determination for human beings, contingent upon righteous conduct and safeguarding of the well-being of the polity, is most apparent in the political realm, as we have already discussed. Thus, each of the four immediate successors to the Prophet was selected in a different way and each adopted a number of distinctive policies in response to their specific historical circumstances without invoking a supposedly revealed blueprint for political administration.

Some of the later jurists, however, became quite concerned with the minutiae of political conduct and composed manuals detailing the rights and obligations of the ruler and the ruled. But many of these prescriptive manuals clearly draw on non-Islamic sources in propounding theories of statecraft, drawing for example on pre-Islamic Arab precedents[32] and relying on foreign secular administrative literature, such as the Persian mirror-of-princes genre.[33] In the early medieval literature, political administration as such was termed *al-siyasa*, a non-Qur'anic Arabic term that had to do with the temporal and worldly realm only. *Al-siyasa* was often held to be beyond the purview of Islamic jurisprudence (*fiqh*), bound rather by its own set of worldly and pragmatic concerns.[34] Such a delimitation testifies to the recognition in medieval circles of the bifurcation of the religious and political spheres to a considerable extent. The neologisms *al-Hukuma al-Islamiyya* ("Islamic government") and *al-Dawla al-Islamiyya* ("the Islamic state") were coined only in the twentieth century and cannot claim an older pedigree, despite blanket statements to the contrary made by Qutbian Islamists in particular.[35] That the Muslim leader

31. One of the best known exponents of this legal principle was the previously mentioned eleventh century legal scholar Ibrahim al-Shatibi who develops this juristic line of thinking in his *al-Muwafaqat* (for full title, see note 6 above).

32. See, for example, al-Mawardi, *Al-Ahkam al-Sultaniyya wa'l-Wilaya al-Diniyya* ("The Governmental Ordinances and Religious Governance") (Cairo: Dar al-Fikr, 1983), 5.

33. One of the best known and most popular of such works in the medieval period was *Kalila wa-Dimna* ("Kalila and Dimna"; these are the names of two wise jackals), a translation of a work from Middle Persian, which in turn was a translation from Sanskrit. From the Arabic, this work was translated into some forty languages, including Latin, Greek, several Slavonic languages, Icelandic, Turkish, Ethiopic, and others. This book was intended to instruct princes in the art of administration by means of animal fables.

34. See the article by Frank Vogel, "Siyasa," in the *Encyclopaedia of Islam*, new edition, eds. C. E. Bosworth et al. (Leiden: E.J. Brill, 1997), 9:694-96.

35. The historian Ira Lapidus has pointed to this de facto separation thus: "Despite the common statement (and the Muslim ideal) that the institutions of state and religion are unified, and that Islam is a total way of life which defines political as well as social and family matters, most Muslim societies did not conform to this ideal, but were built around separate institutions of state and religion." See his "State and Religion in Islamic Societies," *Past and*

should rule with an a priori divine mandate became a minoritarian Shiʻi doctrinal tenet, and sharply breaks ranks with Sunni thought on this score.   Sunni Islamism's richest irony is that, for all its claims to be reviving the most authentic and earliest strand of Islamic political and moral thinking, it betrays a clear debt to the ideologies of sectarian factions that it otherwise (purportedly) regards with disdain.

Since Islam's foundational texts do not offer detailed instructions on the actual logistics of political administration, reliance on extra-Islamic materials and customs was not unexpected.   This allows us to segue into the next section, which discusses further the implications of the non-intrusion of the religious law in the purely political realm.

POLITICS AND THE RELIGIOUS LAW

It is often sweepingly asserted that the Islamic religious law, the Shariʻa, covers *every* aspect of life.   The religious law of Islam does indeed cover many important aspects of human existence and offers broad guidelines for proper conduct in various spheres. But it certainly does not, and cannot, have a specific prescription for every possible human situation or contingency.   Fazlur Rahman has commented that the Qur'an, the principle source of the religious law, is not a lawbook but is primarily a moral code from which a legal system may be derived.[36] Through human effort and reasoning (Ar. *ijtihad*), specific legal rulings in specific circumstances may be extrapolated from the broad moral guidelines offered by the Qur'an, as well as by the *sunna*. The result is *fiqh*, jurisprudence or science/study of the religious law, which by definition is a product of human ratiocination. In Arabic, *fiqh* literally means human "intelligence" and "discernment." Most Islamists (as well as traditionalists) conflate Shariʻa with *fiqh*, thus attributing immutablility and divine provenance to many legal rulings that are rather the product of human deliberation, and thus contingent.

The Tunisian political activist Rachid Ghannouchi has referred to what he calls *faraghat* [lit: "empty spaces"] in the spectrum of human activities for which the Shariʻa does not have specific rulings. Instead, humans are expected to exercise their faculty of independent reasoning, guided by the overall objectives of the religious law, in order

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Present 151 (1996): 24; cf. Sami Zubaida, *Islam, the People and the State* (London: Routledge, 1989). The well-known scholar of Islam, Fazlur Rahman, has even more bluntly excoriated the common slogan about the inseparability of religion and politics as being "employed to dupe the common man into accepting that, instead of politics or the state serving the long-range objectives of Islam, Islam should come to serve the immediate and myopic objectives of party politics"; stated in his *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago, Ill.: University of Chicago Press, 1982), 140.

36.   See his *Major Themes of the Q ur'an* (Minneapolis, Minn.: Bibliotheca Islamica, 1980), 47.   It is worth noting that out of the 6,000 verses in the Qur'an, only approximately 500 verses (slightly less than 10 percent) have to do with legal rulings.

to determine the proper course of conduct in these spaces.[37] One such "empty space" is the political realm, regarding which the Qur'an and the *sunna* has broad guidelines, as we have already maintained, but does not mandate a specific form of government or mode of political authority. Lest the views of Rahman and Ghannouchi be dismissed as new-fangled, lacking any kind of historical basis, it is important to stress that the medieval jurists in their legal deliberations recognized such "empty spaces," about which the religious law was either silent or non-committal. A specific legal category was created by them in recognition of this fact, signified by the term *mubah*, which means "permitted" or "indifferent." This nomenclature was applied to activities or acquisition of things that were of a purely temporal nature—one could easily say "secular" here—and which had no intrinsic moral valuation. Therefore, the commission of such activities or possession of such things earned no merit or demerit for the individual, nor did its omission.[38] Such activities may be necessary for earning one's livelihood—for example, boarding a bus or a train to get to one's destination—or as a stepping-stone to the acquisition of something morally desirable or the performance of some meritorious deed.

One may thus argue that if ultimately the purpose of human governance is to promote lawfulness and order in society, any mode of governance which is conducive to the achievement of this objective is "permissible" and in itself morally neutral. It has therefore been argued, rightly in my opinion, that even a benevolent monarchy which resorts to consultation with representatives of the larger society may be considered "permissible," as long as the broader objectives of proper human governance are attained. With the contemporary discrediting of monarchies, benevolent or otherwise, should the majority of the people wish to elect their representatives instead of "anointing" them and if the principle of *shura* is thereby better implemented, which is a basic requirement of the Shari'a, then a democracy in the modern sense is also permissible, according to this reasoning, as a means towards a moral and legitimate objective.

Radical Islamists betray an ignorance of history when they equate the Western legal-political experience with the Islamic one.   The Western legal tradition has been predisposed to legal and political expediency, since divine prescriptions were not understood (outside of

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37.   See Azzam S. Tamimi, *Rachid Ghannouchi: A Democrat within Islamism* (Oxford: Oxford University Press, 2001), 187.

38.   This is one of the five legal categories (Ar. *ahkam*, literally "rulings") within Islamic law which assigns moral and legal value to specific acts. The other categories are obligatory, recommended, discouraged, and prohibited.   For a relatively brief, accessible overview of the development of Islamic law and jurisprudence and the distinction between the two, see Mohammad Hashim Kamali, "Law and Society: The Interplay of Revelation and Reason in the Shari'ah," in *The Oxford History of Islam*, ed. John L. Esposito (Oxford: Oxford University Press, 1999), 107-53.

canon law) to dictate the formulation of specific laws as in the Islamic milieu.[39] Political experimentation in the Islamic context cannot occur in a similar religious vacuum. I would hazard a reasoned guess that many, if not most, people in the Islamic world today want to continue to be observant Muslims and live in democratic societies at the same time, seeing no disjunction between the two but rather regarding political democracy as the modern realization of the Qur'anic concept of *shura* and the juridical principle of *ijma'* ("popular consensus").[40] As the Shari'a clearly allows for creativity and change in the political realm, regarding which it provides no detailed prescriptions, Muslims may consider themselves free to experiment with various modes of political governance and the institutions required to uphold them.[41]

CONCEPT OF THE *JAHILIYYA*

One of the myths many of the Islamists have tried to maintain is that Islam represents a drastic rupture with everything that went before, effaces the validity of all other religious traditions, and mandates its political hegemony over all. They signal this kind of "historical" view by their contemptuous use of the term *Jahiliyya* which signifies everything that is not Islamic, as they define it, and therefore worthless in their evaluation.[42] As historically used, however, *Jahiliyya* in Islamic literature refers to the "Age of Ignorance" that prevailed in Arabia before the rise of Islam, which brought with it knowledge of God and His message initially for the Arabs according to Muslim belief.

The Islamist understanding of *Jahiliyya* would have been alien to the early Muslims, who were willing to consider plausible options in various circumstances, regardless of their provenance and as long as they were not in violation of any religious commandment.   While 'Umar's creation of a six-man electoral council may be and has been

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39.   Alan Watson, *The Making of the Civil Law* (Cambridge, Mass., Harvard University Press, 1981), 1, regards the Western legal tradition as "basically unitary, and much the same historical legal elements have gone into the creation of the law of each nation state: Roman law, Germanic customs, canon law, feudal law, and so on."

40.   It is worth keeping in mind here Abdul Karim Soroush's perceptive remark that in a religious society "any purely secular government would be undemocratic" since it would not reflect the popular will; see his *Reason, Freedom, and Democracy in Islam* (Oxford: Oxford University Press, 2000), 126.

41.   The Pew Global Attitudes Project within the Pew Research Center for the People and the Press, based on a poll of 16,000 people in 20 countries plus the Palestinian Territories, released a survey in June, 2003 which established that a majority of the people in many Muslim countries favor democratic governments and that more inhabitants of these countries were desirous of democracy than residents of Eastern Europe, for example.

42.   The standard Islamist work on this is Mawdudi's *al-Islam wa al-Jahiliyya* ("Islam and the Age of Ignorance") (Beirut, 1980).   For a discussion of his disciple Syed Qutb's understanding of *Jahiliyya*, see the article by William Shepard, "Sayyed Qutb's Doctrine of *Jahiliyya*," *International Journal of Middle East Studies* 35 (2003): 521-45.

regarded as a concrete realization of the Qur'anic injunction to resort to consultation, he was also following a well-established pre-Islamic precedent. Arab tribes before Islam had a loosely-formed council of elders known as the *shura* (also known as *majlis* or *mala'*) which adjudicated intra- and inter-tribal matters by consultation. Like a number of other *Jahili* virtues and customs, the Qur'an endorsed *shura* as an acceptable and normative practice within Islam and 'Umar instituted an Islamicized form of the *Jahili* tribal *majlis* to implement this injunction.

The demonization of the *Jahiliyya* that is prevalent in much of modern Islamist literature is quite uncommon in the medieval literature and breaks precedent with earlier general attitudes towards the pre-Islamic period. Both the Qur'an in its precepts and Muhammad in his practices show receptivity toward specific *Jahili* customs and values that were not at loggerheads with Islamic prescriptions and values. Specific *Jahili* virtues such as generosity, hospitality, chivalry, and courage were re-valorized in the Islamic milieu as essential traits of the believer.[43] Certain pre-Islamic and non-Islamic customs and institutions, such as the *shura* and the *diwan*, as already mentioned, were retained or adopted when deemed consonant with the changed Weltanschauung.

There are *hadiths* (statements of Muhammad) which relate that the Prophet occasionally spoke highly of certain aspects of the *Jahili* period. For example, he continued to venerate the memory of the *hilf al-fudul* ("the Alliance of the Virtuous"), a pact that he had entered into as a youth before the proclamation of Islam with several other young men who promised to help the poor, the widowed, orphans, and the disadvantaged in society in general.[44] The Prophet is reported to have commented after the advent of Islam that if such a pact were to be initiated then, he would willingly enter into it. Similar statements and attitudes clearly imply a general endorsement of a certain constellation of values and worldviews harmonious with the Islamic ones, regardless of their actual provenance.

After the prophetic era, the general attitude towards the pre-Islamic era remained at best fairly benign and at worst ambivalent and critical—rarely demonizing. There was in fact a resurgence of a strongly positive attitude towards the pre-Islamic era during the Abbasid period with the maturation of both the religious and humanistic sciences which focused on the classical Arabic language and its culture, including the *Jahili* one, in particular. The tenth-century popular and influential belle-lettrist, Ibn 'Abd Rabbihi (d. 940), records a report attributed to some of the Prophet's Companions in which they

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43. See the excellent study by Toshihiko Izutsu, *Ethico-Religious Concepts in the Qur'an* (Montreal: McGill University Press, 1966).
44. See Martin Lings, *Muhammad: His Life Based on the Earliest Sources* (Cambridge, Eng.: Islamic Texts Society, 1995), 31-32.

wish out loud that they had "the noble qualities of our fathers in the pre-Islamic period."[45] Re-valorization of the Arab pre-Islamic past also occurred to some degree as a countervailing, defensive response to a pro-Persian movement known as the Shu'ubiyya beginning in the eighth century, which pitted Arab (but not Islamic) culture unfavorably against the Persian.[46]

If the *Jahiliyya* is defined more broadly as the general non-Islamic past rather than referring more narrowly to the history of Arabia before the advent of Islam, the overall attitude towards specific aspects of the pre-Islamic era veers again more towards the positive than the negative. The learning of the ancient Greek, Persian, and, to a lesser extent, Indian sages, scientists, and philosophers was avidly sought, borrowed, and further developed in certain cases during the Islamic period, which led to a flowering of post-Galenic medicine and Islamicized neo-Platonic philosophy, for example, in the High Middle Ages. It is well-known that the ninth-century Abbasid caliph Harun al-Rashid and his son al-Ma'mun were avid collectors of classical manuscripts from Byzantium. The various libraries and academies in the medieval Islamic world became the repositories of ancient pre-Islamic learning, which was often synthesized with Islamic religious and humanistic scholarship.[47] One could cite many more such examples of the cross-fertilization of ideas emanating from various sources in the Islamic crucible, pointing to a wide-spread receptivity in the medieval period towards such practices. The constructed scorned *Jahiliyya* of the Islamists is a figment of their imagination, based rather on their own ignorance of the intellectual history of Islam.

CONTAINMENT OF CHAOS AND PROMULGATION OF ORDER

The Arabic word *fitna* is generally, and particularly in the political realm, understood to connote "disorder" and "chaos."[48] Disorder is to be prevented at all costs for it militates against the peaceful, just, and law-abiding society which the Qur'an envisions for humankind. Apart from espousing that disorder be contained and that believers must be continuously engaged in promoting what is right and forbidding what is wrong with a variety of means, the Qur'an or the *sunna* does not prescribe the establishment of any formal mechanism or governing

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45. Related by Ibn 'Abd Rabbihi in his *al-'Iqd al-Farid* ("The Unique Necklace"), ed. Ahmad Amin et al. (Beirut: Dar al-Kitab al-'Arabi, n.d.), 5:129.

46. See the noteworthy article by Roy P. Mottahedeh, "The Shu'ubiyah Controversy and the Social History of Early Islamic Iran," *International Journal of Middle East Studies* 7 (1976): 161-82.

47. See Dimitri Gutas, *Greek thought, Arabic culture: the Graeco-Arabic translation movement in Baghdad and early 'Abbasid society (2nd-4th/8th-10th centuries)* (London and New York: Routledge, 1998).

48. Among the other meanings assigned to this word are "temptation" and "polytheism."

body to achieve this end.

However, as most of the historical sources inform us, the earliest Muslims perceived the need for a ruler or a ruling council in view of the rather dire circumstances immediately following Muhammad's death. It is on record that some of the Ansars or the Medinan converts suggested that the Muslims choose one ruler from among them and another ruler from among the Muhajirun or the Meccan emigrants to Medina.[49] That such a suggestion could even be made at this time is a clear indication that these early Muslims knew of no clear scriptural or prophetic prescription for a particular form of government or for only one ruler. The sources record that a number of the prominent Muhajirun expressed antipathy towards this suggestion, no doubt partly due to the fact that certain tribes were threatening to secede from the polity at the time of these earliest political debates and a dual government would have further split the loyalties of the people. 'Umar was particularly set against the idea. A number of the sources report that after this suggestion was made, 'Umar went on to advance the candidacy of Abu Bakr by pointing to his greater prominence over all those who were present and insisting that there could thus be only one ruler or caliph.[50] This process of negotiation and debate is further testimony to the absence of specific instructions for succession to the Prophet.

A number of Muslims in the formative period remained unconvinced that they needed a ruler or any form of government at all to contain disorder. Among the Mu'tazila (the group of scholars and theologians from the second century of Islam or eighth century of the Common Era known for their partiality for speculative or rationalist theology), were several individuals who thought that a caliph was unnecessary as long as the Muslims obeyed the religious law.[51] The diversity of opinions in the first three centuries of Islam is attested to by the rationalist theologian 'Abd al-Jabbar (d. 1095) who identifies three broad trends of thought in his time on the issue of the caliphate. The first, a minority, held that the caliphate was not necessary; the

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49. See, for example, al-Nasa'i, *Fada'il al-sahaba* ("The Excellences of the Companions"), ed. Faruq Hamada (Casablanca: Dar al-Thaqafa, 1984), 55-56.

50. See my *Excellence and Precedence*, 189.

51. Most prominent among them were Abu Bakr al-Asamm (d. 816) and Abu Ishaq al-Nazzam (d. ca. 835); see al-Ash'ari, *Maqalat al-islamiyyin*, ed. H. Ritter (Istanbul: Devlet Matbaasi, 1929-30), 460. See also Patricia Crone, "Ninth-Century Muslim Anarchists," *Past and Present: A Journal of Historical Studies* 167 (2000): 14-15. Crone, however, goes too far in her dogmatic assertions that Islamic political thought has always held that "God's government was coercive," (p. 9) and that "(I)n its authentic form it [sc. God's coercive government] was a sacred institution which reflected the absolute" (p. 11). Such essentialist statements are easily belied by the sources at our disposal. See my forthcoming article, "Obedience to Political Authority," which traces the development of authoritarian notions of government sometime in the ninth century, particularly under the influence of Persian and Hellenistic ideas of divine kingship.

second believed that it was required on the basis of reason; and the third maintained that it was necessary according to the religious law.[52] This range of thought testifies to the active engagement of many thinkers with the critical issues of sound governance and socio-political administration, unfettered by an assumed religious mandate for a specific political institution. Their suggestions and solutions were clearly the product of rational deliberation and philosophical reflection, based on the needs of their own times and circumstances. The early literature records these debates matter-of-factly and non-judgmentally, in contradistinction to the later literature which tends to treat the Mu'tazila as dissenters,[53] since a broad consensus (*ijma'*) had developed among the later scholars about the necessity of a (preferably single) ruler for the polity.

In fact, it is rather this consensus, which by the fourth century of Islam (tenth century CE) had evolved through natural and deliberative historical processes, that ultimately, and somewhat ironically, conferred on the office of the caliph the imprimatur of a divinely-ordained institution. By this time, Muslims (or more accurately Muslim scholars) had developed the conviction that their consensus was reflective of the divine will. In other words, it was the rational and utilitarian necessity of providing for law and order which in turn was held to ensure the moral and material welfare of the polity (Arabic: *masalih* [lit. "interests," "needs"]) that led to a consensus on the necessity of the caliphate. Once this consensus developed, an alternate situation seemed no longer politically viable or morally desirable, although dissenting voices continued to be heard through the pre-modern period. Thus the famous tenth-century Sunni theologian al-Ash'ari (d. 935) formulated the doctrine that the caliphate (or the imamate as it was often called) was a requirement of the religious law, but the later scholar 'Adud al-Din al-Iji (d. 1355) maintained that popular consensus from the time of Abu Bakr onwards and social utility, rather than

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52. See his *al-Mughni fi Abwab al-Tawhid wa 'l-'Adl* ("The Indispensable Source regarding Chapters on the Unity [of God] and Justice"), eds. 'Abd al-Halim Mahmud and Sulayman Dunya (Cairo, n.d.), 20:16. I owe this reference to Hayrettin Yucesoy, (unpublished) paper, "Is Political Leadership Necessary? Religious and Rational Morality in Islamic Political Thought," delivered at the annual conference of the Middle East Studies Association, Anchorage, Alaska, November, 2003. Thus 'Ali 'Abd al-Raziq, the Egyptian scholar of the early 1920s, was hardly expressing an original point of view when he stated, to the consternation of many, in his book *al-Islam wa Usul al-Hukm* ("Islam and the Principles of Government") (Beirut: Dar Maktabat al-Haya, 1966) that the caliphate was not a religious requirement. This was an early opinion among a spectrum of opinions regarding the nature of the office of the caliph which fell out of favor by roughly the tenth century of the Common Era.

53. This attitude is quite evident in the later heresiographical works; see, for example, Muhammad al-Shahrastani, *Kitab al-Milal wa-'l-Nihal* ("The Book of Sects and Factions"), ed. Amir 'Ali Muhanna and 'Ali Husayn Fa'ur (Beirut, 1995), 1:56 ff.

religious doctrine, had established the necessity of this institution.[54] Al-Ash'ari's position would henceforth be accepted by most Sunni scholars as axiomatic.

The political pragmatism of the medieval thinkers and the diversity of opinions among them are potent reminders of the flexibility they had and exercised in formulating their theories of legitimate political rule in their own milieux. Recovery and awareness of this flexibility from which the medieval theorists profited would serve contemporary Muslims well.

Concluding Remarks

This review of the early history of Islamic political thought and practices based on a scrutiny of authoritative sources allows us to question many of the stated premises of those Islamists who advocate "divine sovereignty" and a specifically mandated form of government as constitutive of the Muslim polity. It is clear from our survey that the main ideological positions of those who espouse the concept of "Islamic Government" are not grounded in historical facts. Early Muslims did not appeal to reified notions of governance as God-given; on the contrary, they adapted and innovated in response to the exigencies of their situation while attempting to adhere to certain broad moral, rational, and utilitarian imperatives such as political consultation, representation, accountability, and the welfare of the polity. Political practices and tradition developed over time through recourse to an amalgam of interpreted Qur'anic injunctions, prophetic precedent, ad-hoc pragmatic measures, and adapted policies and institutions of ancient Arab, Persian, and Byzantine provenance.

Careful scrutiny of the primary sources available to us allows one to challenge practically every tenet of a spectrum of Islamist political agendas. We have seen how the various political practices and policies adopted by the Rightly-Guided Caliphs as depicted in these sources undermine the common Islamist position that they were conforming to a set of divinely revealed injunctions for setting up an "Islamic state." Through the High Middle Ages, there were Muslim scholars who were not fully convinced that there should be any form of government at all and others who believed that political rationalism and social utilitarianism rather than religious doctrine required that there be a ruler of the polity. *Jahili* or pre-Islamic society, contrary to what the Islamists choose to believe, sometimes provided the inspiration for certain political and economic measures, as did other non-Islamic societies, when not deemed to be in conflict with broader moral and social objectives. The general moral and social imperative of containing disorder and promoting political stability was understood to

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54. See his *al-Mawaqif fi 'Ilm al-Kalam* ("Postulates regarding Theology") (Cairo: Maktabat al-Mutanabbi, 1983), 396-97; and Yucesoy, "Is Political Leadership Necessary?"

be binding but no specific political institution was believed to be ordained by it in the early period.

The Qur'an in fact has very little to say on the specifics of instituting any political system on earth beyond offering broad moral guidelines. Its silence on specific issues of governance and political administration has historically allowed for flexibility and adaptability to changing circumstances in the early period. As we briefly mentioned earlier, this led to the emergence of a separate science of government and bureaucratic administration under the rubric of *al-siyasa*, which dealt with purely temporal matters and was regarded as being largely independent from the strictures of religious jurisprudence.   The notion of "religio-political administration" (*al-siyasa al-shar'iyya*) is a late development due to the impetus of specific historical circumstances and merits a separate study.   The modern politicized term and notion of "divine sovereignty" is an outright invention on the part of the Islamists, based neither on scripture nor on actual political praxis in the pre-modern period.

We have thus been able to show that, contrary to the assertions of most Islamists, there is very little in the foundational Islamic texts and thought that may be considered as mandating any particular mode of government, particularly one that forms around sacred or sacralized political authority.   There is, however, much in the Islamic tradition that may be understood to be consonant *mutatis mutandis* with the values and objectives of a modern democratic system that has a due regard for morality, religious and rational.   The eclectic nature of the Islamic political tradition as adumbrated above augurs well for the present and the future, pointing the way to a similar creative and innovative engagement on the part of Muslims today with the challenges of modern political systems.