

Political Thought of Al-Mawardi

Md. Ataur Rahman Miazi*

Abstract: Abul Hasan Ali b. Muhammad b. Habib Al-Mawardi was the first Muslim political thinker and one of the greatest and most learned jurists of his time. Undoubtedly there was no one of his contemporaries who was more conversant with the principles underlying the Islamic State. He was a distinguished author and wrote mostly on law, politics and administration. This article summarizes the main factors towards the development of political thought amongst the Sunni jurists, and thereafter examines in detail the views of political thought expounded by al-Mawardi. The readers will find out that al-Mawardi was a keen observer of the existing situation and was influenced much by the Islamic theory of the state; he ignored not only the foreign elements that had crept into the body politic but also the changes which were brought before his eyes.

Abul Hasan Ali b. Muhammad b. Habib al-Mawardi,¹ a native of Basra which was then one of the principal seats of learning and education in the Muslim World,² was born in 974 A.D and died at the advanced age of 86 in 1058.³ He got all his education in Basra and rose in literary renown at an early age. He was regarded as one of the greatest and most learned jurists of his time⁴ and a prominent representative of the school of al-Shafi'i.⁵ He began his active life as a professor of law and Jurisprudence at Basra and Baghdad and when his fame began to spread far and wide, he was made Qadi-ul-Qudat of Baghdad and was offered the honorific title of 'Aqdal-Qudat'⁶ or the Supreme Justice, which he, however, declined because he said there were far abler people who deserved the title much more than himself.⁷ His biographers are profuse in their praises calling him the great, the high, the wonderful leader⁸ and'

* Assistant Professor, Department of Islamic History & Culture,
University of Dhaka.

'one of the most Prominent and biggest of the Shafi'i savants'⁹ and there is no doubt that there was not one of his contemporaries who was more cogisant of the principles underlying the Islamic State.¹⁰ Al-Yaqut said, "He was held in great esteem by the Buwaihîd Sultans who deputed him to negotiate between them and their opponents, and were pleased with his mediation and affirmed his settlements."¹¹

Al-Mawardi was a distinguished author and wrote mostly on law, politics and administration. His wellknown extant works are: 1) *Ahkam al-Sultaniyyah*, or the Ordinances of the Government, 2) *Nasihah al-Muluk*, or Advice to kings, 3) *Qawanin al-Wizarah*, or the laws of the ministry, 4) *Siyasat al-Mulk*, or Politics of the king, 5) *Tahsilun Nazar fi-Tashiliz Zafar*, or the control of sight for Facilitating Victory, 6) *Adab al-Dunya wa-al-Din*, 7) *Kitab al-Hawi*, 8) *Kitab al-Iqna* etc. But it is this first work, *Ahkam al-Sultaniyyah*, or the Ordinances of the Government, on which his fame chiefly rests. In Islamic history it is one of the first scientific treatises on political science and state administration.¹² It is too wellknown amongst Islamic scholars and in Muslim political circles to require any introduction.¹³ Since the revival of interest in the *khilafah* it has been generally accepted as the most authoritative exposition of the Sunni political theory in Islam and indeed the existence of other works on the subject is frequently ignored.¹⁴ Only a small portion of '*Ahkam al-Sultaniyyah*' is devoted to political theory, the rest of it discusses the details of public administration and rules of government. But this small portion is extremely important because it is the first attempt in Islamic history to evolve a comprehensive theory of the state, and because it has left an enduring influence on the course of Muslim political thought upto our own day¹⁵.

Before examining in detail the views of political thought expressed by Al-Mawardi, it would be well to summarize briefly the main factors in the development of political thought amongst the Sunni Jurists. As in other fields of juristic activity, the original basis was given by the injunctions found in the Quran and the Sunnah. Consequently, the early doctrine of the duties and function of rulers was exclusively ethical, as may be seen from the introduction addressed by the qadi Abu Yusuf to Harun al-Rashid in his "Kitab al-Kharaj." ¹⁶ The rationalization of this doctrine and the working-out of practical detail was a gradual process, which followed point by point upon the doctrinal disputes of the first three centuries hijra. It will be recalled that it was precisely on questions relative to the khilafah that a large part of the early struggles between Sunnis, khawarij and shi'ites centred. And since the gravamen of the charges brought against the Sunnis by their opponents was that they had erred upon given occasions, as for example, in recognising the election of Hazrat Abu Bakar (R) or in acknowledging Imam Muawiyah (R), the Sunni Jurists were inevitably forced into arguments in defence or condonation of the actual historical process. They obviously could not admit any principle which might lead to the conclusion that the Jama'ah, the Community in being, had fallen into sin, what the corollary that all its religious and judicial activities were void. ¹⁷

The fully developed political theory of the Sunni jurists was thus in contrast to the theories of the Shiah and the khawarij, not speculatively derived from the sources of Revelation but rather based upon an interpretation of these sources in the light of later political developments and reinforced by the dogma of the divine guidance of the Community and the infallibility of its ijma, as our prophet Hazrat Muhammad (Sm) said, "My community will never

agree upon an error."¹⁸ Almost every succeeding generation left its mark upon political doctrine, as fresh Precedents were created and the theory was accommodated to them. All these features are focussed in al-Mawardi's exposition. But whether deliberately or not, he often omits all but a brief reference to the disputes out of which the actual decisions arose, and thus gives to his statements (in spite of their framework of scholastic discussion) a somewhat final and assertive air, as if they merely recapitulated what always was, is now and ever should be. So far, however, as the traditional doctrines are concerned, they can readily be interpreted through the materials to hand in the work of an equally authoritative contemporary, the 'Usul al-Din' of Abu Mansur Abd-al-Qahir bin Tahir al-Baghdadi.¹⁹ In the 13th chapter of Usul al-Din, the author sums-up the doctrine of the Imamah, together with the arguments on each question, in a form which is in some respects more satisfactory than that of al-Mawardi. But the points on which the latter expands or departs from the doctrine of his predecessors are more interesting for our purpose, for, as in so many medieval writings, the real significance of the work is to be found not so much in the external and obvious statements as in the apparently casual remarks and the concealed implications.²⁰

Now we shall discuss the political thought of Al-Mawardi. He insists on the necessity of the Imamah or khilafah and, by way of preamble, states with the authority of the Quran: "the Imamah is established to replace prophecy in the defence of the faith and the administration of the word."²¹ He goes on to say that the Imamah, which means presidentship in modern political phraseology, is the foundation on which the rules and regulations of the community depend. These are solid truths and the more we consider the circumstances of the state and the government

even to-day the more are we convinced of them. To put al-Mawardi's idea in a modern form: what he means is the real motive of the state is the rule of Justice and Truth, and secondly, it is the machinery of the state which sifts the good from the bad, virtue from vice, the sanctioned from the prohibited. Al-Mawardi then passes on to the meaning of the Imamah and says that the real motive of the institution is the preservation of the Faith and the strengthening of political bonds, so that it is of the almost importance that someone should be chosen Imam by the consensus of the community or, as we should put it now-a-days, by universal suffrage.²² Next, he asks whether the institution of the Imamah is a necessary requirement of the Shariah or, of the reason and declares for the latter. He says that the appointment of an Imam by the consensus of the Muslim community is obligatory.²³ There is a similar passage in al-Baghdadi,²⁴ who remarks that this is al-Ashari's opinion and is opposed to the Mutazilite view. According to Rosenthal, his justification is derived from the holy Quran²⁵ and is directed against the mutazilites, the first Muslims to establish a speculative theology, or rather an anti Arsitotelian religious philosophy and against the *falasifa* or philosophers influenced by Plato, Aristotle and their Neoplatonic successors and commentators²⁶.

Al-Mawardi draws a distinction between government based on reason and the higher form of government based on revealed law. The first merely guards against mutual injustice, strife, discord and anarchy, while the second provides for the positive enforcement of law and justice in mutual confidence and friendship. Most important of all, the divinely revealed law enables the governor to administer religious affairs and prepare man for the world hereafter.²⁷

Al-Mawardi gives quite a mass of detail about the election and appointment of the Imam and discusses the qualifications of voters and candidate. It is interesting to note that instead of regarding purely artificial factors such as age, property and residence-factors which are accepted sufficient in the countries of the modern world, al-Mawardi considers only those to be qualified who can distinguish between good and evil, between right and wrong, between the deserving and the undeserving .²⁸ According to al-Mawardi, the Imamah is instituted by means of election. The electoral college shall consist of persons with special qualifications. These qualifications are: justice with all the conditions pertaining to it; knowledge of religion and of the interests and policy of the nation; and wisdom.²⁹ Also the candidates for the Imamah must fulfil seven conditions. These are: *adalah* or justice, *ilm* or learning, *ijtihad* or judgement on points of law , integrity of physical and mental senses, wisdom, bravery and Quraishite descent.³⁰ Ibn khaldun, who elaborates generally on these seven conditions, ³¹ goes into great detail on this question of descent. He traces its origin to the Ansar, the companions of the Prophet (Sm), who is credited with the hadith: "The Imamah belongs to the Quraish." He cites in support the *Sahih al-Bukhari*, one of the authentic collections of traditions, and discusses at great length the importance of belonging to a strong group animated by 'Asabiya', the corporate sense common to a family, clan or tribe which gives the group staying power and the drive born of a common outlook. The coherence of a group is impaired by the weakening of this force, to the point where common action finally becomes impossible. Ibn khaldun believed this to be an inevitable process like all other natural forces. That some jurists denied the necessity of descent from the Quraish was proof for him of the decline and disappearance

of the 'Asabiya' among the Quraish rendering them incapable of rule over their tribe, the Mudar, and through it over the community of the faithful.³² The elective principle of the Imamah stated above is obviously opposed the shi'ite claim of bequeathal or divine nomination. Al-Mawardi does not discuss the election of a licentious person as Imam. Al-Baghdadi says that his election will be void, even if it has taken place through a properly constituted electoral college.³³

The Imam is appointed in one of the two ways: a) He may be elected by the electoral college; b) He may be nominated by the ruling Imam. In the first case some scholars say that the Imam must be elected by all the members of the electoral college in all the cities. Others oppose this view and say that Hazrat Abu Bakr (R) was elected only by the citizens of Madinah. Still others assert that only five persons are sufficient to elect the Imam, as happened in the case of Hazrat Uthman (R). In al-Mawardi's opinion, even one person is enough to elect the caliph.³⁴ He cites the tradition of Hazrat Abbas(R) as evidence. Hazrat Abbas (R) said to Hazrat Ali (R), "Stretch your hand, I will swear my allegiance to you, and when people come to know that the Prophet's (Sm) uncle has sworn his allegiance to his nephew, nobody would object to your Imamah"³⁵ This opinion has also been corroborated by Al-Ashari.³⁶

The above extreme opinion has been advocated by Al-Mawardi to advance another important opinion given in the next section, where he discusses the case of two candidates equally qualified for the Imamah. He says that the electoral college may nominate any one of the two as Imam without assigning any reason.³⁷ The election of a less qualified person in the presence of a more qualified person is

perfectly legal, provided the former fulfils all the conditions of the Imamah.³⁸ It was this principle under which most of the worthless Caliphs took refuge. It was also directed against the She'ahs, who believe that an inferior person cannot have precedence over a superior one.³⁹ According to al-Mawardi, if there is only one candidate for the Imamah, he automatically becomes the Imam, and no election is required. He seems to be inclined to this view, the jurists and scholars, however, assert that election must be held even if there is only one candidate for it, for otherwise the Imam cannot acquire legal status. This instance on election is obviously directed against the Shi'ites theory of divine appointment.⁴⁰ There can not be two Imams at one and the same time. On this point al-Mawardi shortly but definitely rejects the Asharite view, expounded by Al-Baghdadi,⁴¹ which deprecates the co-existence of two Imams but permits it in widely-separated lands. Al-Mawardi's fresh insistence upon the illegality of two khalifas probably therefore reflects the refusal of the Abbasids and their partisans to admit the claims of their dangerous rivals, the Fatimids and excludes also the Umayyads of Spain.⁴²

In the second case about the appointment of an Imam Al-Mawardi points out that the ruling or existing Imam can nominate his successor. There is complete consensus on this point in the Muslim community. The Muslims accepted Hazrat Umar (R) as Caliph not on the suggestion of Hazrat Abu Bakr(R) but in obedience to his order as Caliph. Similarly, when Hazrat Umar(R) appointed a limited council to elect his successor it was an order from the Imam and there was no choice for the Muslims to do otherwise.⁴³ The Imam can nominate any suitable person as his successor, provided he does not happen to be his father or son. The concurrence of the *a'hl al-hall wa-al-aqd* is not necessary; but if he nominates his son, the concurrence

must be obtained.⁴⁴ It was this theory of nomination that cut at the very root of democratic ideals in Islamic polity. It has been persistently resorted to by every Muslim ruler after the days of the pious caliphate, to perpetuate dynastic and despotic rule among the Muslim peoples. Thus, apparently the structure of the caliphate was maintained by the Umayyads, the Abbasids, the Fatimids, and the Turks, but the spirit of Islamic democracy was cast away with the shedding of the blood of Hazrat Uthman(R), the third successor of the prophet (Sm).⁴⁵

The nomination of a successor is not valid until accepted by the nominee; when once validated, it cannot be revoked by the nominating Imam, nor can the nominee resign, except under specific conditions. These all appear to be theoretical deductions from legal principles, since no certain historical precedents can be quoted. The same conclusion applies to the further conditions regarding the nomination of an absent person and the limitation of the powers of the nominee. The Imam may limit the choice of the electors after his death to certain persons, and may also designate the electoral conclave on the precedent set by Umar bin al-khattab(R). The Imam may nominate two or more persons and prescribe the order of their succession. Support for this rule is sought in a weak analogy with the instructions given by the Prophet (Sm) for the command of the army at Muthah and in a still weaker legal argument; so that al-Mawardi himself finds it necessary to cite the historical precedents as constituting a proof by ijma.⁴⁶ Apparently, the citation of this incident in support of a fundamental issue like that of the caliphate is but fake reasoning. This practice of appointing two or more heirs apparent proved to be the greatest political evil in Muslim polity. It often engendered palace intrigues and gave rise to internecine wars, and dynastic feuds.⁴⁷

Now we shall discuss the duties and functions of the Imam described by al-Mawardi. According to him, the Imam has the following ten principal duties to perform.⁴⁸

- 1) The safeguard and defence of the established principles of religion as understood and propounded by the consensus of ancient authorities. If anyone innovates an opinion or becomes a septic the Imam should convince him of the real truth, correct him with proper arguments and make him obey the injunctions and prohibitions of the Shariah, so that the people at large may be saved from the evil effect of heresies. This is undoubtedly the foremost duty of the Imam under the Shariah. But unfortunately it is under the cover of this pretext that throughout the last thirteen centuries, adventurers and self-seekers have striven to carve out political fortunes for themselves. Even today there can be evinced a great effervescence for religious revival in all the Muslim lands, but everywhere the undertone is political, not religious.
- 2) The Imam should curb the strong from riding over the weak, and encourage the weak to take their due in face of the strong.
- 3) The maintenance of law and order in the country to make it possible for the people to lead a peaceful life, proceed in their economic activities freely and travel in the land without fear.
- 4) The enforcement of the criminal code of the Quran to ensure that the people do not outrage the prohibitions of God, and that the fundamental rights of men are not violated.

- 5) The defence of the frontiers against foreign invasions to guarantee the security of life and property of Muslims and non-Muslims alike in the Islamic state.
- 6) The organization and prosecution of religious war against those who oppose Islam or refuse to enter the protection of the Islamic state as non-Muslim subjects. The Imam is bound by the covenant of Allah to establish the supremacy of Islam over all other religions and faiths.
- 7) The collection of Zakat and Kharaj taxes in accordance with the laws of the Shariah and the interpretation of the jurists, without resorting to extortion by pressure.
- 8) The apportionment of allowances and stipends from the state treasury (Bait-al-Mal) to those who are entitled to them. This money should not be expended with extravagance or stinginess, and must not be either prepaid or delayed.
- 9) The appointment of honest and sincere men to the principal offices of the state and to the treasury to secure and effective administration and to safeguard the finances of the State.
- 10) The Imam should personally look into and apprise himself of the affairs of his dominions so that he may himself direct the national policy and protect the interests of the people. He should not entrust his responsibility to others and engross himself in luxury or religious devotion.

It is very clear to us that when the Imam has carried out all these duties efficiently, the people must offer risk two things-obedience and help. This enumeration of the

ten-fold functions of the Imam is arbitrary. Number ten has been chosen particularly because it is an auspicious and mystical number.⁴⁹ The notable fact here is that while his predecessors and successors lay great emphasis on the first two points, viz., the safeguard of religious principles and the dispensation of justice, as the principal duties of the Imam, Al-Mawardi lays the main stress on the administrative responsibility of the Caliph. In his opinion the Caliphate is not merely a religious institution for the carrying out of justice but also the greatest social organization to help promote the corporate life of men. In other words, the management of the state machinery is of basic importance to him. He explains why he devotes only one-tenth of his book to the exposition of the theory of the Caliphate and uses the rest of his work to elaborate the detailed apparatus of government which hinges on the central authority of the Caliph.⁵⁰ According to E.I.J. Rosenthal, "They (the ten-fold functions stated above) show quite clearly the unity of religion and politics, of the spiritual and temporal, or religious and secular aspects of a life centered in and leading to God. The theory of the caliphate is clearly modelled upon the primitive 'Ummat al-Islam' of Muhammad (Sm) in Medina."⁵¹

The duties of the commander of the faithful naturally derive from the conditions he must fulfil, which will therefore be discussed in detail presently. Once elected and invested the caliph binds himself to the 'Jama'a' by a contract (ahd) guaranteeing loyal fulfilment of his duties and receiving in exchange a binding promise of obedience. The contract can be concluded only after the investiture (bayah) by the *ahl al-aqd wa-al-hall*, 'the people (with power) to bind and to loosen'. He can not be replaced even by a man more worthy than himself, unless he forfeits the Imamah by loss of freedom. This can come about in either

of two ways: he may be made prisoner and thus unable to exercise his function, or the seizure of effective power by an Amir may place him under restraint. In the latter case the preferable candidate must appear on the scene after the investiture (bayah) and the conclusion of the contract (ahd) between the Imam and 'Jama'a' have taken place. It is not impossible that behind the terms preferred (mafdul) and preferable (afdal) there is concealed the struggle between a lawful Imam and a pretender who contests the caliphal dignity. This pretender may already be an Amir or Sultan. If it were to come to an open struggle and the pretender were to win, the lawful caliph would either be made prisoner or placed under restraint, and he would consequently forfeit his dignity. In such a contingency the usurper must be recognized. Here theory is made to suit an existing political emergency which can only be terminated by legalizing usurpation.⁵²

Next, we shall discuss about the deposition of the Imam or caliph. Al-Mawardi has given a detailed consideration to the subject of an Imam's deposition. In the first place, arguing on the basis of legal deduction from the fundamentals of the Shariah, he says that once a person is elected as Imam, he cannot be removed from that office until there has occurred some definite changes in him. He says the Imam loses his title and authority on account of one the following reasons:

- 1) If there occurs a change in his moral status, technically known as 'adalah' (sense of justice). The moral changes is of two kinds :
 - a) The one connected with his body, that is, if he becomes a slave to his inordinate desires and flouts openly the prohibitions of the Shariah. In such an event, a person can neither be elected as Imam nor

continue as such. Abu Yala rejects this opinion and holds the opposite view.⁵³

- b) The other connected with his faith, that is, if a person holds opinions contrary to the established principles of religion, or holds such twisted opinions as amount of an abrogation of the accepted principles, he can neither be initiated as Imam nor continue to hold that office. In this there is a clear denunciation of the stand of the Buwaihids and of the Shi'ite and Fatimid claims to the caliphate.
- 2) If there occurs a change in the person of the Imam. It is of three kinds: loss of physical senses, loss of bodily organs, and loss of ability to supervise and direct the affairs of the state.

After discussing about the institution of the Imamah Al-Mawardi turns to the question of the Wizarah, that is the Ministry . At the very outset he says that the appointment of a wazir does not mean that the Imam or, the Caliph should give up all connection with the administration of the State , but the real significance of his appointment consists in the fact that "in the province of politics it is better to have a co-adjutor rather than one sole person at the helm of affairs",⁵⁵ and when the prophet Moses(AS) could make his brother Aaron (Haroon) his wazir in order that his hands should be strengthened ,⁵⁶ then says al-Mawardi, surely in the administration of the State it is allowable for the Imam to have a wazir beside him. Al-Mawardi says that the Wizarah is of two kinds -the Wizarah of Delegation and the Wizarah of Execution. The Wazir of Delegation is the person in whom the Imam has the fullest confidence and to whom the whole administration of the realm is delegated. The sole difference between the Wazir and the Imam himself is that the Wazir of Delegation cannot appoint any

one as his successor and the Imam can dismiss the officers appointed by the Wazir.⁵⁷ It may interest the reader to know that Al-Mawardi regards it as possible for the state to have a regular constitution when he says: "If the Wazir gives a certain order and the Imam opposes it, then we should consider the essence of the order, if it is found that the order has been issued according to the dictation of the constitution then it should not be within the power of the Imam to rescind it".⁵⁸ We can conclude with the reason that Al-Mawardi was not ignorant of the meaning of the constitutional government even as we understand it.

The officer who is called Wazir of Execution is similar to the Secretary to the Government in Modern Bangladesh. He says that the chief function of this kind of Wazir consists in executing the decrees of the Imam, and he should be the main official channel of information for him. Al-Mawardi thinks that seven qualities are required for a person aspiring to this office, and those are honesty, confidence, absence of greed, good relationship with people, intelligence and the power of grasping the truth of things, absence of luxury and amorousness and lastly diplomacy and experience. Al-Mawardi says that it is not necessary that the holder of the office should be a follower of Islam, and a non-muslim, Dhimmi, can also be appointed a Wazir of Execution.⁵⁹

In a word, there is hardly a single topic in the field of administration, legislation, execution of laws and the judiciary on which Al-Mawardi has not expressed an opinion. He has discussed even such topics as taxation, provincial government, local administration, censorship, crimes, fiefs, etc. ⁶⁰ Enough has been said to show that Al-Mawardi was greatly influenced by the Islamic theory of the state and that he more or less ignored not only the

foreign elements which had crept into the body-politic but also the changes which were being wrought before his very eyes.⁶¹

A closer examination of his work, however, discloses that he is not a mere recorder of facts handed down to him but a genius statesman and diplomat. There is enough historical data to sanction the view that on many fundamental questions Al-Mawardi's opinions were dictated by the exigencies of his time and the special circumstances of his life. His greatest merit, therefore, lies in the fact that he abstains from abstract speculation and correlates the opinions of the jurists to the historical perspective of his age. Similarly, as already remarked, he is not a mere compiler or interpreter of the opinions of his predecessors, but often shows independence of opinion and expresses views opposed to the views of earlier authorities, or gives out opinions altogether original. Lastly, agreeing with the statement of M.M.Sharif,⁶² we can say that Al-Mawardi was a keen observer of the existing situation and his great contribution to Muslim political thought was that he gave a detailed account of the administrative machinery of the Government of his time.

Notes

1. E.K.J Rosenthal, *Political Thought in Medieval Islam*, Cambridge: Cambridge University Press. 1958, p. 235(cf. fn. 9.)
2. M.M. Sharif, ed., *A History of Muslim Philosophy*, vol.1, Pakistan Philosophical Congress. 1963 (printed in Germany, 1963), p. 717.
3. Haroon Khan Sherwani, *Studies in Muslim Political Thought and Administration*, Lahore: Kashmiri Bazar, 1945, p.107.

4. H.K. Sherwani, p. 107.
5. E.I.J. Rosenthal, p. 235.
6. In the year 1037 the Caliph, al-Qadir Billah, summoned four jurists representing the four schools of Islamic Law to write a legal epitome. Al Mawardi was chosen to represent the Shafi'ite school and he wrote *Kitab al-Iqna*; *al-Quduri*, and produced his famous *Al-Mukhtasar* for the Hanafites. The other two books were of no importance. The Caliph, however, recognized al-Mawardi's work as the best and in appreciation of his merit appointed him as the 'Aqda-al-Qudat'. Many leading jurists like Abu-al-Tayyib, al-Tabari objected to this designation, and al-Simyari, who said that it made anyone except God [Cf. M.M.Sharif, p.718].
7. H.K. Sherwani, p. 108.
8. Al-Subki, *Tabaqat al- Shafi'iyah*, vol. III, Cairo: 1299, p. 303.
9. Ibn Khallikan, *Wafayat al-Ayan*, vol.I, Cairo:1299, p. 410.
10. H.K. Sherwani, p. 108.
11. M.M. Sharif quoted the statement in his book, p. 718.
12. M.M. Sharif, p.718.
13. H.A.R. Gibb, *Al-Mawardi's Theory of the Khilafah in Islamic Culture*, vol.XI, no.3, July 1937, p.291.
14. *Ibid.*, p. 291.
15. M.M. Sharif, p. 719.
16. H.A.R. Gibb, p. 294.
17. *Ibid.*, p. 294.
18. *Sahih al-Bukhari*; this hadith has been placed in *Mishkat al-Masawih*. vo.II (translated into Bengali by Moulana Noor Muhammad Azami).
19. Ibn Khallikan, p. 365.

20. H.A.R. Gibb, p 295.
21. Al Mawardi, *Al-Ahkam al-Sultaniyyah*, Bonn: 1953, p. 3 (quoted by Rosenthal, p. 28; cf. also Ibn Tumart's statement that the Imamah was "one of the pillars of religion and one of the props of the Shariah, and the maintenance of right in the world or 'Dunya' was only guaranteed by the existence of the Imamah at all times until the hour of judgement." [K. Muhammad bin Tumart Mahdi al-Muwahhidun, ed., *Luciani*, Algiers: 1903), pp. 245]. Ibn Tumart traces the existence of the Imamah from Adam through Noah to Abraham (A.S.).
22. H.K. Sherwani, p. 110
23. Al-Mawardi, p. 3
24. Al-Baghdadi, *Usul al-Din*, Istanbul: 1928, p. 272.
25. The Holy Quran, 4:62.
26. E.I.J. Rosenthal, pp. 28-29.
27. Al-Mawardi, p. 7.
28. H.K. Sherwani, p. 111.
29. At Mawardi, p. 4.
30. *Ibid.*, p. 5.
31. Ibn Khaldun reduces them to five: ilm, adalah, salama, kifaya and nasab. See Ibn Khaldun's *Al-Muqaddimah* (ed., Beyrouth, 1900), pp. 193 ff.
32. *Ibid.*; also see E.I.J. Rosenthal, his first chapter on 'Asabiya'.
33. Al-Baghdadi, p. 279.
34. Al-Mawardi, p. 7.
35. Quoted by M.M. Sharif, p. 721.
36. Al-Baghdadi, pp. 275-77.
37. Al-Mawardi, p. 9.
38. *Ibid.*, p. 10.

39. M.M. Sharif, pp. 721-22.
40. *Ibid.*, p. 722.
41. Al-Baghdadi, p. 274.
42. H.A.R. Gibb, p. 296.
43. Al-Mawardi, p. 14.
44. *Ibid.*, p.15. [Al-Mawardi discusses frankly and fairly the different opinions of the jurists on whether or not the Caliph is entitled to designate one of his sons or relations as his successor and whether he acts legally in doing so. This difference of opinion reflects different attitudes to the institution of the caliphate and to its nature. Those who recognize the absolute authority of the Caliph as head of the Muslim nation naturally concede him the right, in his capacity as ruler, to appoint a successor. Those who do not recognize his authority as absolute justify their opposition by declaring that family consideration must not weigh with the Caliph, who is bound by law to choose one who fulfils the conditions laid down for the holder of the office of Imam. He is clearly under the law and his authority subordinate to that of the law. In theory they are certainly right. Other concede the reigning Caliph the right to designate his father, but not his son. All other relations are accounted as non-kinsmen for this purpose. The safeguards that Al-Mawardi stipulates, such as the consent of the person designated as successor and his compliance with the required qualifications for the office of Imam, are purely theoretical and merely serve further to clothe hereditary succession with the mantle of legality; cf., E.I.J. Rosenthal, p.34].
45. M.M. Sharif, pp. 722-23
46. H.A.R. Gibb, pp. 296-97.
47. M.M. Sharif, pp. 725-26.
48. For details see M.M. Sharif, pp. 726-28.
49. *Ibid.*, p. 727.
50. *Ibid.*, p. 727-28.

51. E.I.J Roenthal, pp. 36-37.
 52. *Ibid.*, p. 32.
 53. M.M. Sharif, p. 728.
 54. For details see M.M.Sharif, pp. 728-29.
 55. Al-Mawardi, p. 21 [quoted by H.K.Sherwani, pp. 112-13]
 56. Al-Quran, XX: 29-32.
 57. H.K. Sherwani, p. 113.
 58. Al-Mawardi, p. 21.
 59. H.K. Sherwani, p. 114.
 60. For details see, H.K.Sherwani, pp. 113-120.
 61. *Ibid.*, p. 121.
 62. M.M. Sharif, p. 731.
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