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BASIC PRINCIPLES AND A
CONTEMPORARY
INTERPRETATION**

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THE ISLAMIC CONCEPT OF *CALIPHATE*: BASIC PRINCIPLES AND A CONTEMPORARY INTERPRETATION*

This article studies the approach of Islamic legal thought to the idea of *Caliphate*. The author explains the fundamental principles of the Islamic concept of the state as an instrument for defending and maintaining religion and dealing with worldly affairs. Modern Islamic thought, taking into consideration the historical evolution of Islamic statehood under the influence of objective political circumstances, came to the key conclusion that an Islamic state is not restricted to a unified *Caliphate* (the *Caliphate* on the way of the prophecy). Other models of power are quite admissible if they are meeting the aims of the *Caliphate*.

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Fundamentals of Islamic conception of Caliphate

The Islamic Sunni concept of power (the state) was basically formed in the 11-14th centuries. *Sharia* does not know enough number of the norms of the Quran and the *Sunnah* of Muhammad which regulate the vertical relations of power. These sources do not contain concrete precepts settling the organization and activity of the Islamic state or determining its content and essence. Moreover, the Arabic term *dawlah* which in the modern sense is translated as “state” is rarely used there. The Quran mentions it just once (59:7) in the meaning of “property”, “fortune”, “domain”. Instead, the *hadiths* contain such notions as *imamate* (which initially denoted leading the course of prayer in the mosque) and *Caliphate* (“succession”), which are both used in traditional Sunni thought to denote the Islamic state. The restriction of certain precepts of the Quran and *Sunnah* in terms of the structure and activity of power made the role of the *fiqh* doctrine crucial in forming the concept of this phenomenon. In this respect Islamic science faced a complicated task: a coherent concept of Islamic governance and a system of concrete legal norms regulating the structure of the power and activity of its institutions were to be elaborated on the basis of just a few quite abstract *Sharia* precepts.

Islamic thought emphasizes that, not by coincidence did the Prophet leave behind only the basic idea of the *Caliphate* which does not significantly restrict Muslims, allowing them to flexibly select different forms of government in different historical circumstances. Thus, the major task of *fiqh* is to settle the general principles of state building and the activity of that state using insight from *Sharia* and only then recommending options for organising an Islamic state to meet the conditions of Muslim community. Hundreds of years after Prophet Muhammad, by the virtue of the broad interpretation of the few provisions of the Quran and *Sunnah* in terms of the *Caliphate* and by comparison of the Prophet’s actions and “the righteous” caliphs of the highest-level leaders of the community, the *faqih*s (scholars entitled to elaborate *fiqh*) codified the initial principles for the organization and functioning of state power.

The key category of classical Sunni political theory is the *Caliphate* which is viewed in two interrelated ways: the essence of Islamic state power, and a specific form of government. The fundamental understanding of the *Caliphate* still comes from the approach introduced by the prominent Islamic scholar and jurist al-Mawardi (974-1058) who in his outstanding work “Norms of Power and Religious Authorities” provided the following definition: “the essence of *imamate* is the succession of the oracular mission in support of the faith and control of mundane affairs” [See (al-Mawardi. 1973:5)]. This treatise introduces the terms “*Caliphate*” and “*imamate*” as synonyms though thereafter Sunni legal thought adopted the term “*Caliphate*” as the normative model of the Islamic state.

When analysing this definition, it is not difficult to notice that in al-Mawardi's understanding the *Caliphate* introduces the function of the supreme mundane (political) power and support of the faith for the Muslim community. In other words, the major feature of the *Caliphate* is the role of the power and its orientation to solve certain tasks of religious and political nature but the form and structure of the state are not rigorously defined.

Islamic politics deals a lot with the derivation of the *Caliphate*. According to Sunni thinkers, following al-Mawardi's views, the establishment of the *Caliphate* is essential and represents a duty imposed both on the leader of the Islamic state and all Muslim people.

Religious doctrines and pure logical arguments support the duty to the *Caliphate*. One of the most important reasons is the control on the part of the *Caliphate* of the performance of all the religious duties and *Sharia* norms on the whole by Muslims. Among the rational arguments in favour of the *Caliphate* is the necessity to avoid chaos and anarchy in state and public affairs [See (al-Mawardi. 1973:5)]. Insisting on the idea that even an unjust and wrongful power is preferable to anarchy, Islamic jurists do not miss the chance to quote the Prophet's words: "A despotic imam is better than turmoil".

A peculiar kind of solution to the issue of who the supreme power in the *Caliphate* belongs to is introduced in Sunni political science. The most popular modern concept is that the supreme holder of sovereignty in the *Caliphate* is Allah and the Islamic state is totally built on the basis of the delegation imposed by Him on the community. Power on earth is considered to be exercised by the community on behalf of Allah and that community holds sovereignty which is nothing but "the reflection" of the supreme sovereignty of Allah. Developing this approach some contemporary thinkers emphasize that sovereignty in the Islamic state is essentially shared between *Sharia* representing the will of Allah and the community whose will is not absolute and is restricted by *Sharia* [See (Muhammad 'Ammara)].

The sovereign rights of the community materialize, first and foremost, in their authority to choose the caliph (governor, ruler) who is to manage affairs on behalf of the community. In the meantime, the community do not concede their exclusive rights to the caliph—they only delegate and entrust him with power. Both in the execution of this authority and in policy-making the sovereignty of the community is only related to the will of Allah expressed in *Sharia*. For instance, the community is entitled to legislate only in matters which are not settled by the Quran and *Sunnah* and the community's subordination to the caliph's power is stipulated by his compliance with *Sharia* precepts.

In respect of the organisational frameworks of Islamic state power, the parameters of the *Caliphate* are not fixed according to Sunni legal science, rather they can be put into practice in different ways. Along with this, some key parameters of the *Caliphate's* structure are viewed as

pillars of Islamic power in Sunni thought, grounded upon just a few provisions in the Quran: requiring consultations and taking decisions based on the common opinion as well as the community's duty to obey the ruler, Sunni legal scientists considered the *Caliphate* as a form of the state which includes the procedure of endowing the caliph with authority and regulating his interrelations with other state institutions.

Sunni political theory does not have a strictly defined procedure for the succession of Islamic state leadership. However, according to the most widespread concept, the caliph does not derive supreme secular and religious power and is not appointed by his predecessor but gets appointed in pursuance of the special agreement—*Bay'ah*—concluded between the community and the candidate. This form is thought to best fit the spirit of Islam. Here the community is represented in the agreement by a group of outstanding Muslim scholars —*mujtahids*—endowed with justice, wisdom and the ability to independently solve matters not settled by the Quran or *Sunnah*.

The caliph is personally responsible for exercising power in the community and is entitled to take any measures to serve the interests of the community providing that he follows *Sharia*. As long as the caliph's policy lies within this framework, he is empowered to demand absolute obedience and subordination from Muslims. That is why the *Caliphate* agreement is unlimited and valid as long as the caliph strictly follows the *Sharia* norms. If it is proved without any doubt that the caliph breaches the terms of the agreement, he is to be ousted from power and the Muslim community is no longer obliged to obey him. Here, theoretically the community is entitled to demand from the caliph to perform his duties possessing the right to control his actions. However, common Muslims cannot interfere with state affairs or evaluate the caliph's policy—*mujtahids* are in charge of this. Islamic thought proceeds from the fact that they represent the community in relations with the caliph and protect the community's interests. If *Sharia* was considered to be “the law” for the elite, the opinion of *mujtahids* is “the law” for common Muslims.

The unique merit of the *Caliphate* form of rule is the obligation of the head of the state to follow *Sharia* norms in all his actions, and act with “the interests and common use” of his subjects and to consult when taking important decisions. Theoretically the caliph is entitled to consult any of his subjects. However, in practice the opinion of common Muslims is not taken into account as they do not possess sufficient knowledge to give advice to the ruler. It is deemed that the matters of state policy are not to be solved by the whole community since this is the prerogative of the caliph and the advisory board including *mujtahids*. This body, whose opinion is equated with the opinion of the community, is supposed to control the caliph's activity preventing despotism and tyranny.

Sunni political legal theory emphasizes the fact that the power of the caliph is not absolute, he has no privileges or immunity and, like all Muslims, he must follow *Sharia* norms and can be punished for any evil deed. Even though he exercises supreme religious power in the state, his power is not deprived from the will of Allah. Being the head of the state, the caliph does not take advantage of the legislative power in the strict sense and is entitled to introduce new legal norms only because he is a *mujtahid*².

This understanding of the *Caliphate*, generally based on al-Mawardi, demonstrates an ideal model of the state leaning to the past. To a certain extent it reflects the practice of the initial period of the rise of the Islamic power after Muhammad's death when the so called righteous caliphs (632-661) headed the Muslim community. But already the state of the Umayyads (661-750) was significantly different from the model of the *Caliphate* which was later theoretically analysed and interpreted by al-Mawardi. It is no coincidence that Islamic legal thought marks the prophecy of Muhammad who said: "The *Caliphate* following the way of the Prophet will last for thirty years and then Allah will give the power to someone He will wish". The Arabic term *mulk* used in this statement specifically denotes the rule of the absolute monarchy.

This interpretation was substantially grounded by the outstanding Muslim scientist Ibn Khaldun, who writes that the *Caliphate* is the administration of people in accordance with *Sharia* in their celestial and mundane affairs since Allah refers everything mundane to the interests of the next world. The *Caliphate* actually means the succession from the Master of *Sharia* (i.e. Allah) in protection of the religion and in the administration of mundane affairs. In contrast to the *Caliphate*, absolute monarchy (*mulk*), whether it is natural or political, rules in accordance with the ruler's pragmatic purposes, his passions, his practical understanding and insight to protect interests and prevent damage [See (Ibn Khaldun. undated:191)].

Until the middle of the 13th century the direct successor to the righteous caliphs was the *Caliphate* of the Umayyad and the Abbasid *Caliphate* which retained at least some external characteristics of the ideal Islamic state. Nevertheless, over time the mechanism of power in the Islamic world deviated more and more from the classical concept of the *Caliphate*, though formally the *Caliphate* still existed. In the middle Ages the mission to represent it was obtained by the Ottoman Empire. Arab rulers in a losing rivalry with the Empire had to renounce claims over the *Caliphate* and, as a result, the Ottoman sultan acquired the title of the caliph. In the 16th century most Arab countries became part of the Empire and acknowledged the sultan's power.

As an institution, on religious grounds and formally uniting all Muslims, the *Caliphate* existed up to the beginning of the 20th century. After the collapse of the Ottoman Empire and the

² Further details of the classical Sunni theory of the *Caliphate* see: Sykiainen. 2008. P 239-254; Sykiainen. 2003. P. 134-166.

end of the First World War it turned into a mere decorative institution and in March 1924 was officially abolished. Ever since the *Caliphate* stopped existing as a political reality.

The modern interpretation of Caliphate

Islamic political and legal thought reacted to the liquidation of the *Caliphate* although in very different ways. For instance, a major liberal Islamic scholar and theologian Rashid Rida (1865-1935) shortly before the abolishment of the *Caliphate* published “The Caliphate or the Great Imamate” which is a concise theory of the *Caliphate* as an ideal model of power compared to the state institutions that had already been established in the Islamic world by that time [See (Muhammad Rashid Rida.1994)].

This work demonstrated the superiority of the *Caliphate* over other forms of government. This nostalgia for the *Caliphate* was opposed by Abdel Raziq (1888-1966). In his “Islam and the Basics of the Power” he tried to prove that Islam had no certain models of power. In his view, Islamic principles can be practically implemented within any form of government since the essential in them is the content not the form [See (Ali Abd ar-Razik. 1972)].

Rashid Rida and Ali Abdel Raziq to a greater extent predetermined mainstream Islamic political thought up to the present day. However, over recent decades the discussion of the problems of power from an Islamic standpoint has reached a qualitatively new phase, which is directly related to “the Arab Spring” and the appearance of the Islamic State (ISIS or ISIL).

These factors force us to return to the issue of the Islamic state and its nature. The conspicuous activation of the Islamic powers has posed a question on the perspectives of establishing an Islamic state as a concrete practical project. Against this background all traditional Islamic concepts of power and state have been given renewed momentum. The topic of the *Caliphate* which might seem to have stayed in the past has arisen again.

Apparently taking into consideration the practical significance of this idea, the Department of Fatwas in Egypt in May 2011 published a special Fatwa No. 3759 “*Caliphate* and Islamic states”. The document touches upon the issue of whether there any state after the Ottoman *Caliphate* could be called Islamic and how nowadays to estimate the *Sharia* duty to obey the governors in terms of the after-world and worldly life³.

The official centre of *Sharia* thought in Egypt reproduces in its fatwa the well-known definition of the *Caliphate* as the power, to a certain extent, replacing the Master of *Sharia* (i.e. Allah) in meeting the interests of the religion and worldly life. With reference to Ibn Khaldun the document interprets the *Caliphate* in the following way: in terms of the next world and this

³Text of the Fatwa see: <http://www.dar-alifta.org/AR/ViewFatwa.aspx?ID=3759&LangID=1&MuftiType>

world, it is to set everyone on the right path specified in *Sharia* since even worldly problems are to be solved based on the will of Allah. The *Caliphate* is an institution on which Allah imposes the functions of preserving the religion and administrating worldly affairs in accordance with His commandments.

It is emphasized that the establishment of this power is a duty imposed on the Muslim community who need someone to solve these two groups of issues for them. Through that person Allah guards the people against tyranny, chaos and evil, and meets their interests. In the Sunni Islamic tradition, as said in the fatwa, there is a unanimous opinion that the establishment of the power of the caliph (Islamic ruler) is obligatory. However, eventually in Islamic political and legal thought there is an explanatory conception of the *Caliphate* as the administration of the Muslim community by a ruler who ensures the triumph of the religion, meets the requirements of the Prophet's *Sunnah*, administers justice in respect of the oppressed, and safeguards the rights of all. Such responsibilities are imposed on those Muslims who are able to cope with them. The absence of this power casts the community into chaos when no right can be guarded and nobody restrains people from malice. In this situation servants of God are governed by moral decay and corruption and they start acting against one another. In order to prevent total chaos, an Islamic governor is required and the community of all Muslims must obey him.

The fatwa contains a synopsis of the history of the evolution of the *Caliphate*. It is marked, particularly, that Muslims remain committed to the idea of the *Caliphate* even in the Middle Ages and other periods of weakness including the epoch of the formation of states such as sultanates and emirates. Many of those quasi-states recognized the governance of the caliph. However, some of those states were actually independent. For a while they retained some religious liaison with the *Caliphate* but later in some states even those formal relations with the caliph were cut. As a result, certain states appeared having absolutely nothing to do with the caliph and were called emirates or even independent caliphates. They actually edged out the *Caliphate* in its main role including the execution of all its religious and political functions. In spite of this superficial resemblance, as Ibn Khaldun noted, according to their form those states represented monarchies and due to that withdrew from the principles of the authentic *Caliphate* depicted in Islamic legal thought. The major difference was that their power was already grounded not on the religion but on the military force and the clan system.

The formal abolishment of the *Caliphate* in 1924 and formation of many new states with their constitutions and legal systems instead, led to a situation compared with the period of the Middle Ages both in a political sense and in the nature of their power. According to *Sharia* any of those states could be considered an emirate subordination to which is the duty of citizens since the power does not impose anything sinful from the standpoints of Islam.

The Department of Fatwas emphasizes that the aim of the Imamate (Islamic state power) is actually the execution of everything that includes the duties and responsibilities of the head of a modern state. Moreover, those functions are very similar to the authorities of the rulers of the numerous previous emirates, sultanates and even some caliphates separated from the initial *Caliphate*.

As a matter of principle, according to *Sharia* it is better when the rulers of different regions act under the supreme authority of one head—the caliph. But if the *Caliphate* in this sense is impossible, it does not deny the necessity and legitimacy of rulers of different existing states. The heads of the modern Islamic states do act as such leaders. To deny this will lead to a situation when people will lose their leader and chaos will reign in the state, which brings the country to total decay. This would contradict the purposes of the Law-Giver (i.e. Allah). In that case damage, corruption and harm will prevail over the goals and values which Islam aims to protect from encroachment and which include the support and preservation of the religion, life, sense, honour, dignity and property.

In other words, Islamic experts in the field of law set the basic principles of Islamic state power in the form of the *Caliphate* and simultaneously drew borders not to be crossed. But if in practice there are government institutions which by themselves do not fit the original framework of *Sharia* but are essential in order to support Islamic values and reach the aims of *Sharia*, that power is considered to be *Sharia* power in virtue of its existence and its fulfilment of the specified functions. This order is viewed in *Sharia* as initially unacceptable but acceptable as the result of the historical development of Islamic power. This assessment takes into account the principle of *fiqh*: what is forbidden as an institution introduced first time ever is acceptable as something already really formed and which continues to exist.

In fact, any states where all citizens or the majority of those living under their reign are Muslims and they, without any obstruction, can perform religious rituals, openly follow the precepts of their faith and are not exposed to restrictions, are Islamic by their nature. In this respect Islamic territory comprises all states where Muslims live even with non-Muslims (“people of the treaty”) if those regions were previously conquered (opened) by Muslims. The allocation of those countries to the territory of Islam does not change the fact that Muslims who discovered those territories were later pushed out by non-Muslims (*kafirs*).

As a result, the Department of Fatwas concludes that those states meeting these criteria are at present Islamic states. Their leaders, in terms of *Sharia*, are legitimate and worthy of subordination to as long as nothing sinful is imposed on the citizens

According to this fatwa modern Islamic thought, taking into consideration the historical evolution of Islamic statehood or sovereignty under the influence of objective political

circumstances and supported by the findings of the outstanding representatives of the medieval *fiqh*, came to the key conclusion that Islamic power can be performed not only in the form of the unified *Caliphate* as the example of the righteous caliphs (the *Caliphate* on the way of the prophecy). Other models of power are quite admissible and under certain political circumstances even necessary if they are capable of meeting the aims of the *Caliphate*—protecting the religion and administrating worldly affairs. The idea that Islam cannot find its place without the *Caliphate* is undoubtedly false [See (Proclamation)].

Moreover, all major Muslim thinkers and scientific centres do not doubt that *Caliphate* represents the ideal of power. For instance, the International Council of Muslim Scholars in its special declaration⁴ made a few days after the announcement of the Islamic State caliphate noted that the *Caliphate* on the way of the prophecy was still the dream of all Muslims who aimed for its rebirth as the guarantee of real Muslim unity and of the consistent enforcement of *Sharia*. But Islam teaches that any ambitious projects require serious intellectual efforts, complex preparation, a community of power, and overcoming the resistance of enemies. First and foremost, all modern Islamic states must exercise power according to *Sharia* and be united by sacred ties. They are to possess sufficient material, human and moral power to protect themselves.

It is worth creating the conditions for the revival of the *Caliphate* by clarifying the goals of this project to the citizens and the whole world demonstrating the attitude of the *Caliphate* to its allies and opponents. One of the main conditions is gaining consent and peace in the Muslim community in terms of the common parameters of the recreated *Caliphate*, its form and content. As many major Muslim legal scholars think, this might require overcoming some intermediate stages and making transitional steps, for example, creating a federation or confederation of Islamic states [See, for example (Yusuf al-Qaradawi)].

The modern interpretation of the *Caliphate* upheld by Sunni legal thought proceeds from the fact that Islamic power prioritizes the content of the activity not its form. Muslim legal scholars pay special attention to the fact that *Sharia* does not require the establishment of power necessarily in the form of *Caliphate*. *Fiqh* does not view the *Caliphate* as the chief goal and does not mention it among the religious cult precepts Allah rewards for.

Sharia requires something else—providing the values of the religion, life, sense, dignity and property. These are the five goals that form the stem of the policy and the just administration within the *Sharia* framework. Their performance may really be considered the duty to the faith and the genuine requirement of *Sharia* [See (The Islamic *Caliphate*)]. *Caliphate* as any other

⁴ See: URL: <http://iumsonline.org/ar/aboutar/newsar/829/>

form of the Islamic power is needed not *per se* but because by means of it Allah guards and preserves people from chaos, meeting their interests and pushing aside the evil.

“*Sharia*, which imposed an obligation on us to follow certain principles and goals,” writes the outstanding contemporary Muslim scholar (*faqih*) Ahmad ar-Raisuni, “does not oblige us to establish something called *Caliphate*, the Islamic *Caliphate* or the state of the *Caliphate*. It contains no word obliging us to call the ruler caliph or call the government form the *Caliphate*. One can assert with confidence that if such words as “*Caliphate*” and “caliph” once and forever disappear from the life of Muslims, their religion is not in the least going to be somehow damaged. But if, at least for a day, justice, the principle of consultation and the legitimacy of power are going to leave them, that will be a calamity” [Ahmad ar-Raisuni. 2014)].

Within the framework of this logic Islamic political and legal thought eventually specified the classic definition of *Caliphate* and started interpreting it in more detail as the administration of the Muslim community by the ruler who is to ensure the triumph of the religion, meet the requirement of the *Sunnah* of the Prophet, administrate justice, and secure the rights of the people.

Understanding the idea of Islamic power accentuating its form not its content dominates modern Sunni legal thought⁵. In order to confirm this conclusion, it is quite appropriate to refer to the major medieval Islamic legal scholar Ibn Qayyim al-Jawziyyah (1292-1350). He wrote: “*Sharia* is completely founded on wisdom and consideration for others in their mortal life and in the life to come; it is the embodiment of absolute justice, mercy, compassion and ultimate wisdom; if any decision deviates from justice and turns to tyranny and chaos, turns its back to mercy and stops meeting the interests of the people, becomes damaging, denies wisdom and gravitates toward corruption, then it no way belongs to *Sharia*” [Ibn Qayyim al-Jawziyyah. undated: 3].

According to the image-bearing note by Ahmad ar-Raisuni, if these interests are met and *Sharia* goals are attained under the auspices of any structure called *Caliphate*, then let the *Caliphate* prosper. But when in the shade of *Caliphate*, these specified values are infringed upon and get buried in oblivion, such a *Caliphate* is a disaster. But if they get fulfilled even not under the auspices of the *Caliphate*, the desired goal is completely achieved [See (Ahmad ar-Raisuni 2014)].

⁵ Details regarding understanding of the caliphate in the modern Sunni legal thought see: Sykiainen. 2016-1; Sykiainen. 2016-2.

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