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Apprehending Al-Mawardi's Theory of Imamate

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Abstract:

Following the translation and publication of Al-Ahkam al-Sultiniyyah, both Muslim and non-Muslim intellectuals from all over the world began to pay attention to Al-Mawardi's thought. Since its translation, Al-Ahkam has had a prominent place in the history of Islamic constitutional law and is regarded as having made a significant contribution to the growth of Islamic political philosophy. This paper seeks to comprehend and critically analyze Al-Mawardi's contribution, in particular his theory of the Imamate. More importantly, this paper makes an effort to shed light on the political climate in the Muslim world and the ongoing power struggle between the Abbasids and the Buwayhids during the time of Al-Mawardi. Nevertheless, the purpose of this paper is threefold: first, to explain what the Imamate is and why it is so vital to the Muslim society; second, to outline the primary responsibilities of an Imam; and third, to assess how democratic and accountable the Imamate has been in light of this philosophy.

Keywords: Imamate, Caliphate, Abbasids, Buwayhids, Al-Ahkam, Sharia, Muslims

Introduction: Abu Hasan Ali al-Mawardi was a prominent jurist of the Shafi'ite school of Islamic jurisprudence in the 11th century and the first Muslim political theorist. Born in Basra, the capital city of Iraq, in 972 which was then considered as the major hub for Islamic learning in the Muslim world. During his stay at Basra, al-Mawardi first learned the fundamentals of Islamic jurisprudence under the supervision of renowned Islamic jurist Abu al-Wahid al Simari (d.996 AD). After then he went to Baghdad to study Islamic law and Philosophy under the guidance of Sheikh Abdul Hamid and Abdullah al-Baqi. Al-Mawardi was regarded as one of the reputed and knowledgeable jurists of his times that helped him to get honored with a position of 'Qazi al-Qudat' (chief judge) in Baghdad by Abbasid ruler al-Qaim (d. 1075), and the title of 'Aqda al-Qudat' the 'best of the judge of the Judges'. As part of his efforts to spread Sunni Islam, he published a Commentary on the Quran, a treatise on Prophecy and a compilation of the key commandments of the four Legal Schools known as 'Kitab al-Iqna (The Book of Conviction).¹

Al-Mawardi was a political thinker who lived during the decline of the Abbasid's political power. The breakdown of Abbasid territory started in the early ninth century when the new dynasties established themselves in various parts of Abbasid territories such as in Morocco, Spain and Algeria.² By the mid of the ninth century, the breakdown of Abbasid authority was clearly evident by the fact that the power of Abbasids hardly extended beyond Baghdad and even in Baghdad the Caliph was so powerless that he could not manage his own affairs.³ As a result, the Abbasids were reduced to the role of mere symbols striving towards an effective political power. The Abbasid Caliph was totally subjugated to the powerful and independent dynasties who were successful in keeping all the state affairs under their control. The first and the most challenging dynasty was that of Buwayhids who had conquered numerous Abbasid territories including the capital city of Baghdad in 945 AD.⁴ It was at this crucial time period that al-Mawardi developed his theory of Imamate and came to be treated as a legal topic. He collected the rules pertaining to every aspect of governance and administration such as the contract of Imamate, appointment of wazirs, the administration of Judiciary, Hajj and Zakat, from a variety of sources and compiled them in a single book that he called 'Al-Ahkam Al-Sultaniyyah' (The Ordinance of the Government). According to Professor Sir Hamilton Gibb, this Al-Ahkam Al-Sultaniyyah was written with the intention of asserting Abbasid power against the Buwayhids, who at that time were controlling Baghdad and against the Fatimids rule in Egypt claiming as the legitimate rulers of the whole Muslim world.⁵ This implies that al-Mawardi's primary objective was to endorse the Abbasid authority over the whole Muslim world, predicated on the principle that no other force could legitimately assume the role of caliph. His primary goal was not to articulate a novel theory of Imamate; rather he sought to harmonize the then historical-political conditions with Sharia by re-interpreting Quran and hadith in the light of new circumstances, to preserve the unity of the Muslim ummah. In this regard, Professor Gibb who probably brought al-Mawardi's work to the attention of the academic world, maintains that "Sunni political theory is not a blue-print for the future but, the only rationalization of the history of community until now... and all imposing fabric of interpretation of the sources is merely the post eventum justification of the precedents which have been ratified by Ijma."⁶

The Concept of Imamate: In the Muslim world, al-Mawardi was the first to write on the comprehensive theory of state and left a significant impact on the development of Islamic political theory. As such, he appears to be the first in the galaxy of Muslim writers who showed comprehensive interest and knowledge in the subject of Imamate. As a qualified jurist, he defended the legitimacy of governmental power by appealing to the Quran and Sunnah and insists that both administrative structure and practice must reflect Islamic principles. In his famous work al-Ahkam al-Sultaniyya he vehemently pleaded for the establishment of institution of Caliphate.⁷ The famous Muslim scholar Muqtedar Khan argues that, he (al-Mawardi) tied up the political authority to theology (Islam) in such a way those Muslim scholars following him have failed to untie them till date.⁸ Al-Mawardi says that his al-Ahkam al-Sultaniyya was written "in conformity with the wishes of one who

cannot be disregarded.”⁹ By this, he presumably here refers to the caliph al-Qa'im.¹⁰ Al-Mawardi begins his treatise *al-Ahkam al-Sultaniyya* with a chapter entitled 'The Contract of Imamate', where he emphasizes on the necessity of establishing Imamate, "as a substitute of prophecy for upholding faith and for governing the affairs of the world."¹¹ However, this has nothing to do with the continuance of the prophetic role in any sense but rather it refers to the government ensuring that the revealed religious law (Sharia) prevails among the people on earth. From his definition of Imamate, two important principles can be deduced. Firstly, the Imamate is an earthly institution, where the Imam succeeds Prophet for temporal duties. Second, the Imam has to safeguard the religion of Islam against all destructive propaganda and govern the world in accordance with the Islamic principles. These two principles explicitly suggest that Caliphate is a principle through which the principles of religion are given effect thereby providing legitimacy to the government of the people. Considering, whether the caliph is called 'khalifat Allah' or 'khalifat rasul Allah', al-Mawardi did not accord with the former title and argues in favor of late. He says;

“He is called the khalifah (successor) as he stands in for the Messenger of Allah (p.b.u.h) at the head of his ummah so it is permitted for someone to say, 'O khalifah of the Messenger of Allah' [khalifat rasul Allah] or for someone to say 'Khalifah' on its own. [Substantiating his claim], he [al-Mawardi] argues khalifah succeeds someone who is absent or dead and Allah is not absent and does not die. [Additionally] when Abu Bakr as-Siddiq heard him addressed as 'khalifat Allah', he responded 'I am not the khalifat Allah but rather the khalifat rasul Allah.'"¹²

Next, al-Mawardi initiates the debate over whether the establishment of the institution of Caliphate is commanded by the rational reason (intellect) or by Sharia. He asserts the obligatory nature of the Caliphate. He contends that some jurists think it as obligatory through revelation while others consider it as necessary by reason. While clearing this ambiguity among Muslims, he draws a line of distinction between the government based on reason and the government based on the Sharia laws. Thus, he made a contrast between administrative systems based on the reason and the one founded on Sharia law. Those who believe that the Caliphate is commanded by rational reason substantiates their view by saying, "human beings by their nature are inclined to submit to a leader who would prevent them from inequity and settle their conflict and disputes- for without government men would exist in a state utter chaos and barbarity."¹³ However, this arguments based on reason justifies government (authority) only in negative terms whereas the government based on Sharia provides positive enforcement to law and justice in mutual relations, and most importantly, these rules prepare man for the life in hereafter.¹⁴ Al-Mawardi while stating his own position largely remained neutral and avoided to take a firm stand maintaining that the source of political authority for Muslims is not to be founded in reason only but in revelation also. This indicates that he made an earnest effort to prove the necessity of the Imamate, and he does so by not only citing Islamic law but also laying down the general proposition that it is in the nature of man that they should hand over their affairs to one who has the power to adjudicate between them in case of conflict and squabbles.¹⁵ In other

words, al-Mawardi meant that the institution of Caliphate is not only sanctified by Islamic traditions and history but its necessity for the people could be shown logically.

Here it is pertinent to mention that al-Mawardi did not reject the *raison d'être* or rational basis of Muslim political authority. In addition, he also emphasized that the political authority of Muslims is known through revelation. Al-Mawardi therefore seems to have arrived at a similar position put forward by thirteenth century Christian theologian, Thomas Aquinas who believes that public authority is brought to perfection through divinely revealed laws.¹⁶ This infers a distinction between secular and religious authority, a concept that was later on developed in the West than in the Muslim world. However, his primary objective was not to draw the line of demarcation between mundane and the divinely sanctioned authorities but to endorse the necessity of caliphate for the socio-political and religious authority of Muslim community. For this purpose, he quotes the Quranic verse "O you, who believe, obey Allah and obey the Messenger and those in authority amongst you" (Qur'an 4:62). He would often invoke this Quranic verse to justify the authority of caliph over all the aspects of Muslim public life, including religious and political matters. He in his treatise concludes this in following words,

"God... ordained for the People (al-umma) a Leader through whom he [God] provided for the vicegerency of the Prophet and through whom he protected the community (al-milla); and he entrusted to him [Caliph] government (al-siyasa), so that the management of affairs should proceed (on the basis of) right religion (din mashru) and that there should be unanimity on an opinion (r'ay matbu) and the Imamate [Caliph] became the principle upon which the bases of the community were established, by which the well-being of the People (masalih al-umma) was regulated, and affairs of common interest (al-umur al-uamma) were made stable, and from which particular public Functions (al-wilayat al-khassa) emanated..."¹⁷

From this assertion, it can be inferred that the Caliphate is not just a political entity rather it is a symbol of the political and religious system that governs all aspects of Muslim social life. It also entails that on the basis of divinely appropriated functions of Caliph, al-Mawardi asserted caliphal authority in both political as well as religious matters.¹⁸ Moreover, the assertion also implied that under the system of Caliphate the criteria for determining the function of government as legitimate or illegitimate is Islam. Al-Mawardi contends that the primary duty of the Imam is to safeguard and preservation of the established principles of Islam. He also argues that the Imam is also required to dispense justice and enforce legal proceedings. Besides this, the Imam is required to defend frontiers from the external aggression to guarantee the security of life and property of both Muslims and non-Muslims living in the Islamic state.

The Contract of Caliphate: Regarding the formation of Imamate, al-Mawardi argues that the caliph might be appointed either by designation or through the procedure of election. However, the elective principle of the Imamate is evidently opposed to the Shiite claim of divine nomination. To substantiate his argument, he cites the example of Abu Bakr's

election for the position of Caliph at Saqifa and the nomination of Umer as Caliph by Abu Bakr.¹⁹ However, the election of Caliph is to be made by the qualified electors known as 'ahl al-hall wa'l-'aqd' not by the general people. Al Mawardi laid down three necessary conditions for the electors. The first is the quality of being 'just' (adl), the second being the quality of 'religious learning' (ilm) for evaluating the qualities of an individual for the Caliphate, and finally the quality of 'insight and wisdom' (tadbir masalih) for choosing the best candidate for the post of caliph.²⁰

After highlighting the necessary conditions for electors, al-Mawardi specified seven requirements which must be fulfilled by the candidate aspiring for the position of Caliph. The qualities are Justice (adl) and knowledge (ilm) that would lead him to make independent reasoning and make fair decisions. Along with these attributes, the Caliph must also have full functional physical senses to discharge his duties as Imam. Another important condition is the condition of bravery and willingness to defend the Islamic territory and wage holy war against its enemies. Finally, the last condition is that the Imam must be the descendant of Quraysh tribe.²¹ The condition of decent was later on discussed in detail by Ibn Khaldun, a 13th Muslim philosopher and historian, who traced its origin in one of the sayings of the Prophet that "the Imamate belongs to the Quraysh." However, some Muslim jurists deny the importance of the decent in order to prevent the less excellent or unworthy candidates from aspiring to the Imamate and assert that it must be left for the community of believers to decide their Imam from among themselves.²²

Al-Mawardi disagrees with the opinion of some of the Muslim jurists who believe that an election for the position of Imam should be conducted in all provinces of the jurisdiction. He specifies three different numbers for 'ahl al-hall wa'l-'aqd' being required for the election of Imam or who should gather in order to choose their Imam. However, he did not give any preference to any of the number. He believes the number could be five according to the Saqifa incident where Abu Bakr agreed with the other four companions of Prophet (p.b.u.h) for the Imamate. He then gives the three in accordance with the Kufan tradition, who back up their claim by pointing out that a legal marriage requires the presence of a wali²³ as well as two witnesses. Finally, he mentions the possibility of single member of ahl al-hall wa'l-'aqd being necessary for a valid election of an Imam. The argument used to substantiate this viewpoint is based on the report of Abbas offering his allegiance to Ali shortly after the death of Prophet (p.b.u.h).²⁴

The manner in which al-Mawardi presents these three different views with regard to the number of the ahl 'al-hall wa'l-'aqd' for the valid election of an Imam implicitly suggests that he may have been prepared to accept all these three numbers, which gives him plenty of scope to accept designation of an Imam even by single electorate.²⁵ In addition, it also seems to imply that al-Mawardi stressed primarily on the presence of Imam, the number of electorates required for the election of an Imam bothered him very little. In fact, the number of electorates that were required for legal election of an Imam was not fixed religious matter, but rather was subject to political circumstances and was mainly derived from historical precedents rather than revealed Islamic laws.²⁶ According to him, if two or more

candidates are equally qualified for position of Imam, then the candidate who is older should be given preference over the candidate who is younger. He also suggests taking into account the needs of a time while making the choice for Imamate. He argues if the necessity of courage, for defending Islamic land and waging war against its enemies, is greater than the virtue of knowledge then the person with more courage should be offered Imamate. However, if the need for virtue of knowledge, to ensure calmness among the people, is greater than the courage then the person with more knowledge is entitled for the position of Imamate.²⁷

Moving on from this, al-Mawardi states that as soon as the members of 'ahl al-hall wa'l-'aqd' recognize a candidate suitable to be an Imam; they are supposed to offer him Imamate. If he decides to take up the offer, the whole community is obligated to place all of their affairs under his control so that he may make decisions on their behalf, promising to obey him, and thus concluding the contract of an Imamate. In case, he renounces the offer of an Imamate then he cannot be compelled to accept it, since the Imamate is contract based on agreement and willingness where there is no space for compulsion.²⁸ This suggests that al-Mawardi defined the contractual nature of an Imamate in the sense that it is based on the Islamic notion of 'offer and acceptance' where there is no place left for force or compulsion.

Al-Mawardi openly discusses the divergent views held by number of jurists as to whether the caliph is permitted by law to choose a son or other relative as his successor. On examining different viewpoints of jurists, a number of distinct perspectives on the essence of Imamate are reflected. Those who acknowledge the Imam's unquestionable authority grant him the right to choose his successor. Whereas, those who do not see his power as absolute believe that caliph cannot choose an Imam from his family rather, he is bound by the law to choose the one who satisfies all the required criteria for the Muslim leadership.²⁹ Therefore, the safeguards such as consent as stipulated by al-Mawardi are simply theoretical in nature with the intention of legalizing the transmission of hereditary power.

Al-Mawardi in his theory of Imamate also discussed the possibility of two Imams at the same time in the Muslim community. Through *ijtihad* (independent reasoning), he played a significant role in finding a solution to this problem of two Imams and thereby establishing new principles of Imamate. In contrast to Asharites, he asserted that 'it is reasonably inconceivable for the Muslim community to have two Imams simultaneously.'³⁰ Here it appears al-Mawardi arguing in favor of Abbasids in Baghdad as opposed to the claims of Buwayhids. He does not stop here, and goes on to discuss the legitimate Imam from the two and other matters related to it by presenting the views of different jurists. According to the first group of jurists, the rightful Imam would be the one who's Imamate was contracted in the province where the previous Imam passed away, since the individuals present there may have been more familiar with the process of acquiring the Imamate and thus have the right to make their preferences. Other group of jurists maintains it was the responsibility of both the Imams to relinquish their authority to each other thereby renouncing the Imamate in order to preserve harmony and tranquility in the Muslim community.³¹ In a situation like

this, the people of the ahl al-hall wa'l-'aqd' could gather to choose one of the two candidates or someone new and then offer him the position of Imamate.

According to al-Mawardi, the correct opinion on the issue of legitimate Imamate is that it belongs to the one who had first received the allegiance of the people and concluded the contract.³² He substantiates his claim by referring to a scenario in which two men married the same woman, but the law recognized only the marriage contracted with the first one as valid. In addition to this, he suggests that if the contract of an Imamate was concluded to both parties at the same time, then none of them is legitimate and both the contracts are void. He therefore recommends that the contract be renewed either with one of the existing candidates or with the new contender. All this strongly points out that al-Mawardi categorically disapproves the possibility of two or more Imams at the same time. He deliberately did so as to deny legitimacy to the claims of Fatimids in Egypt and the Umayyads in the Andalus.³³ Considering this, Eltigani Abdul Hamid in his article, "Al-Mawardi's Theory of State: Some Ignored Dimensions" described al-Mawardi as the "conformist, Abbasid-patronized writer."³⁴ This claim was not hallow because a close reading of the Al-Ahkam reveals that most of the laws were written considering the interest of Abbasids in their struggle against Buwayhids. Another important scholar 'Jasser Auda' following the same line writes:

"Al-Mawardi legitimized the Abbasid tribal and monarchic system, which he found most excellent at his time, through his book al-Ahkam al-Sultaniyya.... Al-Mawardi 'interpreted' the scripts to imply 'protecting people with noble lineage' [such as Abbasids] from having a governor over them unless he comes from more noble roots, 'legitimizing a caliph who is appointed by another of his own', 'giving people money from the trust according to their tribal lineages', and giving the caliph the right to 'have a monopoly over decision making' (al-istibdad bi al-amr)."³⁵

The Public Duties of an Imam: When the people give their allegiance to the Imam and delegate all the individual authority of taking decisions to him, the Imam in return had to fulfil ten important duties. Therefore, al-Mawardi devoted a large section of al-Ahkam for elaborating in details the duties and responsibilities of an Imam. However, it is pertinent to mention here that his discussion of the administrative duties and responsibilities was clearly directed against any conception of an Imamate as simply religious and juridical office.³⁶ The duties and functions, which the Imam was supposed to perform, were as follows:-

1. To safeguard and maintain the established principles of religion as understood and propounded by the consensus of early Muslim jurists. If anyone innovates an opinion or becomes a sceptic, the Imam should convince him of the real truth and 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 effects of such heresies.
2. To execute justice and solve all litigations between disputing parties, so that the justice may prevail without any tyrannical oppression of weak.

3. To protect the Islamic territory against its enemies and maintain law and order, so that the people could live a peaceful life, and proceed to their economic activities freely and travel in the land without fear.
4. To enforce the criminal code (legal penalties) in accordance with the Quran, so as to ensure that the people do not violate the limitations of God.
5. To strengthen the defence at the borders against any kind of enemy invasion in order to protect life of Muslim and non-Muslims (dhimmis) living in an Islamic territory.
6. To declare holy war (jihad) against those who oppose the call of Islam until they accept Islam or ready to live as a dhimmis (people of contract) in an Islamic State.
7. To collect zakat and other legal taxes (kharaj, sadaqa) as per the prescriptions of Shariah and distribute them with any kind of fear or favour.
8. To fix allowances and stipends from the state treasury (Bait-ul-maal) to those who are needy, sick and poor and cannot afford to get their wards educated.
9. To find out the most trusted and sincere person and appoint them to the principal offices of the state, such as treasury office, so that all the monies of the state is safe and secure in the hands of most capable and trusted person.
10. The Imam should personally look into the affairs of his state so that he himself directs the national policy and protect the interests of the people. The Imam is not required to delegate these duties to anyone so that he could immerse himself in pursuit of pleasure or religious worship.³⁷

From the discussion of the duties and responsibilities of Imam, it is evident that all these duties are described as being religious in character, since they involve God and are seen as steps along "the path of Allah." Despite the fact that these duties are divided into religious, juridical, administrative and military duties they all are seen as being complementary to one another for they all are inferred from divine institution of the office of Imam. This strongly implies the unison of religion and politics, secular and spiritual spheres of life, all of which are the paths leading towards the God.³⁸ Therefore, this conception of the Caliphate is obviously based on traditional Prophet Muhammad's 'ummat ul Islam' model established at Medina.

Finally, al-Mawardi concludes his theory of Imamate by highlighting the circumstances in which the Imam can be forfeited from the office of Imamate. However, he deliberately avoids laying down any fixed procedure for the removal of Imam. He holds intermediary position between the Asharites, who deny any right of a community to go against the corrupt Imam, and that of Khawariji, who believe in the duty of revolt against the impious Imam.³⁹ Nevertheless, al-Mawardi seemed denying Imam the unlimited obedience of the people. He contends that the Imam is supposed to carry out certain duties, and if he failed to do so, then the people are no longer obliged to obey and support the Imam.⁴⁰ Thus, he adopted the principle of conditional obedience where obedience to an Imam obligatory as long as Imam carries out his functions. This principle of conditional obedience led him to refuse the recognition of the Imamate of dissolute.

Conclusion: In the final analysis, it can be safely concluded in the light of above mentioned discussion that the way al-Mawardi treated the subject of Imamate as a separate discipline greatly shaped the ideas of later Islamic scholars. He was not a political thinker and hence could not evolve a philosophic conception of the State and its conception of sovereignty. Moreover, he does not discuss the scope, jurisdiction, responsibilities and obligations of the State and seems to be completely ignorant of the idea of the constitution. He in his work *Al-Ahkam* managed to theoretically and legally reposition the Imamate and the status of the Imam within the boundaries of Sharia. This formally imposes certain strict limitations on the powers of the Imam and demands his accountability.

Al-Mawardi's theory of Imamate had few short comings. His theory of election dealing with the appointment of the Caliph is wholly undemocratic. Moreover, he is extremely specific about the prerogatives and privileges of the Caliph but pays little attention to the rights of the people. His work and his theory of Caliphate saved the Muslim community from the extravagant and illogical claims of the Shias, the Khawariji, and other sects in Islam. His immediate aim of emancipating the Sunni Caliphate of the Abbasids from the Buwayhid tyranny was so providently realized in his own lifetime, that it must be counted as one of his remarkable achievements for generations to come. The most important and noteworthy contribution is that he has given a detailed account of the administrative machinery of government demonstrating not only what exists but also what ought to exist.

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² W. Montgomery Watt, *Islamic Political Thought* (Edinburg: Edinburg University Press, 1968), 99–100.

³ Thomas W. Arnold, *The Caliphate* (Oxford: Oxford University Press, 1924), 57.

⁴ *Ibid*, 60.

⁵ Watt, *Islamic Political Thought*, 102.

⁶ Hamilton A. R. Gibb, *Studies on the Civilisation of Islam* (Princeton: Princeton University Press, 1962), 162.

⁷ The terms such as Imamate and Caliphate have been used interchangeably throughout this article.

⁸ M. A. Muqtedar Khan, *Islam and Good Governance: A Political Philosophy of Ihsan* (New York: Palgrave Macmillan, 2019), 176.

⁹ 'Alī ibn Muḥammad Māwardī, *The Ordinances of Government: A Translation of al-Aḥkām al-Sulṭāniyya W' al-Wilāyāt al-Dīniyya* (London: Ta-ha Publishers Ltd, 1996), 7.

¹⁰ Ann K. S. Lambton, *State and Government in Medieval Islam* (London: Routledge, 1981), 84.

¹¹ Māwardī, *The Ordinances of Government*, 10.

¹² *Ibid*, 27.

¹³ *Ibid*, 10.

- ¹⁴ Ibid.
- ¹⁵ Ibid.
- ¹⁶ Black, *The History of Islamic Political Thought*, 87.
- ¹⁷ Lambton, *State and Government in Medieval Islam*, 85.
- ¹⁸ Black, *The History of Islamic Political Thought*, 87.
- ¹⁹ Erwin I. J. Rosenthal, *Political Thought in Medieval Islam: An Introductory Outline* (Cambridge: Cambridge University Press, 2009), 33.
- ²⁰ Māwardī, *The Ordinances of Government*, 11.
- ²¹ Ibid, 12.
- ²² Rosenthal, *Political Thought in Medieval Islam*, 29–30.
- ²³ The bride's lawful guardian responsible for her life before marriage.
- ²⁴ Māwardī, *The Ordinances of Government*, 12–13.
- ²⁵ Lambton, *State and Government in Medieval Islam*, 90.
- ²⁶ Ahmad Mubarak AL-Bhagdadi, 'The Political Thought of Abu Al Hasan Al-Mawardi' (University of Edinburg, University of Edinburg, 1981), 148.
- ²⁷ Māwardī, *The Ordinances of Government*, 14.
- ²⁸ Ibid, 14.
- ²⁹ Rosenthal, *Political Thought in Medieval Islam*, 34.
- ³⁰ Māwardī, *The Ordinances of Government*, 16.
- ³¹ Ibid, 16–17.
- ³² Ibid, 17.
- ³³ Lambton, *State and Government in Medieval Islam*, 90.
- ³⁴ Eltigani Abdulqadir Hamid, 'Al-Mawardi's Theory of State: Some Ignored Dimensions', *American Journal of Islam and Society* 18, no. 4 (1 October 2001): 1.
- ³⁵ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2007), 176.
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- ³⁹ Lambton, *State and Government in Medieval Islam*, 95.
- ⁴⁰ Māwardī, *The Ordinances of Government*, 31.

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