

## A COMPARISON OF THE SUNNĪ CALIPHATE AND THE SHĪ'Ī IMAMATE

The death of the Prophet precipitated a severe religious and political struggle within the Islamic community which developed into bitter internecine conflict, eventually splitting the *umma* into two antagonistic sects: 'the people of the Sunna' and the Shi'a. Their mutual animosity gathered significant momentum during the caliphate of 'Uthmān, intensified during the Umayyad period, and reached its climax in the 'Abbasid era.

With *al-Muhammad* gone, the *umma* felt lost and confused, as he had left behind no instructions regarding the succession. Before the question could be resolved, the old centrifugal forces which the Prophet had suppressed but not extirpated began to reassert themselves, never to be completely subdued again. The divisive tribalistic tendencies ever afterward sought to gain the upper hand, in direct opposition to the Islamic ideas of unity and universality.

No one claimed an ability to succeed Muhammad as the Messenger of God or transmitter of Divine Revelation, but two fundamental questions did arise: Who would accede to the temporal leadership of Islam, and how was he to be selected or recognized? There seemed to be two answers: the Qur'ān or Sunna to provide guidance.

The orthodox majority, the Sunnis, defended the succession of the four *Rashidūn*. A small minority, however, defended the claims of 'Alī b. Abī Tālib, Muhammad's son-in-law and cousin, insisting that the succession be based on blood kinship, and further that it be confined to the Hashimite branch of the Quraysh, termed the *ahl al-bayt*, or 'People of the [Prophet's] house.'

At the time of the caliphate of 'Uthmān, a weak old man thoroughly despised by his kinsmen, the urbanized Meccan Umayyad clan, the party of 'Alī, which was largely composed of the powerful landowning aristocracy of Medina, had become more vociferous. Economic tensions between the two groups thus aggravated political differences. 'Uthmān had lost control of the conquering Arab armies in Egypt and Iraq, who rallied to 'Alī as a logical alternative to him. When, upon 'Uthmān's assassination, 'Alī became caliph, the stain of 'Uthmān's blood inevitably marked him, and gave grounds to the claim of Mu'āwiyā, 'Uthmān's kinsman, to satisfy the blood feud of ancient Arabian tradition. The 'Alid forces were eventually defeated by those of Mu'āwiyā, who founded a new dynasty—the Umayyad—in Damascus.

The *Walids*, or *Shi'at Alī* (party of 'Alī) were already beginning to develop heretical beliefs regarding the justness of 'Alī's claims to the caliphate and how he regarded the office. The martyrdom of al-Husayn, 'Alī's younger son, at the hands of the Umayyad, Yazid b. Mu'āwiyā, was probably the most significant event in the early reli-

gious development of Shi'ism, for it invested the movement, at first almost entirely political, with a spiritual, even a passionate, quality. Shi'ism was becoming more than just the principal political opposition to the Umayyad 'kings'. It developed into the leading antagonist, in religious terms as well, of the increasingly secularist character of the 'Orthodox' Umayyad caliphate.<sup>1</sup> It was the symbol and rallying point of all discontented Muslims, especially the non-Arab ones, who suffered exploitation and humiliation at the hands of the arrogant and clanish Umayyad Arabs. The Shi'ī emphasis on suffering and passion, principally based on the martyrdom of al-Husayn and the trials of later imams, strengthened its appeal to the oppressed. The severe persecutions undergone by the successive Shi'ī imams and adherents of the movement in general encouraged its further growth. To a large, discontented minority of Umayyad, and, later, 'Abbasid subjects, Shi'ism thus became the embodiment of social, religious, political and economic protest, which has been termed "... a rejection of the yoke of Muhammad in all but form and name."<sup>2</sup>

The Shi'a actively participated in the overthrow of the Umayyads and the establishment of the 'Abbasid dynasty, but were betrayed by the new rulers after they had served their purpose.<sup>3</sup>

There were brief periods in the 'Abbasid era when the Shi'ites were fairly well treated, as in the reign of al-Ma'mūn,<sup>4</sup> when the Shi'ī imam, 'Alī al-Ridā, was designated by the caliph to be his successor in an effort by the latter to win the support of large numbers of his Persian and Iraqi subjects, who had Shi'ite proclivities. 'Alī al-Ridā died soon after his designation (the Shi'a charge that he was poisoned by al-Ma'mūn) and the attempted reconciliation between the Sunnites and Shi'ites was abandoned, due to increasing political pressure upon the caliph by the Sunni majority in Baghdad and in the rest of the empire. From then on, the Shi'a and their imams were consistently persecuted.

The last Twelver imam, Muhammad al-Mahdi, vanished or died about A.D. 874. During the lifetimes of the twelve imams, moderate Shi'ism, as distinguished from the more extremist sects, such as the Ismā'īliyya, lacked both an organized body of followers and solid dogmatic support. Until the early tenth century, they were known as Rafidites. The idea of a Hidden Imam as a religious rallying point was taken up, after the demise of al-Mahdi, by Shi'ī leaders to strengthen their

<sup>1</sup> Ibn Khaldūn always referred to the Umayyads as *mulk* instead of *khilāfa*. See E. I. J. Rosenthal, *Islam in the Modern National State* (Cambridge: The University Press, 1965), p. 21.

<sup>2</sup> D. B. Macdonald, *Development of Muslim Theology, Jurisprudence and Constitutional Theory* (New York, 1903; reprint, Lahore: The Premier Book House, 1960, 1964), p. 103.

<sup>3</sup> W. Montgomery Watt, *Islamic Philosophy and Theology* (Edinburgh: The University Press, 1962), p. 24.

<sup>4</sup> *Ibidem*, p. 51.

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cause politically and religiously. When the general recognition of the twelve imams occurred among a majority of the Shi'at 'Alī, something resembling a party began to arise. "... The end of the ninth century is thus the period in which imamite Shi'ism took definite shape."<sup>5</sup>

In the imam's absence, the *mujahtidān* (deputies), or those who exercise *ijtihad* (free judgment) are "the expounders of the law and the ministers of religion are his representatives on earth; and even the secular chiefs represent him in the temporal affairs of the world."<sup>6</sup> These deputies are protectors of the *umma*, and its guide in religious affairs. They constitute the most learned and pious men of their period. During this time of *Chaybatu'l-Kubra* (Greater Concealment) the faithful may communicate with their imam through letters which they deposit in his tomb at Samarra, or in a deep well, or in the sea.<sup>7</sup>

The ruling 'Abbasid dynasty in Baghdad was despised and feared by the Shi'a, but their hopes for eventual transformation of the world, under the leadership of their Returned Imam-Messiah gave them hope, and strengthened their determination not to surrender to physical and spiritual persecution.

The 'Abbasid persecutions provoked deepening discontent among the Shi'a and stimulated efforts by their theologians for a more definitive body of doctrine with which to challenge the Sunni position. The Sunnis responded by clarifying their own views on the caliphate-imamate, and consequently, during the tenth and eleventh centuries, an imposing development of two opposing political theories occurred. The setting was Baghdad, where the greatest scholars, philologists and jurists of the age were encouraged by the caliphs to develop and debate religious and juristic theories.

The growing differences between Sunnism and Shi'ism gradually resolved themselves into two basic premises: (1) The Sunnis believed that Divine Revelation ceased with Muhammad, and that the Qur'an and the Sunna of the Prophet constituted the complete fulfillment of God's message to man. They also held that the successors of the Prophet, ordinary mortals, were to be chosen by the entire Islamic community, or an elite representation thereof. The only accepted hereditary qualification was stated by Muhammad: "The imams are of the Quraysh."<sup>8</sup> (2) The Shi'a, on the other hand, regarded their imams as the completion of God's revelation to man. They rejected the concept of popular consent by *ijma'*—so basic to Sunni theory—and instead advocated

<sup>5</sup> *Ibidem*, p. 54.

<sup>6</sup> Ameer Ali, as quoted in: J. N. Hollister, *The Shi'a of India* (London: Luzac and Co., 1933), p. 97.

<sup>7</sup> D. M. Donaldson, *The Shi'ite Religion* (London: Luzac and Co., 1933), pp. 235 f.

<sup>8</sup> Abd al-Qahir al-Baghdadi, *al-Furuq bayn al-Firag (Modern Schisms and Sects)*; Vol. I, trans. by Kate C. Soley (New York: Columbia University Press, 1920), p. 32 (Vol. II, trans. by A. S. Halkin, was published in Tel-Aviv, 1935).

the sole rights of the *ahl al-bayt* to the caliphal succession. Ibn Hazm once stated that "he who agrees with the Shi'ites that 'Alī is the most excellent of men after the Prophet, and that he and his descendants are worthier of the imamate than anyone, is a Shi'ite, though he differ from them in all other matters regarding which Muslims are divided in their opinions. He however who differs from them regarding the above-mentioned points is no Shi'ite."<sup>9</sup> To a Shi'a, so important a matter as the leadership of the *umma* could not be left to chance, and he firmly believed that Muhammad had specifically designated the 'Alids to continue the prophetic line. The basic Sunni principle of *ijma'*—"my Community will never agree on an error"—was utterly rejected. On such vital matters, divine intervention was required.

The clear line that separates the mutually exclusive and hostile beliefs of the two major Islamic sects may be summarized in the following Shi'i articles of faith: "I believe in God the One... I believe in the revelation of the Qur'an which is *uncreated* from all eternity... I believe that the imam *especially chosen by God* as the bearer of the divine being is the leader to salvation."<sup>10</sup> In addition, the believer considers "Alī the Caliph next in order after Muhammad, and [believes] in 'Alī's descendants from Hasan to al-Mahdi... and [considers] all of them in character, position, and dignity, as raised above all other Muslims."<sup>11</sup>

#### HOW THE IMAM-CALIPH IS CHOSEN OR KNOWN

The key issue in the selection of the imam-caliph is the acceptance or rejection of the principle of *ijma'* in choosing the leader. Consequently, "if we wish to state concisely the difference between Sunni [and] Shi'a Islam we should say that the former is a Church founded on the consent of the community; the latter is an authoritarian Church."<sup>12</sup>

#### THE SHI'A POSITION. NAGS. SIMPLENESS OF THE IMAMS

There are certain historical evidences, according to Shi'i sources, when the Prophet seemed to specifically place 'Alī in authority above all others, and these are cited to strengthen Shi'i contentions.

Firstly, Muhammad never placed anyone in command over 'Alī, 18 When the Prophet received the Sura of Immunity, the angel instructed

<sup>9</sup> Hollister, *Shi'a*, p. 4, quoting from Ibn Hazm's *Kitaab al-Fiqh fi 'Al-Millat wa 'Al-Ahwal* wa 'Al-Nihal.

<sup>10</sup> R. Strothmann in the article "Shi'a" in the *Shorter Encyclopaedia of Islam*, p. 534.

<sup>11</sup> C. E. Sell, *Studies in Islam* (Madras: Diocesan Press, 1928), p. 71.

<sup>12</sup> I. Goldziher, *Vorlesungen über den Islam* (Heidelberg: Winter's Universitätsbuchhandlung, 1910), p. 215.

<sup>13</sup> D. M. Donaldson, "The Shi'ah Doctrine of the Imamate," *M. W.*, XXI (1931), 14.



him to deliver the message to one of his own family.<sup>14</sup> Allāh told Muhammad to say: "I ask of you no requital... save loving kindness among kinfolk."<sup>15</sup> After his first revelation, when Muhammad called upon his relatives to follow Islam, he said: "The one from among you who precedes the others in thoroughly believing in God and puts into action God's will will be my successor."<sup>16</sup> 'Alī headed this call, while al others ignored it. The Prophet called him "... the best of your judges (*aqdā*),"<sup>17</sup> and he was "mighty in surmise and sagacity and desire for learning."<sup>18</sup> 'Alī was the constant companion of his father-in-law. He was considered the authority on law and ritual and scholars often sought his advice.

Shi'ite belief in the claims of 'Alī rest principally upon their account of an incident at Ghadir Khum in Arabia which occurred in the month of *Dhā ḥiġġja* in the year 10 A.H. They assert that the Prophet then assembled twelve thousand believers and addressed them on the subject of his regard for a relationship with 'Alī. From a raised pulpit, Muhammad declared: "Let whoever owns me as his master (*mawla*) own this 'Alī as his master."<sup>19</sup> In a slightly different version, he raised 'Alī to the pulpit and said: "God is my Master and I am the master of all believers. Therefore whoever I am the master of, 'Alī is his master." Muhammad repeated this three or four times and continued: "Oh God, the one who is 'Alī's enemy, by his enemy." And then, "I leave two things with you, the Qur'ān and my descendants."<sup>20</sup> He then proclaimed: "They [the imāms] are the *awsiyā* who will be executors after me... By them will my community be guided... and by them will calamity be averted."<sup>21</sup> Finally he said to 'Alī: "Thou art the successor (*khalīfa*) after me."<sup>22</sup>

According to al-Hillī, the Prophet then made a fateful prophecy which set the future course and character of imānite Shi'ism: "You, my son, will suffer many persecutions in the cause of religion; many will be the obstructions to your preaching... Usurpers of the authority delegated to you will arise... Never, my son, suffer your sword to be unsheathed in the justice of your cause... whatever may be the provocation you receive, or insults offered to your person... suffer patiently... Against the enemies of God, I have already given you

<sup>14</sup> A. A. A. Ryce, *A Shi'ite Creed* (London: Oxford University Press, 1942), p. 113.

<sup>15</sup> Ryce, *Creed*, p. 113.

<sup>16</sup> Mahmood Shehahi, "Shi'a," in: K. W. Morgan, ed., *Islam, The Straight Path* (New York: Ronald Press, 1958), p. 184.

<sup>17</sup> al-Hillī, *al-Bāḥū ḥi-ġāda Ḥāḥā*; trans. by W. M. Miller (London: Royal Asiatic Society, 1928), pp. 70-73.

<sup>18</sup> *Ibidem*, p. 70.

<sup>19</sup> *Ibidem*, p. 75; Donaldson, *Religion*, p. 1.

<sup>20</sup> Morgan, *Islam*, pp. 189 f.

<sup>21</sup> Ryce, *Creed*, p. 124.

<sup>22</sup> al-Hillī, *al-Bāḥū*, p. 70.

directions; you may fight for Him... but never against Him or His faithful servants."<sup>23</sup>

al-Majlisi, a later Shi'ī theologian, wrote that Muhammad proclaimed to those at Ghadir Khum: "O ye people! I am the prophet and 'Alī is my heir and from us will descend the Mahdi, the seal of the imāms, who will conquer all religions and take vengeance on the wicked... He will be the champion of the Faith... He will reward merit and re-quite every fool according to his folly. He will be approved and chosen of God and the heir of all knowledge..."<sup>24</sup> Right after Ghadir Khum, the Prophet received a Sura which stated: "This day have I perfected your religion for you, and have filled up the measure of my favors upon you; and it is my pleasure that Islam be your religion."<sup>25</sup> If these accounts which vindicate all Shi'ī claims are accurate, why then did not 'Alī come forward after Muhammad's death to demand his rights? Some Shi'a explain this failure by claiming that 'Alī was too gentle to cope with the prevailing deceit and treachery.<sup>26</sup>

This doctrine of the divinely inspired appointment of 'Alī and his descendants is based on *naṣṣ* (نص). The Shi'a utilize reason and logic as well as tradition in defense of their case. The first premise is one with which Sunnis are in agreement: that all men are naturally weak, jealous and competitive. Therefore God institutes political order to restrain men, protect them from individual and collective injustice, and prevent chaos. Men naturally encourages or ignores corruption, and God wishes to extirpate it, so as to free men to aspire to the good life and the ultimate reward of eternal happiness (*sa'āda*) in Paradise. The function of the state is to provide order, peace and justice for the perfection of human life and the preparation of the soul (*nafs*) for Heaven. Here Sunnis and Shi'is part company.

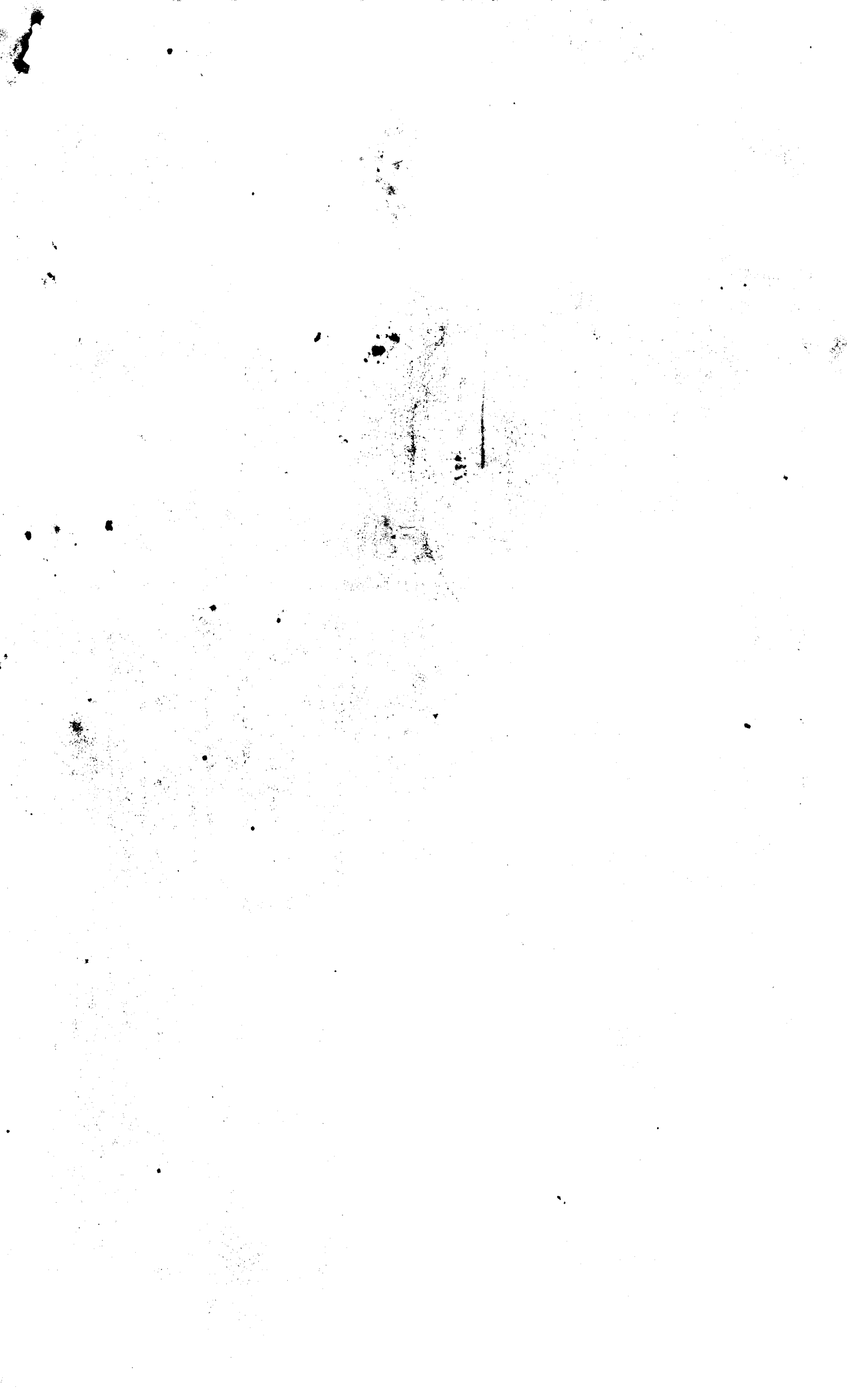
The Shi'a contend that only a pure and selfless imam can remove corruption and injustice from human society. It is impossible that God would not want an imam, for that would imply that He does not care if the corruption continues. Only God with His superior knowledge knows who this sinless and perfect man is, for men, who judge by expediency or external acts, are prone to conflicting opinions and selfishness. God can see into men's souls and discover the "hidden virtue." He must make the correct choice, because logically He is incapable of making mistakes or allowing them to happen. The Muslim state must be based on Law (*Sharī'a*), but the only way to make all men agree on a single leader is to employ force, which, to the Shi'a, is unacceptable. There is a chance that the people would make the right

<sup>23</sup> Hollister, *Shi'a*, pp. 19 f.

<sup>24</sup> al-Majlisi, *Layḥin ḥi-Qulūb* (trans. by J. L. Merrick), quoted in Donaldson, *Religion*, p. 229.

<sup>25</sup> Donaldson, *Religion*, p. 344; Hollister, *Shi'a*, p. 19; the Qur'ān quotation S. 5: 35.

<sup>26</sup> Ameri Ali, *The Spirit of Islam* (London: Christophers, 1922), p. 281.



choice by accident, but it is folly to take such a chance. In His unlimited compassion and love for mankind, God could not possibly neglect such an important question, when He even gave instructions as to how to trim the moustache.<sup>27</sup>

It is God's practice, according to both Sunnis and Shi'is, to make sure that prophets do not die without leaving successors. It was always Muhammad's custom to appoint deputies in his absences.<sup>28</sup>

Finally, without an imam, the Faith would disappear. It would be as if God were in effect withdrawing Muhammad's influence from the world. Thus denial of the imam is the denial of Muhammad and the Qur'ān, and this is unbelief (*kufī*).

al-Hilli, the Shi'a theologian of the thirteenth century, relates a saying of Muhammad that "God chose Friday from among the days, Ramadān from among the months, . . . the prophets from among mankind, the messengers from among the prophets, me from among the messengers, 'Alī from me, al-Hasan and al-Husayn from 'Alī" and so on.<sup>29</sup> Thus the appointments and succession was established for 'Alī and his descendants through Muhammad al-Muntazar, the Mahdī, the twelfth of the line.

The Shi'a take the Qur'anic designation to obey "those among you invested with authority" (O ye faithful, obey Allāh and the apostle and those among you invested with authority. S. A. 59:6) and add to it the contention that it would be impossible for God to command obedience to one who is not sinless (*ma'sūm*). Traditions prove that 'Alī was *ma'sūm*, and *al-af'ād* (the best) of his time.

"All the sects of the Shi'ites, except the Isma'īlīs, are united in this . . . that they recognize no limitations to the sinlessness of the Imams."<sup>30</sup> This belief is incumbent, because a sinner is an evildoer who does not deserve to be admired, obeyed or believed. One who has sinned cannot administer punishment to another sinner. Thus, al-Majlisi states: "They are to be considered free from all sins, great or small . . . all agree that belief in the sinlessness of the prophets [and consequently of the imams] is one of the necessary beliefs of the Shi'ah faith."<sup>31</sup>

The fourth imam, Zayn al-'Abidin, related sinlessness to the relationship between the imam and the Qur'ān: "Sinlessness is that quality which enables a man to seize firmly the strong 'life-line' from God, i.e., the Qur'ān . . . The imam will direct men to the Qur'ān and the Qur'ān will direct them to the imam."<sup>32</sup>

Yet sinlessness is not imposed by God on the imam externally ac-

<sup>27</sup> Donaldson, *Religion*, pp. 323, 315.

<sup>28</sup> *Ibidem*, p. 316.

<sup>29</sup> al-Hilli, *al-Bābu*, p. 70.

<sup>30</sup> Donaldson, *Religion*, pp. 322 ff.

<sup>31</sup> Quoted in Donaldson, *Religion*, p. 320.

<sup>32</sup> *Ibidem*, p. 323.

ording to Shi'a theology. The imam is *ma'sūm* through his perfect love for God. He has the power of choice, and thus the capacity (*qudra*) to sin.<sup>33</sup> The important fact is that he avoids it because of his moral strength and devotion to God and God's nearness to him.

According to Ja'far al-Sādiq, "The most High does not abandon us, for if he would abandon us to ourselves, then we, like other men, would be in sin and error."<sup>34</sup> This closeness to God grows with the imam, and thus he may be weaker, relatively speaking, in the earlier period of his life. His actions then are not really wrongdoing, but only relative to his striving for perfection.

#### IMAM AND THE SUNNI REPUTATION OF SHI'Ī CLAIMS

al-Shahrastāni, a Sunni jurist, blamed the essential difficulty between Sunnis and the Shi'a regarding the appointment of the imam on the imamites' evil view of the Companions, and the forging of traditions attributed to Muhammad, such as the Chadīr Khum sayings. Muslims are bound, according to al-Shahrastāni, to respect the good faith of the Companions. "If you say he did appoint a successor but they [the Companions] did not follow his instructions you disparage the Companions."<sup>35</sup> If obedience to one man were to be incumbent, it would have to rest on Muhammad's word on the subject, of which there is no record: "but there is no text except in the case of those who claim a text. And as for those who do not claim a text, how can they be designated by a text?"<sup>36</sup> The Shi'a can present no undisputed, authoritative record on the imam's appointment, and thus the use of *imā* is justified and vindicated.

"It cannot be said that the prophet was ignorant of the subsequent fate of the imamate seeing that he told his companions of wars and troubles and the anti-Christ. Probably God told him of those who would follow him but he did not confer the information to others because he had no command to do so. Had he been so commanded there would certainly have been a plain statement on the subject of the succession."<sup>37</sup>

Against the Chadīr Khum legend the Sunnis set the tradition recorded by Muslim in his *Sahīh*, in favor of Abū Bakr, 'Umar and 'Uthmān. The Shi'ī contention that only God can know who is the true imam, because " . . . outward graces may [hide] secret atheism . . . the frustration . . . a corrupt interpretation of the Qur'ān . . ." is repudiated

<sup>33</sup> al-Hilli, *al-Bābu*, p. 58.

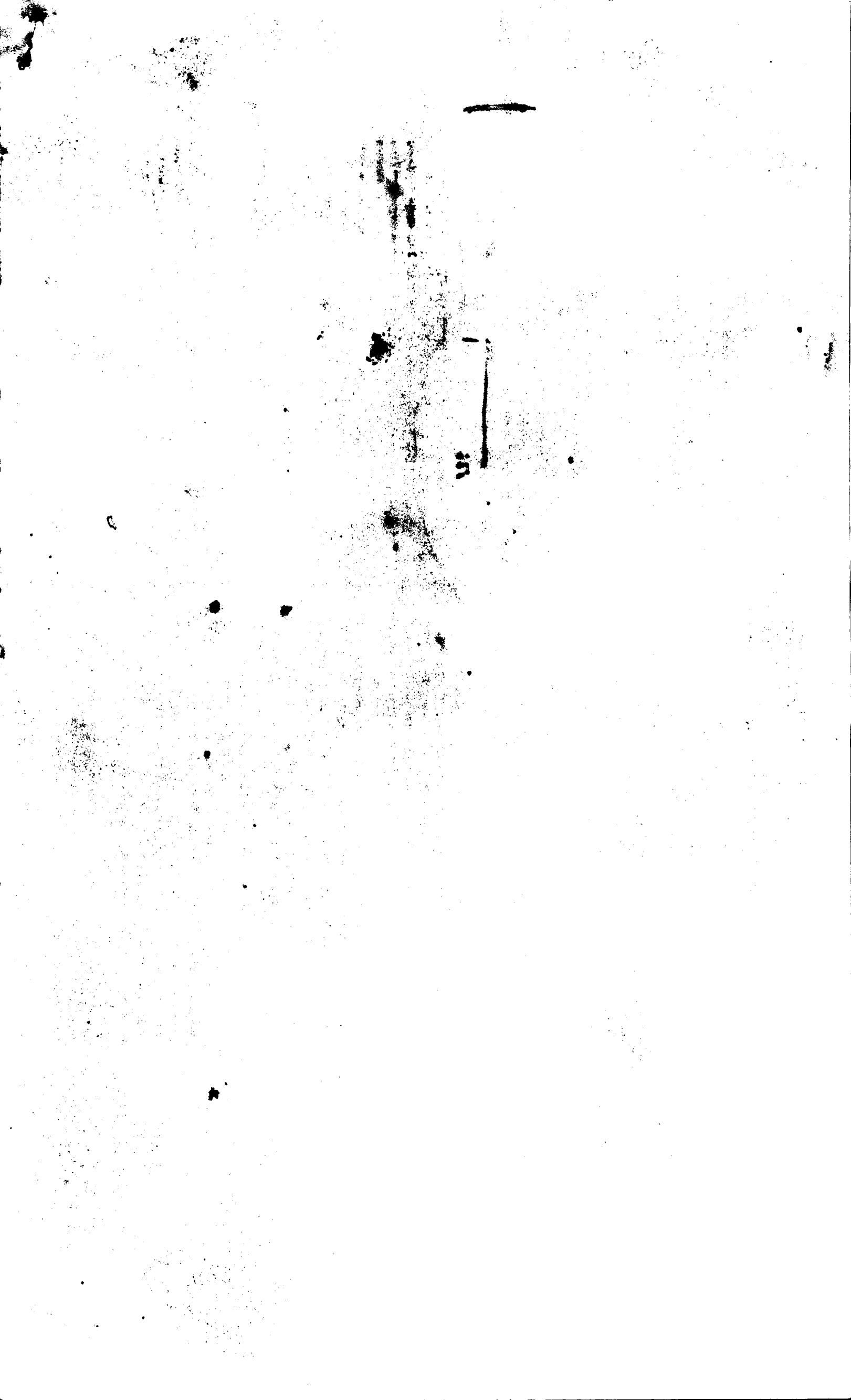
<sup>34</sup> Donaldson, *Religion*, p. 327.

<sup>35</sup> al-Shahrastāni, *Kitāb Nihāyat al-Iqdām*; trans. by A. Guillaume as *The Sunna Philosophiae of al-Shahrastāni* (London: Oxford University Press, 1934), p. 154.

<sup>36</sup> *Ibidem*, p. 154.

<sup>37</sup> *Ibidem*, p. 156.

<sup>38</sup> *Ibidem*, pp. 156 f.





by al-Shahrastāni on the grounds that a man's deeds and outward qualities do and must reflect his true character.

The many instances of conflicts between Abū Bakr and ʿUmar occurred precisely because they were not impeccable, and thus could fall into error or mortal sin, or make mistakes in private judgment. As a matter of fact, any Sunni believer had the right to oppose the caliph in certain matters that did not concern the latter's selection by *ijmāʿ*. To disagree with the imam in any matter, however trivial, was unthinkable, indeed blasphemous, to a Shiʿa.

Abū Bakr admitted his shortcomings to all in the mosque right after his election: "... O ye people, verily I have received authority over you, though I be not the best among you, yet if I do well assist me, and if I incline to evil direct me aright... Obey me as long as I obey the Lord and his Apostle, and when I turn aside from the Lord and his Apostle, then obedience to me shall not be obligatory upon you."<sup>39</sup>

The Sunnis agreed with the Shiʿa that God commands all men to obey their rulers and follow the truthful. The problem arises with the question of whether this ruler is designated through *ijmāʿ*, or by Muhammad as God's agent. The Sunnis reject the latter contention through the *ḥadīth*. Also, Abū Bakr produced a *ḥadīth* saying that the *ḥadīth* of the Quraysh, thus disqualifying the *ijmāʿ* from the caliphate. If the Prophet had named a quality the succession even further, in favor of the Hashimites, he could have done so easily, but there is no evidence that he did.

The Sunni caliph is enthroned, theoretically, by the community through the exercise of *ijmāʿ* (private judgment). There was some disagreement among Sunni jurists as to the number of electors required to verify the choice. al-Ashʿarī was willing to accept one single qualified elector.<sup>40</sup> If there was confusion, and more than one contract was made, the prior one would be valid. If the *mujaʿhid* was found to be an evil-doer, or his caliph-designate unfit, the contract was voided, as would be the case in similar circumstances with a contract of marriage (*nikaḥ*).

According to al-Baghdādī, Abū Bakr's appointment by the Companions and the *Aḥḥadīth* verifies his claim against Shiʿa counter-claims. All those Muslims who recognized and accepted Abū Bakr's accession in effect agreed then and there that the leadership does not pass by inheritance alone. If the incumbent were to bequeath his office to one fitted for it, as happened in the case of ʿUmar, then the *umma* is obliged to execute this testament. The practice of appointing a *Shard*, as ʿUmar did, would also be lawful.

al-Māwardī modified the views of his predecessors, al-Ashʿarī and al-Baghdādī, considerably, due to the great change in political conditions in his time. According to him, the selectors must be just, so that their choice is for the good of all, knowledgeable as to the qualifications of the candidates, wise, and of sound judgment. There are two ways of choosing (*ikhtiyār*) the caliph that al-Māwardī mentions<sup>41</sup>—by a council of influential citizens, with ʿUmar's action in appointing a *Shard* as the precedent, or the nomination of a successor by the incumbent, as Abū Bakr appointed ʿUmar. When the choice made and the candidate accepts, all are bound to obey him. If the imamate should be given to two men, the prior appointment is valid. If the designations are simultaneous, both are nil. Qurayshī descent is of course obligatory.

Under the ʿAbbasid system, the solicitation of office was prohibited, but al-Māwardī was a realist, and eliminated this ban for caliphal candidates. The point at which al-Māwardī departs from the tradition of Abū Bakr and al-Ashʿarī occurs when he states that a duly elected caliph (i.e., elected by a council or chosen by the previous imam) may not be displaced by a worthier man. The Shiʿa imam, on the other hand, must be *al-ʿafḍal*, the best of his age. al-Māwardī implies that an evildoer who succeeds in obtaining the caliphate may not be overthrown on any pretext whatsoever. The contract, once given, is irrevocable, no matter what the circumstances, as long as the caliph is physically fit and not captured by infidels without hope of ransom. Historical and political expediency superseded moral and religious ideals.

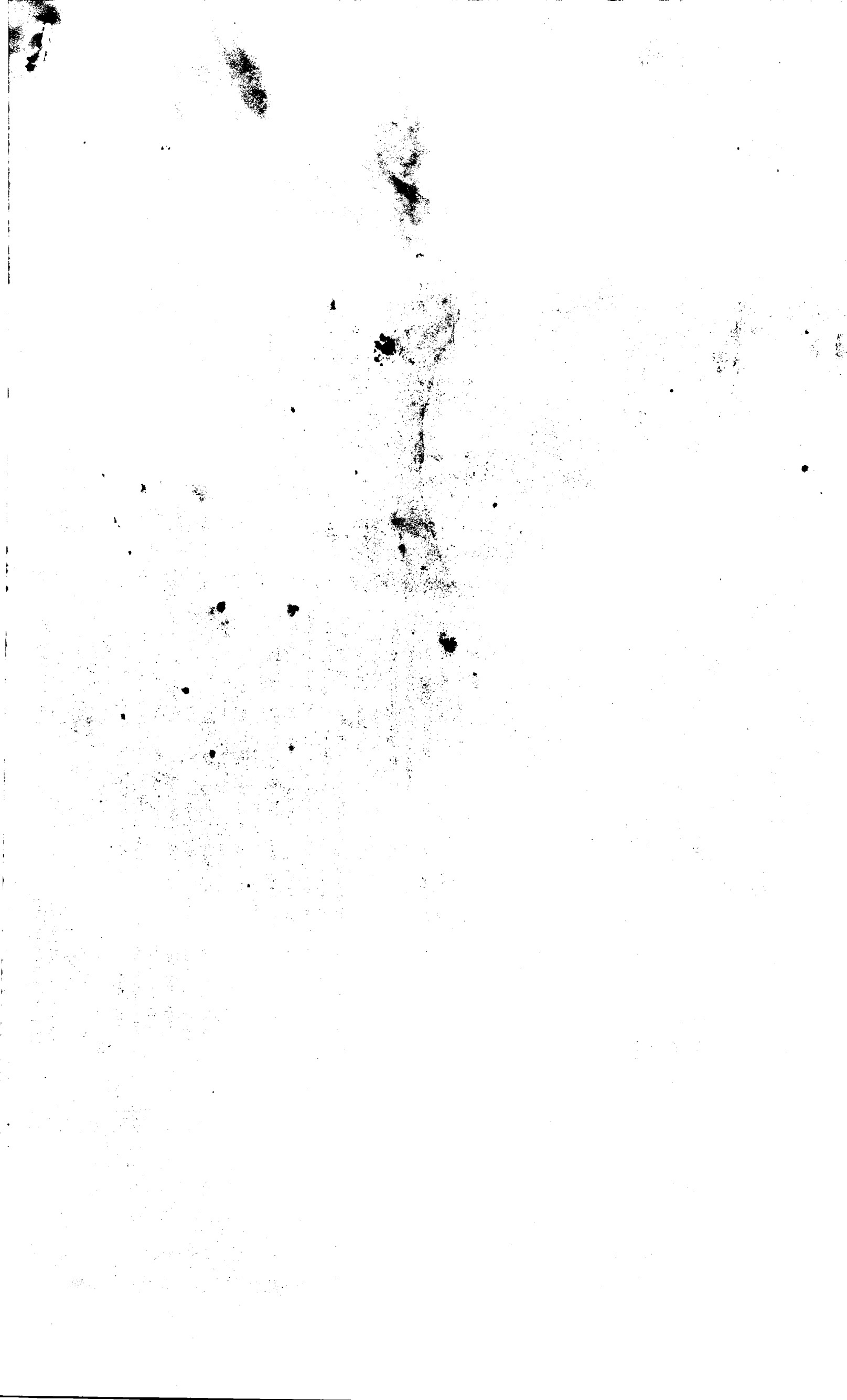
#### ABŪ BAKR'S CLAIMS UPHOLD. ʿALID POSITION REJECTED.

According to al-Ashʿarī, there are two bases which validate Abū Bakr's caliphate, the Qurʾān and the consensus of the *umma*. Therefore those (i.e., the Shiʿa) who believe that Muhammad "explicitly designated the imamate of another is false... and this necessitates the falsity of the assertion of him who maintains that the Prophet appointed ʿAlī to be Imam after him."<sup>42</sup> There were, for al-Ashʿarī, three divisions in Islam, with three conflicting beliefs: (1) the orthodox, who supported Abū Bakr, the "veracious," (2) the Rafīfites, or partisans of ʿAlī, and (3) the Rawandiyya, the followers of al-ʿAbbās, the Prophet's uncle.<sup>43</sup> The proof of the validity of Abū Bakr's claim lies in the fact that the ʿAlids and the Rawandiyya both eventually pledged allegiance to Abū Bakr, thereby invalidating their own claims. This agreement proves the truth of the concept of *ijmāʿ*: "My com-

<sup>39</sup> al-Māwardī, *al-Aḥkām al-Sulṭaniyya* (ed. by Muhammad ʿAbd al-Qādir, n.p./1890), p. 5. Cf. also below pp. 000 f.

<sup>40</sup> al-Ashʿarī, *Kitāb al-Lumʿa*; trans. by McCarthy (Beirut: Imprimerie Catholique, 1953), p. 116.  
<sup>41</sup> *Ibidem*, p. 116.

<sup>42</sup> al-Suyūṭī, *Taʾrīkh al-Khulafāʾ*, quoted in Hollister, *Shiʿa*, p. 7.  
<sup>43</sup> See M. Khadduri and K. Liebesny, *Law in the Middle East*, I (Washington: Middle East Institute, 1955), 7-11.



munity cannot agree on an error."<sup>44</sup> To try to judge on the basis of interior sentiments is an impossibility, for a consensus could never be obtained. The facts are only known through expressed opinions and actual deeds.

The validity of Abū Bakr's imamate proves that of 'Umar because the former designated the latter. The imamate of 'Alī was proven by the Companions' *ijmā'*, for they had "the right to invest and to deprive"<sup>45</sup> and they unanimously agreed on him.

God had said to Muhammad: "You shall never again go out with me."<sup>46</sup> The great military victories of Abū Bakr proved that God meant him to be the one who would call upon the Muslims after the Apostle to do battle.<sup>47</sup> It is an undisputable fact that Abū Bakr gave the orders to the Muslims to go out and fight Yamāma, the Byzantines, and the Persians; and 'Umar completed these great victories for Islam.

The Companions all agreed that Abū Bakr was the best of the Muslims in all of the good qualities necessary for leadership: "knowledge, frugality (*sabr*), and power of judgment and diplomacy...."<sup>48</sup> Abū Bakr's imamate legalizes those of the other three *Rashidān*. They were all chosen by some form of *ijmā'*, excepting 'Umar, by the Companions, who were "trustworthy [and]... not to be suspected of error in religion."<sup>49</sup> It is the duty of the Muslims to oppose all "who would detract from the honor of any of them,"<sup>50</sup> so in addition, there is a tradition, recorded by Ibn Nu'aimā, concerning the caliphate, in which Muhammad said: "The caliphate shall be among my people thirty years, then a kingdom after that."<sup>51</sup>

The Shī'a disparage Abū Bakr's claims on the grounds that his dependence on the *bay'at* of the *umma* was a sin and impugning of the imamate if he were, in fact, the imam designated by Muhammad. If he had been the recipient of *ijmā'*, he would have said so, and he did not. If he did possess *ijmā'*, why did he at first refuse the succession when it was offered to him by 'Umar? Finally, at his death, he expressed doubt as to his worthiness to have occupied the office.<sup>52</sup>

#### THE QUESTION OF SUCCESSION AND DEPOSITION

The problem of the orderly succession of imams was a question that the Sunnis could never reconcile with historical reality. The Shī'a solution to the difficulty was easier because of their early and unflag-

ging devotion to the hereditary principle of the succession of the 'Alid line. In addition, their belief was never subjected to the oftentimes brutal exigencies of politics and expediency. As the perpetual opposition, they could afford the luxury of faithful and consistent devotion to principle.

As we have seen, various ways were followed in the choice-designation of the first caliphs. Abū Bakr was chosen from among and approved by the Companions. This precedent was not followed by Abū Bakr himself, when he chose to appoint his successor and designated 'Umar. 'Umar took a still different course when he appointed 'Shā'ib composed of six of the Companions, to choose from among their own number. The manner of 'Alī's succession created the most important and dangerous precedent. Although he was legally selected by the Companions by *ijmā'*, the events surrounding his accession to the caliphate were different. His predecessor, 'Uthmān, was assassinated by political foes. This method of removing the caliph by force unfortunately became a precedent which was to plague the Islamic community from that time on. 'Alī was also a victim of assassination, and the judgment of the sword thus, in effect, replaced *ijmā'*, the judgment of the *umma*.

Mu'āwiyā, the first Umayyad caliph, being a practical and shrewd man, and faced with three separate precedents from the *Rashidān*, the strongest of which was violence and political assassination, decided that hereditary succession was the only realistic way to provide an orderly transition of power. Ironically, 'Alī's belief in hereditary succession was vindicated by its worst enemy, Mu'āwiyā, although for very different reasons. While the 'Alids embraced the hereditary principle for religious motives, the Umayyads, and later the 'Abbasids, accepted it to preserve order and conserve the fortunes of their respective dynasties. Each Umayyad and 'Abbasid caliph tried to ensure the succession of a favorite son or other close relative. Sometimes it worked, but more often it did not, because jealousies and rivalries usually intervened.

By the time of al-Māwardī, caliphal prerogatives had been reduced to almost nothing. The formalities and the ritual of power still belonged to the caliph, but the substance of that power was in the hands of the Turkish mercenary guards at the garrison palace in Samarra, and the Shī'a Buwayhid family of emirs. These emirs and mercenaries murdered, deposed and designated new caliphs at will. The question of leadership and succession in Sunni theory thus had to be reconsidered and reformulated to fit the exigencies of history and political life. The realism, indeed cynicism, of Sunni legal and political thought reached its peak in al-Māwardī's discussion of the problem of succession. He hoped that his efforts to salvage at least some orthodox principles from the wreckage of Samarra would eventually instigate

<sup>44</sup> *Ibidem*, p. 113.

<sup>45</sup> al-Ash'ari, *Kitāb al-Idāra*; trans. by W. Klein (New Haven: American Oriental Society, 1940), p. 135.

<sup>46</sup> S. 9: 83/84.

<sup>47</sup> al-Ash'ari, *al-Lumna* (McCarty), p. 115; *al-Idāra* (Klein), p. 133.

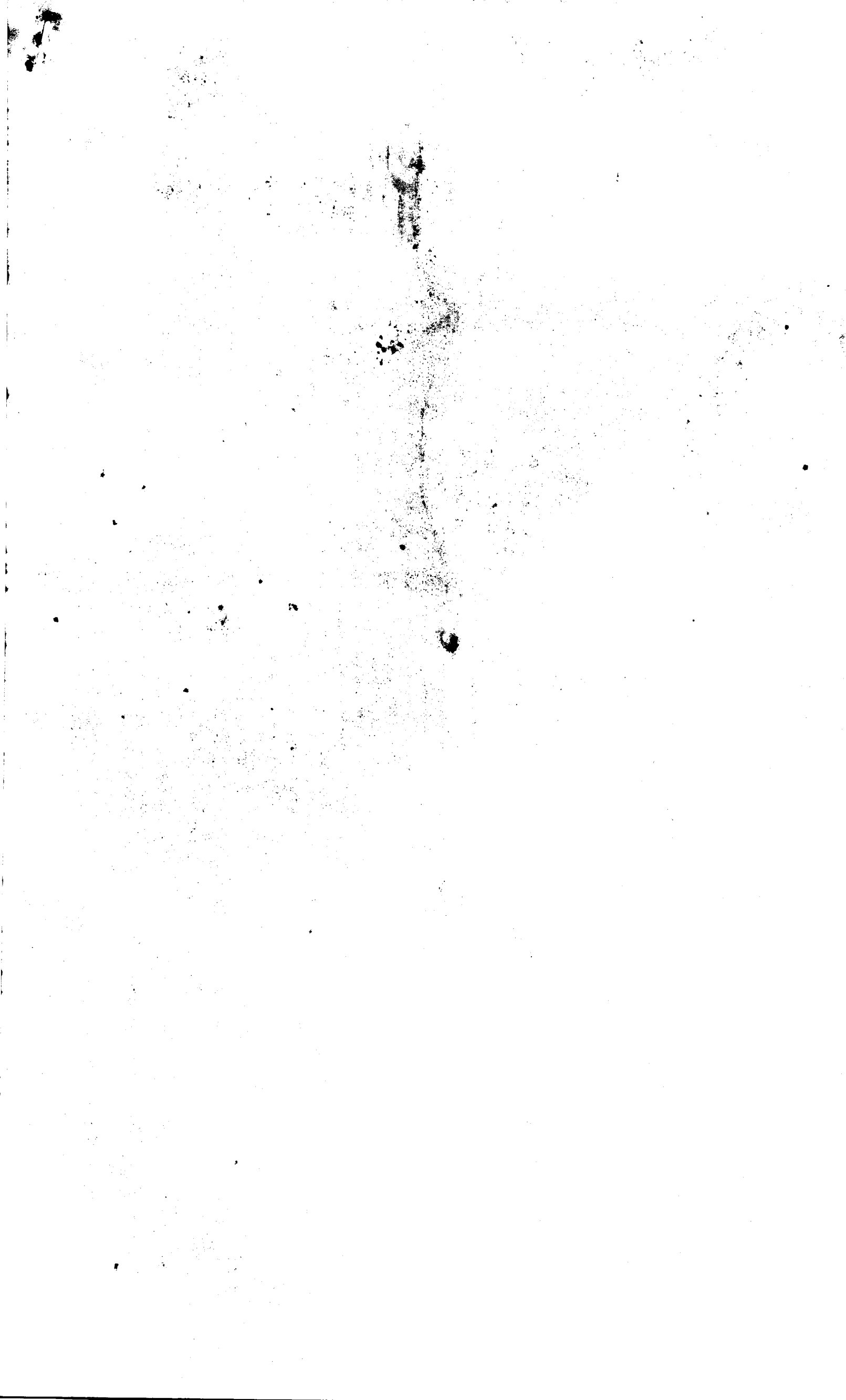
<sup>48</sup> al-Ash'ari, *al-Idāra* (Klein), p. 133.

<sup>49</sup> *Ibidem*, p. 136.

<sup>50</sup> *Ibidem*.

<sup>51</sup> *Ibidem*.

<sup>52</sup> al-Hilli, *al-Bāw*, p. 77.



the community and the caliph to cast off alien control and reassert ancient authority and prerogatives. Any principle that would not serve to enhance the caliphal office was rejected by him, while any stand that might reassert its dignity and power was embraced and carried to extremes.

According to al-Māwardī, if the imam had heirs, he could bequeath the succession, but would have to consult the electors of the *umma* first. This fiction of consulting electors was an obvious myth which paid only lip-service to old principles. If the caliph were without heirs, he could choose a *qualified* successor, <sup>53</sup> a choice that the community must accept. Once the imam had been duly elected, <sup>54</sup> he could not be displaced for any reason, even if a worthier man were to challenge him. He could not resign. He might nominate two or more persons as successors, and designate the order of succession, but an incumbent could disregard any wishes of his predecessor concerning the order of succession. If the imam fulfilled all of his duties in the religious, political, military and judicial fields, the people were absolutely bound to obey him. He could be removed from office only for very specific reasons, such as infirmities of body or mind that would affect the capacity to execute the duties of his office, pleasure-seeking and the pursuit of immorality, or the curtailment of his liberty resulting in a loss of freedom of action. This latter condition was a direct reference to the state of the caliphate at that time, when the Buyyids were the real rulers. In fact, all of the three above conditions were an expression of ideals which had no basis in reality. Pleasure-seeking was a feature of most caliphates, both Umayyad and 'Abbasid.

al-Māwardī tried to solve the problem of the real exercise of power by emirs or princes in place of the caliph by asserting that conformity to the principles of faith and justice by the former lends them legal authority. This justification shows clearly that al-Māwardī's concern for the safety of all overrode his devotion to principle. He did make a condition, however. If the emirs violated the codes of justice and religion, it would be the imam-caliph's duty to call for aid to end the domination of the usurpers. This was meant to be a veiled threat by al-Nasafi unqualifiedly declared that the imam "... is not to be deposed

#### THE PROBLEM OF REBELLION AGAINST AN EVIL IMAM

al-Ash'ari stated that rebellion against any imam is wrong, <sup>55</sup> on the basis of the Qur'anic injunction to obey those set in authority. al-Nasafi unqualifiedly declared that the imam "... is not to be deposed

<sup>53</sup> Actual qualifications were irrelevant in the politics of succession, with a few exceptions, as e.g., Hārith's designation of al-Ma'mūn.

<sup>54</sup> Cf. H. A. R. Gibb, "al-Māwardī's Theory of the Caliphate," *Islamic Culture*, II (1937), 291-302, esp. 295. This article is also included in H. A. R. Gibb's *Studies on the Civilization of Islam* (Boston: Beacon Press, 1962), pp. 151-165.

<sup>55</sup> Gibb, *Isl. Culture*, II, 300.

from the leadership on account of immorality or tyranny." <sup>56</sup> al-Māwardī tried to take an intermediate position between the negative Sunni doctrine of absolute submission, and the positive Kharjite position on the duty of insurrection. He was vague and ambiguous, however. He did not deny the right of subjects to refuse obedience to an impious imam, yet he would not explain the manner in which that imam could be deposed. He thus made the right of revolution a purely academic question.

The reason, most probably, for this overly cautious position was his awareness of the precedents of history, the fact that almost all successions and depositions were precipitated by force and later rationalized and justified morally by a *fatwa* from the *ulama*?. A caliph could be deposed, and often was, but there did not exist in Islam any legal means for its execution, and al-Māwardī refused to pretend that these means did exist. This dilemma, of obedience to an evil, immoral or impious caliph, non-existent for the Shi'ī community, was characteristic of all Sunni political thought. History had to be rationalized, because theory was molded to justify events, for "without precedents [there was] no theory." <sup>57</sup>

al-Māwardī, realist though he was, attempted to legalize the "Amirate by seizure" <sup>58</sup> (*imārat al-irṣāḥ*) in recognition of a not uncommon practice of over two hundred years standing. Accepting the fact that governors of provinces, instead of waiting to be appointed and recognized by the caliphate, often seized power and imposed their will by force, justified a 'Concordat' in order to give the imam some role in a *fait accompli*. The caliphate would recognize the emir, who al-ready controlled the administration in a certain area, on the condition that the emir, in turn, would appreciate the caliph's dignity and predominant rights in religious affairs. This effort was made by al-Māwardī to "regularize a contemptible situation," <sup>59</sup> and force the emirs to at least acknowledge the existence and dignity of the caliphate, instead of ignoring it completely.

*To be continued*

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<sup>56</sup> MacDonald, *Muslim Theology*, p. 321.

<sup>57</sup> Gibb, *Isl. Culture*, II, 300.

<sup>58</sup> *Ibidem*.

<sup>59</sup> *Ibidem*, p. 301.

