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## AL-MAWARDI'S PARADIGMATIC THEORY OF POLITICS: IMAMAH OR KHALIFAH IN THEORY AND PRACTICE

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### ABSTRACT

Abu al Hasan al Mawardi (364 - 450 AH/974 - 1058 CE) flourished at a time of political turmoil and instability during Abbasid Caliphate in Baghdad. He was one of the greatest of universal figures in the history of Islamic culture and heritage. His unique and invaluable contribution was to develop the paradigmatic theory of politics of Imamah or Khilaphah mainly in terms of safeguarding religion for human justice and showed the rules of administration of government in detail. He was a jurist par-excellence, a great scholar, a political thinker, a philosopher and the statesman in true sense writing some of the most important books on Fiqh, Shariyah rules cum Administrative Law and politics who shed the lasting impact upon his contemporary and later thinkers equally. He was the man who made his age his own. Being the Qadhi-ul-Qujat he had to appoint and reject the other Qadhis in different districts and provinces in the Abbasid state and empire. He systematically formulated the paradigmatic theory of Imamah or Khilafah in juristic pattern in Sunni Islam

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on the precedents of the early Islam and it's polity for the first time in Muslim political thought in his most monumental work entitled "Al Ahkam as Sultaniyyah– The Ordinances of Government " in the mid 5th Hijra century. The Purpose of writing this book was to provide the contemporary khaliph(s) with the utmost attributes of a true Caliph individually for himself and the basic principles, rules and key provisions of justice to run the state - empire successfully, mainly coping with the then challenges coming from the Buwid's Ameers who were the power in fact against the tatal Abbasid Caliphs. Hence, Al Mawardi's prime aim was to integrate the administrative Power of the Vizierate and the Caliphate of the Islamic Empire and civilization to reach the purpose for which the Institution of Caliphate was first established in the Muslim Ummah. The objective of this paper is to examine the theory of Imamah or Khilafa of Al Mawardi and reveal the necessary aspects of it as understood universally in it's true sense for an easy comprehension to the real contexts. The most of the research works and the journals, particularly on his political thought and philosophy written by both the orientalists and the Islamic scholars and thinkers particularly his "Ahkam" have been consulted. And the historical, analytical and qualitative approaches used for the development of this paper. His theory of the Imamah is one of many possible theories of government-as there is no any single theory or political system in Islam– is to say in Sunni Islam– for it's ever space of dynamism in contexts.

## KEYWORDS

Pragmatic Theory of Politics, Imamah or Khilaphah, Al Ahkam as Sultaniyyah– The Ordinances of Government, Buwid's Ameers, Political system in Islam, Sunni Islam

## INTRODUCTION

Two decades and a half after the death of the great philosopher, al- Farabi, al-Mawardi, an outstanding jurist was born in 364/974 in the city of Basra, one of the most famous centers of learning and education in the Islamic world during the middle age. al-Mawardi prepared himself to be a jurist under Abul Qasim Abdul Wahid al-Samari (d. 386 A.H) a learned theologian and a leading Shafi'ite jurist under whom students from far off countries came to receive

instruction and learning knowledge. He proceeded afterwards to Baghdad to prosecute his studies further under Sheikh Abu Hamid al Israine (d. 406). He also read with Abu-Muhammad Abdullah al Bafi (d.398 A.H) an eminent scholar, an eloquent speaker and learned theologian of Baghdad. Well versed in jurisprudence, grammar, literature, poetry al-Mawardi was well trained by his erudite teachers of his time and gradually prepared himself into a great personality, particularly, in the sciences of Hadith, Fiqh, Quranic commentary and Sirah of the holy prophet (sm.) (Mian, 1994). He was equally, proficient in the subject of literature, poetry, ethics, politics and administration. He, then began his active life as a professor of law and jurisprudence at Basrah and Baghdad and when his name and fame began to spread far and wide, he was made the chief justice of the Abbasid state-empire, on the title of Qadi-al-Qudat (Sharif, 1963). His biographers are profuse in their praises calling him the great, the high, the wonderful leader, one of the most prominent and biggest of the Shafi'ite savant and there is no doubt that there was none of his contemporaries who was more cognizant of the principles underline the Islamic state (Sherwani, 1985). He acted for the Caliph al-Qadirbillah (381-422-991-1031) in his negotiations with the Buwaihids and when in 429/1037 Jalal al Dawla Baha(d 435/1044) asked al Qaimbillah, the son and successor of Qadirbillah to give him the title of Shahinshah( the king of the kings). Al-Mawardi expressed his objections in a fatwa. He also carried out various missions for al-Qaimbillah(422-467/1031-1075) including one to the Seljuk Sultan Toghrilbeg in 435-61/1043-1045) (Lambton, 1981).

Al-Mawardi flourished at a time when political instability and turmoil and utter corruption prevailed in seat of the Abbassidee Caliph in Baghdad. The office of the caliphate had been declining for some time and the caliphs had become mere puppets in the hands of soldiers and adventures. The state was beset with dangers from within and without. The Fatimids had come to power in Tunisia in 909, and sixty years latter had concurred Egypt and offered the first serious challenge to the right of the Abbassidee to rule. Other threats were looming on the eastern front and closer to home. Some thirty years before the birth of al-Mawardi, the fortunes of the Buwaihids – a Shi'ite Persian family of army commanders-had begun to rise and he lived to see there down

fall as a result of internal dissension and continuous revolt. For most of his life time they wielded real power in Baghdad, appointing and removing caliphs at will, at times throwing them in jail or going to grotesque extremes in punishing them (Al-Mawardi, 2006). At this situation al-Mawardi's integrity was never in doubt. He enjoyed the respect and trust of caliphs and Buwaihids alike, both of whom restored to him for mediation asked him to hold negotiations with their rivals and took advantage of his diplomatic skills as ambassador (Al-Mawardi, 2006). It reveals that he was not only a distinguished court justice and rather a great ambassador, and a practical administrator. He was also a distinguished authority and wrote mostly on law, politics ethics and administration and above all on political philosophy.

### **AL-MAWARDI'S WORKS**

In the galaxy of the universal figures and thinkers al-Mawardi occupies a unique place. He was a prolific writer and composed at least fifteen books on various subjects including Quranic commentary, the tradition of the final prophet (SM.)<sup>2</sup>, jurisprudence, moral ethics, politics and the theories relating to the formation of state, constitutional problems, role of the Caliph, his duties, functions, his statesmanship particularly his role for, the socio-economic political development, appointment of the ministry and the administration of justice. He was-a great political economist, a great thinker and a philosopher who contributed his unique and original thought and theories in the realm of human knowledge and culture. His well-known works extant and treatises on law and political science are:

1. Kitab al-Hawi Wa-al-Iqna;
2. Adab al-Qawanin-al Wizirah
3. Facilitating Administration and Accelerating Victory. Tashil al-Nadhir Wa al-Ta'jil Al-Zafar
4. The Ordinances of Government Al-Ahkam-al-Sultaniyya

#### ***i)Kitab-al-Hawi wa-al-Iqna***

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<sup>2</sup> Here it is to be noted that when the name of our beloved Prophet Mohammad(sm) appears by a writing form or the uttering by tongue, we, all the while, have to recite *Sallallahu Alaihiwasallam*-as one of the traditions of the Prophet inspires us to do so without fail.

The condensed form of *kitab-al-Hawi* is entitled as *al-Iqna* written on Islamic law as Legal Epitome for the Hanafi'ies on the request of the Caliph al-Qadir (429/1037) which brought in him recognition as the best and in appreciation of his merit the Caliph appointed him as the *Aqda al-Qudad*- the supreme justice. The Shariah Law was one of his most favorite subjects in which he specialized and acquired a high degree of proficiency, particularly in *Furu* or doctrine of applied *Fiqh* of the Shafi'ite school. His penetrative and deep study on the principles and branches of Islamic jurisprudence has built him up -as one of the most learned jurists of his time. He excels all in his contemporaries and is regarded as one of the Imāms and Leaders of the Shafi'ite School. About the book *Al-Hawi al-Isravi* conveys that no such book has ever been written on the subject [Shadharat-udh-Dhabab, 11, p. 285 quoted in the book of Qazi Akhter Ahmad Mian] (Mian, 1994).

### ***ii) Adab al-Qawanin-al Wizirah***

In his *Adab-al-Wizirah* al-Mawardi specifically deals with the definition and classification of Ministers, their duties and functions and particularly also the power, functions duties, and limitations of the prime minister. This treatise contains sound advice to ministers and lays down rules and practical suggestions which the ministers ought to follow while functioning as a head of the state in all affairs. It contains a concise survey of all that is worth knowing in any branch of Islamic culture (Mian, 1994).

### ***iii) Facilitating Administration and Accelerating Victory- The Tashil***

Al-Mawardi as a political theorist, indeed, developed latter on, his- *Facilitating Administration and Accelerating Victory-Tashil al-Nadher wa-Tajil al-Dhafar*. It was not meant or viewed to be a daily administrative manual for government official nor was it an attempt to justify current political emergency or to lend support to the Caliph in his struggle with the Buwahid Amirs. It was actually an attempt to formulate a politico-religious theory that focuses not only on how an Imam comes to power but on how political systems-in general-are instituted, maintained how and why decline, and how they are overthrown and replaced by others (Hamid, 2001) . It manifests him as a one of the greatest political philosopher in the discipline.

Here is to note that Professor Gibb and some other maintain that al-Mawardi set out to do was to describe the ideal state, a sort of Islamic counterpart to Plato's Republic or More's Utopia, but speculatively derived from the basic principles of Islam (Gibb, 1962). But Gibb stated subsequently that Al-Mawardi was not a philosopher and that legal speculation plays but a small part in his work (Gibb, 1962). Hamid Eltigani has clarified the fact that how Gibb missed matters relating to the true assessment of Al-Mawardi Eltigani shows that what al-Mawardi did not expose in his Ordinances-Ahkam, he rather freely evolved the political philosophy in his Tashil in detail which he has illustrated thus:

#### **iv) The Ordinances of Government *Al-Ahkam***

It is told by some scholars that among all the works of al-Mawardi The Ordinances of Government al-Ahkam-as-Sultaniyya is by far the most important upon which his fame chiefly rest. It brings in him the great repute in his authorship in respect to endeavoring here his politics, administrative and constitutional theories. It must have written in the mid 5th hijri century and published in his life time in response both to the demand of the Abbasside Caliph and to the emerging political situation duly to cope with. Particularly, it was composed as an apology for the Abbasside caliph, who was facing many challenges and threats to his authority during the life time of al-Mawardi. Thus, this book also appeared as an attempt to assert the authority of the caliph and to show his legitimate superiority over the rising powers of his rivals as such the Buwahids (amirs who were in actual control over the Abbasid State) (Rosenthal, 1962). His treatise can be regarded as one of the first scientific treatment in political science as well as in state administration (Sharif, 1963). Only a small portion of The Ordinances of Government- Ahkam-as-Sultaniyya is devoted to political theory, the rest of it discusses the details of public administration and role of government. But this small portion is extremely important because the first attempt in Islamic history to evolve a comprehensive theory of the state, and because it has left an enduring influence on the course of Muslim political thought upto our own day (Sharif, 1963). However, The Ordinances-al-Ahkam contains twenty chapters. The

first deal with contract for the Imamate, the second with ministerial appointment, the third with the appointment of provincial governors, the fourth with appointing war commanders, the fifth with appointing commanders of expedition in the public interest, the sixth with the Judicature, the seventh with appointment to the office of complains, the eight with the syndicate of the nobility, the ninth with prayer leaders, the tenth with leading the pilgrimage, the eleventh with the administration of zakah, the twelfth with the distribution of the spoils of war, the thirteenth with the tribute and the land tax, the fourteenth with distinctions among different provinces, the fifteenth with land reclamation and water supply, the sixteenth with enclosures and public amenities, the seventeenth with land grants and concessions, the eighteenth with the rules pertaining to the chancery, the nineteenth with crimes and the twentieth with the principles of the office of public morals and market supervision (Al-Mawardi, 2006).

### THE THEORY OF IMAMAH OR KHILAFAH

The theory of Imamah is one of the permanent contribution of al-Mawardi that he propounded in his *-The Ordinances-Ahkam* becomes the main focus up to the time that the scholars have recognized. On the basis of the key principles of the Quranic verse<sup>3</sup> (4:59), the traditions of the holy Prophet (sm.) and consensus. He formulated the theory of polity and its administration in detail. At the very beginning he puts forward the *raisen d'etre* of the polity that God has laid down laws for men. Moreover, God has entrusted the control of his creatures to various governments so that the administration of the world might be properly carried on. al-Mawardi adds that the Imamate, which literally means President-ship (in respect of presidential government) in modern phraseology, is the foundation on which the rules and regulations of the community depend on. These are solid truths and the more we consider the circumstances of the state and the government even today the more are we convinced of them (Sherwani, 1985). To put al-Mawardi's idea in modern

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<sup>3</sup>. O ye who believe! Obey Allah, the Messenger and those of you who are in authority. (Quran: 4:59). And the Prophet (sm.) says, you will be ruled after me by some who are benign, and some who are depraved. Listen to them and obey them in all that is right. The good they do will be for your benefit and theirs; the bad they do will be for you and against them (Al-Mawardi, 2006).

form: what he means is *firstly*, that the real motive of the state is the rule of justice and truth, and *secondly* it is the machinery of the state which shifts the good from bad, virtue from vice, the sanctioned from the prohibited (Sherwani, 1985). As regards the essence of Imamate he asserts that the real motive of the institution is the following of the ‘straight path’ and the strengthening of political bonds, it is therefore of the utmost important that someone should be chosen Imam by the consensus of the community. Moreover, he says that the Imamate is not only an institution sanctioned by traditions and history but can be proved to be necessary according to pure reason, for wise man entrust their affairs to a leader able to keep them from being molested and to adjudge between them in case of mutual quarrels (Sherwani, 1985, p. 102). Even today, after the lapse of nearly a thousand years the state is a *sinequa non* of human society which exists to retain its true character for which it has been established. Here is to note that he shows a clear distinction between the government based on pure reason and the higher form of government based on revelation. The former, nearly guards against mutual injustice, strife, discord, and anarchy while the later provides for the positive enforcement of law and injustice in mutual confidence and friendship. Above all, the divinely revealed law enables the governor to administer religious affairs and prepare man for the world in the next.

### Theory of Election

His theory of election of the appointment of an Imam is portrayed in *The Ordinances-Ahkam*-instead of regarding purely the artificial factors such as age, property and residence, he rather has stressed on the attributive and qualitative approach that only the qualified one who can distinguish between bad and good between right and wrong, between the deserving and the undeserving. The Electoral College shall consist of persons with the three attributes:

- i)* Probity and justice in every sense of the world.
- ii)* Knowledge leading to recognitions of the person fitted by his qualifications for the post of the supreme leader.

iii) Prudence and wisdom likely to make them choose the best candidate and the most capable and knowledgeable in managing state affairs (Al-Mawardi, 2006, p. 4).

To al-Mawardi, there are seven conditions of eligibility for the candidature of the supreme leadership: a) Justice or probity b) Knowledge c) Sound hearing, vision, and speech d) Physical fitness and freedom. e) Prudence f) Dauntless courage in defense g) Notable Qurayshite descent<sup>4</sup>

According to al-Mawardi the Caliph could be elected by one of the following methods:

- a. by nomination of the electoral colleges or
- b. by the process of nomination done by the existing Caliph

Succession by the nomination of a predecessor is permissible and correct by general consensus on the basis of two precedents adopted by Muslims and never put in dispute. The *first* is the appointment by Abu Bakr of Umar which was accepted by Muslims as sufficient to establish his leadership. The *second* is that Umar nominated for succession the counselors, being the select few, whose candidacy was accepted by the community (Al-Mawardi, 2006, p. 9). The Imam can nominate any suitable person as his successor, provided he does not happen to be his father or son. The concurrence of the *ahl al-hall wa al-aqd* is not necessary, but if he nominates his son, the concurrence must be obtained. Also he can nominate any other relation without requiring the concurrence (Sharif, 1963, p. 722). But in two methods the choices of a candidate for this office, to be valid, has to be confirmed by two steps: *first* by a private *baiyah*, that is enventiture with the elector's oath of loyalty followed by the *second* step *bai'ah 'ammah*—confirmation in public to express national consensus *Ijma*, providing the newly elected Caliph with a contract investiture (*Ahd*) between him and the Muslim

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<sup>4</sup>. Just after the death of the holy Prophet (sm.) the question of appointing a Caliph of the Prophet (sm.) appeared. When Medinan supporters (Ansars) gave their vote of allegiance to Sa'ad ibn Ubadah, (Umar and) Abu Bakr (R.) challenged their eligibility for the highest office of the Day of Saqifah citing the Prophet's (sm.) own words: Imam comes from Quraish, "Follow Quraysh and go not in advance of it." Accepting his statement and granting its authority they (Ansars) gave up all claims whether of an exclusive right to Caliphate or of the right to share it (Al-Mawardi, 2006, p. 4).

community (Rosenthal, 1962, p. 31). On referring to Ibn Qutaybah, Professor Qumaruddin has called this theory of the jurists unsupported by the traditions and the precedents of Islam thus:

The testimony of Ibn Qutaybah is most unequivocal and decisive. It completely abrogates al-Mawardi's theory of nomination. It is quite obvious that Abu Bakr did not deprive the people of their democratic right to elect the head of the state freely. He simply gave his personal opinion as well as rejected it. There was no political bar in their way, no caliphal decree to prevent the exercise of their franchise (Khan, 1959, pp. 64–65).

### **THE FUNCTIONS AND DUTIES OF THE IMAM**

According to al-Mawardi the Imam has the following ten utmost duties to perform (Al-Mawardi, 2006, p. 16).

a) He must guard the faith, upholding its established sources and the consensus of the umma's ancestors. b) He must enforce law between disputing parties and end disagreement among antagonists until justice prevails and there are no more oppressors or oppressed people.c) He must protect the country and the household. d) He must dispense the legal punishments e) He must strengthen border posts by deterrent equipment and fighting force. f) He must fight those who resist the supremacy of Islam. g) He must collect the legal taxes and alms imposed by jurisprudence. h) He has to estimate the payments and allocation i) He must appoint men who are reliable and sincere j) He has personally to oversee matters and study the conditions of the people in order to manage public policy and guard the When the Imam has carried out all the duties efficiently, the people must offer him two things: obedience and help or support. The enumeration of the tenfold functions of the Imam is arbitrary. Number ten has been chosen particularly because it is an auspicious and mystical number. The notable fact here is that while his predecessors and successors lay great emphasis on the first two points meaning the safeguard of religious principles and the dispensation of justice, as the principle duties al-Mawardi being the practical jurist and Qazi al-Quzat lays the main stress on the administrative responsibility of the Caliph. In his opinion the Imamate or Caliphate is not merely a religious institution for the carrying out of justice but

also the greatest social organization to help promoting corporate life of men. In other words, the management of the state machinery is of basic importance to him. He explains why he devotes only one tenth of his book Ahkam-The Ordinances to the exposition of the theory of the Caliphate and uses the rest of his work to elaborate the detailed apparatus of government which hinges on the central authority of the Caliph (Sharif, 1963, pp. 727–728).

Rosenthal then concludes that the above tenfold functions to be rendered by the Caliph show quite the unity of religion and politics, of spiritual or temporary or religious and secular aspects of a life centered in and leading to God. The theory of Caliphate is modeled upon the primitive ‘Ummat al-Islam’ of Muhammad (sm.) in Medinah (Rosenthal, 1962, pp. 36–37).

### **IMPEACHMENT OF THE CALIPH**

Then al-Mawardi has given a detailed consideration to the subject relating to impeachment of the Imām. *First* of all on arguing on the basis of legal deduction from the fundamental instructions of the Shariah he conveys that once a person is elected as Imām, he cannot be removed from that office until there has occurred a definite change in him. In accordance with his opinion the impeachment of an Imām from his post will happen only for the following reasons:

1. If there occurs a change in the moral status, technically known as *adalah* sense of justice which is of two kinds:
  - a. The one connected with his body that is, if he becomes a slave to his inordinate desire and flouts openly the prohibitions of the *shariah* in such an event a person can neither be elected as Imām nor continue as such.
  - b. The other connected with his faith that is if a person holds opinions contrary to the established principles of religion or holds such twisted opinions as amount to an abrogation of the accepted principles, he can neither be initiated as Imām nor continues to hold that office. In this there is a clear denunciation of the stand of the Buwaihids and of the Shi'ite and Fatimids claim to the Caliphate.
2. If there occurs a change in the person of the Imām in three folds:
  - a. Loss of physical senses

- b. Loss of bodily organs
- c. Loss of ability to supervise and direct the affairs of state.

Thus, Al-Mawardi gave a detailed account of the administrative machinery of the government of his time and formulating his political theory took full cognizance of historical facts.

### Designation and Privileges

- i. When a person is duly elected as Imām, the people should entrust all their affairs to him and must give him their unquestioning obedience. The Imām may not consult them in the affairs of the state yet they must obey.
- ii. The Imām – may be addressed as Caliph of Rasulullah or in any proper term.

## THE MINISTRY (*WIZIRATE*)

After dealing with the key institution of Imamah, al-Mawardi turns to the question of the Ministry-*wizirate*. At the outset of it he affirms that the appointment of a minister- *wazir* does not mean that the Imām or Caliph should give up all connections with the administration of the state but the real significance of his appointment consists in the fact that “in the province of politics it is better to have a co-adjutor rather than one sole person at the realm of affairs” (Al-Mawardi, 2006 chapter 2). It may be affirmed from the lesson of the Quran is that when the prophet Moses could make his brother Haron his wazir in order that his (Moses) hands should be strengthened. Therefore al-Mawardi thinks that in the administration of a state it is allowable for the Imam to have a wazir beside him. He, then, theorizes that the wazir is of two kinds, the Wizarate of delegation and the Wizarate of execution.

### A. The Ministry-*Wizirah* of Delegation

The wizarate of delegation is the leading person in whom the Imān has the fullest confidence and to whom the whole administration of the realm is delegated. The sole differences between the wazir and the Imām himself is that the wazir of delegation cannot appoint any one as his successor, and the Imām can dismiss the officers appointed by him. In this regard, we see him to stress on the necessity of having a definite constitution of a state rightly being

affirmed from his own words: If the wazir gives a certain order and the Imām opposes it, then we should consider the essence of the order, if it is found that the order has been issued according to the dictation of the constitution then it should not be within the power of the Imām to rescind it (Al-Mawardi, 2006, p. 2). Now it would be fairly concluded that al-Mawardi was not ignorant of the nature of constitutional government even as we understand it in the modern terms.

### **B. The *Wizirah* of Execution:**

The *wizirah* of execution is termed no other than the secretary to the government employed in modern state. Al-Mawardi illustrates that the key function of the wazir consists in executing the decrees of the main official channel of information for the Imam. Al-Mawardi has determined most required seven attributes for a person aspiring to the post of the wazir of execution such as honesty, confidence, absence of greed, good relationship with the people, intelligence and the power of grasping the truth of things, absence of luxury and finally diplomacy and experience. If the conditions are fulfilled, al-Mawardi opines then that it is not necessary that the holder of the office should be a follower of Islam, and a non-Muslim-The protected-*Dhimmi*, can also be appointed a *wazir* of the execution (Sherwani, 1985, p. 14).

## **THE JUDICIARY**

Al-Mawadri has determined seven conditions as required for a judge:

- a) He should be a male sex (although according to Abu Hanifa a woman can also adjudicate, and Ibn Jarir agrees with him).
- b) He should be clever and intelligent
- c) He should be a free man
- d) He should be a Muslim (although Abu Hanifa is of opinion that even a non-Muslim may be appointed a judge).
- e) He should be honest, pious and above suspicious
- f) He should be well-versed in the principles of law and lastly
- g) He should not have any defect in his power of seeing and hearing in order that there should be no doubt left during the presentation of a case.

His being the chief justice (in the early Abbasid period, he knew the worth of the personality and significant role of a judge in dispensing justice. Therefore, he strongly and logically opined that it should be made absolutely certain whether a person is really possessed of these attributes either by previous knowledge or else by means of examination. He regards this office so sacred that when a man has been appointed a judge once he should neither be dismissed nor should he ordinarily resigned his post (Sherwani, 1985, p. 108). Establishment of justice mostly depends on the functioning of the judiciary of the government. It is the duty of the Imam or Caliph to ensure justice by his own strive and by the institution of the judiciary.

## EPILOGUE

Al-Mawardi preceded many of the great political philosophers in the east and west even including Ibn Khaldun and others. On, relying on the *Tashil al-Nadar'* Hamid Eltigani tries his best to show in one of his entitlet, Al-Mawardi's Theory of State: some Ignored Dimensions that some of al-Mawardi's major ideas in political theory have not been seriously studied by any of the scholars including Professor Gibb, Ann Lambton, Professor Qumaruddin-M.M Sharif and others-who have written on Medieval Islamic Political Thought.

A close examination of al-Mawardi's works in general reveal that he is not mere a recorder of facts handed down to him by his predecessors but a genius statesman, a great diplomat, and outstanding jurist-mustahid the great theorist and a philosopher in true sense of the terms. It is observed that what al-Mawardi has put in the *al-Ahkam* does not constitute more than a small part of his political theory-a full exposition of which is delivered as a formulation of theory and philosophy in his *Tashil-an-Nadar-* Facilitating Administration and Accelerating Victory. Al-Mawadi is here more forthcoming and analytic than he appears to be in the *Ahkam*-The Ordinances. In the light of our re-reading of the two works, we can safely conclude that *al-Ahkam*-The Ordinances does not represent the final definite exposition of al-Mawardi's theory. Let alone the Aristotle or the Sunni political thought, as some scholars claimed. Had the *Tashil* been read seriously al-Mawardi would

not have remained seen as a mere Shafi'ite jurist who seeks, by way of deduction from theological premises to justify the legitimacy of the Abbasside rule. Indeed, the *Tashil* shows that al-Mawardi is neither attached to formal deduction as a political theorist, nor is he blindly attached as a political activist, to the Abbasid Caliphate. He bases his researches on a variety of sources the like of which is rarely met in other works (Hamidullah, 1983, p. 14). A part from Qur'anic verses and prophetic traditions, to which all jurists refer to it is amazing to know that al-Mawardi refers to 378 *hikma* (ancient saying of wise men), 114 verses from Arabic poetry, 14 quotations related to the prophetic companions; 13 quotations related to the companion's successors and proverbs. These other sources show how keen he is to incorporate human experience and make it a part of his epistemology and how keen he is to see the political phenomena as it really exists outside the text (Hamidullah, 1983).

The evolve and development of his political philosophy is directed to the aspects of the origin of state, instituting rule by force or power politics, money politics, the cyclical conception of state, the agricultural economy etc. which clearly determine of his being a great philosopher of Islam before both Ibn Khaldun and Ibn Taymiah.

His exposition of the political theory relating to Imamah and the philosophy of the origin of state, power politics, the cyclical conception of a state and economic development of state and nation in terms of the development of the agricultural economy and the analytical views in all these matters made him a philosopher indeed and finally he could rightly be regarded as the predecessor of both Ibn Khaldun and Ibn Taymiah. Three centuries prior to Ibn Khaldun al-Mawardi wrote intensively about these very ideas that Ibn Khaldun undeniably, reproduce in a better form. Seeing that some of al-Mawardi's idea have been blurred by way of exaggerating Ibn Khaldun's originality, again, it is Professor Gibb who has brought a passage from Ibn Taymiah's work (d. 728/1328) if that passage is compared with the introduction to book 1, section 1, of the *Muqaddima*, or such a statement as book iii, chapter 23, or the still more illuminating in book 5, chapter 6, will be seen that Ibn Khaldun does little more than these ideas and gave them greater

precision by introducing his conception of *Asabiyyah*. It should be mentioned here that Ibn Khaldun refers to al-Mawardi's Ahkam-The Ordinances explicitly in many a places in his *Muqaddima* (Khaldun, 1958). Notwithstanding the significant comparison and valid argument, Gibb himself has not gone through far beyond Ibn Taymiyyah and al-Mawardi's Ahkam-The Ordinances, had he done so he might have seen clearly that both Ibn Khaldun and Ibn Taymiyyah have relied intensively on al-Mawardi's *Tashil* and they have done little more than put his condensed ideas in longer and expounded statements. The final view of us relating to the intellectual capacity of al-Mawardi is established that he was not mere a recorder of facts handed down to him from his predecessors, but, a diplomat, a capable administrator and outstanding jurist, a genius statesman of all times, and the chief justice-the Qadi al-Qudat in the Abbasside empire. Really he was a great theorist and a philosopher in its true sense that he appeared as one of the world political philosophers that the Muslim world produced in the middle age during Abbasside period. Along with other things his greatness lies in the jurist's transformation of the past and the preset into a coherent logical system that has popularized it generation after generation (Bhat, 1996, p. 33).

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