

The Sunni Theory of Government

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Those Muslims who claim that they follow the traditions (the statements and practices) of Muhammad Mustafa, the Prophe of Islam, and of his companions, are called Ahl-es-Sunnat wal-Jama'at or Sunni. They also call themselves "orthodox" Muslims, and they make up the overwhelming majority of the Muslims in the world.

The Sunni Muslims believe that the Prophet of Islam did not designate anyone as his successor, and he (probably) assumed that after his death, the Muslims would find a leader for themselves. They further say that the Prophet did not even tell his followers how they ought to select their future leaders or what qualifications those leaders should have.

Thus, lacking both precedent and guidance in the matter of finding their leaders, the companions had no choice but to take recourse to improvisation.

But improvisation is not policy, and inevitably, it turned out to be a rather erratic manner of finding leaders of the Muslim umma (community). In one case the companions found a leader through what was supposed to be an election.

In another case, the first incumbent (who was elected), nominated and appointed his own successor.

In the third instance, the second incumbent (who was nominated), appointed a committee of six men and charged them with the duty of selecting one out of themselves as the future leader of the Muslim community.

The third leader, so selected, was killed in the midst of anarchy and chaos, and the umma was left without a head. The companions then turned to the family of their Prophet, and appealed to one of its members to take charge of the government of the Muslims, and thereby to save it from breakdown and dissolution.

The fourth incumbent was still ruling the Muslims when a new candidate for leadership arose in Syria. He brushed aside the hoax of election, challenged the lawful sovereign of the Muslims by invoking the principle of brute force, and succeeded in capturing the government. His action brought the number of the "principles" for finding leaders of the Muslim umma to four, viz.

1. Election:

Abu Bakr was elected khalifa (successor of the Prophet) by a majority vote in Saqifa. (Ali ibn Abi Talib, the fourth incumbent, was also elected khalifa by a majority of the Muhajireen and Ansar who were present in Medina at the death of the third khalifa).

2. Nomination:

Umar was appointed by Abu Bakr as his successor.

3. Selection by plutocrats:

Uthman was selected khalifa by a committee of six men appointed by Umar.

4. Seizure of the government by naked force:

Muawiya bin Abu Sufyan seized the government of the Muslims by military action.

The Sunni Muslims consider all these four “principles” as lawful and valid. In this manner, four different “constitutional” modes of finding a leader for the Muslim umma came into being. Here it should be pointed out that though the Sunni Muslims have given to each of these four different modes of finding leaders for the umma, the “status” of a “principle,” none of them was derived from the Book of God (Qur’an) or from the Book of the Prophet (Hadith). All of them were derived from the events which took place after the death of the Prophet of Islam. In the history of any country, constitution-making is the first step toward nation-building. The constitution is the organic law of the land. It is the basic framework of public authority. It determines and defines the responsibilities, duties and powers of the government. All major decisions affecting the interests of the nation, are taken in the light of its principles. Whatever is in agreement with it, is held legal and valid; whatever is not, is discarded as unconstitutional.

H.A.R. Gibb

The law precedes the state, both logically and in terms of time; and the state exists for the sole purpose of maintaining and enforcing the law.” (Law in the Middle East)
But the Sunni theory of government suffers from a built-in anomaly. As a rule, policies and actions of the political leaders ought to follow the principles of the constitution; but they do not. Instead, it is the constitution that follows the events resulting from the decisions and actions of the political leaders. In other words, it is not the constitution that runs the government; it is, instead, the government, i.e., the political leaders heading the government who “run” the constitution.

Actually, there is no such thing as a Sunni theory of government. Whenever a new event took place, the Sunni jurists invoked a new “theory” or a new “principle” to rationalize it. In this manner they invested their theory of government with a protean character and a flexibility which is truly remarkable.

The Sunni theory and practice of government have been studied and analyzed by many students of Islamic political development, both ancient and modern, Muslim and non-Muslim. The author of Sharh-Mawaqif, a classical Arab writer, believes that the only requirement in a candidate for leadership, is his ability to seize and to hold power. He says:

“When an Imam dies and a person possessing the necessary qualifications claims that office (without the oath of allegiance, i.e., Bay'a, having been taken for him, and without his having been nominated to succeed), his claim to caliphate will be recognized, provided his power subdues the people; and apparently the same will be the case when the new caliph happens to be ignorant or immoral.

And similarly when a caliph has thus established himself by superior force and is afterwards subdued by another person, the overpowered caliph will be deposed and the conqueror will be recognized as Imam or Caliph.”

Another analyst of classical times, Taftazani, is of the opinion that a leader may be a tyrant or he may be immoral; he is nevertheless a lawful ruler of the Muslims. He writes in his book, Sharh-Aqa'id-Nasafi:

“An Imam is not liable to be deposed on the grounds of his being oppressive or impious.”

Stewart Robinson has quoted Imam Ghazzali, in his book, The Traditional Near East, as saying:

“An evil-doing and barbarous sultan must be obeyed.”

Some modern analysts of the Islamic political thought have also noted the inconsistencies in the Sunni theory of government. Following is the testimony of a few of them:

H.A.R. Gibb

Sunni political theory was, in fact, only the rationalization of the history of the community. Without precedents, no theory, and all the imposing fabric of interpretation of the sources, is merely the post eventum justification of the precedents which have been ratified by ijma.

(Studies on the Civilization of Islam, 1962)

Bernard Lewis

The first four caliphs, sanctified by Muslim tradition as the righteous rulers, did indeed emerge from the Muslim elite on a non-hereditary basis, by processes which might be described as electoral in the Sunni legal sense; but three of the four reigns were ended by murder, the last two amid civil war.

Thereafter, the Caliphate in effect became hereditary in two successive dynasties, the Umayyads and the Abbasids, whose system and style of government owed rather more to the autocratic empires of antiquity than to the patriarchal community of Medina.

The subject's duty of obedience remained, and was indeed reinforced; the Caliph's obligation to meet the requirements of eligibility and fulfill the conditions of incumbency was emptied of most of its content.

This disparity between theory and practice – between the noble precepts of the law and the brutal facts of government – has led some scholars to dismiss the whole political and

constitutional system of the classical Muslim jurists as an abstract and artificial construction, as little related to reality as the civil liberties enshrined in the constitutions of modern dictatorships. The comparison is exaggerated and unjust. The great jurists of medieval Islam were neither stupid nor corrupt – neither ignorant of reality, nor suborned to defend it. On the contrary, they were moved by a profound religious concern, arising precisely from their awareness of the gap between the ideals of Islam and the practice of Muslim states. The problem of the juristic writers on Muslim government was deeper than that posed by the conduct of one or another individual ruler. It concerned the direction taken by Muslim society as a whole since the days of the Prophet – a direction that had led it very far from the ethical and political ideas of prophetic Islam. Yet to impugn the validity of the system of government under which the Muslims lived was to impugn the orthodoxy of the Islamic umma, a position unacceptable to the Sunni ulema, whose very definition of orthodoxy rested on the precedent and practice of the community. The jurist was thus obliged, in some measure, to justify the existing order, so as to vindicate the Sunni faith and system against the charge that they had gone astray and had led the Muslims into a state of sin. (The chapter on Politics and War published in the volume, *Legacy of Islam*, 1974)

G. E. Von Grunebaum

In the presentation of the role of the caliph, one senses the uneasy efforts of the author to harmonize the ideal task and the humble facts of his period. The law has laid down unalterable principles, never envisaging the increasing incapacity of the prince of the Believers to exercise even his more modest duties.

So theory is compelled to compromise, to stretch the concept of election to include election by one qualified voter – in other words, to sanction the actual situation in which the caliph is appointed by his predecessor or the military leader who happens to be in control. Even the possibility of a plurality of leaders of the community has to be admitted. As in other ages and other civilizations, the theory of power comes to be a weapon in the fight for power. (*Islam*, London, 1969)

John Alden Williams

A representative statement of how Muslim legalists of the later medieval period viewed the problems of power and Islamic leadership is shown by a Syrian contemporary of Ibn Taymiya (and with whom the Hanbali naturally disagreed).

Ibn Jama'a (d. 1333) who was one of the highest officials of the Mamluke religious establishment, and twice Chief Qadi of Cairo. Although he was a Shaf'i, like al-Mawardi, it is

Ibn Jama'a's view which conforms to that of Ahmad ibn Hanbal in the creedal statement found in the dogma: the Imam in power is to be obeyed regardless of how he came there. In a conflict between unity and justice, the unity of the umma must have precedence. By extension, whoever wields effective power in any area must be recognized by the Imam, if he has no means of removing him. In short, rulers must be treated as if they were perfect whether they are or not: the need of the Community guarded from error require it. It is a logical view but Ibn Taymiya felt that it was morally bankrupt. (From Imam and Legality. From Emancipated Judgment in the Governance of Muslims. By Ibn Jama'a (d. 1333 A.D.), *Al-Ahkam fi Tadbir Ahl al-Islam*).

'The Imamate is of two sorts: that by election, and that by usurpation. The elected Imamate is confirmed by two methods, and the usurped Imamate by a third method. The first method in the elected Imamate is by an oath of those with power to loose and bind. The second method is for the Imam to be chosen as successor by the one before him.

'As for the third method, by which the acclamation of a usurper is made valid, it is effected by overcoming the wielder of effective power, and if there is no Imam at the time, and one sets himself up who is otherwise not qualified for the office, and overcomes people by his power and by his troops without any election or appointment to the succession, then his acclamation is valid and one is bound to obey him, so that the unity of the Muslims be assured and they speak with one voice.

It makes no difference if he is ignorant or unjust, according to the most correct opinion, and then another rises and overcomes the first by his power and troops, and the first is deposed, then the second becomes the Imam, for the sake, as we have said, of the welfare of the Muslims and their unity of expression. For this reason, Umar's son said at the Battle of Harra:

"We are with the one who wins" (page 91).

In effect, the Umma entrusted its affairs to a Caliph, and asked him to be a perfect absolute ruler. Apart from the question of whether this is not usually a contradiction in terms, there was no sure apparatus for choosing him or ensuring a peaceful transmission of his power, and often or even usually men came to power by violent means. Once they were there, there was no mechanism for removing them except more violence, which was forbidden by law.

It was a melancholy fact that in most states, except those few like the Ottoman and Mughal empires who succeeded in establishing the principle of hereditary succession, "nothing so well suited a man for power as criminal instincts." (Themes of Islamic Civilization, 1971, University of California Press, Berkeley)

The Sunni jurists and theorists were capable of making endless adjustments and

compromises. They were willing to acknowledge as lawful rulers, not only the Muslim tyrants and usurpers but also the non-Muslim ones.

Bernard Lewis

Much has been written about the influence of the Crusades on Europe. Rather less has been written about the effects of these and related struggles on the lands of Islam. For the first time since the beginning, the Muslims had been compelled by military defeat to cede vast areas of old Islamic territory to Christian rulers, and to leave large Muslim populations under Christian rule. Both facts were accepted with remarkable equanimity.

In both West and East, Muslim rulers were willing to have dealings with their new neighbors, and even on occasion to make alliances with them against brother Muslims - as an obligation of the Holy Law - of submitting to tyrants, had little difficulty in extending the argument to include unbelievers.

Whose power prevails must be obeyed,' provided only that he allows Muslims to practice their religion and obey the Holy Law. The realm of such a sovereign may even, according to some jurists, be considered as part of the House of Islam. (Politics and War, published in the book, Legacy of Islam).

The sum and substance of the foregoing analysis is that the Sunni theory of government admits of only one principle, viz., brute force. Almost all Sunni jurists and theorists have given their blessings to this "principle." As a principle, brute force has been the only constant of the Sunni theory of government ever since Muawiya seized the caliphate in A.D. 661.

It means that if a man can revive, in the Kingdom of Heaven on Earth, as elsewhere, the ancient law known as "Might is Right," he is the lawful ruler of the Muslim umma. The government has no theory or structure or instrumentality beyond arbitrary force. The commandments of God enshrined in Al-Qur'an al-Majid, the wishes, the precedents and the commandments of His Messenger, and the code of ethics, all are, irrelevant.

Not so surprisingly perhaps, this attitude of the Sunni jurists persists into modern times. The Congress of the Caliphate meeting in Cairo, Egypt, in 1926, laid it down that a Muslim can legitimately become a caliph if he establishes his claim by conquest, even if he does not fulfill any of the other conditions required by the jurists.

In his analysis given above, Dr. Williams has quoted Abdullah the son of Umar bin al-Khattab (the second khalifa) as stating that he (Abdullah) is with the winner whoever he may be. This Abdullah was noted for his piety and religious zeal and knowledge. He spent or tried to spend as much time in the company of the Prophet as he could, and if he (Abdullah) said anything, it was (and still is) considered something most authoritative in the entire Sunni establishment.

It's amazing that he didn't think that in any conflict between two individuals or two groups, the question of right and wrong had any relevance. The only important thing was winning. According to him, whoever wins, is right. If a gangster succeeds in liquidating all his competitors and becomes the unquestioned winner in a struggle for power, then the logic of success would make him the ideal material for the most important executive office in the Muslim world. All he has to do to prove that he is the most highly qualified candidate for the throne of caliphate, is to demonstrate that he can seize it by brute force, and if he does, it will be his - no credentials in Islam like brute force!

The Sunni jurists, theorists and political analysts have shown astonishing consistency, in all their expositions, in upholding the principle that obedience must be given to whoever has power in his hands. This probably is the reason why passive obedience to the ruler has been, in the words of Elie Kedourie, "the dominant political tradition in Islam," and why the excessive respect of the Muslims for the *fait accompli* has given "its unmistakable character to Muslim history."

The Shia Muslims discount the Sunni theory of government for its lack of moral consensus and its lack of consistency. They say that a principle must either be right or it must be wrong, and the only touchstone to test if it is right or wrong, is Al-Qur'an al-Majid. Muslims of the whole world may unanimously enact a law but if it is repugnant to Qur'an, it cannot be Islamic. The source of moral consensus in Islam is Qur'an, and not the "majority."

The Shia Muslims also say that there must be consistency in the application of a law or a principle. But if there is not, and a new "law" or a new "principle" has to be invoked to fit each new situation, then it will have to be called not policy but expediency.

As noted above, the only consistency in the Sunni theory of government is to be found in the unqualified acceptance, by Sunni jurists and scholars, of the "principle" that power is the arbiter of this world, and Muslims, therefore, must kowtow to it. Even Imam Ghazali says that this "principle" must be upheld because it is a commandment to the Muslims of Al-Qur'an al-Majid itself.

Imam Ghazali is one of the most prestigious figures in the Muslim world. He is generally considered the greatest theologian of Sunni Islam. Some Sunni scholars have gone so far as to claim that if any man could be a Prophet after Muhammad Mustafa, he would be Imam Ghazali.

And yet, he advised Muslims to acquiesce in the abuse of autocratic power by a dictator or a military leader because (he said that) their obligation to obey the established authority rested upon the text of Qur'an itself: "Obey God, His Apostle and those at the head of the affairs." It is

amazing that a man like Imam Ghazali could do nothing more than endorse a most stereotypical interpretation of this verse.

Al-Qur'an al-Majid, incidentally, is a stranger to all the theories of government and principles of political organization discovered, articulated and codified by the majority of the Muslims, and this for a very simple reason, viz., it has its own theory of government and its own political philosophy. It does not have, therefore, any interest in any alien theory or philosophy of government.

.Qur'an's political philosophy has been dealt with in another chapter in this book