

**ИСЛАМСКАЯ КОНЦЕПЦИЯ  
ХАЛИФАТА: БАЗОВЫЕ  
ПРИНЦИПЫ И СОВРЕМЕННАЯ  
ИНТЕРПРЕТАЦИЯ**

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*В статье исследуется подход исламской правовой мысли к идее халифата. Автор разъясняет основные принципы исламской концепции государства как инструмента защиты и поддержания религии, а также решения мирских дел. Современная исламская мысль, принимая во внимание историческую эволюцию исламской государственности под влиянием объективных политических обстоятельств, пришла к ключевому выводу — исламское государство не ограничено объединенным халифатом (халифатом на пророческом пути). Другие модели власти вполне приемлемы, если они соответствуют целям халифата.*

**Ключевые слова:** *халифат, шариат, исламское государство, фикх, халиф, исламская правовая мысль*

# THE ISLAMIC CONCEPT OF THE CALIPHATE: BASIC PRINCIPLES AND A CONTEMPORARY INTERPRETATION<sup>1</sup>

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

**Keywords:** Caliphate, Sharia, Islamic state, *fiqh*, caliph, Islamic legal thought.

## FUNDAMENTALS OF THE ISLAMIC CONCEPTION OF CALIPHATE

The Islamic Sunni concept of power (the state) was formed in the 11th-14th centuries. Sharia does not know enough norms of the Quran and the Sunnah of Muhammad that regulate the vertical relations of power. These sources do not contain concrete precepts settling the organization and activity of the Islamic state or determining its content and essence. Moreover, the Arabic term *dawlah*, translated as “state” in the modern sense, is rarely used in these sources. The Quran mentions it just once (59:7) to mean “property,” “fortune,” and “domain.” In contrast, the *hadiths* contain such notions as imamate (which initially denoted leading the course of prayer in a mosque) and Caliphate (“succession”), which are both used in the traditional Sunni thought to denote the Islamic state.

The restriction of certain precepts of the Quran and Sunnah in terms of the structure and activity of power made the role of the *fiqh* doctrine crucial in conceptualizing this phenomenon. In this respect, Islamic science faced a complicated task: a coherent concept of Islamic governance and a system of concrete legal norms regulating the structure of the power and activity of its institutions were to be elaborated on the basis of only a few, quite abstract Sharia precepts.

Islamic thought emphasizes that it was not by coincidence that the Prophet left behind only a basic idea of the Caliphate that does not significantly restrict Muslims, allowing them to flexibly select different forms of government in different historical circumstances. Thus, the major

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task of *fiqh* is to settle the general principles of state building and the activity of that state using insight from Sharia and only then recommend options for organizing an Islamic state to meet the conditions of the Muslim community. Hundreds of years after the Prophet Muhammad, by virtue of the broad interpretation of the few provisions of the Quran and Sunnah regarding the Caliphate and by comparison of the Prophet's actions with "the righteous" caliphs of the highest-level leaders of the community, the *faqihs* (scholars entitled to elaborate *fiqh*) codified the initial principles for the organization and functioning of state power.

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

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

Islamic politics, to a large extent, considers the derivation of the Caliphate. According to Sunni thinkers, following al-Mawardi's views, the establishment of the Caliphate is essential and represents a duty imposed both on the leader of the Islamic state as well as all Muslim people.

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

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

The sovereign rights of the community materialize, first and foremost, in their authority to choose the caliph (governor, ruler) who manages affairs on behalf of the community. In the meantime, the community does not concede its exclusive rights to the caliph—it only delegates and entrusts him with power. Both in the execution of this authority and in policy-

making, the sovereignty of the community is only related to the will of Allah expressed in Sharia. For instance, the community is entitled to legislate only in matters that are not settled by the Quran and Sunnah, and the community's subordination to the caliph's power is stipulated by his compliance with Sharia precepts.

In respect of the organizational frameworks of Islamic state power, the parameters of the Caliphate are not fixed according to Sunni legal science; rather they can be put into practice in different ways. Along with this, some key parameters of the Caliphate's structure are viewed as pillars of Islamic power in Sunni thought, grounded upon just a few provisions in the Quran: requiring consultations and taking decisions based on the common opinion as well as the community's duty to obey the ruler, Sunni legal scientists considered the Caliphate as a form of the state that includes the procedure of endowing the caliph with authority and regulating his interrelations with other state institutions.

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

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

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

Sunni political legal theory emphasizes the fact that the power of the caliph is not absolute, he has no privileges or immunity and, like all Muslims, he must follow Sharia norms and can be punished for any evil deed. Even though he exercises supreme religious power in the

state, his power is not deprived of the will of Allah. Being the head of the state, the caliph does not take advantage of the legislative power in the strict sense and is entitled to introduce new legal norms only because he is a mujtahid<sup>2</sup>.

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

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

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

As an institution, on religious grounds and formally uniting all Muslims, the Caliphate existed up to the beginning of the 20th century. After the collapse of the Ottoman Empire and the end of the First World War, it turned into a mere decorative institution and was officially abolished in March 1924; since then, the Caliphate has stopped existing as a political reality.

## THE MODERN INTERPRETATION OF THE CALIPHATE

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

This work demonstrated the superiority of the Caliphate over other forms of government. This nostalgia for the Caliphate was opposed by Ali Abdel Raziq (1888-1966). In his "Islam

2. For further details of the classical Sunni theory of the Caliphate see: Sykiaiainen, 2008, p. 239-254; Sykiaiainen, 2003, p. 34-166.

and the Basics of the Power” he tried to prove that Islam had no certain models of power. According to him, Islamic principles can be practically implemented within any form of government since their essential aspect is the content not the form (Ar-Razik, 1972).

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

These factors force us to return to the issue of the Islamic state and its nature. The conspicuous activation of the Islamic powers posed a question regarding the perspectives of establishing an Islamic state as a concrete practical project. Against this background, all traditional Islamic concepts of power and state have gained renewed momentum. The topic of the Caliphate, which seemed to have remained in the past, has risen once again.

Apparently taking into consideration the practical significance of this idea, the Department of Fatwas in Egypt in May 2011 published a special Fatwa No. 3759 “Caliphate and Islamic states.” The document touches upon the issue of whether any state after the Ottoman Caliphate could be called Islamic and how nowadays to estimate the Sharia duty to obey the governors in terms of the after-world and worldly life<sup>3</sup>.

The official center of Sharia thought in Egypt reproduces in its fatwa the well-known definition of the Caliphate as the power, to a certain extent, replacing the Master of Sharia (i.e., Allah) in meeting the interests of the religion and worldly life. With reference to Ibn Khaldun, the document interprets the Caliphate in the following way: in terms of the next world and this world, it is to set everyone on the right path specified in Sharia, since even worldly problems are to be solved based on the will of Allah. The Caliphate is an institution on which Allah imposes the functions of preserving the religion and administrating worldly affairs in accordance with His commandments.

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

The fatwa contains a synopsis of the history of the evolution of the Caliphate. It is notable in particular that Muslims remained committed to the idea of the Caliphate even in the Middle Ages and other periods of weakness including the epoch of the formation of states such as sultanates and emirates. Many of those quasi-states recognized the governance of the caliph. However, some of those states were actually independent. For a while, they re-

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

tained some religious liaison with the Caliphate but later in some states even those formal relations with the caliph were cut. As a result, certain states appeared to have absolutely nothing to do with the caliph and were called emirates or even independent caliphates. They actually edged out the Caliphate in its main role including the execution of all its religious and political functions. In spite of this superficial resemblance, as Ibn Khaldun noted, as per their form, those states represented monarchies; hence, they withdrew from the principles of the authentic Caliphate depicted in Islamic legal thought. The major difference was that their power was already grounded not in religion but in military force and the clan system.

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

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

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

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

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

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

According to this fatwa, modern Islamic thought, considering the historical evolution of Islamic statehood or sovereignty under the influence of objective political circumstances and supported by the findings of the outstanding representatives of the medieval fiqh, came to the key conclusion that Islamic power can be performed in the form of the unified Caliphate as an example of the righteous caliphs (the Caliphate on the way of the prophecy). Other models of power are quite admissible and, under certain political circumstances, even necessary if they are capable of meeting the aims of the Caliphate—protecting the religion and administrating worldly affairs. The idea that Islam cannot find its place without the Caliphate is undoubtedly false (Proclamation).

Moreover, all major Muslim thinkers and scientific centers do not doubt that the Caliphate represents the ideal of power. For instance, the International Council of Muslim Scholars, in its special declaration<sup>4</sup> made a few days after the announcement of the Islamic State Caliphate, noted that the Caliphate on the way of the prophecy was still the dream of all Muslims who aimed for its rebirth as the guarantee of real Muslim unity and of the consistent enforcement of Sharia. But Islam teaches that any ambitious projects require serious intellectual efforts, complex preparation, a community of power, and overcoming the resistance of enemies. First and foremost, all modern Islamic states must exercise power according to Sharia and be united by sacred ties. They should possess sufficient material, human, and moral power to protect themselves.

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

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

Sharia requires something else—providing the values of religion, life, sense, dignity, and property. These are the five goals that form the stem of the policy and the just administration within the Sharia framework. Their performance may be considered the duty to the faith and the genuine requirement of Sharia (The Islamic Caliphate). Caliphate as any other form of Islamic power is needed not per se but because by means of it, Allah guards and preserves people from chaos, meeting their interests and pushing aside evil.

The outstanding contemporary Muslim scholar (faqih) Ahmad ar-Raisuni writes:

“Sharia, which imposed an obligation on us to follow certain principles and goals, does not oblige us to establish something called Caliphate, the Islamic Caliphate or the state of the

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



Caliphate. It contains no word obliging us to call the ruler caliph or call the government form the Caliphate. One can assert with confidence that if such words as “Caliphate” and “caliph” once and forever disappear from the life of Muslims, their religion is not in the least going to be somehow damaged. But if, at least for a day, justice, the principle of consultation and the legitimacy of power are going to leave them, that will be a calamity” (Ar-Raisuni, 2014).

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

Understanding the idea of Islamic power accentuating its form and not its content dominates the modern Sunni legal thought<sup>5</sup>. To confirm this conclusion, it is quite appropriate to refer to the major medieval Islamic legal scholar Ibn Qayyim al-Jawziyyah (1292-1350). He wrote:

“Sharia is completely founded on wisdom and consideration for others in their mortal life and in the life to come; it is the embodiment of absolute justice, mercy, compassion and ultimate wisdom; if any decision deviates from justice and turns to tyranny and chaos, turns its back to mercy and stops meeting the interests of the people, becomes damaging, denies wisdom and gravitates toward corruption, then it no way belongs to Sharia” (Al-Jawziyyah, undated, p. 3).

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

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

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