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al-Ahkam as-Sultaniyyah

The Laws of Islamic Governance

by

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al-Baghdadi al-Mawardi (d. 450 AH)

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Chapter 1

The Contract of Imamate

*Author's -
real power
actual power*

Imamate is prescribed to succeed prophethood as a means of protecting the deen and of managing the affairs of this world. There is a consensus of opinion that the person who discharges the responsibilities of this position must take on the contract of Imamate of the Ummah – although Asam, exceptionally, differs in this matter. There is a difference of opinion, however, as to its obligation, that is, as whether it is obligatory for rational reasons or because it is prescribed in the shari'ah. One group of fuqaha says that it is obligatory for rational reasons because of the natural inclination of men of sound mind to submit to the authority of a leader who thereby prevents mutual injustice and who decides between men in cases of dispute and quarrel – for without governance, disorder and barbaric behaviour would arise amongst the wanton and lawless. As the pre-Islamic poet, al-Afwah al-Awdi has said in his poem:

There is no benefit to a leaderless people when disorder reigns, and they will never have a leader if the ignorant amongst them leads.

Another group says that it is obligatory because of the shari'ah rather than for rational reasons: the Imam carries out the affairs of the shari'ah and it is rationally conceivable that he undertake this Imamate as a form of worship without the option of being able to refuse it; thus the intellect is not instrumental in rendering it obligatory.

The intellect obliges each person of sane mind to avoid mutual injustices and the breaking of social ties, and to fulfil the exigences of justice by dealing equitably with people and by maintaining social contacts: this he organises by means of his own intellect and not someone else's intellect. It is the Law, however, which has delegated affairs to those who wield authority over them in matters of the deen – Allah, may He be exalted, has said: "O you who believe, obey Allah and obey the Messenger and those in authority amongst you" (Qur'an 4: 62). Thus He has imposed on us obedience to those in authority, that

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