Early Governance in the Muslim Umma

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Biography of the Speaker
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I would like to discuss the nature of the formation of the Umma and its governance. The Umma was an utterly unique commonwealth at the time it was formed, based on the teachings of Allah and His Messenger and implemented by the Messenger, Allah’s blessings on him and peace, and elaborated and fleshed out by Abu Bakr and ‘Umar after him. The utter brilliance of this achievement is often overlooked as people today tend to look at the great dynasties like the Abbasids and their governance, which came later, and become dazzled by the glories of Baghdad. But the Umma, in its inception, was utterly extraordinary in its time and unlike anything that preceded it. Its success was breathtaking. We tend to forget what a truly extraordinary concept it was in its time.

The Prophet, Allah’s blessings on him and peace, laid the ground for the governance of the first Community and, indeed, most of its political institutions which later grew and developed and have their source in his Sunna, but it was with Abu Bakr that there arose the necessity of
solidifying the form of governance instituted by the Prophet, Allah’s blessings on him and peace, and ensuring that it survived his death. This was an ongoing process of development because new problems arose as the size and complexity of the Umma of Muslims grew. Nevertheless, the basic framework for all of this had already been established by the Prophet, Allah’s blessings on him and peace.

In pre-Islamic Makka and, indeed, among the other Arab tribes – with the exception of those tribes in the Yemen (Kinda or the Hujrids) that had a tradition of monarchy, and the Ghassanids and Lakhmids (or the Jafnids and Nasrids, to use the more preferred terms for their dynasties), who were in close proximity to the Byzantine and Persian empires and were drawn into their respective spheres of influence – the Arabs did not have a common national identity or method of governance. Their identity was purely tribal, based on blood-kinship, and the only other ‘group conception’ outside of the tribe was a confederation of tribes that was based on the taking of an oath, for a particular short-term purpose such as fighting against another confederation, or someone becoming related to or a member of a tribe as a confederate (hâlîf), a protected neighbour (jār) or a client. The key thing in their dealings was the tribe and blood-determined affiliation to it.

The Arabs disliked the idea of kingship on principle. As for communal decisions, the tribe of Quraysh did have, since the time that Qusayy brought them together in Makka (a couple hundred years before the Prophet), the Dar an-Nadwa, the meeting place where leaders of his family met to discuss major issues of war and peace, disputes between other tribes and within the tribe, as well as matters relating to trade and markets, Hajj, marriage and divorce. As Ibn Sa’d says in the Tabaqat: “Quraysh decrees its affairs in Dar an-Nadwa.” Opposition to communal decisions could result in a boycott or sanctions against those concerned. There was no ultimate authority other than the tribe. Although discussions were held, no clan had to abide by any decision that was made. There were also certain people noted as arbiters (hukkam) between tribes and clans: they included ‘Abd al-Muttalib and his sons, az-Zubayr and Abu Talib, and Abu Sufyan and his father Harb among others.

It should also be noted that at this time there was not even a sense of the Arabs as an ethnic group. The word ‘Arabs’ (al-’arab) is hardly found in pre-Islamic poetry. The word ‘Arabic’ is said to have first occurred in the Qur’an, where it is used to describe the Arabic language: ‘arabiyya. We do however, have al-a’rab who are the nomadic Arabs, the Bedouin. There was thus a kind of group identity based on the speaking of Arabic but although identity and loyalty were really vested in one’s tribe, even that level of Arabic’s importance is theoretical and based on very thin sources. It may be that the importance of Arabic came from the Qur’an and was projected back in time.

The people (qawm) of the Prophet Muhammad, Allah’s blessings on him and peace, was Quraysh, but this word qawm was too closely associated with tribal structure and so a new term was introduced for the new polity brought about by Islam: Umma – and this was not a term in common usage at the time. It is even said that the word Umma was not actually Arabic, but Aramaic or Hebrew, or possibly derived from ancient Akkadian. Hence the idea of the political identity of the Umma was very new at this time.
We have the famous so-called ‘Constitution of Madina’ which was a treaty put down in writing between the Muhajirun and Ansar and the Jews of Madina shortly after the arrival of the Prophet there, Allah’s blessings on him and peace. It states that “the believers and Muslims of Quraysh and Yathrib and those who follow them and are attached to them and strive with them: they are a single Umma distinct from others,” thus bringing into actual being and practice this new kind of political identity. After describing the details of bloodwites (penalty for committing bloodshed) and who pays them, the document describes the unity of the Umma in various areas, including, “the dhimma of Allah is one” and “the peace of the believers is one”.

The difference here is that their unity is based on adherence to the Deen and their identity as Muslims, not to kinship, and that the ultimate authority in fact belongs to Allah because the Messenger is the Messenger of Allah, Allah’s blessings on him and peace. This was an immense change at the time. The public treasury is the ‘wealth of Allah’ (māl Allah), and the dhimma, as in the constitution is ‘the dhimma of Allah’. Hijra is thought of as forgoing one’s previous relationship with one’s tribe, to leave one’s tribe and join the Umma. It is interesting that the early Syriac sources describe the Muslims as Mhaggraye or emigrants, when before the people of the area had been called Arabaye, tayyaye (nomads) or Ismaelites.

This identity as a commonwealth of believers following the same Deen was facilitated in the beginning by the institution of brotherhood between the Muhajirun and Ansar, which transcended both tribe and family. There was also the prohibition against marrying idolators, no matter what their tribe was. After al-Hudaybiya, such marriages were forbidden. This is part of the shifting of identity and solidarity to the Umma. The Prophet, Allah’s blessings on him and peace, also said, “There is no hilf in Islam.” This means that there could be no specifically close compact outside of the generality of the Umma, eliminating any other form of allegiance. The tribal lines of primary allegiance were severely curtailed. The Umma is the supreme focus of allegiance. An illustration of this occurred in Madina in 6 AH. Zaynab, the daughter of the Prophet, Allah’s blessings on him and peace, had been married to Abu al-‘As who was still a pagan. He asked her for protection and the following morning at Fajr she announced, “People, I have granted protection to Abu al-‘As ibn ar-Rabi!” After the Prayer, the Prophet, Allah’s blessings on him and peace, said, “I did not know about any of this until I heard of it now just as you did. Know that the lowest-ranking Muslim can grant protection on behalf of the other Muslims.” So the basis of the group is Islam.

Once in Madina, the Prophet, Allah’s blessings on him and peace, laid down the basics for the governance of the Muslims in all areas. If you want to see the fine details of this, I recommend you read al-Kattani’s at-Taratib al-Idariyya, which covers all the various areas of governance and shows how they originated in the Sunna of the Prophet, Allah’s blessings on him and peace. Of course, life consists of ongoing events and, as the size of the Muslim commonwealth grew, so it became necessary for the structures of governance to respond to the new situation. Again, the basis had been laid down by the Prophet, Allah’s blessings on him and peace.
We also have the texts of the letters of the Prophet, Allah’s blessings on him and peace, to his agents in various places, which convey the basis of his system of governance. We find in the letter to ‘Amr ibn Hazm when he sent him to Yemen:

In the Name of Allah, the All-Merciful, Most Merciful. This is a clarification from Allah and His Messenger. ‘O you who believe! Fulfil your contracts!’ (5:1) The instructions of Muhammad, the Prophet, the Messenger of Allah, to ‘Amr ibn Hazm when he sent him to the Yemen: he commands him to have taqwa of Allah in all his business. ‘Allah is with those who have taqwa of Him and with the good-doers.’ (16:128) He is to take the Truth which Allah Almighty has commanded him and give people the good news of good and command them to follow it. He is to teach the people the Qur'an and to make them understand it and forbid them to do wrong. None but those in purity should touch the Qur'an. He should instruct people about what they are entitled to and what is due from them. He should be lenient to people when they are in the right and severe to them in injustice. Allah hates injustice and has forbidden it. He says, 'Allah’s curse on the wrongdoers.' (11:18)

He should give people the good news of the Garden and actions that lead to it, and warn people of the Fire and actions which lead to it. He should try to draw people together so that they grasp the Deen and he should teach them the rites of the Hajj and its sunnas, its obligations and what Allah has commanded in the Greater and Lesser Hajj ('Umra). He should forbid people to pray in a single small garment unless the ends of the garment are doubled on their shoulders. He should forbid people to sit with their legs drawn up in a single small garment that exposes their private parts to heaven. He should forbid people to plait the hair on the back of the neck.

He should forbid people from appealing to tribes and clans when they are involved in quarrels. They should call on Allah, the Mighty and Exalted, alone, with no partner. He should use his sword to stop whomever does not call on Allah but instead appeals to tribes and clans, so that they call on Allah alone with no partner. He should command people to perform wudu' properly – their faces, their hands, to the elbows, and their feet to the ankles, and wipe their heads as Allah has commanded them. He should command the Prayer at its times with full performance of bowing, prostration and humility: Subh when it is still dark, Dhuhr when the sun starts to decline, ‘Asr Prayer when the sun is descending. Maghrib is due when the night advances – it should not be delayed until the stars come out in the sky – and Isha' at the beginning of the night. He should command them to hurry to the Friday Prayer when it is called and to perform a ghusl before going to it.

He is commanded to take the fifth of Allah from the booty and what is prescribed for the believers in Zakat on land: a tenth in land watered by a spring and rain, and a half of a tenth in what is irrigated. There are two sheep
due for every ten camels; four sheep for every twenty; one cow for every forty cows; a two-year old calf for every thirty cows; and one sheep for every forty sheep. That is what Allah has made obligatory in Zakat for the believers. If someone gives more than that, it is good for him. Any Christian or Jew who, of his own accord, becomes Muslim with a sincere Islam and takes on the Deen of Islam, is one of the believers. He has the same rights as they have and owes the same as they owe. Anyone who remains a Christian or Jew shall not be made to change. Every adult [of them], male or female, free or slave, owes a full dinar or its equivalent in clothing. Whoever performs that is entitled to the dhimma of Allah and the dhimma of His Messenger. Whoever refuses that is the enemy of Allah and His Messenger and all the believers. The blessings of Allah be upon Muhammad and peace be upon him and the mercy and blessing of Allah. (Ibn Ishaq)

A similar letter is found in Imta' al-Asma by al-Maqrizi in which we also find: "Keep the populace (flock) from wronging one another so that they are not destroyed. Allah has made the shepherd a support for the weak and one who intervenes against the strong to deter wrongdoers from injustice and help the weak to obtain their due."

This is already a basic structure of governance, which just requires some fleshing out as circumstances arise and the size of the Umma increases. We are given the foundation of the Deen in the Prayer and Zakat, putting an end to injustice, protecting the weak from the strong, and not appealing to tribes but to Allah – in other words to the Umma of the Muslims.

The first crisis came with the death of the Prophet, Allah’s blessings on him and peace. At this point, the Ansar were on the point of reverting to a tribal configuration: that of the Ansar and Muhajirun. It is reported that one of the Ansar, al-Hubab ibn al-Mundhir, said, “We will have a leader and you will have a leader.” This would have been a reversion to tribal rule. But it was pointed out to them that the Messenger of Allah, Allah’s blessings on him and peace, had said, “Command is in the hands of the Quraysh.” (Bukhari) And, “The rulers are from Qurasyh.” (Ibn Hanbal). So the Prophet, Allah’s blessings on him and peace, had already had determined that there would be one ruler over the entire Umma. And he had also instructed that the Ansar were equally important in their supporting role. Importantly, this was ultimately agreed upon by all parties and, prompted by ‘Umar, Abu Bakr was acclaimed as the next leader: a logical choice since he was the first adult Muslim and a devoted Companion of the Prophet, Allah’s blessing on him and peace, from the very beginning.

The next immediate crisis was the refusal of various tribes to pay Zakat with the departure of the Prophet, Allah’s blessings on him and peace, and the attack on Madina by certain tribes who viewed their relationship with the Umma on the basis of the earlier form of tribal alliances and thought that this had come to an end with the death of the Prophet, Allah’s blessings on him and peace. Abu Bakr was not having this reversion and fought them in the War of the Ridda. The Muslim victory in this war firmly established once and for all the political identity of the Umma. The existence of the Umma as an entity was now settled.
Now, at this point there was no formal structure for governance. For the first six months Abu Bakr continued to work as a cloth merchant until ‘Umar and Abu ‘Ubayda ibn al-Jarrah stopped him on his way to the market and insisted that he receive a stipend and devote himself to the office of leadership. All government business was carried out in the Mosque on an ad hoc basis. Certain people took on certain functions as a natural progression: Abu ‘Ubayda was in charge of the treasury, ‘Umar was the chief minister and ‘Ali, ‘Uthman and Zayd ibn Thabit were secretaries – but none of this was really formalised. The summary of what Abu Bakr thought of his role was expressed in his speech when he was selected:

O people, I have been elected your leader, although I am not better than anyone from among you. If I do any good, give me your support. If I go wrong, set me right. Listen, truth is honesty and untruth is dishonesty. The weak among you are powerful in my eyes as long as I do not get them their due, Allah willing. The powerful among you are weak in my eyes as long as I do not take away from them what is due to others, Allah willing.

Listen, if people give up striving for the cause of Allah, Allah sends down disgrace on them. If a people become evil-doers, Allah sends down calamities on them. Listen, you must obey me as long as I obey Allah and His Messenger. If I disobey Allah and His Messenger, you are free to disobey me.

This indicates a participatory and consensual form of governance whereby Abu Bakr continues to insist on the primary purpose of governance: to deter injustice and the oppression of the weak by the strong. This is the constant theme in instructions given to people to carry out.

It is then with ‘Umar that we really start to see the fleshing out of the structures of governance. The vast increase in the size of the territory under Muslim control and its huge numbers of Muslims from various tribes necessitated this, and the identity of the Umma had to be reinforced as it grew in size and others joined it. ‘Umar was attentive to that in his instructions about not imitating others, and this is why he insisted on the Arabs dressing as Arabs and living together in the amsâr (garrison towns). At this point, the Muslims were a minority in the conquered territories.

It is generally recognised that governance consists of three primary areas: political, economic and administrative, and ‘Umar dealt with all three areas and developed structures for all three.

For administration, the territory was divided into provinces, each under a governor (wali) who was in charge of the Prayer, the army, collecting Zakat and taxes, administering justice and maintaining law and order, and attending to public welfare. Alongside him were other appointees, particularly the ‘amîl, who collected revenue, in other words Zakat, kharuj and ‘uskr, and the Qadi who actually administered justice. Appointments were made in writing and those appointed were given instructions written down in detail. When the governor arrived at a place, he assembled the people and read out the instructions so that they were fully aware of what his duties were. His general instructions can be seen in the following words of ‘Umar:
Remember, I have not appointed you as commanders and tyrants over the people. I have sent you as leaders instead, so that the people may follow your example. Give the Muslims their rights and do not beat them lest they become abused. Do not praise them unduly lest they fall into the error of conceit. Do not keep your doors shut in their faces lest the more powerful of them eat up the weaker ones. And do not behave as if you were superior to them, for that is tyranny over them.

It is reported in at-Tabari that ‘Umar’s instructions to his governors when they set out were as follows:

I have not appointed you governor over Muhammad’s community with unlimited authority. I have made you governor over them only to lead them in the Prayer, to make decisions about them based on what is right, and to distribute the spoils between them fairly. I have not given you unlimited authority over them. Do not flog the Arab troops and humiliate them. Do not keep them long from their families and make them subject to temptation. Do not neglect them and cause them deprivation.

The governor also had to promise not to ride an expensive horse, wear fine clothes, eat sifted flour or have a doorman, and he was instructed that his door should always be open to the people. When ‘Umar heard that the governor of Basra had erected a door (because he was next to the treasury and there had been some pilfering), ‘Umar ordered it to be immediately torn down because it deprived the people of their rights. When a governor was appointed, there was an inventory of his possessions and at the end of his tenure, if there was found to be an excessive increase of wealth, he was called to account for it and any excess was confiscated. The governors had to come to ‘Umar every Hajj where he would deal with any complaints against them. He would say, “Brothers, officers are appointed not that they should slap you in your faces and rob you of your properties, but in order that they should teach you the way of the Prophet of Allah. So, if any officer has acted contrary-wise, tell me that I might avenge it.”

In short, he kept them on a very short leash. He also appointed qadis and separated the executive branch from the judiciary. This was also new. He issued instructions for them as well. We also have the famous letter which ‘Umar sent to Abu Musa al-Ash’ari when he was appointed Qadi of Kufa in which he said:

Judicial judgment is by affirmed obligation and followed custom. Understand what I am telling you. There is no profit in articulating a right that is not carried out.

Treat people equally in your assembly and in that which is brought to your attention so that the noble should not hope for bias and the weak should not despair of justice.
It is for the plaintiff to provide clear evidence and for the defendant then to deny it under oath.

Reconciliation between people is permissible provided that it does not violate what is haram or halal.

If you have passed a judgment yesterday, that does not prevent you from reversing it if, having reflected on it, you are guided to restoring what is right. Nothing invalidates the truth. Know that it is better to go back to what is true than to continue with what is false.

Understanding is that which is processed in your breast in matters for which there is no precedent in either Qur'an or Sunna. Learn similar cases and like matters and then draw analogies after that. Then rely on that which Allah most loves and that which you find is closer to the truth.

Fix a time for the plaintiff to produce proof for a right that is not present. When he brings the proof, then he takes its right. Otherwise the case is dismissed.

The Muslims are just and fair in testimony unless someone has been flogged for a hadd-punishment, has previously given false testimony, or is suspect due to partiality on account of clientage or kinship. Allah has charge of the secrets.

Avoid fatigue, weariness and irritation with the litigants.

One of them, Shurayh, the famous Qadi of Kufa, even gave a decision against ‘Umar before he was Qadi and it was that which led to his appointment, since ‘Umar believed that he would ensure that justice was done and would not pander to the powerful.

An important development occurred in 15 AH when ‘Umar introduced the stipend system (ata) and the military register (diwan). ‘Umar assigned stipends to the Muslims and determined their level according to seniority in Islam. We read in at-Tabari:

He gave to Safwan ibn Umayya, al-Harith ibn Hisham and Suhayl ibn ‘Amr ‘Amr with the rest of the people of the conquest (i.e. those who became Muslim after the conquest of Makka) less than what those who had preceded them received. They refused to accept it, saying, ‘We do not acknowledge that anyone is more noble than us.’ ‘Umar said, ‘I have given to you according to your seniority in Islam, not according to your ancestral nobility.’

When ‘Umar established the Diwan, he started with the uncle of the Messenger of Allah and his kin, then those who had taken part in the Battle of Badr, then those who became Muslim between Badr and al-Hudaybiya, then those who became Muslim after al-Hudaybiya up until the end of the Ridda, then those who had participated in the battles in Iraq and Syria before the Battle of al-Qadisiyya, then those who took part in al-Qadisiyya and who fought in Syria after
Qadisiyya, and so on. This was for booty. As for the money from the jizya, it went to those who protected the dhimmis (ahl adh-dhimma). For ‘Umar, the ruler is the administrator, not the owner. There was no such prior system among the Arabs – it had to be invented and it was based on what ‘Umar had learned and observed from the Prophet, Allah’s blessings on him and peace.

‘Umar established the Hijra calendar in 16 AH because there was confusion about the date of the letters he sent and which one was the most recent. He therefore convened the people and asked them from what date they thought a new calendar should start. ‘Ali said it should start from the time of the Hijra and ‘Uthman said it should start from Muharram of that year.

The people were divided into ’irafas, each under a chief administrator (‘arif) who, in turn, had sub-leaders (naqib) under him. They were chosen from the people and approved by the government. Stipends were distributed through this system as the ‘arif was also responsible for the local treasury (bayt al-mal).

‘Umar also turned his attention to the economic system. Types of land tenure included a grant which gives the holder full rights of ownership (iqta’); the common ground for grazing animals (him); lands owned by the state which were managed but could not be sold (awqaf); and private landlords and agricultural proprietorship for cultivation. He instituted market-inspection (hisba) to maintain law and order in the market. People were appointed to go about the market checking on transactions.

It was thus that in a very short time, a complete functioning system of governance came to be established. So how effective was this governance? Let us take the United Nations Development Programme (UNDP) definition of indicators of effective governance and see what the governance of the Umma looks like from the outside and from the perspective of the present. In it there are nine indicators of good governance:

1. Participation in the decision-making process
   This is mentioned in the Qur’an: “those who manage their affairs through mutual consultation.” (42:38)
   The decision-making process existed through mutual consultation (shura) and the doors of the officials being always open to the people. Whenever there was a major decision to be made, ‘Umar consulted the senior Companions. In the end he made his succession based on a shura, in which the members of that shura went around to consult all the people, including women, on their view.

2. Rule of law: laws should be fair and enforced impartially
   This was clearly present. All persons have access to the law and know what the laws are. ‘Umar even accepted decisions against himself and certainly held his governors up to a high standard. This principle came from the Sunna, since the Prophet, Allah’s blessing on him and peace, said that he would cut off Fatima’s hand if she stole; he said, “The nations before us were destroyed because if a noble person stole they would leave him, but if a weak person among them stole, they would inflict the punishment on him. By Allah, if Fatima, the daughter of Muhammad, stole, Muhammad would cut off her hand!”
3. Transparency: matters should be accessible to all, entailing lack of corruption
This clearly existed. Everything was conducted publicly. Once, after a distribution of shawls, ‘Umar was seen to be wearing two while everyone else had only received one. He was questioned on this and it turned out that his son, Ibn ‘Umar, had given his to his father because his was too small. ‘Umar also said, “Trustworthiness comes only when what is kept secret does not run counter to what is made public.”

4. Responsiveness
‘Umar constantly reviewed his governors, and people with a complaint against one of them could come to him. Indeed there was a special post for the investigator of complaints (mazalim), held often by Muhammad ibn Maslama. ‘Umar said, “If a report reaches me of any public official who has wronged anyone and I do not redress the wrong, I am deeded to be the wrongdoer.” Despite the impending battle of Nihawand against the Persians, he sent Muhammad ibn Maslama to Kufa to investigate complaints against Sa’id, the governor of Kufa, who was recalled to Madina for further examination.

5. Consensus orientation
This was clearly present. When the people of Kufa rejected a governor, he would replace him rather than insisting on his appointee. This is also reflected in the shura.

6. Equity
Everyone was able to demand justice. ‘Umar even changed his position of the amount permitted for mahr on the basis of what a woman said. He also said, “Everyone has a right to some of this wealth whether he has been granted it or not. No one has more right to it than another, except a slave. I am exactly like other people in this respect.” On one occasion, Ubayy ibn Ka'b lodged a case against ‘Umar before Zayd ibn Thabit who was acting as Qadi. ‘Umar seated himself beside the plaintiff, putting himself on the same footing as him. Ubayy demanded that ‘Umar take an oath to defend himself against the claim. Zayd was reluctant to demand that because of ‘Umar’s position, but ‘Umar insisted on doing that.

7. Effectiveness and efficiency
This was something in which ‘Umar was constantly engaged. Once, he dismissed a governor who complained that it would affect his reputation and ‘Umar announced, “I wanted a more forceful leader for the situation.”

8. Accountability
This is clearly present again. ‘Umar said, ”When I do right, assist me. When I do wrong, correct me.” At-Tabari reports that when a delegation came to ‘Umar, he would ask them about their leader. If they gave a good account of him, he would ask, “Does he visit your sick?” If they answered that he did, he would ask, “Does he visit sick slaves?” If they said that he did, he would ask, “How does he treat the weak? Does he sit at their door?” A negative reply to any of these questions resulted in the dismissal of the leader.
9. Strategic vision
This was embodied in the goals of the Deen expressed through public policy, and ‘Umar’s instructions conveyed this vision as, indeed, did the letter we mentioned that the Prophet, Allah’s blessing on him and peace, sent. This was clearly evidenced in his short-term and long-term decisions.

It is therefore clear that the governance of the early community covered all the indicators of what we would now deem good and effective governance. The major point we see emphasised again and again, after insistence on establishing the Deen, is stopping injustices and protecting the weak from the strong. This duty was expressed time and time again in instructions that the Caliph gave to the governors and agents he appointed. The principle of fairness extended to non-Muslims who were protected by the dhimma. When the Muslims failed to protect the people of Hims in Syria, ‘Umar ordered Abu ‘Ubayda to refund the jizya they had paid. In another case, ‘Umar saw an old Jew begging to collect money to pay the jizya and he exempted him from it and ordered a pension for him. Fairness and justice were central to governance.

A summary of what the judgment of governance is found in the *Tabaqat* of Ibn Sa’d. ‘Umar ibn al-Khattab asked Salman, “Am I a king or a caliph?” Salman replied, “If you tax a single dirham from the land of the Muslims, or more or less, and then use it other than the way in which it should be used, then you are a king and not a caliph.” ‘Umar wept. It was also stated that ‘Umar said, “By Allah, I do not know whether I am a caliph or a king. If I am a king then this is a terrible business.” Someone said, “Amir al-Mu’minin! There is a difference between them.” He inquired, “What is that?” The answer came: “A caliph takes only what is due and puts it only where it is due. You, praise be to Allah, are like that. A king, on the other hand, acts unjustly to the people and takes from this one and gives to that one.” Avoidance of injustice is the essential role of governance.

Something that we might touch on is the appearance of ISIL. We could ask if this group meets the above criteria, and we will find that it fails. But also look at the choice of their name: ad-Dawla al-Islami. Not Umma al-Muslimin, or Nation of Muslims. It is an intellectual construct inspired to achieve the rank of a state, which is a relatively modern Western term. The term ‘*dawla*’ was used by the Abbasids and came to represent a dynasty. Literally it is ‘a turn’. It was a sort of divine destiny for them. ISIL however, uses it with the Western idea of a state.

In addition to this, the legitimacy of the ruler is dependent on bay’a being given voluntarily to him by the people that he leads. That certainly does not seem the case with the majority of the people ISIL have taken over. And there certainly does not seem to be any shura involved with the selection of a leader. There is conquest involved here, not core consent with the landed populace.

Certainly there is also no sense of justice and rectification of injustice issuing from reports, despite the fact that justice and fairness was something even the non-Muslim population of the early Umma experienced. John bar Penkaye, a Syriac Nestorian Christian of the late seventh
century, wrote a history which contains an eyewitness account of the conquests and reports of Mu'awiya’s rule. He said:

A man among them named Mu'awiya took the reins of government of the two empires: Persian and Roman. Justice flourished under his reign, and a great peace was established in the countries that were under his government, and he allowed everyone to live as they wished. They had received, as I said, from the man who was their guide, an order in favour of the Christians and the monks. Similarly, because of his guidance they held to the worship of one God, according to the customs of the old law. Firstly, they were so attached to the tradition of Muhammad who was their leader, that they inflicted the death penalty on anyone who seemed not to obey his commands. Their troops went every year into distant countries and islands, raided and brought back captives from all the nations that are under heaven. From every man they required only the tribute, and left him free to hold any belief, and there were even some Christians among them: some belonged to the heretics and others to us. While Mu'awiya reigned there was such a great peace in the world as was never heard of, according to our fathers and our fathers’ fathers.

His only criticism was the lack of persecution of other branches of Christianity and the Jews.

There is no doubt that Muslims yearn for a caliphate and the establishment of justice but from what we have seen, what is happening in Iraq is not a caliphate anymore than the self-governing Kharijite entities which existed in the past were caliphates. This is not something new. There was a major Kharijite rebellion against the Abbasids in the Jazira, the same area where ISIL is now, which lasted for thirty years from about 866 to 896. It sprang from the arrest and detention of the son of a local landlord (dīḥqān) called Musawir ibn ‘Abd al-Hamid. He made an appearance to lead the Prayer in Mosul for a short time. It took a long time to defeat them, but that was because of a power vacuum among the Abbasids after a period of infighting.

Another thing that we note is that the previous incarnation of ISIL was the Jama’at at-Tawhid wa’l-Jihad. While holding to tawhid is absolutely necessary, we have clearly seen that there is more to a caliphate than just jihad. There is the establishment of justice for all and the protection of the weak against the strong.