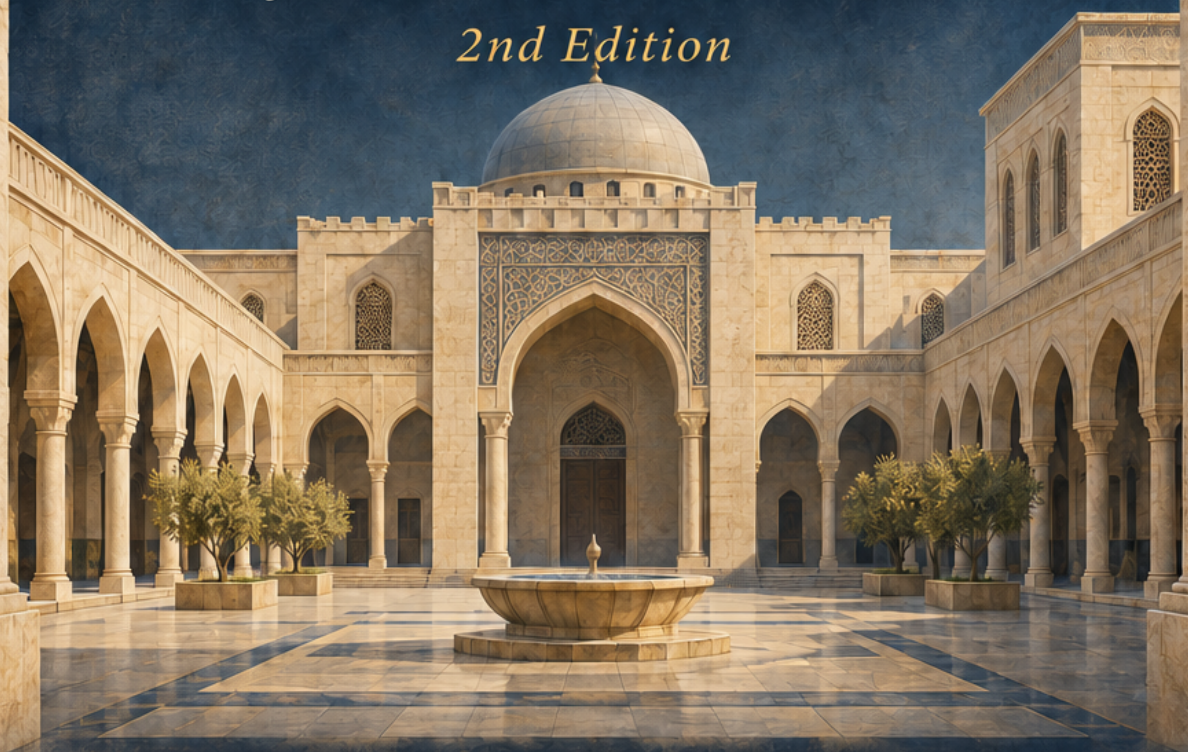
THE STATE AND ISLAM

From Primary Sources to Juristic Developments

2nd Edition



AHMAD RAMAY

DarAlHamd

The State and Islam

From Primary Sources
to Juristic Developments

2nd Edition

Ahmad Ramay

DarALHamd

9 November 2026

The State and Islam

From Primary Sources to Juristic Developments

Author: Ahmad Ramay

Publisher: DarALHamd

2nd Edition, 9 November 2026

First digital edition published November 2026

Copyright © 2026 Ahmad Ramay

This second edition is based on the author's Revision 3 manuscript, dated 9 November 2026. It preserves the complete seven-chapter study, preface, source registers, glossary, consolidated bibliography and indexes.

The expanded Chapter 7 develops the author's restrictive argument concerning autonomous state tax power. It distinguishes acquisition from allocation, engages early fiscal practice and opposing jurisprudence, and examines household hardship, market privilege and need-linked finance.

Free digital research edition for adult readers. Free access does not transfer copyright in this work or in quoted materials. Quotations and reproduced sources are attributed in the text and citation registers; electronic witnesses identify the versions consulted. No ISBN has been assigned.

This is an independently published research monograph. The author's interpretation is distinct from a fatwa or a claim of scholarly consensus. Research claims remain open to examination through the cited sources. This production review is not independent peer review or an exhaustive audit of every citation.

Second-edition production: cover, publication details, navigation and digital packaging prepared with AI assistance. Original chapter pagination is retained; the outer covers are unnumbered.

Contents

Preface....vi
Note on Texts, Transliteration, and Citation....ix

Part I Foundational Texts....1
Chapter 1 The Quranic Conception of Authority and Governance....2
1.1 The question of authority and the limits of the method....2
1.2 Amr and the different registers of command....3
1.3 Hukm and the relation between divine and human judgment....4
1.4 Amanah and authority as an entrusted responsibility....7
1.5 Obedience and its textual boundaries....9
1.6 Shura and the conduct of common affairs....12
1.7 Adl and qist as standards of public conduct....15
1.8 Leadership, dominion, and the evaluation of political power....18
1.9 The conception of governance established by the textual evidence....20
Chapter 2 The Hadith Corpus on Leadership and Obedience....22
2.1 The problem of authority in a differentiated corpus....22
2.2 Leadership as care, trust, and answerability....23
2.3 Obedience and the moral limits of command....27
2.4 Truthful speech, correction, and the forms of dissent....29
2.5 Patience, withheld rights, and endurance under abuse....32
2.6 Contesting authority: explicit conditions and unresolved procedures....35
2.7 Political unity and competing claims to leadership....38
2.8 Synthesis: moral boundaries, political restraint, and the questions left open....40
Chapter 3 The Constitutional and Treaties Framework....43
3.1 Documents, agreements, and the limits of the evidence....43
3.2 Covenant, protection, and the restraint of political advantage....45
3.3 The Medina document: community through continuing groups....47
3.4 Religious difference and common political obligations....48
3.5 Territory, protection, and final adjudication at Medina....51
3.6 Al-Ḥudaybiyyah: negotiation, unequal terms, and the limits of agreement....53
3.7 Najrān: attributed guarantees, material obligations, and the problem of continuity....57
3.8 Synthesis: several forms of political association....62

Contents

Part II Juristic Formulations and the Evolution of Fiqh.....65

Chapter 4 Classical Frameworks of the State (Siyāsa Sharʿiyya).....66

4.1 From authoritative texts to theories of political office.....66
4.2 Al-Māwardī: the imamate, legal appointment, and the administration of power.....67
4.3 Ibn Taymiyyah: entrusted functions, effective capacity, and just governance.....72
4.4 Shiʿi authority: the imam, occultation, and delegated jurisdiction.....77
4.5 Kharijite and Ibadi alternatives: eligibility, selection, and conditional authority.....82
4.6 Muʿtazilite arguments: obligation, designation, and moral qualification.....84
4.7 Comparative conclusions: authority as a problem of justification and performance...87

Part III Comparative Analysis and Contradictions on First Principles.....90

Chapter 5 Tensions Between Primary Texts and Historical Fiqh.....91

5.1 The terms of comparison: what would constitute a contradiction?.....91
5.2 Consultation and justice: strong norms without a complete constitutional procedure.....92
5.3 From early succession to dynastic designation.....95
5.4 Dissent in the foundational corpus: correction and restraint coexist.....99
5.5 Moral disqualification and the legal survival of authority.....101
5.6 “Sixty years”: the maxim, its reasoning, and its political effects.....103
5.7 Necessity and the continuity of legal order.....105
5.8 Did sovereignty pass from God and revelation to the state?.....108
5.9 Findings: transformation through legal consequences.....111

Chapter 6 Conclusion and Synthesis.....114

6.1 The central finding: political obligation and institutional construction.....114
6.2 What the foundational texts establish.....115
6.3 What political jurisprudence added.....119
6.4 Why the modern state requires a further argument.....121
6.5 Modern reconstructions of obligation and political choice.....122
6.6 Government as an instrument and as a superior legal obligation.....125
6.7 Constitutional texts as allocations of interpretive power.....127
6.8 Implications for the contemporary argument.....128
6.9 Final synthesis: the state under judgment.....131

Contents

Part IV Public Finance and the Limits of State Authority.....134

Chapter 7 Public Finance, Taxation, and the Limits of State Authority.....135

7.1 The fiscal question as a question of authority.....135
7.2 The Qurʾānic structure of financial obligation.....136
7.3 The hadith corpus on collection and its limits.....139
7.4 Early caliphal finance and the interpretation of precedent.....143
7.5 Juristic constructions of obligations beyond zakāt.....146
7.6 Khums and the plurality of Islamic fiscal jurisprudence.....150
7.7 Modern taxation and the contested claim to private wealth.....151
7.8 Fiscal accountability and the burden of justification.....156
7.9 The application to modern tax systems.....158
7.10 Fiscal burdens and the distribution of public benefits.....164
7.11 Public finance governed by identified obligations.....169
7.12 A Qurʾān-first constitutional objection: administration is not fiscal sovereignty.....172
7.13 Acquisition and allocation: the Qurʾānic financial categories must remain separate.....175
7.14 Necessary provision, savings, productive capacity and the incidence of additional levies.....177
7.15 Market justice and public assets: restraint before extraction.....179
7.16 The strongest objections to the restrictive case and their limits.....181
7.17 A need-linked fiscal framework under the restrictive interpretation.....183
7.18 Conclusion.....185

Glossary of Terms and Concepts.....190
Consolidated Bibliography.....194
Index of Qurʾānic Passages.....201
Subject and Person Index.....203
Closing Note.....208

Preface

The relationship between Islam and political authority is often argued through a small number of powerful expressions: divine judgment, obedience, consultation, the caliphate, the imamate, and the application of the Sharīʿa. These expressions identify substantial questions, but their repetition does not answer them. A command to act justly does not, by itself, specify a constitution. A duty to obey does not determine the lawfulness of every instruction. The practical necessity of government does not establish the entitlement of every incumbent. This book examines the reasoning that connects religious obligation to political office, and the points at which that reasoning remains contestable.

Its central concern is the distance between an authoritative norm and the institutions created in its name. That distance is not necessarily a defect. Communities must make appointments, allocate responsibilities, administer property, settle disputes, and respond to circumstances that a foundational text may not describe in institutional detail. Juristic reasoning attempts to make these responsibilities determinate. Its conclusions nevertheless remain arguments whose premises, scope, and consequences can be examined. The long reception of a doctrine may establish its historical importance without making every element of it identical to revelation. Conversely, an institutional rule does not become illegitimate merely because its formulation requires human judgment.

The order of the inquiry is intended to make those distinctions visible. Part I begins with the Qurʾānic text, then examines the principal hadith material on leadership and obedience, and finally considers agreements associated with Medina, al-Ḥudaybiyyah, and Najrān. The restriction of this part to foundational evidence is a restriction on the sources supplying the argument. It does not promise an interpretation untouched by selection, translation, or comparison. In Chapter 1, later commentary and political jurisprudence do not determine the reading. Chapter 2 distinguishes prophetic speech from the conduct and explanations of transmitters. Chapter 3 makes a further distinction between authenticated reports and the historical witnesses needed to examine the fuller documentary instruments.

This sequence also makes the limits of the selected corpus explicit. The two Ṣaḥīḥ collections supply the principal hadith framework prescribed for the initial investigation. They are not silently treated as the uncontested internal canon of every Muslim tradition. Similarly, the transmitted Medina and Najrān documents do not acquire an identical evidentiary status merely because they are politically significant. Their surviving wording, the character of their transmission, and the strength of the conclusions drawn from them remain separate matters. The book asks what these sources support without allowing either reverence for a document or doubt about part of its transmission to settle every historical question in advance.

Part II turns to the constructions of jurists and theologians. Chapter 4 compares al-Māwardī and Ibn Taymiyyah, then examines selected Shiʿi, Ibadi, Kharijite, and

Muʿtazilite materials with attention to the provenance of each account. Here a legal or theological work is primary evidence for the argument of its author, although it is not thereby a foundational revelation. Questions of rightful office, actual capacity, moral qualification, delegated jurisdiction, and the validity of public acts are examined separately. The comparison makes disagreement part of the evidence. It does not require a single formula to represent all Sunni jurisprudence, all Shiʿi theories, or every position associated with a collective doctrinal label.

Part III evaluates the relationship between those constructions and the earlier texts. Chapter 5 asks where an institutional addition supplies a procedure left open, where an accommodation responds to constrained circumstances, and where a doctrine creates a substantive tension with the obligations invoked to justify it. Chapter 6 brings that inquiry into conversation with selected modern reconstructions and constitutional arrangements. It retains the title *Conclusion and Synthesis* because it completes the book's principal six-chapter argument. The appended Part IV, comprising Chapter 7, then subjects that argument to a sustained practical examination through public finance, taxation, and the limits of collection and expenditure.

The fiscal study is integral to the larger question of authority. Edition 2 defends a restrictive thesis: the competence to administer civic affairs, adjudicate disputes and distribute already-public funds does not automatically establish a new recurring state claim over ordinary private earnings or purchases. Chapter 7 distinguishes what is textually specified from constitutional inference, and subjects both the oppressive burden of modern taxes and the competing argument from collective need to scrutiny. Special attention is given to Qurʾān 4:58–59, 22:41 and 59:6–7, and to early caliphal land revenue.

Throughout the book, comparison proceeds without presupposing a simple decline from pristine principles to later political expediency. The foundational corpus itself contains demands of justice and correction alongside restraints upon conflict. Later jurists do not all resolve those relationships in the same way. Some preserve stringent qualifications for office; others give greater weight to the anticipated harms of removal; still others distinguish public duties that can continue under defective or absent government. The adequacy of these arguments must be judged in their particular form. A doctrine intended to prevent civil war may nevertheless weaken practical redress. A rule recognizing moral disqualification may leave its remedy institutionally unspecified. Both consequences deserve examination.

The word "state" in the title is consequently an analytical term for organized public authority, rather than a claim that every source describes the same institution. The chapters attend to differences among prophetic leadership, caliphal office, delegated administration, community agreements, juristic authority, and modern constitutional government. Terms such as "sovereignty," "citizenship," and "constitutional" require similar discipline. Their use can assist comparison only when it does not supply powers, procedures, or equalities that the evidence has not established. The purpose

is to identify the actual claims and relationships before assigning them a familiar modern designation.

This study is addressed to readers who want to examine Islamic political claims at the level of their evidence and reasoning. It offers neither an endorsement of every inherited institution nor a dismissal of the juristic enterprise. Its recurring question is how an authority remains answerable to the obligations through which it claims legitimacy. The chapter source registers retain precise locators and qualifications; the consolidated bibliography and index provide additional routes through the material. These aids are intended to support disagreement as well as agreement. A reader should be able to distinguish the wording of a source, the conclusion of a jurist, and the interpretation advanced in this book, and then assess each claim on its appropriate grounds.

Ahmad Ramay

Note on Texts, Transliteration, and Citation

This volume distinguishes foundational religious evidence, historical transmission, juristic argument, and its own comparative analysis. The Qurʾān is cited by sūra and verse. A prophetic statement is distinguished from a Companion's statement or act, the explanation of a narrator, a compiler's comment, and a modern editor's annotation. A juristic work is evidence for its author's doctrine; its quotation of a report is not, by itself, an independent authentication of that report. Historical documents are cited through their identified textual witnesses. Where a complete original instrument has not been examined, the book does not imply that a modern electronic reproduction supplies one.

Chapter 1 uses working English renderings from the retrieved Arabic Qurʾānic text. Chapters 3, 5, 6, and 7 identify Marmaduke Pickthall as the source for their quoted Qurʾānic English; Chapter 2 translates hadith from the Arabic, and Chapter 4 identifies its Arabic excerpts as accompanied by working English translations. Documentary and juristic extracts generally have working translations unless another translator is named. The local attribution controls. The distinction matters when an argument turns upon a particular word, qualification, or addressee. An English rendering is not treated as an additional Arabic clause, and interpretive explanations displayed by a host or supplied by a translator are not silently attributed to the original speaker.

Arabic passages are retained where they assist examination of the argument. Transliteration uses diacritics for significant technical terms, personal names, and titles, while some established English forms are retained. Long vowels may be represented by ā, ī, and ū; ʿ represents ʿayn and ʾ represents hamza. Variants in familiar forms, including the spelling of a name in an English edition, do not designate different authors. The wording of quoted titles and the identification of consulted editions take priority over mechanical uniformity. Terms such as *imām*, *amīr*, *ḥukm*, and *amr* are not assigned a single institutional meaning regardless of context.

Hadith numbers follow the linked electronic conventions identified in the chapter registers. Letter suffixes distinguish recensions in the relevant interface, and paired numbers are retained where the cited presentation combines transmissions. Readers using a different printed edition should also consult the collection, subject, wording, and narrative setting. References to volumes and pages identify the edition or textual witness specified locally. An electronic page address, a PDF image position, and printed pagination may differ. When a stable internal locator is available, such as a chapter, issue, report, or numbered discussion, it is supplied to assist comparison across editions.

The chapter source registers preserve local qualifications about transmission, translation, and pagination. The consolidated bibliography brings repeated works together for reference; it does not replace those qualifications. Where different witnesses to the same work were consulted, their locators should not be transferred indiscriminately between editions. The subject index directs readers to substantive discussions rather than recording every occurrence of a word. Internal chapter and section numbers supply a further means of navigation independent of pagination.

The evidence base has deliberate limits. Part I does not use later political jurisprudence as the authority for its conclusions. Chapter 3 nonetheless examines documentary transmissions outside the two Ṣaḥīḥ collections because the complete instruments named in its subject cannot be reconstructed from those collections alone. The distinction is stated in the chapter and remains operative throughout the synthesis. Later chapters use commentaries, legal manuals, theological works, modern arguments, and specified constitutional texts for the positions they actually express. The selected examples do not constitute an exhaustive history of every community or school.

Electronic access tools and repositories assist retrieval; they do not supply institutional approval for the book’s interpretations. Statements drawn from the retrieved texts are distinguished from comparisons and applications developed here. Neither the authorial synthesis nor its contemporary implications should be attributed as a scholarly ruling or institutional opinion to quran.ai, Quran.com, or Quran Foundation. The assessment of a political claim remains dependent upon its cited evidence and the reasoning connecting that evidence to the conclusion.

PART I

Foundational Texts

Chapters 1–3 examine Qur’ānic authority, prophetic reports on leadership and obedience, and transmitted political agreements. The documentary witnesses in Chapter 3 are assessed with their distinct evidentiary qualifications. The purpose is to establish what the selected foundational materials state and what further reasoning is required to draw institutional conclusions from them.

CHAPTER 1

The Quranic Conception of Authority and Governance

1.1 The question of authority and the limits of the method

The Qur’an recognizes human authority while placing its exercise within a moral order that human officeholders do not create. It commands obedience to God, the Messenger, and holders of authority; directs that disputed matters be referred to God and the Messenger; requires the faithful discharge of trusts and just judgment; and gives consultation an affirmative place in the conduct of communal affairs. These commitments appear together without being assembled into a single constitutional document. Their relationship must therefore be examined rather than assumed. The central question is how the text connects the existence of authority, the standards governing its exercise, and the responsibility of those who obey it (Q. 4:58–59; 3:159; 42:38).

The term “state” in the title is an analytical designation for organized public power. It does not presuppose that the Qur’an speaks in the categories of a modern territorial state, or that every reference to command, judgment, dominion, or leadership describes the same institution. The text addresses judges and communities, recounts the conduct of kings and prophets, and speaks of God’s command over creation. Distinguishing these registers is necessary before they can be brought into a political argument. Otherwise, the conclusion may enter through the translation: “judgment” becomes “sovereignty,” “affair” becomes “government,” and a description of leadership becomes a complete theory of legitimate office.

This chapter adopts an intratextual method: the Qur’anic wording is examined in its immediate context and compared with relevant passages elsewhere in the Qur’an. No classical commentary, juristic doctrine, report concerning an occasion of revelation, or reconstruction of subsequent political history supplies a premise. The hadith evidence is reserved for Chapter 2. This separation establishes a baseline against which later formulations can eventually be assessed; it does not establish that later interpretation is inherently illegitimate or that a text can be read without interpretation.

Indeed, a distinction is necessary between restricting the sources and eliminating interpretive judgment. Selecting passages, translating their words, identifying their addressees, and relating one passage to another all involve reasoning. “Primary sources only” therefore means that the evidence consists of the primary text and that the analysis makes its inferences visible. It cannot mean that every conclusion reached by the analyst is itself a sentence of scripture. Throughout this chapter, direct textual statements are distinguished from conclusions that follow through

comparison and from institutional arrangements that the examined passages leave unspecified.

A further distinction concerns the kinds of utterance the text contains. A command addressed to believers is not identical in status to a speech reported from a ruler within a narrative. A divine promise is not automatically a procedure for appointing an officeholder. A prohibition of injustice establishes a standard of conduct without necessarily identifying the tribunal that will enforce it. Conversely, the absence of a specified tribunal does not cancel the prohibition. These distinctions are particularly important when reading consultation, obedience, and political wrongdoing together (Q. 27:32–34; 24:55; 4:135).

English translations of quoted passages in this chapter are original working renderings of the retrieved Arabic. They are intended to preserve features relevant to the argument; they are not presented as the wording of a published translator. Arabic quotations follow the retrieved Qur’anic text, using ordinary orthography where appropriate. References are given by surah and verse. The study works with the retrieved Ḥafṣ text and does not attempt a comparative investigation of the canonical readings. Its conclusions are textual arguments, not rulings attributed to a school or claims of scholarly consensus.

1.2 Amr and the different registers of command

The noun *amr* cannot be assigned one political meaning throughout the Qur’an. Its contextual range includes command, affair, and a matter requiring attention. The importance of this range is conceptual: the existence of a shared word does not prove that divine direction of creation, the community’s business, and the responsibilities of human leaders are identical forms of authority.

In a passage describing the creation of the heavens and earth and the ordering of night, day, sun, moon, and stars, the text declares:

أَلَا لَهُ الْخَلْقُ وَالْأَمْرُ

> “Surely creation and command belong to Him.” — Q. 7:54

Here command is situated within divine lordship over the created order. The declaration establishes a comprehensive theological relation of dependence. Translating *amr* as “the government” would narrow that relation to an institution that the passage does not name. A political implication can nevertheless be developed: human power exists within, and cannot supersede, the order attributed to God. That implication must be distinguished from a constitutional specification of which human body may make decisions in God’s name.

The distinction is sharpened by Q. 4:83. The verse first refers to an *amr* concerning security or fear that people disseminate. It then says that, had they referred it to the Messenger and the holders of authority among them, those able to ascertain it would have known it. Within one verse, the same noun participates both in the description of an incoming matter and in the expression *ulī al-amr*. The former cannot plausibly

be translated as an incoming “sovereign government.” The latter concerns persons with a recognized responsibility in handling the community’s affairs (Q. 4:83).

This context gives authority a practical dimension. Public safety depends partly on how information is assessed and communicated; responsible direction involves knowledge as well as the ability to issue commands. Yet the passage does not supply an exhaustive list of the relevant officeholders. Nor does it resolve every relation between those who possess authority and those who can ascertain the significance of the report. It provides evidence of differentiated responsibility without describing an entire administrative hierarchy.

The language of communal affairs is especially clear in *wa-amruhum shūrā baynahum*, “their affair is consultation among them” (Q. 42:38). The affair belongs grammatically to the plural community. In Q. 3:159, the Prophet is told to consult “them” concerning *al-amr*. These usages permit public business to be discussed as a subject of human participation even while ultimate command belongs to God. The text therefore supplies no lexical warrant for an argument that divine *amr* excludes all human deliberation. Its own formulations place both within the same religious horizon (Q. 7:54; 3:159; 42:38).

The narrative of Pharaoh adds an evaluative distinction. His followers “followed Pharaoh’s command,” but the text immediately states that his command was not rightly guided (Q. 11:97). A command can be effective, and can attract obedience, while being condemned. Consequently, the word *amr* does not itself certify legitimacy. Whether a command ought to be followed depends on more than the fact that someone has issued it or succeeded in securing compliance.

Taken together, these usages distinguish possession of command from the rightness of its exercise. They also prevent an exclusively institutional definition of authority. The community’s affairs, the handling of information, and the ordering of conduct all belong to the field under examination. A theory of government can draw on these passages, but it must explain how it moves from their different settings to its proposed institutional form.

1.3 Hukm and the relation between divine and human judgment

1.3.1 The exclusivity of divine judgment

The declaration *in al-ḥukmu illā li-llāh* is central to any examination of Qur’anic authority. Its restrictive construction assigns *ḥukm* to God alone. The political significance of the declaration depends, however, on what *ḥukm* denotes in its setting and on how other passages describe human judgment.

In Joseph’s address concerning worship, the text reads:

إِنِ الْحُكْمُ إِلَّا لِلَّهِ ۚ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ

> “Judgment belongs to God alone. He has commanded that you worship none except Him.” — Q. 12:40

The surrounding words reject the worship of names designated by the hearers and their ancestors, for which God has sent down no warrant. The exclusive claim about judgment is immediately joined to the command to worship God alone. The passage therefore directly concerns divine authority against competing objects and claims of worship. It would be an unjustified restriction to declare that such authority can have no implications for public life. It would be an equally unwarranted expansion to insert a legislature, a political party, or a specific governing office into the sentence itself.

The identical formula occurs in a different setting when Jacob advises his sons to enter through separate gates. He then acknowledges that his advice cannot avail them against God, declares that judgment belongs to God alone, and places his trust in God (Q. 12:67). Here practical planning coexists with the exclusive divine claim. The wording cannot mean that every human decision is prohibited, since the speaker is giving a practical direction within the same verse. The contrast concerns the limits of human agency and the ultimacy of divine determination.

Other passages maintain that ultimate reference. Q. 42:10 refers the judgment of matters over which people differ to God. Q. 18:26, in a context concerning divine knowledge, states that God shares His judgment with no one. Read together, these texts establish the priority of divine judgment; they do not identify a human claimant whose interpretation thereby becomes immune from examination. The assertion that judgment belongs to God and the assertion that a particular person speaks conclusively for God are distinct propositions. The latter requires evidence beyond the former.

For analytical purposes, “divine sovereignty” can describe God’s ultimate authority. But the phrase becomes misleading if it silently combines two questions: who possesses ultimate authority, and which human institution may settle a practical dispute. The Qur’anic exclusivity clauses answer the first in theological terms, with contexts encompassing both normative judgment and divine determination. Their relation to the second must be examined through passages that explicitly authorize human action.

1.3.2 Human judging as a commanded responsibility

Q. 4:58 tells its addressees that, when they judge between people, they must judge with justice. The human act of judging is presupposed and regulated. David receives a still more direct instruction:

يَا دَاوُودُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَىٰ

> “David, We have made you a khalīfah in the earth; therefore judge between people in truth, and do not follow desire.” — Q. 38:26, opening portion

The term *khalīfah* is retained here because the verse does not identify whom David succeeds or expressly describe him as God’s deputy. What it does explicitly connect is a position of authority with a duty to judge and a prohibition against following desire. Its continuation warns that desire can lead away from God’s path and invokes

accountability on the Day of Reckoning. Authority is therefore represented as an occasion of responsibility and exposure to judgment. The person who judges others remains answerable to a standard that is not exhausted by his own will (Q. 38:26).

The relation between divine and human *ḥukm* is consequently not a simple competition in which the affirmation of one abolishes the other. Human beings judge; their judgment is evaluated by truth and justice. God's ultimacy supplies the standard and horizon of accountability within which human judgment takes place. This relationship is an inference from the juxtaposition of the relevant texts, but it is more closely supported than either the abolition of human adjudication or its exemption from divine evaluation (Q. 12:40, 67; 4:58; 38:26).

The wider word family confirms the need for semantic precision. In a marital dispute, Q. 4:35 directs the appointment of a *ḥakam* from each family. Q. 19:12 describes John as receiving *al-ḥukm* while a child. Joseph and Moses receive *ḥukm* alongside knowledge in Q. 12:22 and 28:14. These passages concern arbitration and capacities of judgment in contexts that do not establish possession of a sovereign state. Etymological relationship cannot substitute for attention to the sentence in which a word occurs.

1.3.3 Judgment according to revelation in Q. 5:42–50

The most directly juridical sequence is Q. 5:42–50. It should be read as a connected passage because its shifts of subject and address are part of the evidence. At its beginning, the Messenger is told that, if the petitioners come to him, he may judge between them or turn away; if he judges, he must judge equitably (Q. 5:42). The following verse asks why they seek his judgment while possessing the Torah, in which is God's judgment (Q. 5:43).

Q. 5:44 then describes the Torah as containing guidance and light, and names prophets and learned custodians who judge by it. Its concluding formulation describes those who do not judge by what God has revealed as *al-kāfirūn*, "the disbelievers." Q. 5:45 states provisions concerning retaliation for death and injury, includes the possibility of remission, and concludes with *al-ẓālimūn*, "the wrongdoers." The sequence then turns to Jesus and the Gospel; Q. 5:47 directs the people of the Gospel to judge by what God has revealed in it and concludes with *al-fāsiqūn*, "the transgressors" (Q. 5:44–47).

These descriptions are severe, and their severity must remain visible. The passage addresses judgment according to revelation as an obligation of substantive importance. It cannot adequately be represented as a set of optional sentiments about private virtue. At the same time, a primary-text analysis cannot simply import a later account of whether the three descriptions identify identical categories, overlapping moral conditions, or distinguishable legal consequences. The text's different terms and settings must be retained before any further classification is attempted.

The next movement addresses the recipient of the Qur’anic revelation: he is to judge between them by what God has revealed and not follow their desires away from the truth that has come to him. Q. 5:48 also speaks of a law and a way appointed for each of the addressed communities, of testing through what has been given, and of competing in good works. Q. 5:49 reiterates the command to judge according to revelation and warns against being diverted from it. Q. 5:50 challenges the seeking of the judgment of *jāhiliyyah* and asks who is better than God in judgment for people who have certainty.

The sequence thus combines revealed judgment, actual adjudicators, criticism of distortion or evasion, and recognition of differentiated communal settings. It raises a jurisdictional question that should not be concealed: Q. 5:42 explicitly offers the possibility of declining to judge, whereas Q. 5:48–49 command judging according to revelation. It is possible to distinguish a condition governing whether a case is heard from a standard governing how a heard case is decided. That is a plausible reading, but the precise scope of the directives is not exhaustively stated here. A restricted textual study cannot settle the matter by silently introducing a chronology of abrogation or a completed doctrine of jurisdiction.

Nor does the passage itself classify every possible human regulation. The instruction to judge by revelation does not specify, within these verses, how to distinguish a contradictory rule from an administrative arrangement, how to decide between competing interpretations of a text, or who is competent to apply a theological description to a particular person. The passage provides demanding substantive commitments. Translating those commitments into a complete legal system requires further reasoning, which must remain identifiable as such.

1.4 Amanah and authority as an entrusted responsibility

The pairing of trust and judgment in Q. 4:58 is especially significant because it immediately precedes the command concerning obedience:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَن تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُم بَيْنَ النَّاسِ أَن تَحْكُمُوا بِالْعَدْلِ

> “God commands you to render trusts to those to whom they belong, and, when you judge between people, to judge with justice.” — Q. 4:58, opening portion

The first command concerns *al-amānāt*, plural trusts, and their discharge to *ahlihā*, those entitled to them. It does not literally say “appoint public officials,” “elect the ruler,” or “entrust government to the most qualified.” Those may become applications of the language of trust, but inserting them into the translation would erase the distinction between wording and political construction.

Other occurrences establish that entrusted responsibility extends beyond political office. Q. 2:283 concerns transactions, pledges, interpersonal reliance, and testimony; the person who has been trusted is instructed to discharge the trust. Q. 8:27 prohibits believers from betraying God, the Messenger, and their trusts knowingly. Q. 23:8 describes believers as attentive to their trusts and covenant.

These uses make fidelity to what has been entrusted a general moral category (Q. 2:283; 8:27; 23:8).

Its political application is nevertheless substantial. Where a person has been given responsibility over matters affecting others, the language of trust directs attention to what is owed and to whom it is owed. Possession of responsibility does not make its object the unrestricted property of the person who possesses it. The adjacency of entrusted responsibilities and judgment between people in Q. 4:58 gives this application particular textual support. Public authority can coherently be assessed through the duties of faithful discharge and impartial judgment, even though the verse does not define a specific public office.

The phrase “between people” also deserves attention. The immediate object of judging is *al-nās*, people, rather than a named ruling household or an expressly restricted class of beneficiaries. The verse’s wording gives no permission to treat justice as an advantage reserved for supporters. Read with the commands against partial testimony and hostility-induced injustice, it places public responsibility under a standard that exceeds the officeholder’s affiliations (Q. 4:58, 135; 5:8).

The singular *al-amānah* in Q. 33:72 is more expansive and less institutionally specific. The text recounts the offering of the trust to the heavens, earth, and mountains, their refusal and apprehension, and the human being’s assumption of it. It then characterizes the human being as profoundly unjust and ignorant. The verse does not explicitly identify this trust with state sovereignty, caliphal office, an electoral mandate, or a social contract. Its scope cannot responsibly be reduced to any one of those without further argument (Q. 33:72).

What the passage contributes to this inquiry is a warning about the bearer of responsibility. Entrustment does not establish effortless moral reliability. The text can place humanity under a weighty responsibility while explicitly acknowledging human wrongdoing and ignorance. In combination with the warning to David against desire, this makes it difficult to equate possession of authority with an assurance that its exercise will be right (Q. 33:72; 38:26).

An account of authority as a trust therefore has two distinguishable levels. The directly stated level consists of duties to discharge trusts and judge justly. The constructive political level treats public responsibility as a case to which those duties apply. The latter is a strong and intelligible inference, but the duties do not by themselves create a detailed law of appointment, audit, tenure, or dismissal. Those institutional questions remain to be addressed without weakening the substantive obligation already established.

1.5 Obedience and its textual boundaries

1.5.1 The wording and structure of Q. 4:59

The central passage on obedience states:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنكُمْ ۖ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَٰلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

> “You who have believed, obey God, and obey the Messenger and those possessing authority among you. Then, if you dispute about anything, refer it to God and the Messenger, if you believe in God and the Last Day. That is better and best in outcome.” — Q. 4:59

The opening address is to believers in the plural. The two occurrences of *aṭīʿū*, “obey,” are imperatives. God, the Messenger, and *ulī al-amr min-kum* are named within the command. Any reading that makes obedience to human authority disappear from the verse must therefore explain away an explicit object of the imperative. Recognition of moral boundaries cannot proceed by denying that the text demands obedience in the first place.

There is also an observable asymmetry: the imperative is repeated before the Messenger but not repeated a third time before the holders of authority. This feature may contribute to an argument about the relationship between the authorities named. It does not, by itself, establish a complete doctrine of conditional office. Grammatical coordination places the holders of authority within the command to obey even without repetition of the verb. The omission neither cancels obedience nor supplies an unstated rule explaining precisely when an office is forfeited.

The stronger evidence for differentiation appears in the dispute clause. When disagreement arises, the explicitly named destination of referral is “God and the Messenger.” The holders of authority are not named again as an independent final reference. The verse accordingly distinguishes between persons to whom obedience is owed and the reference by which disputed matters are to be resolved. Treating all three terms as possessing an identical normative status would fail to account for this structural difference (Q. 4:59).

The closing connection to belief in God and the Last Day adds seriousness to the instruction. Compliance is placed within religious accountability and the prospect of an ultimate outcome. The verse does not supply a procedure for classifying the religious status of every person who contests a decision. Its conditional language cannot, without further reasoning, be transformed into an immediately applicable judgment on all political disagreement.

1.5.2 Who are the holders of authority

The expression *ulī al-amr* denotes possessors of authority or responsibility for affairs. The qualifying *min-kum* locates them "among you" or "from among you," within the community addressed. That relation is significant: the text does not simply command obedience to anyone who happens to exercise coercive power. Nevertheless, belonging to the community and being selected by a particular procedure are different matters. "Among you" is not a literal description of election, inheritance, nomination, or any other method of appointment (Q. 4:59).

The plural form also leaves room for more than one bearer or level of authority. It does not specify whether a particular institutional arrangement has a single ultimate executive, several officials with different responsibilities, or some other distribution. Nor does the verse, by itself, identify the expression exclusively with governors, military commanders, legal specialists, or a named consultative body. Such identifications require an argument; none should be placed inside the translation as if the Arabic explicitly enumerated the offices.

Q. 4:83 supplies a relevant internal comparison because it uses the same expression in connection with security and fear. The persons named have a role in receiving and assessing matters that should not simply be broadcast. This gives *ulī al-amr* practical substance and makes it difficult to reduce authority to an entirely private spiritual relation. It remains insufficient, however, to determine every qualification for office or every relationship between political responsibility and expertise (Q. 4:83).

1.5.3 Disagreement and the problem of final reference

The condition *fa-in tanāzaʿtum fī shay*ʾ means "if you dispute about anything." The verb is plural; the sentence does not explicitly identify the parties as "ruler" and "subjects." Equally, it does not expressly exclude disputes involving those who possess authority. The initial address encompasses the believing community, and no exemption for its officeholders is stated. The sound textual conclusion is therefore that disagreement is anticipated within the community and is directed toward a reference beyond the mere assertion of a human command (Q. 4:59).

Anticipating disagreement is not the same as approving every form of it. The verse specifies a direction for its resolution. A claim that the passage authorizes unrestricted defiance would ignore that direction, just as a claim that it prohibits every challenge to authority would ignore the condition that makes referral necessary. The text acknowledges the possibility of dispute within an ordered relationship of obedience.

The phrase "refer it to God and the Messenger" also requires careful handling. Q. 4:61 speaks of coming to what God has revealed and to the Messenger; Q. 4:65 describes the Messenger's adjudication of disputes. These passages give the referral recognizable content in the textual setting. They do not yet explain every mechanism through which a later community will identify, interpret, and institutionally apply that reference (Q. 4:59–65).

An enduring practical problem follows. A norm can stand above an officeholder while human beings disagree about its meaning. The acknowledgment of divine authority does not itself select the person or institution whose interpretation must prevail in every later case. Conversely, the need for a practical decision does not prove that the deciding institution possesses unrestricted moral authority. Keeping those questions separate is essential to evaluating subsequent political jurisprudence without anticipating its conclusions.

The immediate sequence matters as well. Trust and just judgment precede obedience in Q. 4:58–59. Authority therefore appears within a passage that also directs the conduct of persons exercising responsibility. Yet the two verses are not worded as an explicit contract stating that every failure of justice automatically terminates office. Ethical accountability is clear; an automatic rule of removal is not. To infer the latter would require an additional argument connecting breach of duty to loss of institutional standing.

1.5.4 The distinctive authority of the Messenger

The Qur’an gives the Messenger an authority that cannot simply be transferred to whoever later governs. Q. 4:65 requires that he be made judge in disputes and that his determination be accepted without inward resistance. Q. 4:80 states that whoever obeys the Messenger has obeyed God. Q. 33:36 denies a believing man or woman an alternative choice in their affair once God and His Messenger have decided it. These are substantial claims concerning prophetic adjudication and obedience (Q. 4:65, 80; 33:36).

Their addressee and subject must remain explicit. “The Messenger” cannot be replaced by “the ruler” without showing why the specific authority attached to the former belongs to the latter. Q. 4:59 itself distinguishes the Messenger from the holders of authority and gives him a place in the referral of disputes that is not identically repeated for them. A later officeholder’s claim to exercise public power does not, through that fact alone, reproduce prophetic status.

This distinction also prevents consultation from being confused with authority to overrule revelation. The text can direct the Prophet to consult while assigning binding force to a decision of God and the Messenger. The coexistence of these formulations requires attention to the matters being considered and the grounds on which a decision is made. It does not establish that every personal preference of every later executive has the same standing as the prophetic decision addressed in Q. 33:36 (Q. 3:159; 33:36).

1.5.5 Moral limits to compliance

Q. 4:59 does not contain, within its own sentence, an exhaustive catalogue of commands that must be refused. Its relation to moral limits must be examined through other Qur’anic passages. The most general relevant prohibition is the instruction not to cooperate in sin and aggression (Q. 5:2). Read alongside the priority of God and the Messenger in Q. 4:59, this makes it difficult to maintain that

an ordinary human command can transform wrongdoing into an obligation merely because it comes from an authority. That conclusion is a synthesis of the passages, rather than an exception clause quoted from Q. 4:59 itself.

A particularly instructive comparison concerns parents. After an affirmation of the duty owed to them, the text prohibits obedience when they press their child to associate with God that for which the child has no knowledge. The prohibition is immediately followed by an instruction to maintain good companionship with them in worldly life (Q. 31:14–15). The passage thus explicitly combines warranted refusal of a particular demand with continuing obligations within the relationship.

The parental relation is not identical to government, and the passage cannot be treated as a ready-made constitutional rule. It nevertheless demonstrates a logical distinction present within the text: refusal of a wrongful instruction need not entail the dissolution of every obligation toward its source. This distinction is indispensable when examining political obedience. Refusing a command, criticizing an authority, removing an officeholder, and using force against that officeholder are different acts. A justification for one does not automatically establish a justification for all the others.

Narrative material reinforces the limits of compliance. In Ṣāliḥ's address to Thamūd, his people are told not to obey the command of those who exceed bounds, who spread corruption in the land and do not reform (Q. 26:141–152, especially 151–152). The command's narrative setting must be preserved, but the text plainly does not treat obedience to every effective leader as a virtue. Likewise, the condemned speakers in Q. 33:67 lament that they obeyed their masters and great ones, who led them astray. Following leaders does not function there as successful exoneration (Q. 33:64–68).

The resulting account has both an affirmative and a limiting dimension. Human authority receives a real claim to obedience. That claim exists within divine reference, moral responsibility, and the possibility that leaders misdirect their followers. The examined texts do not make the removal of an unjust ruler, the means of opposition, or the authorization of force a simple consequence of any single breach. Those questions must be investigated separately, with the additional primary evidence considered in the following chapter.

1.6 Shura and the conduct of common affairs

1.6.1 Consultation as a communal characteristic

The most concise Qur'anic formulation of consultation occurs in a description of believers:

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَىٰ بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ

> "And those who respond to their Lord, establish prayer, whose affair is consultation among them, and who spend from what We have provided them." — Q. 42:38

The clause *amruhum shūrā baynahum* is a nominal statement rather than an imperative verb. Its normative force arises from the approving description in which it appears: Q. 42:36 identifies those for whom what is with God is better and more lasting, and the following verses describe their qualities. Consultation is therefore religiously commended. Its grammatical form does not make it an ethically neutral observation (Q. 42:36–38).

The possessive pronoun in *amruhum* is equally significant. The affair is "theirs," and consultation takes place "among them." The formulation presents consultation as a characteristic of communal life, rather than describing only the private wisdom of an individual leader who may occasionally seek advice. A ruler's deliberation can be part of that life, but the wording is not exhausted by the ruler's personal preference.

The location of consultation beside prayer and spending underscores its importance within the description. It does not, without further reasoning, assign each activity an identical legal classification or specify identical consequences for neglect. The text supports a normative demand for the community's affairs to be conducted consultatively. Whether a particular institutional procedure fully meets that demand requires attention to the procedure itself; the verse does not provide a voting threshold, electoral franchise, appointment mechanism, or sanction for nonconsultation.

This distinction should not be used to empty the clause of practical content. A process in which affected persons have no meaningful opportunity for their affairs to be discussed would require an explanation of how it realizes consultation "among them." Conversely, several different institutional arrangements might claim to give the principle effect. The textual requirement supplies a criterion of evaluation without uniquely identifying its complete institutional realization.

1.6.2 The command to consult in Q. 3:159

The second central passage is addressed to the Prophet:

فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ ۖ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ

> "So pardon them, seek forgiveness for them, and consult them in the affair. Then, when you have resolved, put your trust in God." — Q. 3:159, central portion

Here *shāwirhum*, "consult them," is explicitly imperative. The command is joined to pardon and seeking forgiveness, following the statement that harshness and hardness of heart would have caused the people to disperse. Consultation thus appears within a wider description of leadership's relationship to the community. The maintenance of that relationship involves mercy and engagement, as well as direction (Q. 3:159).

The preceding verses add an important qualification to the people being consulted. They mention disagreement over the affair, disobedience, retreat, distress, and forgiveness (Q. 3:152–155). Without importing an external narrative of the occasion, the sequence permits a significant observation: the text does not respond to

communal fallibility by withdrawing the command to consult. Participation is not portrayed as appropriate only when the participants have already demonstrated complete freedom from error.

The continuation, *fa-idhā ʿazamta*, addresses the Prophet in the singular: “when you have resolved.” This preserves a role for a particular agent in bringing deliberation to decision and action. It does not settle, through grammatical number alone, whether the outcome of consultation binds that agent. A person can make a decision after advice that is nonbinding, or carry into effect a decision reached through a binding collective procedure. Both arrangements can be described using a singular verb for the person who resolves or acts.

Two deductions should therefore be avoided. The verse does not explicitly require majority rule, and it does not explicitly authorize the consulted leader to disregard every consulted judgment at will. The imperative establishes consultation; the singular resolution establishes the addressee’s role in decision. Their precise procedural relationship remains open to further argument. Likewise, because the immediate addressee is the Prophet, extending every feature of the verse to all later rulers requires an account of why that extension is justified.

Read with Q. 42:38, the passage nevertheless has a wider significance than a counsel of personal courtesy. One text commends consultation as a communal characteristic; the other directly commands it in the Prophet’s conduct of affairs. Together they make consultation a substantial feature of the Qur’anic treatment of collective life. The lack of a specified electoral or parliamentary mechanism does not reduce the requirement to an empty formality.

1.6.3 Consultation beyond political office

Q. 2:233 regulates a domestic decision: if the parents wish to wean their child through mutual consent and consultation, no blame attaches to them. The explicit combination of consent and consultation demonstrates that deliberation is not vocabulary reserved for political elites. It can structure a consequential decision among persons with shared responsibilities (Q. 2:233).

The verse also clarifies the limits of analogy. Mutual consent is explicitly named for this particular decision. It would be an additional step to infer that every public decision requires unanimity. The passage establishes the breadth and seriousness of consultative conduct while leaving the procedure appropriate to a different setting to be argued on its own grounds.

The narrative of the woman ruling Saba’ offers a further instance. On receiving Solomon’s letter, she asks her council to advise her and says that she does not decide an affair until they are present. They reply that they possess strength and military capability, but that the decision rests with her; she should consider what to command. She then assesses the destructive consequences of conquest and chooses to send a gift (Q. 27:29–35).

The scene portrays consultation alongside an identifiable ruler's decision-making authority. It also gives deliberation substantive content: military capacity does not by itself determine the policy, and the ruler considers the likely effects of war. Yet the words belong to a narrated exchange, not to a universal imperative addressed to believers. The narrative includes criticism of the people's worship and concludes with the ruler's submission to God; it cannot be reduced to an isolated constitutional model (Q. 27:23–24, 32–44).

The ruler's being a woman is explicit in Q. 27:23. The narrative does not expressly condemn the fact of her ruling, and it depicts her seeking counsel and weighing consequences. That is relevant textual evidence. It is not, by itself, an exhaustive rule covering every question of eligibility for political office. The same discipline applies here as elsewhere: the account must preserve what the narrative shows without turning either its silence or its reported conduct into a complete legal code.

1.7 Adl and qist as standards of public conduct

1.7.1 Justice as an express requirement

The command of justice is explicit:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ

> "God commands justice, doing good, and giving to relatives." — Q. 16:90, opening portion

The continuation prohibits indecency, wrongdoing, and aggression. Justice therefore appears within a broad direction of human conduct. Q. 4:58 applies it specifically to judgment between people. Q. 57:25 connects the sending of messengers, the Book, and the balance with the purpose that people uphold *qisṭ*, equity or justice. In that formulation, the people themselves are agents of the desired condition; its realization is not described exclusively as the private virtue of a ruler (Q. 16:90; 4:58; 57:25).

The words *ʿadl* and *qisṭ* need not be forced into rigidly separate technical compartments. Q. 49:9 uses the language of both within the instruction to settle a conflict justly. Their overlapping use supports a common concern with right dealing and equitable judgment. A more elaborate taxonomy might be constructed, but it would exceed what these occurrences alone establish.

Two verses give unusually concrete content to impartiality. Q. 4:135 requires believers to sustain justice and bear witness for God even against themselves, their parents, and close relatives. It explicitly names wealth and poverty and warns against following desire. Q. 5:8 addresses the pressure operating in the opposite direction:

وَلَا يَجْرِمَنَّكُمْ شَنَآنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا ۚ اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ

> “Do not let hatred of a people cause you to fail to act justly. Act justly; that is nearer to consciousness of God.” — Q. 5:8, central portion

The conjunction of these passages is politically demanding. Affection for one’s own and hostility toward others are both disallowed as grounds for corrupting justice. Family loyalty cannot determine truthful testimony, and antagonism cannot make injustice permissible. Applied to public power, these instructions challenge the use of adjudication to protect allies or punish enemies independently of the merits. That application follows from the stated prohibitions; it does not depend on importing an account of later judicial institutions (Q. 4:135; 5:8).

Justice also constrains attempts to exploit formal procedures. Q. 2:188 prohibits consuming one another’s wealth wrongfully and using it in relation to adjudicating authorities to consume part of other people’s wealth sinfully and knowingly. Q. 4:105 instructs the Messenger to judge between people by what God has shown him and not to act as an advocate for the treacherous; Q. 4:107 continues the prohibition of advocacy for those who betray themselves. A claim’s arrival before an authority does not make its pursuit morally innocent, and the authority’s role does not legitimate partisan protection of wrongdoing (Q. 2:188; 4:105–107).

1.7.2 Justice across communal boundaries

The demands of justice are not confined to relations of affection or shared identity. Q. 60:8 states that God does not prohibit kindness and equitable treatment toward those who have not fought the believers because of religion or expelled them from their homes. The verse closes by affirming God’s love for those who act equitably. Q. 60:9 distinguishes those who have fought, expelled, or assisted expulsion and prohibits the specified relation of *tawallī* with them (Q. 60:8–9).

The distinction concerns conduct and relationships under conditions of hostility; it prevents every outsider from being placed in one undifferentiated category. It must also be read alongside Q. 5:8, which denies that hatred is a justification for injustice. The restriction concerning hostile parties cannot simply be converted into permission to treat such parties unjustly. Conversely, these passages do not alone provide a complete account of citizenship, diplomatic allegiance, or the jurisdiction of different communities. Those questions require further evidence and analysis.

Justice has a material dimension as well. In its allocation of property restored to the Messenger from the towns, Q. 59:7 identifies beneficiaries and gives the purpose that wealth should not circulate only among the rich among the addressed community. The stated purpose concerns distribution and concentration, not merely

the personal kindness of an individual wealthy person. Its particular subject must remain visible: the verse regulates the specified property, and it is not by itself an exhaustive fiscal code. Still, its explicit rationale is relevant to evaluating arrangements through which public resources become the exclusive advantage of those already wealthy (Q. 59:7).

1.7.3 Aggression, redress, and reconciliation

The verses immediately following the consultation passage resist any account in which communal order requires unconditional acquiescence in wrongdoing. Q. 42:39 describes those who defend themselves when aggression afflicts them. Q. 42:40 limits recompense to an equivalent response while commending pardon and reconciliation. Q. 42:41 denies blame to those who seek redress after being wronged; Q. 42:42 places blame upon those who wrong people and aggress in the land without right. Q. 42:43 then commends patience and forgiveness (Q. 42:39–43).

The sequence gives both redress and restraint a place. Forgiveness is praised without making the wrongdoer innocent; self-defense is recognized without making retaliation unlimited. A reading that makes the passage an unqualified instruction to endure every injustice would omit its permission of redress. A reading that treats every injury as an unlimited authorization of force would omit proportionality, reconciliation, and pardon. Their coexistence is part of the primary evidence and should not be dissolved through selective quotation.

Q. 49:9 addresses a more specifically collective conflict. If two groups of believers fight, the addressees are to reconcile them. If one aggresses against the other, they are to fight the aggressing group until it returns to God’s command. Once it returns, reconciliation must be undertaken with justice and equity. The verse thus specifies an initial obligation of settlement, a response to continuing aggression, and a renewed obligation of just settlement when aggression ceases (Q. 49:9).

The designation of the actionable party is consequential. It is identified by aggression in the conflict. The verse does not explicitly equate “the aggressing group” with every opponent of an incumbent, nor does it identify every opposition group as the injured party. Making either equation automatic would replace the text’s criterion with an institutional presumption. Equally, the passage does not name the procedure or authorized body that determines aggression in every possible political conflict. Its normative sequence is clearer than the complete institutional machinery for its application.

This distinction between standard and enforcement remains central. The Qur’anic demand for justice is strong enough to evaluate rulers, followers, and opponents. It does not spare a party because that party possesses authority or speaks against authority. But determining wrongdoing and selecting a legitimate remedy require more than the assertion that one’s own side represents justice. The textual commitment supplies the governing question; it does not remove the difficulty of answering it in a disputed case.

1.8 Leadership, dominion, and the evaluation of political power

1.8.1 Appointment does not erase ethical qualification

The Qur’an’s narratives of leadership provide further tests for claims about legitimate authority. In Q. 2:124, Abraham is told that he is being made an *imām* for people. When he asks concerning his descendants, the reply is:

لَا يَنَالُ عَهْدِي الظَّالِمِينَ

> “My covenant does not reach the wrongdoers.” — Q. 2:124, concluding portion

The response makes wrongdoing relevant to the covenant associated with leadership. Descent is not presented as sufficient to overcome that qualification. Yet the verse does not itself define every feature of the *imām*’s office, prescribe an appointment procedure for the later community, or state that all hereditary succession is prohibited. Its immediate contribution is narrower and substantial: an appeal to lineage cannot simply displace the ethical boundary articulated in the reply.

The account of Ṭālūt similarly challenges a claim grounded in presumed entitlement and wealth. His appointment as king is questioned on the grounds that others have a better claim and that he has not been given abundant wealth. The prophetic reply invokes God’s choice and his increase in knowledge and bodily capacity. The narrative therefore refuses to make wealth the decisive measure of suitability in that case (Q. 2:247). It does not turn the particular qualifications named into an exhaustive eligibility list for every office in every community.

These passages also prevent moral qualification from being equated with a single constitutional form. Ṭālūt is expressly called a king, and David is given dominion and wisdom (Q. 2:247, 251). The text can describe kingship in a favorable divine appointment while condemning other rulers. The category of kingship is therefore not sufficient, without attention to the narrative and the ruler’s conduct, to determine the text’s evaluation.

1.8.2 Effective rule and divine approval

Q. 3:26 addresses God as the possessor of dominion, who gives dominion to whom He wills and removes it from whom He wills. This places the possession and loss of power within divine sovereignty. It does not follow that every action of everyone who possesses power is divinely approved. That conclusion would conflict with the Qur’an’s explicit condemnation of rulers whose commands are followed and whose coercive capacity is effective (Q. 3:26; 11:97–99; 28:4).

Pharaoh is the clearest example. Q. 28:4 describes his self-exaltation in the land, division of its people into groups, oppression of one group, and lethal persecution. The narrative identifies him as one of the corrupters. Q. 11:97 states that his command was not rightly guided, even though it was followed. His leadership is

therefore intelligible as an empirical fact and condemnable as a moral relation. Possession of power does not settle its legitimacy.

The noun *imām* likewise cannot be treated as an automatic certificate of righteousness. Q. 21:73 describes leaders who guide by God's command. Q. 28:41 speaks of leaders who call to the Fire. The direction in which people are led distinguishes the two descriptions. The title alone does not perform that evaluation (Q. 21:73; 28:38–42).

This is a significant feature of the text's political theology. Divine governance of the world does not abolish the moral differentiation of human government. The condemnation of Pharaoh would lose its force if successful domination were sufficient evidence that the dominated ought to treat every command as right. The text requires the conduct of power to be assessed, even while locating power's existence within divine sovereignty.

1.8.3 Communal empowerment and public responsibility

Q. 24:55 promises those who believe and do righteous deeds succession or establishment in the earth, the establishment of their religion, and security after fear. The passage associates the promise with worship of God without association. It is a promise concerning the faithful community; it is not phrased as a detailed appointment statute. A technical doctrine of a single office, its succession, and its territorial jurisdiction cannot be extracted simply from the language of succession in this verse (Q. 24:55).

Q. 22:41 is more explicit about conduct under conditions of empowerment. It describes those who, if established in the land, perform prayer, give zakat, command what is recognized as right, and prohibit what is wrong. Its preceding context concerns people wronged and expelled from their homes and the protection of places of worship (Q. 22:39–41). The portrayal links empowerment with expressly religious and moral conduct. An account that treated Qur'anic governance as indifferent to public religious life would fail to represent this passage.

The responsibilities of commanding right and prohibiting wrong are not confined in every occurrence to a ruler. Q. 9:71 attributes them to believing men and women, who are described as allies or protectors of one another. Q. 3:104 calls for a community among the addressees that summons to good, commands right, and prohibits wrong. The exact institutional distribution is not fixed by placing these verses beside Q. 22:41, but the comparison prevents the moral life of the community from being reduced to a one-way command issued by government to passive subjects.

The passages on pledging allegiance add another form of participation. Q. 48:10 and 48:18 describe pledges to the Prophet and attach religious significance to them; Q. 48:10 expressly addresses fulfillment and breach. Q. 60:12 describes believing women entering a pledge whose terms include moral prohibitions and not disobeying the Prophet in what is right. The women's pledge specifies ethical obligations; all

three passages identify a prophetic recipient and give the commitment religious significance (Q. 48:10, 18; 60:12).

They should not be rewritten as accounts of a modern election. A pledge and a method of choosing an officeholder are distinguishable acts, and the verses do not describe competitive selection. Nevertheless, the participation of persons who undertake obligations is explicit. The text supplies evidence of committed communal relationships while leaving their later institutional adaptation a separate question.

1.9 The conception of governance established by the textual evidence

The examined passages yield a conception of authority with substantive moral content and an incomplete institutional specification. God’s command and judgment are ultimate; human beings nevertheless make decisions and judge between people. The Messenger has a distinctive authority, while other holders of authority receive an express claim to obedience. Trust, justice, and consultation regulate relationships of responsibility. Wrongdoing remains condemnable when performed by powerful persons, and following leaders does not automatically absolve followers of responsibility (Q. 7:54; 12:40, 67; 4:58–59, 65, 80; 3:159; 42:38; 33:67).

The institutional incompleteness needs to be stated precisely. The passages considered do not uniquely specify how postprophetic officeholders are to be selected, how long they hold office, the exact composition of a consultative body, the weight of a consulted majority, the authority competent to adjudicate an allegation against a ruler, or the complete conditions under which an office is forfeited. They also do not supply a complete allocation of executive, legislative, and judicial functions. Those questions are not answered merely by substituting a modern institutional name for a Qur’anic term.

This underdetermination has two consequences. First, an institutional arrangement cannot claim to be the text’s explicit instruction merely because it is compatible with one of its principles. Compatibility, inference, and direct prescription are different levels of claim. Second, the absence of a unique design does not make every arrangement equally defensible. An institution may still be examined for whether it discharges trusts, permits meaningful consultation, judges impartially, and refuses the elevation of human preference above the standards the text expressly states.

The relationship among those standards is especially important. Consultation does not, through its existence alone, turn injustice into justice; a consulted decision remains subject to the commands concerning equitable treatment. An assertion of justice does not remove the text’s positive requirements of consultation. Obedience cannot coherently be read without the priority of God and the Messenger, while moral disagreement cannot by itself establish every possible remedy against an authority. Each concept constrains the way the others may be used (Q. 4:58–59, 135; 5:2, 8; 3:159; 42:38–43).

There remains a practical difficulty that the chapter must leave visible. Once a community must act, persons and institutions will decide how a divine standard applies to a contested situation. Their decisions may be necessary without being identical to the standard itself. The Qur'anic passages establish the normative reference and several demanding responsibilities; they do not eliminate interpretation or guarantee that the person who claims to represent the norm has applied it correctly.

The next stage of inquiry must therefore examine the prophetic reports concerning leadership, obedience, wrongdoing, and opposition. The present findings provide criteria for that examination without deciding its outcome. They also provide a disciplined basis for the later comparison with juristic formulations: the relevant question will be which formulations articulate these textual commitments, which supplement institutional matters left open, and which introduce tensions that require explanation. A conclusion that later jurisprudence either faithfully reproduces or necessarily betrays the foundational text cannot be assumed in advance.

Primary source and citation note

The sole substantive source for this chapter is the Qur'an. References in the body identify the exact surah and verse or range. Arabic wording was checked against Quran Foundation/Quran.com text retrieved through quran.ai, principally the *ar-imlaei* and *ar-uthmani-hafs* editions, on 24 October 2026. Selected grammatical forms were checked against the associated morphology data, particularly Q. 4:59, 4:58, 4:83, 3:159, 42:38, and 2:233. Morphological annotations are used as aids to inspecting the wording, not as authorities for a political doctrine.

Useful electronic access points for the principal passages are Q. 4:58, Q. 4:59, Q. 4:83, Q. 12:40, Q. 12:67, Q. 5:42, Q. 5:44, Q. 5:48, Q. 3:159, Q. 42:38, Q. 4:135, Q. 5:8, Q. 38:26, and Q. 49:9. Automatically displayed commentary on those pages is not used as evidence in this chapter.

All English quotations are the chapter's working translations. The comparisons and conclusions are original analytical reasoning from the retrieved primary text; they are not a juristic ruling or an interpretation attributed to quran.ai, Quran.com, or Quran Foundation.

CHAPTER 2

The Hadith Corpus on Leadership and Obedience

2.1 The problem of authority in a differentiated corpus

The hadith material examined in this chapter assigns political leadership substantial religious responsibility and gives obedience to authority substantial religious weight. It also expressly excludes obedience to sinful commands, condemns rulers who betray those entrusted to them, preserves obligations of truthful speech and opposition to wrongdoing, and restricts struggles over political command. These propositions occur within the primary corpus itself. An adequate account must explain their relationships before deciding whether they constitute a coherent political ethic, leave unresolved tensions, or require institutional arrangements that the reports do not themselves specify.

The principal difficulty is that “obedience” and “opposition” can each conceal several different questions. Must a person carry out a particular instruction? May that person condemn the conduct of the official issuing it? Does misconduct invalidate the official’s claim to office? May another claimant compete for that office? May the community use force to remove its holder? A report answering one question does not necessarily answer the others. Refusal of a sinful instruction need not amount to rejection of the entire authority relationship; continued acknowledgment of an authority need not amount to approval of everything its holder does. Conversely, recognizing these distinctions cannot justify avoiding the passages that demand endurance under severe injustice or threaten lethal force against competing claims to leadership.

This chapter therefore reads the relevant reports as a differentiated body of evidence. It begins with the leader’s responsibilities, examines the obligation and moral boundary of obedience, and then considers criticism, deprivation, communal attachment, and the conditions attached to contesting authority. Its argument is that the corpus establishes both limits upon command and restraints upon political rupture. The precise relation between those commitments must be demonstrated from the wording and narrative settings, rather than supplied by a preferred modern theory of government.

Text, transmission, and the limits of this inquiry

The documentary basis is principally *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*, as prescribed for this part of the book. References identify the collection and the individual report; suffixes distinguish transmissions where necessary. The numbering follows the accessible Arabic entries linked in the source register below. It is a retrieval convention, not a claim that every printed edition uses identical

numbering. Where a webpage displays two numbered transmissions together, both numbers are retained.

The analysis distinguishes three layers. First is speech or conduct attributed to the Prophet. Second is the narrative setting and the conduct or explanation of Companions and other transmitters preserved within a report. Third is the analytical inference advanced here. These layers may illuminate one another, but they have different evidentiary standing. A Companion's choice to advise a ruler privately, for example, is evidence of that Companion's conduct; it cannot be transformed without argument into a universal prophetic prohibition of public criticism.

The collections supply the chapter's prescribed evidentiary corpus. This is not an independent investigation of every transmitter, chain, or disputed wording. Where parallel transmissions differ, the differences remain visible. Inclusion in the same collection does not make two versions verbally identical, and occurrence of one version in both collections does not establish that every additional clause in another version appears in both. No chronology of supersession is assumed where the reports do not establish one.

English translations of quoted passages are working renderings from the Arabic. The analysis does not treat explanatory additions in a published translation, or headings displayed above a report, as words spoken by the Prophet. This precaution matters because an English rendering can turn "contesting authority" into "fighting," expand "his act" into "his administration," or add institutional terminology absent from the Arabic. Nor do the terms *imām*, *amīr*, and *wālī* invariably designate an identical office. Their institutional reach must be considered in each report. The chapter concerns the authority relationships that these texts describe, without presuming that every commander or administrator is the head of a modern sovereign state.

2.2 Leadership as care, trust, and answerability

The shepherd and those entrusted to him

The report transmitted from ʿAbd Allāh b. ʿUmar provides a fundamental description of responsibility:

أَلاَ كُلُّكُمْ رَاعٍ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ

> "Take heed: each of you is a keeper, and each of you is answerable for those in your care."

Al-Bukhārī's version immediately identifies "the imam who is over the people" as such a keeper. Muslim's corresponding version uses *al-amīr*. Both place political leadership within a wider sequence of entrusted responsibilities, including a man's household, a woman's responsibilities in her husband's household, and an enslaved person's responsibility for a master's property (*Bukhārī*, 7138; *Muslim*, 1829a).

The metaphor of *rāʿī* connects authority with care and answerability. Its force is relational: the leader is responsible for people whose affairs have been entrusted to

him. Political command consequently carries an obligation extending beyond the successful assertion of command itself. The people appear as persons for whose treatment the officeholder will be questioned. To translate *raʿiyyah* as “flock” preserves the pastoral metaphor, but the metaphor does not itself say that a ruler owns the population as property.

The report’s breadth also requires historical precision. It generalizes responsibility across several unequal social positions; it does not erase the hierarchy between them. The explicit reference to an enslaved person should not disappear into a modern translation that silently substitutes an ordinary employee. The shared predicate is answerability, not an assertion that every named person possesses identical legal powers. Similarly, the inclusion of political leadership in a general account of care does not specify an electoral procedure, a court of review, or a method for removing a negligent ruler. It provides a norm by which leadership is judged, while leaving the institutional enforcement of that norm largely undescribed.

Office as a trust and the importance of capacity

The connection between office and *amānah* becomes explicit in Abū Dharr’s report. Having asked whether the Prophet would appoint him, he receives the following response:

يَا أَبَا ذَرٍّ إِنَّكَ ضَعِيفٌ وَإِنَّهَا أَمَانَةٌ وَإِنَّهَا يَوْمَ الْقِيَامَةِ خِزْيٌ وَنَدَامَةٌ إِلاَّ مَنْ أَخَذَهَا بِحَقِّهَا وَأَدَّى الَّذِي عَلَيْهِ فِيهَا

> “Abū Dharr, you are weak, and it is a trust. On the Day of Resurrection it is disgrace and regret, except for one who takes it with its due and discharges what is incumbent upon him in it.”

The immediate subject is appointment to authority, so the political application of *amānah* here does not depend on extending a general ethical term by analogy. The office is expressly a trust, and the warning is tied to the capacity of the person requesting it (*Muslim*, 1825).

The exception prevents the report from becoming an undifferentiated condemnation of government. Office can be undertaken appropriately and its obligations fulfilled. What the text refuses is the assumption that possessing an office is itself a mark of success. The decisive considerations are taking it with its due and performing what it requires. The description of Abū Dharr as weak establishes that willingness to serve does not settle suitability. The report does not, however, explain every dimension of the weakness or provide a complete system for measuring administrative competence.

A related warning appears in the instruction to ʿAbd al-Raḥmān b. Samurah not to seek command. If authority is granted because he has asked for it, he will be left to it; if granted without asking, he will be assisted in it (*Bukhārī*, 7146). The contrast concerns dependence and assistance in bearing office. It should not be rendered as though only the person who requested office becomes accountable: the shepherd

report makes accountability general. Nor does this personal instruction independently specify every permissible mechanism by which a community may identify willing candidates. It does place a religious obstacle in the path of treating political ambition as self-validating.

Justice, gentleness, and the betrayal of care

Leadership's substantive content appears in the promise concerning those who act equitably. In a report from ʿAbd Allāh b. ʿAmr, Muslim identifies the people commended as those who are just "in their judgment, their families, and whatever they have been entrusted to administer" (*Muslim*, 1827). The movement between judgment, household, and entrusted responsibilities resembles the shepherd report's extension of answerability across different settings. Justice belongs to the exercise of authority wherever authority has been entrusted; it is not confined to one constitutional office.

ʿĀ'ishah transmits a further prayer concerning anyone who takes charge of any part of the community's affairs:

اللَّهُمَّ مَنْ وَلِيَ مِنْ أَمْرِ أُمَّتِي شَيْئًا فَشَقَّ عَلَيْهِمْ فَاشْقُقْ عَلَيْهِ وَمَنْ وَلِيَ مِنْ أَمْرِ أُمَّتِي شَيْئًا فَرَفَقَ بِهِمْ فَارْفُقْ بِهِ

> "God, whoever takes charge of any affair of my community and makes things hard for them, make things hard for him; and whoever takes charge of any affair of my community and treats them gently, treat him gently."

The repeated *shayʾan*, "any [part or affair]," gives this responsibility a reach below the highest ruler. Administration is evaluated through its effects upon those administered. The prayer's structure also reverses the ordinary direction of vulnerability: the officeholder who can impose hardship is himself exposed to judgment corresponding to that hardship (*Muslim*, 1828a).

The threat associated with betrayal is more severe still. Maʿqil b. Yasār reports that a person whom God entrusts with people, and who dies while deceiving or betraying them, is denied Paradise (*Muslim*, 142a). Al-Bukhārī's parallel report condemns failure to provide sincere care and threatens deprivation of Paradise's fragrance (*Bukhārī*, 7150). The wording of the two versions should remain distinct, including Muslim's specification of dying in the condition described. In the transmitted setting, Maʿqil recounts the warning during his final illness to the visiting ʿUbayd Allāh b. Ziyād.

These sanctions establish the gravity of governing badly. They do not, by their wording alone, identify every offender as an apostate or declare the office automatically vacant. That distinction will become central when reports condemning rulers are read beside reports requiring continued obedience. Moral condemnation, judgment in the hereafter, and immediate loss of political command are different claims. The first two are emphatic here; the third requires additional evidence.

Protection and accountability in the same image

Abū Hurayrah transmits the description of the imam as a shield:

إِنَّمَا الإِمَامُ جُنَّةٌ يُقَاتَلُ مِنْ وَرَائِهِ وَيُتَّقَى بِهِ

> “The imam is a shield: fighting takes place behind him, and protection is sought through him.”

The report immediately continues by assigning reward to the leader who commands consciousness of God and acts justly, and liability to him if he commands otherwise (*Muslim*, 1841). Protection and evaluation therefore occur in the same report. The ruler’s coordinating function is real: organized defense is represented through leadership. Yet the protective function does not absorb the moral question of what the leader commands.

This combination matters for political theology. Authority can serve a necessary collective purpose without every exercise of authority becoming righteous. Conversely, misconduct does not make the collective purpose imaginary. The report permits these two judgments to coexist. It gives neither a simple identification of power with goodness nor an account in which the value of political coordination disappears whenever an officeholder fails.

Official gifts and the scrutiny of administration

The account of an appointed collector of *ṣadaqah* supplies a concrete case of accountability. On returning, the collector distinguishes what belongs to the administration from what, he says, was given to him as a personal gift. The Prophet challenges the distinction by asking why he did not remain in his father’s or mother’s house and see whether gifts would then come to him. The matter is also addressed publicly, and wrongful acquisition is connected to exposure on the Day of Resurrection (*Bukhārī*, 7174; *Muslim*, 1832a).

The counterfactual question is the crucial reasoning. The collector’s designation of something as a gift does not settle its character. The question is whether the transfer arose because of the office. The narrative thus evaluates the relationship between an official’s entrusted function and an asserted private benefit. It is a specific instance of responsibility being enforced through questioning and public rebuke, beyond a general appeal to the official’s conscience.

The case concerns an appointed collector and the property described in that setting; it should not be inflated into a complete modern regulatory code. Nevertheless, its political significance is substantial. Delegation does not put the delegate’s account beyond inspection. Official status can itself explain why a private benefit demands scrutiny. The report thereby gives material content to *amānah*: entrusted authority cannot simply be converted into personal advantage by renaming the advantage a gift.

2.3 Obedience and the moral limits of command

Delegation gives obedience religious significance

The claim of obedience is stated with particular force in Abū Hurayrah's report: whoever obeys the Prophet obeys God, and whoever obeys his commander obeys him. Al-Bukhārī's wording uses the possessive *amīrī*, "my commander" (*Bukhārī*, 7137). Muslim's corresponding wording uses *al-amīr*, "the commander" (*Muslim*, 1835a–b). The difference should be preserved rather than concealed by inserting "appointed by me" into the latter Arabic text.

The connection establishes that obedience to delegated command can be part of obedience to the Messenger. Command is not represented as a merely private preference with no religious claim upon the person addressed. Yet the report does not identify every future claimant to power or define a complete procedure for recognizing rightful appointment. Its general significance must also be read alongside the explicit exclusion of sinful commands. The corpus itself supplies a case in which authorization by the Prophet is invoked by a commander and nevertheless fails to validate the instruction he gives.

Dislike and wrongdoing are different categories

Ibn ʿUmar transmits a concise formulation:

السَّمْعُ وَالطَّاعَةُ عَلَى الْمَرْءِ الْمُسْلِمِ، فِيمَا أَحَبَّ وَكَرِهَ، مَا لَمْ يُؤْمَرْ بِمَعْصِيَةٍ، فَإِذَا أُمِرَ بِمَعْصِيَةٍ فَلاَ سَمْعَ وَلاَ طَاعَةَ

> "Hearing and obedience are incumbent upon the Muslim in what he likes and dislikes, unless he is commanded to disobedience; if he is commanded to disobedience, there is no hearing and no obedience."

The sentence establishes an obligation and marks its boundary within the same formulation (*Bukhārī*, 7144; compare *Muslim*, 1839a). Preference and moral permissibility operate on different axes. An unwelcome instruction may remain binding. A sinful instruction does not acquire a claim to obedience because the person receiving it finds obedience convenient, or because an authorized official issues it.

The phrase *fa-lā samʿa wa-lā ṭāʿah*, "there is no hearing and no obedience," is categorical concerning the sinful instruction. It does not merely commend reluctance or make noncompliance an optional expression of disapproval. The condition also identifies the immediate object of evaluation: being commanded to an act of disobedience. The text is not phrased as "obey only a person who has never sinned." Nor does it say that refusing this act automatically dissolves every remaining obligation within the political relationship.

This distinction protects the force of both clauses. If any dislike could be renamed disobedience to God, the opening requirement would lose its independent meaning. If office could convert any instruction into a duty, the exception would disappear.

The reported rule requires a judgment about the act commanded that is not exhausted by either the subject's preference or the commander's status.

The command to enter the fire

The narrative transmitted from ʿAlī makes the boundary concrete. In al-Bukhārī's version, the Prophet sends a military detachment, appoints an Anṣārī commander, and instructs the men to obey him. The commander becomes angry, invokes the obligation of obedience, and orders the collection of wood, the lighting of a fire, and entry into it. Some of the men recall that following the Prophet was their means of escaping fire. The crisis ends without their entering, and the matter is reported to the Prophet. His judgment condemns the proposed compliance and concludes that obedience is only in *maʿrūf* (*Bukhārī*, 7145).

Muslim's transmission states the governing principle in these words:

لاَ طَاعَةَ فِي مَعْصِيَةِ اللَّهِ إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ

"There is no obedience in disobedience to God; obedience is only in what is right."

The formulation joins a negative limit to a positive description of the domain of obedience (*Muslim*, 1840a). Within this narrative, *maʿrūf* cannot mean whatever the commander happens to command. His appeal to an express prophetic appointment does not make entering the fire right. The boundary operates inside an authorized hierarchy, not merely against an outsider who has falsely claimed authority.

The sequence also matters. The men's refusal precedes the subsequent prophetic judgment. They are not described as first securing the commander's deposition or obtaining a replacement appointment. Their responsibility concerning the act arises while they are still within the command relationship. The report therefore supplies strong evidence for the distinction between refusing an impermissible command and abolishing the office of the person who issued it.

The narrative gives a clear case; it does not supply an exhaustive procedure for cases in which the moral classification of an instruction is disputed. That procedural incompleteness should not be confused with absence of a substantive limit. The limit is explicit. What remains unspecified is how a community should determine contested applications without allowing either official self-authorization or private preference to settle every dispute.

Status, appointment, and the Book

The obedience reports also challenge some grounds on which people might reject an appointed commander. Anas transmits an instruction to obey even if an Abyssinian slave, described through the image of a head resembling a raisin, is appointed over them (*Bukhārī*, 7142). Its force depends on the socially marked description: the appointed person's servile status and the features named do not, by themselves, cancel the demand for obedience. The historical language should neither be silently removed nor turned into an assertion that the report abolishes slavery.

A related transmission from Yaḥyā b. Ḥuṣayn’s grandmother states:

وَلَوِ اسْتُعْمِلَ عَلَيْكُمْ عَبْدٌ يَقُودُكُمْ بِكِتَابِ اللَّهِ فَاسْمَعُوا لَهُ وَأَطِيعُوا

> “Even if a slave is appointed over you, leading you by God’s Book, hear him and obey.”

Here the description of leadership by God’s Book belongs to the transmitted wording (*Muslim*, 1838a; the grandmother is explicitly named as Umm al-Ḥuṣayn in 1838e). The moral-religious character of the direction given is pertinent; social disdain for the appointee is insufficient. Yet the sentence does not state that every isolated failure automatically ends the appointment. It concerns the grounds of obedience within the situation it describes.

These reports must also be read beside the Quraysh-specific statements. Muʿāwiyah transmits that “this affair is among Quraysh,” with a threat against those opposing them and the qualification “so long as they uphold the religion” (*Bukhārī*, 7139; also 3500). Muslim preserves the formulation that this affair will continue among Quraysh so long as two people remain (*Muslim*, 1820). Neither “this affair” nor the appointment language concerning an enslaved commander should be silently rewritten as an exhaustive classification of offices.

A possible distinction is that an appointment over a particular group concerns a delegated command, whereas “this affair” concerns a wider leadership. That distinction is analytically plausible, but these reports do not themselves set out the complete institutional hierarchy that would make it a finished constitutional rule. The evidence therefore resists two sweeping conclusions: that lineage is irrelevant to every form of leadership, and that every subordinate command must belong to Quraysh. The qualification concerning upholding religion also remains relevant without independently supplying a procedure for deciding every breach or its consequence. The corpus offers claims about status and scope whose relationship requires reasoning; it does not license removing either set of claims to obtain an easier synthesis.

2.4 Truthful speech, correction, and the forms of dissent

A pledge to obey and to speak the truth

The pledge reported by ʿUbādah b. al-Ṣāmit is especially important because it combines commitments often treated as alternatives. In one transmission, hearing and obeying under hardship and ease, willingness and reluctance, and preference given over the pledgers is joined to a promise not to contest authority with its holders. The same report then adds:

وَعَلَى أَنْ نَقُولَ بِالْحَقِّ أَيْنَمَا كُنَّا لاَ نَخَافُ فِي اللَّهِ لَوْمَةَ لاَئِمٍ

> “And that we would speak the truth wherever we were, not fearing, in God’s cause, the blame of anyone who blames.”

This wording appears in *Muslim*, 1709e. Al-Bukhārī's version preserves an alternative in the transmission: to "stand for—or speak—the truth" wherever they were (*Bukhārī*, 7199–7200). The uncertainty between the two verbs should be retained when quoting that version. Neither report presents political fidelity as an undertaking to suppress every unwelcome truth.

The conjunction is decisive for the meaning of dissent. A promise not to contest authority cannot simply be defined as a promise never to utter criticism, because commitment to truth occurs alongside it. Equally, a promise to speak truth does not, without further reasoning, establish permission for every possible attempt to acquire power. The pledge holds together loyalty within an authority relationship and independence in truthful judgment. Its exact institutional implications remain to be worked out, but neither component may be erased.

"Wherever we were" and the refusal to fear blame broaden the circumstances in which truth is to be maintained. They do not name a parliament, opposition party, press, or specific immunity from prosecution. The text supplies a religious obligation that may bear upon institutional arrangements; it does not already contain those arrangements. This distinction allows the report's critical force to be acknowledged without attributing a modern catalogue of political rights to its wording.

Naṣīḥah and concern for both leaders and people

Tamīm al-Dārī's report states that religion is *naṣīḥah*. Asked toward whom, the Prophet names God, His Book, His Messenger, the leaders of the Muslims, and their common people (*Muslim*, 55a). "Sincere commitment," "goodwill," and "counsel" capture different aspects of the word in these different relationships. Rendering every occurrence simply as advice would be awkward, particularly in relation to God and the Book; reducing it to flattering those in command would be equally inadequate.

The inclusion of both leaders and the general population matters. The religious relationship described does not terminate at the officeholder. Its scope includes those governed. Counsel to a leader therefore belongs within a broader orientation of fidelity and concern, rather than constituting an exemption of the leader from moral assessment. Nevertheless, the report does not prescribe a single procedure for delivering that counsel. It does not, in its own wording, make every act of advice public or every act private.

Correcting wrong: the distinction between action, speech, and inward rejection

Abū Saʿīd al-Khudrī transmits the instruction:

مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ وَذَلِكَ أَضْعَفُ الإِيمَانِ

> “Whoever among you sees a wrong, let him change it with his hand; if he cannot, then with his tongue; if he cannot, then with his heart—and that is the weakest of faith.”

The instruction distinguishes forms of response according to capacity (*Muslim*, 49a). Inward rejection remains morally significant even where effective intervention is unavailable. The sequence also prevents silence from being identified automatically with approval: inability to act or speak does not eliminate the remaining judgment of the heart. Conversely, the passage does not specify every condition under which a person possesses authority to undertake a particular physical intervention. An obligation to respond to wrong cannot by itself settle every dispute about jurisdiction, means, or the effects of intervention.

Its transmitted setting makes the political relevance concrete. A man challenges Marwān’s placement of the festival sermon before the prayer. Abū Saʿīd says that the man has discharged what was incumbent upon him and cites the prophetic instruction. The challenge and Abū Saʿīd’s evaluation are the narrative and Companion application; the general injunction is the prophetic saying embedded within that account (*Muslim*, 49a).

Al-Bukhārī preserves a related account in which Abū Saʿīd himself objects to Marwān, identified as the commander of Medina, and attempts to stop his ascent to the pulpit before the prayer by taking hold of his garment. Marwān offers an administrative explanation: people would not remain for the sermon if it followed the prayer (*Bukhārī*, 956). This account should not be mechanically combined with Muslim’s account as though every participant and detail were identical. Its independent significance is that a Companion’s correction of an officeholder is represented as direct and public. An official explanation concerning practical effectiveness does not prevent the objection from being made.

The political act here is correction of a specific practice. The narrative does not describe an attempt to establish a competing government. That difference is precisely why the report is useful: public objection and a struggle for possession of office are distinguishable actions within the transmitted evidence. The episode supplies a concrete instance of the former, without needing to be converted into a general authorization of the latter.

Private counsel and the limits of a universal rule

The report concerning Usāmah b. Zayd adds another form of correction. Asked why he does not speak to ʿUthmān, Usāmah rejects the assumption that speech must

occur within the questioners' hearing to have occurred at all. He says that he has spoken privately, without initiating a matter he does not wish to be the first to open. He then recounts a prophetic warning about a man punished for commanding good while failing to practice it and forbidding wrong while committing it (*Muslim*, 2989a; compare *Bukhārī*, 7098).

Usāmah's explanation gives privacy a reasoned place in counsel. The absence of a public performance is not proof that no advice has been offered. His reluctance to initiate the matter can be read as attention to the consequences of doing so, although the passage does not specify them. Yet the distinction between layers of the report must be maintained. The decision to speak privately is Usāmah's stated practice. The prophetic warning embedded in his response concerns the contradiction between moral instruction and personal conduct. It is not worded as a universal command that every criticism of a ruler must occur privately.

Read beside the Marwān reports, this evidence supports a range of practices rather than a single undifferentiated rule about publicity. The corpus preserves both direct public objection and deliberately private counsel. Determining when each is appropriate requires attention to the act, setting, and consequences. A primary-source account can identify this range without using a later theory to make one form disappear.

2.5 Patience, withheld rights, and endurance under abuse

Obedience when reciprocity fails

The strongest challenge to a purely reciprocal account of political obligation appears in reports addressing preferential treatment and withheld rights. Abū Hurayrah transmits that hearing and obedience remain incumbent under hardship and ease, willingness and reluctance, and *atharah* at the hearer's expense (*Muslim*, 1836). The last term introduces a problem beyond the mere inconvenience of a command: others receive preference while the addressed person suffers disadvantage.

Ibn Masʿūd's report predicts such preference and matters the hearers will disapprove. Asked what they should do, the Prophet responds:

تُؤَدُّونَ الْحَقَّ الَّذِي عَلَيْكُمْ وَتَسْأَلُونَ اللَّهَ الَّذِي لَكُمْ

> "Discharge the right incumbent upon you, and ask God for what belongs to you."

The formulation preserves both a right owed by the hearers and a right belonging to them (*Bukhārī*, 3603; *Muslim*, 1843). Their deprivation does not turn the missing right into something they never possessed. Nevertheless, the command concerning what they owe continues despite the other side's failure. The relationship therefore cannot be reconstructed as an exchange in which every breach immediately cancels all remaining duties.

The distinction is sharpened in the question of Salamah b. Yazīd al-Juʿfī, transmitted through Wāʾil al-Ḥaḍramī. He asks about rulers who demand their own right while withholding the people's right. Muslim's transmissions record the repeated question and the response:

اسْمَعُوا وَأَطِيعُوا فَإِنَّمَا عَلَيْهِمْ مَا حُمِّلُوا وَعَلَيْكُمْ مَا حُمِّلْتُمْ

> "Hear and obey: upon them is what they have been charged with, and upon you is what you have been charged with."

The version numbered 1846b explicitly attributes this response to the Messenger, clarifying the attribution left less explicit in the preceding transmission (*Muslim*, 1846a–b). The report does not deny that rulers have obligations. It distributes responsibility and refuses to make the subject's duty disappear merely because the ruler fails to discharge his own.

This produces a pronounced asymmetry in the immediate political response. The ruler's breach remains blameworthy, yet the governed are directed to continue fulfilling their obligations. The texts locate accountability beyond the immediate success or failure of reciprocal performance. An interpreter may judge that structure protective of order, demanding of conscience, or difficult for the injured person; the textual fact is that deprivation and continued obligation are deliberately presented together.

A wrong suffered and a wrong commanded

How can these commands be read with the categorical refusal of obedience in sin? A substantial distinction is available within the cases themselves. The reports about withheld rights address people who suffer a ruler's wrong. The no-obedience reports address people commanded to perform a wrong. Enduring an injury and carrying out an impermissible instruction are different acts. On this reading, the fact that a ruler has acted unjustly does not make every subsequent lawful command nonbinding; the fact that some obedience remains due does not make a particular sinful command permissible.

This is an analytical synthesis, rather than an additional sentence spoken in either report. It gains support from the change in the object being evaluated: the ruler's conduct in one set of reports, the subject's commanded conduct in the other. It also leaves difficult cases. A command can require a subordinate to inflict the very deprivation another person is told to endure. A payment can be experienced as a wrong suffered while its collection is a wrong committed. The distinction consequently organizes the inquiry but cannot decide every instance without further judgment about the act required of each participant.

The instruction to ask God for withheld rights must likewise be read at its proper level. It directs the injured person toward God and retains the obligation to discharge what is owed. It does not itself enumerate all permissible avenues of complaint. The reports on truthful speech and correction remain part of the same

corpus. To infer an absolute prohibition of every complaint would require more than the absence of a complaint procedure from this particular answer.

Patience and the gravity of separation

The report from Ibn ʿAbbās directs a person who sees something disliked in his commander to be patient, and warns against separating from the community even by a handspan and dying in that condition. Such a death is described as a death of *jāhiliyyah* (*Bukhārī*, 7054; *Muslim*, 1849a). A neighboring al-Bukhārī transmission speaks of departing from *al-sulṭān* by a handspan (*Bukhārī*, 7053). The formulations emphasize the seriousness of political and communal rupture without being verbally identical.

The warning gives communal attachment a religious significance that cannot be reduced to ordinary administrative convenience. It also places a burden of restraint upon the person who disapproves. The disliked conduct is not thereby pronounced just. The prescribed response and the evaluation of the conduct remain distinguishable.

The expression "a death of *jāhiliyyah*" must retain its severity. At the same time, the report does not contain the explicit legal declaration that every person who commits the described separation has thereby become an apostate. Moving from an eschatological warning or analogy to a complete ruling about communal status would be an additional interpretive step. The primary text supplies the warning; its full classification belongs to an inquiry beyond merely repeating it.

Ḥudhayfah: leaders who depart from prophetic guidance

One transmission from Ḥudhayfah contains a particularly difficult demand. It describes leaders who do not follow the Prophet's guidance or practice, and men whose hearts are those of devils in human bodies. Asked how to act if he encounters that situation, the answer states:

تَسْمَعُ وَتُطِيعُ لِلأَمِيرِ وَإِنْ ضُرِبَ ظَهْرُكَ وَأُخِذَ مَالُكَ فَاسْمَعْ وَأَطِعْ

> "You shall listen to the commander and obey; even if your back is struck and your property taken, listen and obey."

This clause occurs in *Muslim*, 1847b. Its severity cannot be removed by paraphrasing it as patience with minor inconvenience. Nor does the wording qualify the beating and taking of property as necessarily lawful punishment or legitimate collection. Such qualifications would be supplied by the interpreter. The description of the leaders is already condemnatory; the demand for endurance does not rest on praising their conduct.

The distinction between suffering a wrong and being commanded to do wrong offers one way to read this passage alongside the fire narrative and the refusal of sinful obedience. It prevents a command to endure abuse from becoming, without further argument, a command to participate in every abusive act. Even so, the cost imposed

upon the injured person remains substantial. A rigorous account must preserve that cost rather than dissolve it through an attractive harmonization.

The version must also be identified precisely. Muslim's adjacent transmission, 1847a, has a different ending. There, amid successive conditions of good and evil and callers at the gates of Hell, Ḥudhayfah is told to adhere to the Muslim community and its imam. Asked what to do if there is neither a community nor an imam, the answer is to withdraw from all those factions, even if he must bite onto the root of a tree until death overtakes him. Al-Bukhārī preserves a parallel account (*Bukhārī*, 3606). The striking-and-property clause must not be inserted into these versions or represented as wording that both collections transmit in that account.

The alternative ending also complicates a theory of automatic allegiance to whoever possesses coercive force. In the condition described as lacking a community and imam, the instruction is withdrawal from the factions. The mere existence of organized claimants does not settle which, if any, possesses the relevant claim to adherence. Neither transmission provides a universal checklist for identifying the community and imam in every later conflict. Together they preserve both a demanding obligation of adherence and the possibility of a situation in which adherence to the available factions is not the answer.

The present analysis does not adjudicate a separate dispute about the transmission history of 1847b. It states precisely that Muslim includes this version and analyzes its wording within the selected corpus. A claim that it may be dismissed, or that every aspect of its transmission is beyond possible criticism, would require a further investigation. Neither assertion is necessary to acknowledge the report's actual presence and its substantial effect on the political argument.

2.6 Contesting authority: explicit conditions and unresolved procedures

What would it mean for authority to become illegitimate?

The question of illegitimacy requires a specified object. An instruction can fail to bind because it commands sin. An officeholder can incur condemnation because he betrays those entrusted to him. A challenge to his possession of office can nonetheless remain prohibited under the conditions described in another report. The corpus repeatedly requires these judgments to be distinguished. Treating "illegitimate" as a single label that automatically answers all three questions would conceal the problem that needs analysis.

The distinction is particularly important in approaching the reports about manifest disbelief and prayer. These texts address limits upon contestation or fighting. They should not be reduced to the more elementary proposition that one sinful instruction must be refused. Their subject is a change in the relation to political authority itself, and their conditions are correspondingly weighty.

The exception of manifest disbelief

ʿUbādah's pledge, in the transmission preserved by al-Bukhārī, includes hearing and obeying under difficult and favorable conditions, including preference given over the pledgers, followed by this clause:

وَأَنْ لاَ نُنَازِعَ الأَمْرَ أَهْلَهُ، إِلاَّ أَنْ تَرَوْا كُفْرًا بَوَاحًا، عِنْدَكُمْ مِنَ اللَّهِ فِيهِ بُرْهَانٌ

> "And that we would not contest authority with its holders, unless you see manifest disbelief for which you possess proof from God."

The corresponding exception appears in Muslim's transmission numbered 1709h (*Bukhārī*, 7055–7056; *Muslim*, 1709h). The Arabic *nunāziʿa al-amra ahlahu* concerns contesting the affair or authority with its holders. Translating it only as fighting makes the wording narrower than it is. At the same time, the related pledge to speak truth prevents "contesting" from being expanded without limit to include every adverse judgment or truthful objection.

Each part of the exception constrains its application. "You see" presents the condition as something apprehended, rather than an accusation whose truth is irrelevant. *Kufr* names disbelief, not simply personal dislike or any administrative failure. *Bawāḥ* makes its manifest character pertinent. The required *burhān*, proof from God, adds an evidentiary claim beyond hostility toward the officeholder. Whatever further judgments become necessary, the report does not state that dissatisfaction by itself activates the exception.

The phrase "its holders" also requires care. It presupposes persons with whom authority would otherwise be contested. It does not supply, within the same sentence, a complete account of how every such holder originally acquired authority. Nor does it declare their moral infallibility. The exception would be unintelligible if their possession of office made the described breach impossible.

There is a further difference between lifting the stated restraint and specifying the whole response. Grammatically, the exception qualifies the undertaking not to contest authority. It does not itself enumerate who determines that the condition exists, how proof is tested, who represents the community, which means may be employed, or what follows if action is certain to fail. These are substantial questions, not incidental details. They cannot be answered by reproducing the exception as though its wording already supplied a complete procedure for deposition.

The report therefore gives a clear negative result: the pledge's restraint is not stated without any exception. It also gives a clear evidentiary threshold for the exception it names. It does not give a self-executing institutional mechanism. Maintaining all three observations preserves both the restriction and its limit.

Rulers whose conduct is rejected, yet whom the hearers must not fight

Umm Salamah transmits a prediction of rulers whose conduct will be recognized and disapproved. One version distinguishes the person who hates the wrong and is absolved, and the person who disapproves and is safe, from the person who is pleased and follows. The hearers ask whether they should fight such rulers. The answer is:

لاَ مَا صَلَّوْا

> “No, so long as they pray.”

The question concerns fighting, and the negative answer contains an express qualification (*Muslim*, 1854a–b). Moral disapproval therefore coexists with restraint from that form of opposition. The hearer is not told to admire the objectionable act. Approval and following are expressly differentiated from rejection.

The variants deserve precision. The version numbered 1854a speaks of recognizing and disapproving; 1854b uses hating and disapproving. An explanatory phrase about the heart appears after the quoted exchange in 1854b. It should not be silently incorporated as another unambiguous sentence spoken by the Prophet. The text and its appended explanation must remain distinguishable even where the explanation appears compatible with one reading of the report.

ʿAwf b. Mālik’s report supplies a closely related formulation. The best leaders are described through reciprocal love and prayer for one another; the worst through reciprocal hatred and cursing. Asked whether the latter should be confronted with the sword, the Prophet responds:

لاَ مَا أَقَامُوا فِيكُمُ الصَّلاَةَ

> “No, so long as they establish prayer among you.”

The report then directs the hearers to reject a ruler’s objectionable act without withdrawing a hand from obedience (*Muslim*, 1855a). In the further transmission, the ruler is expressly described as doing something in disobedience to God, and the observer is told to hate that disobedience while retaining obedience (*Muslim*, 1855b).

This is strong evidence for distinguishing the ruler’s sinful conduct from the subject’s compliance with a sinful instruction. The ruler can be morally condemned while an authority relationship persists. The instruction to hate his act does not mean that the act becomes acceptable until the ruler is removed. Equally, the refusal to withdraw obedience means that the passage cannot be reduced to an immediate cancellation of office upon every sin.

The opening contrast between the best and worst rulers also has independent significance. The relationship between ruler and ruled is evaluated through mutual regard or mutual hostility. Hatred and cursing mark the worst condition; the text does not celebrate that condition as good government. Yet the subsequent answer

resists the inference that being among the worst rulers automatically authorizes confrontation with the sword. The standard of good leadership and the threshold for that response are plainly different.

The prayer conditions and the disbelief exception

The wording of the prayer conditions should remain differentiated. “So long as they pray” and “so long as they establish prayer among you” are related expressions, but the latter expressly includes the community among whom prayer is established. Neither report, in these sentences, explains every circumstance that counts as cessation, every distinction between individual conduct and public maintenance, or every evidentiary procedure for deciding the matter.

Nor is the relationship between these conditions and manifest disbelief fully stated in the reports. An interpreter might connect them by arguing that a particular abandonment of prayer constitutes the disbelief named in ʻUbādah’s exception. That connection would be an additional argument. It should not be inserted as though these separate transmissions already offered one continuous definition, covering every disputed case.

There is also a basic logical limit. “Do not fight them so long as they pray” establishes restraint while the named condition obtains. It does not, merely by that grammatical form, provide a complete positive command to fight whenever the condition is absent. The wider consequences of its absence require interpretation together with the remaining evidence. Likewise, the exception concerning manifest disbelief does not identify every permissible means of contestation.

The primary corpus thus supplies more than an undefined demand for obedience and less than an exhaustive constitutional law of removal. It identifies forbidden commanded acts, condemns official misconduct, differentiates rejection from fighting, and states conditions limiting restraint. The determination of facts, the identification of competent decision-makers, and the coordination of a response remain questions for which these reports do not provide a single comprehensive procedure.

2.7 Political unity and competing claims to leadership

The lethal content of the anti-division reports

Concern for unity appears in formulations considerably stronger than a general preference for social peace. Abū Saʻīd al-Khudrī transmits:

إِذَا بُوِيعَ لِخَلِيفَتَيْنِ فَاقْتُلُوا الآخَرَ مِنْهُمَا

“When allegiance is given to two caliphs, kill the latter of the two.”

The verb is explicit (*Muslim*, 1853). It cannot be translated merely as “ignore” or “decline to support.” The report treats a competing investiture as a matter of grave collective consequence. It also uses *khalīfatayn*, two caliphs, so the institutional

designation comes from the text itself, rather than from a translator substituting “caliph” for a more general word.

ʿArfajah’s report addresses someone who comes when the hearers’ affair is united under one man, seeking to break their solidarity or divide their community, and likewise commands that he be killed (*Muslim*, 1852c; compare 1852a–b). The specified setting of existing unity and the intention to divide belong to the sentence. A description of these texts that reports only gentleness, moral counsel, and patient nonviolence would therefore be incomplete. Coercive preservation of political unity is already present in the primary material.

Equally, the person described in these reports cannot automatically be identified with every critic. A rival caliphal allegiance and a challenge intended to break an already united political body are specified objects. The truth-speaking pledge and the accounts of correction demonstrate that speech against an act is a distinguishable category. Extending the lethal command to every public objection would require an argument that the text does not provide simply by using the words “unity” or “community.”

The brevity of the commands also leaves procedural questions unanswered. The reports do not set out a tribunal, a standard procedure for hearing rival claims, or a complete account of who may carry out the response. They cannot be converted into such an account by assuming that the very person making an accusation thereby possesses every relevant authority. These omissions matter precisely because the commanded consequence is so severe. An academic reading should preserve the force of the wording while identifying what the wording leaves unspecified.

An early application preserved within the report itself

The extended report transmitted by ʿAbd Allāh b. ʿAmr b. al-ʿĀṣ places several commitments together. The prophetic address describes future trials, enjoins treating people as one wishes to be treated, requires obedience within ability after a pledge to an imam, and orders the striking of a rival claimant’s neck. The narrative then records a listener challenging the practical implications: he alleges that Muʿāwiyah commands wrongful consumption of wealth and mutual killing. After a pause, ʿAbd Allāh responds:

أَطِعْهُ فِي طَاعَةِ اللَّهِ وَاعْصِهِ فِي مَعْصِيَةِ اللَّهِ

> “Obey him in obedience to God, and disobey him in disobedience to God.”

The report is *Muslim*, 1844a. The attribution of its parts is crucial. The account of future trials and the anti-rival instruction belongs to the quoted prophetic address. The allegation about Muʿāwiyah belongs to the questioner; its presence is not an independent historical adjudication that every allegation is established. The final distinction is the Companion’s response, preserved within the primary report, rather than another sentence explicitly quoted from the Prophet.

This internal exchange is valuable because it shows that the practical difficulty is visible within the transmitted material itself. A listener asks how a stringent command concerning allegiance relates to alleged immoral orders. The Companion's answer differentiates compliance according to obedience and disobedience to God. It does not resolve the problem by declaring every order permissible, and it does not state that every alleged wrong necessarily authorizes a rival claim to office.

The exchange therefore supports the distinction between command, conduct, and tenure developed throughout this chapter. It also prevents that distinction from appearing as an entirely external device imposed upon unrelated sayings. The transmitted setting itself contains a demand to reconcile fidelity to an authority with refusal of wrongful action. The answer is concise, while the practical problems of applying it remain substantial.

2.8 Synthesis: moral boundaries, political restraint, and the questions left open

The reports examined here describe leadership through responsibility before they can be reduced to a theory of possession. The leader is a keeper answerable for those in his care; office is a trust that can become a source of disgrace; justice and gentleness define valued conduct; betrayal attracts severe condemnation; official benefits can be subjected to public scrutiny. The imam's protective function is acknowledged within a report that also evaluates what he commands. These themes provide substantive standards for judging authority, rather than making successful control the whole measure of good government.

Obedience nonetheless has an independent religious claim. It extends beyond the instructions a subject welcomes and survives circumstances of preference, deprivation, and objectionable rule. The no-sin boundary is equally substantive. The commander's status does not determine the permissibility of every commanded act, as the fire narrative demonstrates even under an express prophetic appointment. The immediate moral responsibility of the person receiving a command therefore cannot be transferred wholly to the person giving it.

Criticism occupies a further position. Truthful speech forms part of a pledge that also restrains contestation. Concern extends to leaders and common people. The duty to respond to wrong distinguishes action, speech, and inward rejection according to capacity. The transmitted settings preserve both public correction and private counsel. These materials require an account of the forms and objects of dissent; they do not support treating every objection as rebellion or every expression of opposition as an unrestricted entitlement to take power.

At the level of political rupture, the restrictions become especially strong. The corpus commands patience, condemns separation, restrains fighting under stated prayer conditions, and makes manifest disbelief supported by proof an exception to noncontestation. Other reports attach lethal consequences to competing caliphal allegiance and intended division of an already united community. These passages

belong to the same primary corpus as the prohibitions of sinful obedience. Their presence makes an exclusively emancipatory or exclusively authoritarian characterization inadequate to the evidence.

The relation among these norms is partly intelligible through distinctions the reports themselves make. A sinful act commanded of a subject differs from a wrong suffered by that subject. Rejecting an official's deed differs from competing for his office. Speaking truth differs from an attempt to divide political command. Moral quality differs from the threshold for confrontation with the sword. These distinctions clarify many apparent contradictions, but they do not complete the institutional analysis. Difficult cases can involve several categories at once, especially where commands require participation in injustice or where rival parties dispute who possesses rightful authority.

For that reason, the chapter's conclusion is neither that the texts contain a ready-made constitutional system nor that they lack determinate political content. They establish duties, prohibitions, evaluative standards, warnings, and exceptional conditions. They leave substantial questions concerning appointment, evidence, representation, jurisdiction, and enforcement to further reasoning. Those questions are real consequences of the form in which the norms are transmitted; acknowledging them does not cancel the norms themselves.

This finding determines the task of the later comparative chapters. Any claim that concern for political order entered Islamic thought only when jurists accommodated historical rulers would disregard the primary evidence examined here. Equally, any later institutional arrangement claiming fidelity to these reports must be assessed against the duties of care, justice, truthful speech, and refusal of sin that the same evidence preserves. The eventual comparison must ask which commitments jurists emphasized, how they related them, and what institutional consequences they derived. It cannot begin by assigning moral opposition exclusively to the primary texts and political restraint exclusively to their later interpreters.

The hadith corpus thus makes political authority answerable without making every failure an automatic termination of command. It makes obedience demanding without making every command binding. The unresolved institutional questions arise from the need to uphold these commitments together under conditions of disagreement, abuse, and competing claims. That is the textual problem the subsequent development of political jurisprudence must be examined as attempting to address.

Primary-source register and citation notes

All substantive sources in this chapter are reports in *Ṣaḥīḥ al-Bukhārī* or *Ṣaḥīḥ Muslim*. Arabic entries were checked through Sunnah.com. Linked numbers below provide access to the primary text; explanatory website headings and English additions are not treated as prophetic wording. The working translations in the chapter are from the Arabic. The register groups the principal passages for retrieval; it does not assert that parallel reports have identical wording.

Care, trust, and official conduct: *Bukhārī*, 7138, 7146, 7150, 7174; *Muslim*, 1829a, 1825, 1827, 1828a, 142a, 1841, 1832a.

Delegated command and the limit of sin: *Bukhārī*, 7137, 7144, 7145; *Muslim*, 1835a–b, 1839a, 1840a.

Status, appointment, and Quraysh: *Bukhārī*, 7142, 7139, 3500; *Muslim*, 1838a, 1838e, 1820.

Truth, counsel, and correction: *Bukhārī*, 7199–7200, 956, 7098; *Muslim*, 1709e, 55a, 49a, 2989a.

Withheld rights, patience, and communal attachment: *Bukhārī*, 3603, 7053, 7054, 3606; *Muslim*, 1836, 1843, 1846a, 1846b, 1849a, 1847a, 1847b.

Contestation, prayer, and manifest disbelief: *Bukhārī*, 7055–7056; *Muslim*, 1709h, 1854a, 1854b, 1855a, 1855b.

Competing allegiances and the problem of wrongful orders: *Muslim*, 1853, 1852a, 1852b, 1852c, 1844a.

The distinction between Muslim 1709e and 1709h is especially consequential: the former contains the truth-speaking clause; the latter contains the manifest-disbelief exception. They should not be cited as 1709a, which is a different pledge. Muslim 1820 and 1843 are cited without suffixes. Muslim 1847b’s striking-and-property clause is kept distinct from 1847a and its al-Bukhārī parallel. These details preserve the actual distribution of the evidence rather than manufacturing one composite report.

CHAPTER 3

The Constitutional and Treaties Framework

3.1 Documents, agreements, and the limits of the evidence

The materials examined in this chapter describe several ways of organizing political relationships: an agreement among groups associated with Medina; a negotiated settlement with Quraysh at al-Ḥudaybiyyah; and an arrangement with the Christian community of Najrān. Their provisions address membership, security, religious difference, adjudication, access to territory, the movement of persons, and material obligations. Taken together, they show that political order could be articulated through particular commitments whose parties and terms mattered. They also preserve different distributions of power. Participation in an agreement did not necessarily entail religious uniformity, identical obligations, or equality between all parties in every respect.

The chapter's central task is to identify these arrangements from their transmitted wording while maintaining distinctions between kinds of evidence. The three cases do not survive in an identical documentary form. The authentic hadith collections preserve extensive accounts of al-Ḥudaybiyyah and a more limited account of the Najrān delegation. The complete Medina document and the fuller Najrān instruments require examination of historical and documentary transmissions outside those collections. Consequently, an account confined to authenticated reports cannot simply certify every provision of all three documents as an equally established prophetic statement.

This is a substantive limit within the requested subject. The analysis below therefore distinguishes the authenticated reports from the additional documentary witnesses required to examine the named instruments. The latter are studied as transmitted texts, with their attribution and limitations stated. Their provisions are not silently promoted into independently authenticated prophetic rulings. This preserves the distinction between asking what a surviving document says and asking what level of historical or hadith-critical assurance attaches to every sentence attributed to it.

The Medina document and its textual witnesses

The principal text conventionally called the Charter of Medina appears in Ibn Isḥāq's narrative as preserved by Ibn Hishām. Its introduction states that the Prophet wrote an agreement between the Emigrants and the Helpers, made peace and covenants with Jews, confirmed their religion and property, and stipulated obligations for and upon them. The document itself begins by calling itself a *kitāb*, a writing or agreement; it later refers to the people of "this *ṣaḥīfah*," this document. The relevant

section is Ibn Hishām, *al-Sīrah al-nabawiyyah*, I:501–504, “His writing between the Emigrants and the Helpers and the agreement with the Jews.”

A parallel text appears in Abū ʿUbayd’s *Kitāb al-Amwāl*, report 518 in the edition consulted, pp. 260–264. Its transmission names intermediaries leading to Ibn Shihāb al-Zuhrī, whose introduction says *balaghanī*, “it has reached me,” that the Messenger wrote this document. That formula matters: the displayed transmission does not name an eyewitness from whom al-Zuhrī received the complete instrument. Ibn Hishām’s presentation likewise does not provide an eyewitness chain for the complete instrument at that location. The existence of multiple witnesses makes comparison possible; it does not eliminate the need to assess their transmission.

Neither digital text examined here is an original seventh-century signed instrument. Nor does the document’s internal wording establish a date for every clause. Its repetitions and shifts of subject can be described, but repetition alone does not prove a particular sequence of separate agreements or their dates. Such a reconstruction would require evidence beyond the structural observations themselves.

The modern practice of dividing the text into numbered articles is useful for reference but is not itself part of the transmitted document. Different divisions can make a single passage appear to be several provisions or combine distinct statements into one article. This chapter therefore cites the textual witness and, where necessary, identifies a clause by its Arabic opening rather than treating one modern numbering scheme as original.

Corroborating provisions are not identical documents

Authentic reports preserve material resembling some provisions of the Medina document. ʿAlī describes a written sheet containing matters concerning injuries and the ages of camels, together with statements about Medina’s sanctuary and the unity of Muslim protection. Muslim’s version includes:

وَذِمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ يَسْعَى بِهَا أَدْنَاهُمْ

> “The protection pledged by the Muslims is one; the least among them may undertake it.”

The associated report identifies Medina as a sanctuary between ʿAyr and Thawr (*Muslim*, 1370a; compare *Bukhārī*, 1870). These reports provide independently transmitted evidence for particular institutions and formulations. They do not reproduce the complete intergroup agreement preserved by Ibn Hishām. The common designation *ṣaḥīfah*, meaning a written sheet or document, cannot by itself establish that every report concerns an identical physical instrument. Agreement at particular points strengthens the evidence for those points; it does not automatically authenticate every additional clause in a longer text.

What “constitutional” means in this chapter

The term “constitutional” is used analytically for provisions organizing membership, collective obligations, protection, and the settlement of disputes. It does not imply that the documents contain a modern constitution’s full apparatus of representation, amendment, judicial review, or separation of powers. Similarly, “sovereignty” will refer to the powers actually claimed or negotiated in a passage, rather than to an assumed modern doctrine of exclusive state authority over a uniformly governed territory.

The primary-source restriction remains in force throughout. Ibn Hishām, Abū ʿUbayd, Ibn Saʿd, and Abū Yūsuf are used where they transmit the documents under examination; their later legal or historical conclusions are not adopted as the interpretive authority for this chapter. A document reproduced in a juristic compilation can be examined as a documentary witness without importing the compiler’s political jurisprudence. Distinct recensions remain distinct. English renderings of documentary and hadith excerpts are working translations from their Arabic; Qurʾanic quotations below use the retrieved translation of Marmaduke Pickthall, identified by verse.

3.2 Covenant, protection, and the restraint of political advantage

The documentary cases belong beside primary statements concerning the force of agreements. The Qurʾanic command at the opening of 5:1 is rendered by Pickthall: “O ye who believe! Fulfil your indentures.” Its immediate continuation addresses food and pilgrimage, so the opening should not be treated as a complete treaty code in isolation. More specific passages address agreements across religious difference. Qurʾan 9:4 identifies polytheist parties who have neither diminished the Muslims’ rights nor supported others against them, and commands: “fulfil their treaty to them till their term.” Qurʾan 9:7 similarly states: “So long as they are true to you, be true to them” (Qurʾan 5:1; 9:4, 7, Pickthall).

The analytical significance of these formulations is that the other party’s religious classification does not, by itself, erase an existing undertaking. The text identifies conduct toward the agreement and its parties as pertinent to continued fidelity. A specified term also matters: the agreement is to be completed to that term. This does not establish that every possible promise has an identical duration or that every form of alliance is permitted. It does establish that a relationship with a religiously different party can carry an obligation that must be fulfilled.

The treatment of anticipated betrayal also places the status of the agreement within the response:

وَإِمَّا تَخَافَنَّ مِن قَوْمٍ خِيَانَةً فَانبِذْ إِلَيْهِمْ عَلَىٰ سَوَاءٍ ۚ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِنِينَ

> “And if thou fearest treachery from any folk, then throw back to them (their treaty) fairly. Lo! Allah loveth not the treacherous.”

This is Qurʾan 8:58 in the retrieved Arabic text and Pickthall translation. The verse connects apprehended treachery with a directed response toward the other party. It does not say that fear permits the agreement to be outwardly maintained while its obligations are secretly disregarded. The exact procedures required by “fairly” are not exhaustively set out in the verse; they should not be supplied as though the text already contained a complete diplomatic law.

Other passages distinguish peaceful relations and protected passage from unqualified hostility. Qurʾan 8:61 directs inclination toward peace when the other side inclines toward it. Qurʾan 9:6 states, in Pickthall’s rendering, that an idolater seeking protection is to be protected so that he may hear God’s word, “and afterward convey him to his place of safety.” The passage includes the religious purpose of hearing and the further undertaking of safe conveyance. It does not state conversion as a condition for reaching that place of safety (Qurʾan 8:61; 9:6).

These provisions occur within a corpus that also expressly commands warfare. The opening of Sūrat al-Tawbah announces freedom from obligation toward polytheist treaty parties; 9:4 supplies the stated exception. The next verse commands, after the sacred months, killing, capture, siege, and ambush, and provides for release upon repentance, establishment of prayer, and payment of zakāt (Qurʾan 9:1–5). Pickthall renders its opening: “Then, when the sacred months have passed, slay the idolaters wherever ye find them.” The treaty exception in 9:4 and the protection provision in 9:6 must remain visible beside that command. Reading the adjacent passages together identifies differentiated situations; it does not, without additional argument, settle every later controversy about warfare or abrogation.

The hadith reports give covenantal obligation a concrete cost. Ḥudhayfah recounts that Quraysh detained him and his father and obtained their undertaking to return to Medina without fighting alongside Muḥammad. After hearing what had occurred, the Prophet directed them to honor it:

انْصَرِفَا نَفِي لَهُمْ بِعَهْدِهِمْ وَنَسْتَعِينُ اللَّهَ عَلَيْهِمْ

> “Go back, both of you; we shall fulfill the undertaking toward them and seek God’s help against them.”

The account explains their absence from Badr (*Muslim*, 1787). Hostility persists: God’s help is sought against the same people toward whom the undertaking is fulfilled. The report therefore separates the existence of an enemy from permission to disregard every commitment made to that enemy. Its setting also shows that fidelity can restrict immediate access to manpower. It does not establish a complete rule for every undertaking extracted under every form of coercion; the narrative concerns this undertaking and the response it received.

The protection of a *muʿāhad*, a person possessing a covenant, receives an emphatic sanction in the report from ʿAbd Allāh b. ʿAmr. Whoever kills such a person will not smell Paradise’s fragrance, although it can be perceived from a journey of forty years (*Bukhārī*, 3166). The protected relationship is thus more than an

administrative convenience. Its violation carries religious culpability. The report does not detail every category of protected person or every procedure for determining a treaty's status, but it makes the moral gravity of covenantal protection unmistakable.

These texts establish the questions to bring to each instrument: who has undertaken what, toward whom, for how long, and under which stated conditions? The answer cannot be obtained by substituting a general description of religious identity for the actual terms of the agreement. Nor can a pledge be assumed to have no limits simply because its violation is gravely condemned. Both the obligation and its scope require textual identification.

3.3 The Medina document: community through continuing groups

The opening community and its membership

The Medina text's opening identifies believers and Muslims of Quraysh and Yathrib, together with those who follow them, join them, and struggle alongside them. It then declares:

إنهم أمة واحدة من دون الناس

> "They are one community, distinct from other people."

The statement combines a common identity with a description of association and participation. The community is not defined here simply as everyone who happens to reside within a geographically bounded city. The named populations and the actions of following, joining, and fighting together identify the relationship being constituted (Ibn Hishām, *Sīrah*, I:501–502).

The subsequent clauses immediately qualify how this unity is organized. The Emigrants from Quraysh and a succession of named groups retain arrangements for mutual blood-money obligations and the ransom of their captives. The text repeatedly requires these practices to operate according to recognized right and equity among believers. Common membership consequently coexists with continuing group responsibility. The document does not describe a central treasury replacing every local mechanism or an undifferentiated body of individuals detached from their existing affiliations.

The repetition has substantive force. It identifies which collectivities remain responsible for burdens arising from injury and captivity. Political coordination is achieved partly by confirming obligations within these groups and placing their performance within a common standard. The document also says that believers should not leave an overburdened member without appropriate assistance in ransom or blood money. Ibn Hishām inserts an explanation of the term *mufraḥ* at this point; that explanation is his gloss, not another clause of the agreement. Even without incorporating the gloss into the document, the surrounding sentence makes

assistance with the specified obligations part of communal responsibility (Ibn Hishām, *Sīrah*, I:502).

Solidarity against wrongdoing within the community

The document requires believers to act collectively against aggression, injustice, sin, and corruption arising among them, even when the offender is the child of one of their members. Kinship therefore does not supply a general exemption from the common undertaking. The political importance of this provision lies in its placement beside the retention of group obligations: existing affiliations continue, but they are not permitted to justify unlimited protection of an offender (Ibn Hishām, *Sīrah*, I:502–503).

A further clause addresses the wrongful killing of a believer established by evidence. It provides for retaliation unless the slain person's representative agrees otherwise, and requires the believers to act against the offender. The document thus speaks not only of benevolent cooperation but of coercive collective enforcement. The consent of the victim's representative also remains relevant. These provisions do not describe a complete criminal procedure, yet they identify wrongdoing, evidence, a response, and an exception involving the injured family's representative.

The relationship between common authority and existing groups is accordingly more complex than either complete tribal independence or the instantaneous disappearance of tribal structures. The groups retain important functions, while obligations toward the broader body restrict what they may do. The text's constitutional significance lies partly in this organization of responsibility across more than one level.

3.4 Religious difference and common political obligations

An ummah "with" or "of" the believers

The most consequential clause concerning Jewish participation reads in Ibn Hishām's witness:

وإن يهود بني عوف أمة مع المؤمنين، لليهود دينهم، وللمسلمين دينهم

> "The Jews of Banū ʿAwf are a community with the believers; the Jews have their religion, and the Muslims have their religion."

The continuation includes their affiliated persons and themselves, followed by an exception concerning wrongdoing. Other named Jewish groups receive provisions corresponding to those of the Jews of Banū ʿAwf (Ibn Hishām, *Sīrah*, I:503–504).

Two textual details are essential. First, this clause says *ummah* without the adjective *wāḥidah*, "one," found in the opening declaration. An English quotation should not silently add that adjective. Second, Abū ʿUbayd's parallel witness reads *ummah min al-muʾminīn*, a community "of" the believers, where Ibn Hishām has *maʿa al-muʾminīn*, "with" the believers (*Amwāl*, 518, p. 263). The difference affects the

apparent relation between inclusion and association. It must be acknowledged before a precise theory of membership is built upon a single preposition.

Both witnesses nevertheless preserve the explicit distinction of religion in the same passage. Whatever the exact scope of *ummah* in the respective wording, the clause does not require the Jews to cease being Jews as the condition of the association described. Shared political obligations and differentiated religious identity coexist in the document's own language. That is a substantial finding, even while the textual variant prevents an effortless equation of *ummah* with one uniform modern category of citizenship.

The text names particular Jewish groups and extends provisions through comparison among them. It does not itself supply a complete demographic account of Medina or explain every relationship between the names listed and other Jewish groups known from separate narratives. The argument should therefore remain attached to the persons and groups actually described, rather than assume that the document's surviving list exhaustively identifies every inhabitant.

Protection, equitable treatment, and religious asymmetry

An earlier clause promises Jews who "follow us" assistance and *uswah*, rendered here as equal treatment, without being wronged or having others supported against them. The protection is affirmative: the provision describes aid, treatment within an associated body, and restraint upon hostile assistance. It is more substantial than mere noninterference (Ibn Hishām, *Sīrah*, I:503).

Yet "equal treatment" must be read with the rest of the document. Another clause states:

ولا يقتل مؤمن مؤمنا في كافر، ولا ينصر كافرا على مؤمن

> "A believer shall not kill a believer on account of an unbeliever, nor support an unbeliever against a believer."

The active wording should be retained. It must not be replaced by a different passive hadith formula and then interpreted through that formula's later jurisprudence. At minimum, the clause distinguishes relationships according to religious affiliation and limits action against a believer on behalf of an unbeliever. The presence of this differentiation prevents the document's protections from being equated with a fully religiously undifferentiated legal order (Ibn Hishām, *Sīrah*, I:502–503).

This does not make the Jewish guarantees meaningless. It establishes the need to specify the domain of each promise. Aid, religious continuity, protection against injustice, participation in collective defense, and rules concerning violence can coexist without becoming identical to equal eligibility for every office or identical treatment under every conceivable rule. The scholarly task is to describe the actual combination rather than compress the document into a single modern label.

Defense, expenditure, and peace

The military and financial provisions show how common membership operates. The document says that Jews contribute expenditure with the believers while they are engaged in war. It also states that the Jews bear their expenditure and the Muslims theirs, and that the parties assist one another against whoever wages war on the people of the document. These formulations combine separate responsibility for resources with a common obligation of support (Ibn Hishām, *Sīrah*, I:503–504).

There is no need to resolve the passages by supposing that one necessarily abolishes the other. Separate expenditure can be the means by which allied groups meet a shared defense obligation. That is a plausible reading of their conjunction, though the text does not provide a detailed account of budgeting, assessment, collection, or command. The repeated statement concerning Jewish expenditure should also remain visible as a feature of the transmitted structure, rather than be removed to produce an artificially seamless modern instrument.

A clause concerning the believers declares their peace to be one and restricts a believer from making a separate peace during fighting in God's cause except on a basis of equality and justice among them. The closing portions of the document also describe reciprocal involvement in settlements and assistance against an attack on Yathrib, while retaining an exception concerning fighting in religion. These are provisions for coordinated conduct, but their different subjects and qualifications matter. A rule expressly concerning the believers' peace should not automatically be quoted as though every word applied identically to every other group (Ibn Hishām, *Sīrah*, I:503–504).

The arrangements thus associate religiously distinct parties in defense without presenting their identities or every obligation as interchangeable. The objects of protection include both the people of the document and the locality threatened by attack. Political membership is expressed through undertakings concerning action, expenditure, and restraint, not merely through an abstract declaration of communal sentiment.

Responsibility for wrongdoing and its difficult boundaries

The text states that a person does not incur guilt through an ally, that assistance belongs to the wronged, and that a person's acquisition of wrongdoing falls upon that person. These provisions restrict the transfer of responsibility through association. The final declaration also says that the document does not stand as a barrier protecting a wrongdoer or sinner (Ibn Hishām, *Sīrah*, I:504).

However, the Jewish membership clause describes the wrongdoer as bringing ruin upon "himself and the people of his household." Similar household language appears in another passage concerning violence. The words *wa-ahl baytihi* cannot be omitted while presenting the document as an unqualified statement of strictly individual liability. The text contains both limits on responsibility for an ally and language

exposing a household to consequences. It does not fully specify how those formulations relate in every case.

The defensible conclusion is therefore narrower and more precise than a universal modern rule. The document refuses to make the agreement a shelter for wrongdoing, limits certain transfers of guilt, and also preserves forms of household implication whose operation is not exhaustively explained. The protection of groups remains real, but its relationship to individual and collective responsibility is a question requiring close reading, not a problem already solved by a general appeal to equality.

3.5 Territory, protection, and final adjudication at Medina

A protected locality and a community of agreement

The territorial clause states:

وإن يثرب حرام جوفها لأهل هذه الصحيفة

> "The interior of Yathrib is inviolable for the people of this document."

The protected place and the protected association are linked in the same sentence (Ibn Hishām, *Sīrah*, I:504). Territory matters, but the formulation identifies its beneficiaries through the document's participants. It does not provide a complete boundary map, a general rule of nationality by birthplace, or a statement that every person present has entered an identical political relationship.

The sanctuary reports preserved in the Ṣaḥīḥ collections independently establish Medina's protected character and identify territorial limits in their own wording (*Bukhārī*, 1870; *Muslim*, 1370a). They strengthen the evidence for a territorial institution while remaining distinct from the full intergroup instrument. The latter's prohibition on sheltering Quraysh or those supporting them further identifies the agreement's security orientation. A protected locality is being organized in relation to named external antagonists; the text is not simply a declaration of unrestricted access for every party.

The ability to grant protection is also distributed. The clause that God's protection is one and that the least among the believers can grant it gives an undertaking by a low-status member significance for the broader group. Its political importance lies in the collective effect of an individual act. Common security does not appear solely as a series of permissions personally issued by the highest authority. At the same time, the document regulates such protection and forbids its extension in specified directions. The power to protect is meaningful precisely because it creates obligations and has boundaries (Ibn Hishām, *Sīrah*, I:502–504).

Departure, safety, and the scope of command

A provision concerning the associated groups states that none of them goes out except with Muḥammad's permission. The immediate text does not add "for war" to

the verb. The military setting can inform an interpretation, but neither a restriction exclusively upon military expeditions nor a complete system of permissions for all ordinary travel is fully spelled out. The scope of the pronoun and the activity concerned must therefore remain open to examination (Ibn Hishām, *Sīrah*, I:503).

Near its conclusion, the document declares that whoever goes out is safe and whoever remains in Medina is safe, except a wrongdoer or sinner. The relation between authorization and protection has to be read across these formulations. Permission concerns a competence attributed to Muḥammad; safety concerns the status of persons departing or remaining. Neither sentence should be isolated to erase the other. The document combines movement, responsibility, and protection without supplying a complete law of borders.

Religious plurality under a specified final reference

The agreement refers disagreements to God and Muḥammad. A later formulation addresses a disturbance or dispute among the people of the document whose harmful consequences are feared:

فإن مرده إلى الله عز وجل، وإلى محمد رسول الله

> “Its referral is to God, mighty and exalted, and to Muḥammad, the Messenger of God.”

This is a constitutional provision in the limited sense defined above: it identifies a final reference for a serious dispute (Ibn Hishām, *Sīrah*, I:503–504). It does not merely exhort the parties to be agreeable. Nor does its juxtaposition with separate religions mean that every group retains unlimited final jurisdiction over every dispute affecting the agreement.

The resulting order combines protected religious difference with a specified and religiously expressed authority. That is distinct from a political structure whose final authority is neutral among all religious claims. Yet the referral clause also does not say that Jewish participation in the agreement is itself a profession of Islamic faith. Agreement upon a political mechanism and theological acceptance of every description used within it are analytically different questions; the document’s explicit retention of religious distinction makes that separation necessary.

The provision names Muḥammad personally as Messenger. It does not name a future caliph, designate a succession procedure, or transfer every aspect of prophetic adjudication to later rulers by an express clause. Those later institutional arguments must be considered in their own textual and historical setting. Here the document establishes an authoritative center within its stated agreement, while leaving the constitution of authority after the Prophet undescribed.

3.6 Al-Ḥudaybiyyah: negotiation, unequal terms, and the limits of agreement

Narrated negotiations and transmitted written terms

The evidence for al-Ḥudaybiyyah is more extensive within the Ṣaḥīḥ collections. Al-Bukhārī's long account, principally transmitted from al-Miswar b. Makhramah and Marwān, describes the approach to Mecca, negotiations, disputed formulae, conditions, objections, and subsequent events. Shorter reports supply additional formulations of particular terms (*Bukhārī*, 2731–2732, 2698–2699, 2711–2712; *Muslim*, 1783a–c, 1784). These are accounts of the agreement and its implementation, not a surviving signed treaty whose wording can be reconstructed by joining every phrase into one supposedly verbatim text.

The long report distinguishes speakers and narrative interventions. Its proposals, the terms demanded by Suhayl b. ʿAmr, the Prophet's responses, the Companions' objections, and al-Zuhrī's explanatory observations must not be assigned to a single voice. This matters particularly when an account of what happened is used to derive a general political principle.

A common diplomatic formula despite theological disagreement

The disagreement about the document's opening establishes that negotiation did not require shared recognition of prophethood. Suhayl objects to the proposed invocation of God as the Merciful and Compassionate, and the writing proceeds with "In your name, O God." He also rejects the designation "Muḥammad, the Messenger of God." The Prophet accepts the patronymic, Muḥammad son of ʿAbd Allāh, while expressly maintaining that he is God's Messenger despite the other party's denial (*Bukhārī*, 2731–2732; *Muslim*, 1784).

The shorter reports describe ʿAlī's unwillingness to erase the prophetic title and the Prophet's erasure of it with his own hand. Muslim's fuller version says that he asks to be shown its place in the document (*Bukhārī*, 2698; *Muslim*, 1783a, c). The disputed formula is therefore treated as something that can be adjusted for the agreement without the Prophet renouncing the claim that Quraysh disputes.

The political inference is limited but substantial. A written arrangement can identify a party in terms acceptable to both negotiators without requiring agreement upon that party's complete theological identity. The negotiation recognizes Quraysh as a party capable of undertaking and demanding commitments. It does not thereby declare both parties' religious claims equally true or articulate a modern doctrine of equal sovereign states. The agreement's practical possibility rests on a shared formulation of obligations amid continuing disagreement.

The unequal return provision and Abū Jandal

Muslim's report from Anas preserves the asymmetry in a compact formulation spoken from the Quraysh side:

أَنَّ مَنْ جَاءَ مِنْكُمْ لَمْ نَرُدَّهُ عَلَيْكُمْ وَمَنْ جَاءَكُمْ مِنَّا رَدَدْتُمُوهُ عَلَيْنَا

> "Whoever comes from you, we shall not return to you; whoever comes to you from us, you shall return to us."

The Companions question whether this should be written, and the Prophet accepts it, expressing confidence that God will provide relief and a way out for those coming from Quraysh (*Muslim*, 1784). The long al-Bukhārī account gives Suhayl's condition in expressly male language: no *man* coming from their side, even if following Muḥammad's religion, is to be retained instead of returned (*Bukhārī*, 2731–2732).

This is an unequal arrangement. It should not be described as reciprocal asylum or as a neutral procedure for returning persons accused of crimes. The texts identify directions of movement and affiliations, not an evidentiary hearing concerning a criminal accusation. Acceptance of the settlement includes accepting a burden whose immediate distribution is unfavorable to the Muslims seeking to receive those persons.

Abū Jandal makes the burden concrete. He arrives in restraints, appeals to the Muslims, and is described as having suffered severe mistreatment. Suhayl insists that he be returned. The Prophet initially states that the document has not yet been concluded and requests that Abū Jandal be allowed as an exception; Suhayl refuses. The separate report in *Bukhārī*, 2711–2712, expressly confirms that Abū Jandal was returned to his father that day. The account preserves distress and disagreement rather than presenting the arrangement as immediately beneficial to every affected person.

The narrative thus places the fulfillment of a negotiated settlement beside the suffering of someone who shares the community's religion. The tension is part of the evidence. It cannot be resolved by denying the return, erasing the suffering, or assuming that the agreement's long-term benefits are identical to the immediate interests of each person. The Prophet's assurance and the human cost are both transmitted.

Entry into Mecca as a defined permission

The settlement also regulates access to a particular place. The long report distinguishes refusal of admission in the current year from permission to enter in the next. Al-Barāʾ's reports specify three days and restricted arms: swords in their sheaths. Muslim's fuller account adds conditions concerning the persons who may leave with the visitors and those who choose to remain. It then records the Meccans' notification that the agreed period has ended and the Prophet's departure (*Bukhārī*, 2698–2699; *Muslim*, 1783a, c).

These are concrete exercises of territorial authority. Admission, duration, arms, and movement are regulated through agreement with the party controlling the place. The religious importance of Mecca does not make the conditions of access disappear from the narrative. Equally, the clauses do not create a complete map of territorial sovereignty, a permanent prohibition of weapons, or a general law of nationality. They govern the specified visit and the movements described.

The visit conditions should also remain distinct from the broader return provision. A rule about taking residents away at the conclusion of a three-day visit and a rule about persons coming from Quraysh to Muḥammad are related through movement, but they are not verbally identical clauses. Their scope has to be established separately.

Believing women and the authority of a revealed limit

The treatment of women requires attention both to report variants and to the Qurʾanic text. Whereas *Bukhārī*, 2731–2732, uses *rajul*, “a man,” the formulation at 2711–2712 initially uses *aḥad*, “anyone.” The latter then describes men being returned even when Muslim, and separately records Umm Kulthūm bint ʿUqbah’s arrival. Her family seeks her return, but she is not returned because of what God revealed concerning women. The report expressly connects this to Qurʾan 60:10.

The relevant portion of the verse reads:

فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ

“Then, if ye know them for true believers, send them not back unto the disbelievers.”

The surrounding verse calls for examination of the women while affirming God’s superior knowledge of their faith. It also addresses marital relations and repayment of expenditure: “And give them (the disbelievers) that which they have spent (upon them).” Corresponding claims concerning expenditure are retained later in the verse (Qurʾan 60:10, Pickthall). The refusal of return is therefore part of a passage that also regulates the financial consequences of changed marital relations.

The record establishes differentiated treatment and an expressly revelatory reason for non-return. It does not by itself settle whether a later jurist should classify the relationship as abrogation, specification, clarification, or an exception implicit in the original terms. Choosing among those technical categories would move beyond the present inquiry. The immediate point is that the narrated treaty practice is subject to a stated divine judgment; political agreement is not represented as capable of setting aside that judgment.

The financial provisions also prevent the analysis from ending at the change in personal status. The text recognizes claims associated with expenditure by the disbelieving party. Non-return and financial responsibility appear together. The settlement’s limits therefore involve more than a simple opposition between religious allegiance and the complete disappearance of obligations toward outsiders.

Abū Baṣīr and the alteration of an unfavorable arrangement

The long account records the return of Abū Baṣīr after Quraysh sends two men invoking the undertaking. He kills one escort, returns to Medina, and declares that the Prophet's pledged obligation has been fulfilled because he had been handed back. That declaration belongs to Abū Baṣīr's speech. It should not be transformed into an explicit prophetic ruling defining the limits of responsibility in every analogous case (*Bukhārī*, 2731–2732).

The Prophet describes him as a kindler of war if he has someone with him. Abū Baṣīr, understanding that he may be returned again, leaves for the seacoast. Abū Jandal and others join him, and the report describes attacks on Quraysh's caravans, killing, and seizure of property. The violence matters to the account's explanation of changing circumstances; it cannot be replaced by a description of peaceful migration alone.

The report contains no explicit command by the Prophet to organize or direct the band. It also supplies no complete account of political responsibility resembling a modern law of state attribution. The seacoast is a destination in the narrative, not an express treaty clause establishing the precise limits of jurisdiction. Neither a theory of covert direction nor a universal exemption from responsibility can be read directly from that geographical detail.

Quraysh subsequently appeals to the Prophet and accepts security for those who come to him. The narrative therefore presents a change in the operation of the return arrangement at Quraysh's request. It does not describe a new signed instrument or formulate a general permission to evade undertakings through unofficial violence. The particular agents, actions, and sequence must remain visible if the episode is to inform political analysis.

Duration and wider accession in the documentary recension

Ibn Hishām's separate narrative preserves a formulation that the parties agreed to suspend warfare for ten years, during which people would be secure and refrain from attacking one another. It also includes the provision:

وأنه من أحب أن يدخل في عقد محمد وعهده دخل فيه، ومن أحب أن يدخل في عقد قريش وعهدهم دخل فيه

> "Whoever wishes to enter Muḥammad's agreement and covenant may enter it; whoever wishes to enter Quraysh's agreement and covenant may enter it."

The continuation identifies Khuzāʿah as entering Muḥammad's agreement and Banū Bakr as entering Quraysh's. This witness also includes the guardian's-permission qualification in the return clause and the next-year visit arrangements (Ibn Hishām, *Sīrah*, II:317–318).

The ten-year number and the general accession formula are not stated in the Ṣaḥīḥ passages examined above. They are therefore cited here to this documentary

witness. Their presence allows analysis of a wider network of association formed through covenant, while their evidentiary location remains distinct. The accession sentence does not itself spell out every military consequence of an attack on an associated group. A complete mutual-defense doctrine cannot be quoted as though it were the sentence's literal wording.

The broader political finding is that agreement can regulate relations among parties who remain distinct and can permit other groups to associate with one side or the other. This differs from the Medina document's organization of a common local body, even where both employ the language of covenant. The evidence preserves several forms of political relationship rather than one uniform institutional model.

Counsel and disagreement within the negotiating community

The long al-Bukhārī account also records ʻUmar's objections and the Prophet's response, followed by Umm Salamah's practical advice when the Companions hesitate to complete their rites. The advice affects how the situation is resolved. These scenes give disagreement and counsel a concrete place within the community's response to a political settlement (*Bukhārī*, 2731–2732).

They do not describe a formal vote, demonstrate that every participant accepted every condition without reservation, or establish a permanent council's powers. Their significance is more specific: the leader's settlement, the followers' objections, and consequential counsel all appear in the primary narrative. As in the preceding chapter, obedience and political fidelity do not make the record of disagreement disappear.

3.7 Najrān: attributed guarantees, material obligations, and the problem of continuity

What the authentic delegation reports establish

Al-Bukhārī's report from Ḥudhayfah names al-ʻĀqib and al-Sayyid of Najrān. They approach with the possibility of mutual imprecation, decide against proceeding with it, offer to give what the Prophet has requested, and ask him to send a trustworthy man with them. Abū ʻUbaydah is selected (*Bukhārī*, 4380). A shorter report preserves their request and his appointment (*Bukhārī*, 4381).

The account establishes an encounter in which religious disagreement leads to an arrangement involving a trusted representative. It does not specify the amount to be given, reproduce a schedule, or enumerate protections for churches and clergy. Those details cannot be inserted into the Ṣaḥīḥ report from other witnesses without identifying the change of source. Nor does the reported selection show that Najrān chose the representative: the community requests trustworthiness, and the Prophet makes the appointment.

The insistence upon a trustworthy person nevertheless matters. The affected community has an articulated interest in the character of the official who will

accompany it. Political agreement requires administration, and the administrator's reliability is part of the narrated request. This gives another concrete setting to the connection between office and trust examined in Chapter 2, while leaving the official's exact powers unspecified in this report.

The fuller instrument and its distinct recensions

The more extensive agreement is preserved in documentary transmissions: Abū Yūsuf's *Kitāb al-Kharāj*, pp. 84–85; Ibn Saʿd's *al-Ṭabaqāt al-kubrā*, I:287–288; and Abū ʿUbayd's *Kitāb al-Amwāl*, reports 503–506, pp. 244–246. They are witnesses to an attributed instrument, not copies independently inspected here of a prophetic autograph. Abū Yūsuf introduces a copy said to be in the Najrānis' possession. That statement is itself part of his transmitted account of provenance.

The printed transmissions also have limits that remain visible without undertaking a complete biographical investigation of their narrators. Abū ʿUbayd's report 503 reaches Abū al-Malīḥ and then recounts the prophetic settlement without naming a Companion at that transition; report 506 reaches ʿUrwah b. al-Zubayr and then recounts the letter. Ibn Saʿd introduces the Najrān document with the plural reporting formula "they said." These features do not establish fabrication. They do prevent the complete instrument from being represented here as though it possessed the same demonstrated transmission form as the cited Ṣaḥīḥ encounter reports.

Variants affect substance. Abū ʿUbayd expressly records differences in garment wording, omissions, and witness lists. Abū Yūsuf and Ibn Saʿd also differ in parts of the protection clauses. The following analysis therefore identifies its main text as Ibn Saʿd's recension and introduces additional provisions from other witnesses expressly. It does not construct a single composite document and attribute that composite verbatim to the Prophet.

A compressed parallel appears in *Sunan Abī Dāwūd*, 3041. It is not used here as independently authenticated evidence establishing the full instrument. Its attributed settlement must also be separated from Ismāʿīl's subsequent assertion about *ribā* and Abū Dāwūd's appended legal explanation. The latter belongs outside this chapter's analysis of the documentary wording. The mere presence of several kinds of statement on one hadith page does not make them all clauses of a prophetic agreement.

Recurring payments, accounting, and temporary loans

Ibn Saʿd's recension specifies two thousand *ḥullas*, sets of garments, with one thousand in Rajab and one thousand in Ṣafar. It then provides accounting language concerning the garments and *awāqī*, units of silver, and goods supplied in other forms. The fiscal arrangement is therefore more detailed than an unqualified promise to give an unspecified gift (Ibn Saʿd, *Ṭabaqāt*, I:287–288).

Exact economic reconstruction requires caution. Abū Yūsuf's wording connects each garment with an *ūqiyyah* of silver, while Abū ʿUbayd explicitly records a variant

between “each garment an *ūqiyyah*” and “each garment complete” (*Kharāj*, p. 84; *Amwāl*, 506, p. 246). A calculation that silently selects one formulation and assumes agreement among all witnesses would conceal a material textual problem. The present argument does not require converting the obligation into a single modern monetary value.

Its political structure is clearer. The instrument presents a recurring, specified material obligation with an accounting mechanism. The annual garment clause is not made conditional upon an emergency. By contrast, the provision for lending thirty coats of armor, thirty horses, and thirty camels is attached to trouble in Yemen. The borrowed property is to be restored, with losses guaranteed by the envoys. A recurring assessment and a contingent loan are therefore distinct obligations in the transmitted wording (Ibn Saʿd, *Ṭabaqāt*, I:288).

This distinction prevents the equipment provision from being described as unlimited requisition. The community retains a claim to what it lends or to replacement. Equally, the recurring garment obligation cannot be redescribed as a purely voluntary donation without disregarding its place among the agreement’s stipulated terms. None of this supplies an unrestricted justification for every later fiscal policy. It identifies the particular forms of obligation represented in this attributed settlement.

Hospitality for the envoys is also regulated. Ibn Saʿd’s text speaks of accommodation for twenty days or fewer and separately says that the envoys are not to be detained beyond a month. These are different limits and should not be collapsed into a single duration. They show administrative presence being organized through obligations whose scope is specified, alongside the more substantial fiscal and security provisions.

Protection of religion as an institutional undertaking

The protection clause in Ibn Saʿd’s witness extends God’s protection and Muḥammad’s pledge to the people of Najrān and those associated with them, naming their persons, religion, land, property, absent and present members, churches, and prayers. It then states:

لا يغيروا أسقفاً عن أسقفيته ولا راهباً عن رهبانيته

> “They are not to remove a bishop from his episcopal office or a monk from his monastic office.”

The wording protects more than an unexpressed inward belief. It names the religious community’s places, practices, and officeholders (Ibn Saʿd, *Ṭabaqāt*, I:288). The continuing existence of those offices is part of the arrangement attributed to the Prophet. The document therefore presupposes religious difference that continues under the agreement, rather than making conversion the only possible form of political association.

The scope of this protection should remain precise. Preservation of bishops and monks does not by itself establish that every dispute affecting the community falls within their exclusive jurisdiction. Nor does it describe equal access to every office in the wider polity. The guarantee concerns specified institutions and relationships. Its strength lies in the concrete undertaking, which should neither be reduced to mere private toleration nor expanded into an entire constitutional system absent from the text.

Abū ʿUbayd's recension adds that no army shall tread their land and includes a clause against taking a tenth from them (*Amwāl*, 503, p. 245). The exact no-army and no-tenth wording is not present in Ibn Saʿd's I:288 and should not be appended to a quotation attributed to that page. In its own witness, the territorial protection coexists with the stipulated payment and equipment loan. It therefore cannot mean that Najrān has no obligations toward the other party, and the specified fiscal exemption cannot mean exemption from every fiscal burden.

Plurality and hierarchy in the primary material

The relationship depicted is protective and asymmetrical. The recipient community retains religion, property, and institutions while undertaking specified payments and other duties. A claim that this is simply the same arrangement as the Medina groups' mutual defense would obscure the different allocation of obligations. The documents describe different forms of association.

The Qurʾanic material also requires differentiated treatment. Pickthall renders 60:8 as allowing kindness and just dealing toward those who have not fought the believers on account of religion or expelled them from their homes. The following verse identifies those who fought, expelled, and assisted expulsion as the persons toward whom the prohibited association is directed (Qurʾan 60:8–9). These passages make conduct and relationship pertinent; they do not themselves supply the Najrān instrument's fiscal schedule or ecclesiastical clauses.

Qurʾan 9:29, meanwhile, contains an express command to fight specified people among those given Scripture until the payment of *jizyah*. Pickthall renders its conclusion: "until they pay the tribute readily, being brought low." The coercive and hierarchical language must remain visible beside the protection texts. The verse does not itself name Najrān, specify two thousand garments, or reproduce the agreement examined here. Its presence supports neither erasing the particular guarantees nor treating religious difference throughout the corpus as a relationship of fully equal political status.

The result is a bounded finding: the attributed Najrān instrument recognizes continuing religious institutions within a relationship containing specified material obligations and an unequal distribution of authority. How that arrangement relates to every other primary statement, and how it should be generalized, requires argument. The document's own protections and burdens must be established before a general theory is constructed from them.

Conditions, personal responsibility, and duration

The document's guarantees are accompanied by conditions. Ibn Saʿd's recension declares the pledged protection withdrawn from whoever consumes *ribā* henceforth, and immediately preserves the rule:

ولا يؤاخذ أحد منهم بظلم آخر

> "None of them is to be held responsible for another's wrongdoing."

The enduring guarantee is then joined to their acting faithfully and putting right what is incumbent upon them (Ibn Saʿd, *Ṭabaqāt*, I:288). A reading that quotes only enduring protection would omit the condition. A reading that quotes only the condition would suppress the specified guarantees and the protection against responsibility for another person's wrongdoing.

The singular formulation concerning *ribā* does not by itself establish that misconduct by one person cancels the protection of every inhabitant. That conclusion is particularly difficult to insert immediately beside the restriction on responsibility for another's wrong. The text does not explain who establishes breach, how an accusation is heard, or which institutional procedure governs the consequences. A substantive condition should not be mistaken for an unrestricted competence to declare that condition breached.

The exclusion report and the limits of reconciliation

Any account of these protections must also confront the report transmitted by Jābir from ʿUmar in *Ṣaḥīḥ Muslim*:

لأُخْرِجَنَّ الْيَهُودَ وَالنَّصَارَى مِنْ جَزِيرَةِ الْعَرَبِ حَتَّى لاَ أَدَعَ إِلاَّ مُسْلِمًا

> "I shall certainly expel the Jews and Christians from the Arabian Peninsula, until I leave only Muslims."

The report is explicitly exclusionary (*Muslim*, 1767a). It cannot be presented merely as another formulation of a guarantee of permanent religious residence. Its presence within the selected authentic corpus prevents the assertion that the foundational texts straightforwardly establish unrestricted, perpetual religious plurality throughout every territory. The different evidentiary status of this report and the complete documentary recensions also remains relevant.

The report nevertheless does not name Najrān, quote its agreement, identify *ribā* as a cause, specify its own date relative to the agreement, or define the exact geographical boundaries of *Jazīrat al-ʿArab*. Neither a claim that every guarantee was universally cancelled nor a claim that only individually established treaty-breakers were intended is fully stated in this sentence. Such reconciliations require additional historical and legal arguments.

Abū ʿUbayd's adjacent report 504 supplies a different kind of evidence: it recounts *ribā* during ʿUmar's rule and the removal of the Najrānis, together with directions concerning land for their resettlement. This is a post-prophetic historical report,

distinct from the treaty wording and from Muslim 1767a. Its allegation and explanatory sequence cannot simply be inserted into the latter as the Prophet’s stated reason. Nor does it present a complete hearing or establish the culpability of every individual. Its continued concern with relocation also prevents it from being reduced to a statement that every obligation toward the community disappeared (*Amwāl*, 504, p. 245).

The source-based conclusion is therefore exacting. The transmitted guarantees are substantial and conditional; an authentic report also preserves an exclusionary declaration; and the historical documentary tradition offers accounts of implementation and explanation whose status and wording must be assessed separately. The chapter records these relations without manufacturing a uniform rule that the individual texts do not expressly provide.

Finally, the particular instruments examined here should not be merged with expansive covenants addressed to Christians everywhere or with a different document attributed to a monastery. Similar language about churches or clergy does not establish identity of text or authentication of every additional clause. No such expanded instrument has been authenticated in this inquiry. The present conclusions attach to the named textual witnesses and the reports actually examined.

3.8 Synthesis: several forms of political association

The three cases disclose distinct arrangements. The Medina document organizes a common body through continuing groups, coordinated defense, religious distinction, protection, and referral of disputes. Al-Ḥudaybiyyah regulates relations between negotiating opponents through agreed formulae, movement restrictions, a defined visit, and, in the documentary recension, duration and wider accession. The Najrān witnesses attribute a settlement joining recurring material obligations to protections for persons, property, religion, and institutions. Their common use of commitments does not make their distribution of authority identical.

This differentiation is essential to the analysis of sovereignty. In Medina, final referral is assigned to God and Muḥammad while group responsibilities remain. At al-Ḥudaybiyyah, the negotiators can agree upon practical terms without agreement over prophethood, and access to Mecca remains governed by specified conditions. In the Najrān instrument, protection of local religious offices coexists with fiscal and administrative obligations toward the other party. Each case identifies powers that matter politically; none is adequately described merely by assigning it a modern label and allowing that label to supply the rest of the analysis.

Territory is equally concrete but variously organized. Yathrib’s interior is protected for the document’s people. Admission to Mecca is regulated by time, arms, and movement. Najrān’s land appears among protected objects and, in some recensions, is shielded against an army’s entry. These provisions demonstrate attention to place and control without establishing one uniform concept of national borders or

citizenship. Personal affiliation, group membership, religious community, and locality intersect in the texts.

Religious plurality likewise has several dimensions. Continuing religious identity, preservation of institutions, protection from injury, participation in defense, fiscal obligation, and equality in political power are different questions. The Medina and Najrān texts provide substantial evidence for some forms of protected religious difference. Their qualifications and differentiated provisions prevent those protections from being described as equality in every respect. The exclusionary report in Muslim further requires the analysis to confront a limit within the authentic corpus itself, without inventing an unsupported chronology or explanation that removes the difficulty.

The force of covenant is one of the clearest themes across the material. Qurʾanic commands identify fidelity, duration, protection, and a directed response to feared betrayal. The Badr undertaking restricts participation despite continuing hostility toward Quraysh. At al-Ḥudaybiyyah, a settlement is implemented despite the suffering and objections recorded in its narrative. In the documentary instruments, terms of protection coexist with conditions and material obligations. Political advantage does not, in these texts, operate as a universally stated permission to disregard whatever has been promised.

Nevertheless, agreements have scope and limits. Particular parties, terms, exceptions, and changes matter. The women’s non-return is expressly related to revelation; the unfavorable return arrangement changes following Quraysh’s appeal; the Najrān instrument ties continuing guarantees to performance while protecting against responsibility for another’s wrong. These features require careful reasoning about the object and limits of an undertaking. They cannot be reduced either to unlimited executive discretion or to the claim that every agreement is unconditional and incapable of alteration.

The evidentiary distinction with which this chapter began remains part of its conclusion. The authentic reports support some propositions directly, while the fuller documentary witnesses support conditional historical analysis of additional provisions. A structural resemblance to a Ṣaḥīḥ report is valuable evidence concerning a particular provision, but it does not silently authenticate a whole transmitted charter. Conversely, a transmission gap does not authorize the invention of a historical verdict that the document has been proved fabricated. The strength of each conclusion must correspond to the evidence actually examined.

Part II will consider how jurists moved from these forms of primary material toward general institutions and doctrines. That movement entails identifiable questions: how obligations attached to particular parties become general categories; how personal prophetic authority relates to a continuing office; how protected religious institutions are situated within a wider legal order; and how conditions of agreements are interpreted and enforced. The texts examined here supply substantial material for those developments. They also establish a standard against

which the additional reasoning must be assessed. The later institutional system cannot simply be read backward into every clause of the earlier documents.

Primary-source register and textual notes

The Qurʾan. The Arabic was checked in the *ar-imlaei* text returned by quran.ai. English Qurʾanic quotations use Marmaduke Pickthall, *The Meaning of the Glorious Koran*. Relevant passages are 5:1, 8:58, 8:61, 9:1–7, 9:29, and 60:8–10. The chapter's comparisons are authorial textual analysis; they are not attributed to a later tafsīr or juristic school.

Al-Bukhārī, al-Ṣaḥīḥ. The principal reports are 1870 on ʿAlī's document and Medina; 2698, 2699, 2711–2712, and 2731–2732 on al-Ḥudaybiyyah; 3166 on the covenanted person; and 4380 and 4381 on Najrān. The long 2731–2732 Arabic was additionally checked in the direct primary-text field of a parallel electronic presentation; its commentary was excluded.

Muslim, al-Ṣaḥīḥ. Relevant reports are 1370a on ʿAlī's sheet; 1783a and 1783c on the agreement and visit; 1784 on disputed formulae and the asymmetric return clause; 1787 on Ḥudhayfah's undertaking; and 1767a on the exclusionary declaration. Hadith numbers follow the linked electronic convention; lettered variants and paired numbers are retained.

Ibn Hishām, al-Sīrah al-nabawiyyah, transmitting Ibn Isḥāq. The consulted Islamweb text is catalogued under Muʾassasat ʿUlūm al-Qurʾān. The Medina document is in I:501–504, section "His writing between the Emigrants and the Helpers and the agreement with the Jews": opening, continuation, and concluding provisions. The al-Ḥudaybiyyah documentary recension is in II:317–318: duration and accession and continuation.

Abū ʿUbayd al-Qāsim b. Sallām, Kitāb al-Amwāl. Edition of Muḥammad Khalīl Harrās, Dār al-Fikr, Beirut. Medina: report 518, pp. 260–264, especially the membership wording at 263. Najrān: reports 503–506, pp. 244–246, with protection and the distinct post-prophetic narrative at 245. The compiler's notices of textual variation are distinguished from his legal explanations and the modern editor's footnotes.

Abū Yūsuf, Kitāb al-Kharāj. Edition of Ṭāhā ʿAbd al-Raʾūf Saʿd and Saʿd Ḥasan Muḥammad, al-Maktabah al-Azhariyyah li-l-Turāth, pp. 84–85, Najrān instrument. Used as a documentary witness; the compiler's juristic response surrounding the document is not adopted as the chapter's argument.

Ibn Saʿd, al-Ṭabaqāt al-kubrā. Dār Ṣādir, Beirut, 1968, I:287–288, the principal Najrān recension used here. Its wording is not silently supplemented from the other witnesses.

Abū Dāwūd, al-Sunan, 3041. Identified as a supplementary settlement transmission, not treated here as an independently authenticated proof for the complete charter. The modern online grading field attributes a weak-chain assessment to al-Albānī; that assessment is separate from the transmitted wording. Ismāʿīl's historical addition and Abū Dāwūd's legal explanation are likewise distinct from the attributed settlement.

No modern numbered article scheme, manuscript collation, complete authenticity judgment for the documentary instruments, or unverified universal Christian covenant is represented as part of the primary texts examined in this chapter.

PART II

Juristic Formulations and the Evolution of Fiqh

Chapter 4 examines how jurists and theologians gave institutional form to questions of authority. Sunni, Shiʿi, Ibadi, Kharijite, and Muʿtazilite materials are considered through identified authors and textual witnesses. Differences in appointment, qualification, capacity, and delegated jurisdiction remain part of the comparison.

CHAPTER 4

Classical Frameworks of the State (Siyāsa Sharʿiyya)

4.1 From authoritative texts to theories of political office

The transition from foundational texts to political jurisprudence changes the object of inquiry. The question is no longer confined to what a Qurʾanic passage or a transmitted prophetic statement expressly says. It becomes how jurists combined such materials with accounts of communal obligation, historical precedent, legal analogy, administrative experience, and judgments about practical necessity. Their political theories consist partly in the additional relations they constructed among these elements. A command to render trusts does not itself specify a minister's jurisdiction; a requirement of obedience does not alone identify every valid procedure of appointment; the obligation to prevent injustice does not automatically settle who may remove an unjust ruler. Juristic reasoning supplies answers to these institutional questions, frequently while preserving disagreement about them.

The resulting literature cannot adequately be represented by a single opposition between religious principle and political expediency. Al-Māwardī makes moral probity a continuing condition of the supreme imamate while recognizing a constrained accommodation with provincial conquerors. Ibn Taymiyyah insists on lawful administration, consultation, and the public character of entrusted resources while treating effective government as indispensable and permitting severe coercion. Twelver authors maintain the absent imam's original entitlement while developing differentiated accounts of judicial, penal, and administrative action in his absence. Ibadi and Muʿtazilite materials question particular Sunni qualifications or accounts of obligation, yet also formulate their own limits on political initiative. The analytical task is to reconstruct these combinations before judging their consistency.

Four distinctions will organize the chapter. First, a claim to rightful office differs from possession of effective power. Second, an officeholder's personal qualification differs from the validity of a particular judgment, appointment, or distribution made under his authority. Third, identifying a defect that disqualifies someone differs from establishing the lawful and practicable procedure for removing him. Fourth, delegating particular functions differs from transferring the complete title and attributes of the person who delegates them. These distinctions are analytical tools; their precise legal treatment varies among the authors examined.

The sources also belong to different genres. Al-Māwardī's *al-Aḥkām al-sulṭāniyya* organizes the supreme imamate and a range of subordinate jurisdictions. Ibn Taymiyyah's *al-Siyāsa al-sharʿiyya* proceeds principally through entrusted offices, public resources, adjudication, punishment, and the duties of governors and governed. Imami theological works explain the necessity and attributes of the imam,

while legal manuals examine the discharge of particular obligations. Heresiographical compilations record other communities' doctrines, sometimes through multiple layers of attribution. A report about an opponent's position requires a different evidentiary qualification from an author's own sustained legal argument.

In this part of the book, these juristic and theological works are primary evidence for the doctrines of their authors. Their citation of a prophetic report does not independently establish that report's authenticity. Likewise, the Sunni collections emphasized in Part I cannot silently be imposed as the universal internal canon of every tradition considered here. Imami reports will be identified by their own collections and contexts, without treating their presence in a respected compilation as sufficient proof of an undisputed chain or an uncontested political meaning.

"State" remains an analytical umbrella for institutions of government, jurisdiction, and organized coercion. It does not presume a modern territorial state, a uniform citizenship, or a single theory of sovereignty shared by all the sources. The term *ʿadāla*, when employed as an eligibility condition, commonly concerns religious and moral probity; it should not automatically be expanded into every modern meaning of distributive or constitutional justice. Similarly, authors' assertions of consensus will be reported as assertions whose scope must be examined, particularly when the same passage names a dissenter.

Arabic excerpts below are accompanied by working English translations. References identify the work and, wherever verified, its chapter and printed pagination. The brief discussion of al-Karakī and al-Narāqī is expressly a later coda to the medieval materials, included to make the development of juristic deputyship intelligible rather than to attribute all its later formulations to the earliest authors.

4.2 Al-Māwardī: the imamate, legal appointment, and the administration of power

4.2.1 Succession to prophecy as an institutional purpose

Al-Māwardī begins with a definition that assigns the imamate two connected purposes:

الإمامة موضوعة لخلافة النبوة في حراسة الدين وسياسة الدنيا

> "The imamate is established to succeed prophecy in guarding religion and governing worldly affairs."

The statement identifies a succession of public responsibilities. It does not say that the imam inherits revelation or prophetic immunity from error. The subsequent discussion of defective qualifications, misconduct, and incapacity would be unintelligible if every incumbent acquired prophetic attributes. The religious and worldly purposes are nevertheless institutionally joined: the office safeguards a

religious order and governs the conditions of collective life. Neither purpose can be removed without changing the definition (*al-Aḥkām al-sulṭāniyya*, ch. 1, pp. 5–6).

Al-Māwardī declares the appointment of a competent imam obligatory by consensus, while expressly setting aside al-Aṣamm's dissent. The formulation reveals the difference between a jurist's authoritative consensus and a historian's inventory of opinions. For al-Māwardī, the dissenter does not defeat the binding character of the agreement he recognizes. For the present inquiry, the named dissent remains evidence that the obligation was contested. His claim must therefore be understood within his account of which disagreement counts against consensus.

He then records two explanations of the obligation. One reasons from human conflict: people need a superior authority to restrain mutual wrongdoing and settle disputes. The other grounds the obligation in revealed law, distinguishing the rational requirement to act justly from the specifically religious responsibilities assigned to an imam. Al-Māwardī develops the latter account through the command of obedience in Qurʾan 4:59. The disagreement concerns the basis on which the institution is obligatory, not merely whether government offers useful services. A rational argument from recurring human needs and a revealed obligation to establish particular religious functions can converge on government while assigning it different foundations (*Aḥkām*, ch. 1, pp. 5–6).

4.2.2 Collective obligation and qualified selection

The obligation is collective: its proper discharge relieves the community, while failure implicates those responsible for bringing the institution into being. Al-Māwardī distinguishes people qualified to choose from people qualified to hold the office. Electors require probity, knowledge sufficient to recognize the relevant qualifications, and judgment sufficient to identify the person best suited to the community's interests. Their role is therefore constituted by legal and deliberative competence, rather than by an equal voting entitlement possessed by every individual. Even the customary precedence of electors in the ruler's locality derives from proximity and practical access; al-Māwardī calls it customary rather than intrinsically prescribed by revealed law (*Aḥkām*, ch. 1, p. 6).

The candidate's seven conditions combine different kinds of suitability: probity; learning sufficient for independent legal judgment; sound hearing, sight, and speech; bodily capacity; judgment in governing the subjects and managing public interests; courage and defensive capacity; and Qurashi descent. These requirements should not be reduced to one principle. Learning concerns authoritative legal discernment; courage and practical judgment concern performance; lineage restricts the class of eligible persons independently of their individual administrative ability. Al-Māwardī asserts consensus for the lineage requirement while mentioning and rejecting Ḍirār's dissent, again showing how his doctrinal boundaries shape the consensus he recognizes (*Aḥkām*, ch. 1, pp. 6–7).

The two regular routes to office are selection by qualified electors and nomination by a predecessor. Within the first route, al-Māwardī reports disputes over how many

electors suffice. He rejects making appointment depend on the majority of qualified electors from every locality and then records arguments for five, three, or one. He does not expressly choose among all those numerical positions in that paragraph. Their reasoning invokes early appointments and analogies with other legally effective acts, including contracts and judgments. The question is how a binding public appointment can be accomplished, rather than how to obtain the statistical preference of an entire population (*Aḥkām*, ch. 1, p. 7).

Consent remains important, but its object must be specified. Al-Māwardī describes the appointment as a contract of mutual acceptance and choice that admits neither coercion nor compulsion. In context, this protects the qualified candidate's refusal to accept the office. It does not grant every subject a continuing individual veto over an appointment concluded by the competent electors. Once the appropriate pledge has occurred, its obligation extends beyond those physically present. Likewise, the discussion of competing candidates concerns the qualities most needed in prevailing circumstances: superior learning or superior courage can carry different weight according to the public problem. A validly appointed, sufficiently qualified incumbent does not automatically lose office whenever a superior candidate subsequently appears (*Aḥkām*, ch. 1, pp. 8–9).

The resulting account joins deliberation, personal acceptance, and collective binding force. Describing it simply as popular election obscures the restricted qualifications of the selecting body; describing it simply as unilateral domination obscures the legally constitutive role of selection and acceptance. Its unanswered questions include how the relevant electors are reliably identified and how disagreement among powerful groups is settled. Those limitations concern the institutional specification of the model, not the absence of any appointment rules.

4.2.3 Nomination and the problem of dynastic continuity

Predecessor nomination rests on precedents that al-Māwardī treats as authoritative, particularly Abū Bakr's designation of ʿUmar and ʿUmar's provision for a selecting council. For a qualified nominee other than the incumbent's father or son, his preferred position does not make a further act of electoral approval constitutive of validity. Nomination can thus establish a binding designation to succeed without a renewed choice by the electors (*Aḥkām*, ch. 1, pp. 11–12).

The appointment of a father or son raises a separate problem of partiality. Al-Māwardī reports three positions: requiring the electors' participation; permitting unilateral nomination in both cases; and distinguishing nomination of the father from nomination of the son. The passage should not be flattened into an unqualified declaration that every familial succession is valid. Nor does it formulate a rule that kinship itself transmits the office automatically at death. The categories remain nomination, qualification, and the legal effect of possible bias. These doctrines can facilitate dynastic continuity, but that historical possibility differs from a juristic principle of inheritance by birth alone.

The distinction matters for the book’s later comparison between consultation and hereditary rule. A dynasty can maintain itself by repeatedly employing legal forms that were not defined as simple inheritance. The pertinent historical questions are then whether qualifications were actually assessed, whether the selecting body could meaningfully refuse, and whether nomination became a mechanism for ratifying an established distribution of power. The legal text identifies the mechanism; it does not, by itself, answer those questions about every dynasty.

4.2.4 Public duties and the limits of obedience

Al-Māwardī’s ten duties of the imam give content to the office beyond its mode of acquisition. They include preserving religion, adjudicating disputes, maintaining public security, enforcing prescribed penalties, defending frontiers, fighting those who resist Islam after invitation until they accept Islam or enter protected status, collecting lawful revenues without oppression, distributing entitlements, appointing trustworthy and competent officials, and directly supervising government. His formulation includes protection for Muslim blood and the blood of people under covenant. It also includes confessional commitments and warfare directed toward the religious and political ends he specifies. An account restricted to welfare and judicial fairness would omit substantial parts of the program (*Aḥkām*, ch. 1, pp. 18–19).

Direct supervision is especially revealing. The imam must not surrender responsibility through absorption in either pleasure or worship. Personal religious devotion does not excuse neglect of the public trust. Delegation is necessary, but it does not abolish responsibility for the delegated administration. After setting out the ruler’s duties, al-Māwardī states that he acquires two corresponding claims upon the community—obedience and support—so long as his condition has not changed. Political obligation therefore appears within an account of an office with defined purposes and continuing qualifications, rather than as an unlimited privilege of whichever person happens to command.

Al-Māwardī’s treatment of disqualification is more exacting than a generic preference for every established ruler. Conduct arising from the pursuit of forbidden desires can destroy the requisite probity:

فهذا فسق يمنع من انعقاد الإمامة ومن استدامتها

> “Such transgression prevents both the establishment of the imamate and its continuation.”

He states that the incumbent leaves the office through this disqualifying condition. On the position he advances, subsequent restoration of probity does not automatically restore the imamate without a renewed contract; he also reports a contrary theological position. He separately treats doctrinal error arising from interpretation, for which the assessment is disputed. The categories must remain distinct: his rule about desire-driven misconduct cannot be replaced by an

undifferentiated statement that every theological or moral error has exactly the same consequence (*Aḥkām*, ch. 1, pp. 19–20).

Loss of capacity also receives differentiated treatment. Defects of perception, bodily impairment, captivity, and domination by a subordinate do not all have identical consequences. Where an assistant has taken effective control, al-Māwardī asks whether public affairs nevertheless proceed according to religion and justice; where the assistant acts wrongly, the imam must seek the means to restrain him. The analysis separates possession of the supreme title, actual control of administration, and preservation of lawful functions (*Aḥkām*, ch. 1, pp. 20–24).

These provisions establish grounds of deficiency and, in specified cases, loss of title. They do not supply a complete institutional procedure for proving every charge, authorizing every removal, or adjudicating between rival armed claimants. It would therefore be equally inaccurate to erase the disqualification rules or to convert them into a general authorization for any private party to initiate violence. The difference between a legal ground of removal and a workable procedure of removal remains consequential.

4.2.5 Differentiated offices and the governance of administration

The structure of subordinate office shows how much of al-Māwardī's theory lies beyond the supreme appointment. He distinguishes a minister entrusted with broad delegated discretion from a minister who implements and transmits decisions. The former requires qualifications approaching those of the imam, apart from Qurashi lineage, together with the practical competence needed for administration. The latter implements commands and transmits information without independent governing or judicial jurisdiction and therefore has different eligibility requirements. Al-Māwardī even allows a protected non-Muslim to hold the implementing ministry while excluding him from the discretionary delegated ministry. This is a graded distribution of competence within a confessional hierarchy, rather than either complete exclusion from administration or equal eligibility for all public offices (*Aḥkām*, ch. 2, pp. 25–31).

Delegated discretion also remains subject to oversight. The minister reports his actions, while the imam reviews them; yet the consequences of review depend on the kind of act. A legally effective judgment cannot simply be assimilated to a revisable policy preference. The difference between the imam's authority and the legal quality of an official act places limits on treating the whole administration as an extension of personal will. At the same time, the arrangement is hierarchical, and its supervisory power remains attached to superior office (*Aḥkām*, ch. 2, pp. 28–29).

The jurisdiction over grievances, *maẓālim*, addresses wrongs for which ordinary adjudication may lack sufficient coercive reach. Al-Māwardī describes an office combining the force of political authority with judicial fairness. Its significance lies in acknowledging that legal right can require institutional power against formidable offenders. It should not be redescribed as a modern independent constitutional

court: its relationship to the governing hierarchy and the qualifications of its holder belong to a different institutional arrangement (*Aḥkām*, ch. 7, pp. 97–100).

4.2.6 Provincial conquest and legal accommodation

The discussion of *imārat al-istīlāʾ*, an emirate acquired through conquest or seizure, provides al-Māwardī's clearest accommodation to a distribution of power that does not originate in orderly appointment. Its setting is provincial rule under caliphal recognition. It is not simply a third regular method by which any successful conqueror acquires the universal imamate. A powerful emir controls territory; caliphal investiture supplies a juridical relationship through which religious and administrative functions can be maintained (*Aḥkām*, ch. 3, pp. 39–41).

Al-Māwardī distinguishes what can be required under effective capacity from what can be required under incapacity. The arrangement is intended to preserve specified interests: the imamate itself, religious obedience, communal cohesion, valid appointments and judgments, lawful collection of revenues, proper penal enforcement, and the emir's protection of religion and restraint from divine prohibitions. Where the conqueror lacks relevant qualifications, a qualified deputy appointed by the caliph supplies functions that his personal capacity cannot lawfully discharge. The reasoning is therefore more structured than a proposition that force makes every act legitimate.

The accommodation nevertheless has a substantial political cost. Recognition can stabilize a coercively established ruler and make his administration legally usable. The very concern to protect subjects from invalid judgments, uncertain payments, or institutional collapse can also consolidate the authority that produced the irregular situation. This is an implication of the arrangement, not proof that its stated concerns are fictitious. Al-Māwardī's framework attempts to preserve legal purposes under conditions that prevent full control over political appointment. Its tension lies in how far the preservation of those purposes can authorize the normalization of the power that constrains them.

4.3 Ibn Taymiyyah: entrusted functions, effective capacity, and just governance

4.3.1 The duties of office as the organizing problem

Ibn Taymiyyah's *al-Siyāsa al-sharʿiyya fī iṣlāḥ al-rāʿī wa-l-raʿiyya* approaches government through the reform of the governor and the governed. Its structure foregrounds the duties performed through offices rather than beginning with a systematic account of the supreme appointment. He makes Qurʾan 4:58–59 central to the discussion, reporting a scholarly interpretation that associates the rendering of trusts and just judgment with officeholders and the obligation of obedience with those governed. This is his juristic organization of the passages, not an interpretation-free institutional system already reproduced in their wording (*Siyāsa*, ed. al-ʿUmrān, pp. 4–5).

The opening also separates deficient performance from the legality of particular commands. If officeholders fail in their duties, they are nevertheless obeyed in commands that constitute obedience to God; they receive assistance in righteousness, not assistance in sin or aggression. The ruler's wrongdoing therefore neither makes every command unlawful nor makes an unlawful command binding. This distinction can sustain cooperation under defective government while preserving a norm against complicity. Its practical difficulty is determining when cooperation performs a valid public duty and when it enables the wrong that the qualification prohibits.

Appointments form the first major application. The best available person must be chosen for each responsibility, and the obligation applies throughout the administrative hierarchy. Ibn Taymiyyah includes military commanders, judges, fiscal officials, secretaries, treasury officers, religious functionaries, and local administrators. An official who appoints subordinates assumes the same obligation at the next level. Preferring a less suitable candidate because of family, friendship, locality, legal affiliation, ethnicity, bribery, or hostility to the better candidate constitutes betrayal of the trust (*Siyāsa*, pp. 6–10).

This argument concerns the reason for appointment and the suitability of the appointee. Its criticism of familial preference should not be expanded without further evidence into a complete constitutional abolition of dynastic succession. Its immediate force is wider administratively and narrower constitutionally: every appointing official must justify his choice by the requirements of the entrusted function, while the passage does not itself specify every lawful method of succession to supreme power.

Ibn Taymiyyah describes officeholders both as God's deputies over His servants and as the servants' agents in their own affairs. These descriptions stand together. The first relates office to religious obligation; the second identifies the people whose affairs and interests are entrusted to its holder. Neither phrase alone warrants attributing unchecked divine right or modern popular sovereignty to him. The surrounding analogies with trustees and agents make responsibility central: control over another's affairs must be exercised for the relevant beneficiaries, rather than converted into personal entitlement (*Siyāsa*, pp. 12–15).

4.3.2 Capability, trustworthiness, and the best available appointment

The relation between moral qualification and practical competence is stated compactly:

فإن الولاية لها ركنان: القوة، والأمانة

> "Authority has two pillars: capability and trustworthiness."

The meaning of *quwwa* varies with the office. In military command it involves courage, experience, and effective fighting capacity. In adjudication it involves knowledge of the justice indicated by the sources and the ability to make judgments effective. It is consequently broader than physical force. *Amāna* concerns fidelity to

the entrusted task, including resistance to improper fear and personal gain. The ideal joins both qualities; the practical problem arises because candidates often possess them unequally (*Siyāsa*, pp. 15–18).

Selection then requires a judgment about the benefits and harms particular to the office. A courageous but sinful commander may be preferable to a pious commander whose incapacity exposes others to defeat. Ibn Taymiyyah supports this reasoning with examples and reports attributed to earlier authorities. The argument does not make sin desirable. It distinguishes an appointee's moral deficiency from the public consequences of failure in a specialized responsibility. Equally, the reasoning cannot be reduced to a universal preference for strength: in another function, lack of trustworthiness may present the greater danger (*Siyāsa*, pp. 18–21).

One response is to distribute the necessary qualities among several people. Ibn Taymiyyah proposes, for example, combining a strong collector with a trustworthy keeper of accounts and requiring a commander to consult knowledgeable advisers. Institutional supplementation can address a defect that selection alone cannot remove. This is a significant element of the argument: the choice need not remain confined to accepting the complete deficiencies of one individual (*Siyāsa*, p. 24).

Necessity also creates a continuing duty to improve conditions. Permission to appoint the best available person despite incomplete qualifications does not mean that the deficiency should be preserved. The community must work toward acquiring the capacities that are presently absent. Ibn Taymiyyah compares constrained performance with obligations whose immediate fulfillment is obstructed but whose means must still be pursued. The distinction is between what can be required now and what must be sought for the future (*Siyāsa*, pp. 26–27).

This supplies an important qualification to the category of political pragmatism. The text permits accommodation, but it evaluates the circumstances that require accommodation and directs effort toward changing them. Whether rulers actually complied is a separate historical question. The legal argument itself cannot be accurately described as making existing power the sole measure of right.

4.3.3 Public resources and the ends of administration

The purpose of office is religious and social reform, including those worldly arrangements indispensable to it. Ibn Taymiyyah contrasts this with rulers selecting officials merely to preserve their own predominance. Efficient administration is therefore assessed within a substantive conception of the good; it is not sufficient that the machinery successfully serves its holder's ambitions (*Siyāsa*, pp. 27, 30).

The distinction becomes concrete in public finance:

فإنما هم أمناء ونواب ووكلاء، ليسوا ملاكا

> "They are only trustees, deputies, and agents; they are not owners."

Power to distribute public resources does not turn those resources into the officeholder's property. The permitted uses depend on their legal source and the

claims attached to them. Ibn Taymiyyah discusses public protection, officials, learned and religious services, roads, bridges, waterways, and assistance to people in need. Within the category under discussion, he also considers competing priorities rather than treating all distributions as interchangeable (*Siyāsa*, pp. 44, 72).

His analysis of improper benefits extends beyond an explicit cash bribe. Gifts connected to office and favorable commercial dealings with officials may constitute advantages generated by public position. The concern is the relationship between the benefit and the entrusted responsibility, not simply the form in which money changes hands (*Siyāsa*, pp. 64–65).

Political expenditure is more complicated. Distribution motivated by personal affection or kinship is prohibited, while allocations intended to secure necessary cooperation can be permitted or required. The difference lies in the claimed public purpose. This distinction recognizes that equal amounts are not the only measure of lawful distribution, but it also leaves room for contested judgments about whose cooperation is necessary and what price may properly secure it. The normative distinction between public benefit and private favoritism remains clear; its application depends on assessments that can themselves be manipulated (*Siyāsa*, p. 74).

4.3.4 Justice, punishment, and coercive capacity

Ibn Taymiyyah's conception of just governance includes extensive penal jurisdiction. Discretionary punishment, *taʿzīr*, applies in the category discussed to misconduct without a fixed prescribed penalty or expiation, including fraud, false testimony, breaches of trust, and oppression. Sanctions vary with the offense, repetition, and circumstances; they include admonition, dismissal, detention, and corporal punishment. The explicit possibility of dismissing an emir demonstrates that concern for continuity does not make every subordinate officeholder irremovable (*Siyāsa*, pp. 148–149).

The text also surveys disagreements about the upper limits of discretionary penalties and includes an argument permitting a person to be put to death if his harmful activity cannot otherwise be stopped. Ibn Taymiyyah invokes the report concerning an attempt to divide a united community, transmitted in Muslim 1852, within this discussion. This provides a concrete example of juristic development: a transmitted statement about political division becomes part of reasoning concerning otherwise uncontainable harm. Identifying the report and the juristic extension separately is essential to understanding the argument (*Siyāsa*, pp. 150–153).

Restraints appear within this coercive framework, including directions concerning how flogging is performed and the avoidance of the face and vulnerable areas where correction rather than death is intended. These restrictions matter, but they coexist with corporal sanctions and severe punishment. An objective account must preserve both the restraints and the coercive scope rather than selecting whichever aspect makes the author resemble a preferred modern political position (*Siyāsa*, p. 156).

4.3.5 Consultation and the authority of reasons

Consultation is expressly necessary:

لا غنى لولي الأمر عن المشاورة

> “The holder of authority cannot dispense with consultation.”

Ibn Taymiyyah reasons that rulers after the Prophet have even greater need of consultation than the recipient of the Qur’anic command. Where consultation establishes a binding rule of the Book, Sunna, or consensus, that rule must be followed. Where disagreement remains, opinions and their grounds are to be elicited and the position closest to the authoritative sources adopted. The procedure values reasons and revealed standards; it does not declare a numerical majority the source of legal validity (*Siyāsa*, pp. 233–234).

The account identifies neither a universal electorate nor a fixed representative chamber. It also does not fully specify an independent mechanism compelling an unwilling ruler to consult. Those institutional omissions limit what can be attributed to the text, but they do not erase its substantive requirement. Ibn Taymiyyah includes both rulers and scholars among those possessing authority, while warning that both can mislead. Scholarly office does not supply immunity from corruption or error. His discussion of reliance on a trusted scholar when direct determination is difficult likewise concerns accountable judgment under constraints, not an infallible scholarly caste (*Siyāsa*, pp. 234–235).

4.3.6 Necessary government and the maxim about unjust rule

The concluding discussion argues that governing human affairs is among the greatest religious obligations. Human beings depend on association, association requires coordination, and collective religious and social duties require effective leadership. Ibn Taymiyyah reinforces this argument by extending the instruction that travelers appoint a leader to more enduring forms of association. The extension is an identifiable step in his reasoning; the travel report does not independently supply every feature of a political constitution (*Siyāsa*, pp. 237–239).

The frequently invoked maxim appears with an attributional qualification that must be retained:

ويقال: ستون سنة من إمام جائر أصلح من ليلة واحدة بلا سلطان

> “And it is said: sixty years under an unjust imam are better than a single night without governing authority.”

Ibn Taymiyyah introduces this as something said, not as a prophetic hadith. “Without governing authority” renders the actual phrase more closely than substituting a fully developed theory of anarchy. He appeals to experience to support the claim. The comparison is sweeping, but its alternatives are defective government and the absence of effective government. It does not itself establish that every conceivable

just replacement would be worse than every incumbent ruler (*Siyāsa*, p. 239; compare *Majmūʿ al-fatāwā*, XXVIII:390–392).

The maxim nevertheless assigns extraordinary weight to the prevention of political disintegration. Its empirical premise is asserted rather than systematically demonstrated, and its application depends on the likelihood that a proposed intervention would produce the feared collapse. These are legitimate questions for critical analysis. They should be posed alongside his prohibitions on assistance in sin and his demands for improved appointments, rather than resolved by promoting the maxim into revelation or treating it as the whole work.

A separate passage in *Majmūʿ al-fatāwā* clarifies how institutional ideals relate to fragmented power. Ibn Taymiyyah states the normative unity of the imamate, then considers the existence of multiple rulers through disobedience, incapacity, or other causes. Each remains responsible for discharging the duties within his capacity. Fragmentation does not suspend every obligation until unity is restored; action is also constrained by the danger of producing greater corruption. This is a rule for duties under divided authority, not an explicit theory of modern national sovereignty (*Majmūʿ al-fatāwā*, XXXIV:175–176).

4.3.7 The difference between the two Sunni frameworks

Al-Māwardī and Ibn Taymiyyah differ principally in the center of their analysis. Al-Māwardī begins with the supreme office, its valid acquisition, qualifications, and articulated jurisdictions. Ibn Taymiyyah concentrates on the purposes and performance of entrusted functions across an administration. The difference should not be exaggerated into a contrast between an exclusively formal constitutionalist and an exclusively practical defender of power. Al-Māwardī accommodates constrained provincial authority; Ibn Taymiyyah binds government to demanding substantive duties and retains a norm of political unity.

Both frameworks also allow questions of legal validity and political capacity to diverge. Al-Māwardī asks how lawful functions can persist under a conqueror’s provincial control. Ibn Taymiyyah asks what duties remain possible when ideal qualifications or unified rule are absent. Their answers enable cooperation with imperfect institutions while attempting to keep those institutions answerable to standards beyond their own survival. The adequacy and vulnerability of those standards will be central to the next chapter.

4.4 Shiʿi authority: the imam, occultation, and delegated jurisdiction

4.4.1 The original entitlement of the imam

The Twelver materials begin from a different account of the supreme religious authority. In al-Mufīd’s *Awāʾil al-maqālāt*, the imam is a continuing divine proof and possesses the knowledge and protection required for his religious role. He is identified through designation of the particular person or, in al-Mufīd’s stated

exception, miraculous proof. The community's choice does not create this original entitlement. The question of political recognition therefore differs from al-Māwardī's question of how qualified selectors contract the office. Recognition acknowledges the bearer of an authority whose source is not the selecting body (*Awā'il*, §3, pp. 39–40).

This does not make every person exercising power in the imam's name infallible. Al-Mufīd expressly distinguishes the imam's attributes from those of his governors:

ليس بواجب عصمة ولاة الأئمة

"The infallibility of the imams' governors is not required."

He likewise does not require every subordinate governor to be identified through the same form of divine designation. The distinction is fundamental. If delegated jurisdiction necessarily transferred all the attributes of its original bearer, every judge or administrator would require the imam's epistemic status. Al-Mufid denies that consequence. A theory of an infallible supreme guide can therefore include fallible agents whose authority is limited by the competence entrusted to them (*Awā'il*, §§37–38, pp. 65–66).

The distinction also prevents lineage from being mistaken for sufficient appointment. In this Twelver formulation, the relevant issue is the identity of the designated imam, rather than an unrestricted right of every descendant to claim office. Hereditary sequence and doctrinal designation can coincide historically while remaining conceptually different grounds of authority. The theory must be reconstructed through the claims it makes about knowledge, divine proof, and designation, not reduced to kinship alone.

4.4.2 What occultation changes

Occultation introduces a problem of access and the discharge of functions without removing the imam's original title. A hidden imam is not, within the doctrine, an office that has simply become vacant and may be filled by a new electoral contract. The question becomes which obligations can be performed, by whom, and on what authorization when direct access to the imam is unavailable.

The primary narratives must be distinguished from later standardized chronologies. Al-Mufīd's *al-Irshād* describes a shorter and a longer occultation, but dates the shorter period from the imam's birth in the passage examined. Its wording should not be silently replaced by a different conventional starting date. More directly pertinent to institutional authority is the rescript transmitted by al-Ṣadūq concerning ʿAlī b. Muḥammad al-Samarī. It instructs him not to appoint anyone to succeed him in his position and announces the ensuing occultation. The witness consulted reads "second occultation," with "complete occultation" recorded as a variant (*al-Irshād*, II:340; *Kamāl al-dīn*, II:516, ch. 45, report 44).

The cessation of this particular succession of representatives does not itself answer every question of general juristic authority. It terminates the specified avenue of appointment; it neither announces the disappearance of all religious duties nor

expressly installs a new jurist as a territorial sovereign. Subsequent jurists therefore have to distinguish the special representative's office from more general authorizations inferred from other reports. Treating these as identical would decide the central legal question before examining its evidence.

4.4.3 Adjudication and the interpretation of general authorizations

Two reports became especially significant for later arguments. The first is the report of ʿUmar b. Ḥanẓala in al-Kulaynī's *al-Kāfī*. Its initial question concerns two members of the community disputing a debt or inheritance and seeking judgment from the ruler or his judges. The response directs them toward someone knowledgeable about the transmitted teachings and legal judgments:

فليرضوا به حكما فإني قد جعلته عليكم حاكما

"Let them accept him as an arbiter, for I have appointed him a judge over you."

The immediate setting is adjudication. Rendering *ḥākim* automatically as "sovereign ruler" would import a conclusion not established by the English word alone. Yet the appointment language also requires analysis; its potential reach cannot be dismissed merely because a private dispute initiated the question. The legal issue is whether a general authorization is being announced through a judicial case, and, if so, how far that authorization extends (*al-Kāfī*, I:67–68, "Differences among reports," no. 10).

The report's later designation as a *maqbūla*, a received or accepted report, concerns its reception in legal reasoning. It should not be substituted for a demonstration that every transmitter and every inference from the text is undisputed. Its political significance results from the interaction of wording, transmission assessment, and juristic use. These are related but separate grounds of argument.

The second report is a rescript transmitted through Isḥāq b. Yaʿqūb in al-Ṣadūq's *Kamāl al-dīn*. The answer directs recourse, concerning newly occurring matters, to the transmitters of the imams' traditions, describing them as the imam's authoritative representatives or proofs to the community. The chain, the identity of the transmitters envisaged, and the meaning of the matters referred to are all relevant to its use. The plural formulation does not itself identify one supreme jurist or specify a territorial hierarchy among several qualified jurists (*Kamāl al-dīn*, II:483–484, ch. 45, report 4).

A narrower interpretation emphasizes transmission, legal guidance, and the resolution of questions; a broader interpretation treats the authorization as extending to necessary public functions. The wording is important evidence in that dispute, but it is not a ready-made constitution. Arguments for a complete governing jurisdiction must explain why the scope of the delegation reaches that far, how its conditions are established, and how competing claims are ordered. Conversely, an account denying all public implications would need to confront the institutional uses that jurists explicitly made of such authorizations.

4.4.4 Al-Mufīd: public responsibilities under constrained conditions

Al-Mufīd's *al-Muqniʿa* supplies concrete legal rules beyond the theological affirmation of the imam. He assigns the original authority over prescribed penalties to the rightly authorized Islamic ruler, identified with the imams and those whom they appoint, and then states that the imams have delegated supervision in this sphere to the jurists of their followers when practicable. Ability and security from wrongful rulers condition the exercise of the responsibility. The passage considers action within a household and, where the necessary capacity exists, wider enforcement (*al-Muqniʿa*, pp. 810–811).

The same discussion grants jurists a broad judicial remit and considers officials who receive outward appointment from a dominant wrongful authority. Such an official may still be obliged to discharge the lawful responsibilities that he can properly perform. Fellow believers should assist lawful conduct while withholding assistance from wrongdoing. This produces a distinction between the apparent political source of an appointment and the religious justification of particular acts carried out through it. Service within an existing government does not necessarily recognize that government's holder as the rightful imam.

The conditions are not infinitely elastic. Al-Mufid refuses to make dissimulation, *taqiyya*, an authorization for shedding believers' blood. The official's capacity to act under an unjust ruler therefore has substantive limits. His treatment recognizes both the need to preserve religious duties under hostile conditions and the possibility that participation can become impermissible complicity (*al-Muqniʿa*, p. 811).

This material contradicts an account in which early Twelver legal thought confines jurists to private devotion while suspending all public action until the imam's return. It also does not identify a single jurist as possessing every power of the absent imam. The text authorizes substantial functions through particular conditions and legal relationships. Whether those functions can be assembled into a comprehensive theory of supreme government remains a further question.

4.4.5 Al-Ṭūsī and al-Muḥaqqiq al-Ḥillī: separating functions

Al-Ṭūsī's *al-Nihāya* develops the problem of service under existing rulers. Work for a just authority can be recommended or obligatory according to the circumstances. Work under an unjust authority is evaluated by what the prospective official knows or strongly expects he can accomplish: applying prescribed penalties, distributing resources properly, commanding right, and helping the community without neglecting obligations or committing wrongs. Under those conditions participation can be recommended; where he knows or strongly expects that they cannot be maintained, voluntary entry is prohibited. The moral character of the wider regime and the legal character of a particular official's service are thus distinguished without making the latter independent of consequences (*al-Nihāya*, Book of Earnings, "Service under the ruler and the acceptance of their gifts").

Al-Muḥaqqiq al-Ḥillī's *Sharāʾiʿ al-Islām* demonstrates why the question of authority during occultation must be disaggregated. In his treatment of jihad, the relevant collective obligation is conditioned upon the imam or his appointee, while defensive fighting receives separate treatment. The absence of authorization for one category therefore cannot simply be generalized into the prohibition of every form of defense (*Sharāʾiʿ*, I:232–233).

His discussion of prescribed penalties records permission for appropriately qualified jurists to execute them during occultation where security is present, but introduces the position with "it is said." That formulation preserves a reported disagreement. It should not be rewritten as an unqualified declaration that all Imami jurists recognized the same penal jurisdiction. Other passages recognize the adjudication of qualified jurists. His discussion of Friday prayer records competing positions during the imam's absence and favors its performance when the congregation and sermons are possible. The sources address judicial authority, penal enforcement, communal worship, and war through distinct arguments rather than through one uniform rule of either total suspension or complete transfer (*Sharāʾiʿ*, I:76, 259–260; IV:60).

The distinction has wider theoretical importance. A jurist may possess authority to decide disputes without possessing the authority to initiate every military undertaking. Permission to collect or administer certain property does not independently establish every coercive competence. An argument for general government must therefore explain how particular authorizations relate to one another and what principle permits their extension. The existence of a genuine public jurisdiction does not make that additional reasoning unnecessary.

4.4.6 Later formulations of general deputyship

Al-Karakī, writing in the early sixteenth century, articulates a broader formulation of the qualified jurist's deputyship. He reports agreement that the just Imami jurist qualified to issue legal opinions acts as the imam's deputy in matters admitting of deputation. The qualification is part of the principle: not every attribute of the imam is necessarily transferable. Moreover, the passage itself immediately acknowledges colleagues' possible exclusion of killing and prescribed penalties. Its examples include judgments, debt enforcement, and forms of property administration (*Risālat ṣalāt al-jumuʿa*, in *Rasāʾil al-Muḥaqqiq al-Karakī*, I:142).

The formulation consolidates diverse functions under a general legal category. It remains an author's statement about agreement, accompanied by an explicit reservation about its range. The text should neither be minimized as mere private advice nor treated as an uncontested definition of every subsequent theory of government. The key development is that deputyship supplies a more general explanation for the jurist's competence across several legal domains.

Al-Narāqī, in the late eighteenth and early nineteenth centuries, offers a still broader presumption. In the fifty-fourth *ʿāʾida* of *ʿAwāʾid al-ayyām*, he assigns to the jurist the jurisdiction possessed by the Prophet and imam except where evidence excludes it. He also addresses religious or worldly affairs whose performance is necessary or

legally authorized but for which the responsible agent has not been designated. This is a significant shift in the argumentative default: instead of requiring a separate authorization for every competence, the formulation begins with a general scope and asks what proof removes a matter from it (*ʿAwāʾid*, ʿāʾida 54, p. 536).

Chronology is essential here. Al-Narāqī's formulation belongs to a much later period than al-Mufīd's and al-Ṭūsī's. It cannot serve as evidence that the same fully generalized doctrine existed unchanged in their works. Nor does a presumption of jurisdiction alone settle the constitutional questions of selecting among jurists, arranging territorial competences, organizing representation, or holding a supreme officeholder accountable. The later formulation enlarges the doctrinal claim; the institutional form and reception of that claim require additional inquiry.

4.4.7 Why Twelver occultation cannot represent all Shiʿi theories

The focus on occultation must not make Twelver doctrine stand for every Shiʿi model. In the writings of the Zaydi imam al-Hādī ilā al-Ḥaqq, eligible descent from al-Ḥasan or al-Ḥusayn is combined with learning, piety, courage, generosity, justice toward subjects, consultation, and a public active claim. His description requires the claimant to rise openly and make his summons manifest. Lineage supplies an eligibility boundary; it does not independently make every descendant an imam. This account organizes authority around qualified public assertion and action, rather than the particular Twelver problem of exercising functions during the absence of the designated twelfth imam (*Majmūʿ rasāʾil al-Imām al-Hādī*, "Uṣūl al-dīn," pp. 54–56).

Al-Qāḍī al-Nuʿmān's Ismaili *Daʿāʾim al-Islām*, by contrast, emphasizes recognition of the living imam of one's age and obedience to the imams. This primary formulation treats those obligations as requirements of religious allegiance (*Daʿāʾim*, I:25). It is sufficient here to establish that the Twelver arrangement is not exhaustive of Shiʿi political theology. It would be an additional error to infer that every Ismaili branch has the same political history or lacks concepts of concealment. The traditions must be differentiated by their own accounts of designation, eligibility, public manifestation, and the exercise of authority.

4.5 Kharijite and Ibadi alternatives: eligibility, selection, and conditional authority

4.5.1 The evidentiary problem of a collective label

"Kharijite" names a family of movements and doctrines in much of the heresiographical literature; it does not identify a single political constitution. The classifications are frequently external and polemical. In particular, examining Ibadi jurisprudence within this comparative discussion does not justify transferring every claim about another group to Ibadis or treating an external classification as their complete self-description. The evidentiary distinction between a reported doctrine and an internal legal text is especially important here.

Al-Ashʿarī's *Maqālāt al-Islāmiyyīn* attributes to the Kharijite groups a rejection of exclusive Qurashi eligibility: the imamate may belong to a Qurashi or another qualified person, and an unjust imam is not recognized as rightful. The change from al-Māwardī's framework concerns a specific eligibility restriction. It does not establish universal eligibility irrespective of religious, moral, or other conditions, and it should not be equated with a modern equal franchise (*Maqālāt*, ed. Zarzūr, I:109, §56).

The same passage preserves an exceptional position through a double attribution: al-Ashʿarī reports that Zurqān attributed to the Najdāt the view that they did not require an imam and should attend to God's Book among themselves. This is evidence for a reported challenge to the necessity of the office. It is not a surviving constitutional treatise by a Najdāt author, and it cannot be generalized into a doctrine that all Kharijites rejected organized government. Their reported debates include both the qualifications of rulers and whether an imam is indispensable at all.

Al-Ashʿarī also distinguishes Ibadi opposition to waylaying people with the sword (*iʿtirāḍ al-nās bi-l-sayf*) from a willingness to remove unjust imams by available means, including force. His classification therefore preserves differences even within its own broad grouping. The passage concerns his account of their position; an internal Ibadi legal source is needed to see how appointment, misconduct, and removal were more fully articulated (*Maqālāt*, I:109, §55).

4.5.2 An Ibadi legal account of appointment

Abū Bakr Aḥmad b. ʿAbd Allāh al-Kindī's *al-Muṣannaf* contains a substantial Book of the Imamate. Its discussion includes arguments against restricting the office to Quraysh and considers scriptural and transmitted evidence about obedience and qualification. The relevant issue is whether lineage is a necessary legal condition, rather than whether the ruler may disregard religious law. The rejection of an exclusive lineage condition can enlarge the eligible class while retaining stringent standards of conduct (*Muṣannaf*, original part 10, in the 2016 edition, bound VII:304–306).

The appointment material makes consultation with learned persons and their consent central. A passage claims communal agreement that a successor is not established after a predecessor's death or removal without the consultation and approval of the qualified learned group. A completed appointment can bind those absent. Elsewhere the compilation records disagreement over the number of persons sufficient to conclude the appointment. These discussions resemble the Sunni problem of how a limited body can perform a legally binding public act, even where the traditions differ over eligibility and later misconduct (*Muṣannaf*, VII:349–355, original part 10, chs. 20–22).

The pledge specifies equal justice across distinctions of strength, status, and personal affection, and makes obedience responsive to the ruler's fidelity to the undertaking. Consultation is thus connected to a substantive account of what the ruler promises to do. Yet neither the participation of qualified scholars nor the

binding force of a pledge proves the existence of universal suffrage. The text gives a communal and juridical structure to appointment through identified responsibilities and competent actors.

4.5.3 Misconduct, repentance, and the limits of opposition

The removal discussion preserves several views rather than one undifferentiated command to revolt. An excerpt attributed to Abū Qaḥṭān distinguishes the prohibition on removing a just imam from the treatment of an imam who acts unjustly or changes the proper order. Another reported position requires a publicly established major transgression of the kind it classifies as *mukaffira* to be met first by a demand for repentance. This technical classification should not automatically be equated with another school's account of apostasy. If the imam repents, his standing is restored; if he persists and refuses to withdraw, the compilation records permission for forcible removal, extending to fighting him (*Muṣannaf*, VII:476–477, original part 10, ch. 54).

The continuation also constrains the opponents. On the reported position, an imam who has repented cannot simply be attacked because some people no longer wish him to rule; wrongful attackers can themselves be classified as rebels. Moral accountability consequently coexists with a norm protecting a ruler who again meets the relevant conditions. The relationship is reciprocal: the incumbent cannot make office a shield for persistent disqualifying misconduct, while opponents cannot make their dissatisfaction sufficient proof of a right to overthrow him.

The compilation's distinctions between concealment and public manifestation likewise relate political action to the prevailing capacity of truth and justice, rather than assuming that every period permits the same public strategy (*Muṣannaf*, VII:300–301, original part 10, ch. 10). These materials establish an internally differentiated jurisprudence of action under changing conditions. They provide a firmer basis for comparison than a portrayal of "the Kharijite model" as permanent insurrection. They also expose genuine questions about who verifies misconduct, how repentance is recognized, and what happens when competing parties claim the authority to enforce the same standard.

4.6 Muʿtazilite arguments: obligation, designation, and moral qualification

4.6.1 Rational theology does not yield one theory of government

Muʿtazilite political reasoning must also be reconstructed through disagreements rather than inferred from the general importance of reason in the tradition. In the imamate volume of *al-Mughnī*, ʿAbd al-Jabbār distinguishes three positions: denial that the imamate is obligatory, affirmation of its obligation through reason, and affirmation through revealed evidence. His own argument accepts that the obligation is not established by reason alone and undertakes to establish it through revelation.

It would therefore be incorrect to describe a rationally necessary imamate as the uniform Muʿtazilite position (*al-Mughnī*, XX/1:16).

His analysis asks what would make the institution rationally necessary in relation to divine obligation, *taklīf*. The relevant categories include enabling the obligated person, communicating what must be known, and divine assistance that facilitates obedience. A claim that government is frequently useful in worldly affairs does not by itself demonstrate that a particular institution is universally required as a condition of morally accountable life. The argument concerns the strength and kind of proof required for necessity, rather than a denial that government can prevent harm (*Mughnī*, XX/1:17).

This distinction is philosophically consequential. One can affirm rationally intelligible duties of justice while holding that the obligation to establish a particular public office depends on additional revealed requirements. Conversely, one can regard a form of leadership as rationally indispensable without yet proving who must occupy it or how that person must be identified. The necessity of an institution, the grounds of its obligation, and the procedure for appointing its holder remain separate propositions.

4.6.2 Why the office need not be established exclusively by designation

ʿAbd al-Jabbār separately contests the claim that reason requires every imam to be individually designated through *naṣṣ*. He argues that divine wisdom could specify the qualities of a suitable imam and leave human deliberation to identify a person possessing them. Rational possibility therefore includes both designation of an individual and selection by reference to publicly indicated qualifications. Demonstrating the possible benefit of designation does not establish that every alternative is rationally impossible (*Mughnī*, XX/1:99).

The argument should be read at its stated level. It does not, by itself, settle every historical claim that a particular person was designated. It challenges the prior proposition that the nature of the imamate makes designation the only rationally admissible route. The distinction allows a theological defense of selection without making human choice independent of divine norms. Deliberation concerns the bearer of the office under prescribed conditions; it does not create the standards of right and wrong at will.

The same distinction explains why accepting selection does not amount to a modern doctrine of unrestricted constituent sovereignty. The selecting body is charged with identifying someone fit to discharge an already normatively defined responsibility. Its judgment is answerable to eligibility criteria and public duties. This is a genuine role for human judgment, but its authority is bounded by the religious and moral account within which it operates.

4.6.3 Justice as an eligibility condition

ʿAbd al-Jabbār’s qualifications include practical judgment and the ability to perform the office’s demanding tasks. His argument for probity also proceeds by comparison

with lesser positions of trust. If a witness or judge must possess the relevant moral reliability, the person responsible for more extensive rights, public resources, and coercive judgments cannot be exempt from it. The imam's function involves protecting claims that belong to others, and a seriously transgressive person cannot simply be presumed trustworthy in their discharge (*Mughnī*, XX/1:201–202).

He distinguishes the political office from an analogy with leading prayer. A claim that prayer behind a deficient leader may remain valid does not establish that the same person should be entrusted with the public rights and resources administered by an imam. The responsibilities differ, so the legal consequences need not coincide. This argument provides a concrete example of theological jurisprudence resisting the transfer of a permissive rule from one institution to another merely because both employ the word "imam."

The convergence with al-Māwardī is substantial: both make moral qualification relevant to political entitlement, despite differences in theological method and other doctrines. Their shared concern also shows why political jurisprudence should not be mapped exclusively by sectarian boundaries. A cross-traditional dispute about probity, capacity, or designation may be more analytically revealing than a contrast between two supposedly uniform communities.

4.6.4 Al-Aṣamm and the conditional need for an imam

Al-Aṣamm's dissent, excluded from al-Māwardī's consensus claim, survives here through al-Ashʿarī's report:

لو تكاف الناس عن التظالم لاستغنوا عن الإمام

> "If people refrained from wronging one another, they could dispense with the imam."

The formulation makes the need for the institution conditional upon a problem it addresses. It does not say that actual communities invariably satisfy the condition, nor does it supply a complete plan for administering collective affairs without an imam. The counterfactual questions an unconditional necessity: where mutual injustice is absent, the institution's stated rationale may no longer apply (*Maqālāt*, II:343, §179).

The attribution must remain explicit. This is al-Ashʿarī's report of al-Aṣamm, not a passage recovered from an independently examined work by al-Aṣamm. It nevertheless demonstrates why the dissenter cannot be omitted from the intellectual history merely because another jurist regards his view as outside binding consensus. Whether consensus can remain authoritative despite such dissent is itself a juristic question, distinct from whether the dissent existed.

A related report in *Maqālāt* complicates any description of Muʿtazilites as uniformly committed to immediate revolt. Al-Ashʿarī associates several groups, including Muʿtazilites, with armed action where they can remove oppression and establish the right; he separately attributes to al-Aṣamm a requirement that such action occur

under an agreed just imam. The passage is a schematic external classification, but even on its own terms it distinguishes moral opposition from an unrestricted license for uncoordinated violence (*Maqālāt*, II:336, §167).

These positions alter the grounds on which government is justified and contested. Some arguments make an imam necessary through revealed duties; others challenge the unconditional necessity of the office; arguments for opposition can depend on capacity, coordination, and a credible prospect of establishing justice. “Muʿtazilite political theory” therefore identifies a field of argument rather than one constitutional formula.

4.7 Comparative conclusions: authority as a problem of justification and performance

The frameworks examined in this chapter generate political institutions by relating authoritative norms to further judgments about office, agency, competence, and necessity. Al-Māwardī’s contract of imamate requires a theory of qualified selectors and legally effective appointment. Ibn Taymiyyah’s administration of trusts requires judgments about the different capabilities demanded by different offices. Imami accounts of action during occultation require distinguishing the imam’s original entitlement from the functions that can be delegated. Ibadi appointment and removal rules require procedures for consent, proof of misconduct, and restoration through repentance. Muʿtazilite arguments distinguish rational necessity, revealed obligation, and the identification of an eligible person. These are substantive intellectual constructions, not merely repetitions of isolated scriptural phrases.

The clearest disagreements concern several independent dimensions. The supreme office may arise through a qualified contract, recognition of a designated imam, or an active claim satisfying particular requirements. Eligibility may include Qurashi ancestry, a more specific descent, or no exclusive Qurashi restriction. The institution’s obligation may be defended through revelation, rational necessity, or a conditional account of the harms it prevents. Political failure may affect entitlement, obedience to a particular command, the validity of official acts, or the feasibility of removal in different ways. Agreement on one dimension does not guarantee agreement on the others.

The traditions also converge in ways that complicate simple oppositions. Qualified human judgment appears in Sunni selection, Ibadi consultation, Muʿtazilite argument for election, and Imami adjudication under delegated authority. Public responsibilities remain significant under imperfect conditions in al-Māwardī, Ibn Taymiyyah, al-Mufīd, and al-Ṭūsī. Moral probity can be required while actual capacity affects how duties are performed. Even doctrines allowing coercive opposition can restrict its initiators, conditions, and consequences. These comparisons concern the texts examined; they do not establish that every jurist within each tradition accepted identical rules.

The accommodation of political necessity is therefore neither absent nor uniform. It can validate constrained administrative arrangements, permit the best available appointment, preserve duties under divided rule, or justify participation in an unjust government for lawful purposes. Each accommodation poses a recurring problem: can cooperation remain bounded by the purpose that justifies it, or does it strengthen an authority that evades those limits? The normative texts explain their intended boundaries. Determining whether those boundaries were effective requires historical evidence about institutions and conduct as well as analysis of doctrine.

There is also no single transfer of “sovereignty” that can be inferred from these materials without defining the term. A doctrine can locate ultimate normative authority in divine revelation while assigning fallible persons extensive authority to interpret, appoint, administer, and coerce. The crucial question is how those human decisions are justified and controlled. An assertion that government serves religion does not itself demonstrate that its decisions faithfully do so; an accommodation to practical capacity does not itself establish that religious norms have been abandoned.

The next chapter can consequently examine tensions between foundational texts and juristic institutions through particular arguments: how consultation becomes a qualified selecting body or a duty of advice; how moral disqualification relates to restrictions on removal; how emergency accommodation becomes durable administration; and how protection of public order can compete with redress of injustice. The evidence supports those questions without requiring a predetermined narrative of an originally unrestricted right of dissent followed by its complete juristic suppression. Both normative restraint and concern for political continuity appear at more than one stage of the tradition.

Primary texts and citation register

The chapter cites primary legal, theological, and transmitted texts. Modern editorial introductions and annotations have not been treated as statements of the classical authors. Printed pagination is used where verified; where an electronic page differs from commonly cited print pagination, the work’s internal chapter is identified. The links below provide access to the consulted witnesses rather than implying that every modern edition has identical pagination.

Al-Māwardī, *al-Aḥkām al-sulṭāniyya*. Dār al-Kutub al-ʿIlmiyya edition, with no publication date or edition number supplied by the consulted host. Principal references: ch. 1, pp. 5–24; ch. 2, pp. 25–31; ch. 3, pp. 39–41; ch. 7, pp. 97–100. Electronic text and edition information.

Ibn Taymiyyah, *al-Siyāsa al-sharʿiyya fī iṣlāḥ al-rāʿī wa-l-raʿiyya*. Edited by ʿAlī b. Muḥammad al-ʿUmrān, 4th edition. Riyadh: Dār ʿAṭāʾāt al-ʿIlm; Beirut: Dār Ibn Ḥazm, 1440/2019. The quotations and pagination follow this fuller witness, especially pp. 4–30, 44, 64–65, 72–74, 148–156, 233–241. Consulted edition. The separately cited passage on multiple rulers is *Majmūʿ al-fatāwā*, XXXIV:175–176, and must not be confused with the *Siyāsa* text reproduced in volume XXVIII. Separate passage.

Al-Mufīd, *Awāʾil al-maqālāt*. Edited by Ibrāhīm al-Anṣārī; Beirut: Dār al-Mufīd. §§3, 37–38, pp. 39–40, 65–66. Text. Also *al-Irshād*, II:340, on the two occultations, and *al-Muqniʿa*, pp. 810–811, on penal and judicial authority. Al-Irshād passage; al-Muqniʿa passage.

Al-Kulaynī, *al-Kāfī*. Edited by ʿAlī Akbar al-Ghaffārī; Tehran: Dār al-Kutub al-Islāmiyya. I:67–68, Book of the Excellence of Knowledge, chapter on differences among reports, no. 10. ʿUmar b. Ḥanẓala report. Al-Ṣadūq, *Kamāl al-dīn wa-tamām al-niʿma*. II:483–484, 516, ch. 45, reports 4 and 44. Rescript on newly occurring matters; rescript to al-Samarī.

Al-Ṭūsī, *al-Nihāya fī mujarrad al-fiqh wa-l-fatāwā*. Book of Earnings, chapter on service under rulers and accepting their gifts. The consulted interface displays the relevant passage at electronic p. 404; the internal chapter reference is used to avoid conflating electronic and print pagination. Text.

Al-Muḥaqqiq al-Ḥillī, *Sharāʾiʿ al-Islām*. Volume I references use the witness annotated by Ṣādiq al-Ḥusaynī al-Shīrāzī, Tehran: Intishārāt Istiqlāl, pp. 76, 232–233, 259–260. Volume I. The judicial passage at IV:60 follows the separately consulted al-Baqqāl annotated witness. Judicial passage.

Al-Karakī, *Risālat ṣalāt al-jumuʿa*, in *Rasāʾil al-Muḥaqqiq al-Karakī*. Edited by Muḥammad al-Ḥassūn; Maktabat al-Marʿashī, 1st edition, 1409 AH, I:142. Text. Al-Narāqī, *ʿAwāʾid al-ayyām*. ʿĀʾida 54, p. 536, in the edition prepared by Markaz al-Abḥāth wa-l-Dirāsāt al-Islāmiyya. Text.

Al-Hādī ilā al-Ḥaqq, *Majmūʿ rasāʾil al-Imām al-Hādī*. Edited by ʿAbd Allāh b. Muḥammad al-Shādhilī; Ṣanʿāʾ: Muʾassasat al-Imām Zayd b. ʿAlī. “Uṣūl al-dīn,” pp. 54–56. Text. Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*. Edited by Asaf A. A. Fyzee; Cairo: Dār al-Maʿārif, I:25. Text.

Al-Ashʿarī, *Maqālāt al-Islāmiyyīn wa-ikhtilāf al-muṣallīn*. Edited by Naʿīm Zarzūr; al-Maktaba al-ʿAṣriyya, 1st edition, 1426/2005. I:109, §§55–56; II:336, §167; II:343, §179. These passages are cited as attributed reports, with their evidentiary limits retained. Edition.

Abū Bakr Aḥmad b. ʿAbd Allāh al-Kindī, *al-Muṣannaf*. Edited by Muṣṭafā Ṣāliḥ Bājū; Oman: Ministry of Endowments and Religious Affairs, 1st edition, 1437/2016. Bound volume VII contains original part 10, Book of the Imamate. References are to this edition’s pp. 300–306, 349–355, 476–477, not to the pagination of an older separately bound tenth volume. Edition and downloadable primary text.

ʿAbd al-Jabbār, *al-Mughnī fī abwāb al-tawḥīd wa-l-ʿadl*. XX/1, “On the Imamate,” edited by Maḥmūd Muḥammad Qāsim, reviewed by Ibrāhīm Madkūr, under the supervision of Ṭāhā Ḥusayn; Cairo: al-Dār al-Miṣriyya. Principal references: pp. 16–17, 99, 201–202. Volume and edition information.

PART III

Comparative Analysis and Contradictions on First Principles

Chapters 5–6 compare the foundational evidence with juristic formulations and selected modern reconstructions. The analysis asks which institutions develop matters left open by the texts, which accommodations respond to necessity, and which consequences create tensions with the obligations invoked to justify political authority.

CHAPTER 5

Tensions Between Primary Texts and Historical Fiqh

5.1 The terms of comparison: what would constitute a contradiction?

The comparison between foundational texts and political jurisprudence yields a qualified but consequential conclusion. Classical jurists generally continued to identify justice, lawful obedience, and the protection of religious and communal life as purposes of government. Some nevertheless constructed rules under which serious defects in rulers did not invalidate their authority or justify their forcible removal. The resulting tension concerns the legal consequences of wrongdoing as much as its moral classification. A ruler could remain blameworthy while his appointments continued to operate and resistance to him remained prohibited. To understand this arrangement, one must distinguish the standard by which power is judged from the remedies available when power violates that standard.

The distinction prevents two opposite errors. The persistence of injunctions to justice does not establish that a political order provided effective accountability. Conversely, preserving an officeholder under conditions of anticipated civil war does not by itself mean that a jurist declared oppression righteous. These propositions can be separately true: a ruler acts unlawfully; a particular command must be refused; public functions under his administration remain valid; and an attempted armed removal would produce a greater wrong. Whether such a combination is persuasive depends on the evidence for each proposition and on the connections drawn between them.

“Contradiction” therefore requires specification. A doctrine requiring compliance with an acknowledged sinful command would conflict directly with the prophetic exclusion of obedience in sin. A rule specifying the number or qualifications of electors, where the Qurʾan supplies no such number, is an institutional construction whose legitimacy requires argument but whose additional detail is not itself a contradiction. A doctrine permitting a deficient incumbent to remain because no practicable replacement exists is an accommodation: its consistency depends on whether the claimed necessity is real, whether the relaxation is proportionate, and whether the original obligation continues to exert force. The more these conditions disappear, the more accommodation approaches an effective suspension of the norm it professes to preserve (al-Bukhārī, *Ṣaḥīḥ*, no. 7144; al-Māwardī, *al-Aḥkām al-sulṭāniyya*, ch. 1; al-Ghazālī, *al-Iqtiṣād fī al-iʿtiqād*, part IV, chapter on the imamate).

A second distinction concerns the character of the evidence. Qurʾanic discourse, prophetic reports, Companion speeches, annalistic accounts, legal manuals,

theological argument, and retrospective historical explanation do different kinds of work. A report in al-Bukhārī about ʿUmar's speech is evidence of a transmitted Companion position; it does not become a prophetic command because of the collection in which it appears. An Abbasid succession document reproduced by al-Ṭabarī is a document as transmitted in an annalistic work, rather than an independently surviving original charter. A later explanation of Muʿāwiya's motives by Ibn Khaldūn establishes Ibn Khaldūn's interpretation, not direct access to Muʿāwiya's intentions. These distinctions govern the comparisons that follow.

The chapter also avoids treating "classical fiqh" as one author or a single chronological movement. Al-Māwardī's rule that certain forms of misconduct terminate the imamate differs materially from al-Nawawī's rejection of deposition for ordinary transgression. Ibn Ḥazm offers another construction, while al-Juwaynī considers how public responsibilities can continue when effective central authority is absent. Such differences cannot be explained by a uniform transition from early idealism to later submission. They concern rival ways of relating authority, moral qualification, public capacity, and the costs of enforcement.

Arabic passages are accompanied by working translations unless otherwise identified. Qurʾanic English excerpts use Marmaduke Pickthall's translation. References to chapter, section, report number, or verified printed pagination identify the precise textual basis; the source register distinguishes printed pagination from a digital page identifier. The analysis is historical and interpretive, rather than a ruling on any contemporary government.

5.2 Consultation and justice: strong norms without a complete constitutional procedure

5.2.1 What the consultation passages establish

The command addressed to the Prophet in Qurʾan 3:159 includes:

وَشَاوِرْهُمْ فِي الْأَمْرِ ۖ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ

> "and consult with them upon the conduct of affairs. And when thou art resolved, then put thy trust in Allah."

The imperative *shāwir* is addressed to a masculine singular subject, while its attached object pronoun is plural. The subsequent *ʿazamta* likewise addresses that singular subject. Consultation and determination thus appear together. The verse neither makes consulting dispensable nor expressly establishes a voting procedure by which the consulted persons' numerical majority binds the decision-maker. Inferring unrestricted discretion from the singular verb would erase the preceding command; inferring a specified majority rule would add a mechanism the wording does not supply (Qurʾan 3:159).

Qurʾan 42:38 describes the believers through a complementary formulation:

وَأَمْرُهُمْ شُورَىٰ بَيْنَهُمْ

“and whose affairs are a matter of counsel”

The possessive “their” and the relational “among them” locate consultation within the community’s affairs. The expression is broader than an isolated courtesy extended by a superior. Nevertheless, neither this formulation nor 3:159 specifies the selecting constituency, a permanent assembly, the allocation of votes, or the consequence of a ruler’s refusal to accept advice. The absence of such specifications creates a field for institutional reasoning. It does not eliminate the norm that institutions are supposed to realize (Qurʾan 42:38).

Several questions must consequently be kept separate. Must the ruler seek advice? Who is qualified to give it? Must he follow it? Must the community participate in selecting him? Can it reject a nominated successor? Can an institution enforce consultation against an unwilling incumbent? An arrangement may answer the first question affirmatively while answering the last two negatively. The presence of advisers therefore cannot, without further evidence, establish a community’s effective control over succession or policy.

5.2.2 Juristic interpretation did not simply extinguish consultation

The exegetical record itself resists a narrative of straightforward abandonment. In his commentary on 3:159, al-Ṭabarī transmits explanations emphasizing military deliberation, reassurance of the Companions, the benefits of counsel, and the Prophet’s exemplary practice for later believers. His own conclusion combines consultation concerning enemies and warfare with the instruction of the community through the prophetic example. His account of the Prophet’s determination also invokes divine guidance, permitting action whether companions’ advice agrees or disagrees. This exceptional prophetic setting cannot be transferred without argument to every later ruler’s personal judgment (*Jāmiʿ al-bayān*, commentary on 3:159, reports 8126–8134 and concluding interpretation).

Al-Qurṭubī preserves a markedly demanding statement, attributing it to Ibn ʿAṭiyya:

من لا يستشير أهل العلم والدين فعزله واجب

“Whoever does not consult people of learning and religion must be removed.”

He places this within a declaration that consultation belongs to the foundations of the law and its firm requirements, followed by an assertion that there is no disagreement. The assertion must remain the commentator’s report, rather than this chapter’s claim that every jurist accepted the same removal rule. Al-Qurṭubī also transmits a differentiated account of consultation with religious scholars, military leaders, leading members of society, and administrative specialists according to the matter at issue (*al-Jāmiʿ li-aḥkām al-Qurʾān*, commentary on 3:159, second issue).

These passages establish that medieval interpretation could give consultation substantial legal force. They do not establish a universal franchise. The advisers are characterized through learning, religious standing, experience, or position. Nor does the statement about removal explain a complete procedure for compelling a powerful ruler to surrender office. Its normative severity and its institutional incompleteness must both be acknowledged.

In the same commentary, al-Qurṭubī describes consultation as involving divergent opinions, after which the consulter examines which position most closely accords with the Book and Sunna and proceeds upon the conclusion reached. Consultation here improves judgment under authoritative standards; it is not defined as the sovereignty of an arithmetic majority. This construction can constrain arbitrary decision-making while leaving the final evaluation with the officeholder. Its vulnerability lies in the possibility that the ruler alone decides whether he has adequately consulted and whether the advice received is legally sound (commentary on 3:159, sixth issue).

5.2.3 Justice sets a substantive limit on institutional discretion

The consultation passages must be read alongside the Qur'an's requirements of justice. Qur'an 4:58 joins the rendering of trusts to just judgment between people. Qur'an 4:135 expressly makes justice binding against oneself, parents, and relatives. Qur'an 5:8 rejects hostility toward a people as a reason to abandon equity. These formulations constrain both favoritism and enmity. Political success, family affiliation, and the preservation of a governing coalition cannot by themselves transform an unjust judgment into a just one.

The covenant passage concerning Abraham similarly excludes wrongdoers from the divine covenant: "My covenant includeth not wrong-doers" (Qur'an 2:124, Pickthall). Its immediate subject is Abraham's appointment and his question about descendants. Turning it into a detailed rule governing every later caliphal appointment requires an argument about the relation between that covenant and later office. Its clear resistance to an unrestricted claim through descent remains relevant; an automatic constitutional procedure does not follow from it.

The foundational problem is therefore asymmetrical. The texts state demanding ends and restraints while leaving many mechanisms of appointment and correction unspecified. Jurists had to construct those mechanisms. Their constructions should be assessed both for fidelity to the stated obligations and for the distribution of power they created. A procedure can retain the vocabulary of consultation while making disagreement ineffective; it can also permit appointment within a family while imposing qualifications that exclude automatic hereditary entitlement. Analysis must identify which of these possibilities a particular text actually sustains.

5.3 From early succession to dynastic designation

5.3.1 Early precedent was already plural and contested

The early succession record available to later Sunni jurists did not supply one unvarying electoral procedure. Al-Māwardī invokes Abū Bakr's designation of ʿUmar and ʿUmar's provision for a selecting council as precedents for nomination. His inference is that designation can constitute an authoritative route to the imamate. That inference connects distinct arrangements: naming a successor and specifying a body that will choose a successor. Their inclusion within one juridical category is itself part of the juristic construction (*Aḥkām*, ch. 1, pp. 11–12).

A different emphasis appears in ʿUmar's retrospective account of the Saqīfa meeting, transmitted in al-Bukhārī, no. 6830. He describes Abū Bakr's pledge as a sudden occurrence, *falta*, from whose evil God protected the community. He warns against treating its outcome as a precedent for an unconsulted pledge to another person. The speech both defends the completed accession and restricts its unreflective repetition. Its accompanying account records disagreement and urgency; it does not describe a prior comprehensive constitutional settlement.

This testimony is important precisely because its conclusions do not collapse into either of two easy readings. It does not portray every decisive act by a small group as inherently legitimate. Nor does it provide a modern rule of universal participation. The relevant principle is that the successful outcome of an exceptional, contested episode does not automatically authorize the same manner of proceeding in ordinary circumstances. Later arguments from early precedent must explain which features are normative and which belong to the emergency being narrated.

5.3.2 The Umayyad case: soliciting allegiance and suppressing objection

Al-Bukhārī's report concerning Marwān's promotion of Yazīd supplies a more limited but concrete witness to the politics of dynastic succession. Marwān, governing the Hijaz for Muʿāwiya, speaks in support of allegiance to Yazīd after his father. ʿAbd al-Raḥmān b. Abī Bakr says something in response; Marwān orders his arrest, and he enters ʿĀʾisha's house. Marwān then applies Qurʾan 46:17 to him, an application that ʿĀʾisha repudiates (*Ṣaḥīḥ al-Bukhārī*, no. 4827).

The report does not preserve the content of ʿAbd al-Raḥmān's objection. In this recension he says "something"; a fuller speech comparing succession to foreign monarchy must not be inserted into its wording. What the report does preserve is sufficient for a narrower argument. A governor promotes a father-to-son succession through *bayʿa*, responds coercively to an objection, and invokes revelation against the objector. Another prominent participant disputes that scriptural application.

The political issue is thus not simply whether the vocabulary of allegiance survived. It is whether allegiance could be withheld or criticized without coercion, and whether the incumbent administration could monopolize the authoritative description of opposition. An attempted arrest in one report does not establish every

feature of Umayyad succession. It does show why the formal existence of a pledge cannot be equated with unconstrained consent.

5.3.3 Al-Māwardī's accommodation: nomination without inheritance as such

Al-Māwardī's treatment of nomination provides a legal mechanism through which dynastic continuity could be maintained without declaring the imamate an inheritable possession. For a qualified nominee who is neither the incumbent's father nor his son, he allows designation without prior consultation of the electors; his preferred view does not make their subsequent satisfaction constitutive of the appointment. For father or son, he records three positions: requiring consultation with the electors and their finding that the nominee is qualified, permitting unilateral nomination, or permitting it for the father while withholding it for the son. Partiality is therefore a recognized legal problem, but jurists disagree about its institutional consequence (*Aḥkām*, ch. 1, pp. 11–12).

The distinction between nomination and inheritance matters. A rule authorizing a ruler to appoint a qualified son does not say that every son acquires office at his father's death. Yet repeated family nomination can produce a durable dynasty. The institutional significance lies in who controls the process of selection and whose approval may be dispensed with. A formally nonhereditary legal route can sustain effectively hereditary political power.

Al-Māwardī also places constraints on the designating ruler. He cannot simply revoke a valid nomination while the nominee's relevant condition remains unchanged. The nomination concerns the Muslims' right, rather than merely the incumbent's personal business. Eligibility must exist at designation: if the nominee is then a child or morally disqualified, subsequent adulthood or restored probity does not validate the original designation without a fresh pledge by the electors (*Aḥkām*, ch. 1, p. 12). These restrictions prevent the theory from being accurately described as unrestricted ownership of the office.

A further passage exposes the balance of powers more sharply. Al-Māwardī permits an ordered sequence of successors and cites Hārūn al-Rashīd's arrangement for al-Amīn, al-Maʾmūn, and al-Muʿtaman as having followed consultation with leading scholars. He reports disagreement over whether the first successor, after becoming caliph, can replace those designated after him. On the view he associates with al-Shāfiʿī and the majority, the new incumbent can do so; electors, by contrast, cannot choose someone else while a valid preceding designation governs the succession. His explanation is:

لأن العهد نص لا يستعمل الاختيار إلا مع عدمه

> "Because designation is an explicit determination; selection is exercised only in its absence."

Here *naṣṣ* means an explicit designation within the succession arrangement. It does not mean a revealed scriptural text. Confusing these senses would incorrectly turn a predecessor's nomination into divine revelation (*Aḥkām*, ch. 1, pp. 15–17).

The analytical consequence is substantial. Consultation can accompany a dynastic settlement while a prior act of designation narrows the electors' later discretion. The new incumbent may possess a power to revise the succession that the electors lack. The change is therefore more precise than the disappearance of counsel: authority to determine the successor moves toward the incumbent, while consultation can operate within that distribution of authority.

The passage also illustrates the transformation of political precedent into legal argument. Al-Māwardī does not rest only on what a dynasty happened to do. He reasons by analogy with the Prophet's ordered appointment of commanders at Muʾta, invokes public interests that exceed the narrow rules of private contracts, and cites scholarly acceptance of historical arrangements. Each step is contestable as a method of extension. An expeditionary chain of command and succession to the supreme office share a need for continuity, but they differ in duration, constituency, and the scale of power transferred. The analogy supplies a rationale; it does not erase those differences.

5.3.4 Abbasid succession could preserve conditional allegiance

The Abbasid evidence complicates any assumption that dynastic instruments necessarily demanded unconditional submission. Under the year 186 AH, al-Ṭabarī transmits accounts and documents concerning Hārūn's succession arrangements, including assurances for al-Maʾmūn's position and jurisdiction. One provision releases subjects from their pledge to al-Amīn if he violates specified guarantees protecting his brother. It requires support for al-Maʾmūn in that event and denies obedience to al-Amīn in an attempt to remove him from the succession (*Taʾrīkh al-rusul wa-l-mulūk*, VIII, pp. 275–280, especially p. 280).

Under 196 AH, al-Ṭabarī reports Dāwūd b. ʿĪsā invoking the violated arrangements in withdrawing allegiance from al-Amīn. These are documents and speeches transmitted by an annalist, not surviving originals whose every detail can be independently certified. They nevertheless show how the tradition represented allegiance as conditional upon an incumbent's observance of specified commitments (*Taʾrīkh*, VIII, pp. 438–440).

The arrangement protected a dynastic bargain, rather than equal participation by all subjects. Its conditionality was nonetheless legally consequential. This is an important distinction: a rule can limit a ruler for the benefit of another dynastic claimant without establishing general public accountability. Conversely, the absence of popular sovereignty does not imply the absence of all binding conditions.

These accounts also expose the difficulty of identifying dynastic continuity with peace. An elaborate succession settlement can preserve rival bases of power and provide competing parties with arguments for legitimate resistance. The failure of such an arrangement does not prove that consultation would inevitably have succeeded. It does defeat an argument that treats familial succession as intrinsically immune to the conflict invoked to justify it.

5.3.5 Ibn Khaldūn: power becomes a criterion of feasible merit

Ibn Khaldūn supplies an unusually explicit retrospective defense of Muʿāwiya's designation of Yazīd. He argues that the dominant Umayyad constituency would not accept an outsider and that preserving agreement therefore justified preferring a less meritorious candidate to a more meritorious one. The argument makes the effective support of the governing group a component of political suitability. Comparative excellence is assessed in relation to the capacity to hold the community together (*Muqaddima*, book I, bāb III, faṣl 30; *Taʾrīkh*, I, p. 263).

His claims about Muʿāwiya's intention, Companion acceptance, and the marginality of opposition must be attributed to him. They are not contemporary observations, and the early report concerning Marwān prevents a historian from equating elite assent with the unproblematic absence of coercion. Ibn Khaldūn's explanatory model identifies a real question—whether an otherwise preferable candidate can govern—but its answer depends on whose resistance is accepted as politically decisive.

That dependence creates a potential circularity. If the strongest group's refusal establishes that only its preferred candidate is feasible, and feasibility establishes who may legitimately govern, the group's power can help generate the normative conclusion that protects its power. This is an analytical risk in the argument, not proof that every appeal to effective support is fraudulent. A government lacking support can fail; the question is whether the existing distribution of support is treated as an immutable fact or as itself open to moral and institutional correction.

Ibn Khaldūn does not erase the distinction between public purpose and family advantage. He expressly excludes preserving an inheritance for one's sons from religious purposes. Elsewhere he describes a transition from caliphate, through a combination of caliphal purposes and kingship, to kingship retaining only the caliphate's name. His account thus contains both accommodation and a criterion of deterioration (*Muqaddima*, III.28, I, pp. 260–261; III.30, I, pp. 263–264).

His separate discussion of the pledge also recognizes the prevalence of coercion in the oaths demanded by caliphs. His defense of particular succession arrangements should therefore not be generalized into a denial that compelled allegiance existed. The tension lies within his account: political cohesion can justify accommodating the dominant group, while coercion and the loss of caliphal purposes remain features he can identify critically (*Muqaddima*, III.29, I, p. 261).

The comparison with the Qurʾanic passages can now be stated precisely. The textually underdetermined character of succession permitted a variety of institutional forms. Juristic nomination rules and arguments from effective solidarity could accommodate dynastic continuity. The tension becomes acute where consultation loses any capacity to alter the result, where coercion determines assent, or where preservation of family power substitutes for the public purposes invoked to justify the arrangement. None of these developments is established merely by the biological relationship between one ruler and the next; each requires attention to the procedure, conditions, and uses of power.

5.4 Dissent in the foundational corpus: correction and restraint coexist

5.4.1 Refusing a command differs from abolishing an office

The prophetic exclusion of obedience in wrongdoing is unequivocal at the level of the command's content:

لاَ طَاعَةَ فِي مَعْصِيَةٍ، إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ

"There is no obedience in sin; obedience is only in what is right."

In al-Bukhārī's report, a commander appointed by the Prophet orders his soldiers into a fire. The Prophet rejects the supposed obligation to comply. Valid delegation therefore does not give every subsequent command a valid object. Al-Bukhārī, no. 7144, formulates the same boundary within a general requirement of obedience in agreeable and disagreeable matters. Personal dislike and actual wrongdoing are different grounds; only the latter supplies the express exception in that report (nos. 7144, 7257).

Neither report supplies a complete procedure of deposition. The commander's order is invalid, but the text does not describe every consequence for his continuing appointment. It would exceed the evidence both to claim that the office necessarily became vacant and to claim that his appointment necessarily remained unaffected. What is established is that official authority cannot render a prohibited act obligatory.

This distinction makes room for a continuing legal order without unlimited obedience. It also establishes a minimum that an accommodation cannot legitimately erase while claiming fidelity to these reports. A command to assist a ruler's acknowledged injustice cannot become obligatory merely because he holds office. The further question—whether refusing, correcting, or replacing him will generate other harms—requires additional reasoning; it does not change the moral character of the initial command.

5.4.2 Truthful criticism is not identical with contesting command

The pledge transmitted from ʿUbāda b. al-Ṣāmit in Muslim 1709e combines obedience despite difficulty and preferential treatment, noncontest of authority with its possessors, and speaking truth wherever one is. These elements occur in the same report. Any reading that makes all criticism a prohibited contest must explain how the truth-speaking obligation remains operative.

Muslim 49a supplies an application of correction to an official. An unnamed man objects when Marwān delivers the Eid address before the prayer. Abū Saʿīd approves his discharge of responsibility and cites the prophetic command to change wrongdoing by hand, tongue, or heart according to ability. The narrative concerns public verbal correction in a ritual setting. It is not a report of a demand to overthrow government, but neither is it an endorsement of compulsory silence.

The language of a “right to dissent” must therefore be handled with care. These texts establish grounds for, and sometimes duties of, objection. They do not by themselves establish a comprehensive institutional immunity protecting every speaker from every official sanction. A duty to criticize and a legally secured procedure through which criticism can be heard are different things. The gap between them becomes central when assessing historical institutions.

5.4.3 Restraints on resistance are also primary evidence

The companion recension in Muslim 1709h excludes contestation unless manifest unbelief is seen and supported by proof from God. This imposes an evidentiary condition, rather than permitting an opponent to equate political dissatisfaction with unbelief. Umm Salama’s report is more directly structured around the distinction between disapproval and fighting: it anticipates rulers whose conduct will be recognized as right or rejected, distinguishes rejection from approving participation, and answers the proposal to fight with “No, so long as they pray” (Muslim, nos. 1709h, 1854a).

Al-Bukhārī 7052 similarly anticipates preferential appropriation and objectionable conduct while directing subjects to discharge the rulers’ claims and ask God for their own. These statements cannot be removed from the foundational account merely because their later reception supported restrictive political doctrines. They establish that patience under wrong and limits on resistance were not invented by medieval jurists.

The corpus also contains coercive protection of unity. Muslim 1852a instructs force against someone seeking to divide a community while it is united. The severity must be acknowledged, as must the condition of existing unity and the specified object of disruption. The report cannot simply be made to designate every critic as its target. Determining who threatens unity, what counts as justified correction, and who has authority to use force are further legal questions.

The foundational materials thus contain several obligations requiring articulation: reject wrongdoing, refuse sinful orders, speak truth, preserve communal order, and observe restrictions on contestation. Later jurisprudence did not create this entire problem. It supplied determinate answers to it, sometimes restricting resistance, sometimes imposing conditions on rulers, and sometimes narrowing coercion itself. Al-Nawawī, for example, reads the sword instruction as applicable when the disruptive action cannot be repelled otherwise (*Sharḥ Ṣaḥīḥ Muslim*, XII, p. 242). A comparison that selects only the critical reports for “the sources” and only the restrictive rulings for “fiqh” would construct the divergence it purported to discover.

5.5 Moral disqualification and the legal survival of authority

5.5.1 Al-Māwardī and al-Nawawī genuinely disagree

Al-Māwardī makes certain forms of transgression incompatible with continuing title. Desire-driven commission of prohibited acts constitutes:

فسق يمنع من انعقاد الإمامة ومن استدامتها

> "Transgression that prevents both the establishment of the imamate and its continuation."

He states that the incumbent leaves the office when this condition arises. On his position, a return to probity does not restore the imamate without a renewed contract. He separately reports disagreement concerning doctrinal error arising through interpretation (*Aḥkām*, ch. 1, pp. 19–20).

Al-Nawawī, by contrast, states that the ruler is not displaced by *fisq*. He prohibits rebellion and fighting against sinful, unjust rulers, and grounds the position in both transmitted reports and the anticipated harms of removal: civil strife, bloodshed, and damaged communal relations. His argument maintains that the harm of removal exceeds the harm of retention (*Sharḥ Muslim*, XII, p. 229).

These are different doctrines of continuing qualification. Distinguishing disqualification from its coercive enforcement is essential: al-Māwardī's loss-of-title rule does not itself authorize every individual to take up arms. That distinction does not, however, make his rule identical to al-Nawawī's. One treats specified misconduct as terminating title; the other denies that ordinary transgression has that effect. Explaining away the difference would conceal a substantive development within Sunni political jurisprudence.

Its institutional effect is equally important. Under a continuing qualification, conduct can undermine an incumbent's legal entitlement. Under a rule maintaining title despite misconduct, the same conduct may chiefly generate admonition, refusal of particular acts, or divine accountability. The norm against wrongdoing remains, but its consequence for holding office changes. This is a more exact description of accommodation than the claim that jurists ceased to distinguish justice from injustice.

5.5.2 The construction and limits of consensus

Al-Nawawī presents his position as consensus and rejects a contrary view found among some jurists of his own school. Yet his discussion, transmitting Qāḍī ʿIyāḍ, also records challenges to an earlier consensus claim by Abū Bakr Ibn Mujāhid. Opponents cite early resistance, including Ibn al-Zubayr, the Medinans, and participants in Ibn al-Ashʿath's rising. The text offers different replies: the grounds of particular revolts may have exceeded ordinary transgression, or earlier disagreement may have been followed by consensus. The latter explanation is

introduced as something “said,” rather than demonstrated through a complete survey (*Sharḥ Muslim*, XII, p. 229).

The historical conclusion is consequently narrower than the commentator’s legal claim. The passage shows a jurist asserting and defending a settled position while retaining knowledge of resistance and disagreement. It cannot serve as proof of uninterrupted unanimity across every generation. Whether a later consensus can close an earlier dispute is itself a jurisprudential issue; the historian should identify the claim and its method without treating doctrinal closure as a transparent description of all prior practice.

Nor does the position require approval of every ruler’s conduct. Al-Nawawī continues to explain truthful speech through commanding right and forbidding wrong. He allows danger to oneself, property, or another to suspend outward intervention while inward rejection remains obligatory, and records a more demanding alternative (*Sharḥ Muslim*, XII, p. 230). This is a restricted account of intervention, not the abolition of moral judgment.

His interpretive procedure is more complex than a simple equation between misconduct and the pledge’s exception. In the relevant discussion he glosses *kufr* in connection with manifest wrongdoing and denunciation, while distinguishing that response from armed action; through Qāḍī ʿIyāḍ he also treats actual unbelief as destructive of eligibility. The same vocabulary is thus situated within differentiated legal questions. A paraphrase that makes every sin grounds for armed removal, or makes actual unbelief irrelevant to authority, would misrepresent the passage.

5.5.3 Ibn Ḥazm’s alternative: correction, legal redress, and removal

Ibn Ḥazm supplies a substantial alternative within the broader Sunni intellectual field. He states that injustice requires confronting and restraining the imam. If the ruler corrects himself and submits to applicable legal redress, he remains imam and may not be removed. If he refuses the required remedy and persists, removal and replacement by someone who upholds right become obligatory (*al-Fiṣal fī al-milal wa-l-ahwā’ wa-l-niḥal*, IV, p. 135).

The ruler’s response to correction is decisive. An initial wrong and an entrenched refusal of law do not have the same consequence. This construction makes accountability more than advice: it requires submission to a rule whose application does not end at the ruler’s person. It also resists turning every accusation into a sufficient basis for replacement.

Ibn Ḥazm conditions the obligation of armed intervention on an organized capacity to act and a prospect of success. Where weakness makes success hopeless, the group may refrain from intervention by hand. That qualification concerns the obligation; it should not be inflated into a separately stated prohibition on every undertaking lacking hope (*Fiṣal*, IV, p. 132).

His position is not simply the literal meaning of an isolated text. He construes commands to endure official punishment or taking of property as referring to rightful

enforcement, invoking the prohibition of cooperation in sin. He then uses an abrogation argument: restraints corresponding to the earlier nonfighting condition are displaced by subsequent commands authorizing force. Qurʾan 49:9's command against aggression is treated as controlling, and he rejects an unproved restriction of defensive texts to private criminals alone (*Fiṣal*, IV, pp. 133–134).

These are consequential interpretive decisions. The chronology cannot be established merely by observing that a fighting command adds a duty to a prior situation of restraint; different reports may concern different circumstances rather than supersession. His appeal to the prohibition of assisting wrongdoing also raises the question whether declining an available means of resisting injustice necessarily constitutes cooperation with its perpetrator. Identifying these difficulties does not refute his entire account. It shows that the more interventionist position, like the restrictive one, depends on a constructed relation among texts.

The shared problem is the relation between correction and foreseeable harm. Ibn Ḥazm insists that unlawful violence or appropriation committed during correction remains unlawful; a just purpose does not authorize every means. The restrictive argument asks whether the attempt is likely to cause those harms nonetheless. Neither question can replace the other. Responsibility for violating a prohibition and judgment about the consequences of an initiative belong to connected but distinct levels of analysis.

5.6 "Sixty years": the maxim, its reasoning, and its political effects

5.6.1 A saying is not a prophetic report

Ibn Taymiyyah writes in *al-Siyāsa al-sharʿiyya*:

ويقال: ستون سنة من إمام جائر أصلح من ليلة واحدة بلا سلطان

> "And it is said: sixty years under an unjust imam are better than one night without governing authority."

The introductory *wa-yuqāl*, "and it is said," is indispensable. The sentence is not presented as a prophetic hadith, nor does the passage establish Ibn Taymiyyah as its originator. "Without governing authority" renders *bilā sulṭān* more closely than "anarchy," which already interprets the institutional absence through a predicted result (*Siyāsa*, ed. al-ʿUmrān, p. 239).

The immediate context concerns the force needed for public duties, including justice and supporting the oppressed. Ibn Taymiyyah appeals to experience of the losses that accompany absent authority or violent division, while explicitly separating counsel to rulers from assisting them in sin. The argument therefore seeks to preserve the means of fulfilling obligations. It does not declare oppressive conduct one of those obligations.

The numerical contrast is rhetorical. It supplies neither an empirical calculation of sixty years' accumulated injuries nor a measured assessment of every possible night without a ruler. Treating it as a literal universal rule would require proof the maxim does not provide. Its persuasive force lies in making prolonged injustice appear tolerable when compared with an imagined collapse of collective life.

That framing can express a serious moral concern. People dependent on public security, adjudication, and the enforcement of claims may suffer severely when authority disintegrates. To turn that comparison into an argument against removing a particular incumbent requires additional premises: that his removal would disable those functions, that an available replacement could not preserve them, and that retaining him would avert the greater harm. Those are political judgments. They cannot acquire the status of revelation merely through proximity to scriptural citation.

5.6.2 Ibn Taymiyyah's developed argument from historical consequences

The fuller argument appears in *Minhāj al-sunna*. Ibn Taymiyyah organizes action through the promotion of benefits and reduction of harms, then argues that attempts to displace powerful rulers commonly produce more evil than good. His formulation is qualified by "rarely"; it does not literally assert that no counterexample can exist. He adduces destructive or failed uprisings and recognizes that some participants were learned, pious people. Their moral standing does not, in his argument, establish the soundness of their political judgment (*Minhāj al-sunna*, IV, pp. 527–529).

He also constructs a history in which Sunni practice eventually settled against fighting in civil strife despite earlier participation by respected figures. This retrospectively differentiates lawful correction from conflict that worsens communal conditions. It is evidence of his classification of earlier events, rather than proof that all participants already accepted the classification he gives them (*Minhāj*, IV, pp. 529–530).

The argument is stronger than the isolated aphorism because it makes a comparative moral claim. Good intention and recognition of an injustice are insufficient if the proposed means predictably deepen the injustice. This principle can apply to rulers as well as opponents: a ruler's coercion cannot be justified merely by declaring that it protects order. Nothing in the structure of a comparison of harms logically exempts the incumbent's methods from examination.

The difficulty concerns how the comparison is made. Historical failures are observable; the outcomes of alternatives not pursued are not. Concluding that abstention would have produced less harm requires a counterfactual judgment. Repeated failures can support caution, but they do not by themselves establish that every future setting has the same distribution of capacities, risks, or alternatives. The more general the prohibition drawn from the history, the more work this unobserved comparison must perform.

5.6.3 When prudential restraint becomes protection for incumbency

Three problems follow from the argument's application. First is the distribution of the burden of proof. If an opponent must demonstrate that correction will succeed without major harm, while the ruler's continuing injustices require no corresponding assessment, uncertainty favors the incumbent. This may sometimes be warranted by the scale of the risks. It remains an asymmetry that requires justification.

Second is the time horizon. Immediate bloodshed is conspicuous; cumulative injury under prolonged oppression may be dispersed and less visible. A comparison limited to the immediate aftermath of change can underestimate the losses caused by maintaining the existing order. Conversely, a comparison concerned only with the wrongness of present conduct can underestimate the catastrophic effects of a failed attempt to alter it. A consistent assessment must examine both without treating either set of victims as morally negligible.

Third is the attribution of disorder. An incumbent can threaten violence against correction and then point to the threatened violence as proof that correction is impermissible. Recognizing the likelihood of his response may be prudently necessary; assigning all moral responsibility for it to the challenger is a separate step. An argument about consequences becomes politically self-protecting if the powerful can manufacture the conditions that make their removal unlawful.

These observations identify vulnerabilities in a pattern of reasoning. They are not evidence that Ibn Taymiyyah endorsed every use of that pattern. His stated purposes and exclusion of cooperation in sin remain part of the evidence. The principal tension is between a defeasible judgment directed toward public welfare and a categorical presumption that existing power must be preserved. The maxim's compression makes it particularly easy for the second to be substituted for the first.

5.7 Necessity and the continuity of legal order

5.7.1 Al-Ghazālī's argument must be read with its conditions

Al-Ghazālī considers an effective ruler who possesses the relevant qualities except the learning required for judicial competence, but who consults scholars and acts upon their advice. He requires replacement if a fully qualified person can be installed without provoking strife and fighting. If replacement requires fighting with an uncertain outcome, he maintains the incumbent: the additional advantage of personal expertise does not justify destroying the more basic interests served by government (*al-Iqtiṣād fī al-iʿtiqād*, part IV, chapter on the imamate, p. 129 in the al-Khalīlī edition).

This case is narrower than a declaration that every oppressive ruler must remain indefinitely. The specified deficiency can be partly addressed through consultation. The possibility of orderly replacement changes the ruling. Both conditions matter to the argument's structure: necessity does not abolish qualification as an objective,

and the absence of one qualification is not treated as equivalent to the absence of all useful government.

An objection then asks whether relaxing the requirement of learning entails relaxing probity and other conditions. Al-Ghazālī responds through necessity, comparing the consumption of prohibited carrion with the worse alternative of death. He imagines a critic unable to replace the ruler and lacking a fully qualified candidate. Invalidating the imamate would invalidate dependent jurisdictions, judicial acts, and marriages; calling those transactions unlawful but excused is, for him, inferior to recognizing their validity under the necessities of the situation (*Iqtiṣād*, part IV, third chapter, p. 130).

The argument operates through three premises. The legal premise makes important public acts depend on an authoritative chain of appointment. The practical premise excludes a readily available, properly qualified replacement. The evaluative premise prefers a lesser defect to a larger destruction of lawful social life. A challenge can accept the importance of social continuity while disputing the scope of the first premise, the truth of the second, or the assessment made by the third.

This reconstruction explains both the appeal and the risk of the doctrine. Protecting marriages, judgments, and ordinary dealings from wholesale invalidation can protect people who did not create the political defect. It prevents an ideal condition of appointment from becoming a reason to dismantle every derivative legal relationship. Yet if all validity is made to depend on recognizing the supreme incumbent, the interests of society can become tied to the ruler’s legal survival. The protective argument then gives the incumbent a benefit far greater than the particular functions that initially required protection.

The analogy with necessity also requires attention to institutional incentives. An individual facing starvation does not ordinarily decide whether the food shortage legally exists for an entire community. Political necessity is often asserted by persons whose offices, resources, or security are at stake. That observation does not refute necessity as a legal category. It explains why identifying, limiting, and reviewing the claimed necessity are central to its public application.

5.7.2 Al-Juwaynī separates the disappearance of a ruler from the disappearance of obligation

Al-Juwaynī’s *Ghiyāth al-umam* explores a hypothetical absence of both a fully qualified imam and an independently effective governing authority. He does not conclude that public responsibilities simply lapse. He considers people performing functions they can discharge, local arrangements for coordinated action, and scholars assuming responsibilities otherwise attached to government. His discussion of marriages is particularly revealing: the absence of a public guardian cannot close the institution of marriage, so a suitably qualified scholar supplies the necessary authority (*Ghiyāth*, second rukn, third chapter, §§551–560, pp. 385–391).

The later paragraphs envisage regional arrangements where concentration under one authority is unavailable. They also preserve a distinction between legal learning and governing competence: where a capable ruler lacks independent scholarly qualification, he must consult scholars; the scholar is not automatically the practical administrator merely by possessing learning (§§561–565, pp. 391–393).

The significance for this chapter is structural. Necessary functions can be preserved through altered allocations of competence. Preserving the legal order need not always require declaring that an existing supreme appointment satisfies every ordinary condition. The conclusion is an inference from the arrangements al-Juwaynī considers, rather than a claim that he sets out a modern program of decentralized government.

This possibility qualifies a simple opposition between the incumbent and complete anarchy. The relevant alternatives may include more than intact central rule and the extinction of public order. They may involve continuity of courts, local coordination, or reassignment of particular responsibilities. Whether such alternatives are practicable must be established historically. Their presence within a classical legal text shows that the conceptual repertoire was not confined to unconditional recognition or universal invalidity.

Al-Juwaynī also supplies a limit to romantic interpretations of this flexibility. He favors concentration of authority when attainable because independent coercion generates rivalry and danger. His alternative arrangements respond to a condition of absence; they do not declare coordination unnecessary. The text preserves a preference for unified administration while refusing to make its absence an excuse for abandoning obligations that remain possible.

5.7.3 Accommodation remains defensible only as a differentiated judgment

Read together, these materials show several ways of preserving law under defective conditions. One recognizes an imperfect supreme appointment to protect derivative acts. Another reallocates responsibilities when the central institution is absent. A third can recognize the validity of a particular lawful act without accepting the actor’s complete claim to rightful office. These solutions may overlap, but they are not interchangeable.

The critical question is which part of an arrangement necessity actually requires. Protection of judicial decisions does not automatically justify arbitrary succession. Maintaining public security does not automatically validate unlawful confiscation. Allowing a qualified official to perform a lawful function does not by itself endorse every policy of the authority that appointed him. An accommodation becomes overextended when the need for one function is used to exempt an entire structure of power from its ordinary standards.

5.8 Did sovereignty pass from God and revelation to the state?

5.8.1 Ultimate norm, authoritative interpretation, and coercive decision

The question cannot be answered accurately if “sovereignty” treats several distinct powers as one. Ultimate normativity concerns what makes a rule right or binding. Interpretive authority concerns who determines what the authoritative sources require. Governing jurisdiction concerns who may issue and enforce decisions. Institutional continuity concerns which offices and transactions remain legally operative despite defects in persons or procedures. The sources considered here distribute these powers in different ways.

Qurʾan 12:40 places judgment with God within Joseph’s rejection of rival objects of worship. It is not a complete technical theory of a modern state’s legislative sovereignty. Qurʾan 4:59 commands obedience while directing disputed matters back to God and the Messenger. That reference prevents the ruler’s bare will from becoming the final normative criterion; it does not identify every procedure through which disagreement about the sources must be resolved.

Al-Qurṭubī’s commentary on 4:59 illustrates how a scriptural requirement produces an institutional role for interpreters. He treats rulers and scholars as relevant to the identification of those possessing authority, and connects referral to the Book and Sunna with the scholars’ capacity to understand that referral. The obligation to return to revelation thus entails human acts of interpretation and, in his account, obligations to consult qualified interpreters. His position remains an interpretation of the verse, rather than an express appointment of every later jurist in its wording.

Human mediation does not by itself transfer ultimate authority away from God. It is unavoidable whenever finite persons apply a text to circumstances that require classification and judgment. The political issue is whether the mediation remains answerable to reasons and sources or whether a particular institution’s judgment becomes insulated from correction. A government can profess divine supremacy while exercising practical finality over who may interpret, what may be challenged, and which remedies may be attempted.

The evidence examined here does not establish a general classical doctrine that state survival overrides every divine prohibition. It establishes more particular doctrines under which public order justifies relaxing qualifications, maintaining title, or prohibiting specified methods of correction. The practical effects can be far-reaching without the explicit theological proposition becoming “the state is sovereign over revelation.” Distinguishing an author’s stated norm from the effect of his institutional arrangements makes criticism more exact.

5.8.2 Public policy can extend beyond express prescriptions without escaping law

Ibn al-Qayyim preserves Ibn ʿAqīl’s argument that sound political action need not be individually prescribed in a revealed text. The relevant distinction is between policy

that does not contradict revelation and policy whose every detail must have been expressly stated by revelation. Ibn ʿAqīl defines the former through bringing people closer to sound conditions and farther from corruption, even where the specific measure was not instituted by the Prophet or stated in revelation. The words are transmitted by Ibn al-Qayyim from Ibn ʿAqīl's *al-Funūn*; they should not be attributed to Ibn al-Qayyim as his own original formulation (*al-Ṭuruq al-ḥukmiyya*, I, p. 29).

This distinction answers a difficulty inherent in the comparison between primary texts and later institutions. A policy's absence from an express textual prescription does not establish that it violates the text. Administrative arrangements, modes of evidence, and procedures of coordination can require elaboration. The stronger test is whether the elaboration conflicts with an authoritative prohibition, defeats an obligation, or claims an independence from the legal purposes by which it is defended.

Ibn al-Qayyim's own continuation criticizes both a restrictive approach that disables effective enforcement of rights and an excessive approach that authorizes policies contrary to God's and the Messenger's judgment. His answer seeks a capacious account of lawful justice, rather than a separate sphere in which governmental convenience becomes its own sufficient justification (*Ṭuruq*, I, pp. 30–31).

The surrounding discussion also warns against treating that language as a ready-made modern theory of procedural liberty. Ibn al-Qayyim is concerned with judicial and governmental techniques, including circumstantial indications, detention on suspicion, and coercive measures in the examples he adduces. Enlarging the means by which justice is pursued can strengthen the enforcement of claims; it can also enlarge official discretion. The proposition that a policy serves justice does not settle the safeguards needed to distinguish reliable inference from abusive suspicion (*Ṭuruq*, I, pp. 29–32).

This is another reason to resist identifying every development of *siyāsa sharʿiyya* with either secularization or simple textual fidelity. The legal argument expressly remains within religious normativity. Its implications for the scope and control of executive power still require evaluation.

5.8.3 Other juristic traditions expose alternative distributions of authority

The Twelver material discussed in Chapter 4 demonstrates that cooperation in lawful public functions can be distinguished from recognition of the reigning power's original entitlement. Al-Mufīd assigns original authority over prescribed penalties to the imams and their appointees, while describing delegated competence for qualified jurists where practicable. He also discusses an official acting under the outward appointment of a usurping authority, permitting assistance in lawful acts while excluding assistance in disobedience (*al-Muqniʿa*, p. 810).

This arrangement preserves a gap between rightful title and effective administration. It does not abolish coercion or eliminate practical accommodation. It shows that preserving certain functions need not mean recognizing the existing ruler

as the rightful imam. The relevant theological premises differ from the Sunni premises of nomination and allegiance, so the similarity of practical functions should not be mistaken for doctrinal identity.

ʿAbd al-Jabbār's account of qualification supplies another counterweight. He argues that if witnesses and judges require probity, the more extensive responsibilities of the imam require it at least as strongly. The breadth of entrusted power increases the need for reliability rather than diminishing it (*al-Mughnī*, XX/1, pp. 201–202). The argument runs in a different direction from a doctrine under which the magnitude of the office chiefly raises the cost of enforcing its conditions.

Both lines of reasoning can begin from the same institutional fact: the ruler's actions affect many people. One infers stronger qualification because more is entrusted to him. The other infers greater caution in removal because more depends on him. Their conflict is not resolved by restating the importance of the office. It concerns how the risks of bad government and the risks of correction are distributed, and which institutions can reduce both.

The Ibadi compilation examined earlier likewise preserves demands for repentance and, upon persistence in specified grave wrongdoing, the possibility of removal, while defending the standing of a ruler who returns to the required condition. Those passages contain their own technical classifications and limits; they are not evidence of indiscriminate rebellion (al-Kindī, *al-Muṣannaf*, VII, pp. 476–477, original part 10, ch. 54). Across traditions, the pertinent comparison concerns the conditions and consequences of authority, rather than an undifferentiated contrast between "Islam" and one uniformly accommodating fiqh.

5.8.4 The strongest critique concerns effective accountability

The distinction between norm and institution allows the chapter's strongest criticism to be stated without overstating the evidence. A political theory can preserve the superiority of divine law while allocating the interpretation and enforcement of that law in ways that protect established rulers. If the ruler controls nomination, if consultation cannot affect the result, if moral defect does not terminate title, and if coercive correction is presumed to produce unacceptable disorder, the continuing norm of justice may have few reliable consequences for the ruler's position.

This is an institutional inference from a possible combination of doctrines. It must not be attributed wholesale to every author considered: al-Māwardī retains disqualification; al-Qurṭubī preserves a strong removal claim for failure to consult; Ibn Ḥazm makes submission to redress decisive; al-Juwaynī explores the continuation of functions without the ordinary central institution. Their differences identify resources for criticism within the tradition itself.

Equally, the absence of a modern constitutional mechanism is not sufficient proof that no constraints existed. The texts contain qualifications, duties, conditions of appointment, obligations of advice, prohibitions of cooperation in wrongdoing, and differentiated jurisdictions. The historical question is how these constraints worked

in particular settings. A manual's formal rule cannot establish its enforcement, while the existence of oppression cannot establish that every jurist authorized it.

The evaluative problem is the gap between a binding demand and an effective means of correction. Requiring justice is one achievement; enabling those subject to power to obtain redress against an unwilling ruler is another. A theory that repeatedly defers the second in order to preserve the first may protect important public goods. It may also leave the fulfillment of the first dependent on the voluntary restraint of the person whose conduct requires correction.

5.9 Findings: transformation through legal consequences

The comparison does not support an original, fully specified constitutional system simply overturned by an equally uniform juristic tradition. The foundational texts combine justice, consultation, lawful obedience, objection to wrongdoing, and restraint in conflict. They do not supply all the procedures required to organize those obligations into a permanent political order. Juristic development therefore involved construction as well as preservation.

That construction was politically consequential. Nomination could preserve succession without making the office inheritable by birth, yet concentrate the power of selection in the incumbent. Consultation could retain religious value while becoming institutionally unable to alter a settled designation. Moral condemnation could continue while misconduct ceased to terminate title. Necessity could protect ordinary people's legal transactions while strengthening the recognition of a deficient ruler. A prohibition on armed correction could express concern for victims of civil war while leaving the victims of continuing oppression without an effective remedy.

The sharpest tensions arise when the conditions justifying an accommodation cease to operate as genuine conditions. A rule based on the absence of a qualified alternative should remain responsive to the appearance of one. A judgment based on comparative harm should remain open to evidence about both alternatives. A nomination defended by public purpose should remain distinguishable from family advantage. Consultation should involve access to relevant disagreement, rather than compulsory endorsement of a predetermined decision. These are analytical implications of the reasons the jurists themselves invoke.

No finding that government is necessary can, without further argument, establish the unconditional necessity of a particular incumbent, dynasty, or allocation of powers. Conversely, no finding that an incumbent is unjust can, by itself, establish that every proposed method of replacing him is lawful or prudent. The two propositions define the unresolved space in which much of classical political jurisprudence operates.

The question of a transfer of sovereignty therefore admits a differentiated answer. The authors generally retain divine law as the standard of right. Some give political continuity such weight in determining eligibility and remedies that established

power acquires substantial practical protection. The movement is often a redistribution of the authority to select, interpret, enforce, and correct, rather than an explicit declaration that the state stands above revelation. Where those protections render a binding norm practically unenforceable, the divergence is real even if its theological vocabulary remains intact.

Chapter 6 will assess what this finding permits—and does not permit—in contemporary invocations of an “Islamic state.” The historical record already supplies a necessary constraint on that discussion: neither inherited institutions nor the language of political necessity can be treated as self-authenticating equivalents of the primary texts.

Primary texts and citation register

References identify the textual witness used rather than implying that all editions share its pagination. The letters appended to some Muslim report numbers distinguish recensions in the cited interface; they are modern access aids. English translations of hadith and juristic excerpts are working translations from the Arabic. Qurʾanic English excerpts are attributed to Pickthall.

The Qurʾan. Principal passages: 2:124; 3:159; 4:58–59, 135; 5:8; 12:40; 42:38; 49:9. Arabic checked in the canonical Imlāʾī text; English excerpts checked against Marmaduke Pickthall. Consultation, 3:159; consultation, 42:38; obedience and referral, 4:59.

Al-Bukhārī, *al-Ṣaḥīḥ*. Nos. 4827, 6830, 7052, 7144, and 7257. Yazīd nomination report; ʿUmar’s speech; rights and preferential treatment; obedience; commander and fire.

Muslim b. al-Ḥajjāj, *al-Ṣaḥīḥ*. Nos. 49a, 1709e, 1709h, 1852a, and 1854a. Public correction; pledge and truth-speaking; manifest unbelief recension; communal unity; disapproval and fighting.

Al-Ṭabarī, *Jāmiʿ al-bayān*. Commentary on Qurʾan 3:159, reports 8126–8134 and the author’s conclusions. References use verse and report locations because edition pagination differs. Commentary.

Al-Qurṭubī, *al-Jāmiʿ li-aḥkām al-Qurʾān*. Commentary on 3:159, especially the second and sixth issues; commentary on 4:59, especially the first and second issues. Ibn ʿAṭiyya’s removal statement is cited through al-Qurṭubī. Consultation commentary; authority commentary.

Al-Māwardī, *al-Aḥkām al-sulṭāniyya*. Dār al-Kutub al-ʿIlmiyya, date and edition unspecified in the consulted witness. Chapter 1, pp. 11–12, 15–17, 19–20. Nomination; nominee’s qualifications; ordered succession; disqualification.

Al-Ṭabarī, *Taʾrīkh al-rusul wa-l-mulūk*. Edited by Muḥammad Abū al-Faḍl Ibrāhīm. Cairo: Dār al-Maʿārif, second edition, 1387/1967. VIII:275–280 and 438–440, annals for 186 and 196 AH. Conditional pledge; withdrawal of allegiance.

Ibn Khaldūn, *al-Muqaddima*, in *Taʾrīkh Ibn Khaldūn*. Text, notes, and indices by Khalīl Shaḥāda; reviewed by Suhayl Zakkār. Beirut: Dār al-Fikr, first edition, 1401/1981. Book I, bāb III, faṣls 28–30; I:260–264. Designation argument; limit on family advantage.

Al-Nawawī, *al-Minhāj sharḥ Ṣaḥīḥ Muslim b. al-Ḥajjāj*. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, second edition, 1392 AH. XII:229–230, 242. Statements from Qāḍī ʿIyāḍ are identified as

transmitted by al-Nawawī. Removal and consensus discussion; truthful speech; limitation on coercion.

Ibn Ḥazm, *al-Fiṣal fī al-milal wa-l-ahwāʾ wa-l-niḥal*. Cairo: Maktabat al-Khānjī, date and edition unspecified in the consulted witness. IV:132–135. Capacity and correction; interpretive argument; removal and redress.

Ibn Taymiyyah, *al-Siyāsa al-sharʿiyya fī iṣlāḥ al-rāʿī wa-l-raʿiyya*. Edited by ʿAlī b. Muḥammad al-ʿUmrān. Dār ʿAṭāʾāt al-ʿIlm and Dār Ibn Ḥazm, fourth edition, 1440/2019, p. 239. The maxim and its context.

Ibn Taymiyyah, *Minhāj al-sunna al-nabawiyya*. Edited by Muḥammad Rashād Sālim. Imam Muhammad ibn Saud Islamic University, first edition, 1406/1986. IV:527–530. Comparative harm; historical examples; retrospective settlement.

Al-Ghazālī, *al-Iqtiṣād fī al-iʿtiqād*. Notes by ʿAbd Allāh Muḥammad al-Khalīlī. Beirut: Dār al-Kutub al-ʿIlmiyya, first edition, 1424/2004. Fourth quṭb, third bāb, “On the imamate,” pp. 129–130. Replacement under specified conditions; necessity.

Al-Juwaynī, *Ghiyāth al-umam fī iltiyāth al-ẓulam*. Edited by ʿAbd al-ʿAẓīm al-Dīb. Maktabat Imām al-Ḥaramayn, second edition, 1401 AH. Second rukn, third chapter, §§551–565, pp. 385–393. Text.

Ibn Qayyim al-Jawziyya, *al-Ṭuruq al-ḥukmiyya fī al-siyāsa al-sharʿiyya*. Edited by Nāyif b. Aḥmad al-Ḥamad. Mecca: Dār ʿĀlam al-Fawāʾid, first edition, 1428 AH. I:29–32. Ibn ʿAqīl’s statement is cited through this work. Primary text.

Al-Mufīd, *al-Muqniʿa*, p. 810, on prescribed penalties, delegation, and lawful cooperation. Text.

ʿAbd al-Jabbār, *al-Mughnī fī abwāb al-tawḥīd wa-l-ʿadl*. XX/1, “On the imamate,” edited by Maḥmūd Muḥammad Qāsim, reviewed by Ibrāhīm Madkūr, under the supervision of Ṭāhā Ḥusayn. Cairo: al-Dār al-Miṣriyya, pp. 201–202. Probity argument.

Abū Bakr Aḥmad b. ʿAbd Allāh al-Kindī, *al-Muṣannaf*. Edited by Muṣṭafā Ṣāliḥ Bājū. Oman: Ministry of Endowments and Religious Affairs, first edition, 1437/2016. Bound VII:476–477, original part 10, chapter 54. Edition and primary text.

Qurʾanic grounding: canonical Arabic and Pickthall were checked for the cited passages; al-Ṭabarī’s commentary on 3:159, al-Qurṭubī’s commentaries on 3:159 and 4:59, and the morphology of *shāwirhum*, *ʿazamta*, and *shūrā* were checked through quran.ai. The comparative synthesis incorporates authorial reasoning beyond those fetched texts and is not a scholarly ruling or opinion from quran.ai, quran.com, or quran.foundation.

CHAPTER 6

Conclusion and Synthesis

6.1 The central finding: political obligation and institutional construction

The evidence examined in this book establishes a substantial body of obligations concerning public authority without establishing that every historically influential institution of Muslim government possesses the same authority as those obligations. Entrusted responsibilities must be discharged; judgment must be just; consultation has an acknowledged place in collective affairs; obedience has limits; and covenants generate claims that cannot simply be dissolved by the convenience of the stronger party. The Qurʾanic passages and prophetic reports supporting these propositions are identifiable. The further movement from them to a particular method of succession, composition of an electoral body, distribution of judicial powers, or procedure for removing a ruler requires additional argument. That movement is where much of political jurisprudence begins (Qurʾan 3:159; 4:58–59, 135; 5:8; 9:4; 42:38; al-Bukhārī, nos. 7144, 7257; Muslim, nos. 1825, 1854a).

The distinction is consequential in both directions. A political arrangement does not become an explicit scriptural prescription merely because jurists have defended it for centuries. Equally, the need for juristic construction does not make that arrangement arbitrary, irreligious, or necessarily illegitimate. A legal argument may seek to realize a revealed obligation through a procedure that revelation does not specify in detail. Its validity then depends on the quality of the inference, the adequacy of the relevant evidence, and the relationship between the procedure and the obligation it is meant to serve. Historical reception can establish influence and continuity; it cannot, by itself, erase the difference between a source and an inference from that source.

This conclusion requires several controls on the book’s own method. The distinction between foundational texts and juristic developments is a distinction between kinds of evidence and kinds of claim. Reading a verse, translating a word, identifying the scope of an imperative, or comparing two reports already involves interpretation. The restriction of Part I to foundational evidence therefore limited the authorities used in the argument; it did not produce an interpretation without human mediation. Part II made the jurists’ mediating arguments explicit, while Part III examined their justifications and consequences. The resulting comparison is strongest when it identifies the precise additional premise needed to move from text to institution.

The foundational corpus also has a defined scope. The Qurʾan occupies a different position from individual reports, and the principal hadith collections selected for this study, al-Bukhārī and Muslim, possess their characteristic canonical authority within Sunni scholarship. Their selection does not make them an uncontested common

evidentiary code for every Muslim tradition. The Imami arguments examined in Chapter 4 draw upon distinct accounts of the imam's authority and different transmitted materials. An objective comparison must describe those accounts on their own terms before assessing their relation to other frameworks. It would beg the question to treat an Imami conclusion as disproved simply because its particular warrant is absent from the Sunni collections chosen for Part I.

Historical documents require a further distinction. The Medinan agreement transmitted through the sīra tradition, the versions preserved by Abū ʿUbayd, and the full Najrān instruments do not acquire the transmission status of an independently authenticated report merely by being politically important. Chapter 3 accordingly distinguished their textual witnesses from the reports of al-Ḥudaybiyya in the two Ṣaḥīḥs. Differences in wording, transmission, and documentary completeness continue to matter in the final synthesis. A constitutional argument cannot strengthen its evidentiary basis by quietly treating materials of different provenance as one uniformly authenticated archive (Ibn Hishām, *al-Sīra*, I:501–504; Abū ʿUbayd, *al-Amwāl*, report 518; al-Bukhārī, nos. 2731–2732; Muslim, no. 1784).

The book's final claim is therefore comparative and delimited. Its textual evidence does not support either the identification of Islam with one uninterrupted governmental arrangement or a history in which all political obligations appear only through later juristic invention. It shows authoritative demands, contested accounts of institutional entitlement, and repeated attempts to govern the distance between what ought to exist and what can presently be sustained. The decisive question is how that distance is managed: whether accommodation preserves the possibility of correcting power, or progressively disables the norms in whose name accommodation is defended.

6.2 What the foundational texts establish

6.2.1 Authority as an entrusted responsibility

The conjunction of trust and judgment in Qurʾan 4:58 supplies a particularly important starting point. Its commands concern restoring trusts to those entitled to them and judging justly between people. Al-Ṭabarī's commentary gives political office a prominent place in the verse's application while retaining the wider category of entrusted obligations. His reading connects rulers' responsibilities with the rights and resources of those governed; it does not reduce the verse to a rule about possession of an office (*Jāmiʿ al-bayān*, on 4:58, reports 9839–9850 and concluding discussion).

The analytical significance of this arrangement is that possession and justification remain distinguishable. Someone can hold an entrusted position and betray the trust it creates. Authority is consequently assessable by standards other than the fact that commands are being issued and enforced. This conclusion does not yet determine a constitutional remedy, but it prevents the success of coercion from becoming a

complete account of right. The obligation rests on the officeholder precisely because the office gives access to other people's interests.

The hadith evidence makes this responsibility concrete. The report describing each person as a shepherd extends accountability across different relationships, including the ruler's responsibility for the people (al-Bukhārī, no. 7138). The advice to Abū Dharr identifies public appointment as a trust and relates its proper assumption to the capacity to fulfil its obligations (Muslim, no. 1825). The episode of the collector who distinguished public receipts from gifts allegedly made to him personally tests that distinction by asking whether such gifts would have arrived had he remained in his parents' house (Muslim, no. 1832a). These reports concern answerability, competence, and benefits generated by official position. They offer more exact criteria than the unexamined statement that government should be religious.

This evidence also clarifies the relationship between personal virtue and institutional design. The texts address morally responsible persons, but the collector's case directs attention to the circumstances that generate an advantage. A benefit may arise because of an office even when its recipient presents it as a private gift. The modern institutional implication developed here is an inference: arrangements for disclosure, review, and separation of public resources from private enrichment can serve the duty described in the report. The report itself does not prescribe a particular audit agency, filing system, or statute. The distinction permits institutional development while preserving the identifiable norm that development is meant to implement.

6.2.2 Consultation, justice, and the limits of constitutional inference

Qurʾan 42:38 describes the believers' affairs in terms of consultation among them; 3:159 commands consultation in the Prophet's conduct of affairs. These passages establish consultation as part of the scriptural account of communal life. They do not expressly specify electoral districts, universal suffrage, legislative terms, a rule of simple majority, or a court empowered to invalidate a decision for defective consultation. Identifying those omissions does not diminish the norm. It identifies the work required to give it institutional form.

The difference between a norm and its procedural implementation also explains why the verses cannot decide every controversy merely through repetition. A ruler may claim to have consulted because he heard a small circle of advisers. A representative assembly may claim to have fulfilled consultation because its members voted. Either claim requires further examination: who could participate, whether relevant disagreement could be expressed, whether the participants possessed adequate information, and what legal consequences followed from their advice. These questions are the present study's analytical development of the problem; they are not procedural clauses silently contained in the Arabic of 3:159 or 42:38.

Classical interpretation itself preserves stronger possibilities than ceremonial advice. Al-Qurṭubī transmits Ibn ʿAṭiyya's statement connecting failure to consult knowledgeable and religiously responsible persons with removal, while also

recording debates about the subject matter and operation of consultation (*al-Jāmiʿ*, on 3:159, especially the second and sixth issues). The existence of that argument prevents the historical record from being represented as a uniform juristic cancellation of consultation. Its presence in a commentary, however, does not establish that an effective procedure of removal existed wherever the commentary was read.

Justice creates a related distinction between procedure and substance. Qurʾan 4:135 addresses adverse interests within one's own circle; 5:8 addresses the pressure of hostility toward others. In Pickthall's rendering of 5:8, hatred must not lead people to depart from justice. The two passages resist the assumption that attachment to one's group or hostility toward another can settle the demands of judgment. A consultation process can consequently be procedurally extensive and still generate an unjust conclusion. The present synthesis treats participation and justice as independent dimensions of assessment. Neither can be inferred merely from the other.

6.2.3 Commands, rulers, and resistance are different objects of judgment

Qurʾan 4:59 combines obedience with referral of disputes to God and the Messenger. The verse does not state that disagreement becomes impossible once an authority has spoken. Al-Qurṭubī's discussion expressly addresses the interpretive work required after the Prophet's death, including recourse to the Sunna and learned judgment (*al-Jāmiʿ*, on 4:59, second issue). The reference to a superior norm therefore continues to require an account of how fallible persons identify and apply it.

The hadith material further differentiates the objects of obedience. A command to commit disobedience has no claim to obedience; the order to enter a fire is rejected even though it comes from an appointed commander (al-Bukhārī, nos. 7144, 7257). Those reports establish a limit on complying with a particular instruction. They do not state that every such instruction automatically dissolves all relations of political obligation, authorizes every person to remove the commander, or permits unlimited force against the entire administration. Those additional consequences require additional evidence.

Conversely, reports that restrain fighting cannot be treated as commands to approve misconduct. Muslim's report concerning rulers whose conduct will be recognized and disapproved differentiates rejection of wrongful conduct from participation in it and from fighting the rulers (no. 1854a). The pledge transmitted from ʿUbāda includes speaking truth together with a restriction on contesting authority; another recension specifies manifest unbelief for which there is proof from God (nos. 1709e, 1709h). The existence of both elements prevents a description of the foundational corpus as an unrestricted right of revolt subsequently suppressed by jurisprudence. It also prevents a prohibition of revolt from functioning as proof that criticism, refusal, and demands for redress are forbidden.

These distinctions matter for contemporary argument because the term “legitimacy” often conceals several different questions. A ruler may possess an acknowledged title while issuing an unlawful command. An official action may remain valid for those who depend on it even though its author is blameworthy. A community may have grounds for seeking removal while lacking permission, on a particular juristic account, to employ a particular violent means. Combining all these judgments into a single declaration that a government is either legitimate or illegitimate destroys information that the sources and jurists take pains to preserve.

6.2.4 Covenants and the limits of retrospective constitutional claims

The treaty material adds binding relationships to this account of authority. Qurʾan 9:4 preserves obligations toward treaty partners who have observed their undertakings; 8:58 addresses the handling of feared treachery through an announced termination rather than concealed betrayal. The report of Ḥudhayfa’s undertaking to the opposing party presents fidelity to a commitment even where immediate military advantage would have favoured using his services (Muslim, no. 1787). Such material makes covenants part of the constraints under which power operates.

The Medinan documents examined in Chapter 3 also preserve relationships among distinct groups, common obligations, and recognized religious difference. Their importance should be stated at the level the evidence permits. They demonstrate resources for ordered coexistence and negotiated responsibility; they do not independently establish a complete modern doctrine of equal citizenship in every office and jurisdiction. The question of protection differs from the question of identical political capacity.

The wider corpus also includes texts that resist an uncomplicated retrospective account of equality. Qurʾan 9:29 includes fighting, jizya, and a condition expressed through the language of subordination; Muslim no. 1767a concerns exclusion of Jews and Christians from the Arabian Peninsula. These must remain visible alongside Qurʾan 60:8 on kindness and justice toward those who do not fight or expel the believers. Their relation, scope, and historical application require argument. A modern doctrine of citizenship cannot be established by selecting only the protective passages, just as a comprehensive account of Muslim relations with others cannot be constructed by selecting only the coercive ones.

The foundational findings thus supply obligations and difficult interpretive questions together. The institutional task begins when a community must decide how those obligations relate, who has authority to decide their application, and how a binding decision can be challenged without rendering every public act permanently provisional.

6.3 What political jurisprudence added

6.3.1 Appointment, qualifications, and the conversion of norms into offices

The jurists considered in Chapters 4 and 5 did more than repeat commands to obey or judge justly. They identified kinds of office, qualifications for holding them, modes of appointment, forms of delegation, and consequences of incapacity or misconduct. These constructions provided a legal vocabulary for the allocation of responsibility. Their disagreements show that the move from moral and religious obligation to an institutional settlement was substantive.

Al-Māwardī's discussion of nomination is an instructive example. His analysis distinguishes the legal act of designating a successor from inheritance as an automatic entitlement. It considers the nominee's qualifications and the special difficulty created by the incumbent's relationship to a father or son. His treatment of several successors designated in sequence likewise converts a political practice into a set of questions about the legal effect of appointment and its conditions (*al-Aḥkām al-sulṭāniyya*, chapter 1, pp. 11–12, 15–17). Whether one finds the resulting accommodation convincing, it is inaccurate to describe it simply as an assertion that blood relationship itself confers the imamate.

The critical question concerns what those qualifications could achieve. A theory may retain demanding conditions on paper while recognizing appointment through institutions dominated by a ruling household. That possibility does not prove that every doctrine of nomination is merely a disguise. It does mean that the existence of a legal distinction between nomination and inheritance cannot establish, without historical evidence, that the distinction constrained actual dynastic power. Normative classification and institutional effectiveness remain separate objects of inquiry.

The same distinction appears across traditions. Imami discussions of delegated jurisdiction during occultation identify functions that qualified persons may perform without making those persons the absent imam. Al-Mufīd's treatment of penalties and lawful cooperation differentiates the source of authority from the practical conditions of its exercise (*al-Muqniʿa*, p. 810). ʿAbd al-Jabbār's argument makes moral probity especially significant for an office entrusted with major public responsibilities (*al-Mughnī*, XX/1:201–202). The Ibadi material examined in Chapter 4 supplies its own procedures of appointment and response to misconduct. These differences prevent an account of political fiqh as one Sunni formula projected onto all Muslim intellectual history.

6.3.2 The distance between disqualification and an available remedy

The sharpest tension often arises after a norm has been acknowledged. Al-Māwardī treats a specified departure from moral probity as incompatible with continued possession of the imamate. Al-Nawawī, in the passages examined in Chapter 5, reports a markedly different conclusion concerning removal for wrongdoing and links restraint to the consequences of conflict. Ibn Ḥazm requires correction and

redress, distinguishes submission to the right from persistent refusal, and argues for removal under specified conditions. These positions cannot be collapsed into a consensus merely because all condemn injustice (al-Māwardī, *al-Aḥkām*, pp. 19–20; al-Nawawī, *Sharḥ Muslim*, XII:229–230; Ibn Ḥazm, *al-Fiṣal*, IV:132–135).

Their disagreement concerns the legal consequences of wrongdoing and the authorized means of response. A serious comparison must therefore ask whether misconduct affects the title to office, the duty to obey a particular act, the ruler's entitlement to assistance, or the permissibility of coercive removal. It must also identify who may establish the relevant facts. A proposition that an unjust ruler ought to be removed remains institutionally incomplete if it does not explain how injustice is proved and how replacement can occur. A proposition that armed removal is prohibited remains incomplete if it is used to suppress all other forms of correction without a separate argument.

The book's strongest criticism of accommodation lies here. A legal system can preserve an exacting language of justice while repeatedly limiting the means by which those harmed can secure its enforcement. The resulting difficulty need not take the form of a direct verbal contradiction between a verse and a jurist. It may consist of a practical separation between acknowledged obligation and available remedy. Establishing that separation in a particular society requires evidence of institutional practice; identifying its possibility in a doctrine requires careful analysis of the doctrine's consequences. Both inquiries are necessary, and neither substitutes for the other.

6.3.3 Necessity, public functions, and the endurance of defective arrangements

Arguments from necessity are often misunderstood because the object being preserved is left unspecified. Al-Ghazālī's discussion protects legal and social activities that depend on public authority under circumstances in which ordinary qualifications cannot be satisfied without grave disruption. Yet he also considers replacement where a suitable alternative and an orderly means are available. His argument cannot be accurately reduced to unconditional satisfaction with any incumbent (*al-Iqtiṣād*, pp. 129–130).

Al-Juwaynī's analysis makes a complementary distinction by considering the continuation of obligations when ordinary central authority is absent. Necessary functions do not disappear merely because their familiar holder cannot perform them. His discussion reallocates responsibilities under exceptional conditions instead of treating the survival of one officeholder as identical with the survival of religion or society (*Ghiyāth al-umam*, §§551–565, pp. 385–393). The contrast supplies a useful analytical question: does a necessity argument preserve the function, the institution, a particular mode of appointment, or the person currently in command?

Ibn Taymiyyah's use of the saying preferring a long period under an unjust ruler to a night without authority concerns the dangers of disintegration. It is introduced as a saying, not as a prophetic report. His fuller argument in *Minhāj al-sunna* assesses

attempted removal in relation to the evils it is expected to produce; the historical generalization is qualified rather than a claim that every challenge has invariably worsened conditions (*al-Siyāsa al-sharʿiyya*, p. 239; *Minhāj al-sunna*, IV:527–530). The legitimacy of such reasoning depends on the proposed comparison and its evidential basis.

The same reasoning becomes vulnerable when an emergency judgment loses its conditions. If the alternatives are never examined, if the harms of continued oppression are excluded from the calculation, or if the incumbent's threatened retaliation is treated as a permanent prohibition on correction, preserving public order can become practically indistinguishable from preserving incumbency. This is an analytical criticism of a possible use of the argument. It does not authorize attributing every such use to the jurist whose words are invoked.

The historical development is consequently better described as a series of contested determinations about legal consequences than as a single transfer from divine sovereignty to secular expediency. Some arguments extend discretion; some retain stringent eligibility requirements; some preserve public acts under defective authority; some identify alternative bearers of responsibility. The central issue is whether the conditions attached to accommodation remain operative once accommodation acquires durability.

6.4 Why the modern state requires a further argument

The phrase "Islamic state" can refer to different objects: a government in a predominantly Muslim society, an institution claiming the caliphate, a constitutional order that gives Islamic norms superior legal status, a government led by jurists, or a political project that seeks a particular transformation of public life. These meanings should be distinguished before a conclusion about one is applied to the others. The definition is part of the argument because it determines what evidence would count for or against the claim.

For the purposes of the comparison that follows, the modern state is considered through features visible in the selected constitutional documents: territorially organized public institutions, defined legislative and judicial competences, rules of appointment, and an official procedure for determining which enactments have binding legal effect. This working description makes no claim that all earlier governments lacked administration, territory, coercion, or law. It isolates the institutional questions raised when an asserted Islamic norm becomes a constitutional criterion enforced through designated public bodies.

Three problems follow. First, the identification of a divine norm does not identify the human institution entitled to give that norm final legal effect. An assembly, a court, an executive, and a body of jurists may all claim fidelity to revelation while disagreeing about a concrete rule. Second, the existence of juristic disagreement does not tell a public authority how to select among the available positions. Third, once one position is enacted and enforced, other positions may remain intellectually

defensible while losing immediate legal effect. The distinction between a reasoned religious judgment and an enforceable public rule then becomes particularly important.

Codification illustrates this problem without requiring a claim that every legal code has the same consequences. Suppose several juristic opinions are accepted as serious interpretations, but a statute selects one as the rule applicable in court. The act of selection introduces a further institutional decision: someone determines the domain, wording, exceptions, effective date, and machinery of enforcement. Even if every substantive provision is defended through classical authorities, the resulting statutory settlement depends on powers not exhausted by citing those authorities. The public law of selection therefore deserves scrutiny alongside the selected doctrine.

This is why divine sovereignty and human accountability are not mutually exclusive analytical categories. To affirm God’s ultimate authority is one proposition. To establish that a particular human decision is faithful to that authority is another. To give an institution the power to make a decision binding despite continuing disagreement is a third. Confusing these propositions can make review appear to be a challenge to God when the actual object of review is a human interpretation or an institution’s exercise of jurisdiction.

Conversely, identifying human mediation does not establish that divine authority is absent from the system. Every practical legal order must move from norms to decisions. The relevant criticism concerns whether the movement is reasoned, candid about disagreement, and open to correction. A claim of religious authority becomes especially demanding when it supports coercion, because the affected person may be compelled to comply even while disputing the interpretation. The modern authors and constitutions examined below offer different answers to this common problem.

6.5 Modern reconstructions of obligation and political choice

6.5.1 Rashīd Riḍā: making qualified government institutionally possible

Muḥammad Rashīd Riḍā’s *al-Khilāfa aw al-imāma al-ʿuẓmā* retains a religiously obligatory caliphate while criticizing unrestricted rule. His discussion of consultation subjects the ruler to the Book and Sunna and identifies a field of deliberation concerning interpretive questions, policy, and implementation. He allows consultation’s organization to vary with circumstances; fidelity to a norm need not mean repetition of one procedural arrangement. This permits institutional reconstruction within the religious framework he defends (*al-Khilāfa*, pp. 17–18, 38–40).

The most useful contribution to the present synthesis appears in his program for reform. Riḍā proposes a basic governmental framework together with temporary arrangements for necessity, and he envisages work on both proceeding concurrently. His advanced educational institution would train candidates for leadership and

independent legal reasoning; his further proposals include specialized councils and government oversight. The point of the school is specifically to remove the necessity of choosing an ignorant or morally delinquent caliph (pp. 86–88).

This proposal changes the temporal structure of necessity. An inadequate arrangement can be tolerated while organized work is undertaken to make a more adequate arrangement possible. The inadequacy is neither wished away nor treated as a permanent feature of political life. The resulting analytical test is whether accommodation includes credible means of reducing the conditions that sustain it. This test is the present study's inference from Riḍā's program, rather than a general rule he formulates in precisely these terms.

The comparison with al-Ghazālī and al-Juwaynī is instructive without requiring an artificial division between static classical thought and dynamic modern reform. Al-Ghazālī already allows for replacement when the stipulated conditions are satisfied; al-Juwaynī already asks how functions can continue under institutional absence. Riḍā adds an organized means of increasing the supply of qualified candidates. His contribution in this passage is institutional preparation: the grounds for a particular concession can themselves become objects of policy.

There are limits to what this achieves. Education can address deficiencies of knowledge and training; it cannot by itself produce consent, restrain armed rivals, or guarantee that advisers can speak independently. Riḍā also gives the qualified caliph's judgment priority in public matters while preserving forms of remonstrance and review by qualified electors (p. 87). His program therefore combines reform with a definite distribution of authority. It should be evaluated as that particular construction, without being assimilated either to unrestricted personal rule or to equal popular sovereignty over all public decisions.

6.5.2 ʿAlī ʿAbd al-Rāziq: the gap between necessary government and a necessary caliphate

ʿAlī ʿAbd al-Rāziq's *al-Islām wa-uṣūl al-ḥukm* raises a different objection. In Book I, chapter III, §15, he grants the ordinary human need for government while disputing the inference from that need to the specific institution of the caliphate. Political coordination may be necessary without every feature of the jurists' preferred office becoming necessary on the same proof. His conclusion follows from a distinction between the general function and the particular institutional form, not from a denial that Muslims require public organization (second edition, 1925, p. 35).

The force of the distinction can be stated precisely. If the premise is that collective life requires adjudication, security, and coordinated action, the immediate conclusion concerns provision of those functions. To establish the unique necessity of a caliphate, one must add an argument that those functions cannot adequately or lawfully be performed through another arrangement, or that revelation independently requires that particular office. The general necessity of government cannot carry the entire burden. This is an objection to the sufficiency of a proof, not a demonstration that every conceivable constitution is equally defensible.

ʿAbd al-Rāziq's larger thesis goes further. His discussion of prophecy denies that Muḥammad's mission made him a political king or founder of a state, while acknowledging a kind of leadership and authority intrinsic to prophethood (Book II, chapter III, §§1–2, pp. 64–65). At the book's conclusion, he assigns the caliphate, judiciary, and other governmental offices to political arrangements whose construction is entrusted to human judgment and experience (Book III, chapter III, §12, p. 103). These propositions should be kept distinct from the narrower criticism of an argument from necessity.

The distinction matters because the narrower criticism can be persuasive without settling the stronger account of prophetic activity. The treaty, military, adjudicative, and financial materials considered in this book show public functions that require explanation. One may argue that the Prophet's authority differs fundamentally from later kingship; that proposition does not make the exercise of public power disappear. Likewise, the absence of a complete constitutional code does not prove that all institutional obligations lack religious significance. The argument must address the public acts and the nature of their authority rather than rely entirely on the modern term "state."

The comparison with Riḍā is consequently a disagreement about the religious status of institutional forms and the inferential burden required to establish them. Riḍā's caliphal ideal can condemn existing rulers and motivate reform. ʿAbd al-Rāziq's criticism of the ideal can coexist with an insistence on the need for government. Neither position is adequately represented by treating the dispute as a choice between political order and its absence. Moreover, ʿAbd al-Rāziq explicitly engages Riḍā's earlier treatise in his discussion of textual evidence; Riḍā's treatise should not be misdated as a response to the 1925 book (*al-Islām wa-uṣūl al-ḥukm*, pp. 17–18).

For the present argument, the durable question is what establishes the necessity of an institution beyond the necessity of its functions. That question can be posed to a caliphate, a supreme juristic office, a particular court, or an unrestricted executive. The name of the office cannot replace the demonstration of its warrant.

6.5.3 Mawdudi: superior divine norms and delegated public decision

Abū al-Aʿlā Mawdudi offers another construction. In *The Islamic Law and Constitution*, he reserves ultimate sovereignty to God while assigning the Muslim community a role in choosing and dismissing the executive. His account of a "theo-democracy" rejects an exclusive priestly monopoly. The same volume recognizes interpretation, analogy, inference, and legislation in matters left open by the sources. It also allows contemporary institutions to restrict executive powers and separate adjudication in order to safeguard justice (ninth edition, 1986, pp. 74–76, 138–140, 226–227).

These features demonstrate why the invocation of divine sovereignty cannot complete a constitutional analysis. Human institutions still identify the applicable rule, determine whether competing readings are admissible, and decide how officials are appointed or constrained. Their authority is derivative in Mawdudi's account, but

derivative authority can still be extensive. The analytical issue is how it is distributed and controlled, not whether human choice has somehow disappeared.

His specification of the Muslim community also requires attention. A claim that authority belongs collectively to members of a religious community does not, without further argument, establish identical constituent power for all persons residing within a territory. “Popular” must have an identified constituency. The status of people outside that constituency is a separate constitutional question, even when protections for them are strongly affirmed.

Mawdudi’s willingness to modify the distribution of powers is particularly relevant to the use of precedent. If a revered precedent involved concentrated authority, reproducing that concentration under different conditions may fail to reproduce the qualities that made it defensible. Institutional variation can therefore be defended as a means of preserving an objective across a change in circumstances. The argument must identify the objective and explain why the proposed variation serves it. This leaves room for serious disagreement about constitutional means without making disagreement itself a rejection of divine authority.

The consulted English collection contains revised presentations of speeches and articles. Its political-theory discussion should therefore be cited as it appears in that edition, rather than presented as an unchanged transcript of the original lecture. The relevant primary evidence is Mawdudi’s published formulation and its editorial history, not a reconstructed verbal performance.

6.6 Government as an instrument and as a superior legal obligation

6.6.1 Khomeini’s 1970 lectures and the scope of juristic authority

Rūḥ Allāh Khomeini’s 1970 lectures offer a distinct Imami argument for government by qualified jurists. He describes constitutional government through subjection to Qurʾan and Sunna, differentiating this from unrestricted legislative authority vested in a majority. A planning body organizes administration within the religious framework. He also distinguishes the governing competence claimed for jurists from the Prophet’s and imams’ spiritual rank. The transfer asserted concerns public functions, not equality of spiritual status (*Islamic Government*, pp. 29–30, 34–35).

Khomeini’s own account acknowledges disagreement among jurists about the extent to which the imams’ governmental functions devolve upon the jurist, while treating adjudication as more firmly established (p. 48). This acknowledgment is crucial to an objective synthesis. The comprehensive governmental theory is an argument within Imami jurisprudence. It cannot be used as an unqualified definition of every Twelver account of authority during occultation, still less of Shiʿi political theology as a whole.

The distinction between jurisdiction and spiritual rank creates an important problem of accountability. If an officeholder exercises religiously authorized jurisdiction

without possessing prophetic or imamic infallibility, a judgment made through that jurisdiction remains distinguishable from the divine norm it claims to apply. The institutional question is how that distinction can be expressed when the judgment is binding. Qualification may establish eligibility to exercise an office; it does not make error logically impossible or settle how a conflict among qualified jurists should be resolved.

This problem is not unique to government by jurists. It appears wherever religious learning, electoral authorization, hereditary appointment, or professional competence is used to justify public power. A source of entitlement and a method of correction perform different tasks. Demonstrating that a person is entitled to decide does not establish that every decision is right.

6.6.2 The 1988 letter and the priority of government

Khomeini's letter of 6 January 1988 to ʿAlī Khamenei supplies an essential further development. It treats government as one of Islam's primary ordinances and gives it priority over subsidiary ordinances, explicitly including prayer, fasting, and pilgrimage. Its examples include cancelling governmental contracts when contrary to the interests of the country and Islam, and temporarily preventing pilgrimage when the interests of the Islamic country require it. The terms are significant: *aḥkām-i farʿiyya* means subsidiary ordinances here and should not be casually substituted for the technical category of secondary rulings, *aḥkām-i thānawiyya* (*Ṣaḥīfa-yi Imām*, XX:451–452, 16 Dey 1366).

The letter poses a more precise problem than a generalized opposition between divine sovereignty and state expediency. Its warrant is a claimed ordering within divine law: governmental authority is itself assigned religious priority. It would therefore misrepresent the argument to paraphrase it as a straightforward permission for the state to override God. Yet the identification of governmental authority with a superior obligation places considerable weight on the human determination that a conflict exists and that the public interest requires a particular response.

The critical analysis concerns that determination. What evidence establishes the conflict? Who identifies the relevant interest? What distinguishes an interest of the public from an interest of the incumbent administration? Which body can review the decision, and what ends a temporary restriction? These questions do not depend on denying the possibility of legal priority rules. They concern the institutional application of such a rule when it can displace otherwise applicable obligations.

The comparison with earlier necessity arguments is revealing. Al-Ghazālī's discussion concerns preserving dependent legal functions despite deficiencies in the holder of authority. Khomeini's letter concerns the priority attributed to government in a conflict with subsidiary ordinances. The objects and doctrinal structures differ. Their common difficulty is the relationship between a reason offered for exceptional authority and the means of keeping its exercise within that reason.

This comparison also refines the book's question about the state's survival. A political theology can enlarge governmental power through an internal religious argument rather than through a declared abandonment of religion. The analytical task is to assess the argument, the institutions that apply it, and the conditions of review. Merely observing that the justification employs religious language neither validates nor invalidates its consequences.

6.7 Constitutional texts as allocations of interpretive power

Two constitutional documents make the problem of mediation concrete. They are used as dated textual examples: Pakistan's Constitution in the Ministry of Law and Justice's fourteenth edition, dated 21 November 2025 and hosted by the National Assembly, and Iran's Constitution as revised in 1989. The comparison concerns the allocation of authority in those texts. It does not infer governmental conduct from constitutional language or claim that either document exhausts its country's applicable law.

Pakistan's preamble combines divine sovereignty with authority exercised through the people's chosen representatives; Article 2A incorporates the Objectives Resolution. Article 227 requires legal conformity with Qur'an and Sunna and preserves specified non-Muslim personal-law and citizenship protections. Article 230 assigns advisory functions to the Council of Islamic Ideology. Articles 203B–203D establish a separate structure of judicial scrutiny, with the Constitution excluded from the relevant definition of law. Article 41(2) makes Muslim identity a qualification for the presidency. These provisions distinguish representative action, religious advice, judicial review, and eligibility rather than assigning them to a single undifferentiated institution.

Iran's revised Constitution combines elections in Article 6 with Islamic criteria in Article 4 and juristic leadership during occultation in Article 5. Article 56 connects divine sovereignty with a divinely granted human right to determine social destiny, exercised through the constitution's procedures. The text assigns the relevant Islamic assessment under Article 4 to the jurists of the Guardian Council. Articles 107 and 111 concern selection and removal of the Leader through the Assembly of Experts. Article 112 provides for an Expediency Council to address specified legislative disagreements and matters referred by the Leader. The result is a constitutionally differentiated distribution of elected, supervisory, and juristic powers, with an express priority structure that cannot be inferred from the word "Islamic" alone.

The comparison supports a limited but important conclusion. Agreement in constitutional language about God's ultimate authority does not produce identical allocations of human jurisdiction. Religious advice can be institutionally distinct from judicial invalidation; juristic supervision can be combined with elections; the interpretation of a superior norm can be entrusted to bodies constituted in different ways. The procedures are part of the constitutional settlement. They are not automatically generated by the theological premise.

The same point applies to accountability. A constitution may state qualifications for high office and provide a procedure for removal. Whether that procedure operates effectively depends on further facts: access to evidence, independence of the deciding body, opportunities to contest findings, and the practical ability to implement a decision. These are questions for institutional and historical research. They cannot be answered by assuming either perfect compliance or complete irrelevance of constitutional provisions.

The examples also show why rights and membership require separate examination. A textual commitment to protection or citizenship can coexist with a religious qualification for a particular office. Evaluating that arrangement requires identifying the precise distinction and the argument offered for it. General statements about tolerance, democracy, or religious government are too imprecise to resolve the issue.

Neither constitution proves that its institutional allocation is the uniquely required application of revelation. Each provides primary evidence of a particular legal construction. Comparing such constructions with foundational texts should therefore proceed through their specific rules, claimed warrants, and effects on the governed, rather than through labels alone.

6.8 Implications for the contemporary argument

The foregoing analysis does not produce one uniquely authorized modern constitution. It does identify questions that any serious claim to Islamic political authority must answer. The following criteria are the book’s analytical synthesis of the evidence. They are offered as ways of assessing arguments and institutions, not as provisions attributed verbatim to a single verse, jurist, or school.

6.8.1 State the warrant and identify the decision-maker

A proposal should distinguish an express textual requirement from a juristic inference, an inherited convention, a concession to necessity, and a judgment about effective administration. These forms of justification can support different conclusions and carry different possibilities of revision. Treating them as equivalent makes a contingent arrangement harder to examine without making its evidence stronger.

It is equally necessary to identify who decides that the requirement has been satisfied. A declaration that legislation must conform to revelation does not settle whether conformity will be determined by legislators, judges, jurists outside the state, a supreme officeholder, or several bodies in combination. The composition and jurisdiction of those bodies affect which interpretations can become enforceable. Their reasons should therefore remain distinguishable from the superior norm to which they appeal.

The principle of fallibility does not require making all decisions nonbinding. Public institutions must often act despite disagreement. What matters is distinguishing

practical finality from immunity to correction. A court can issue a decision that settles a case while its reasoning remains open to criticism and its rule remains subject to an authorized process of reconsideration. Such a distinction offers a way to maintain public order without representing every official judgment as religiously infallible.

6.8.2 Give consultation a determinate consequence

Invoking *shūrā* leaves open the question of what consulting actually changes. A defensible institutional account must explain who participates, which matters require consultation, whether advisers can obtain the information needed to deliberate, and how disagreement affects the decision. If advice can be ignored in every circumstance without explanation or consequence, the institution may contribute little to the restraint of power even if meetings occur regularly.

No single answer to these procedural questions can be extracted from the mere occurrence of the word *shūrā*. Nevertheless, the absence of a detailed procedure does not mean that every nominal practice of consultation is equally adequate. Institutions can be evaluated in relation to the purpose claimed for them. A procedure intended to improve judgment fails on its own terms if participants cannot identify errors; a procedure intended to express communal authorization requires an account of how the community's judgment is represented.

Justice remains a separate test. A representative decision does not become just solely because many people supported it, and a substantive claim to justice does not itself prove that consultation was unnecessary. The conjunction of these demands is one reason a modern constitutional argument cannot be reduced either to counting votes or to announcing the religious correctness of the result.

6.8.3 Make correction possible without requiring political collapse

The sources' distinction between refusing a wrongful command and fighting a ruler has a direct institutional implication. A political order should be examined for the intermediate means it permits: complaints, reasoned criticism, refusal of specified unlawful acts, adjudication, recovery of wrongfully taken resources, disciplinary procedures, and lawful changes of office. The list is an analytical set of possibilities, not a claim that the foundational texts prescribe every modern procedure in its present form.

This inquiry also changes the treatment of stability. A system that provides credible correction can reduce the pressure to translate every dispute into a struggle over the survival of the entire regime. Conversely, a system that suppresses intermediate remedies may make the choice between acquiescence and destructive confrontation more severe. Whether either pattern occurs is an empirical question. The normative point is that preventing disorder and enabling accountability need not always compete; institutional arrangements can make them mutually supportive.

The prohibition of a dangerous remedy should not silently become the abolition of the underlying claim. If armed removal is judged impermissible under particular

conditions, it remains necessary to ask what the injured person is owed and what lawful routes remain. Otherwise, prudential reasoning can transform inability to secure immediate redress into the denial that redress is due. Nothing in the logical structure of an argument about the dangers of a remedy requires that transformation.

6.8.4 Specify the conditions and duration of necessity

A claim of necessity should identify the danger, the proposed response, the alternatives considered, and the relationship between the response and the danger. It should also distinguish a temporary inability to fulfil an obligation from a permanent alteration of the obligation itself. These distinctions are especially important where the authority invoking necessity benefits from its continuation.

Riḍā's educational proposal helps formulate a further question: what work is being done to make the concession less necessary? If inadequate qualifications justify accepting a deficient appointment, preparation of qualified candidates is relevant. If the absence of a safe transition justifies delay, the creation of a credible transition procedure becomes relevant. If institutional weakness justifies concentrated authority, strengthening the institutions capable of assuming the functions becomes relevant. These examples extend the logic of the comparison; they are not claims that one author supplied a complete modern theory of emergency powers.

The objects of preservation must remain distinct throughout. Preserving adjudication is not automatically the same as preserving a particular judge; protecting the community is not automatically the same as protecting a ruling household or party. A necessity argument can justify one of these conclusions only by supplying the relevant connection. The more extensive the concession, the more consequential the failure to make that connection explicit.

6.8.5 Address membership, coercion, and resources directly

Contemporary political theology must state who constitutes the political community and which rights follow from membership. Protection of life, religious practice, access to courts, participation in selecting officials, and eligibility for office are distinct matters. Evidence supporting one cannot be assumed to settle the others. Historical arrangements should be described accurately, and proposals to retain or revise them should make their interpretive reasoning visible.

This requirement applies with particular force to claims about equality. It is inadequate to infer a complete modern citizenship regime from the existence of treaties with religious communities. It is equally inadequate to infer that every historical distinction must govern every later institution simply because the distinction once formed part of a juristic settlement. A responsible argument must identify its evidentiary warrant, the character of the institution under discussion, and the reasons for continuity or change. The conclusion cannot be supplied by the word "authentic" alone.

Material administration also belongs at the center of the analysis. The reports on entrusted office and official gifts direct attention to the uses of public position, the handling of revenue, and the relationship between officeholders and those whose resources they administer (Muslim, nos. 1825, 1832a). A theory concerned only with the ruler’s title or the religious language of a constitution leaves these obligations insufficiently examined. The question whether power serves the governed includes who receives its benefits, who bears its costs, and who can demand an account.

6.9 Final synthesis: the state under judgment

The relationship between Islam and political authority cannot be resolved by identifying a single timeless institution and then measuring all history by its uninterrupted presence. The materials examined here contain a more demanding field of argument. They articulate duties, recognize public command, restrict obedience, require fidelity to undertakings, and confront the harms of conflict. Jurists transform those materials into rules of appointment, qualification, delegation, validity, and remedy. Their constructions remain connected to the sources while also depending on judgments that the sources do not state in identical form.

The resulting divergence between foundational texts and institutionalized fiqh is neither wholly accidental nor wholly a betrayal. Institutionalization necessarily adds procedures and allocations of jurisdiction. The critical issue is whether those additions continue to serve the obligations invoked to justify them. A juristic concession may preserve indispensable public functions; it may also become detached from its conditions. A rule restricting coercive opposition may prevent catastrophe; it may also be extended to suppress correction that does not pose the same danger. These possibilities require discrimination among arguments and evidence, not a verdict upon fiqh as a single undifferentiated enterprise.

The inquiry into sovereignty consequently yields a differentiated answer. The studied authors generally do not announce that the state replaces God as the ultimate source of right. They disagree about how divine norms authorize human offices, how those offices interpret and enforce law, and what consequences follow when their holders fail. The most serious danger arises when an institution’s claim to apply divine authority is treated as proof that its own decisions are beyond scrutiny. At that point, an account intended to place power under law can be used to shield power from the judgment of law.

Modern arguments inherit this problem while constructing new solutions. Riḍā proposes institutional preparation for a qualified caliphate; ʿAbd al-Rāziq challenges the inference from necessary government to a necessary religious office; Mawdudi combines superior divine norms with delegated communal authority; Khomeini develops juristic government and a doctrine of governmental priority. These are substantive and contested constructions. Their differences cannot be settled by repeating a shared vocabulary of Islam, justice, or sovereignty.

The conclusion of this book is that an Islamic claim about government remains an argument requiring evidence. Its assessment must include the provenance of its texts, the steps of its inference, the scope of its institutions, and the availability of correction when power fails its stated purposes. The religious designation of an office does not exhaust its justification, and the practical necessity of government does not remove government from moral and legal judgment. The state remains a bearer of obligations whose exercise of authority must itself be judged.

Primary texts and citation register

Page references identify the editions or textual witnesses consulted; they are not interchangeable across editions. Hadith numbers follow the linked interfaces, whose appended letters distinguish recensions. The analysis distinguishes the authors' propositions from the book's own institutional inferences. Modern constitutional texts are cited in the specified versions.

The Qurʾan. Principal passages: 3:159; 4:58–59, 135; 5:8; 8:58; 9:4, 29; 42:38; 60:8. Arabic checked in the canonical text and English against Marmaduke Pickthall. Trust and judgment, 4:58; obedience and referral, 4:59; consultation, 42:38; jizya passage, 9:29; kindness and justice, 60:8.

Al-Bukhārī, al-Ṣaḥīḥ. Nos. 2731–2732, 7138, 7144, 7257. Al-Ḥudaybiyya; shepherd and responsibility; limit of obedience; commander and fire.

Muslim b. al-Ḥajjāj, al-Ṣaḥīḥ. Nos. 1709e, 1709h, 1767a, 1784, 1787, 1825, 1832a, 1854a. Pledge and truthful speech; manifest unbelief recension; Arabian Peninsula report; al-Ḥudaybiyya; Ḥudhayfa's undertaking; office as a trust; official gifts; disapproval and fighting.

Ibn Hishām, al-Sīra al-nabawiyya. I:501–504, transmitting Ibn Isḥāq's account of the Medinan agreement. **Abū ʿUbayd, al-Amwāl.** Report 518, pp. 260–264 in the consulted witness. Ibn Hishām, opening; Abū ʿUbayd, opening. Transmission and variant wording were examined in Chapter 3.

Al-Ṭabarī, Jāmiʿ al-bayān. Commentary on 4:58, reports 9839–9850 and concluding discussion. **Al-Qurṭubī, al-Jāmiʿ li-aḥkām al-Qurʾān.** Commentary on 3:159, especially the second and sixth issues, and 4:59, especially the second issue. Al-Ṭabarī on trusts; al-Qurṭubī on consultation; al-Qurṭubī on referral.

Al-Māwardī, al-Aḥkām al-sulṭāniyya. Dār al-Kutub al-ʿIlmiyya, date and edition unspecified in the consulted witness. Chapter 1, pp. 11–12, 15–17, 19–20. Nomination; ordered succession; disqualification.

Al-Nawawī, al-Minhāj sharḥ Ṣaḥīḥ Muslim b. al-Ḥajjāj. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, second edition, 1392 AH. XII:229–230. Removal discussion; truthful speech.

Ibn Ḥazm, al-Fiṣal fī al-milal wa-l-ahwāʾ wa-l-niḥal. Cairo: Maktabat al-Khānjī, date and edition unspecified. IV:132–135. Capacity and correction; removal and redress.

Al-Ghazālī, al-Iqtiṣād fī al-iʿtiqād. Notes by ʿAbd Allāh Muḥammad al-Khalīlī. Beirut: Dār al-Kutub al-ʿIlmiyya, first edition, 1424/2004. Fourth quṭb, third bāb, pp. 129–130. Replacement; necessity.

Al-Juwaynī, Ghiyāth al-umam fī iltiyāth al-ẓulam. Edited by ʿAbd al-ʿAẓīm al-Dīb. Maktabat Imām al-Ḥaramayn, second edition, 1401 AH. §§551–565, pp. 385–393. Absence of ordinary authority.

Ibn Taymiyyah, al-Siyāsa al-sharʿiyya fī iṣlāḥ al-rāʿī wa-l-raʿiyya. Edited by ʿAlī b. Muḥammad al-ʿUmrān. Dār ʿAṭāʾāt al-ʿIlm and Dār Ibn Ḥazm, fourth edition, 1440/2019, p. 239. **Minhāj al-sunna al-nabawiyya.** Edited by Muḥammad Rashād Sālim. Imam Muhammad ibn Saud Islamic University, first edition, 1406/1986. IV:527–530. The saying about unjust rule; comparative consequences.

Al-Mufīd, al-Muqniʿa. P. 810, on delegation and lawful cooperation. Text. **ʿAbd al-Jabbār, al-Mughnī fī abwāb al-tawḥīd wa-l-ʿadl.** XX/1, edited by Maḥmūd Muḥammad Qāsim, reviewed by Ibrāhīm Madkūr, under the supervision of Ṭāhā Ḥusayn. Cairo: al-Dār al-Miṣriyya, pp. 201–202. Probity and public trust.

Abū Bakr Aḥmad b. ʿAbd Allāh al-Kindī, al-Muṣannaf. Edited by Muṣṭafā Ṣāliḥ Bājū. Oman: Ministry of Endowments and Religious Affairs, first edition, 1437/2016. Bound VII:476–477, original part 10, chapter 54. Edition and text. The relevant Ibadi arguments were examined in Chapters 4–5.

Muḥammad Rashīd Riḍā, al-Khilāfa aw al-imāma al-ʿuẓmā. Al-Zahrāʾ li-l-Iʿlām al-ʿArabī, Cairo, date and edition unspecified in the consulted witness. Pp. 17–18, 38–40, 86–88. Obligation and appointment; constraint and consultation; variable organization; concurrent programs; qualification and public judgment; councils.

ʿAlī ʿAbd al-Rāziq, al-Islām wa-uṣūl al-ḥukm: baḥth fī al-khilāfa wa-l-ḥukūma fī al-Islām. Second edition. Miṣr: Maṭbaʿat Miṣr, 1344/1925. Book I, chapter II, pp. 17–18; Book I, chapter III, §15, p. 35; Book II, chapter III, §§1–2, pp. 64–65; Book III, chapter III, §12, p. 103. NYU Arabic Collections Online facsimile. Printed pagination was checked against the facsimile; image numbers differ between digital hosts.

Sayyid Abul Aʿla Maududi, The Islamic Law and Constitution. Translated and edited by Khurshid Ahmad. Lahore: Islamic Publications, ninth edition, June 1986. Pp. 74–76, 138–140, 226–227; editorial note to “Political Theory of Islam.” Digitized primary text. The spelling Maududi follows the English edition; Mawdudi is used in the discussion.

Rūḥ Allāh Mūsawī Khomeini, Islamic Government: Governance of the Jurist. Lectures delivered in 1970. Translated and annotated by Hamid Algar. Institute for Compilation and Publication of Imam Khomeini’s Works, International Affairs Division, undated consulted edition. Pp. 29–30, 34–35, 48. Publisher’s text in PDF; corresponding section.

Khomeini, letter to ʿAlī Khamenei, 6 January 1988 / 16 Dey 1366. *Ṣaḥīfa-yi Imām*, XX:451–452, Persian witness. Original letter. This pagination should not be interchanged with that of the English mirror.

Pakistan, The Constitution of the Islamic Republic of Pakistan. Ministry of Law and Justice, fourteenth edition, 21 November 2025; hosted by the National Assembly. Preamble; Articles 2A, 41(2), 203B–203D, 227, 230; Objectives Resolution annex. Official text.

Iran, Constitution of the Islamic Republic of Iran, as revised in 1989. Articles 4–6, 56, 107, 111–112. English constitutional text; WIPO legislative record.

Qurʾanic grounding: the cited passages were checked through quran.ai against the canonical Arabic and Pickthall; al-Ṭabarī on 4:58–59 and al-Qurṭubī on 3:159 and 4:59 were also fetched. This comparative synthesis incorporates reasoning beyond the fetched canonical text and does not constitute a scholarly ruling or opinion from quran.ai, quran.com, or quran.foundation.

PART IV

Public Finance and the Limits of State Authority

This revised chapter subjects general taxation to a Qurʾān-first test of legal entitlement. It distinguishes civil regulation from a new state proprietary claim, public distribution from acquisition, prescribed dues from extraordinary contributions, and necessities of household life from apparent gross taxable capacity. It engages the strongest juristic counterarguments without treating their permission as an unlimited fiscal power.

CHAPTER 7

Public Finance, Taxation, and the Limits of State Authority

7.1 The fiscal question as a question of authority

Public finance tests a political theology at the point where authority makes a claim upon material resources. A government may acknowledge divine sovereignty, profess obedience to revelation, and describe its office as a trust; the decisive question remains whether those propositions constrain what it may take from the governed. Conversely, a doctrine that protects property must explain how obligations toward the poor, collective security, and the administration of justice can be fulfilled when voluntary provision fails. Fiscal jurisprudence therefore concerns the relationship among ownership, obligation, public necessity, and the competence to enforce a claim.

This revision defends the conclusion that modern general taxation is unlawful insofar as it asserts an independent, recurring claim on ordinary private property without an adequately demonstrated right. Political office, a legislative vote, the existence of a budget, a beneficial project, or a distributional objective does not alone establish that right. In the Sunni framework principally examined here, zakāt is the specified ordinary compulsory alms obligation, while agricultural ʿushr and the other early revenue categories have distinct bases and incidence. Additional compulsory payments require a separately justified liability, not merely a newly assigned governmental name. This remains a reasoned restrictive position within genuine juristic disagreement, rather than a statement of a fully demonstrated unanimous prohibition.

Three questions must remain separate throughout. **What is owed? Who may collect it? For what may it be spent?** A text establishing one of these propositions does not necessarily establish the other two. Recognition of a poor person’s claim does not automatically make every proposed governmental welfare program obligatory. Permission to collect zakāt does not automatically authorize a different assessment. Permission to impose an emergency contribution does not make its proceeds the ruler’s private property. These distinctions supply the chapter’s analytical structure.

Terminology creates an additional difficulty. “Tax” can denote almost any compulsory public payment in contemporary English, whereas the sources differentiate zakāt or obligatory ṣadaqa, the fifth known as khums, war acquisitions, fayʾ, land kharāj, personal jizya, trade-related ʿushūr, and other assessments. Even these Arabic terms do not retain an identical technical scope in every author. Their legal incidence, beneficiaries, and justifications must be examined before they are

placed within a modern category. A common percentage, collector, or treasury does not establish a common legal basis.

This supplementary chapter follows the book's distinction between foundational texts and juristic development, while bringing the two into sustained comparison. Qurʾānic passages are identified by sūra and verse. Reports in al-Bukhārī and Muslim are distinguished from companion statements, later historical narratives, compiler comments, and subsequent interpretations. "Authentic" here identifies the principal Sunni canonical framework specified for this study; it does not imply that every Muslim tradition accords identical authority to every collection. Juristic positions remain attributed to their authors. Short translations of hadith and juristic Arabic are supplied for this chapter; Qurʾānic English quotations follow Marmaduke Pickthall unless otherwise indicated. The modern applications are analytical conclusions, not a claim that a medieval author discussed institutions absent from the passage under examination.

7.2 The Qurʾānic structure of financial obligation

Collection and allocation are distinct forms of authorization

Qurʾān 9:103 begins with the command, "Take alms of their wealth." The taking is connected with purification and with the Prophet's prayer for the contributors. The verse thus cannot be reduced to an account of private benevolence wholly detached from authoritative reception. Yet its wording does not specify a universal rate, every liable asset, or a general power to finance all governmental purposes. The difference between a command to receive a designated due and an unrestricted competence to create dues is fundamental. (Qurʾān 9:103.)

The exegetical record also discourages treating this verse as a self-contained fiscal constitution. Al-Ṭabarī relates it to penitents whose gifts accompanied their repentance. Al-Qurṭubī records both an obligatory-alms interpretation and an interpretation concerning a particular contribution by penitents. He also emphasizes that the verse alone does not supply the thresholds and quantities elaborated elsewhere. These are identifiable exegetical positions, not additional words in the verse. For present purposes, their significance is methodological: the relationship between a specific revelatory address and a continuing institution of collection already requires interpretation. (Al-Ṭabarī, *Jāmiʿ al-bayān*, on 9:103; al-Qurṭubī, *al-Jāmiʿ li-aḥkām al-Qurʾān*, on 9:103, first and third issues.)

Qurʾān 9:60 addresses the other side of the fiscal relationship. Its enumeration concerns the poor, the needy, those administering the alms, those whose hearts are to be reconciled, emancipation, debtors, God's cause, and the wayfarer. Pickthall renders its concluding description "a duty imposed by Allah." The enumeration identifies claims upon a particular revenue. It does not present public money as an undifferentiated fund at the incumbent's disposal. (Qurʾān 9:60.)

Two different overextensions must be avoided. The presence of collectors among the recipients does not establish that the entire apparatus of government may be

financed from zakāt under the administrative category. Equally, an allocation rule for zakāt cannot establish, without another argument, that zakāt is the only lawful revenue. A restriction upon one fund and an exhaustive enumeration of every possible public receipt are different propositions. The verse supplies the former structure; arguments for the latter must introduce additional evidence.

The phrase *fī sabīl Allāh* is particularly important because its interpretation affects how widely zakāt may be spent. Al-Qurṭubī's discussion records martial and frontier-related applications, alongside a view including pilgrimage. It does not simply equate the category with every activity that a government regards as useful. Contemporary proposals to include broad ranges of education, health provision, or infrastructure therefore require an articulated interpretive argument. A beneficial purpose alone cannot silently replace the question of eligibility under a restricted fund. (Al-Qurṭubī, on 9:60, twenty-second issue.)

This problem cannot be resolved merely by observing that a hospital or school serves poor people. There are several distinguishable arrangements: transferring support to eligible persons; paying for services supplied specifically to them; constructing an institution available to everyone; and meeting the general payroll of a ministry. These arrangements raise different questions about beneficiaries, ownership, and expenditure. The Qurʾānic allocation must be connected to the actual transaction. The conclusion here is methodological rather than a ruling upon each arrangement: identifying a socially desirable outcome does not complete the legal classification of the means.

Property protection and the problem of consent

Qurʾān 4:29 prohibits consuming one another's wealth *bi-l-bāṭil* and refers to trade by mutual consent. Qurʾān 2:188 similarly prohibits wrongful appropriation and the use of wealth to obtain judicial assistance in consuming others' property. These passages place the validity of acquisition in question; the possession of official influence does not remove that question. Al-Qurṭubī's treatment of 4:29 explains wrongful taking through the absence of a valid right and discusses other authorized transfers alongside commerce. (Qurʾān 4:29; 2:188; al-Qurṭubī, on 4:29, first, second, and fourth issues.)

The strongest argument against unauthorized taxation begins here: public power cannot establish its own entitlement simply by possessing the means of collection. If an assessment lacks a valid basis, administrative regularity does not supply one. A decree can organize the collection of a lawful claim; the decree's existence alone cannot answer whether the claim is lawful. This distinction is especially important where the same authority defines the need, assesses the payment, receives it, and controls the review of complaints.

Nevertheless, construing mutual consent as the exclusive basis of every lawful transfer would create a different difficulty. Obligatory zakāt would then depend upon a separate act of consent each time it fell due. The Qurʾānic materials themselves prevent that reduction. Consent is central to the commercial exchange described in

4:29; it does not follow that all rights arising outside exchange are void without the debtor's present agreement. The coherent question is whether a compulsory payment rests upon a valid independent obligation. Neither property protection nor financial solidarity can be made to disappear by definition.

Giving beyond zakāt and the limits of the inference

Qurʾān 2:177 lists giving wealth to relatives and several categories of vulnerable people, then separately mentions prayer and zakāt. That textual arrangement became a significant point of juristic argument. Al-Qurṭubī, in the sixth issue of his commentary, favors reading it as supporting a financial right beyond zakāt. He acknowledges criticism of the hadith invoked in that discussion, then argues that the verse's separate references remain significant. He also reports agreement concerning expenditure when serious need afflicts Muslims after zakāt has been paid. His statement must be recorded as his claim about agreement, rather than converted into an independently demonstrated consensus covering every form of taxation. (Qurʾān 2:177; al-Qurṭubī, on 2:177, sixth issue.)

Several questions intervene between this argument and a general taxing power. The verse's moral characterization of righteousness does not itself specify which additional gifts are judicially enforceable. Even if an enforceable obligation is established in an emergency, the authorized collector and method of assessment remain to be identified. If the duty belongs to particular people in relation to particular beneficiaries, its conversion into general public revenue also needs justification. The verse is highly relevant to the proposition that financial responsibility exceeds a single payment; it does not by itself settle every institutional consequence of that proposition.

War acquisitions and the circulation of wealth

The Qurʾānic fiscal materials extend beyond zakāt. Qurʾān 8:41 assigns a fifth of the acquisition it describes to specified destinations and places the statement within a passage referring to the encounter of two forces. Qurʾān 59:6–7 discusses property bestowed upon the Messenger without the deployment of horses or riding camels in the manner described there, followed by allocation provisions. These passages must be examined as distinct textual settings. Later juristic classifications cannot simply be inserted into their wording as though no interpretive development had occurred. (Qurʾān 8:41; 59:6; 59:7.)

The distributional explanation in 59:7 is explicit: "that it become not a commodity between the rich among you," in Pickthall's rendering. Al-Ṭabarī interprets the passage in relation to the disposition of fayʾ and preserves disagreement about the relevant revenue categories. The clause furnishes a reason against restricting the specified wealth to the rich. Turning it into a general theory of redistributive taxation involves a further move: a purpose stated in connection with one allocation is extended to other institutions. Such an extension may be argued, but it should be

presented as an inference, with its scope and restrictions defended. (Al-Ṭabarī, on 59:7.)

Qurʾān 9:29 also identifies jizya in a passage concerning fighting and submission. Its coercive and hierarchical setting cannot be erased by translating the payment into a voluntary subscription for public services. Conversely, the verse does not itself state all the later annual rates, exemptions, collection procedures, or treaty variations discussed by jurists. Those specifications belong to the next evidentiary layer. (Qurʾān 9:29.)

The resulting textual picture contains several kinds of financial claim. It supplies no warrant for imagining that all public revenue originated in optional gifts. It also supplies no single rule under which every asset becomes available whenever a government declares an expenditure desirable. The relations among obligation, source, recipient, and purpose require continued legal specification.

7.3 The hadith corpus on collection and its limits

An enforceable due and a bounded commission

The commission to Muʿādh in al-Bukhārī 1496 combines three elements within one instruction. A financial obligation is proclaimed; it is taken from the wealthy and returned to the poor; and the collector is warned against selecting people’s choicest possessions and against the oppressed person’s supplication. The term ṣadaqa therefore does not always denote optional giving. The authority to collect and the protection of those assessed appear together. The prohibition of abusive selection is not an external concession imposed upon the collection mandate afterward. (Al-Bukhārī, *Ṣaḥīḥ*, *Kitāb al-zakāt*, no. 1496.)

Abū Bakr’s instructions to Anas make the boundary still more explicit. The document transmitted in al-Bukhārī 1454 presents the prescribed ṣadaqa, then states:

وَمَنْ سُئِلَ فَوْقَهَا فَلاَ يُعْطِ

> “Whoever is asked above it should not give.”

The report proceeds to differentiated livestock assessments and a one-fortieth payment on silver. It also distinguishes liability from voluntary giving below stated thresholds. It does not establish a universal 2.5 percent rate upon every kind of property, income, or transaction. More fundamentally, it does not allow the collector to increase the prescribed obligation merely because additional revenue would be useful. (Al-Bukhārī, *Kitāb al-zakāt*, no. 1454.)

This text creates a genuine burden of argument for any theory of supplementary fiscal authority. It cannot be dismissed as though an obligation to support government automatically authorized the collector’s demand. Its immediate object, however, is the specified zakāt schedule. To infer immunity from every other independently established financial obligation would extend the referent beyond that schedule. The appropriate question is whether a proposed additional obligation has a

distinct and valid ground. Calling excess zakāt a “service contribution” would not establish such a ground; neither would the existence of an independently established duty of support necessarily constitute an alteration of zakāt.

Abū Bakr’s confrontation with those withholding zakāt illustrates the converse boundary. Al-Bukhārī 1399–1400 reports ‘Umar’s initial objection to fighting and Abū Bakr’s insistence upon the financial due previously rendered to the Prophet. The fighting declaration is Abū Bakr’s application of the cited prophetic norm, subsequently accepted by ‘Umar within the narrative. It establishes an early insistence that zakāt was enforceable. It does not identify every later fiscal dispute as apostasy, nor establish a prophetic command to fight anyone contesting any governmental assessment. The object of the dispute matters. (Al-Bukhārī, *Kitāb al-zakāt*, nos. 1399–1400.)

The force of the authentic exclusivity report

The most serious textual argument for restricting compulsory religious assessments is not a weak maxim. It is the report of Ṭalḥa in al-Bukhārī 46. A man asks about the obligations of Islam. After prayer, fasting, and zakāt are mentioned, the answer to whether anything further is incumbent is:

لَا، إِلَّا أَنْ تَطَوَّعَ

> “No, unless you act voluntarily.”

The man’s intention to do no more and no less receives the statement that he will prosper if truthful. An account of fiscal jurisprudence that allows supplementary obligations must explain this language, not replace it with a general assertion of public need. (Al-Bukhārī, *Kitāb al-īmān*, no. 46.)

The restrictive argument is substantial: a fixed religious obligation is announced and additional performance is expressly placed within the voluntary category. If a government may reproduce the same assessment indefinitely under another name, the practical protection afforded by the negative answer could be emptied of content. This is especially troubling where a proposed levy has no independently identified beneficiary, occasion, or legal basis beyond the ruler’s demand.

The difficulty with making the negative exhaustive of every possible monetary obligation is equally substantial. The conversation enumerates particular religious duties; it does not discuss every circumstance capable of generating a claim. The proposition that zakāt is the specified recurring alms obligation differs from the proposition that its payment extinguishes obligations arising from debts, maintenance, injury, hunger, or collective danger. Later jurists explicitly debate those distinctions. Their answer must be assessed as an interpretation of scope, rather than represented as wording already present in the report.

A defensible reading thus requires two demonstrations. A supplementary claim must not merely duplicate an expressly delimited obligation at official pleasure. It must also be shown to arise from another valid ground whose application is compatible

with the exclusivity language. Neither the existence of a government nor the existence of an unmet desire for expenditure is sufficient to supply that demonstration. This keeps the restrictive text operative even within a theory that recognizes some additional duties.

Why the competing maxims cannot settle the dispute

Two often-cited formulations appear to offer a simpler answer: that wealth has a right besides zakāt, and that wealth has no right besides zakāt. Al-Tirmidhī 659–660 transmits the former, while Ibn Mājah 1789 transmits the latter. In the consulted witnesses both are graded weak. More significantly, al-Tirmidhī himself criticizes the chain, identifies Abū Ḥamza Maymūn al-Aʿwar as weak, and prefers the transmission as al-Shaʿbī's own statement. These are not two equally secure prophetic declarations between which a writer may choose according to fiscal preference. (Al-Tirmidhī, *Jāmiʿ*, nos. 659–660, especially the compiler's comment at 660; Ibn Mājah, *Sunan*, no. 1789.)

Weakness in the exclusive maxim does not remove the authentic evidence in al-Bukhārī 46. Weakness in the inclusive maxim does not demonstrate that no independently grounded obligation beyond zakāt exists. Authentication and interpretation perform different tasks. The first determines what can responsibly be attributed; the second examines the scope and relationship of the evidence that remains. An argument that confuses these tasks may reach a conclusion congenial to one political position while leaving its central premise unproved.

Maks and the identification of wrongful exaction

The condemnation of *maks* has a secure basis in Muslim 1695b. In the account concerning the woman of Ghāmid, the Prophet describes the depth of her repentance by saying that even a *ṣāḥib maks* would have been forgiven through such repentance. The comparison presupposes grave culpability. A fiscal argument cannot make that condemnation disappear because another commonly quoted report has a disputed transmission. (Muslim, *Ṣaḥīḥ*, *Kitāb al-ḥudūd*, no. 1695b.)

The statement excluding the collector of maks from Paradise appears separately in Abū Dāwūd 2937. The consulted edition records al-Albānī's weak grading. That should be reported precisely; it neither establishes fabrication nor warrants claiming universal agreement about the grading. The present argument rests upon Muslim's independently transmitted condemnation rather than requiring the disputed wording to bear its principal evidentiary weight. (Abū Dāwūd, *Sunan*, no. 2937.)

Translation can prematurely decide the legal issue. Rendering *ṣāḥib maks* simply as "tax collector" makes every institution included in a modern English category appear already condemned. Rendering it as "collector of unlawful taxes" makes the legal qualification explicit but still leaves the question of unlawfulness to be established. The transparent procedure is to retain the Arabic term initially and then examine the legal interpretation applied to it.

Al-Nawawī explains the gravity of maks through repeated injuries, numerous claims by wronged people, taking property without a valid right, and spending it improperly. This is a later juristic explanation of the report, not a longer version of the Prophet's speech. It locates the wrong in entitlement and conduct. It does not provide a complete test for every subsequent fiscal institution. (Al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim*, commentary on no. 1695, *Kitāb al-ḥudūd*, chapter on confession to zinā.)

The implications run in both directions. A government cannot vindicate an exaction merely by calling it a tax and recording it in a budget. A critic cannot establish that a specific assessment is maks merely by noting that it is compulsory. The legal ground, amount, collection, and destination must be examined. Useful expenditure does not retrospectively establish a right to take; lawful collection does not authorize wrongful expenditure. The condemnation therefore remains a substantive restriction while its application requires argument.

Voluntary finance and public responsibility

Muslim 1017a describes an appeal for contributions after the Prophet encounters people in severe poverty. Al-Bukhārī 2778 preserves ʻUthmān's recollection of equipping the army of hardship and the companions' confirmation. These reports establish the use of solicited giving for relief and military support. They do not themselves provide a complete budget or state that every other method of financing those functions was forbidden. The second account should not be embellished with a precise total absent from the cited text. (Muslim, *Kitāb al-zakāt*, no. 1017a; al-Bukhārī, *Kitāb al-waṣāyā*, no. 2778.)

An argument from voluntary practice to universal prohibition needs additional premises. It must show that the compulsory alternative was available, that the relevant occasion for using it existed, and that the reported omission carries a prohibitive meaning. A narrative of donations establishes what occurred in that narrative. Silence concerning an assessment does not by itself establish a rule for every later emergency. Conversely, such narratives remind the analyst that an obligation to meet a need need not always be discharged through a centralized levy.

Muslim 1757a also reports that property of Banū al-Naḍīr supported annual household provision, with the remainder used for military mounts and weapons. The legal setting is fay' and a particular prophetic entitlement. It is not a general tax on personal income. Nevertheless, it contradicts a fiscal picture in which defense depended exclusively upon optional contributions. Different revenues and methods of provision coexisted in the selected evidence. (Muslim, *Kitāb al-jihād wa-l-siyar*, no. 1757a.)

Other reports identify responsibilities that later jurists connect to compulsory relief. Muslim 1728 records an instruction to share surplus mounts and provisions with those lacking them. The concluding observation about having no claim to surplus belongs to the narrator, Abū Saʻīd al-Khudrī; it should not be rewritten as an independently articulated universal confiscation rule. Al-Bukhārī 5373 commands

feeding the hungry and releasing captives. These texts identify serious responsibilities. They do not themselves prescribe an annual tax base, an assessment office, or a general expenditure account. The argument connecting duty with an enforceable financing mechanism belongs to jurisprudence. (Muslim, *Kitāb al-luqaṭa*, no. 1728; al-Bukhārī, *Kitāb al-aṭʿima*, no. 5373.)

7.4 Early caliphal finance and the interpretation of precedent

Retaining land for later beneficiaries

Al-Bukhārī 3125 transmits ʿUmar's statement that concern for later Muslims prevented him from distributing every conquered settlement as Khaybar had been distributed. This is a companion statement, with a reference to prophetic practice, rather than a direct prophetic enactment of a complete kharāj system. It provides a strong textual basis for an intergenerational consideration in the disposition of conquered resources. It does not authenticate every detail of later accounts of the deliberations. (Al-Bukhārī, *Kitāb farḍ al-khumus*, no. 3125.)

Abū Yūsuf's *Kitāb al-Kharāj* supplies a much fuller account. Its extended narrative of the Iraqi land question begins with transmission from more than one unnamed Medinan scholar. It attributes to ʿUmar concern for garrisons, descendants, widows, and later Muslims, and describes retaining land and cultivators while imposing kharāj and jizya. The revenue is represented as supporting continuing obligations. These passages are valuable evidence of the historical and legal tradition available to Abū Yūsuf. Their opening transmission formula does not warrant treating every attributed speech as authenticated by the shorter report in al-Bukhārī. (Abū Yūsuf, *Kitāb al-Kharāj*, ed. Saʿd and Muḥammad, pp. 35–36.)

The institutional distinction matters as much as the transmission distinction. Retaining a revenue-producing conquered asset prevents its immediate distribution and preserves a continuing source of provision. A recurring claim associated with that land differs from a claim upon every resident's earnings. The example therefore supports neither a voluntary-only account of early finance nor an unrestricted contemporary income-tax power. It demonstrates a particular response to the disposition of conquered resources, justified in the transmitted account through continuing collective claims.

The Khaybar comparison requires equal precision. Al-Bukhārī 2331 describes Jewish cultivators working the land in return for half its produce. A share in the yield of identified land under a cultivation arrangement is not a universal 50 percent tax upon all income. Nor should the arrangement be represented as a modern bargain between parties possessing equal political power; its conquered-land setting remains relevant. Numerical similarity between two payments cannot establish identity of legal institution. (Al-Bukhārī, *Kitāb al-muzāraʿa*, no. 2331.)

The assessment and the safeguard in the same report

A more direct report of actual assessment appears in al-Bukhārī 3700. Shortly before his death, ʿUmar questioned Ḥudhayfa and ʿUthmān b. Ḥunayf about whether they had burdened the land beyond its capacity. Ibn Ḥajar identifies the setting as the Sawād of Iraq and the revenues as land kharāj and jizya. The same long narration recommends taking from Muslim townspeople only their surplus with their consent, and respecting protected inhabitants' agreements and ability. The assessment cannot be erased, and the safeguards cannot be omitted. The report establishes particular compulsory revenues, not a general levy on every Muslim's wages. Its extension to modern privately acquired land requires an argument about the relevant legal relationship. (Al-Bukhārī, no. 3700; Ibn Ḥajar, Fatḥ al-bārī, VII:77, 85.)

Jizya and the coexistence of liability with safeguards

Abū Yūsuf's treatment of jizya identifies annual assessments differentiated by means, with exemptions and qualifications relating to age, poverty, incapacity, and work. His specified rates belong to his juristic formulation; they are not numbers stated in Qurʾān 9:29. His discussion of disability and monastic life also turns partly upon resources, making a blanket claim that every person within either category was exempt inaccurate. (Abū Yūsuf, *Kitāb al-Kharāj*, pp. 135–136.)

The collection instructions are equally revealing. He prohibits beatings, exposure to the sun, and bodily mistreatment of protected non-Muslims in collecting jizya. He nevertheless allows detention of liable persons until payment and rejects selective arbitrary exemption. Humane collection, in his formulation, coexists with compulsion and differentiated religious status. The source should be neither idealized into voluntary fiscal partnership nor reduced to an authorization of unrestricted abuse. Its protections and coercive elements are both part of its legal structure. (Ibid., p. 136.)

This coexistence has a broader implication for the study of political theology. A legal restriction upon coercion does not necessarily abolish coercive authority. Conversely, acknowledgment of coercive authority does not make the restriction merely decorative. The historical question concerns how such rules operated; the juristic question concerns what the author authorized. A prescriptive treatise cannot, without additional evidence, establish that its safeguards were consistently observed by administrations.

Trade receipts and the danger of collapsing categories

In his chapter on ʿushūr, Abū Yūsuf distinguishes quarter-tenth, half-tenth, and tenth assessments associated with Muslim traders, protected non-Muslim traders, and foreign traders classified as *ahl al-ḥarb*: 2.5, 5, and 10 percent respectively. The immediate setting concerns commercial goods passing collectors, with thresholds and other qualifications. The term ʿushūr does not make every receipt literally a tenth. (Ibid., p. 146.)

His expenditure classification is decisive. Muslim receipts follow the disposition of ṣadaqa; the other specified receipts follow kharāj. The Muslim assessment should therefore not be casually portrayed as an additional customs charge imposed on top of zakāt. One collection apparatus can administer legally different obligations. Ignoring the destination of the receipts obscures their character as surely as ignoring their rate or payer. (Ibid., p. 148.)

Abū Yūsuf also transmits an account of correspondence between Abū Mūsā and ʿUmar in which treatment of Muslim merchants abroad supplies a reciprocity rationale. That account is evidence for administrative reasoning within the transmitted tradition; it is not direct prophetic legislation. The passage's chain through al-Ḥasan does not identify his eyewitness source for the correspondence. This study therefore does not assign it an independent authenticity grade. (Ibid., pp. 148–149.)

These distinctions expose the weakness of an argument that "customs existed, therefore any contemporary consumption or border tax is authorized." One must still establish who bore the earlier payment, whether it was zakāt, treaty liability, reciprocity, or another claim, and which aspect is relevant to the proposed analogy. Historical resemblance can initiate legal analysis. It cannot replace it.

Collection incentives and the meaning of lawful assessment

Abū Yūsuf's objection to abusive tax farming concerns contractors' incentives to extract more than is owed, injure cultivators, and damage production. His discussion also considers a supervised arrangement proposed by consenting inhabitants; it is not accurately summarized as an unconditional ban upon every collection intermediary. The governing distinctions include both capacity and entitlement: a demand may exceed what people can bear, or it may demand something they do not owe. Those are different defects. (Ibid., pp. 119–120.)

A financially bearable exaction may remain unauthorized. An authorized assessment may still be collected through prohibited means. A government might maximize immediate receipts while undermining the productive activity that sustains future provision. Abū Yūsuf's argument connects moral restraint with administrative consequences without reducing the former to revenue efficiency. Even if harsh extraction proved temporarily profitable, profitability would not establish the missing legal right.

The early fiscal materials thus offer more than a list of taxes. They preserve arguments about future beneficiaries, differentiated liabilities, restricted funds, administrative incentives, and the limits of collection. Their relevance to modern government depends upon reconstructing those arguments, including their historical and evidentiary boundaries.

7.5 Juristic constructions of obligations beyond zakāt

Al-Māwardī on treasury liabilities and collective duties

Al-Māwardī's discussion of the treasury in *al-Aḥkām al-sulṭāniyya* distinguishes custody of designated funds from obligations borne by the treasury itself. Within the latter category, claims arising as consideration, including military pay and the prices of mounts and arms, remain liabilities even when resources are absent. Other expenditures for public benefit and facilities depend upon available funds. If their omission would cause general harm, the task becomes a collective obligation until adequately performed; where an alternative road or water supply prevents that harm, the corresponding obligation does not persist. He also allows borrowing for debt claims under a stated fear of disorder, while distinguishing these from facilities expenditure. (Al-Māwardī, *al-Aḥkām al-sulṭāniyya*, ch. 18, fourth division concerning treasury income and expenditure, consulted pagination pp. 266–268, especially p. 267.)

The analytical importance lies in the separation of a treasury's physical holdings, its outstanding liabilities, and responsibilities falling upon the community. A shortage does not extinguish every claim. Nor does recognition of a public benefit make every proposed expenditure an immediately enforceable treasury debt. A collective duty establishes that a task must be accomplished; it does not, by itself, specify that every individual owes a fixed payment into a general fund.

This distinction complicates appeals to governmental necessity. "The state needs money" is insufficiently precise. Does the claimed need concern an already incurred obligation, an indispensable task that otherwise remains unperformed, or a beneficial improvement for which alternatives exist? Each classification may produce a different legal consequence. The treasury's inability to pay cannot be treated either as universal exemption from responsibility or as a universal authorization to create new liabilities for others.

Al-Ghazālī on an assessment for military necessity

Al-Ghazālī's *al-Mustaṣfā* discusses imposing an assessment within its examination of public welfare as legal reasoning. He begins with a refusal: the assessment is unavailable while soldiers possess abundant funds. The affirmative case supposes inadequate resources for military expenses and a danger that dispersal of the army to seek livelihoods will expose the polity to attack or serious disorder. Under those conditions the imam may assess the wealthy sufficiently to maintain the troops. Land may serve as a distribution base. The reasoning weighs a limited material burden against a more serious danger to life and possessions. (Al-Ghazālī, *al-Mustaṣfā*, ed. ʿAbd al-Shāfī, pp. 177–178.)

The restrictive opening is essential. Quoting only the permission would turn a conditional argument into a general prerogative. The conditions form part of the legal justification, rather than optional moral advice.

The conceptual move is also more exact than a claim that necessity overrides the law. Al-Ghazālī argues from an understanding of the law's purposes and the relative harms involved. The contribution is justified as a means of protecting legally important interests. This makes the permission a juristic conclusion about the relation among norms, rather than a suspension of normative judgment whenever the government encounters difficulty.

Nevertheless, the move has a potential weakness that a rigorous reconstruction must expose. The predicted danger is assessed by human agents, and the state seeking funds may influence that assessment. The passage identifies substantive conditions without providing a complete independent process for testing them. A modern institution invoking the argument must therefore explain not only why its expenditure is comparable, but how the relevant scarcity, danger, amount, and allocation will be established. Administrative assertion is evidence of a claim, not proof of its premises.

Here *tawẓīf al-kharāj* denotes a proposed assessment; land is one possible allocation base. Fiscal vocabulary therefore requires contextual interpretation rather than automatic identification with the conquered-land institution.

Al-Shāṭibī on justice and the duration of necessity

Al-Shāṭibī's fifth practical example in *al-Iʿtiṣām* similarly concerns unmet military needs and an empty treasury. He expressly requires a just imam, permits assessment of the wealthy sufficient for the present need, and connects its continuation to the absence of treasury resources. Distribution must avoid destructive burdens. His explanation makes the permission proportionate to the necessity and considers borrowing where future income can reasonably be expected. He expressly relates the discussion to earlier jurists, including al-Ghazālī. (Al-Shāṭibī, *al-Iʿtiṣām*, ed. al-Hilālī, II:619–620.)

The qualification "if he is just" creates a serious obstacle to presenting the text as unconditional ratification of any incumbent's demand. It makes the character and conduct of authority relevant to the financial permission. Yet the passage does not fully specify who decides whether the condition is met, how affected people can challenge its absence, or what procedural consequences follow disagreement. A normative condition and an enforceable institutional safeguard are not identical. The former can guide the latter, but the institutional work remains to be done.

Duration is equally significant. A financing permission grounded in a shortfall must be re-examined when the shortfall changes. Otherwise the condition disappears from the operation of the rule while remaining in its rhetoric. A government cannot faithfully invoke a temporary necessity argument while treating the resulting revenue as permanently available irrespective of later circumstances.

This does not establish that every recurring levy is prohibited. A recurring need may require a different and continuing justification. The point is that a recurrent liability cannot be justified solely by a necessity that has ended. Whether defense, relief, or

another public function warrants stable financing must be defended on the basis of the continuing function, its costs, and alternative resources. An emergency argument and a theory of ordinary public finance are related but distinct constructions.

Al-Shāṭibī's assertion that earlier generations had less occasion for such assessments because treasury resources were ample must likewise remain attributed to him. It explains his legal example; it is not an independently established description of every early administration. A scholar cannot use an author's historical generalization as verified fiscal data merely because the author's normative argument is influential.

Ibn Ḥazm on enforceable provision for the poor

Ibn Ḥazm provides a different route to an additional obligation. In issue 725 of *al-Muḥallā*, he requires the affluent of each locality to support its poor and authorizes the ruler to compel performance when zakāt and other Muslim funds are insufficient. The specified provision includes indispensable food, clothing appropriate to the seasons, and shelter protecting against weather and exposure to passersby. His argument invokes scriptural responsibilities and contests the claim that zakāt exhausts every financial right. (Ibn Ḥazm, *al-Muḥallā bi-l-āthār*, issue 725, IV:281–284.)

Here the beneficiary's claim precedes the ruler's enforcement. The duty is defined through an unmet need and the capacity of those responsible to supply it. The ruler does not first acquire an unrestricted revenue power and then choose whether to relieve poverty. This order is legally significant: enforcement serves an identified obligation, while the obligation sets limits upon the purpose and measure of enforcement.

The example also prevents additional obligations from being confined conceptually to a sudden military emergency. Hunger and inadequate shelter can persist. If the relevant duty is to secure indispensable provision, repetition of the need can sustain repetition of the duty. That does not automatically settle whether a permanent national assessment is the proper mechanism. It does establish that the category of additional obligation cannot be exhausted by one exceptional wartime scenario.

Ibn Ḥazm's position must, however, be read alongside issue 702. There he rejects zakāt or commercial tithes upon Muslim merchants' trade goods according to his own classification of liable property. He also rejects additional exactions from protected non-Muslims unless the relevant payment formed part of the original agreement. He disputes the evidentiary use of reports concerning ʿUmar by his opponents. This is a particular juristic position, not a general Sunni rule about trade goods. (Ibid., issue 702, IV:234–236.)

The conjunction is instructive. A jurist can oppose particular revenue mechanisms while authorizing compulsory relief beyond zakāt. These positions are not contradictory if the accepted and rejected claims have different legal grounds. "Ibn

Ḥazm permits taxation” conceals that distinction; “Ibn Ḥazm forbids every payment beyond zakāt” contradicts his relief doctrine. His position requires an examination of the basis of each entitlement rather than submission to one universal fiscal slogan.

There is also a methodological difference from the military examples. The analysis of Ibn Ḥazm should not be absorbed into an undifferentiated theory of unrestricted public welfare. His case can be reconstructed through duties he regards as established by the texts and their implications for persons in need. Similar practical outcomes may emerge from different legal methods. Agreement that an additional payment may be compelled in one case does not demonstrate agreement about how new obligations are generated in every case.

Ibn ʿĀbidīn on rightful charges and remedies under oppression

The discussion in Ibn ʿĀbidīn’s *Radd al-muḥtār* is especially valuable because it preserves both legitimate additional charges and a warning against validating oppression. In the book on surety, he transmits from *al-Fatḥ* examples of rightful obligations: guards’ remuneration, clearing a shared canal, military equipment, and ransom under specified financial conditions. The explanation distinguishes expenses not borne by the treasury from expenses belonging to it when it contains no funds. It contrasts these with wrongful recurring occupational exactions, including charges upon trades mentioned in the example. (Ibn ʿĀbidīn, *Radd al-muḥtār*, Dār al-Fikr, 1415/1995, V:466.)

This passage broadens the field beyond imminent invasion. Shared services can generate legally recognized obligations. Yet its distinction between rightful and wrongful charges prevents “public service” from becoming a label that validates every demand. The object, responsible parties, and financial circumstances remain relevant. The author’s reference to agreement concerns the legal treatment of guarantees for rightful obligations; it must not be expanded into a universal consensus authorizing modern taxation in general.

The following page addresses the harder problem of guarantees and reimbursement under oppressive exactions. Ibn ʿĀbidīn discusses conflicting positions and records the distinction between a guarantor’s recourse against the person on whose instructions payment was made and recognition of the oppressor’s supposed entitlement. The explanation expressly refuses to let a practical remedy become confirmation of the wrong. Its attribution is layered: Ibn ʿĀbidīn is transmitting and assessing earlier Ḥanafī discussions, including a marginal explanation he tentatively associates with another scholar. (Ibid., V:467.)

This distinction bears directly upon the book’s wider question about accommodation to power. A legal system may recognize reimbursement between private parties because one has paid to release another from coercion. That recognition need not concede that the coercive authority had a valid claim. Likewise, recognizing a transaction conducted in an unjust fiscal environment need not legitimate the exaction that burdened it. The treatment of consequences can preserve social relations under wrongdoing while continuing to condemn the wrong itself.

The distinction can also be abused if its limits are forgotten. Repeated practical accommodation may make an oppressive arrangement administratively durable. That is a historical possibility requiring evidence in each case, rather than a conclusion established by the mere existence of remedial doctrine. A rigorous analysis must distinguish an author's normative justification from the institutional effects that a historian may later demonstrate. The source does not permit all accommodation to be described as principled approval, nor all practical benefit to be treated as proof that the rule constrained rulers effectively.

7.6 Khums and the plurality of Islamic fiscal jurisprudence

A study centered on Sunni texts would be incomplete if it treated its selected inventory as exhaustive of Islamic jurisprudence. Al-Mufīd's *al-Muqniʿa*, in its chapter on khums and gains, includes surplus proceeds of commerce, agriculture, and crafts beyond moderate annual maintenance and sufficiency among the gains subject to khums. His treatment therefore recognizes a substantial recurrent financial obligation associated with surplus earnings. (Al-Mufīd, *al-Muqniʿa*, ch. 34, p. 276.)

The contemporary Twelver jurist ʿAlī al-Sīstānī likewise identifies surplus earnings among the categories of khums. His *Islamic Laws*, ruling 1769, discusses a fifth of earnings remaining after the person's and family's annual living expenses, while subsequent rulings elaborate deductions and accounting. This is primary evidence for a particular continuing juristic formulation. It should not be used to imply that all Muslim schools employ the same treatment of earnings. (Al-Sīstānī, *Islamic Laws*, rulings 1768–1769, 1791–1792.)

Two distinctions are essential. First, this khums doctrine is a juristic understanding of a recognized religious obligation. The existence of its broad earnings category does not establish that Qurʾān 8:41 transparently contains a modern comprehensive income-tax statute. The interpretive and transmitted framework by which the category is developed must remain visible. A Sunni translation that supplies "spoils of war" cannot, on its own, adjudicate the Twelver legal argument; equally, the later doctrine cannot be silently substituted for the verse's entire historical setting.

Second, recognition of a liability does not identify every modern government as its authorized recipient. Allocation, administration, and authority must still be established, including within debates about authority during the Imam's occultation. A duty to pay khums cannot simply be converted into a power of any territorial state to collect the same amount for any public expenditure. The amount of a payment and the title under which it is demanded remain separate questions.

The comparison therefore supplies a corrective rather than a shortcut. It shows why "Islam permits only zakāt" is too imprecise to describe the whole juristic field. It also shows why discovering another obligatory payment does not eliminate restrictions upon public power. Plurality concerns both the range of recognized liabilities and the institutions entitled to receive and administer them.

7.7 Modern taxation and the contested claim to private wealth

The strongest argument for continuing public finance

A serious restrictive argument must address the strongest permissive case. Some public obligations continue, while the most familiar classical assessments concern particular shortfalls. Modern jurists argue that necessary institutions require predictable financing and that broader assessment bases may distribute that burden fairly. The issue is not whether these functions matter. It is whether their importance establishes an enduring public claim upon private earnings, or whether every additional compulsory claim must remain dependent upon a more specific obligation, justified amount and unmet need. The arguments considered below establish the controversy to which this revision gives a restrictive answer.

Yūsuf al-Qaraḍāwī explicitly develops a modern tax argument in *Fiqh al-zakāh*. His discussion requires a real financial need not met by other resources, just distribution of burdens, expenditure for public interests rather than rulers' indulgence, and approval through the community's consultative authorities. He connects their role with examining need, resources, distribution, and subsequent expenditure. His account therefore permits modern fiscal instruments while making their legitimacy conditional. (Al-Qaraḍāwī, *Fiqh al-zakāh*, part II, section on zakāt and taxation, subsection on the conditions of taxation; consulted electronic part-II PDF, pp. 532–538.)

This formulation changes the institutional emphasis. Consultation is relevant not only to choosing a ruler but also to evaluating a financial claim. The significance of that move can be assessed independently of agreement with every part of the author's fiscal theory. If public need is the asserted ground, those who bear the burden require some reliable means of assessing the claim. Otherwise the limitation remains dependent upon the unilateral judgment of the authority benefiting from it.

Egypt's Dār al-Iftāʾ offers a more explicitly continuing public-finance argument in fatwa 3208, issued on 9 April 2015. It describes fair taxation as supporting collective services and the expanded responsibilities of contemporary government, emphasizes stable resources for those responsibilities, and grounds the state's claim partly in the citizenship contract. This is an institutional juristic position, not evidence of unanimity or proof that every existing assessment satisfies its stated assumptions. (Dār al-Iftāʾ al-Miṣriyya, "Al-ḍarāʾib allatī tafriḍuhā al-dawla," fatwa 3208.)

The move from emergency to citizenship is conceptually substantial. An emergency justification asks whether a particular danger requires an exceptional contribution. A citizenship justification asks whether participation in an enduring political association generates reciprocal obligations to finance its common institutions. The second can support stable arrangements, but it needs an account of membership, representation, public duties, and the fairness of burdens. Calling the relationship contractual does not alone demonstrate meaningful consent to every term imposed by an incumbent.

The most difficult case is a government that provides indispensable services while exercising power without adequate accountability. The services do not become unreal because the authority is deficient. The deficiency does not disappear because the services are useful. A complete doctrine must distinguish the community's continuing needs, the legitimacy of particular revenue claims, and the misconduct of officeholders. Treating all three questions as identical either excuses abuse or leaves essential obligations without an adequate account of performance.

Income and consumption as assessment bases

An income tax and a consumption tax identify resources or events by which a liability is calculated; neither description establishes the state's underlying entitlement. Their contemporary form alone does not prove prohibition, but administrative innovation cannot itself overcome protected ownership. The restrictive inquiry begins before the choice of base: what independently valid obligation authorises this additional compulsory payment? Only after that question is answered can the liable persons, assessment, exemptions and destination be justified. A formula for collecting revenue cannot supply the missing right to collect it.

An income-based assessment may be defended as a way to relate contributions to capacity. That defense requires care about what counts as disposable capacity: gross receipts, business costs, essential maintenance, debt obligations, and exceptional losses are not interchangeable. A reference to the wealthy in a classical necessity argument cannot be translated directly into an identical charge upon every person receiving a wage. If capacity is central to the justification, the definition of the base must reflect it.

A consumption-based assessment raises a different incidence question. Equal rates on purchases do not necessarily produce equal burdens relative to resources. Consider a purely illustrative case: two households face the same added charge on a basic necessity, but one has almost no resources after essential expenses and the other has a substantial surplus. The nominal equality of the charge does not answer whether the burden is proportionate. This is an analytical example, not a claim about the effects of a particular country's tax. Its purpose is to show why formal equality requires examination alongside ability and need.

The same reasoning prevents a blanket judgment based on labels such as "progressive," "flat," or "indirect." The actual base, exemptions, cumulative burdens, and use of revenue matter. A favorable description of the rate structure cannot compensate for an invalid purpose or abusive collection. Conversely, a criticism of one design does not demonstrate that every possible design of the same general instrument is prohibited. The classical discussions provide reasons and constraints; contemporary institutional choices require additional factual and legal analysis.

Tax payment and the discharge of zakāt

Even where a non-zakāt tax is judged legitimate, it does not follow that payment discharges zakāt. The two claims can differ in their basis, assessment, recipients,

and administration. Ibn Bāz's answer to the specific question whether taxes substitute for zakāt rejects that substitution. His statement is an identifiable juristic position; the broader analytical point is that discharge of one liability cannot be assumed merely because another payment has also reached a public authority. (Ibn Bāz, "Hal taqūm al-ḍarāʾib maqām al-zakāt," official fatwa archive, no. 22119.)

A public system expressly collecting zakāt as zakāt presents a different question from an ordinary tax whose proceeds enter a general expenditure account. Similarly, a civil tax credit for a charitable or zakāt payment concerns the interaction of two assessment systems; it does not, by itself, determine religious discharge. One must examine what was paid, on whose behalf, under what legal characterization, and to which eligible destination. A general assertion that "the government already takes money" leaves those questions unanswered.

The inverse inference also fails. Distinguishing a tax from zakāt does not itself prove the tax illegitimate. That would assume the proposition under dispute: that zakāt exhausts every possible public or social financial obligation. The existence of separate liabilities and the validity of each liability require separate demonstrations.

The strongest restrictive reading

The preceding distinctions do not require neutrality between every proposed extension of fiscal power. This revision advances a restrictive conclusion: political office does not establish an independent entitlement to impose recurring financial liabilities upon the lawfully held private wealth of those governed. Where no separate, specifically established liability applies, zakāt supplies the regular compulsory religious due, while additional giving remains voluntary. A departure from that position requires its own legal justification. This is the interpretive position defended here within the Sunni framework principally examined in this chapter; it is neither an assertion of agreement across all schools nor a denial of the distinct obligations already identified. The discussion of zakāt concerns Muslims' particular religious liability; it does not limit protection against wrongful appropriation to Muslim owners. Distinct fiscal obligations do not remove other persons' property rights or the protection of their agreements.

Its foundation is cumulative. Qurʾān 4:29 and 2:188 prohibit wrongful appropriation; al-Bukhārī 67 affirms the inviolability of property; al-Bukhārī 46 places additional performance beyond the enumerated zakāt obligation in the voluntary category; and al-Bukhārī 1454 refuses an official demand exceeding the prescribed assessment. Together these establish a protected interest and an expressly bounded ordinary charge. Taken together, these passages address entitlement as well as administration: a fair method of collection cannot supply an absent right to collect. (Qurʾān 4:29; 2:188; al-Bukhārī, Ṣaḥīḥ, nos. 46, 67, 1454.)

None of those reports separately supplies a complete modern fiscal constitution. Their combined significance is nevertheless substantial: the person possessing wealth need not demonstrate a special exemption from every new governmental demand. The authority proposing the additional obligation must establish the ground

that displaces the protection already recognised. The distinction between tax and zakāt therefore does not automatically prohibit the tax, but neither does it leave the state free to create an independent liability by naming it differently. Legislative enactment identifies the demand; it does not, without further reasoning, establish its conformity with the Sharīʿa.

An obligation of support and a right of collection

A duty owed by an owner must also be distinguished from a revenue entitlement possessed by government. A creditor, dependent or person facing starvation may have an enforceable claim without the treasury acquiring an unrestricted claim to the owner's income. Public authority may establish and administer that obligation, but its competence remains related to the right being enforced. Otherwise every recognised duty of assistance could become a pretext for general appropriation. The relevant questions concern the beneficiary, the person responsible, the extent of the unmet obligation, and the authority competent to enforce it.

Ibn Ḥazm's compulsory provision for the poor illustrates this distinction. His argument identifies affluent persons, deficiencies in existing resources, and basic necessities to be supplied. Accepting that reasoning does not entail accepting an annual governmental claim over all earnings. The beneficiary's entitlement explains the intervention; the bare existence of a treasury does not. A modern administration must therefore do more than identify some beneficial expenditure within its budget. It must show why the particular burden imposed follows from an obligation that it is authorised to enforce. (Ibn Ḥazm, al-Muḥallā, issue 725.)

The same discipline preserves the distinctions already established concerning jizya, kharāj and khums. Their existence defeats an undifferentiated claim that Islamic public revenue consists exclusively of zakāt and gifts. It does not establish that every government possesses an interchangeable right to tax every asset. Nor should Twelver doctrine concerning surplus earnings be erased to construct an artificial unanimity. Each recognised liability must retain its own basis and authorised administration. An analogy from one category to a new income or property assessment must establish the relevant legal connection rather than rely upon the shared fact that money reaches an institution.

Public necessity and the rejection of an autonomous tax power

Al-Albānī articulates an expressly restrictive modern position in his discussion of taxation in As'ilat al-Imārāt. He rejects permanent tax laws conceived as enduring fiscal entitlements, while permitting specified assessments in particular circumstances. His example concerns defensive preparation when treasury resources cannot meet an attack: those capable of contributing bear the required assessment, and its justification ends when the relevant cause disappears. This is evidence for an identifiable juristic position, rather than proof of the consensus claimed in the speech. Its treatment of al-Shāṭibī must also remain distinct from that

author’s fuller discussion examined above. (Al-Albānī, As’ilat al-Imārāt, section “Ḥukm al-ḍarāʾib fī al-Islām”.)

The principle worth defending is that necessity supplies a limited reason for collection, not an independent sovereign power to appropriate. A public obligation may continue, and its necessary costs may recur, without its financing becoming exempt from renewed justification. Conversely, declaring an expenditure desirable does not establish necessity. The collecting authority cannot expand its programme, call the resulting deficit unavoidable, and use that deficit as conclusive evidence of its entitlement. The obligation, available alternatives, necessary amount and responsible contributors must remain open to examination.

The assessment formula follows that inquiry. Income or land value may measure capacity, but neither measurement establishes the underlying right to collect. A flat percentage is not prohibited merely because it is a percentage; zakāt itself employs prescribed rates. The objection is to treating the selected base as permanently available for additional extraction regardless of an independently demonstrated obligation. Under the restrictive position defended here, an assessment justified only by a legislative preference for financing beneficial but nonobligatory expenditure is unlawful. Essential communal functions require financing, but their existence cannot validate every institution, expenditure and distribution of burdens assembled beneath the description of public service.

Historical omission and the burden of justification

The argument does not rest upon the proposition that everything absent from prophetic administration is forbidden. New procedures can implement recognised obligations. The stronger objection is that an autonomous recurring claim upon protected wealth requires more than the observation that modern institutions differ from early ones. The authenticated appeals for voluntary relief and military provision demonstrate available forms of collective action without establishing a universal prohibition through silence. Read with the affirmative restrictions on appropriation and assessment, they nevertheless undermine the assumption that public need naturally or invariably generates a general tax power.

The conclusion is consequently a substantive position in a contested legal field. Ordinary private wealth is protected against an additional standing fiscal claim whose legitimacy is inferred merely from territorial government, legislative approval or useful expenditure. A government invoking a distinct prescribed liability must prove its application; one invoking necessity must prove the relevant obligation and the conditions limiting collection. The critical case against modern taxation is strongest where those conditions disappear and exceptional or specific authority becomes a permanent, self-justifying entitlement. The following accountability requirements give practical expression to that restriction.

7.8 Fiscal accountability and the burden of justification

The right to collect does not include a right to private enrichment

The report of Ibn al-Lutbiyya provides a direct test of the relation between office and personal benefit. After an appointed collector distinguishes official receipts from gifts allegedly given to him, the Prophet asks whether those gifts would have arrived had he remained in his parents' house. The question tests the benefit's connection with the appointment. An authorized role does not make opportunities generated by that role the officer's personal entitlement. (Muslim, *Kitāb al-imāra*, no. 1832a.)

Al-Bukhārī 3118 separately condemns disposing of God's wealth without right. These reports locate accountability beyond the initial assessment. It concerns what the officer receives personally, what reaches the designated account, and how it is subsequently used. An institution can assess the correct amount and still commit a fiscal wrong through diversion or unauthorized expenditure. Conversely, the discovery of an officer's wrongdoing does not, without further analysis, determine that every original liability administered by that office was invalid. (Al-Bukhārī, *Kitāb farḍ al-khumus*, no. 3118.)

Property's protected status supplies another part of this analysis. Al-Bukhārī 67 places property alongside blood and honor in the declaration of inviolability. That protection does not cancel a specifically established due. It does prevent a theory under which private possession is merely whatever government has provisionally decided not to take. A claim of public interest must identify the right that authorizes the interference. (Al-Bukhārī, *Kitāb al-ʿilm*, no. 67.)

Making the conditions capable of examination

The following requirements are a comparative synthesis of the preceding sources, not a list reproduced from a single classical authority. They identify the matters that an argument for a new or continuing assessment must address if its conditions are to have practical meaning.

The legal ground must be identified. A fixed religious due, a beneficiary's right to basic support, a shared-service obligation, a contractual commitment, and an emergency assessment involve different reasons for payment. A government should not invoke whichever description is convenient at each stage. If an assessment is defended by emergency necessity during authorization, it cannot become ordinary unrestricted revenue during expenditure without further justification.

The relevant need and resources must be established. Where insufficiency is a condition, an assertion of deficit is not enough. One must distinguish unavoidable costs from discretionary projects, unavailable resources from concealed or diverted resources, and genuinely competing claims from expenditures that can be postponed. The classical texts do not provide a contemporary accounting standard. Their conditions nevertheless require factual inquiry if they are to constrain decisions rather than decorate them. Al-Ghazālī's refusal in the presence of ample

resources and al-Shāṭibī's endpoint when funds become available make that requirement especially clear.

The burden must be related to the justification. An assessment justified by the capacity of the wealthy cannot be evaluated solely by its aggregate yield. Its incidence must be examined: who pays, what essential provision remains, whether some groups are arbitrarily favored, and how multiple charges interact. A lawful purpose does not by itself establish a lawful distribution of its costs. Abū Yūsuf's separate concerns with entitlement and capacity, and Ibn Ḥazm's identification of affluent persons responsible for unmet basic provision, supply distinct reasons for this inquiry.

The proceeds must remain subject to their authorized purpose. An allocation rule loses practical force if officials can move restricted receipts into a general account and describe the transfer as administrative convenience. This does not mean that every fund must be administered by a different physical institution. It means that common custody must not erase distinct entitlements. Abū Yūsuf's classification of trade receipts and al-Māwardī's distinction between custody and treasury obligation are particularly instructive here.

Continuation requires continuing justification. A temporary need calls for an endpoint or reassessment; a recurrent responsibility calls for regular reconsideration of cost and means. Stable financing need not imply an unreviewable claim. Likewise, review does not require dismantling essential institutions at every accounting period. The question is whether the basis and scale of the burden remain demonstrable as circumstances change.

Those assessing the claim must be answerable for errors and abuse. Published accounts, representative authorization, independent audit, accessible complaints, and judicial remedies are possible contemporary mechanisms for examining the conditions. They are proposed institutional applications here, not procedures fully prescribed in the cited medieval examples. Their relevance follows from the problem those examples leave open: how conditions of justice, necessity, and proper expenditure can be tested when the collecting authority has an interest in the outcome. Al-Qaraḍāwī's explicit connection between consultation and scrutiny provides a modern juristic formulation of part of this problem.

These requirements should also govern criticism. A critic who alleges wrongful exaction must identify the defect rather than rely entirely on a fiscal label. The asserted wrong may concern the absence of authority, an excessive amount, discriminatory incidence, abusive enforcement, or diversion. These defects can coexist, but they are not interchangeable. Remedies should respond to the actual defect; otherwise a valid objection to abuse can be turned into an unsupported claim that every underlying public responsibility has ceased.

The condemnation of an unjust fiscal demand should not be confused with a judgment upon everyone who encounters the institution administering it. A coerced payment does not by itself imply endorsement of the taking. Equally, identifying

abuse within an office does not settle the conduct or responsibility of every employee. Claims about evasion, deceptive declarations or refusal of payment raise additional questions beyond the validity of the levy itself. The institutional criticism advanced here supports correction of wrongful assessments and lawful recovery of protected property; it does not derive a general permission for deception from the existence of fiscal injustice.

Institutional origin and normative validity

The genealogy of a fiscal instrument is a separate subject from the justification of its present use. A claim that a particular tax originated under colonial administration would require historical evidence concerning that instrument and jurisdiction. Even where established, the claim would not alone decide the status of every subsequent use. One must still examine the legal ground, institutional arrangement, and actual burdens. Conversely, attaching an early Islamic name to a contemporary exaction cannot establish continuity in its substance.

The same caution applies to assertions of restoration. Reintroducing a historical rate without its asset category, exemptions, recipients, treaty setting, and administrative limits may produce a different institution under an old name. Historical fidelity requires more than numerical imitation. Juristic development requires more than declaring every useful innovation continuous with an inherited principle. Both claims must be demonstrated at the level of the actual legal relationship.

7.9 The application to modern tax systems

The restrictive position defended in this revision has a definite consequence for modern public finance. A routine and permanent demand upon private wealth is unlawful where its sole asserted foundation is the state’s power to legislate or its general desire to maintain expenditure. Territorial jurisdiction does not establish ownership of an indefinite share of everything earned, purchased, transferred, or possessed within that territory. An enforceable claim must instead rest upon an independently established due, a valid undertaking, or a demonstrable unmet obligation for which compulsory contribution is justified. This conclusion is the author’s legal argument from property’s protection and the limits of collection; it is not presented as a unanimous juristic verdict. The relevant foundational restraints include Q. 4:29 and al-Bukhārī 67 and 1454.

The inquiry therefore begins before the selection of a tax base or rate. It asks what makes this contribution owed, by whom, to whom, and for which purpose. A percentage is a method of assessment, not an independent title to collect. Equally, the use of a percentage cannot by itself establish prohibition: the prescribed dues include proportionate assessments, while al-Ghazālī permits land as a basis for distributing a justified additional burden. The application below concerns the authorization and limits of modern demands, rather than a prohibition inferred from administrative terminology alone. (Al-Bukhārī, no. 1483; al-Ghazālī, al-Mustaṣfā, pp. 177–178.)

Income and payroll

A general income assessment commonly begins analytically with a person's receipt of earnings. The restrictive argument requires an earlier question: why does receiving those earnings create a further compulsory obligation to the treasury? Employment, productive effort, or commercial success does not supply the missing answer merely because it occurs under governmental jurisdiction. If a contribution is defended through an unmet collective obligation, the administration must identify that obligation and establish the amount that remains unfunded after the appropriate existing resources are considered. A permanent schedule cannot acquire an independent religious entitlement simply through repeated collection. Where the justification is absent, the resulting demand remains unauthorized even if its rate is moderate or its collection efficient. This is an application of the chapter's argument, rather than a direct identification of modern income tax with the subject of a particular hadith.

Where an additional obligation is independently established, income may nevertheless help distribute its cost. The relevant capacity cannot then be assumed from gross receipts alone. Necessary business expenditure, essential household maintenance, enforceable liabilities, and actual losses require consideration appropriate to the asserted legal ground. The classical references to the affluent do not establish that every wage recipient belongs to that category. A payroll assessment raises the same questions. Naming an employer as the legal payer does not resolve who ultimately bears the burden; consequences for remuneration, prices, or employment require evidence. Nor does dividing a burden among several taxes remove the need to examine its cumulative effect. The obligation must govern the assessment, rather than allowing an administratively convenient assessment to manufacture the obligation. (Ibn Ḥazm, al-Muḥallā, issue 725; al-Shāṭibī, al-Iʿtiṣām, II:619–620.)

Basic needs and the meaning of surplus

The protection of essential provision has a substantial textual basis, but the sources must be allowed to define its scope. In Pickthall's translation of Q. 2:219, the answer concerning what to spend is "that which is superfluous." Al-Ṭabarī prefers the interpretation of what remains beyond a person's own needs and those of the household. Al-Qurṭubī likewise favours provision beyond requirements without reducing the giver to dependence. Both preserve other interpretations. Al-Ṭabarī expressly treats the passage as guidance governing voluntary expenditure rather than the creation of another compulsory assessment; al-Qurṭubī also records disagreement about its relation to prescribed zakāt. The verse supports restraint in giving and the protection of dependants. Turning it into a complete statutory formula for all public revenue would require an additional argument. (Q. 2:219, Pickthall; al-Ṭabarī and al-Qurṭubī, commentaries on 2:219.)

The instruction to begin with one's dependants appears independently in al-Bukhārī 1426, together with the commendation of charity given from sufficiency. It supplies a

direct objection to treating the household's maintenance as money already available for discretionary public projects. It does not mean that every financial duty disappears whenever its payment is inconvenient. The character and priority of the competing rights still matter. An ordinary additional assessment justified by the capacity of the affluent, however, cannot establish that capacity by counting the resources that keep the contributor and dependants adequately fed, housed and clothed. (Al-Bukhārī, Kitāb al-zakāt, no. 1426.)

A relevant Ḥanafī distinction appears in Ibn ʿĀbidīn's commentary on wealth free of original needs. He discusses essential accommodation, clothing and occupational equipment, and cites Ibn Malik on money presently required for such needs. This is a juristic discussion of zakāt conditions, rather than a direct judgment on modern income tax. It also contains a significant qualification: money remaining at a niṣāb after the year may still be zakātable despite an intention to spend it on future living costs when it is not presently required for those needs. Merely labelling savings a future household budget cannot establish exemption. The passage nevertheless shows why property used for necessary living and genuinely available monetary wealth must not be treated as interchangeable. (Ibn ʿĀbidīn, Radd al-muḥtār, Kitāb al-zakāt, commentary on being free of original needs, II:262–263 in the consulted witness.)

The supplementary obligations considered by Ibn Ḥazm and al-Shāṭibī reinforce the distinction. Ibn Ḥazm directs compulsory local poor relief to the affluent when the ordinary resources are insufficient, specifying necessary food, clothing and shelter. Al-Shāṭibī places the defensive contribution upon the wealthy and requires an assessment that does not seriously injure the contributor. Their permissions cannot coherently be invoked while omitting the restrictions identifying the persons responsible and the burdens they can bear. Neither passage supplies a warrant to make recipients of essential relief finance the shortfall through their own deprivation. (Ibn Ḥazm, al-Muḥallā, issue 725; al-Shāṭibī, al-Iʿtiṣām, II:619–620.)

The distinction between receipt and surplus is therefore essential. A wage of a given amount does not establish the same capacity in households with different unavoidable expenses and dependants. Business turnover is further removed from disposable resources because part of it may be required to replace stock and meet the costs of earning it. The assessment must examine what the person can actually spare under the legal ground invoked. At the same time, every expense claimed by an affluent household cannot become a protected necessity merely because it has become customary for that household. A credible method must protect adequate provision while permitting scrutiny of inflated deductions. These are proposed applications of the capacity requirement, rather than a claim that the classical sources prescribe one modern household budget. If essential living costs rise, an unchanged monetary exemption may cease to protect the same provision. The practical threshold therefore needs review against actual costs and household circumstances; a nominal increase in wages does not necessarily establish an increase in what the household can spare.

For that reason, “tax surplus rather than gross income” is a useful restriction on an additional assessment; “income can never be relevant to any Islamic financial obligation” is too broad. Earnings retained as money may enter the rules governing zakātable monetary wealth when the applicable conditions are satisfied. Agricultural produce has its own prescribed assessment, and al-Bukhārī 1483 differentiates rates by the means of irrigation. These categories cannot all be replaced with an annual tax on whatever an individual chooses to call excess. The narrower conclusion is firm: the fact that money has been earned does not give government an independent right to take it, and gross receipts do not prove that the recipient possesses a surplus available for a further public demand. (Al-Bukhārī, nos. 1454 and 1483; see also the distinct khums discussion in §7.6.)

Consumption and essential provision

A consumption assessment encounters the same threshold objection: buying or using a lawful good is not, without an additional legal argument, a source of entitlement for the treasury. Its practical burden requires separate examination. Consider two households purchasing the same necessary food, one with substantial disposable resources and the other with almost nothing after basic expenses. An identical charge on that purchase does not impose an identical burden upon their remaining means. This illustration establishes no empirical conclusion about a particular national system. It does show why a uniform rate cannot substitute for an inquiry into capacity. Where the asserted justification obliges the affluent to secure essential provision, extracting the contribution from those whose essentials remain unmet reverses the relationship that justified compulsion. (Ibn Ḥazm, al-Muḥallā, issue 725, IV:281–284.)

Exemptions for necessities and effective compensating transfers may materially alter that judgment. They must be examined in operation, alongside the other charges borne by the household, rather than accepted merely because a statute announces relief. Conversely, an assessment on a discretionary purchase does not become lawful simply because the purchaser can afford it. Ability addresses the distribution of an established obligation; it does not independently create the obligation. A measure defended as preventing a defined harm would require its own legal and factual justification. Under the restrictive position, broad consumption revenue collected without such a ground remains an unauthorized claim. Labeling the expenditure socially beneficial does not cure that defect, although evidence of an otherwise unmet obligatory service may support a materially different case.

This yields a strong prohibition within the restrictive model. An additional compulsory levy must not remove the provision necessary for a household’s basic needs in order to finance a programme whose claim depends upon contributions from the affluent. A charge hidden in the price of bread, basic clothing, household water or indispensable medicine does not escape that objection because it is collected from a retailer. The relevant question is whose resources ultimately diminish. Where the household already lacks adequate provision, a demand that further reduces it contradicts the very capacity condition invoked to justify

collection. An aggregate increase in state revenue cannot answer an objection about deprivation imposed upon particular people.

This is a juristic application of the protection of necessary provision. It should not be misrepresented as a revealed sentence declaring every assessment connected with an essential commodity forbidden under every circumstance. Agricultural zakāt can attach to produce used as staple food. A prosperous household's purchase of necessities also does not establish that the household itself is poor. The specific objection to a general consumption levy concerns its legal ground and its actual burden on resources needed for subsistence. Distinguishing that objection from the prescribed agricultural due preserves the argument's force and prevents a contradiction between the proposed rule and ʿushr itself. (Al-Bukhārī, no. 1483.)

Protection must operate when payment becomes due. A future reimbursement does not preserve access to food today if the household cannot finance the interval. Likewise, the monetary value assigned to a road or another public asset cannot simply be credited against an immediate inability to purchase essentials. Exemptions, refunds and cash support must therefore be assessed for reach, timing and adequacy, including people missed by administrative records. These are practical tests proposed by this study. They follow from taking basic provision seriously as a constraint upon collection. They do not themselves confer a taxing power where the prior legal entitlement is absent.

Ordinary private land and the kharāj analogy

An ordinary privately acquired home or parcel of land cannot be assigned the legal history of conquered territory merely because both are immovable property. The report of ʿUmar's assessments, and Ibn Ḥajar's identification of the Sawād, establish a particular fiscal arrangement; they do not establish that every modern government possesses an equivalent claim against every owner. The proponent of analogy must identify the legally relevant relationship, rather than substitute the shared word land for the missing argument. Nor does an increase in a property's assessed value prove that its owner has acquired income available for payment. Whether a particular charge threatens essential accommodation or requires a distress disposal depends upon the facts. A policy cannot answer those questions merely by presenting capital valuation as proof of disposable capacity. (Al-Bukhārī, no. 3700; Ibn Ḥajar, Fatḥ al-bārī, VII:77.)

The critique must nevertheless preserve al-Ghazālī's explicit permission to distribute a justified additional burden through land. His argument defeats a categorical assertion that a land-based calculation is intrinsically unlawful. The distinction defended here concerns the source and measure of entitlement. A limited assessment for an independently established obligation is different from an unlimited recurring claim justified solely by ownership. Actual rent due under a valid arrangement, or a separately justified charge for a shared facility, likewise requires examination on its own basis. Neither historical kharāj nor a modern description such as municipal contribution can establish the conclusion without that

examination. The restrictive case is strongest against treating possession itself as perpetual indebtedness to government, while leaving room for obligations whose legal basis has actually been demonstrated. (Al-Ghazālī, al-Mustaṣfā, pp. 177–178.)

Transaction taxes and compulsory fees

A compulsory charge triggered by a sale, transfer, registration, inheritance, or entry into a lawful occupation also requires a ground beyond the government's ability to collect at that moment. Administrative visibility is not entitlement. The same applies where an assessment receives a different name: calling it a fee, duty, contribution, or levy cannot settle its legal character. A genuine payment for an authorized service presents a separate argument from general revenue extraction. If cost recovery is the stated basis, the connection between the service, its reasonable cost, and those charged must be shown. That does not establish that every compulsory administrative act may be sold to the person required to undergo it. Whether the function is already an obligation of public authority, or properly chargeable to its particular users, remains part of the inquiry.

The distinction resembles the treatment of rightful communal charges and wrongful occupational exactions preserved by Ibn ʿĀbidīn. His examples prevent the paper from condemning every shared-service payment while also preventing public-service language from validating every demand. A required licence should not become an occasion to acquire unrestricted revenue from the licensee merely because refusal would obstruct a livelihood. Conversely, an evidenced obligation to maintain a genuinely shared facility is not annulled simply because payment is compulsory. Enforcement must remain within the obligation established: a legitimate administrative purpose cannot justify an excessive amount, arbitrary discrimination, or diversion to unrelated discretionary expenditure. These are applications of the distinction between a right to collect and the power to compel, not claims that medieval jurists adjudicated each modern instrument. (Ibn ʿĀbidīn, Radd al-muḥtār, V:466–467, edition identified above.)

Citizenship and continuing public services

The strongest objection is that these restrictions appear to deprive an enduring political community of dependable means. Courts, public protection, indispensable infrastructure, and relief cannot necessarily wait for occasional gifts. Their benefits may be shared even by persons who decline to contribute, and collective provision requires coordination across time. The citizenship argument already examined in section 7.7 therefore deserves its full force: membership in a functioning association may involve reciprocal financial obligations and a representative procedure for determining them. The restrictive position does not answer this objection by pretending that services are unnecessary, that voluntary contributions will always suffice, or that each individual possesses a veto over every valid communal obligation. Those conclusions have not been established.

Its answer is that an obligation to sustain a necessary institution does not establish the validity of every fiscal instrument enacted in its name. The function, responsible parties, unmet cost, available alternatives, and defensible allocation must still be identified. A valid and sufficiently determinate undertaking may supply a ground of obligation; consent to this particular additional financial liability cannot simply be inferred from birth, residence, or receipt of unavoidable public benefits. Where citizenship is said to generate the liability without individual consent, the argument must establish the authority and substantive limits of that collective obligation. Election and consultation may authorize representatives to examine and administer legitimate claims, but neither makes an otherwise wrongful appropriation right by vote alone. Likewise, a decree records the authority’s decision; it does not demonstrate the truth of the legal and financial premises upon which that decision depends. This is the paper’s restrictive response to the modern citizenship argument, rather than a denial that jurists have defended that argument.

The disagreement concerns more than an unlimited power that conditional advocates of taxation also reject. It concerns whether representative approval and demonstrable public benefit can create a compulsory financial obligation where no independently established duty, genuine necessity or valid undertaking requires the contribution. This revision answers that question negatively. Even a moderate, transparently administered and fairly distributed assessment remains unjustified on this reading when it finances a merely desirable programme whose support has not independently become obligatory. Such programmes may lawfully receive voluntary support or other lawfully available revenue; their desirability does not itself authorise compulsory payment. The authority must establish why financing the undertaking is obligatory before deciding how to distribute its cost.

A recurring unmet obligation may justify recurring provision, including a predictable assessment schedule. What it cannot justify is continuation regardless of whether the underlying conditions persist. Regular review must be substantive: the permitted burden remains related to the established obligation, reasonable provision for its continuity, and resources otherwise available. This does not require attaching every payment to one separate invoice or denying prudent planning. It requires preserving a demonstrable relationship between compulsory collection and the ground that makes it lawful. Under the interpretation defended here, routine general taxation lacking that relationship is unlawful. Determining which actual taxes satisfy or fail the test requires evidence about their legal basis, incidence, accounts, and expenditure. This section establishes the restrictive case and its method of application; it does not claim to have completed that empirical examination for every modern state.

7.10 Fiscal burdens and the distribution of public benefits

A fiscal system can violate the conditions of a permitted assessment through the people it burdens and the interests it serves. A lawful public purpose does not excuse taking necessary provision from those already struggling to maintain their

households. Nor can the state claim that money is unavailable while leaving recoverable public resources diverted into private advantage. A wider account of fiscal power must still address these objections. The restrictive position adds the prior question of entitlement: equitable distribution and honest expenditure are necessary safeguards, but they cannot make a nonobligatory programme compulsorily payable by themselves.

Measuring burdens on households

The criticism of taxation must follow the burden through to the household. A statute may name a seller, employer or transport operator as the payer while part of the economic cost falls elsewhere. Conversely, a particular charge may be offset by cash support actually received. What matters for the protection of basic needs is the effect of the relevant taxes and transfers together, including timing and access. The inquiry must also distinguish reduction in measured inequality from reduction in poverty. A system can narrow the distance between income groups while leaving some households with fewer resources for essentials. National totals and a progressive headline rate cannot settle that question.

Alastair Thomas’s 2020 OECD study provides an important qualification to claims about value added tax. Its models cover twenty-seven OECD countries. When the burden is measured relative to expenditure, the study finds VAT broadly proportional or slightly progressive in most of them; measurements relative to annual income can be affected by saving and dissaving. Yet the study also identifies the possibility that even a proportional VAT pushes some households into poverty. This supports a distinction central to the present argument: statistical proportionality does not establish protection of basic provision. It also prevents the paper from claiming that every VAT system is empirically regressive under every defensible measure. The publication year is not a common observation year for all countries examined. (Thomas, Reassessing the Regressivity of the VAT, 2020, abstract.)

A World Bank study published in May 2025 examines Pakistan’s fiscal year 2019, covering July 2018 to June 2019. Its modelled comparison of household resources before and after taxes, cash or near-cash transfers and subsidies estimates an increase of approximately two percentage points in the poverty headcount at the national poverty line. This is a fiscal-incidence comparison, not a measured annual increase in poverty between two calendar years. The same study identifies personal income tax and urban property tax as relatively protective of poor and vulnerable households, and BISP transfers as particularly effective relief. It therefore supports criticism of the studied distribution while defeating a claim that all instruments harmed the poor identically. Neither the model nor the reported poverty effect constitutes a legal judgment under Islamic law. (Amjad, Carrasco and Meyer, The Effects of Taxes and Transfers on Inequality and Poverty in Pakistan, May 2025, abstract.)

These findings strengthen the demand for a household test of necessity. The authority must show that its scheme leaves essential provision secure, rather than

relying upon the amount collected or the average effect across the population. Valuing a public service as part of a household’s economic benefit can be useful for some comparisons, but that valuation does not provide spendable cash for food or rent. A favourable estimate of long-term public benefit consequently cannot, by itself, answer an immediate claim of deprivation. These conclusions are applications of the paper’s protective principle; they do not adopt the fiscal recommendations of either empirical study as a source of Sharīʿa authority.

Evasion and preferential treatment

Three different failures require separate proof. Evasion involves unlawful concealment or nonpayment. Avoidance uses arrangements to reduce liability within, or by exploiting the limits of, the applicable rules; its legal treatment may depend on anti-avoidance provisions. Preferential legislation openly creates exemptions, deductions or special rates. A benefit can be lawful under the enacted tax code yet remain open to a moral and distributive objection. Conversely, the fact that a person uses an exemption does not prove theft or evasion. A careful criticism identifies which mechanism shifts the burden, who receives the advantage and whether the asserted public reason withstands scrutiny.

Alstadsæter, Johannesen and Zucman’s 2019 study gives a documented example of unequal evasion. Matching offshore leaks and disclosure information with Scandinavian administrative records, the authors estimate that the wealthiest 0.01 percent of households in Norway, Sweden and Denmark evaded about one-quarter of their true tax liability in the study’s 2006 benchmark. This is an estimate for a wealth-ranked group, not a statement that every wealthy person evaded tax. Properly declared offshore holdings are excluded, and the result is not established for every country or for current conditions. Its relevance is evidentiary: formally equal rules can operate very unequally when concealment opportunities and enforcement differ. (Alstadsæter, Johannesen and Zucman, “Tax Evasion and Inequality,” 2019, pp. 2073–2075 and 2091–2092.)

Preferential rules also require scrutiny independently of concealment. The World Bank’s Independent Evaluation Group reported in 2023 that Pakistan’s earlier revenue reforms reduced discriminatory concessions, but that tax expenditures subsequently re-emerged and privileged interests obstructed important reforms. Its country case concerns identified programmes and the period preceding the pandemic. It supplies evidence of a political mechanism through which advantages can survive or return; it does not establish that every exemption is corrupt or every present taxpayer enjoys such treatment. A legitimate exemption protecting subsistence must be distinguished from a concession whose public justification fails. Within the restrictive model, removing unjust privilege is part of examining available lawful resources and fair responsibility, not an independent licence to expand coercive collection. (World Bank, World Bank Support for Domestic Revenue Mobilization, 2023, chapter 4, Pakistan.)

The ethical concern has a Qurʾānic point of reference. In Pickthall's rendering, Q. 59:7 includes the purpose "that it become not a commodity between the rich among you." The passage concerns the distribution of fayʾ; it is not a general authorization to seize private fortunes. Its stated concern is nevertheless relevant to the evaluation of public resources. A government cannot invoke the welfare of the community while treating concentration of public advantages among affluent groups as irrelevant. Applying that concern to tax preferences and expenditure requires evidence about their recipients and effects. The extension is the argument of this study, not wording that the verse supplies about a modern tax code. (Q. 59:7; see §7.2.)

Roads and unequal public benefit

Consider a city that raises the price of essential purchases to finance a road project used predominantly by affluent private motorists. If households lacking adequate food or shelter bear that cost, the objection is substantial: the project places their immediate necessities beneath the convenience of people with greater means. Calling the road public does not establish that priority as just. The authority must demonstrate the project's obligatory character, the lack of appropriate existing resources and a distribution of costs that protects necessary provision. This is an illustrative case, not a finding about an unnamed city. Its legal significance comes from the specified burden and purpose.

It does not follow that only owners of cars can ever be responsible for road provision. A road may carry buses, ambulances and food deliveries; provide pedestrian access; or connect households without private vehicles to work, schools and hospitals. Benefits may also accrue to businesses and landowners. These possible relationships require examination in the particular project. Their existence defeats an automatic equation between car ownership and exclusive benefit. It does not prove that every road benefits every resident equally, or that indirect benefit creates a chargeable debt. A general assertion that everyone benefits is no more adequate than an assertion that nobody without a car benefits.

Capacity remains a separate constraint. A person can benefit from an indispensable facility while lacking the means to finance it. Under the restrictive approach developed here, that need is a reason to protect access and investigate provision from lawfully available public resources or genuinely affluent contributors when the relevant duty is established. It is not a reason to take the beneficiary's food money. Equally, a car may be necessary for its owner's work or disability needs without demonstrating affluence. Classification by vehicle ownership alone can therefore misidentify both the persons benefiting and the persons able to contribute.

The scope of benefit and liability maxims

Al-kharāj bi-l-ḍamān appears in Abū Dāwūd 3508 and al-Tirmidhī 1285; al-Tirmidhī describes his report as ḥasan ṣaḥīḥ. The Majalla incorporates the maxim in article 85 and illustrates it through a purchaser's use of an animal before its return for a defect: entitlement to use accompanies exposure to loss. Articles 87 and 88 relate

burden to benefit. The word kharāj in this maxim concerns yield or benefit and must not be assumed to mean the land revenue discussed earlier. These sources establish a relationship between benefit and responsibility; they do not themselves prescribe a road-tax schedule. The same code's article 97 requires a lawful ground for taking another's property. (Abū Dāwūd, no. 3508; al-Tirmidhī, no. 1285; Majallat al-aḥkām al-ʿadliyya, arts. 85, 87–88 and 97.)

These maxims can inform an argument that those enjoying a particular asset or shared facility should bear the responsibilities attached to it. They cannot, without further reasoning, decide who owes a citywide tax, how much each road user gains or whether the poor must pay. Risk borne in a sale, expenses shared by co-owners, and the provision of a public road are different legal relationships. The relevant maxim must be applied through the rights and duties of the relationship actually established. Merely translating a maxim as "the beneficiary pays" omits the questions on which the fiscal dispute turns.

Targeted vehicle charges, a valid toll arrangement, or contributions from a specially benefited development may be defensible methods of financing a justified project. Each still requires an appropriate entitlement and a proportionate amount. A fee cannot be made legitimate merely by attaching it to a useful activity, especially where payment is unavoidable for access to an existing public way. The same attention must be given to the ultimate burden: a charge on commercial vehicles may affect the prices of necessities, while a charge on public transport may reach passengers with limited means. Those outcomes require evidence rather than assumption. User charging can improve the match between costs and benefits; it does not dispense with the protection of basic provision.

The distinction between essential access and a predominantly private amenity should affect project selection as well as financing. A necessary bridge serving a community presents a different claim from a prestige road chiefly improving access to an exclusive development. Under the argument advanced here, the latter does not become an obligatory communal expense merely because its promoters predict some indirect economic gain. Its beneficiaries may support it voluntarily, and a valid private or shared-property arrangement may establish particular liabilities. The existence of those possibilities does not establish a right to extract the cost from households struggling to subsist.

A defensible assessment should therefore identify the facility's purpose, the people and activities it serves, the alternatives and the necessary cost before choosing who must pay. It should distinguish benefits reaching ordinary households from gains captured by particular commercial or property interests. These are proposed standards of examination, not a fiscal procedure reproduced from the maxims. They yield a firm conclusion for the city example: protected subsistence cannot be sacrificed to an affluent amenity, and substantial special benefits call for scrutiny of the beneficiaries' contribution. They do not establish car ownership as the exclusive legal test for all road finance.

7.11 Public finance governed by identified obligations

What it means to relate collection directly to need

The restrictive argument requires an operational account of the relationship between a public need and a compulsory payment. A statement that expenditure is beneficial is too weak: almost any programme can be described that way. The authority must identify a lawful obligation that remains unmet, establish its own competence to organise the response, and show why the contribution demanded from these persons is necessary to discharge it. The amount then follows the justified requirement. It does not follow simply from the existence of taxable earnings, a transaction or a privately owned parcel of land. This ordering is the principal institutional conclusion defended in this revision.

That conclusion applies most directly to additional assessments whose asserted legal ground is necessity. It must not be transformed into a claim that every established revenue is calculated afresh from the cost of a single project. Zakāt has prescribed assessments and recipient categories; its incidence does not arise merely because a government publishes a funding shortfall. Revenue from an independently lawful public asset rests upon the relevant title or arrangement. A voluntary contribution rests upon the contributor’s valid consent and any lawful restrictions attached to the gift. These sources must be identified before a new coercive demand is considered. (Qurʾān 9:60; al-Bukhārī, nos. 1454, 1483, 2904.)

Nor does a connection with need require a separate physical cashbox for every beneficiary or an invoice delivered to each contributor. Common administration and pooled custody can be compatible with distinct legal entitlements. What is impermissible within the model advanced here is the disappearance of those distinctions: an emergency assessment must not become unrestricted revenue merely because it enters the same bank account as other receipts. The legal purpose and the authorised amount must remain traceable through assessment, receipt and expenditure. The stronger demand is substantive accountability, rather than a particular arrangement of physical cash custody.

Establishing the obligation and the funding gap

The first inquiry concerns the task itself. Protection against a demonstrated threat, indispensable provision for people lacking necessities, and maintenance without which a community suffers serious harm present stronger claims than prestige construction, political patronage or an expansion of administration selected for its own sake. The examples are not an exhaustive list of lawful public functions. They show why an appropriation cannot be justified by placing every proposed expense beneath the same heading of public interest. Ibn Ḥazm’s specified essentials, al-Ghazālī’s resource condition, and Ibn ʿĀbidīn’s distinction between rightful charges and oppressive exactions supply grounds for this differentiation. (Ibn Ḥazm, al-Muḥallā, issue 725; al-Ghazālī, al-Mustaṣfā, pp. 177–178; Ibn ʿĀbidīn, Radd al-muḥtār, Kitāb al-kafāla, V:466–467.)

The next inquiry concerns the means already available. Public income lawfully usable for the task, genuinely available reserves, committed voluntary support and adequate alternative provision must enter the calculation. Restricted zakāt or endowed resources cannot simply be counted as available for every government expense; the conditions governing those funds remain operative. Equally, the requirement to examine existing resources is not a direction to destroy productive public assets, empty every prudent contingency reserve or postpone protection until preventable harm occurs. Any claimed reserve or financing constraint requires explanation. The relevant question is the necessary shortfall after lawful and practicable alternatives have been assessed.

A treasury deficit is therefore not self-authenticating evidence of necessity. The deficit may reflect an indispensable unmet task, but it may also reflect discretionary spending, diversion, inefficient procurement or the deliberate withholding of resources. The restriction would become circular if an administration could first choose an unlimited expenditure programme and then cite the resulting shortage as a legal right to collect its cost. The model requires scrutiny of the expenditure before scrutiny of the proposed tax rate. The state must justify the undertaking and the means of financing it; it cannot manufacture the justification merely by incurring or budgeting the expense.

Voluntary provision deserves a serious place in this inquiry because the foundational evidence includes successful appeals for communal and military needs. Yet an obligation to consider voluntary means is not a requirement to stage a predictably unsuccessful appeal while an immediate danger worsens. Where compulsory assistance is independently justified, credible evidence that available voluntary support will be inadequate can matter. The restrictive position concerns the absence of an automatic power to compel; it need not make necessary action depend upon repeated appeals whose inadequacy has already been reasonably established. The urgency, alternatives and evidentiary basis of the decision should be recorded. (Al-Bukhārī, no. 2778; Muslim, no. 1017a.)

Apportionment without a permanent claim to the tax base

Once a lawful additional requirement has been established, the burden must be allocated among persons properly responsible and capable of bearing it. Gross income alone may conceal essential costs, dependants, losses or liabilities. Land ownership may conceal a lack of disposable income. Those facts do not by themselves settle every assessment, but they prevent a simple asset label from serving as a complete measure of capacity. The classical references to the wealthy and to avoiding destructive burdens must have consequences for incidence. A proportionate total does not excuse an oppressive distribution. (Al-Shāṭibī, al-Iʿtiṣām, II:619–620.)

The use of a percentage, an income measure or a land-related measure is a secondary question of apportionment. Al-Ghazālī expressly allows land to serve as the distribution base of the assessment he considers. This concession prevents a

universal prohibition of the mathematical form or asset category. It does not establish a prior state entitlement to an annual share of every owner's property. Under the restrictive model, the valid obligation fixes the amount to be raised and constrains the method of distributing it. A permanent tax schedule that continues independently of that obligation reverses the order of justification. (Al-Ghazālī, al-Mustaṣfā, p. 177.)

Consider a hypothetical emergency programme with a justified cost of 1,000,000 monetary units. Suppose 350,000 is lawfully available from existing resources and a further 250,000 is firmly committed through voluntary contributions. The remaining requirement is 400,000. The example assumes that the programme and compulsory assistance have independently satisfied the legal conditions; arithmetic cannot establish those conditions. It illustrates the ceiling created by the shortfall. If a chosen assessment method would raise 650,000, the extra 250,000 does not become authorised merely because the method is administratively convenient. Conversely, the relative size of the required contribution cannot be judged without examining contributors' means and the seriousness of the obligation. These figures are illustrative, not historical data or a proposed tax rate.

Authorisation, expenditure and review

Consultation should test the legal ground, the evidence of need, the alternatives and the distribution of the burden. It should not operate as a substitute for those inquiries. Representative approval can provide a valuable means of authorisation and correction without converting every majority preference into a right over another person's possessions. A compulsory claim must remain answerable to the substantive limits invoked to justify it. The proposed institutional arrangement therefore combines consultation with an opportunity for affected persons to question the basis, amount or incidence of an assessment.

Published estimates, intelligible accounts, independent scrutiny and remedies for wrongful collection are practical ways of giving those limits effect. They are proposed applications of the argument, not procedures quoted from a single Qurʾānic verse or medieval fiscal manual. Their value lies in allowing the legal premises to be examined beyond the collecting office. Accounts must distinguish the authorised programme from unrelated expenditure and disclose material changes in cost or available resources. An official's personal benefit, patronage or diversion cannot acquire legitimacy through association with a lawful collection. (Muslim, no. 1832a; al-Bukhārī, no. 3118.)

Where the justified requirement is met or disappears, the authority to continue a necessity-based assessment must be reconsidered. Any remaining balance needs a lawful disposition. Depending on the applicable entitlement and conditions, that may require repayment, a valid credit or fresh authorisation for a closely identified purpose; it must not silently become an unrestricted fund. This is a proposed safeguard against the expansion of a limited permission, rather than a claim that one

refund mechanism is universally prescribed. An administration should not retain an exceptional power merely because it has become accustomed to the revenue.

Continuing needs without an autonomous fiscal entitlement

The strongest objection to this model is that protection, adjudication and basic relief are continuing responsibilities. Requiring justification does not make those responsibilities temporary. Al-Shāṭibī's security example and Ibn ʿĀbidīn's discussion of shared services prevent necessity from being confined to a single dramatic incident. A recurrent lawful obligation may support recurrent provision and, under the juristic views accepting it, recurrent assessments. The distinction concerns whether the burden remains dependent upon the actual obligation and shortfall, or survives as an independent entitlement against the tax base. (Al-Shāṭibī, al-Iʿtiṣām, II:619–620; Ibn ʿĀbidīn, Radd al-muḥtār, II:336–337.)

Regular review need not require closing a hospital, dismissing necessary personnel or rebuilding an administration at every accounting date. A defensible forecast can identify continuing costs over a defined period. What it cannot do is dispense with the showing that those costs are lawful, necessary and inadequately met through available means. An annual budget is useful evidence when it contains and withstands that examination; its mere enactment does not prove the conclusion. A long-lasting need may support a long-lasting obligation. A vague assertion that government always needs money cannot do the same work.

The resulting model rejects a presumed general power to impose additional taxation independently of an established obligation. Outside established dues and other valid entitlements, additional compulsory revenue is a means of satisfying a demonstrated obligation, not an independent incident of statehood. A government claiming an enduring percentage of private earnings or land merely because it governs the territory exceeds that model. A specifically justified contribution does not become unlawful solely because income or land helps apportion it. The decisive boundary is the legal relationship between protected property, the obligation invoked and the extent of the power exercised. A recurring assessment fails this interpretation when it compels financing of merely chosen benefits without an independently established duty, valid undertaking or genuine necessity. Repetition, representative approval and honest expenditure do not remove that defect.

7.12 A Qurʾān-first constitutional objection: administration is not fiscal sovereignty

7.12.1 Two powers that must not be conflated

The central claim of this revision is constitutional before it is economic. A government necessarily organizes activities in which people must coordinate: traffic direction, the use of roads, adjudicative procedures, records, public safety, market standards, and the administration of pre-existing legal rights. None of these tasks requires the official to be regarded as a source of fresh revelation. A traffic

regulation can specify how an existing public duty of avoiding harm will be performed. A filing deadline can coordinate access to a court. The official's power remains directed to the practical ordering of an accepted responsibility. By contrast, an enactment that assigns an open-ended percentage of ordinary wages, retail transactions, or personally held property to a public treasury claims to create a new proprietary liability. It changes not merely how a duty is discharged but who is entitled to the citizen's property. That change requires its own justification. The fact that both measures are called laws cannot erase their different objects.

It would be inaccurate to assert that all defenders of modern taxation seek to invent another pillar of worship. They usually defend a civil rather than devotional obligation: the treasury may collect because government must undertake functions whose cost cannot be met otherwise. The more exact objection is therefore to the inference from a recognised public function to a standing right of compulsory acquisition. Calling a liability civil does not make the ownership question disappear. A civil rule can be necessary, and it can also be unjust. The paper asks whether the particular financial claim has an authoritative ground capable of overcoming the prima facie protection of private property.

The restrictive thesis may be formulated as a rebuttable demand for proof: administrative competence does not automatically include fiscal sovereignty. The state may organize activities without becoming owner of a fluctuating share of every private receipt. To defeat that presumption, a proponent must establish the relevant collective obligation, the authority to demand payment from the identified persons, the lawful assessment base, and the limit on collection. The state cannot treat its own budgetary preference as simultaneous proof of all four propositions.

7.12.2 Property protection sets the initial burden of justification

Qurʾān 4:29 forbids consumption of property bi-l-bāṭil and names commerce by mutual consent. Qurʾān 2:188 prohibits wrongful acquisition through appeals to authorities or judgments. In their immediate wording these are prohibitions of wrongful acquisition, not a schedule of taxes. The important negative implication is that an official instrument cannot authenticate itself: if a claim was wrongful before the official asserted it, a statute or collection notice is not independently proof that it has become rightful. As the present book has argued concerning political authority generally, power to issue an effective decision and legitimacy of the decision are analytically distinct (see §§1.3–1.5 and 5.8).

The distinction between the verse and the inference must remain visible. Qurʾān 4:29 does not say that every valid transfer must be a commercial sale by agreement. The Qurʾān separately establishes inheritance rights, debts, maintenance and other claims that do not depend on a new sale by consent. Consequently, it would be unsound to infer that a tax is prohibited simply because the taxpayer does not individually consent. The stronger point is that coercion must be backed by a right established independently of the act of coercion. The presumptive protection of

wealth is a reason to demand that proof, not an invitation to neglect other people's genuine entitlements.

This burden matters particularly when government taxes food, low incomes, or family property. A levy may bear an unobjectionable name and nonetheless appropriate money needed for subsistence, while another group benefits from exemptions or state-created market privileges. In that setting the principle of protected property, joined with the requirements of impartial justice in Qurʾān 4:135 and 5:8, presents a material—not merely procedural—challenge to the imposition.

7.12.3 What Qurʾān 22:41 does and does not authorize

Qurʾān 22:41 describes those whom God establishes in the land through four characteristics: prayer, zakāt, enjoining right, and forbidding wrong. Its explicit financial noun is zakāt. The verse does not state a general permission to introduce successive percentages of salary tax, value-added tax, or ordinary private-land tax. It would be an unwarranted insertion into the text to translate its language of empowerment or commanding right as a defined entitlement to assess all forms of private wealth. The restrictive case is strongest when it insists upon that interpretive boundary.

But the same verse is not worded as an exhaustive fiscal register. It does not mention jizya, although Qurʾān 9:29 addresses that due in a different setting, nor does it list the allocation of war gains described in Qurʾān 8:41. Therefore the inference that the verse's failure to mention an item is equivalent to its explicit prohibition is too strong. The appropriate claim is narrower and more valuable: the verse cannot serve as the asserted textual grant of a general taxing power. Whoever claims such a power must identify some other reason that does the authorizing work.

This reading also distinguishes giving from collection. Qurʾān 42:38 commends believers whose affairs are conducted through consultation and who spend of what God has provided. The grammar does not make every such expenditure a state collection, and the praise of spending is not a delegation of ownership to those conducting communal consultation. The creation of a standing public levy cannot be derived merely by placing the phrases about consultation and spending beside each other.

7.12.4 What obedience under Qurʾān 4:58–59 can support

Qurʾān 4:58 directs the rendering of trusts and just judgment; the next verse commands obedience to God, the Messenger, and those possessing authority, and refers disputed matters to God and the Messenger. This supports real human responsibility to administer and to judge. It also preserves a distinction between the officeholder and the higher reference against which the officeholder's demand is tested. There is no explicit tax rate, assessment base, or entitlement to all future revenues within either verse.

The argument from obedience is therefore conditional in two senses. First, the existence of authority does not demonstrate that any particular demand is

substantively lawful: an order to act unjustly remains open to challenge under the very standards the passage recognizes. Second, a conclusion about the substantive permissibility of an additional assessment cannot be obtained simply by announcing that a legislature, executive, or representative body has authorized it. The relevant question is whether that body's act discharges a recognised responsibility or creates a claim against private wealth without adequate warrant.

A serious opposing argument points out that competent public administration often requires binding subsidiary rules: a court procedure, market inspection, quarantine rule, or contribution to an otherwise unfunded collective necessity may be defended as an implementation rather than an innovation in worship. This revision does not deny that this position has intellectual substance. It denies that the analogy can be assumed to be sufficient. The move from regulating conduct to taking money alters the right at stake, and the financial claim must be examined in its own terms. The very breadth of the ruler's practical tasks is a reason for closer scrutiny of fiscal power, not a substitute for scrutiny.

7.13 Acquisition and allocation: the Qurʾānic financial categories must remain separate

7.13.1 Fayʾ: an instruction concerning the distribution of identified receipts

Qurʾān 59:6–7 concerns fayʾ, the property restored to the Messenger under the described circumstances. Verse 59:7 identifies recipients and gives the purpose that the wealth not circulate solely among the wealthy. The immediate fiscal operation is allocating a recognized category of public receipt. The verse does not instruct a ruler to create an indefinitely recurring claim to a fraction of every Muslim's earnings so that the resulting money may be redistributed. The distinction is decisive: authority to distribute a revenue legally in hand is not, by itself, authority to acquire a new category of revenue from property previously held privately.

The anti-concentration rationale nevertheless retains substantial significance. It supplies a criterion against public-resource capture: an administration that awards communal assets, contracts, extractive rights, or concessions predominantly to a politically connected minority must explain its fidelity to the concern identified in this verse. But to invoke that rationale as if it expressly commands a modern income tax changes the subject matter of the verse. The present argument therefore treats the anti-concentration principle as an evaluative limit upon public finance, not as an unbounded title to private income.

7.13.2 Ghanīma is not fayʾ; neither is an ordinary income-tax base

Qurʾān 8:41 prescribes a fifth of the gains addressed in its war context. Its reference to the day when the two forces met confirms the military setting, and the provision is conventionally discussed as the allocation of ghanīma, or war spoils. This must not be relabelled fayʾ merely because both are forms of early public revenue; Qurʾān 59:6 expressly distinguishes the property there from acquisitions for which horses or

camels were driven forward. These verses are related in their fiscal effects but are not interchangeable revenue headings.

The property base in Qurʾān 8:41 is not ordinary wages earned by citizens in peacetime. The fifth in that verse therefore cannot be treated as a uniform twenty-per-cent income tax. Nor can its particular beneficiary list be transposed without argument into the fiscal law of all other property. The same caution applies in the opposite direction: the fact that the verse does not mention salary taxation establishes no explicit verbal ban upon every later revenue proposal. It does, however, remove a proposed shortcut from the military allocation to a general civil entitlement.

7.13.3 Zakāt collection and allocation do not answer the entire treasury question

Qurʾān 9:103 includes the imperative to take ṣadaqa from the addressed people's property, and Qurʾān 9:60 specifies categories for the corresponding alms. These passages establish that Islamic financial life is not exclusively private voluntary giving; the Qurʾān recognizes organized reception and administration. They do not establish that every project called a public benefit qualifies for expenditure from the zakāt fund. A road serving an affluent neighbourhood, an ordinary ministry's general payroll, and assistance specifically rendered to a poor beneficiary are legally different uses even when the administrator labels them all welfare.

The word ʿāmilīn in Qurʾān 9:60 identifies collectors or administrators among the eligible categories for that fund; it is not a blank cheque for financing every government department. Likewise, the specification of recipients for ṣadaqa is not an exhaustive enumeration of all possible receipts in an Islamic polity, since other passages deal expressly with different categories. The restrictive argument rests on differentiating the authorization applicable to each fund, not on inventing a single undifferentiated treasury.

7.13.4 Jizya and private financial claims cannot serve as Muslim wage-tax precedents

Qurʾān 9:29 expressly addresses jizya from the specified group of People of the Scripture. Its coercive aspect is part of the wording and should not be hidden. Yet that is not a tax imposed upon Muslims for having wages, buying food, or owning an ordinary family home. It establishes one bounded historical and confessional category rather than a transferable general head of liability on Muslim incomes. Arguments about its development, exemptions, and present applicability require their own inquiry and must not be assumed here.

Similarly, the marriage portion in Qurʾān 4:4, maintenance associated with nursing in Qurʾān 2:233, and the shares of inheritance in 4:11–12 establish particular rights owed to identifiable persons. Their existence disproves the proposition that zakāt is the only possible financial obligation. It does not establish that the government becomes the beneficiary of those payments. Enforcing a creditor's or dependant's

genuine right, where justified, is different from inventing a general treasury right. The analytical error is to proceed from 'someone is owed money' to 'the state may choose the sum, collect it, and redirect it.'

The resulting taxonomy supplies a rule of method: identify the person or institution entitled, the category of asset, the basis of liability, the competence of any collector, and the permitted destination of the receipt. If one link is missing, citation of an unrelated compulsory obligation does not repair it.

7.14 Necessary provision, savings, productive capacity and the incidence of additional levies

7.14.1 Income received is not necessarily wealth available to be taken

An employee may receive wages and nevertheless have nothing available after rent, food, utilities, dependants, necessary transport, and incurred debts. A farmer may record substantial gross sales while needing to replace seed, equipment, feed, and borrowed working capital. A small enterprise may show sales that do not cover expenses. A property owner may hold an illiquid asset while lacking funds for daily needs. Treating these materially different situations as equally rich merely because they present a positive gross amount confuses nominal flow, net capacity, and wealth available without hardship.

The argument that an extraordinary contribution should be assessed with reference to genuine surplus is therefore more defensible than a universal assertion that income must never be considered in any assessment. It places the question of capacity before the selection of an administrative tax base. A state may use income or assets as evidence of potential capacity, but those indicators alone do not establish either the legal entitlement to collect or the amount a person can actually contribute without deprivation. A capacity-sensitive assessment must test costs, liabilities, liquidity, and dependant obligations rather than rely exclusively upon reported receipts.

Qurʾān 65:7, in its immediate context of maintenance, relates expenditure to the resources actually given to the person; Qurʾān 2:233 limits burdens by capacity; and Qurʾān 2:219 answers a question about spending with al-ʿafw. These are relevant textual supports for protecting basic provision. They are not an express uniform tax code. Al-Ṭabarī's interpretation of al-ʿafw as what remains after the needs of self and family, and his explanation of the verse as guidance about nonobligatory spending, caution against claiming that the verse itself mandates a statutory exemption or specifies taxable surplus in every legal context. The present proposal applies those moral and material distinctions to the contested additional levy.

7.14.2 Prescribed dues cannot be rewritten as a single net-income rule

The phrase 'Islam taxes wealth rather than income' captures an important contrast with modern wage withholding, but it should not be presented as a complete description of all prescribed dues. Financial zakāt includes distinctive thresholds and

types of property, and agricultural ʿushr applies to qualifying produce. The authentic agricultural report in Ṣaḥīḥ al-Bukhārī 1483 distinguishes one tenth of naturally watered production from one twentieth of production irrigated through effort. The rates are ten and five per cent respectively, not the reverse; the duty concerns qualifying agricultural yield, and its details are the subject of school-level variation.

Likewise, the ordinary 2.5 per cent figure does not describe every zakāt category. Al-Bukhārī 1454 identifies the one-fortieth on qualifying silver and different rules for livestock. A conclusion that every form of compulsory obligation depends on a cash surplus measured after contemporary household expenses would therefore be inaccurate. This book maintains the specified dues and their distinct legal tests, while arguing that no new permanent levy upon ordinary incomes follows from them.

7.14.3 Essential goods present a heightened objection, not an unsupported verbatim ban

The burden of a consumption tax must be examined at the point of payment. A household required to devote nearly all available resources to food, medicines, rent, water, electricity and basic clothing cannot postpone those purchases in the way that a wealthier household can postpone luxury consumption. A uniform rate on necessities can therefore reduce the already inadequate resources of those whom the moral and financial structure of the Qurʾān repeatedly requires society to protect. The effect may be aggravated when exemptions are technically narrow, businesses cannot recover input taxes, or compensation arrives late.

The restrictive position defended here is that an additional levy which foreseeably deprives people of the means of basic subsistence cannot be justified merely by being administratively uniform or by funding a project described as beneficial. Its prohibition arises through the paper's argument from unlawful appropriation, justice, capacity, and the absence of an independently justified claim. This should not be misrepresented as a Qurʾānic sentence stating 'VAT on bread is forbidden.' No such sentence is quoted. Nor is every payment connected to food identical to a retail levy: agricultural zakāt itself concerns qualifying produce. The scope of the conclusion must correspond to the scope of the reasons offered.

This distinction strengthens rather than weakens the criticism of regressive taxation. A research argument should demonstrate hardship through a household budget, a legally specified tax base, actual price incidence, and the alternatives available. Unsupported assertions that every form of sales taxation is always regressive or that every exemption reaches the poor are insufficient. The OECD's analysis by Alastair Thomas (2020) shows why incidence judgments can differ when evaluated against current income, total expenditure and lifetime resources. The relevance to this chapter is the need to measure deprivation concretely rather than merely classify rates as flat or progressive.

7.14.4 Empirical risk: cost of living and unequal access to relief

The World Bank's 2025 Commitment to Equity study of Pakistan, using fiscal year 2019 data, reports that the net effect of the examined fiscal system increased poverty at the national poverty line by approximately two percentage points. That is a modelled result for a defined year, country and set of taxes and transfers, not a universal estimate for every Muslim-majority state. Its relevance is methodological: a state cannot prove the justice of its fiscal system simply by asserting that tax receipts finance public goods. Actual distributional effects can move the poor further from minimum provision.

Similarly, unequal access to exemptions and the ability to conceal liabilities can make the effective burden very different from the nominal law. Alstadsæter, Johannesen and Zucman (2019) report substantially higher evasion among the wealthiest households in the Scandinavian evidence they studied; the World Bank Independent Evaluation Group (2023) documents the role of exemptions and privileged interests in Pakistan's revenue reform. These studies do not establish that all wealthy people evade tax or that all direct taxation harms the poor. They show why the distribution of effective liabilities and the mechanisms producing them must be evidenced in a serious claim about injustice.

7.15 Market justice and public assets: restraint before extraction

7.15.1 Public finance begins with what rulers do not give away

The condemnation of wealth circulating only among the rich in Qurʾān 59:7 occurs in a passage allocating fayʾ. A first fiscal implication is therefore discipline over assets that are already public. Before appealing to the poor to fund expenditure, a ruler must answer why land, minerals, concessions, contracts, infrastructure access, and commercially valuable privileges have been distributed as they have. Where public resources are transferred to private allies at a preferential price, the treasury's apparent insufficiency may itself be a result of defective stewardship.

A fiscal programme can therefore compound injustice in two stages. First, the government channels public opportunities or state-controlled markets toward a narrow circle through exclusive licences, insider procurement, restrictive entry rules, or opaque land allocations. Second, it describes the resulting revenue shortage as a necessity requiring general tax collection from households. The restrictive Qurʾānic case contests both steps: the first through trust, equity and the fair allocation of legitimately public wealth, and the second through the requirement of an independent warrant for appropriation of private resources.

7.15.2 Regulating market power is not identical to creating treasury revenue

Competition rules, transparent tenders, prevention of collusion, accessible trading facilities and protection against fraud concern the organization of markets and the administration of justice. Such regulations can be defended as means of protecting common interests without treating the private earnings of every participant as

property of the state. This does not mean that every anti-monopoly rule is explicitly prescribed by Qurʾān 59:7; the verse's immediate subject remains fayʾ distribution, and proposed market applications are reasoned extensions rather than quotations. Nor does it mean that regulation never imposes costs. The point is the character of the power being exercised: limiting abuse of public institutions and market access differs from asserting an independent revenue claim.

The case for regulating monopoly must also distinguish genuine concentration attributable to unlawful privilege or market exclusion from mere success through lawful commerce. High market share alone is not the Qurʾānic definition of wrongdoing. The legal criticism must identify the specific unfair practice, private appropriation of public assets, fraud, or coercive exclusion being challenged. A credible defence of private wealth should not turn into an unreasoned condemnation of wealth earned without injustice.

7.15.3 The road example: beneficiary analysis and ability to pay

Consider a transport programme concentrated in wealthy districts, with large allocations for private-car capacity while low-income residents lack safe footpaths or affordable transport. The objection is not merely that poor people may own no car. Roads can bring food, emergency vehicles, shared transport, employment access and commercial supplies to non-drivers. The more exact objection asks whether the proposed project responds to an essential public need, whether its gains are concentrated, and whether its funding takes resources needed for subsistence from households receiving little of the benefit.

A targeted user charge can sometimes approximate the cost of a special facility, such as optional access to a toll road or a commercially operated bridge. But 'only car owners pay for roads' is not a universal rule derived from the Qurʾān. A poor worker may own a necessary vehicle; wealthy parties may benefit indirectly through freight or appreciation of land values. Likewise, private ownership of a car does not necessarily establish consent to a monopoly toll or the legal authority to demand it. The choice among general public revenue, voluntary patronage, a legitimate service price, and a need-limited compulsory assessment must be justified according to the kind of resource and right involved.

The maxims al-ghurm bi-l-ghunm and al-kharāj bi-l-ḍamān provide analogical vocabulary relating benefit, gain and responsibility, but neither is a verbatim Qurʾānic specification of highway finance. Their use in public utility policy is a proposed application, and must be defended by considering actual benefits, capacity, the nature of the service, and risks imposed on others.

7.16 The strongest objections to the restrictive case and their limits

7.16.1 An unmentioned tax is not thereby expressly prohibited

A strict interpreter may reason that the Qurʾān names financial duties with unusual specificity, protects ownership, describes empowerment through zakāt in 22:41, and gives no general revenue fraction over ordinary income. This combination provides a substantial prima facie case against claiming that every later state has an unlimited fiscal entitlement. It does not establish a logically exhaustive prohibition solely by the absence of a named modern instrument. The Qurʾān does not list motor-vehicle registrations either, and a rule may require human specification without thereby conflicting with revelation. The question remains whether a new rule merely arranges the discharge of a right or creates a liability of a legally different kind.

The most careful conclusion is that the absence of an express wage-tax or sales-tax command places a serious justificatory burden upon advocates of such collection. It is not sufficient to state that a law has been enacted; but neither is it sufficient to say that the word 'income tax' does not occur in a seventh-century text. The source, purpose, incidence, allocation and limit of each claim must be investigated.

7.16.2 Continuing public duties may require finance

Opponents rightly observe that courts, protection, sanitation, basic education and the care of vulnerable persons can be continuing obligations rather than one-day emergencies. A rule that prohibits all forms of financing beyond a fixed charitable fund regardless of actual need risks leaving recognised public duties unperformed. This is why Ibn Ḥazm treats the affluent's provision of food, shelter and clothing to the poor as enforceable when zakāt and other resources are insufficient, and why al-Shāṭibī discusses limited assessments for defence and other necessary protection. Ibn ʿĀbidīn's Hanafi discussions likewise distinguish certain necessary communal charges from wrongful exaction.

The restrictive answer does not have to deny these sources. It distinguishes the obligation from an autonomous fiscal institution: a demonstrable duty, a real shortage, a properly identified body of contributors, proportionate capacity and accountable use can justify a contribution without establishing that future governments may permanently tax any income or asset they find administratively convenient. The model must accommodate continuing needs through repeated proof and intelligible oversight. It does not demand that a hospital stop operating each year merely because funding must be accountable.

A wider opposing view permits broader recurring taxation to maintain ordinary social infrastructure, provided its burdens and uses are just. That interpretation remains part of the fiqh dispute. This book contests it where public necessity is enlarged into unlimited budgetary discretion, but it does not describe supporters of conditional taxation as having necessarily abandoned revelation.

7.16.3 Caliphal precedent qualifies claims of universal voluntarism

The claim that every public payment other than zakāt was historically voluntary is incompatible with the authenticated report on ʿUmar's assessment of the Sawād lands (al-Bukhārī 3700), as well as the existence of jizya and specifically allocated war revenues. The land case does not establish a modern annual tax on the ordinary Muslim home; it does establish a fiscal administration with compulsory assessments and a concern that the land not be charged beyond its capacity. A careful argument must preserve both facts. The evidence is more compelling against general wage taxation when it identifies the actual historical base of kharāj rather than merely substituting the English word 'tax' for every fiscal category.

Voluntary contributions in wartime likewise do not prove that every war expense was funded voluntarily. Al-Bukhārī 2778 demonstrates the Prophet's encouragement to equip the army of hardship and 2904 describes use of Banu al-Naḍīr revenue for weapons and horses. These examples show voluntary generosity and separately available public resources together. They offer no authenticated general income-tax schedule, but they do not by themselves establish an exhaustive catalogue of every possible source of finance.

The statement that the Prophet 'never installed an income or consumption tax system' must therefore be phrased as a bounded historical conclusion: the primary material examined does not document an additional general, recurring levy on ordinary Muslim wages or retail purchases. Absence of a found precedent is not a direct prophetic prohibition, though it may be pertinent to the burden of proof imposed upon a claim of specifically religious authorization.

7.16.4 Four mistakes a serious restrictive argument must avoid

First, the fifth of Qurʾān 8:41 should not be called fayʾ. The war-acquisition provision is discussed as ghanīma, while Qurʾān 59:6–7 concerns fayʾ. Second, the report on agricultural ʿushr must not reverse the rates: naturally watered produce is assessed at one tenth, and mechanically watered produce in the cited hadith at one twentieth (al-Bukhārī 1483). Third, citing a fatwa of Islamweb does not make that institution Dar al-Iftāʾ al-Miṣriyya; these are distinct publishers whose positions must be cited separately. Fourth, neither an online fatwa nor a selected group of classical passages proves consensus that all additional taxation is forbidden. Attributions to particular scholars and explicit statements of disagreement are essential.

One further correction concerns the word 'evasion'. A religious criticism of a levy cannot be transmuted without proof into general permission to make false declarations, forge records, or conceal contractual facts. Lawful exemptions, administrative objections, court challenges and transparent public advocacy must be distinguished from deception or breach of an existing enforceable undertaking. This book is a normative study of legitimacy, not an instruction to commit fraud under the positive law in force.

7.16.5 The precise disagreement

The opposing positions are best framed as rival presumptions about the relationship between public necessity and ownership. The restrictive position begins with protected private wealth, specified dues, and an insistence that every additional compulsory claim must rest on an independently identified right. Its concern is that modern budgetary government converts administrative convenience into a limitless recurring entitlement. The broader position emphasizes the continuous obligations of public life and regards an appropriately authorized, proportionate, fairly distributed additional contribution as one lawful means of performing them. It fears that the narrower theory will frustrate real duties when specified revenues are inadequate. Each position bears a burden: the broader one must show why a function entails a particular collection power; the narrower one must show how acknowledged collective obligations will actually be fulfilled without abandoning their beneficiaries.

7.17 A need-linked fiscal framework under the restrictive interpretation

7.17.1 The decision must precede the collection

Under the restrictive position defended here, a fiscal assessment cannot begin with a desired tax percentage and then search for an attractive expenditure to justify it. It must begin with the independently established obligation. Decision-makers should record (a) the legal character and beneficiaries of the need; (b) the existing category of authorised public revenue that may lawfully meet it; (c) realistic voluntary or contractual provision; (d) the remaining measured shortfall; (e) the financial capacity and responsibility of the proposed contributors; and (f) the duration, review and redress conditions attached to any extraordinary assessment. These are contemporary procedures proposed as an institutional expression of a restrictive legal argument. They are not procedural clauses quoted from the Qur’ān.

Where the project is merely desirable rather than obligatory, the ordinary recourse should be legitimate existing public income, consensual purchase of a service, waqf, donation, or voluntary contribution. The political approval of the programme does not itself establish that an additional compulsory levy is owed. Even for a necessary programme, inadequate management of legitimate resources must not be concealed behind the assertion that the treasury needs money. The expenditure and alternative revenues must first withstand scrutiny.

7.17.2 Separation of the relevant fiscal categories

A useful examination begins by asking whether the money proposed for expenditure belongs to a restricted zakāt fund, another historically specified public revenue class, a voluntary endowment, an enforceable fee for a genuinely supplied service, or an extraordinary contribution justified by an unmet obligation. These are not interchangeable ledgers. Assigning one label to the same money cannot make

otherwise ineligible expenditure lawful. A charge paid because the authority possesses exclusive control of a necessary procedure is not automatically a consensual market fee merely because it appears on an invoice.

This also sharpens the distinction between the acquisition and allocation powers. A government might be authorized to manage a bridge, keep public land, administer a fund for poor persons, or prohibit a monopolistic concession. Whether it may compel an additional contribution from a particular citizen is a further question, requiring the same careful identification of legal source, liable person and destination. The state's responsibility to facilitate society cannot serve as a universally sufficient premise for creating unlimited proprietary claims.

7.17.3 Distributional assessment and accountable use

In any necessary extraordinary assessment, the state should publish a capacity analysis that identifies subsistence requirements, dependants, necessary business costs, debt and liquidity, rather than equate a person's entire wage or revenue with surplus resources. It should assess whether the contemplated charge falls upon households eligible for relief, whether basic food or medicine is affected, and whether wealthier beneficiaries can avoid the burden through exemptions or privileged administration. Such findings should be capable of challenge. An internally coherent public-interest claim is not enough if its incidence falls on those least able to bear it.

For a funded project, the public record should distinguish the initial estimate, approved contribution, actual spending, uncommitted balance, and the disposition of surplus receipts. A collection justified by a specific obligation should not automatically be folded into an unrestricted general fund; any change in purpose must be justified afresh. A necessity-based assessment must be amended or ended when lawful resources become sufficient or the underlying need ceases. These conditions are stringent precisely because the proposed duty is exceptional rather than the ordinary proprietor's consent to a transaction.

7.17.4 The resulting constitutional position

The resulting model does not seek to prohibit traffic rules, honest market standards, public adjudication or the protection of communal assets. It seeks to prevent the language of obedience, consultation, public interest and distributive justice from being converted into an unexamined recurring claim upon private wealth. It regards the ruling authority as an accountable administrator of defined rights, not the original owner of a statutory share of all wages and purchases. It also recognizes that genuine collective obligations can become hard cases where specified revenues and voluntary support fail. Its solution is bounded, demonstrated, reviewable collection where a valid legal justification is established, rather than a denial of those obligations or an unlimited fiscal dispensation.

This is a constitutional thesis advanced through Qurʾānic comparison, authenticated reports, historical distinctions and a consciously restrictive selection among juristic

inferences. It is not a quotation of one express prohibition declaring every modern tax invalid. The question posed to the ruler remains concrete and demanding: identify the right you seek to enforce, why these people owe it, why this amount is needed, which funds have already been used, and when the claim ends.

7.18 Conclusion

The chapter now advances a constitutional objection rather than a claim that the Qurʾān contains the modern word tax. A ruler may regulate the common affairs of society, but that administrative competence does not itself create a new proprietary right in citizens' wages, necessities or purchases. Qurʾān 22:41 identifies zakāt in its description of empowered believers but does not confer a general taxing power; 59:6–7 directs the distribution of fayʾ already received, and does not itself prescribe acquisition of private income. The presumption is protected ownership, subject to specified dues and independently established rights.

The restrictive case rests upon affirmative evidence as well as the absence of a demonstrated general income-tax precedent. Qurʾānic property protection, the inviolability affirmed in al-Bukhārī 67, the exclusivity language of al-Bukhārī 46 and the collection limit in al-Bukhārī 1454 place the burden of justification upon the additional demand. Muslim 1695b supplies an authentic condemnation of maks. Its application requires showing that an exaction lacks entitlement or violates its limits; it cannot be achieved merely by substituting the English word tax for the disputed Arabic term.

The counterevidence defines the scope of that conclusion. Jizya and kharāj prevent a claim that all early public finance was voluntary or confined to zakāt. Twelver khums doctrine prevents one Sunni inventory from representing every Islamic tradition. Ibn Ḥazm authorises compulsory basic relief, while al-Ghazālī, al-Shāṭibī and Ibn ʿĀbidīn recognise additional assessments under specified conditions. Some allow a land or produce base. The paper accordingly rejects a universal prohibition of percentages, of every land-related assessment, or of every obligation beyond zakāt. Those claims would be broader than the evidence permits.

The objection is instead directed at converting those specified liabilities and conditional permissions into an ordinary standing entitlement to private income, consumption or property. Where necessity is the asserted basis, collection must remain related to a lawful unmet obligation, insufficient available resources, a defensible distribution of burdens, accountable expenditure and continuing justification. A deficit created by discretionary choices does not prove necessity. A permanent institution does not automatically justify every proposed cost. Consultation and legislation can organise a justified obligation but cannot, within the restrictive interpretation defended here, create an unlimited or self-sufficient fiscal right.

This conclusion remains a substantive interpretation within a real dispute. Neither the absence of an express general wage-tax rule nor the successful governance of

the Prophet is a verbatim universal prohibition of every possible future levy. The authenticated evidence of ʿUmar's kharāj administration, specified non-zakāt receipts and the jurists' discussions of necessary assessments must remain visible. The restrictive argument insists that such precedents cannot be converted, by analogy or the needs of a standing budget alone, into unlimited fiscal sovereignty over private wealth. Where a serious unmet obligation requires an exceptional assessment, it must be demonstrated, fairly apportioned, recorded, independently reviewed and limited to what is actually owed.

This conclusion is a substantive position within disagreement. Jurists who recognise a wider power to finance continuing public responsibilities may judge particular modern taxes lawful, and a tax meeting a demonstrated independent obligation is not condemned solely by its label. Nevertheless, a modern assessment that rests only upon general fiscal sovereignty, or that exceeds or outlives the need invoked to justify it, is unlawful under the argument advanced here. The need must govern the additional collection rather than being manufactured to defend a predetermined revenue claim. Public authority administers lawful rights; it does not acquire private wealth merely by exercising power.

Primary texts and citation notes

Qurʾānic text and exegesis

Qurʾān. Principal passages: 2:177, 2:188, 2:219, 4:29, 8:41, 9:29, 9:60, 9:103, and 59:6–7. Arabic was checked in the canonical *ar-imlaei* text; quoted English follows Marmaduke Pickthall, *The Meaning of the Glorious Koran*, in the verified *en-pickthall* edition. Linked verse references identify the text and translation used. The added discussion of 2:219 and renewed comparison with 59:7 were checked on 8 November 2026. 2:219, Pickthall. 59:7, Pickthall.

Al-Ṭabarī. *Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān*. Consulted commentary on 9:103 and 59:7. Reports preserved in a commentary are distinguished from an independent authentication of their chains. Additional commentary on 2:219, the meaning of al-ʿafw and its relationship to voluntary giving and prescribed zakāt. 2:219.

Al-Qurṭubī. *Al-Jāmiʿ li-aḥkām al-Qurʾān*. Consulted commentary on 2:177, sixth issue; 4:29, first, second, and fourth issues; 9:60, especially the twenty-second issue; and 9:103, first and third issues. The issue and verse references are used to avoid mixing pagination across editions. Additional commentary on 2:219, the meaning of al-ʿafw and its relationship to voluntary giving and prescribed zakāt. 2:219.

Hadith collections

Al-Bukhārī. *Al-Ṣaḥīḥ*. Principal reports: 46, 67, 1399–1400, 1426, 1454, 1483, 1496, 2331, 2778, 2904, 3118, 3125, 3700, and 5373. Numbers follow the linked continuous numbering. No. 3125 is ʿUmar’s statement; no. 1454 transmits Abū Bakr’s document identifying the prescribed prophetic ṣadaqa. The account indexed as no. 2778 opens with the compiler’s formula *wa-qāla ʿAbdān*; its transmission form is not silently presented as identical to every directly introduced report. No. 3700 is a Companion-era narrative about ʿUmar’s administration and final recommendations, not a prophetic command.

Muslim. *Al-Ṣaḥīḥ*. Principal reports: 1017a, 1695b, 1728, 1757a, and 1832a. Letter suffixes distinguish the linked versions. Prophetic wording, companion recollection, and narrator inference are identified separately in the discussion.

Al-Tirmidhī. *Al-Jāmiʿ*, nos. 659–660. **Ibn Mājah.** *Al-Sunan*, no. 1789. **Abū Dāwūd.** *Al-Sunan*, no. 2937. The competing financial maxims and the Paradise-exclusion wording are discussed with transmission qualifications. The most important critical observation is al-Tirmidhī's own comment at no. 660. The consulted witnesses mark Ibn Mājah 1789 weak and record al-Albānī's weak grading for Abū Dāwūd 2937.

Abū Dāwūd. Al-Sunan, no. 3508, al-kharāj bi-l-ḍamān. The consulted witness attributes a ḥasan assessment to al-Albānī. Al-Tirmidhī, al-Jāmiʿ, no. 1285, records the compiler's own ḥasan ṣaḥīḥ assessment. The fiscal argument distinguishes these reports from their later juristic applications. Online source. Al-Tirmidhī 1285.

Fiscal and juristic works

Abū Yūsuf Yaʿqūb b. Ibrāhīm. *Kitāb al-Kharāj*. Edited by Ṭāhā ʿAbd al-Raʾūf Saʿd and Saʿd Ḥasan Muḥammad. Al-Maktaba al-Azhariyya li-l-Turāth, n.d. in the consulted metadata. Relevant printed pages: 35–36, 119–120, 135–136, and 146–149. The digital witness follows this pagination; the number at the end of an individual page URL is not necessarily the printed page number. Land deliberation, p. 35; collection, p. 119; trade-receipt classification, p. 148.

Al-Māwardī. *Al-Aḥkām al-sulṭāniyya*. Chapter 18, fourth division on treasury income and expenditure, pp. 266–268 in the consulted electronic witness. These locators are not assigned to an unverified print imprint. The chapter paraphrases the conditional logic rather than reproducing apparent transcription errors in the electronic text.

Al-Ghazālī. *Al-Mustaṣfā*. Edited by Muḥammad ʿAbd al-Salām ʿAbd al-Shāfī. Beirut: Dār al-Kutub al-ʿIlmiyya, 1413/1993. Discussion of istiṣlāḥ, pp. 177–178.

Al-Shāṭibī. *Al-Iʿtiṣām*. Edited by Salīm b. ʿĪd al-Hilālī. Saudi Arabia: Dār Ibn ʿAffān, 1412/1992. Chapter eight, fifth practical example, II:619–620.

Ibn Ḥazm. *Al-Muḥallā bi-l-āthār*. Beirut: Dār al-Fikr, n.d. Issue 702, IV:234–236; issue 725, IV:281–284. Issue numbers provide the most portable locators across editions.

Ibn ʿĀbidīn. *Radd al-muḥtār*. Revised printing supervised by Maktab al-Buḥūth wa-l-Dirāsāt. Beirut: Dār al-Fikr, 1415/1995. *Kitāb al-kafāla*, V:466–467. The pagination belongs to this printing and should not be combined with V:330–331 cited from other printings.

Ibn Ḥajar al-ʿAsqalānī. *Fatḥ al-bārī bi-sharḥ Ṣaḥīḥ al-Bukhārī*. VII:77 and 85 in the consulted witness; commentary on the report numbered 3700 in the linked continuous numbering. The commentary identifies the Sawād land assessment and explains the accompanying safeguards. Online text.

Ibn ʿĀbidīn. *Radd al-muḥtār*. Additional passage in Kitāb al-zakāt, II:336–337 in the Islamweb witness, discussing rightful communal assessments, treasury insufficiency and oppressive exactions. This locator is distinct from the Kitāb al-kafāla edition cited above. Online text.

Ibn ʿĀbidīn. Radd al-muḥtār. Kitāb al-zakāt, commentary on being free of original needs, II:262–263 in the Islamweb witness. The discussion distinguishes necessities, money presently required for them and cash retained for future expenditure. This locator is distinct from the separately cited assessments and suretyship passages. Online source.

Majallat al-aḥkām al-ʿadliyya. Introduction, second essay on general legal maxims, arts. 85, 87–88 and 97. Arabic electronic reproduction consulted on 8 November 2026. Article 85's explanation concerns use and liability before return for a defect; the code is cited as a juristic legal text, not as prophetic wording. Online source.

Al-Nawawī. *Al-Minhāj fī sharḥ Ṣaḥīḥ Muslim*. *Kitāb al-ḥudūd*, chapter on confession to zinā, commentary on Muslim 1695. The consulted witness displays XI:348; the report and chapter references avoid conflation with XI:203 in another pagination.

Al-Mufīd. *Al-Muqniʿa*. Qum: World Congress for the Millennium of Shaykh al-Mufīd, 1413 AH. Chapter 34, p. 276.

Modern primary juristic texts

Al-Albānī, Muḥammad Nāṣir al-Dīn. *As'ilat al-Imārāt*. Section Ḥukm al-ḍarā'ib fī al-Islām. Speech transcript hosted by Islamweb. The restrictive position on permanent taxation and the need-limited exception are attributed to the speaker; his assertion of agreement is not adopted as a demonstrated consensus. Accessed 7 November 2026. Online text.

Al-Qaraḍāwī, Yūsuf. *Fiqh al-zakāh*. Part II, section on zakāt and taxation, subsection on the conditions of taxation. Consulted part-II electronic text, PDF pp. 532–538, counting the first PDF page as page 1. These are electronic page positions, not an asserted print pagination.

Dār al-Iftā' al-Miṣriyya. "Al-ḍarā'ib allatī tafriḍuhā al-dawla". Fatwa 3208, Amānat al-Fatwā, 9 April 2015.

Ibn Bāz, ʿAbd al-ʿAzīz. "Hal taqūm al-ḍarā'ib maqām al-zakāt". Official fatwa archive, no. 22119. Cited only for the distinction between ordinary tax payment and discharge of zakāt.

Al-Sīstānī, ʿAlī. *Islamic Laws*, khums categories, ruling 1768, and surplus earnings, rulings 1769 and following, especially 1791–1792.

Modern fiscal evidence

Alstadsæter, Annette, Niels Johannesen and Gabriel Zucman. "Tax Evasion and Inequality." American Economic Review 109, no. 6 (June 2019): 2073–2103. DOI: 10.1257/aer.20172043. The cited estimate is from the final published article: pp. 2073–2075 and 2091–2092, using the 2006 benchmark for Scandinavian wealth and tax liabilities. Online source.

Amjad, Beenish, Haydeeliz Carrasco and Moritz Meyer. The Effects of Taxes and Transfers on Inequality and Poverty in Pakistan. World Bank, May 2025 version. Abstract; analysis of fiscal year 2019 using the Commitment to Equity approach. The approximate two-percentage-point result concerns the modelled effect at the national poverty line. Online source.

Thomas, Alastair. "Reassessing the Regressivity of the VAT." OECD Taxation Working Papers, no. 49. Paris: OECD Publishing, 10 August 2020. DOI: 10.1787/b76ced82-en. Abstract; twenty-seven-country comparison, with the distinction between burdens measured against income and expenditure. Online source.

World Bank. World Bank Support for Domestic Revenue Mobilization: An Independent Evaluation. Independent Evaluation Group. Washington, DC: World Bank, 2023. Chapter 4, "Insights from Country Case Studies," Pakistan. DOI: 10.1596/IEG181233. The cited discussion concerns discriminatory concessions, policy reversals and privileged interests. Online source.

Supplementary source verification for Edition 2

Qurʾān. Additional passages examined: 2:233; 4:4, 11–12, 29, 58–59, 135; 5:8; 8:41; 9:29, 60, 103; 22:41; 42:38; 59:6–7; 65:7. Arabic text was checked through quran.ai against the ar-imlaei witness and English quotations against the identified translations. The comparison between administrative regulation and fiscal entitlement is the author's inference, not language supplied by any one verse or a ruling of the retrieval service.

Al-Ṭabarī, Jāmiʿ al-bayān, commentary on Qurʾān 2:219, reports 3315–3337 and concluding assessment. The text interprets al-ʿafw with reference to surplus after family need while rejecting the claim that the verse imposes a new compulsory financial duty. Electronic text: https://quran.com/2:219/tafsirs/15

Al-Bukhārī, Ṣaḥīḥ, nos. 46 (voluntary giving beyond specified obligations), 1454 (Abū Bakr's authorized zakāt schedule), 1483 (naturally-watered produce: one tenth; irrigated production: one twentieth), 2778 (equipping the army), 2904 (fayʾ-derived military expenditure) and 3700 (ʿUmar's Sawād land assessment and safeguards). Primary witness: https://sunnah.com

Islamweb Fatwa Centre. “Ruling on implementing taxes,” fatwa 473563, 2 April 2023. The opinion opposes an automatic assumption that taxes are necessary, yet permits just and fair assessments for specified essential services when circumstances require them. This is an Islamweb opinion and must not be attributed to Egyptian Dār al-Iftāʾ. https://www.islamweb.net/en/fatwa/473563/ruling-on-implementing-taxes

Source-quality audit for the Deep Research memorandum consulted for Edition 2. Its identification of Qurʾān 8:41 as fayʾ, reversal of ʿushr rates, attribution of Islamweb to Egyptian Dār al-Iftāʾ, and claims of universal agreement or express Qurʾānic prohibition of all essential-goods taxes were not adopted. This book distinguishes those errors from its properly sourced evidence of property protection and the limited incidence of specified revenue categories.

Glossary of Terms and Concepts

This glossary explains principal Arabic terms and the Arabic names of concepts discussed in English. Definitions describe their use in this book; the cited sections develop qualifications and disagreements. Entries are alphabetized by transliteration, disregarding initial *al-* and diacritical marks.

‘**Adāla.** Moral and religious probity, particularly as an eligibility condition for office; not automatically every modern conception of distributive justice. (§4.1.)

‘**Adl.** Justice or equitable conduct; a standard governing judgment and public action rather than a complete institutional procedure. (§1.7.)

Amāna. An entrusted responsibility or trust. Public office is examined through its duties and answerability, not merely possession of power. (§§1.4, 2.2.)

Amīr. A commander or officeholder exercising delegated command; the title alone does not settle the extent or lawfulness of obedience. (§2.3.)

Amr. Command, affair, or matter, depending on context. Its Qurʾānic occurrences cannot all be reduced to governmental sovereignty. (§1.2.)

Athara. Preferential treatment or appropriation of advantages, appearing in reports concerning withheld rights and endurance under rulers. (§2.5.)

Bayʿa. A pledge of allegiance. Its participants, conditions, and institutional consequences vary; it is not automatically identical with universal electoral consent. (§§4.2, 5.3.)

Burhān. Proof or authoritative warrant; in the manifest-disbelief report, the specified evidence is a necessary part of the exception. (§2.6.)

Ḍarūra. Necessity, invoked to justify limited departures from ordinary requirements. Its existence, alternatives, and duration require examination. (§§5.7, 7.5.)

Faḍl al-māl. Surplus resources. The fiscal discussion distinguishes genuine capacity beyond necessary provision from gross income or property used for essential needs; the conditions of particular prescribed dues remain distinct. (§7.9.)

Fayʾ. A revenue category discussed through Qurʾān 59:6–7 and related reports; its allocation cannot simply be equated with general taxation. (§7.2.)

Ghanīma. War acquisitions or spoils whose fifth is allocated in Qurʾān 8:41; not interchangeable with fayʾ in Qurʾān 59:6–7. (§§7.2, 7.13.)

Fiqh. Juristic understanding and formulation of legal duties. The book distinguishes such reasoning from the foundational texts it interprets. (§4.1.)

Fī sabīl Allāh. “In God’s way,” a Qurʾānic allocation category whose scope requires interpretation; it does not automatically encompass every governmental purpose. (§7.2.)

Fisq. Transgression or serious departure from required conduct. Jurists disagree about its effects upon an incumbent's continuing authority. (§5.5.)

Al-ghurm bi-l-ghunm. A legal maxim connecting burden with benefit. Its application depends on the relevant rights and liabilities; it does not independently prescribe the contributors to public road finance. (§7.10.)

Ḥākim. A person exercising judgment or authority; the scope intended by a particular authorization requires contextual interpretation. (§4.4.)

Ḥukm. Judgment, decision, or ruling. Divine authority and human adjudication appear in distinct Qurʾānic settings requiring separate analysis. (§1.3.)

Ijmāʿ. Consensus invoked as legal authority. An author's assertion of consensus is distinguished from independently demonstrated agreement across all recorded positions. (§5.5.)

Imām and imāma. Leader and leadership office. Sunni institutional formulations and Shiʿi doctrines of designated authority differ in their foundations and attributes. (§§4.2–4.4.)

Imārat al-istīlāʾ. In al-Māwardī's discussion, provincial rule acquired by seizure and accommodated through caliphal recognition under specified conditions. (§4.2.6.)

Isnād. A report's chain of transmission. Similar wording elsewhere cannot supply an unnamed eyewitness or authenticate an entire document automatically. (§3.1.)

Istiṣlāḥ. Reasoning through public benefit; examined through al-Ghazālī's conditional assessment argument rather than as an unrestricted fiscal power. (§7.5.)

Jāhiliyya. The pre-Islamic condition invoked in warnings about communal separation; the precise consequence must be read from the report. (§2.5.)

Jizya. A payment associated with specified non-Muslim status. The scriptural setting, later rates, exemptions, and treaty obligations require differentiation. (§§3.7, 7.4.)

Khalīfa and khilāfa. Successor and caliphate. Qurʾānic usage and later institutional doctrines do not possess an automatically identical political meaning. (§§1.8, 4.2.)

Kharāj. Especially land revenue in early fiscal discussions, though particular juristic passages use related wording for a proposed assessment more generally. (§§7.4–7.5.)

Al-kharāj bi-l-ḍamān. A report and legal maxim relating entitlement to yield or benefit to liability. Kharāj here should not be conflated with land taxation. (§7.10.)

Khums. The fifth. Twelver formulations include specified surplus earnings; this scope and its authorized recipients cannot be presumed across all schools. (§7.6.)

Kufr bawāḥ. Manifest disbelief, specified in one pledge report's exception concerning contestation of authority, together with an evidentiary requirement. (§2.6.)

Maks. A condemned form of exaction. Applying the term to a modern levy requires a legal argument, not translation alone. (§7.3.)

Maʿrūf. Recognized right conduct, delimiting obedience. An authorized commander's demand does not become right merely because he issues it. (§2.3.)

Maṣlaḥa. Benefit or welfare considered in legal reasoning. The relevant public purpose must be distinguished from an incumbent's convenience. (§§5.6–5.7, 7.5.)

Matn. A report's wording, distinguished from its transmission chain, later commentary, and explanatory headings supplied by an editor or website. (§§2.1, 3.1.)

Maẓālim. Grievances and the jurisdiction addressing them, particularly where effective redress requires power beyond ordinary adjudication. (§4.2.5.)

Muʿāhad. A person protected by covenant; the protections discussed depend upon an undertaking whose terms and parties matter. (§3.2.)

Naṣīḥa. Sincere commitment, goodwill, or counsel according to context; duties toward leaders coexist with duties toward the wider community. (§2.4.)

Naṣṣ. An explicit text or designation, according to context. Debates over appointment by designation require attention to the tradition's particular claims. (§§4.4, 4.6.)

Qisṭ. Justice or equitable dealing, including testimony and public judgment; hostility does not cancel the obligation to act justly. (§1.7.)

Quwwa. Capacity or strength suited to a task; Ibn Taymiyyah evaluates competence in relation to the office being filled. (§4.3.2.)

Rāʿī. A shepherd or responsible caretaker, used in the hadith's account of leadership and answerability for those entrusted to one's care. (§2.2.)

Raʿiyya. Those entrusted to a caretaker or ruler. The image establishes responsibilities toward them rather than treating them as the ruler's possessions. (§2.2.)

Ribā. Usury, mentioned among the conditions in transmitted Najrān material; the chapter examines that documentary wording without constructing a general finance code. (§3.7.)

Ṣadaqa. Giving or alms; context may identify either voluntary contributions or an obligatory assessment, including prescribed zakāt. (§7.3.)

Ṣaḥīfa. A written sheet or document. Shared use of this word does not establish that different reports concern one identical instrument. (§3.1.)

Ṣaḥīḥ. Sound or authentic, used in transmission assessment and collection titles; authenticity does not resolve every question of meaning or application. (§§2.1, 7.3.)

Sharīʿa. The religiously authoritative normative order invoked by legal arguments, distinguished in the analysis from particular, historically disputed juristic formulations. (§§4.1, 5.8.)

Shūrā. Consultation concerning common affairs. The textual norm requires further argument before it becomes a specific electoral or legislative procedure. (§1.6.)

Siyāsa sharʿiyya. Governance justified within the revealed legal order; its administrative and coercive scope is developed through juristic reasoning. (§§4.3, 5.8.)

Sulṭān. Governing authority or effective power in the passages examined; it need not denote a particular dynastic title. (§5.6.)

Taqiyya. Protective concealment or constrained conduct under danger, relevant to Imami discussions of performing responsibilities under adverse political conditions. (§4.4.)

Tawẓīf al-kharāj. The imposition of an assessment in the fiscal argument examined; context prevents automatic identification with conquered-land kharāj. (§7.5.)

Taʿzīr. Discretionary punishment in the category discussed, differentiated from fixed prescribed penalties and varied according to conduct and circumstances. (§4.3.4.)

Ulī al-amr. Those possessing authority or responsibility, especially in Qurʾān 4:59 and 4:83; identity and scope remain interpretive questions. (§1.5.)

Umma. A community. In the Medina document, its membership must be established from the specific wording and variant witnesses. (§§3.3–3.4.)

ʿUshūr. Trade-related assessments discussed by Abū Yūsuf, with different rates and legal classifications; the heading does not make every receipt a tenth. (§7.4.)

Wilāya. Authority or jurisdiction. Juristic-governance debates concern which functions are delegated and whether that delegation entails comprehensive governmental authority. (§§4.4, 6.6.)

Zakāt. The prescribed alms obligation, with rules concerning liability and recipients. Neither its rate nor its discharge is identical with ordinary taxation. (§7.3.)

Consolidated Bibliography

This bibliography brings together the works and textual witnesses cited across the seven chapters. It complements the source register attached to each chapter, where individual reports, recensions, and passages can be retrieved in their argumentative context. A work's inclusion does not establish the authenticity of every report it contains, imply agreement with its conclusions, or erase the distinctions between revelation, transmitted narrative, juristic judgment, and modern constitutional enactment.

Sources and editions

Page numbers identify the particular edition or electronic witness consulted. Where the chapters use different witnesses of the same work, those differences are retained below. Numbers at the end of electronic URLs sometimes identify an interface location rather than a printed page. Internal chapter, issue, report, or ruling numbers therefore remain essential. Dates and publishing details have not been supplied where the underlying chapter registers did not establish them.

Qurʾānic citations use surah and verse. Chapter 1 gives working English translations; the later chapters that quote a named English translation identify Marmaduke Pickthall. Hadith numbers follow the linked electronic presentations, including lettered variants and paired numbers. Prophetic speech is distinguished in the chapters from companion statements, compiler comments, narrator inferences, and later assessments of transmission. The chapter registers preserve these qualifications.

Titles and names are brought under consistent headings for retrieval. This editorial consolidation does not merge separately consulted editions. The constitutional texts are the versions identified below; the bibliography does not claim that they represent every subsequent amendment or application.

Qurʾānic text and commentary

The Qurʾān. Arabic text consulted through quran.ai using Quran Foundation/Quran.com editions, principally *ar-imlaei* and, in Chapter 1, *ar-uthmani-hafs*. Verse references and the principal passages are recorded in the chapter source registers. Selected morphological data were used in Chapters 1 and 5 as aids to inspecting the wording. Arabic text access.

Pickthall, Marmaduke. *The Meaning of the Glorious Koran*. English translation consulted through the verified *en-pickthall* electronic edition. Print publishing details are not asserted for this electronic witness. Translation access.

Al-Qurṭubī. *Al-Jāmiʿ li-aḥkām al-Qurʾān*. Consulted commentary on 2:177, especially the sixth issue; 3:159, especially the second and sixth issues; 4:29, especially the first, second, and fourth issues; 4:59, especially the first and second issues; 9:60, especially the twenty-second issue; and 9:103, especially the first and third issues. Verse and issue references avoid conflating editions. Ibn ʿAṭiyya's statement concerning removal is cited through al-Qurṭubī, not through an independently consulted edition of Ibn ʿAṭiyya. Consultation; authority; financial obligation; collection. Also consulted on 2:219 concerning surplus, household provision and the scope of voluntary expenditure. 2:219.

Al-Ṭabarī. *Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān*. Consulted commentary on 3:159, especially reports 8126–8134 and the author’s conclusions; 4:58, especially reports 9839–9850 and the concluding discussion; 4:59; 9:103; and 59:7. The chapters distinguish the commentary’s preserved reports from an independent authentication of their chains. Consultation; trusts; collection; fayʾ. Also consulted on 2:219 concerning surplus, household provision and the scope of voluntary expenditure. 2:219.

Al-Ṭabarī. Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān. Commentary on 2:219, especially reports 3315–3337 and concluding discussion, accessed via Quran.com tafsīr presentation: https://quran.com/2:219/tafsirs/15.

Hadith collections

Abū Dāwūd. *Al-Sunan*. Nos. 2937 and 3041. The first is discussed in connection with *maks* in Chapter 7; the second is a supplementary Najrān settlement transmission in Chapter 3. The consulted online grading fields attribute weak assessments to al-Albānī. These attributions are not presented as the wording of the transmitted reports or as universal judgments adopted by all scholars. No. 2937; no. 3041. Also no. 3508, al-kharāj bi-l-ḍamān, with the consulted witness attributing a ḥasan grading to al-Albānī. No. 3508.

Al-Bukhārī. *Al-Ṣaḥīḥ*. Principal reports cited in the chapter registers: 46; 67; 956; 1399–1400; 1426; 1454; 1483; 1496; 1870; 2331; 2698–2699; 2711–2712; 2731–2732; 2778; 2904; 3118; 3125; 3166; 3500; 3603; 3606; 3700; 4380–4381; 4827; 5373; 6830; 7052–7056; 7098; 7137–7139; 7142; 7144–7146; 7150; 7174; 7199–7200; and 7257. Arabic checked through Sunnah.com; the long al-Ḥudaybiyyah report was additionally checked in a parallel primary-text presentation. The transmission forms and identities of individual speakers remain as specified in the chapters. Sunnah.com witness, no. 2731; parallel Arabic witness.

Ibn Mājah. *Al-Sunan*. No. 1789. Discussed with transmission qualifications in Chapter 7; the consulted witness marks it weak. Text.

Muslim b. al-Ḥajjāj. *Al-Ṣaḥīḥ*. Principal reports cited in the chapter registers: 49a; 55a; 142a; 1017a; 1370a; 1695b; 1709e; 1709h; 1728; 1757a; 1767a; 1783a; 1783c; 1784; 1787; 1820; 1825; 1827; 1828a; 1829a; 1832a; 1835a–b; 1836; 1838a; 1838e; 1839a; 1840a; 1841; 1843; 1844a; 1846a–b; 1847a–b; 1849a; 1852a–c; 1853; 1854a–b; 1855a–b; and 2989a. Letter suffixes distinguish recensions in the consulted interface. In particular, 1709e and 1709h preserve different clauses; 1847b’s striking-and-property wording is distinguished from 1847a. Truth-speaking recension; manifest-disbelief recension; 1847b.

Al-Tirmidhī. *Al-Jāmiʿ*. Nos. 659–660. The competing formulations concerning obligations beyond zakāt are discussed with the compiler’s own critical observation at no. 660. Text and critical comment. Also no. 1285, al-kharāj bi-l-ḍamān, which the compiler describes as ḥasan ṣaḥīḥ. No. 1285.

Early documentary and historical witnesses

Abū ʿUbayd al-Qāsim b. Sallām. *Kitāb al-Amwāl*. Edited by Muḥammad Khalīl Harrās. Beirut: Dār al-Fikr. Najrān: reports 503–506, pp. 244–246. Medina: report 518, pp. 260–264. The compiler’s notices of variant wording are distinguished from his legal explanations and the editor’s notes. Najrān; Medina.

Abū Yūsuf Yaʿqūb b. Ibrāhīm. *Kitāb al-Kharāj*. Edited by Ṭāhā ʿAbd al-Raʾūf Saʿd and Saʿd Ḥasan Muḥammad. Al-Maktaba al-Azhariyya li-l-Turāth, n.d. in the consulted metadata. Principal printed pages: 35–36; 84–85; 119–120; 135–136; and 146–149. Chapter 3 uses the Najrān instrument as a documentary witness; Chapter 7 also examines the work’s fiscal reports and legal arguments. The URL’s terminal number is not necessarily the printed page number. Edition; Najrān, p. 84; land deliberation, p. 35; trade receipts, p. 148.

Ibn Hishām. *Al-Sīra al-nabawiyya*, transmitting Ibn Isḥāq. The consulted Islamweb text is catalogued under Muʾassasat ʿUlūm al-Qurʾān. Medina document: I:501–504, section on the writing between the Emigrants and the Helpers and the agreement with the Jews. Al-Ḥudaybiyyah documentary recension: II:317–318. These witnesses are assessed separately from reports in the two Ṣaḥīḥ collections. Medina opening; al-Ḥudaybiyyah duration and accession.

Ibn Saʿd. *Al-Ṭabaqāt al-kubrā*. Beirut: Dār Ṣādir, 1968. I:287–288, the principal Najrān recension used in Chapter 3. Text.

Al-Ṭabarī. *Taʾrīkh al-rusul wa-l-mulūk*. Edited by Muḥammad Abū al-Faḍl Ibrāhīm. Cairo: Dār al-Maʿārif, second edition, 1387/1967. VIII:275–280 and 438–440, annals for 186 and 196 AH. Conditional pledge; withdrawal of allegiance.

Classical jurisprudence and political theology

ʿ**Abd al-Jabbār.** *Al-Mughnī fī abwāb al-tawḥīd wa-l-ʿadl*. XX/1, “On the Imamate.” Edited by Maḥmūd Muḥammad Qāsim; reviewed by Ibrāhīm Madkūr; under the supervision of Ṭāhā Ḥusayn. Cairo: al-Dār al-Miṣriyya. Principal references: pp. 16–17, 99, 201–202. Edition information; probity argument.

Al-Ashʿarī. *Maqālāt al-Islāmiyyīn wa-ikhtilāf al-muṣallīn*. Edited by Naʿīm Zarzūr. Al-Maktaba al-ʿAṣriyya, first edition, 1426/2005. I:109, §§55–56; II:336, §167; II:343, §179. Cited as attributed reports whose evidentiary limits remain explicit. Edition.

Al-Ghazālī. *Al-Iqtiṣād fī al-iʿtiqād*. Notes by ʿAbd Allāh Muḥammad al-Khalīlī. Beirut: Dār al-Kutub al-ʿIlmiyya, first edition, 1424/2004. Fourth quṭb, third bāb, “On the imamate,” pp. 129–130. Replacement under specified conditions; necessity.

Al-Ghazālī. *Al-Mustaṣfā*. Edited by Muḥammad ʿAbd al-Salām ʿAbd al-Shāfī. Beirut: Dār al-Kutub al-ʿIlmiyya, 1413/1993. Discussion of *istiṣlāḥ*, pp. 177–178. Text.

Al-Hādī ilā al-Ḥaqq. *Majmūʿ rasāʾil al-Imām al-Hādī*. Edited by ʿAbd Allāh b. Muḥammad al-Shādhilī. Ṣanʿāʾ: Muʾassasat al-Imām Zayd b. ʿAlī. “Uṣūl al-dīn,” pp. 54–56. Text.

Al-Muḥaqqiq al-Ḥillī. *Sharāʾiʿ al-Islām*. Volume I references follow the witness annotated by Ṣādiq al-Ḥusaynī al-Shīrāzī. Tehran: Intishārāt Istiqlāl. I:76, 232–233, 259–260. The judicial passage at IV:60 follows a separately consulted witness annotated by al-Baqqāl; its pagination is not merged with that of the first witness. Volume I; volume IV judicial passage.

Ibn ʿĀbidīn. *Radd al-muḥtār*. Revised printing supervised by Maktab al-Buḥūth wa-l-Dirāsāt. Beirut: Dār al-Fikr, 1415/1995. *Kitāb al-kafāla*, V:466–467. This pagination should not be combined with V:330–331 in other printings. P. 466; p. 467.

Ibn Ḥajar al-ʿAsqalānī. *Fatḥ al-bārī bi-sharḥ Ṣaḥīḥ al-Bukhārī*. VII:77 and 85 in the consulted witness; commentary on the report numbered 3700 in the linked continuous

numbering. The commentary identifies the Sawād land assessment and explains the accompanying safeguards. Online text.

Ibn ʿĀbidīn. *Radd al-muḥtār*. Additional passage in Kitāb al-zakāt, II:336–337 in the Islamweb witness, discussing rightful communal assessments, treasury insufficiency and oppressive exactions. This locator is distinct from the Kitāb al-kafāla edition cited above. Online text.

Ibn ʿĀbidīn. *Radd al-muḥtār*. *Kitāb al-ẓakāt*, commentary on being free of original needs, II:262–263 in the Islamweb witness. The discussion distinguishes necessities, money presently required for them and cash retained for future expenditure. This locator is distinct from the separately cited assessments and suretyship passages. Online source.

Ibn Ḥazm. *Al-Fiṣal fī al-milal wa-l-ahwāʾ wa-l-niḥal*. Cairo: Maktabat al-Khānjī, date and edition unspecified in the consulted witness. IV:132–135. Capacity and correction; removal and redress.

Ibn Ḥazm. *Al-Muḥallā bi-l-āthār*. Beirut: Dār al-Fikr, n.d. Issue 702, IV:234–236; issue 725, IV:281–284. The issue numbers are the most portable locators across editions. Issue 702; issue 725.

Ibn Khaldūn. *Al-Muqaddima*, in *Taʾrīkh Ibn Khaldūn*. Text, notes, and indices by Khalīl Shaḥāda; reviewed by Suhayl Zakkār. Beirut: Dār al-Fikr, first edition, 1401/1981. Book I, bāb III, faṣls 28–30; I:260–264. Designation; family advantage.

Ibn Qayyim al-Jawziyya. *Al-Ṭuruq al-ḥukmiyya fī al-siyāsa al-sharʿiyya*. Edited by Nāyif b. Aḥmad al-Ḥamad. Mecca: Dār ʿĀlam al-Fawāʾid, first edition, 1428 AH. I:29–32. Ibn ʿAqīl’s statement is cited through this work. Primary text.

Ibn Taymiyyah. *Al-Siyāsa al-sharʿiyya fī iṣlāḥ al-rāʿī wa-l-raʿiyya*. Edited by ʿAlī b. Muḥammad al-ʿUmrān. Riyadh: Dār ʿAṭāʾāt al-ʿIlm; Beirut: Dār Ibn Ḥazm, fourth edition, 1440/2019. Principal references: pp. 4–30, 44, 64–65, 72–74, 148–156, 233–241; the saying concerning unjust rule is at p. 239. This edition is distinguished from the text reproduced in *Majmūʿ al-fatāwā*, volume XXVIII. Edition; saying and context.

Ibn Taymiyyah. *Majmūʿ al-fatāwā*. XXXIV:175–176, the separately cited passage on multiple rulers and the performance of public obligations. The chapter register does not establish further publishing particulars for this witness. Passage.

Ibn Taymiyyah. *Minhāj al-sunna al-nabawiyya*. Edited by Muḥammad Rashād Sālim. Imam Muhammad ibn Saud Islamic University, first edition, 1406/1986. IV:527–530. Comparative harm; historical examples; retrospective settlement.

Al-Juwaynī. *Ghiyāth al-umam fī iltiyāth al-ẓulam*. Edited by ʿAbd al-ʿAẓīm al-Dīb. Maktabat Imām al-Ḥaramayn, second edition, 1401 AH. Second rukn, third chapter, §§551–565, pp. 385–393. Absence of ordinary authority.

Al-Karakī. *Risālat ṣalāt al-jumuʿa*, in *Rasāʾil al-Muḥaqqiq al-Karakī*. Edited by Muḥammad al-Ḥassūn. Maktabat al-Marʿashī, first edition, 1409 AH. I:142. Text.

Al-Kindī, Abū Bakr Aḥmad b. ʿAbd Allāh. *Al-Muṣannaf*. Edited by Muṣṭafā Ṣāliḥ Bājū. Oman: Ministry of Endowments and Religious Affairs, first edition, 1437/2016. Bound volume VII contains original part 10, Book of the Imamate. Principal pages: 300–306, 349–355, 476–477; the last passage is original part 10, chapter 54. These page numbers are not those of the older separately bound tenth volume. Edition and primary text.

Al-Kulaynī. *Al-Kāfī*. Edited by ʿAlī Akbar al-Ghaffārī. Tehran: Dār al-Kutub al-Islāmiyya. I:67–68, Book of the Excellence of Knowledge, chapter on differences among reports, no. 10. ʿUmar b. Ḥanẓala report.

Majallat al-aḥkām al-ʿadliyya. Introduction, second essay on general legal maxims, arts. 85, 87–88 and 97. Arabic electronic reproduction consulted on 8 November 2026. Article 85's explanation concerns use and liability before return for a defect; the code is cited as a juristic legal text, not as prophetic wording. Online source.

Al-Māwardī. *Al-Aḥkām al-sulṭāniyya*. The witness used in Chapters 4–6 is catalogued as Dār al-Kutub al-ʿIlmiyya, with no date or edition number supplied. Principal references: chapter 1, pp. 5–24; chapter 2, pp. 25–31; chapter 3, pp. 39–41; chapter 7, pp. 97–100. Chapter 7 of this book also uses the fourth division of the work's chapter 18, on treasury income and expenditure, pp. 266–268 in the consulted electronic witness; that locator is not assigned to an independently verified print imprint. Edition information; treasury passage.

Al-Mufīd. *Awāʾil al-maqālāt*. Edited by Ibrāhīm al-Anṣārī. Beirut: Dār al-Mufīd. §§3, 37–38, pp. 39–40, 65–66. Text.

Al-Mufīd. *Al-Irshād*. II:340, on the two occultations, in the witness identified by the chapter register. Further publication particulars are not asserted. Passage.

Al-Mufīd. *Al-Muqniʿa*. The judicial and penal passages used in Chapters 4–6 are at pp. 810–811 in the linked witness. The fiscal passage used in Chapter 7 follows Qum: World Congress for the Millennium of Shaykh al-Mufīd, 1413 AH, chapter 34, p. 276. The registers do not establish that both electronic witnesses reproduce the same printing. Public authority; khums.

Al-Narāqī. *ʿAwāʾid al-ayyām*. Edition prepared by Markaz al-Abḥāth wa-l-Dirāsāt al-Islāmiyya. ʿĀʾida 54, p. 536. Text.

Al-Nawawī. *Al-Minhāj sharḥ Ṣaḥīḥ Muslim b. al-Ḥajjāj*. The authority and removal discussion in Chapters 5–6 follows Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, second edition, 1392 AH, XII:229–230, 242. Statements from Qāḍī ʿIyāḍ are identified as transmitted by al-Nawawī. Chapter 7's commentary on Muslim 1695 follows a separate electronic presentation displaying XI:348, *Kitāb al-ḥudūd*, chapter on confession to zinā; this should not be conflated with XI:203 in another pagination. Removal and consensus; limitation on coercion; commentary on Muslim 1695.

Al-Qāḍī al-Nuʿmān. *Daʿāʾim al-Islām*. Edited by Asaf A. A. Fyzee. Cairo: Dār al-Maʿārif. I:25. Text.

Al-Ṣadūq. *Kamāl al-dīn wa-tamām al-niʿma*. II:483–484, 516, chapter 45, reports 4 and 44, in the witnesses identified by the chapter register. Further publishing particulars are not asserted. Rescript on newly occurring matters; rescript to al-Samarī.

Al-Shāṭibī. *Al-Iʿtiṣām*. Edited by Salīm b. ʿĪd al-Hilālī. Saudi Arabia: Dār Ibn ʿAffān, 1412/1992. Chapter eight, fifth practical example, II:619–620. Text.

Al-Ṭūsī. *Al-Nihāya fī mujarrad al-fiqh wa-l-fatāwā*. Book of Earnings, chapter on service under rulers and accepting their gifts. The consulted interface places the passage at electronic p. 404; the internal chapter reference is retained to distinguish it from print pagination. Text.

Modern political and juristic writings

ʿAbd al-Rāziq, ʿAlī. *Al-Islām wa-uṣūl al-ḥukm: baḥth fī al-khilāfa wa-l-ḥukūma fī al-Islām*. Miṣr: Maṭbaʿat Miṣr, second edition, 1344/1925. Book I, chapter II, pp. 17–18; Book I, chapter III, §15, p. 35; Book II, chapter III, §§1–2, pp. 64–65; Book III, chapter III, §12, p. 103. Printed pagination was checked against the facsimile and distinguished from digital image numbers. NYU Arabic Collections Online facsimile.

Al-Albānī, Muḥammad Nāṣir al-Dīn. *Asʾilat al-Imārāt*. Section Ḥukm al-ḍarāʾib fī al-Islām. Speech transcript hosted by Islamweb. The restrictive position on permanent taxation and the need-limited exception are attributed to the speaker; his assertion of agreement is not adopted as a demonstrated consensus. Accessed 7 November 2026. Online text.

Dār al-Iftāʾ al-Miṣriyya. “Al-ḍarāʾib allatī tafriḍuhā al-dawla.” Fatwa 3208, Amānat al-Fatwā, 9 April 2015. Official text.

Ibn Bāz, ʿAbd al-ʿAzīz. “Hal taqūm al-ḍarāʾib maqām al-zakāt.” Official fatwa archive, no. 22119. Cited for the distinction between ordinary tax payment and discharge of zakāt. Official text.

Khomeini, Rūḥ Allāh Mūsawī. *Islamic Government: Governance of the Jurist*. Lectures delivered in 1970. Translated and annotated by Hamid Algar. Institute for Compilation and Publication of Imam Khomeini’s Works, International Affairs Division, undated consulted edition. Pp. 29–30, 34–35, 48. Publisher’s text in PDF; corresponding section.

Khomeini, Rūḥ Allāh Mūsawī. Letter to ʿAlī Khamenei, 6 January 1988 / 16 Dey 1366. *Ṣaḥīfa-yi Imām*, XX:451–452, Persian witness. The Persian pagination is not interchangeable with that of the English mirror. Original letter.

Maududi, Sayyid Abul Aʿla. *The Islamic Law and Constitution*. Translated and edited by Khurshid Ahmad. Lahore: Islamic Publications, ninth edition, June 1986. Pp. 74–76, 138–140, 226–227; editorial note to “Political Theory of Islam.” The bibliography follows the spelling of the consulted English edition; the chapter discussion uses Mawdudi. Digitized primary text.

Al-Qaraḍāwī, Yūsuf. *Fiqh al-zakāh*. Part II, section on zakāt and taxation, subsection on the conditions of taxation. Consulted electronic text, PDF pp. 532–538, counting the first PDF page as page 1. These are electronic positions, not an asserted print pagination. Part II.

Riḍā, Muḥammad Rashīd. *Al-Khilāfa aw al-imāma al-ʿuẓmā*. Cairo: Al-Zahrāʾ li-l-Iʿlām al-ʿArabī, date and edition unspecified in the consulted witness. Pp. 17–18, 38–40, 86–88. Obligation and appointment; constraint and consultation; variable organization; programs and qualification; councils.

Al-Sīstānī, ʿAlī. *Islamic Laws*. Ruling 1768 on categories of khums; ruling 1769 and following on surplus earnings; especially rulings 1791–1792 on expenses and deductions. Khums categories; earnings and expenses.

Islamweb Fatwa Centre. “Ruling on implementing taxes.” Fatwa 473563, 2 April 2023. https://www.islamweb.net/en/fatwa/473563/ruling-on-implementing-taxes. Distinct from Dār al-Iftāʾ al-Miṣriyya.

Fiscal incidence and distribution

Alstadsæter, Annette, Niels Johannesen and Gabriel Zucman. “Tax Evasion and Inequality.” *American Economic Review* 109, no. 6 (June 2019): 2073–2103. DOI: 10.1257/aer.20172043. The cited estimate is from the final published article: pp. 2073–2075 and 2091–2092, using the 2006 benchmark for Scandinavian wealth and tax liabilities. Online source.

Amjad, Beenish, Haydeeliz Carrasco and Moritz Meyer. *The Effects of Taxes and Transfers on Inequality and Poverty in Pakistan*. World Bank, May 2025 version. Abstract; analysis of fiscal year 2019 using the Commitment to Equity approach. The approximate two-percentage-point result concerns the modelled effect at the national poverty line. Online source.

Thomas, Alastair. “Reassessing the Regressivity of the VAT.” *OECD Taxation Working Papers*, no. 49. Paris: OECD Publishing, 10 August 2020. DOI: 10.1787/b76ced82-en. Abstract; twenty-seven-country comparison, with the distinction between burdens measured against income and expenditure. Online source.

World Bank. *World Bank Support for Domestic Revenue Mobilization: An Independent Evaluation*. Independent Evaluation Group. Washington, DC: World Bank, 2023. Chapter 4, “Insights from Country Case Studies,” Pakistan. DOI: 10.1596/IEG181233. The cited discussion concerns discriminatory concessions, policy reversals and privileged interests. Online source.

Constitutional texts

Iran. *Constitution of the Islamic Republic of Iran*, as revised in 1989. Articles 4–6, 56, 107, 111–112. English text; WIPO legislative record.

Pakistan. *The Constitution of the Islamic Republic of Pakistan*. Ministry of Law and Justice, fourteenth edition, 21 November 2025; hosted by the National Assembly. Preamble; Articles 2A, 41(2), 203B–203D, 227, 230; Objectives Resolution annex. Official text.

Index of Qurʾānic Passages

References are ordered by sūra and verse. Page numbers identify the beginning of relevant discussions in the chapters; source-register repetitions are omitted. A verse included within an explicitly cited range is indexed separately.

2:124 18, 94
2:177 138
2:188 16, 137, 153, 172
2:219 159, 177
2:233 14, 176, 177
2:247 18
2:251 18
2:283 7
3:26 18
3:104 19
3:152 13
3:153 13
3:154 13
3:155 13
3:159 2, 4, 11, 13, 20, 92, 114, 116
4:29 137, 153, 172
4:35 6
4:58 2, 5, 11, 15, 20, 72, 94, 114, 173
4:59 2, 9, 20, 68, 72, 108, 114, 117, 173
4:60 10
4:61 10
4:62 10
4:63 10
4:64 10
4:65 10, 20
4:80 11, 20
4:83 3, 10
4:105 16
4:106 16
4:107 16
4:135 3, 8, 16, 20, 94, 114, 117, 172
5:1 45
5:2 11, 20
5:8 8, 16, 20, 94, 114, 117, 172
5:42 6
5:43 6
5:44 6
5:45 6
5:46 6
5:47 6
5:48 6
5:49 6
5:50 6
7:54 3, 20
8:27 7
8:41 138, 150, 175
8:58 46, 118
8:61 46
9:1 46
9:2 46
9:3 46
9:4 45, 114, 118
9:5 46
9:6 46
9:7 45
9:29 60, 118, 139, 144, 176
9:60 136, 176
9:71 19
9:103 136, 176
11:97 4, 18
11:98 18
11:99 18
12:22 6
12:40 4, 6, 20, 108
12:67 5, 20
16:90 15
18:26 5
19:12 6
21:73 19
22:39 19
22:40 19
22:41 19, 173

23:8 7
24:55 3, 19
26:141 12
26:142 12
26:143 12
26:144 12
26:145 12
26:146 12
26:147 12
26:148 12
26:149 12
26:150 12
26:151 12
26:152 12
27:23 15
27:24 15
27:29 14
27:30 14
27:31 14
27:32 3, 14
27:33 3, 14
27:34 3, 14
27:35 14
27:36 15
27:37 15
27:38 15
27:39 15
27:40 15
27:41 15
27:42 15
27:43 15
27:44 15
28:4 18
28:14 6
28:38 19
28:39 19
28:40 19
28:41 19
28:42 19
31:14 12
31:15 12
33:36 11
33:64 12
33:65 12
33:66 12
33:67 12, 20
33:68 12
33:72 8
38:26 5, 8
42:10 5
42:36 13
42:37 13
42:38 2, 4, 12, 20, 93, 114, 116, 173
42:39 17, 20
42:40 17, 20
42:41 17, 20
42:42 17, 20
42:43 17, 20
46:17 95
48:10 19
48:18 19
49:9 15, 17, 102
57:25 15
59:6 138, 175
59:7 16, 138, 167, 175, 179
60:8 16, 60, 118
60:9 16, 60
60:10 55
60:12 19

Subject and Person Index

Page references identify the beginning of substantive discussions. Initial al- and transliteration marks are disregarded in alphabetization. See entries redirect to a preferred heading; see also entries identify related discussions.

A

Abbasid succession 97

ʿAbd al-Jabbār 84

ʿAbd al-Rāziq, ʿAlī 123

Abū Bakr 95, 139

Abū Yūsuf

- jizya and collection safeguards 144
- land revenues and later beneficiaries 143
- Najrān instrument 58
- trade receipts and tax farming 144

Accountability

- authority and institutional fallibility 8, 23, 128
- correction and effective remedies 111, 129
- fiscal scrutiny 156, 171

Adjudication

- delegated jurisdiction and grievances 71, 79
- divine and human judgment 5
- Medinan final reference 52

Al-Albānī, Muḥammad Nāṣir al-Dīn 154

Allegiance

- conditionality and dynastic arrangements 97
- early and prophetic pledges 19, 29, 95
- rival claimants 38

Amānah 7, 24. *See also Accountability; Appointment to office*

Amr 3. *See also Authority; Ulī al-amr*

Appointment to office

- collective obligation and electors 68
- kinship and nomination 69
- qualification, capacity, and seeking office 24, 73

Arabian Peninsula 61

ʿAṣabiyya 98

Al-Aṣamm 68, 86

Authority

- command, conduct, and tenure 35, 118
- effective power and rightful title 18, 66
- interpretation and coercive decision 108

B

Basic needs and surplus wealth 159, 161

Bayʿa. *See Allegiance*

Benefit and liability maxims 167

Budget authority and protected ownership 172, 184

C

Caliphate

- institutional purpose 67
- modern arguments for necessity 122
- unity and plural authorities 38, 77

Charter of Medina. *See Medina document*

Christian communities 59, 61

Citizenship 130, 151, 163

Codification 122

Coercion 75, 95, 144

Colonial institutions 158

Commanding right and forbidding wrong 19, 31, 102

Consensus 68, 101

Consent 69, 137

Constitutional interpretation 127

Consultation

- decision and institutional consequence 14, 93, 129
- domestic and narrative settings 14
- financial claims 151

prophetic command and communal character 13

Consumption taxes 161, 178

Covenants

fidelity despite hostility 45

protected persons and enduring duties 46, 63

suspected betrayal 46

D

Dār al-Iftāʾ, Egypt 151

Dhimma and protected non-Muslims 51, 144

Disbelief, manifest 36

Disqualification and removal 101, 120

Dissent

private counsel 31

truthful criticism and correction 30, 100

Dynastic succession

feasible merit and dominant groups 98

nomination and ordered succession 70, 96

Umayyad succession 95

E

Equality 16, 49, 128

Essential goods and consumption burdens 161, 165

F

Fayʾ 16, 138, 142

Fiqh 66, 92, 114, 131

Fiscal obligations

allocation and restricted expenditure 135, 157

non-zakāt duties 138, 148, 154

voluntary contributions 142

Fiscal sovereignty, distinction from administration 172, 181

Fayʾ, acquisition versus allocation 175, 179

G

Al-Ghazālī 105, 146

Gifts to officials 26, 75, 156

Ghanīma, fifth from war acquisitions 175

H

Hadith 23, 39, 141

Ḥudaybiyyah

duration and accession 56

negotiation, counsel, and disagreement 53, 57

return provision and Abū Baṣīr 54, 56

women and non-return 55

Ḥukm 4. *See also Adjudication*; *Sovereignty*

I

Ibadi jurisprudence 83

Ibn ʿĀbidīn 149

Ibn al-Qayyim 108

Ibn Ḥajar al-ʿAsqalānī 144

Ibn Ḥazm

correction and armed intervention 102

poor relief and trade assessments 148

Ibn Khaldūn 98

Ibn Taymiyyah

appointment and consultation 73, 76

public resources 74

resistance and the sixty-years maxim 76, 103

Imamah. *See Caliphate*; *Imami jurisprudence*

Imami jurisprudence

delegation and the imam’s distinctive status 78

khums 150

occultation and service under unjust rulers 78, 80

Income and payroll taxes 159

Iran, Constitution 127

Islamic state 121, 132

Ismaili authority 82

Income, capacity and subsistence 177

Indirect taxation of necessities 178

J

Jewish communities 48, 143

Jizya 60, 139, 144. *See also Dhimma and protected non-Muslims*; *Najrān agreement*

Justice

- communal difference and impartiality 16, 117
- public duty, procedure, and substance 15, 17, 129
- qualification for office 70, 85

Al-Juwaynī 106

K

Al-Karakī 81

Kharāj 135, 143, 147

Kharijite movements 82

Khaybar 143

Khomeini, Rūḥ Allāh 125

Khums 138, 150

Al-Kindī 83

L

Land assessments 162, 170

Leadership 23

Legitimacy 35, 91, 118

M

Maks 141. *See also Taxation*; *Revenue collection*

Marwān 31, 95

Maṣlaḥah and public welfare 146, 149

Al-Māwardī

- imamate, nomination, and succession 67, 96
- probity and disqualification 70
- provincial seizure 72
- treasury liabilities 146

Mawdudi, Abū al-Aʿlā 124

Medina document

- adjudication and wrongdoing 50
- defense and expenditure 50
- membership and Jewish participation 47
- territory and protection 51
- textual witnesses 43

Muʿāwiya 39, 95, 98

Al-Mufīd 77, 80, 150

Muḥammad, prophetic authority 11, 13, 52

Al-Muḥaqqiq al-Ḥillī 81

Muʿtazilite political theology 84

Monopoly privilege and public-resource capture 179

N

Najrān agreement

- exclusion report and chronology 61
- guarantees, conditions, and religious institutions 59, 61
- payments and loans 58
- transmissions and variants 58

Al-Narāqī 81

Naṣīḥah 30, 32

Naṣṣ 85, 96

Al-Nawawī 101, 142

Necessity

- conditions and duration 130, 147, 183, 185
- demonstrated funding gap 169
- military finance 146
- protection of incumbency 105, 121
- public functions and alternatives 76, 107, 120

O

Obedience

- delegation and dislike 27
- Qurʾānic referral of disputes 9
- sinful commands 27
- withheld rights 32

Occultation 78, 81. *See also Imami jurisprudence*; *Wilāyat al-faqīh*

P

Pakistan, Constitution 127

Patience under unjust rule 34

Pharaoh 4, 18

Political order 39, 76, 104, 129

Poor relief 136, 142, 148, 160

Prayer and resistance 37. *See also Disbelief, manifest*; *Resistance*

Property

protected possessions and wrongful taking 137, 153, 156

public resources as a trust 74, 156

Public revenue, acquisition and allocation 175

Public need and extraordinary collections 183

Q

Al-Qaraḍāwī, Yūsuf 151

Quraysh 29, 83

Al-Qurṭubī 93, 108, 138

R

Religious plurality 49, 52, 60, 63

Resistance

capacity and consequences 102

unity and rival authority 39

wrongdoing and the disbelief exception 34

Revenue collection 139, 145

Riḍā, Muḥammad Rashīd 122

Road finance 167

S

Saqīfa 95

Al-Shāṭibī 147

Shūrā. *See Consultation*

Al-Sīstānī 150

Sixty-years maxim 76, 103. *See also Necessity*; *Ibn Taymiyyah*

Siyāsa sharʿiyya 72, 108. *See also Ibn Taymiyyah*; *Ibn al-Qayyim*

Sovereignty

divine authority and accountable interpretation 5, 108, 121

modern constitutional allocations 127

Sunni political jurisprudence 77, 92

Surplus wealth. See Basic needs and surplus wealth

Subsistence and household burdens 177

Surplus wealth, differing from gross income 177

T

Al-Ṭabarī 93, 97, 136, 138

Tax farming 145

Taxation

assessment bases, incidence, and capacity 152, 157, 170

basic needs and disposable capacity 159

citizenship and recurring services 151, 163

essential goods and poverty effects 161, 165

evasion and preferential treatment 166

lawful ground and limited assessment 139, 156, 169

modern systems and the restrictive argument 158

payment and zakāt discharge 152

public benefit and nonobligatory expenditure 164

review and disposition of surplus 171

roads and public benefits 167

Territorial authority 51, 55, 62

Trade assessments 144, 148

Transaction taxes and compulsory fees 163

Treasury 146

Treaties. *See Covenants*; *Ḥudaybiyyah*; *Medina document*; *Najrān agreement*

Al-Ṭūsī 80

Twelver authority. *See Imami jurisprudence*; *Occultation*

Taxation, Qurʾān-first objection 172, 181

Traffic regulation and fiscal claims 172

Tolls and individualized user charges 180

U

Ulī al-amr 10, 108

ʿUmar 95, 143, 144
Umayyad succession 95, 98
Ummah 47
ʿUshūr. *See Trade assessments*

V

Voluntary finance 140, 142, 170

W

Wilāyat al-faqīh 81, 125
Women 14, 55, 57
War spoils, distinct from fay’ 175

Y

Yazīd 95, 98

Z

Zakāt. *See also Fiscal obligations*; *Khums*
allocation and eligible recipients 136
assessment and compulsory collection 136, 139
duties beyond zakāt 140, 148
modern tax payment 152
Zaydi authority 82

Closing Note

The inquiry begun with command, judgment, and trust ends with the question of how public authority can be held to the obligations on which its claims depend. The chapters have approached that question through different kinds of evidence. Scriptural wording, transmitted reports, agreements, juristic arguments, and constitutional provisions each require a form of examination appropriate to their character. Their relationship becomes clearer when these distinctions remain visible.

The materials studied here give considerable weight to the duties that make common life possible. They also expose the difficulty of identifying the person or institution competent to decide when those duties have been met. An appeal to justice needs an account of its application. An appeal to political necessity needs evidence of the necessity and limits upon the permission inferred from it. An appeal to divine authority cannot, by itself, settle the correctness of a human interpretation.

Public finance makes the problem concrete. Edition 2 draws a line between administration of civic affairs and autonomous fiscal claims upon private wealth. It argues from the bounded duties and revenue categories in the Qurʾān and transmitted practice, examines the contested juristic extensions of those sources, and tests modern burdens against genuine subsistence, lawful public-resource stewardship, and equality before the rules of collection. A proposal to finance an acknowledged duty is not thereby a blank cheque; a concern for protecting private property is not a licence to abandon the poor. Both sides of that tension remain part of the final argument.

This volume leaves those arguments open to examination through the texts and locators it supplies. Its contribution is an ordered basis for inquiry: readers can return to the sources, distinguish the position of an author from the words of a transmitted text, and consider whether an institutional conclusion has been adequately justified. Political authority remains a subject of judgment throughout that process.

Ahmad Ramay

DarALHamd · Edition 2 · 9 November 2026

End of volume

DARALHAMD / RESEARCH & REFLECTION

The State and Islam

2nd Edition

What gives political authority its legitimacy, and what keeps it accountable? Ahmad Ramay examines foundational texts, early agreements, classical jurisprudence and modern constitutional arguments, distinguishing religious obligations from the institutions developed in their name.

This expanded edition brings the question into public finance: does authority to administer civic affairs establish an independent claim over private wealth? Chapter 7 develops the author's restrictive answer while addressing early fiscal practice, opposing juristic arguments, household subsistence and public-resource stewardship.

Seven chapters · Source registers · Glossary · Bibliography · Indexes

---

Explore more books and free learning

Website www.daralhamd.com.au

YouTube youtube.com/@alhamdaus

Instagram instagram.com/alhamdaus

Facebook facebook.com/alhamdaus

TikTok tiktok.com/@alhamdaus

X x.com/AlhamdInstitue

© 2026 Ahmad Ramay · Published by DarALHamd · Free digital edition