

(Nov 2, 2015)

## Abu Hasan Al-Mawardi: The First Islamic Political Scientist

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“Thus in response to the person to whom my obedience is due in this affair, I have made known to him the *madhhabs* of the *fuqaha'* so that he sees both that his rights are respected and that his duties are fulfilled and that he honors the dictates of justice in their execution and aspires to equity in establishing his claims and in the fulfilment of others' claims.”

Al-Mawardi, referring to the caliph in the preface of *Al-Ahkām As-Ṣultāniyyah*

### Introduction

The above quote pretty much sums up this key Islamic jurist cum political theorist who held high positions in the Abbasid caliphate and how he utilizes his position to put forth his own reformist views on justice. Al-Mawardi or his full name Abu al-Hasan ‘Ali b. Muhammad b. Habib Al-Mawardi was a 5<sup>th</sup> H/ 11<sup>th</sup> century jurist with a distinguished career in Baghdad (then capital of the Abbasid Caliphate). His famous political handbook *Al-Ahkām As-Ṣultāniyyah wal Wilāyāt Ad-Diniya* (The Ordinance of Government and Religious Positions) continues to become a standard reference and key document in the evolution of Sunni Islamic political thought. Al-Mawardi was an Islamic jurist and judge by profession, trained in the Shafii School but at the same time well versed in all the major *Madhāhib* (school of thought). He held the prestigious position of *Qaḍī al-Quḍāt* in Ustawa and in Baghdad as well as receiving the unprecedented honorific title *Aqḍa Al-Quḍāt* (The Best Judge of Judges) by caliph Al-Qaim. Al-Mawardi is described in an array of positions: a philosopher; a political theorist; a social analyst; a skillful mediator, diplomat and most importantly, the political advisor to two Abbasid caliphs: Qādir Bi-llah (reigned 991-1031) and Qa'im Bi-Amr Allah (reigned 1031-74)<sup>1</sup>.

He was born in Basrah (364 H/974 CE) which was then considered one of the centers of education and scholarship in the Muslim world<sup>2</sup>. His family was involved in the business of selling or manufacturing rose-water (which translates into his name ‘Al-Mawardi’)<sup>3</sup>. In Basrah, Al-Mawardi studied Islamic jurisprudence and literature under a scholar named Abu Al-Qāsim Al-Saimari (died 386 H/996 CE)<sup>4</sup>. Later on, he continued his advance studies in Baghdad, under the supervision Sheikh Abdul Hamid and Abdullah Al-Baqi<sup>5</sup>. His education in Islamic jurisprudence and literature prepared him for judicial professions in the State service. A quick remark on his personality by his students described Al-Mawardi as “the most virtuous jurist”, “commanded great respect”, “gentle, dignified and man of letters”, and very serious, yet polite and humble.<sup>6</sup>

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<sup>1</sup> The Princeton Encyclopedia of Islamic Political Thought (Bulliet et al., 2012)

<sup>2</sup> Muhammad Qamaruddin Khan. (1961). Al-Mawardi. In M. M. Sharif (Ed.), A History of Muslim Philosophy (Vol. 3). Lahore.

<sup>3</sup> Ahmad Mubarak Al Baghdadi. (1981, February). The Political Thought of Abu Hasan Al Mawardi (Ph.D.). University of Edinburgh, Edinburgh.

<sup>4</sup> *Ibid*

<sup>5</sup> Philosophers : Abu al-Hasan al-Mawardi. (n.d.). Retrieved October 21, 2015, from <http://www.trincoll.edu/depts/phil/philo/phils/muslim/mawardi.html>

<sup>6</sup> Ahmad Mubarak Al Baghdadi. (1981, February). The Political Thought of Abu Hasan Al Mawardi (Ph.D.). University of Edinburgh, Edinburgh. Page 45-46.

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A tipping point of his career was during the year 429 H/1037 CE in which his Shafii-based legal epitome *Kitāb Al-Iqna* ' (The Book of Conviction) was crowned as the best among four scholars requested by the caliph to write, representing the four *Madhāhib*<sup>7</sup>. Al-Mawardi's *Al-Iqna* ' was highly praised and admired by caliph Al-Qādir, and it was thought that it contributed towards Al-Mawardi's receiving the honorific title *Aqda Al-Quḍāt* (The Best Judge of Judges)<sup>8</sup>. Another opinion attributed Al-Mawardi's conferment of the title is due to his decision to abstain approval to the Buyid Sultan Jalāl al-Daula, who wish to use the title *Malik Al-Mulūk* or *Shahinshah* (both mean 'King of Kings'). Al-Mawardi's reasoning was that the title only befits God Himself and that there is a hadith which mentioned that such title was prohibited against mortal humans<sup>9</sup>. Other contemporaries of Al-Mawardi such as *Qāḍi Al-Quḍāt* Abu Al-Ṭayyib Al-Tabari (died 450 H/1058 CE), *Qāḍi Al-Saimari* and *Qāḍi Al-Baidawī* had already approved the title as 'permissible', citing the matter of intention versus the literal meaning<sup>10</sup>. The title *Aqda Al-Quḍāt* linguistically entails a higher position than *Qāḍi Al-Quḍāt* (Chief Judge) although it has no specific office or executive power. It was inferred that Al-Mawardi's opposition to the Buyid Sultan was seen by the caliph as a sign of his courage, academic integrity and spiritual sincerity.

This relationship of admiration and respect between Al-Mawardi and the rulers (Caliphs and Sultans) was reflected throughout his career in the form of his involvement in several high profile envoys, and key roles in several successful negotiations on behalf of the Abbasid Caliphs with the Buyid Emirs, Sunni Military leaders, and the Seljuks.

### Historical Context

It is well documented that Al-Mawardi came into prominence during the period in which the Abbasid Caliphs were increasingly losing their effective political power. Political challenge came from several quarters, but it came primarily from the aspiring Buyid Emirs who were then controlling Baghdad and most of the Abbasid territories. In practice, the Abbasid Caliphs were nearly puppets of the politically strong Buyids<sup>11</sup>. Other challengers include the warring Sunni and Shiah factions and the more distant Seljuk forces which ultimately took Baghdad in the final months of Al-Mawardi's life.

The power relationship between the Abbasid caliph and the Buyid Emirs can be represented by a 'symbiotic' relation. The Abbasids were striving towards more political authority after they were relegated to mere symbols and humiliated for some time. The reign of caliph Al-Qādir (991-1031 CE) marked a new era in which the Abbasids began to regain some of their political power which "draws the line between a subservient caliph and an assertive one"<sup>12</sup>. The Abbasid's quest of reassertion was also boosted by the new-found allegiance and loyalty from the Sunni Sultan Mahmud of Ghazna (who conquered Khurasan and put an end to Samanid rule in 998 CE). This show of loyalty was manifested in the forms of letters and mentioning the caliph's name in Friday *Khutbas* (Sermons)<sup>13</sup>.

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<sup>7</sup> Ahmad Mubarak Al Baghdadi. (1981, February). The Political Thought of Abu Hasan Al Mawardi (Ph.D.). University of Edinburgh, Edinburgh.

<sup>8</sup> Muhammad Qamaruddin Khan. (1961). Al-Mawardi. In M. M. Sharif (Ed.), A History of Muslim Philosophy (Vol. 3). Lahore.

<sup>9</sup> "Verily, the worst title is 'King of Kings'"

<sup>10</sup> Ahmad Mubarak Al Baghdadi. (1981, February). The Political Thought of Abu Hasan Al Mawardi (Ph.D.). University of Edinburgh, Edinburgh.

<sup>11</sup> Lambton, A. K. S. (1981). State and Government in Medieval Islam: An Introduction to the Study of Islamic Political Theory: the Jurists. Oxford University Press.

<sup>12</sup> Ahmad Mubarak Al Baghdadi. (1981, February). The Political Thought of Abu Hasan Al Mawardi (Ph.D.). University of Edinburgh, Edinburgh.

<sup>13</sup> *Ibid*

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The Buyid Emirs on the other hand strove to gain more legitimacy in their own provinces in which the Sunni majority and Shia minority witnessed civil unrest. Poverty and increasing civil unrest in the capital was causing a period of weakness for the Buyid Emirs. The economic gap between the rich and poor was sharp and continued to widen rapidly, causing the social situation of the masses to deteriorate. Raids and robberies were rampant, organized crime took hold, and Sunni-Shiah strife heightened. It also didn't help that the Buyid Emirs themselves were often absent from the city due to threats and low levels of security.

Paying 'official' homage to the Caliphs is seen as the most expedient way, since the caliph was seen as the iconic religious leader of the Muslim *ummah*. Gaining support via the caliph was not the only option. Alternatively, Mu'izz Al-Daula—a Buyid Emir and Shiah himself—did once considered to overthrow the Sunni Abbasids and give allegiance to a Shiah *Alid* (Those claiming to be descendants of Ali and Fatimah). However, this move was halted after consultation with his friends and advisors, out of fear that the Buyid's legitimacy would then be affected. Acknowledging the *Alids* would give credence to their authority as the rightful rulers as proposed in Shia theology, and this in turn could destroy the Buyid power<sup>14</sup>. It is concluded then that the more politically expedient move is to ceremoniously give allegiance to the Abbasid Caliphs, who they saw as weak and could easily be dealt with while boosting their own legitimacy.

It is in these specific and complex circumstances between the two distinct powers (Abbasids versus Buyids) that Al-Mawardi works should be contextualized, including the well-known *Al-Ahkām* handbook<sup>15</sup>.

### Introduction to works

*Al-Ahkām As-Şultāniyyah* is considered the first *fiqhi* (Islamic jurisprudence) book exclusively dedicated to political implementation and governance<sup>16</sup>. Although other Islamic scholars had produced works that touched upon the matter of governance, Al-Mawardi was "the first Muslim scholar to bother to collect all the ordinances relating to public law and arrange them in one volume"<sup>17</sup>. It is regarded as the key document that influenced fifth century Hijra (11<sup>th</sup> century CE) jurists, which saw little advances throughout the centuries. There are several opinions on the actual year of its publication, and one scholar deduced that it was most probably during the time of Al-Qāim (the second caliph Al-Mawardi served), in which Al-Mawardi was thought to have fully reached his prominence, for him to be requested such an important task.<sup>18</sup>

Since then, *Al-Ahkām* has been the standard reference in traditional Sunni political thought as well as modern studies of Islamic medieval political thought. However, it is important to note that *Al-Ahkām* was written specifically as a handbook for the caliph, and for busy officials and military leaders. In the preface, it is clear that *Al-Ahkām* did not intend to provide a detailed exposition of Islamic law and

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<sup>14</sup> Ahmad Mubarak Al Baghdadi. (1981, February). The Political Thought of Abu Hasan Al Mawardi (Ph.D.). University of Edinburgh, Edinburgh.

<sup>15</sup> Al Mawardi. (1996). *Al-Ahkām As-Sultaniyah: The Laws of Islamic Governance*. (Asadullah Yate, Trans.). Ta-Ha Publishers. Page 7.

<sup>16</sup> Little, D. P. (1974). A New Look at Al-Ahkām Al-Sultaniyya. *The Muslim World*, 64(1), 1–15.

<sup>17</sup> Ahmad Mubarak Al Baghdadi. (1981, February). The Political Thought of Abu Hasan Al Mawardi (Ph.D.). University of Edinburgh, Edinburgh. Page 21.

<sup>18</sup> *Ibid.* Page 137.

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ethics, but rather to briefly touch upon the core components in the political structure and provide quick guidance. Below is an excerpt of Al-Mawardi's introduction:

As the laws of governance are more applicable to those in authority but because these latter, being occupied with politics and management, are prevented from examining these laws as they are mixed with all the other laws, I have devoted a special book to them.<sup>19</sup>

(Preface of *Al-Ahkām As-Şulţāniyyah*)

Al-Mawardi's political writings can be divided into two periods or styles<sup>20</sup>: The first is the 'Mirrors of Princes' format which focuses on the king (or ruler) as a social figure, his ideal conducts and lessons from previous rulers. The second style is the more structured and government oriented in which the theory of *imāmah* (caliphate) was put forth. Works that belong in the first group includes *Nasihāt Al-Muluk* (Advice to Kings), *Tashil Al-Nazar Wa Ta'jil Al-Zafar* (Facilitating Judgement and Hastening Victory), and *Kitāb Al-Wizara'* (Book of Vizierate). Works that belong to the latter are *Kitāb Adab Ad-Dunya Wa Ad-Din* (Ethics of this World and in Religion), and the famous *Al-Ahkām As-Şulţāniyyah*.

In his works, Al-Mawardi exhibited high levels of academic rigor, as well as openness to opposite views. In many of his chapters, he began by laying out the main dialectics on the subject matter. In discussing the necessity of *imāmah*, Al-Mawardi opened the discussion by offering two opposing standpoints: The necessity of *imāmah* based on reason, and the necessity based on *sharī'ah* (he chose the latter). In another example, Al-Mawardi discusses openly and fairly the different opinions of jurists in the matter of caliph's succession (i.e. heirdom, elections, designation).

### Ideas and Contributions

Among Al-Mawardi's major legal expositions in Islamic political theory was the theory of the caliphate. In *Al-Ahkām*, Al-Mawardi made groundbreaking legal guidelines in positioning the caliph within the Islamic legal framework; it entails (among others) the contract (aqd) of *imāmah*, the source of its necessity, the delimitations of the caliph's power, and the process of appointment. This formalization of governance theory based on Islamic theology is deemed as the first of its kind whereas previously no formal restrictions were put on the caliph. In effect, *Al-Ahkām* puts or reinforces the position of the caliph as "under the law" and that "his authority subordinate to that of the law"<sup>21</sup>. This, in the author's opinion, is some form of 'reform' which Al-Mawardi undertook within his capacity as a high official and top advisor. Below are some examples of Al-Mawardi's political theory.

He began his chapter of *imāmah*, or caliphate by positioning the caliph as a vicegerency to Prophet Muhammad rather than vicegerency to God directly<sup>22</sup>. This was contrary to the general norms of rulers in that period—mostly inclining towards absolute monarchy or some form of authoritarianism, which is understandably influenced by pre-Islamic Arabian, Byzantine, Persian and Roman practices<sup>23</sup>. Al-Mawardi advances his discussion by presenting a dialectic between two opposing opinions on the necessity of the *imāmah*. The two poles were 'rationality or reason' and the *sharī'ah* (divine laws)—where Al-Mawardi opted for the latter due to the religious position in which the caliph fulfills, and which

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<sup>19</sup> Al Mawardi. (1996). *Al-Ahkām As-Sultaniyah: The Laws of Islamic Governance*. (Asadullah Yate, Trans.). Ta-Ha Publishers. Page 7.

<sup>20</sup> *Ibid.* Page 68.

<sup>21</sup> Lambton, A. K. S. (1981). *State and Government in Medieval Islam: An Introduction to the Study of Islamic Political Theory: the Jurists*. Oxford University Press. Page 34.

<sup>22</sup> Rosenthal, E. I. J. (1958). *Political Thought in Medieval Islam: An Introductory Outline*. Cambridge University Press.

<sup>23</sup> *Ibid.* Page 31.

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Al-Mawardi claims to be supported by the Quranic verse “*O you who have believed, obey Allah and obey the Messenger and those in authority among you.*” (Quran 4:59) and the hadith “*....listen to them and obey them in everything compatible with truth..*”<sup>24</sup>.

In terms of the appointment of the caliph, Al-Mawardi outlined several requirements to both the electors (*ahl al-ikhtiyār*) and the potential caliphs (*ahl al-imāmah*). The criteria of electors are: The ability to be just; have good knowledge of the *sharī‘ah* to evaluate the caliph’s religious education; and lastly having “insight and wisdom” to choose a leader best suited to contemporary situation and the needs of the *ummah*<sup>25</sup>. On the other hand, there are seven requirements to be a caliph: he must be just; must have knowledge of the *sharī‘ah* for the purpose of *ijtihād* (independent interpretation); good overall health including hearing, sight and speech; physically sound and not disabled from normal movement; good administrative capabilities; courage and bravery to wage war against an enemy; and finally the (controversial) lineage requirement belonging to the family of Quraysh.

Other important key areas that Al-Mawardi expounded upon includes the concept of *wizara’* (vizierate). In this regard, Al-Mawardi contributed a new perspective by treating it as a separate subject in *fiqh*, part of the larger theory of Islamic government<sup>26</sup>. Al-Mawardi’s theoretical contribution to key concepts such as *imāmah*, *wizara’* and other aspects of governance continued to be referred to by future scholars. For example, Ibnu Khaldun derives a lot from Al-Mawardi’s theory of *imāmah* in his own theory of state.<sup>27</sup>

### Several Perspectives on Al-Mawardi

Al-Mawardi’s high rank and close relationship with the Abbasid caliphs often draw much speculation about his works. Numerous writers about Al-Mawardi have already made several remarks on how his political theories although based on the Islamic corpus, conveniently served the interest of the Abbasids in their quest to assert power against the Buyid Emirs. One writer describes how Al-Mawardi was many times being depicted as a stereotypical, “conformist, Abbasid-patronized writer”<sup>28</sup>. This is not a totally unfounded claim, a survey of his work in *Al-Ahkām* quickly reveals that most of the laws prescribed are in tandem to the interest of the Abbasids in their ‘soft’ power struggle against the Buyids. Below is a quoted summary of how Al-Mawardi purportedly ‘harmonize’ the existing political culture based on pre-Islamic Arabian into his interpretation of the Islamic sources:

Al-Mawardi legitimized the Abbasid tribal and monarchic system, which he found most excellent at his time, through his book *Al-Ahkām Al-Sultāniyya*....Al-Mawardi ‘interpreted’ the scripts to imply ‘protecting people with noble lineage’ [such as Abbasids] from having a governor over them unless he comes from more noble roots, ‘legitimizing a caliph who is appointed by another

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<sup>24</sup> Al Mawardi. (1996). *Al-Ahkam As-Sultaniyah: The Laws of Islamic Governance*. (Asadullah Yate, Trans.). Ta-Ha Publishers. p10-11

<sup>25</sup> *Ibid.* p11

<sup>26</sup> Ahmad Mubarak Al Baghdadi. (1981, February). *The Political Thought of Abu Hasan Al Mawardi* (Ph.D.). University of Edinburgh, Edinburgh.

<sup>27</sup> For example, in the matter of requirements of the caliph, Ibnu Khaldun expounded Al-Mawardi’s ‘belonging to the Quraish lineage’ to mean ‘having strong *asabiyyah* influence’. Another example is the matter of ‘cyclical state’ which shows clear similarities with Al-Mawardi’s theory of government lifespan. See more: Ahmad Mubarak Al Baghdadi. (1981, February). *The Political Thought of Abu Hasan Al Mawardi* (Ph.D.). University of Edinburgh, Edinburgh.

<sup>28</sup> Hamid, Eltigani Abdul (2001). “Al-Mawardi’s Theory of State-Some Ignored Dimensions”. *American Journal of Islamic Social Sciences*, 18(4), p1–18.

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of his own’, ‘giving people money from the trust according to their tribal lineages’, and giving the caliph the right to ‘have a monopoly over decision making’ (*al-istibdād bi al-amr*).<sup>29</sup>

On the side of Buyid Emirs (but also includes Abbasid auxiliaries), who mostly relies on military power to gain control, *Al-Ahkām* did not deal substantively with the matter of usurpation. *Al-Ahkām* in a way, also preserved some of the status quo of Buyid dominance. It is observed that in this matter, “theory is made to suit an existing political emergency which can only be terminated by legalizing usurpation”<sup>30</sup>. As long as the Buyid Emirs are showing some sort of ‘loyalty’ (e.g. mentioning the name of the caliph in Friday prayers, sending official letters, sending envoys, etc), their independent political powers are fully legitimized. Also, in the case that caliphs did not meet the basic requirements underlined in *Al-Ahkām* or been corrupted, there are no mentions of ‘impeachment’ procedures.

As illustrated by the examples above, it is inferred that his analysis is too intimately linked with the historical-political context of the 11<sup>th</sup> century, and did not provide much original political thought from the Islamic sources themselves. Perhaps the main weakness of Al-Mawardi’s theory of government is that it touches very little about the caliph’s (or king’s) accountability. This is best exemplified by the abovementioned absence of any ‘impeachment’ measures. The nature of his theories and its glaring absence of legal checks and balances causes many scholars to describe Al-Mawardi as being heavily constrained by “necessity and expediency”—and that he was merely conducting reconciliation or harmonization with some aspects of the Islamic texts, even to the point of disregarding the *sharī‘ah* in other matters<sup>31</sup>.

A countervailing argument is that this ‘harmonization’ between an existing historical-political realities with the Islamic corpus is necessary to preserve the interest and unity of the Muslim *ummah*. It is important to note that the Caliphate system in which Al-Mawardi inherited have already been established for centuries. The empire/monarchic system had been deeply entrenched within the political system, and deeply rooted in the psychology of the masses. Although many of *Al-Ahkām*’s political theories may seem unacceptable by current contemporary standards, it was perhaps seen as the only foreseeable political system by Al-Mawardi; a ‘given’ reality. Understandably, it is only ‘instinctive’ for him to interpret the Islamic corpus within that model, especially in the absence of viable alternatives.

Another counter balance to this ‘conformist’ issue is the need to study holistically all of Al-Mawardi’s works aside from *Al-Ahkām*. An article by Eltigani AbdulQādir Hamid<sup>32</sup> posits that current scholarly works did not fully appreciate Al-Mawardi’s works beyond the typical assumption of being a ‘conformist’, apologetic, and politically expedient. In fact, he continued that based on a published research paper on “Sources of the Islamic Political Heritage”, all material known and studied by scholars in Islamic medieval political thought doesn’t even constitute more than 18% of the material deposited as manuscripts all around the world! Also, in the case of Al-Mawardi, *Al-Ahkām* should be regarded as his best ‘known’ work, not his best work<sup>33</sup>. In addition, it is worth to note that *Al-Ahkām* itself was specifically designed for brevity and convenience to busy political officers who do not have much time to

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<sup>29</sup> Auda, Jasser. (2008). *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. International Institute of Islamic Thought (IIIT). Page 176.

<sup>30</sup> Rosenthal, E. I. J. (1958). *Political Thought in Medieval Islam: An Introductory Outline*. Cambridge University Press. Page 32.

<sup>31</sup> Lambton, A. K. S. (1981). *State and Government in Medieval Islam: An Introduction to the Study of Islamic Political Theory: the Jurists*. Oxford University Press. Page 102

<sup>32</sup> Hamid, E. A. (2001). “Al-Mawardi’s Theory of State: Some Ignored Dimensions”. *American Journal of Islamic Social Sciences*, 18(4), 1–18.

<sup>33</sup> *Ibid*

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formally study political philosophy. To fully appreciate the totality of Al-Mawardi's political theory, it is claimed that his other work, the *Tashil An-Nazar* houses Al-Mawardi's more intricate political philosophies that was often overlooked by other scholars.<sup>34</sup>

### Conclusion: Al-Mawardi as an Architect of Civilization

Within the complex power relations between the caliph and the Buyid Emirs, Al-Mawardi had proven to make the best out of the circumstances. His authority and his ability to command high respect with key persons—especially the caliph and the Buyid Emirs—was utilized to further the role of the religion and better protect the interest of the *ummah* in the legal sphere. Scholars suggest that he was the first to compile *fiqhi* matters dedicated to governance into one comprehensive volume. The way he treats the subject as a separate discipline also greatly influence the development of ideas by future Islamic scholars.

Although it is clear that the 11<sup>th</sup> century Caliphate system heavily influenced Al-Mawardi, he did make some important original contributions to the Islamic political theory. His work in *Al-Ahkām* managed to theoretically and legally reposition the *imāmah* and the status of the caliph within the boundaries of *sharī'ah*. It formally delimits the powers of the caliph, introduced strict requirements and demands religious and secular accountability. This legal repositioning and limitations of power was unprecedented in the 11<sup>th</sup> century political norm of despotic emperors and absolute monarchy—prevalent in that region.

Al-Mawardi's works marks the juncture in Islamic political thought that requires re-interpretation of the scriptural sources and extracting original political theories for contemporary needs. It signals the start of a process to formulate concrete policies and political laws from the broad and relatively vague constitutional framework that *sharī'ah* offers—as opposed to taking the text at face value. In this case, Al-Mawardi had provided many useful examples on how to reinterpret historical events in the time of the *ṣahāba* and 'the Rightfully Guided Caliphs' (*Khulafa' Ar-Rāshidīn*) to be applied in the more complex and expanded political system of the Abbasid caliphate empire—beyond the more simple and tribal nature of the early Muslims. His diplomatic skills, acute awareness of the contemporary politics (the 11<sup>th</sup> century Abbasid caliphate), and his ability to make practical legal improvements through academic rigor and creative thinking is what contemporary Islamic thinkers now should strive to emulate.

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<sup>34</sup> *Ibid*

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