

# **Ḥanbalī Authorities on the Imamate**

*Massoud Vahedi*



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This article presents a number of legally and theologically centred passages from early, middle, and late-era Ḥanbalī authorities<sup>1</sup> concerning the imamate. These excerpts demonstrate that ever since the inception of the Ḥanbalī school of thought, the imamate, or the caliphate<sup>2</sup>, was deemed a necessity for maintaining unity, upholding the social order of the polity, enforcing the morals and norms of the Sharī'a, protecting the common interest of the general Muslim population, as well as ensuring the implementation of public religious ordinances. A few major underlying themes can be observed from these extracts. Besides highlighting the importance of the imamate through a sociopolitical prism, many of them also constitute a repudiation of the rationalist orientation of the Mu'tazila by indicating how the obligatory status of the leadership post is a determination derived through revelation, not reason alone.

The first passage is from Aḥmad ibn Ḥanbal (d. 241/855) himself, cited in Abū Bakr al-Khallāl's (d. 311/923) seminal compendium of theology-relevant reports entitled as *Kitāb al-Sunna*.<sup>3</sup> This comprehensive work incorporates a rich array of narrations from a variety of religious authorities, such as the Prophet ﷺ, Companions رضى الله عنه, Successors, and the eponymous founder of the Ḥanbalī school, Imam Aḥmad ibn Ḥanbal. The work is celebrated due to its impressive breadth in covering all major issues of theology from a Ḥanbalī perspective, provision of conceptually rich chapter titles, and presenting many unique narrations from Aḥmad ibn Ḥanbal. In fact, Ibn Taymiyya (d. 728/1328) goes as far as stating that *Kitāb al-Sunna* is the most wide-ranging work in terms of presenting the views of Imam Aḥmad vis-à-vis the leading fundamental issues of the religion (*masā'il al-uṣūl al-dīniyya*).<sup>4</sup> Interestingly, al-Khallāl is noted to have also compiled an independent work (presumably consisting of reports and narrations) concerning the ethics of

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<sup>1</sup> Conventionally, these are known as the *mutaqaddimūn*, *mutawassitūn*, and *muta'akhkhirūn* stages respectively. The first commences with the students of Imam Aḥmad ibn Ḥanbal and ends with the death of al-Ḥasan ibn Ḥāmid (d. 403/1012), the second begins with the students of the latter and concludes with the death of the great jurist Burhān al-Dīn Ibn Muflīḥ (d. 884/1479), the author of *al-Mubdi'*, and the third starts with the eminent verifier and evaluator 'Alā' al-Dīn al-Mardāwī (d. 885/1480) and continues until the present. See Bakr Abū Zayd, *al-Madkhal al-Mufaṣṣal li Madhhab al-Imām Aḥmad* (Riyadh: Dār al-'Āṣima, 1997), 1: 455-475.

<sup>2</sup> While the terms *imām* and *khalīfa* can be treated as near synonyms—as they are in this paper—insofar as they denote the overarching political authority/leadership in the Islamic polity, they possess their own specific connotations. The term *khalīfa* signifies that the incumbent leader succeeds (*yakhluḥu*) the Prophet ﷺ in organising the affairs of the people, the word *imām* indicates that the people follow the presiding Muslim authority in a parallel fashion to how they follow an imām in prayer. See Muhammad Abū Zahrah, *Tārīkh al-Madhāhib al-Islāmiyya fī al-Siyāsa wa al-'Aqā'id wa al-Tārīkh wa al-Madhāhib al-Fiqhiyya* (Cairo: Dār al-Fikr al-'Arabī, no date), 19.

<sup>3</sup> Notably, many early Muslim scholars such as al-Khallāl used the term *sunna* with a more expansive denotation, as opposed to its more restrictive later conventional meaning, referring to the articles of orthodox creed that are based on the teachings of the Prophet ﷺ and as an antonym to the heterodox beliefs of innovators. See Ṣāliḥ al-Fawzān, *Ithāf al-Qārī bi Ta'līqāt 'alā Sharḥ al-Sunna* (Riyadh: Maktabah al-Rushd, 2009), 38.

<sup>4</sup> Ibn Taymiyya, *Majmū' Fatāwā*, ed. 'Abd al-Raḥmān ibn Muḥammad ibn Qāsim, 37 vols. (Riyadh: Wizāra al-Shu'ūn al-Islāmiyya wa al-Awqāf wa al-Da'wa wa al-Irshād, 2004), 3: 390.

sultanic leadership and the confines of obedience entitled *al-Imāra wa Ṭāʿa al-Sulṭān*. Unfortunately, this latter book appears to be lost.

The second excerpt is from al-Ḥasan ibn ʿAlī al-Barbahārī's (d. 329/941) work *Sharḥ al-Sunna*<sup>5</sup>, a primer of Ḥanbalī creed that attempts to highlight the core tenets of orthodox Sunni creed while also identifying the trademarks and threats of the people of innovation. While replete with benefits and largely consistent with the dictates of orthodox Sunni creed, some of the posited doctrines in this work are products of the author's personal reasoning (*ijtihād*) or based on questionable textual evidence, which means they may not correspond to the creedal doctrines of Imam Aḥmad ibn Ḥanbal. Likewise, some of the enumerated tenets may be true as a matter of principle, but they are marred with embellishments.<sup>6</sup> This does not apply to the particular passage cited, as attested to by all the other passages in this paper.

Al-Qāḍī Abū Yaʿlā's (d. 458/1066) work *al-Aḥkām al-Sulṭāniyya* is the third source cited, from which three passages have been included. This important work exhaustively evaluates the nature of the religious, social, and political powers and duties of the caliph in the Muslim polity. Interestingly, al-Qāḍī Abū Yaʿlā was a contemporary of the great al-Māwardī (d. 450/1058), who penned a similar work bearing the same title. There are many conspicuous parallels and similarities between the two works in terms of content and style. There are a number of strong historical indicators which point to the conclusion that al-Māwardī penned his work first, which logically

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<sup>5</sup> Some scholars more recently have raised a few contentions concerning the attribution of the book to al-Barbahārī, suggesting that *Sharḥ al-Sunna* was actually penned by the controversial preacher Ghulām Khalīl (d. 275/888). This new thesis has been adopted by some Muslim thinkers and scholars as well. However, this claim should be treated with skepticism. There is sufficient epistemic warrant to assume that the work is al-Barbahārī's. Firstly, the famous maxim states that the widespread attribution of a given book to a certain figure provides sufficient confidence to presume their authorship of it and fulfills the place of the chain of attribution (*al-shuhra tuḡhnī ʿan al-isnād*). At least a dozen scholars have attributed this book to al-Barbahārī. Secondly, in his *Ṭabaqāt*, Ibn Abū Yaʿlā not only cited the entire treatise in full, but his reproduction contains a few conspicuous additions, indicating that he may have had access to another manuscript of the work that was attributed to al-Barbahārī. Thirdly, some critics contend that *Sharḥ al-Sunna* was hardly cited or referred to by later theologians of the Ḥanbalī school, which makes its misattribution a likely possibility. Such a view, however, fails to account for the book's indirect influence in the Ḥanbalī theological front during its formative period. For instance, al-Radādī notes strong literary and content-based parallels between *Sharḥ al-Sunna* and the highly touted text *al-Ibāna ʿan Uṣūl al-Diyāna* (colloquially known as *al-Ibāna al-Ṣuḡhrā*), which was penned by Ibn Baṭṭa al-ʿUkbarī (d. 387/997), a student of al-Barbahārī. Indeed, Ibn Baṭṭa is known to have adopted the content and mode of expression for some unique legal positions that were held by his teacher, which are found in *Sharḥ al-Sunna* as well (such as the view that a person who misses a prayer intentionally can never make it up by performing it after its time). These aforementioned facts put the proponents of the Ghulām Khalīl authorship thesis in an uncomfortable position, since it leads to the absurd suggestion that a Ḥanbalī authority like Ibn Baṭṭa composed his theological and legal views by relying on the words of a bygone and dubious preacher like Ghulām Khalīl. The far more intuitive conclusion is that Ibn Baṭṭa knew and recognized the book to be the composition of his teacher, and as such relied on it with confidence. Taking these principles and textual indicators into account, one can make a strong case for attributing *Sharḥ al-Sunna* to al-Barbahārī. See the foreword of al-Radādī's edition of *Sharḥ al-Sunna*, ed. Khālīd ibn Qāsim al-Radādī (Madina: Maktaba al-Ghurubā' al-Athariyya, 1993), 38-39.

<sup>6</sup> The contemporary scholar and researcher Sulṭān al-ʿUmayrī has meticulously organized these problematic issues into two distinct categories: 1) tenets or legal views based on the author's personal reasoning which can be countered by equally viable positions; and 2) tenets which are bereft of any epistemic warrant or are only supported by weak evidence. Other creedal or legal issues are raised by Khālīd ibn Qāsim al-Radādī in a short introductory section of his critical edition of *Sharḥ al-Sunna*. See the foreword of al-Radādī's edition of *Sharḥ al-Sunna*, 51-54.

means that al-Qāḍī Abū Ya‘lā adapted and incorporated sections of the former’s book in his own treatise.<sup>7</sup> But unlike the comparativist orientation of al-Māwardī’s work (which oftentimes mentions the views of Imams Abū Ḥanīfa, al-Shāfi‘ī, and Mālik), al-Qāḍī Abū Ya‘lā largely restricted himself with mentioning the views of Imam Aḥmad ibn Ḥanbal. As such, his work may be considered to be a Ḥanbalized rendition of al-Māwardī’s book.

The fourth passage is an excerpt from an authoritative seventh/fourteenth century creedal text, *Nihāya al-Mubtadi’īn fī Uṣūl al-Dīn*, penned by the great Ḥanbalī jurist and theologian Aḥmad ibn Ḥamdān al-Ḥarrānī (d. 695/1295). The author composed this treatise in response to the request of students and learners of his age who sought a work that represented the mainstream creedal positions of the Ḥanbalī school. When compiling this work, the author relied on the doctrinal positions explicitly or obliquely expressed by Imam Aḥmad ibn Ḥanbal as well as the theological views developed by later Ḥanbalī authorities in accordance with the principles of the school. *Nihāyah al-Mubtadi’īn* would later be abridged by the late-era Ḥanbalī scholar Badr al-Dīn ibn Balbān (d. 1083-1672) in a shorter primer entitled as *Qalā’id al-Iqyān*.

The famed late-era Ḥanbalī jurist Mūsā al-Ḥajjāwī’s (d. 968/1561) authoritative *al-Iqnā’ li-Ṭālib al-Intifā’* is the source of our fifth excerpt. According to Ibn Badrān (d. 1346/1929), when composing his famed work al-Ḥajjāwī meticulously synthesized the legal deductions and determinations of four previous Ḥanbalī manuals: *al-Mustaw‘ib* by al-Sāmīrī (d. 616/1219), *al-Muḥarrar* by al-Majd ibn Taymiyya (d. 652/1254), *al-Furū’* by Ibn Muflīḥ (d. 763/1362), and *al-Muqni’* by al-Muwaffaq ibn Qudāmah (d. 620/1223).<sup>8</sup> According to late-era scholars of the *madhhab*, *al-Iqnā’* and Ibn al-Najjār al-Futūḥī’s (d. 972/1565) *Muntahā al-Irādāt* are considered to be the two authoritative works for determining the relied upon position (*mu’tamad*) of the school in legal and judicial matters. *Al-Iqnā’* was later supplemented with a monumental commentary penned by the great jurist and verifier Maṣṣūr ibn Yūnus al-Buhūṭī (d. 1051/1641). This great amalgamated explanation—entitled as *Kashshāf al-Qinā’*—supplements the base text of al-Ḥajjāwī by primarily providing textual and legal evidences and modifying legal rulings with provisos and qualifiers wherever necessary.

The last quoted authority is the late-era scholar Muḥammad ibn Aḥmad al-Saffārīnī (d. 1188/1775), whose work in question is a famous metrical composition on Ḥanbalī creed entitled *al-Durra al-Muḍiyya*, often colloquially known as *al-‘Aqīda al-Saffārīniyya*. This work provides a comprehensive elucidation of all the main tenets and precepts of belief. Al-Saffārīnī would later supplement this work with a brilliant commentary entitled *Lawāmi’ al-Anwār al-Bahīya wa-Sawāṭi’ al-Asrār al-Atharīya*. In the sixth chapter of this book, the author composes a number of verses concerning socio-political affairs, with the obligation of the imamate being the main topic of interest. The author stresses that Muslim political leadership is necessary for safeguarding the interests and ordinances of Islam and ensuring the protection of worldly interests.

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<sup>7</sup> Ṣubḥī Ṣāliḥ deemed this position to be the most likely possibility. In his analysis, the contemporary researcher Muhammad ‘Abd al-Qādir Abū Fāris provided six different indicators and evidences for why Ṣāliḥ’s conclusion is correct, while indicating why the opposing views in this issue miss the mark. See Abū Fāris, *al-Qāḍī Abū Ya‘lā al-Farrā’ wa Kitābuhu al-Aḥkām al-Sulṭāniyya* (Beirut: Mu’assassa al-Risāla, 1983), 516-546.

<sup>8</sup> ‘Abd al-Qādir ibn Badrān al-Dimashqī, *al-Madkhal ilā madhhab al-Imām Aḥmad ibn Ḥanbal*, ed. ‘Abd Allāh ibn ‘Abd al-Muḥsin al-Turkī (Beirut: Mu’assassa al-Risāla, 1981), 434-5.

1. Imam Aḥmad ibn Ḥanbal<sup>9</sup> in *al-Sunna* by Abū Bakr al-Khallāl

دفع إلينا محمد بن عوف بن سفيان الحمصيّ قال سمعت أحمد بن حنبل يقول "الفتنة إذا لم يكن إمام يقوم بأمر الناس".  
Muhammad ibn 'Awf ibn Sufyān al-Ḥimṣī<sup>10</sup> communicated to us (al-Khallāl<sup>11</sup>) that he heard Aḥmad ibn Ḥanbal say: "If there is no imām to undertake the affairs of the people, there will inevitably be dissension."<sup>12</sup>

2. Al-Ḥasan ibn 'Alī al-Barbahārī<sup>13</sup>, *Sharḥ al-Sunna*

لا يَحِلُّ لأحد أن يبيت ليلة ولا يرى أن ليس عليه إمامٌ براً كان أو فاجراً... هكذا قال أحمد بن حنبل.

It is impermissible for anyone to spend a night while considering themselves free of being ruled over by an imām, regardless of whether the latter is morally upright or corrupted...such was stated by Aḥmad ibn Ḥanbal.<sup>14</sup>

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<sup>9</sup> Aḥmad ibn Muhammad ibn Ḥanbal was, in chronological terms, the last of the Four Imams and the eponymous founder of the Ḥanbalī school, which would establish its own independent paradigms in the fields of creed and law. Being a hadith scholar *par excellence*, Ibn Ḥanbal's magnum opus is the *Musnad*, a monumental hadith collection that contains approximately 40,000 narrations.

<sup>10</sup> Abū Ja'far Muhammad ibn 'Awf ibn Sufyān al-Ṭā'ī al-Ḥimṣī (d. 272/885) was a major memorizer and transmitter of hadith from the city of Ḥimṣ. He heard narrations from major hadith transmitters in the Levant and neighbouring regions, such as his fellow native and the towering hadith figure 'Abd al-Quddūs ibn al-Ḥajjāj al-Khawlānī (d. 222/837). He transmitted Imam Aḥmad's responsa, with some pertaining to the subtle defects of narrations (*al-'ilal*) and narrator criticism. Interestingly, he is also alone in relating some unique and solitary reports from the Imam not transmitted from any other of his students. The present quotation is an example of these. For more on his intellectual legacy and narrations, see Ibn Abū Ya'lā, *Ṭabaqāt al-Ḥanābila*, ed. 'Abd al-Raḥmān ibn Sulaymān al-'Uthaymīn (Makka: Umm al-Qurā, 1999), 2: 337-343.

<sup>11</sup> Abū Bakr al-Khallāl is celebrated as a pivotal early Ḥanbalī authority who played an instrumental role in meticulously compiling, arranging, and transmitting the various responsa material (*masā'il*) of Imam Aḥmad ibn Ḥanbal in the areas of creed, ethics, hadith, and law. Without this painstaking work, the Ḥanbalī *madhhab* would have likely never developed as a cohesive legal school.

<sup>12</sup> Abū Bakr al-Khallāl, *al-Sunna*, ed. 'Ādil ibn 'Abd Allāh Āl Ḥamdān (Riyadh: Dār al-Awraq, 2018), 32 (#11).

<sup>13</sup> Based in Baghdad, al-Ḥasan ibn 'Alī al-Barbahārī (d. 329/941) was the leading Ḥanbalī authority of his time, renowned for directly intervening against the theological and legal innovations of heterodox groups. He was a student of Abū Bakr al-Marrūdhī (d. 275/888)—an elite disciple of Imam Aḥmad ibn Ḥanbal—as well as the famous ascetic Sahl al-Tustarī (d. 283/896). See Ibn Abū Ya'lā, *Ṭabaqāt al-Ḥanābila*, 3: 36-80.

<sup>14</sup> Al-Ḥasan ibn 'Alī al-Barbahārī, *Sharḥ al-Sunna*, ed. Khālīd ibn Qāsim al-Radādī (Madina: Maktaba al-Ghurubā' al-Athariyya, 1993), 77.

### 3. Al-Qāḍī Abū Ya‘lā<sup>15</sup>, *al-Aḥkām al-Sulṭāniyya*

نصبه الإمام واجبة... والوجه فيه أن الصحابة لما اختلفوا في السقيفة، فقالت الأنصار منّا أمير ومنكم أمير، ودفعهم أبو بكر وعمر رضي الله عنهما، وقالوا "إن العرب لا تدّين إلا لهذا الحيّ من قريش" وزوّوا في ذلك أخباراً، فلولا أن الإمامة واجبة لَمَا سَاعت تلك المحاورّة والمناظرة عليها، ولقال قائل ليست بواجبة لا في قريش ولا في غيرهم. وطريق وجوبها السمع لا العقل لما ذكرناه في غير هذا الموضع، وأن العقل لا يُعلم به فرضٌ شيء ولا إباحته ولا تحليل شيء ولا تحريمه. وهي فرضٌ على الكفاية، مخاطبٌ بها طائفتان من الناس. إحداهما أهل الاجتهاد حتى يختاروا، والثانية من يوجد فيه شرائط الإمامة حتى يَنْتصب أحدهم للإمامة.

The appointment of the imām is an obligation...the evidence for this is that when the Companions disagreed in the roofed shelter [of Banū Sā‘ida], the Anṣār said: ‘There shall be a leader from our clan, and one from yours.’ However, Abū Bakr and ‘Umar negated their reasoning, by stating: ‘The Arabs shall not submit to any authority, except to this clan of the Quraysh.’<sup>16</sup> And they related a number of reports in this regard. Thus, were it not the case that having such an authority was obligatory, such a discussion and debate would have never taken place, and an interlocutor could simply state: ‘It is not an obligation, regardless of whether it is [in the case of a leader from] Quraysh or those besides them.’ Its obligation is known through revelation, not the intellect, due to what we mentioned elsewhere. For the intellect is not a sound means for recognizing the obligatory or permitted affairs, nor can it independently assign the rulings of permissibility or prohibition for a given matter. Further, the establishment of the imām is a communal obligation (*farḍ ‘alā al-kifāya*),<sup>17</sup> which is directed towards two camps. The first group consists of the people of political and religious acumen [who must strive and work diligently] until they select [a leader]. The second is the group of people who possess the criteria and conditions of leadership until one of them is appointed to the position.<sup>18</sup>

<sup>15</sup> Al-Qāḍī Abū Ya‘lā Muhammad ibn al-Hussain al-Farrā’ (d. 458/1066) was the preeminent Ḥanbalī jurist during the *mutawassīṭūn* era, and the first scholar of the *madhhab* to assume an official judicial role. Reputed for his status as a polymath, he composed works in a variety of fields and disciplines, including positive law, legal theory, and theology. When his jurisprudential or creedal views are cited, he is oftentimes simply referred to with the title of al-Qāḍī.

<sup>16</sup> A hadith with this exact wording could not be found; cf. *Ṣaḥīḥ al-Bukhārī*, #6830.

<sup>17</sup> A communal obligation refers to an ordinance that is collectively directed to all members of the Muslim community. There are several essential differences between this legal category and an individual obligation. First and foremost, the communal obligation is decreed for the retrieval of a public purpose. Secondly, it does not have to be performed separately by every single agent, for its function will be met if it is performed by one or some eligible members of the community. For further details, see Muḥammad ibn Aḥmad ibn al-Najjār al-Futūḥī, *Sharḥ al-Kawkab al-Munīr*, ed. Wahba al-Zuhaylī and Nazīḥ Ḥammād, 4 vols. (Riyadh: Maktabat al-‘Ubaykān, 1997), 1: 375-377.

<sup>18</sup> Abū Ya‘lā, *al-Aḥkām al-Sulṭāniyya*, ed. Muhammad Ḥāmid Fiqī (Beirut: Dār al-Kutub al-‘Ilmiyya, 2000), 19.

وصفة العقد أن يقال "بايعناك على بيعه رضى على إقامة العدل والإنصاف والقيام بفروض الإمامة"، ولا يحتاج مع ذلك صفقة اليد. ولا يجوز عقد الإمامة لإمامين في بلدان في حالة واحدة. فإن عقدت لاثنتين وجدت فيهما الشرائط نُظرت، فإن كانا في عقد واحد فالعقد باطلٌ فيهما، وإن كان العقد لكل واحدٍ منهما على الانفرد نُظرت، فإن عُلِمَ السابق منهما بطلَ العقد الثاني، وإن جُهِلَ مَنْ السابق منهما يخرج على روايتين، إحداهما بطلان العقد فيهما، والثانية استعمال القرعة، بناءً على ما إذا زَوَّجَ الوليّان وجُهِلَ السابق منهما، فهو على روايتين، كذلك هاهنا.

The formula of the mutual agreement is that it be said: 'I consensually pledge allegiance to you, provided that you uphold justice, fairness, and undertake the obligations of the leadership role.' It is not necessary for the parties to shake hands [in a transactional manner]. Moreover, it is not permissible to confer the leadership role to two individuals in separate lands at the same time. However, if it so happens that the position of leadership is contracted to two individuals who fulfill the necessary criteria, then the nature of the agreement is investigated: if the assignment of the leadership roles was fulfilled through one contract, then the appointment of both is nullified. If the leadership agreements for the two were arranged through separate contracts, then they are further analyzed: if it can be determined which of the contracts was performed earlier, then the second contract is nullified [and the first is deemed sound]. If it is unknown which of the two was arranged earlier, then two narrations [from Imām Aḥmad] can be derived from a comparable issue<sup>19</sup> and applied. The first of them is that the contract for both is nullified. The second is [that the contract of one of them is authenticated through] the use of lots.<sup>20</sup> This is based on the issue where two guardians marry off a woman and it is unknown which of the two contracts was conducted first, concerning which there are two narrations [from Imām Aḥmad]. The same applies here.<sup>21</sup>

ويلزم الإمام من أمور الأئمة عشرة أشياء:

أحدها: حفظ الدين على الأصول التي أجمع عليها سلف الأئمة. فإن زاع ذو شبهة عنه يَبَيِّنَ له الحجة وأوضح له الصواب، وأخذه بما يلزمه من الحقوق والحدود، ليكون الدين محروساً من خللٍ والأئمة ممنوعة من الزلل.

الثاني: تنفيذ الأحكام بين المتشاجرين، وقطع الخصام بينهم، حتى تظهر النصفة، فلا يتعدى ظالم ولا يَضْعُفُ مظلوم.

الثالث: حماية البيضة والذب عن الحوزة ليتصرف الناس في المعاش وينتشروا في الأسفار آمنين.

<sup>19</sup> The author is employing a legal process known as *takhrīj* here, where the ruling of a given issue is transferred to an analogous one, such that the two are assessed according to the same legal factors and dynamics. For further details concerning this process, see Hishām al-ʿArabī, *Madkhal li Dirāsah al-Madhhab al-Ḥanbalī* (Beirut: Dār al-Kutub al-ʿIlmiyya, 2023), 63-64.

<sup>20</sup> Should there be equally eligible individuals for a given post or affair such that no distinguishing factor can be discerned between them, the Ḥanbalī *madhhab* prescribes the drawing of lots as a tiebreaker. A comprehensive analysis of the mechanics and issues that are amenable to this process are found in Ibn Rajab al-Ḥanbalī, *al-Qawāʿid al-Fiqhiyya*, ed. Muḥammad ʿAlī al-Bannā (Beirut: Dār al-Kutub al-ʿIlmiyya, 2008), 426-450.

<sup>21</sup> Al-Qāḍī Abū Yaʿlā, *al-Aḥkām al-Sulṭāniyyah*, 25.

الرابع: إقامة الحدود لتُصان محارمُ الله تعالى عن الانتهاك، وتُحفظ حقوق عباده من إتلافٍ واستهلاك.

الخامس: تحصين الثغور بالعدّة المانعة والقوّة الدافعة، حتى لا تظفر الأعداء بغرّة ينتهكون بها محرماً ويسفكون فيها دمّاً لمسلم أو مُعاهد.

السادس: جهاد من عاندَ الإسلام بعد الدعوة حتى يُسلم أو يدخل في الذمّة.

السابع: جباية الفياء والصدقات على ما أوجبه الشرع نصّاً واجتهاداً مع غير عسّف.

الثامن: تقدير العطاء وما يستحق في بيت المال من غير سرف ولا تقصير فيه، ودفعه في وقت لا تقديم فيه ولا تأخير.

التاسع: استكفاء الأمناء وتقليد النُصحاء فيما يُفوضه إليهم من الأعمال ويكلّهُ إليهم من الأموال لا تقديم فيه ولا تأخير.

العاشر: أن يباشر بنفسه مشارقة الأمور وتصفّح الأحوال ليهتمّ بسياسة الأُمّة وحراسة المِلّة، ولا يُعَوّل على التفويض تشاغلاً بلذّة أو عبادة، فقد يخون الأمين ويُعشّ الناصح. وقد قال الله تعالى {يَا دَاوُدُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَىٰ فَيُضِلَّكَ عَنْ سَبِيلِ اللَّهِ} فلم يقتصر سبحانه على التفويض دون المباشرة. وقد قال النبي صلى الله عليه وسلم "كلّكم راعٍ وكلّكم مسئولٌ عن رعيّته".

With regard to affairs pertaining to the Muslim umma, the Imām is required to fulfill ten duties.

First, to preserve the religion in accordance with the fundamentals that the pious ancestors (*salaf*) agreed upon. If a person harbouring misconceptions deviates from this path, he must clarify to them the manifest proof, elucidate the correct path, while also exploring legal and disciplinary measures against [such a corrupter], such that the religion is protected from any defects and the umma is safeguarded from any lapses.

Second, to appropriately adjudicate any conflicts between disputing parties and ensure that their disagreements are effectively settled, such that fairness and impartiality prevail, so that the oppressor does not transgress against others and the oppressed are not too weak [to find justice].

Third, to defend the territories and protect the community so that the people may go about their daily lives and travel safely within the realm.

Fourth, to enact the legally prescribed punishments so that the prohibitions of Allah Most High are upheld and not violated, and the rights of His servants are not spoiled or unlawfully consumed by others.

Fifth, to fortify the frontiers with sufficient repelling force so that hostile forces are not able to launch a surprise attack that will violate that which is deemed sanctified in the religion, such as killing a Muslim or a person who is afforded protection via a treaty.

Sixth, to organize military campaigns against realms that oppose Islam by inviting them to the faith until they accept it or submit under its rule as the people of *dhimma*.

Seventh, to efficiently accrue state revenues by collecting the dues of *fay* and charity in accordance with what the letter of the Shariah and [sound] legal reasoning dictate without burdening people.



Eighth, to dispense all monetary allowances and other dues from the treasury without excess or deficiency and in a timely manner.

Ninth, to hire trustworthy and reliable people for appointment to specific tasks or entrustment of particular resources in a timely manner.

Tenth, to directly undertake the management of the public affairs and assess the prevailing conditions such that he is constantly concerned with managing the affairs of the umma and preserving the dīn. He must not merely entrust civic duties to others so that he may preoccupy himself in worship or indulge in the base desires. For it is possible for the trustworthy administrator to engage in treachery and the advisor may defraud [the community]. And Allah the Most High said: “O Dāwūd, We have made you the vicegerent of the land, so rule upon the people with the truth and do not follow the base desires.”<sup>22</sup> One finds that He – Glorified and Exalted be He – did not suffice with delegation, and instead mentioned the need for [the ruler to] directly exercise [their duties]. Moreover, the Prophet ﷺ said, “Every one of you is a shepherd, and every person among you will be held accountable with regard to their herd”<sup>23, 24</sup>

#### 4. Aḥmad ibn Ḥamdān al-Ḥarrānī<sup>25</sup>

ويجب إقامة الإمام شرعاً لا عقلاً.

The appointment of the Imām is an obligation determined by transmitted religious texts, not pure rational reasoning.<sup>26</sup>

#### 5. Al-Ḥajjāwī<sup>27</sup> and al-Buhūtī<sup>28</sup>, *Kashshāf al-Qināʿ*

(نصب الإمام الأعظم) على المسلمين (فرض كفاية) لأنّ بالناس حاجة إلى ذلك لحماية البيضة والذبّ عن الحوزة وإقامة الحدود واستيفاء الحقوق والأمر بالمعروف والنهي عن المنكر، ويخاطب بذلك طائفتان، إحداهما أهل الاجتهاد

<sup>22</sup> Qurʿan, Šād: 26.

<sup>23</sup> *Ṣaḥīḥ al-Bukhārī*, #7138.

<sup>24</sup> Al-Qāḍī Abū Yaʿlā, *al-Aḥkām al-Sulṭāniyya*, 27-28.

<sup>25</sup> Najm al-Dīn Ibn Ḥamdān al-Ḥarrānī (d. 695/1295) was a prominent Ḥanbalī judge, jurist, and theologian. He penned a number of legal works that would be given consideration and cited by later Ḥanbalī scholars in their legal determinations, such as *al-Riʿāya al-Ṣuḡhrā* and *al-Riʿāya al-Kubrā*. In addition, his work *Ṣifāt al-Muftī wa al-Mustaftī* describes the protocols and etiquettes that pertain to the enterprise of fatwa-making.

<sup>26</sup> Aḥmad ibn Ḥamdān al-Ḥarrānī, *Nihāya al-Mubtadiʿin fī Uṣūl al-Dīn* (Riyadh: Maktaba al-Rushd, 2004), 63.

<sup>27</sup> Mūsā ibn Aḥmad al-Ḥajjāwī (d. 968/1561) was a leading late-era Ḥanbalī jurist and presided as the *madhhab*’s jurisconsult in Damascus, while also teaching in prominent *maṣjids* and seminaries located in the city’s quarters. In addition to composing the authoritative and celebrated Ḥanbalī text *al-Iqnāʿ*, he also wrote the shorter legal manual *Zād al-Mustaḥṣin* and added a critical gloss to al-Mardāwī’s *al-Tanqīḥ al-Mushbiʿ*.

<sup>28</sup> Hailing from Egypt, Maṣṣūr ibn Yūnus al-Buhūtī (d. 1051/1641) is considered the last of the great verifiers of the Ḥanbalī school, with many of the *madhhab*’s opinions crystallizing owing to his remarkable and exact legal efforts. Besides penning full-scale commentary works and glosses for both *al-Iqnāʿ* and *Muntahā al-ʾIrādāt*, al-Buhūtī also composed a slimmer legal manual entitled as *ʿUmdah al-Ṭālib*.

حتى يختاروا، والثانية من تُوجد فيهم شرائط الإمامة حتى ينتصب أحدهم لها. أما أهل الاختيار فيعتبر فيهم العدالة والعلم الموصول إلى معرفة من يستحق الإمامة والرأي والتدبير المؤدّي إلى اختيار من هو للإمامة أصلح.

“The appointment of the greatest Imām is a communal obligation” upon the general Muslim body. The masses require it in order to safeguard the [Muslim] nation, defend the collective community, apply the legally-sanctioned punishments, fulfill the legal rights [of the people], as well as command the good and forbid the evil. Two groups are addressed with this obligation: the first of them is the people of judicious judgment, with their role being to nominate [a suitable candidate]. The second category consists of the individuals among them who possess all the conditions required on the imām, such that one of them can be appointed for the role. With regard to those who nominate, it is required that they be morally upright and possess the type of knowledge that can allow them to recognize who is worthy of the leadership post. They should also be judicious and capable of exercising effective decision-making, such that they will be able to select the most suitable candidate for the leadership role.<sup>29</sup>

#### 6. Muḥammad ibn Aḥmad al-Saffārīnī<sup>30</sup>

ولا غنى لأمة الإسلام	في كل عصرٍ كان عن إمام
يذُبُّ عنها كل ذي جحود	ويعتني بالغزو والحدود
وفعل معروف وترك نكر	ونصر مظلوم وقمع كُفر
وأخذ مال الفيء والخراج	ونحوه والصرف في منهاج

*The umma of Islam can never do without \*\*\* a leader, in every age that is*

*He defends it from every hostile resistor \*\*\* and takes care of warfare and penalties*

*Performance of good, leaving of evil (he facilitates) \*\*\* supporting the oppressed, subduing disbelief*

*He gathers the booties, land taxes, and the like \*\*\* and has them spent in the rightful path.*

<sup>29</sup> Mūsā ibn Aḥmad al-Ḥajjāwī and Maṣṣūr ibn Yūnus al-Buhūtī, *Kashshāf al-Qinā‘ ‘an Matn al-Iqnā‘* (Beirut: ‘Ālam al-Kutub, 1997) 6: 158.

<sup>30</sup> Originally hailing from the city of Saffārīn (close to Nablus), Muḥammad ibn Aḥmad al-Saffārīnī (d. 1188/1775) spent most of his life in Damascus, where he would become a prominent Ḥanbalī jurist and jurisconsult. He penned works and short treatises that dealt with a myriad of fields and disciplines, such as hadith commentary, ethics and manners, creed, as well as the legal notions of *taqlīd* (conformity to the view of one jurist or school) and *talfīq* (combining different legal views to form a composite position).

قال علماءنا كغيرهم نصب الإمام الأعظم فرض كفاية، لأن الصحابة—رضي الله عنهم—أجمعوا على أن نصبه واجب بعد انقراض زمن النبوة، بل جعلوه أهم الواجبات حيث اشتغلوا به عن دفن رسول الله صلى الله عليه وسلم، واختلافهم في تعيينه لا يقدح في الإجماع المذكور. ولتلك الأهمية لما تُؤفّي رسول الله—صلى الله عليه وسلم—قام أبو بكر—رضي الله عنه—خطيباً، فقال أيها الناس من كان يعبد محمداً فإن محمداً قد مات، ومن كان يعبد الله فإن الله حي لا يموت، فلا بدّ لهذا الأمر ممّن يقوم به فانظروا وهاتوا آراءكم. قالوا صدقت، ننظر فيه، فلهذا قلنا (ولا غنى) ولا مندوحة ولا بدّ (لأمة) دين (الإسلام)... (في كل عصر) من الأعصار و زمن من الأزمان (كان) أي وُجد وحصل واستمرّ (عن إمام) متعلق بقوله لا غنى، بل هو فرض لازم وواجب جازم، وجوبه عند أهل السنة وأكثر المعتزلة بالسمع يعني التواتر والإجماع. وزعم جمهور المعتزلة أن وجوبه بالعقل. ووجه وجوبه شرعاً لمسيس الحاجة إليه فإنه—صلى الله عليه وسلم—أمر بإقامة الحدود وسدّ الثغور وتجهيز الجيوش للجهاد وحماية البيضة والذب عن الحوزة.

Our scholarly associates say, just like their fellow counterparts [from the other schools], that the appointment of the greatest Imām is a communal obligation. This is the case since the Companions رضي الله عنهم unanimously agreed that such an appointment was an obligation after the cessation of the period of prophethood. In fact, they rendered it to be the most important of obligations, for they preoccupied themselves with it instead of the burial of the Prophet ﷺ. Their disagreement on the selection of a nominee does not in any way vitiate the aforementioned consensus. Due to its utmost importance, when the Prophet peace be upon him passed away, Abū Bakr رضي الله عنه rose at once and addressed [those around him]: “O people, whoever among you worshipped Muhammad, then [know that] Muhammad has departed. But whoever worshipped Allah, then [know that] Allah is eternally existent and does not die. This affair [leadership] currently requires a person to undertake it, so examine the matter and present your opinions.” They said: “You have spoken the truth, and we shall examine it.”<sup>31</sup> In light of this, we said [in the couplets above] that the “umma”, namely the religious path of “Islam” can “never do without”, that is, it is not possible for it to leave, “in every age”, namely in every epoch or time, “that exists”, meaning that which is found, occurs, or subsists in a temporal sense, “an imām”, whose direct antecedent is “never do without”. In fact, the station of imamate is a firm and definite obligation, whose obligatory nature is established according to the People of the Sunnah and many of the Mu‘tazila through textual evidence (revelation), namely mass-transmitted texts and unanimous consensus. Most of the Mu‘tazila, however, claimed that its obligation is derived through rational proofs. The grounds for demonstrating its obligation through a textual basis is its fulfillment of religiously prescribed ends, for he ﷺ decreed the establishment of the legally prescribed punishments, safeguarding the

<sup>31</sup> A report with this wording could not be traced to any of the authoritative hadith collections. However, it does appear in a similar fashion – without any ascription – in a few later works. See, for instance, ‘Abd al-Karīm al-Shahrastānī, *Nihāyah al-Aqdām fi ‘Ilm al-Kalām*, ed. Alfred Guillaume (Cairo: Maktaba al-Thaqāfa al-Dīniyya, 2009), 475-476.

frontiers, mobilizing the army for military campaigns, as well as protecting the territories and safeguarding their inhabitants.<sup>32</sup>

وكل ما ذكر من إقامة الحدود وسد الثغور وحفظ بيضة الإسلام واجب، وما لا يتم الواجب المطلق إلا به فهو واجب، فلهذا قلنا ولا غنى لملة الإسلام عن إقامة إمام، فنصبه فرض كفاية، إذ في نصبه جلب منافع لا تحصي ودفع مضار لا تستقصى، وكل ما كان كذلك فهو واجب، فإن جلب المنافع ودفع المضار المترتبة على نصب الإمام تكاد تلحق بالضرورات، بل بالمشاهدات بشهادة ما تراه من الفتن والفساد وانفصام أمور العباد بمجرد موت الإمام، وإن لم يكن على ما ينبغي من الصلاح والسداد. فإقامة الإمام فرض كفاية عند أهل السنة ومن وافقهم بالإجماع، وعند من قال بالوجوب عقلاً من المعتزلة كأبي الحسين والجاحظ والخيّاط والكعبي فبالضرورة، وأما مخالفة الخوارج ونحوهم في الوجوب فلا اعتداد بها، لأن مخالفتهم كسائر المبتدعة ليس قاذح في الإجماع ولا يُخلّ بما يُفيده من القطع بالحكم المُجمع عليه.

Every one of these aforementioned ends—such as the enforcement of punishments, protecting the frontiers and borderlines, and protecting the territories of Islam—are obligatory duties, and that which an absolute obligation cannot be fulfilled without is itself an obligation. For this reason, we stated that the path of Islam can never do without the appointment of an imām, and as such its establishment is a communal obligation. This is because its institution secures a plethora of tangible benefits and thwarts a multifarious number of harms; anything of this nature is an obligation. Furthermore, the assertion that the appointment of the Imām secures benefits and thwarts harms can be deemed to be among the propositions known by necessity. It is in fact from the evident perceivable and observable matters, for almost immediately after the leader [of a given realm] dies, it is common to find tribulations, conflicts, and divisions occur among the affairs of the people; even if the leader did not meet the ideal standards of righteousness and effective state administration dictated by the post. As such, the establishment of the Imām is a communal obligation by consensus according to the People of the Sunnah and those who are in agreement with them. The scholars from the Mu‘tazila who affirm its obligatory status on rational grounds—such as Abū al-Ḥusayn, al-Jāhīz, al-Khayyāt, and al-Ka‘bī<sup>33</sup>—do so with the understanding that it

<sup>32</sup> Muḥammad ibn Aḥmad al-Saffārīnī, *Lawāmi‘ al-Anwār al-Bahīya wa Sawāṭi‘ al-Asrār al-Atharīyya li Sharḥ al-Durra al-Muḍīyya fī ‘Aqd al-Firqa al-Marḍīyya* (Damascus: Mu‘assasa al-Khāfiqayn, 1982), 2: 419-420.

<sup>33</sup> According to several scholars, these four figures actually asserted the obligatory status of the imamate on both rational and revelatory grounds, contrary to al-Saffārīnī’s assertion here. But it is important to note that the predominant position of the Mu‘tazila deems the imamate to be an obligation based on reason. See ‘Alī ibn Muḥammad al-Jurjānī, *Sharḥ al-Mawāqif fī ‘Ilm al-Kalām*, ed. Maḥmūd ‘Umar al-Dimyātī (Beirut: Dār al-Kutub al-‘Ilmiyya, 1998), 8: 376. The opposing viewpoints ascribed to these four Mu‘tazilite figures can be somewhat reconciled by noting that they viewed reason to be the primary and anterior means for making legal determinations, while relegating scriptural inferences to the status of ex-post attestations and corroborators for such rational judgements.



is a matter known by necessity.<sup>34</sup> As for the dissension of the Khawārij and their likes<sup>35</sup> on this obligation, it is given no consideration, since their disagreement—just like other heterodox groups—does not tarnish the establishment of consensus nor does it vitiate against what such a consensus imparts of certainty in the agreed-upon legal ruling.<sup>36</sup>

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<sup>34</sup> The Mu‘tazilite position on the caliphate’s obligatory status is based on a rational argument, which is encapsulated by al-Ījī (d. 756/1356; author of the base text *al-Mawāqif*) and al-Jurjānī (d. 816/1413; the commentator of *al-Mawāqif*): “Repelling harm is rationally obligatory as a matter of certainty. Likewise, it is rationally obligatory to repel a probabilistic (most likely; madhnūn) harm. That is because probabilistic particulars that come under a source with a definitive judgement must without doubt fall under that judgement as well.” To illustrate the mechanics of this argument, al-Ījī employs the example of poison: P1) Everything that is poisonous must be avoided; P2) Substance Q might be poisonous; C) Therefore, substance Q must be avoided. Since the post of the imamate repels prospective harms of a probabilistic nature, it must be deemed an obligation. From a Sunni standpoint, however, the argument is flawed, since religiously-linked obligations cannot be derived from reason, for such determinations rest on the will and ordinance of the divine lawgiver. See al-Jurjānī, *Sharḥ al-Mawāqif fī ‘Ilm al-Kalām*, 8: 379. I would like to thank Yussif Adams Khalifa for his assistance in translating the aforementioned passage and his explanation of the Mu‘tazilite argument.

<sup>35</sup> The view of the caliphate being a non-obligation has been attributed to the Najdāt, a specific sub-group of the Khawārij, as well as some members of the Mu‘tazila, such as Abū Bakr al-Aṣamm (201/817) and Hishām ibn ‘Amr al-Fuwaṭī (218/833). See al-Shahrastānī, *Nihāya al-Aqdām fī ‘Ilm al-Kalām*, 478; cf. ‘Abd al-Qāhir al-Baghdādī, *Uṣūl al-Dīn* (Istanbūl: Maṭba‘a al-Dawla, 1928), 271.

<sup>36</sup> al-Saffārīnī, *Lawāmi‘ al-Anwār*, 2: 421-422.