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Istilāʾ

The term *imārat al-istilāʾ* ("emirate by usurpation")—*istilāʾ* for short—can be best understood by placing it within a historical context. Our starting point is with the jurist and political theoretician Abū al-Ḥasan ʿAlī al-Māwardī (d. 1058), whose political position, as well as the events through which he lived, are key to contextualizing its importance. Al-Māwardī lived through the ʿAbbāsid caliphate in decline and witnessed the rising power of Shīʿī Būyids and Seljuk Turks.

In al-Māwardī's most renowned work, *al-Aḥkām al-sulṭānīya* (On the principles of power or On the ordinances of government), one finds his elaboration of *istilāʾ* as part of an impressive, comprehensive, and ground-breaking theory of the State. Here al-Māwardī explains that there are two distinct types of emirate: *istilāʾ* or *istikfā* ("by designation"), authority invested in an individual by the caliph, according to the latter's free choice. In the case of *istilāʾ*, al-Māwardī states that although the emir acquires territory by force, rather than being given it by the caliph to administer, the authority that the emir possesses to rule over this territory is nonetheless conferred upon him, *ex post facto*, by the caliph. One can see how this accommodates both parties—the emir in that his seizure of power is not contested, but is rather given further political and spiritual validation by the somewhat symbolic gesture of the investiture of authority, and the caliph in that he maintains his authority even if, in real and practical terms, this is emblematic. This reflects al-Māwardī's belief that a strong caliphate as a unifying force for Muslims was important and that authority rests with the caliphate. The caliph, however, is held accountable to a "higher power," that of religious norms, as is the emir who acquired his emirate through *istilāʾ*.

At the time of al-Māwardī, a number of new political entities, the Ṣafavids, the Ghaznavids, and the Ṭāhirids, emerged along with the Būyids; all represented forms of power politics that undermined the authority and, for that matter, the necessity, of the caliph. Given the ascendency of these new, autonomous dynasties, *istilāʾ* concerned al-Māwardī: how could politics governed by physical power be transformed into legitimate authority, and what would be the role of religion and the caliph in all this? In *al-Aḥkām al-sulṭānīya*, al-Māwardī outlines seven carefully formulated conditions as a result of the investiture of the caliph, which, if abided by, would make *istilāʾ* acceptable. In short, these conditions require the emir to acknowledge the caliph as trustee of religion, "the defender of the faith," and, in consequence, for the emir to abide by established juridical and religious norms in the same way that the caliph must. While *Sharīʿah* was one way of checking the power of an emir, al-Māwardī was aware that it could not always provide the answers to changing circumstances. With the establishment of a redress of grievances court (*maẓālim*), which maneuvered within the *Sharīʿah* but had wider and more unfettered powers, al-Māwardī hoped that an emir's power could be checked.

A century later, the concept of *istilāʾ* was well established (Brackney, p. 175) even though the philosopher, jurist, and theologian Abū Ḥāmid al-Ghazālī (d. 1111) recognizes only too well that the emirs paid little attention or, at best, lip service to the caliph and the religious dictates of the *ʿulamāʾ*. Whereas for al-Māwardī the practical affairs of state (*siyāsah* or *siyāsat al-dunyā*) are subordinate to religion (*dīn*), at least in certain matters, for al-Ghazālī there is a subtler intertwining of the two—he sees the world we live in as a preparation (*zād*) for the happiness of the hereafter, and the attainment of happiness requires knowledge (*ʿilm*) of God. However, al-Ghazālī is very practical in accepting the need for compromise, sharing with al-Māwardī the fear of the alternative, namely, revolution, which would only result in chaos and further undermining of any form of social cohesion. Al-Ghazālī notes that accession to the caliphate itself might be the result of a physical, military seizure of power and that religious legitimacy is not enough to remain in power, given that it

is sustained through military might. With this empirical observation of the role of military power and *istilāʾ*, al-Ghazālī argues that merely by ensuring that the caliph's name is mentioned in the sermon in Friday congregational prayers (the *khuṭba*) and is also on the coinage, an emir has sufficed to profess allegiance to the caliph.

Such *Realpolitik* must necessarily lead to the declaration that *istilāʾ* is an entirely legitimate form of governance, which next step came about with the dissolution of the ʿAbbāsid caliphate in 1258 by the Mongols and the establishment of the "shadow caliphate" of the Mamlūks in Cairo. The chief *qāḍī* of Cairo under the Mamlūks was the Shāfiʿī jurist Ibn Jamāʿah (d. 1333) who, in his *Taḥrīr al-aḥkām* (Summary of the rules for the governance of the people of Islam), cites a saying of the second Rightly Guided caliph ʿUmar Ibn al-Khaṭṭāb (d. 644), "we are with whomever happens to emerge victorious," to support the right of the Mamlūks—or any other who deposed a power through military might—to be the just ruler, on the basis that this is best for the well-being and unity of Muslims. This emphasis on unity and order over that of legitimacy highlights the perennial debate as to whether an oppressive caliph could be overthrown: Sunnī traditions going back to the theologian and jurist Ibn Ḥanbal (d. 855) argue that even if the caliph is a usurper he should be obeyed unless he commits apostasy (*EI2*, 3: 1164b).

Such suggestions of the possibility that the caliph himself may be a usurper provide grist to the mill for Shīʿī *ʿulamaʾ* to assert the genuine authority of the Imams (Lambton, p. 252). In the thirteenth century, the Shīʿī philosopher and theologian Nāṣir al-Dīn al-Ṭūsī (d. 1274), writing at the time of the ascendancy of the Seljuk dynasty, states that although the true ruler may be presently "hidden," in the meantime Muslims can be ruled by the "just sultan" or the "sultan of the time" until the return of the twelfth imam (Madelung, p. 30).

While harboring a vision of an ideal caliphate is all well and good, accepting the reality of the political climate in which *istilāʾ* was a too common occurrence frequently therefore asserted itself. Al-Ghazālī's search for a compromise between the ideal and the reality through the establishment of a "balance" (*tawāzun*), or a middle way, was furthered by the Delhi-born Islamic scholar and "renewer" (*mujaddid*) Shāh Walī Allāh al-Dihlawī (d. 1762), a member of the Naqshbandī order, who brought a Ṣūfī ingredient into the mix, partly as an attempt to reconcile the seeming differences between Ṣūfī mysticism and orthodox legalism. In his *Ḥujjat Allāh al-bāligha* (Conclusive arguments from God), Shāh Walī Allāh presents us with a theory of natural law in which the human species goes through a series of "stages" (*irtifāqāt*) from the most basic, small society in the first stage to the fourth stage of a large domain ruled by a caliph. He argues for the necessity of the authority of the caliph in the fourth stage to maintain order: he "has an army and equipment which make it clearly impossible for someone else to usurp his domain" (Hermansen, p. 137). Shāh Walī Allāh acknowledges that because there can be no prophets after the Prophet Muḥammad, the best we can expect from a caliph is that he upholds religious law—the ʿAbbāsids set the bar and the caliph Maḥmūd of Ghazna (r. 998–1030) is the finest example. The expectations for the ruler may now be lowered, but the emphasis is still on the observance of the *Sharīʿah*; failure to do this justifies rebellion and *istilāʾ* to force a return to Islamic law and order.

Muḥammad Ibn ʿAbd al-Wahhāb (d. 1792), Shāh Walī Allāh's contemporary, confirmed Muḥammad Ibn Saʿūd in 1744 to be the political leader of the Muslim state (*imāma*) and for all his future descendants to also be imāms. Ibn ʿAbd al-Wahhāb, who continued as the religious leader, states that there are two mechanisms for the establishment of political rule: *taʿyīn* (appointment) and *istilāʾ*, although a third principle, *shūrā* (consultation), should be given some force. He clarifies that citizens must "listen to and obey the ruler, even if he is a despot (*jāʾir*) and debauched (*fāsiq*), as long as he does not order people to disobey God. People should gather round the one who assumes the caliphate and accept him. If he got the caliphate with his sword (*istilāʾ*), he should be obeyed. Rebellion

against a usurper is forbidden" (trans. al-Rasheed, p. 46). The only form of despotism that Ibn ʿAbd al-Wahhāb regards as unacceptable is that which seeks to change or divert from God's law. While the Wahhābīyah is in a number of respects unique as an Islamic movement, its ideology emphasizes with the rest of Islamic political thought the necessity of maintaining God's law above all else, although who has the authority to interpret this can differ considerably from one school of thought to another.

The issue of ultimate authority resting with God's law raises the question for the need for a caliphate at all, which is echoed by such modern-day thinkers as Rashīd Riḍā (d. 1935), who in his *al-Khilāfa aw al-imāma al-ʿuẓmā* (The caliphate or the great imamate, 1934) argues that election and consultation are and always have been basic principles of Islam, even before they existed in Western Europe. With the abolition of the caliphate in 1924, the obedience of Muslims was seen as directed only toward God. The issue of usurpation ceased to be an Islamic issue. Further, with the rise of Muslim activism and such figures as the Iranian ʿAlī Sharīʿatī (d. 1977), the notion of *istilāʾ* became no longer that of a ruler usurping the rule of another, but a revolutionary call for the Muslim community as a whole to overthrow forms of oppression.

[See also Ghazālī, Abū Ḥāmid al; Mamlūk State; Māwardī, Abū al-Ḥasan al-; Maẓālim; Sharīʿatī, ʿAlī; Tyranny; ʿUmar ibn al-Khaṭṭāb; Wahhābīyah.]

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*EI*2 = *Encyclopaedia of Islam,* New Edition. Leiden: Brill, 1960–2005.

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