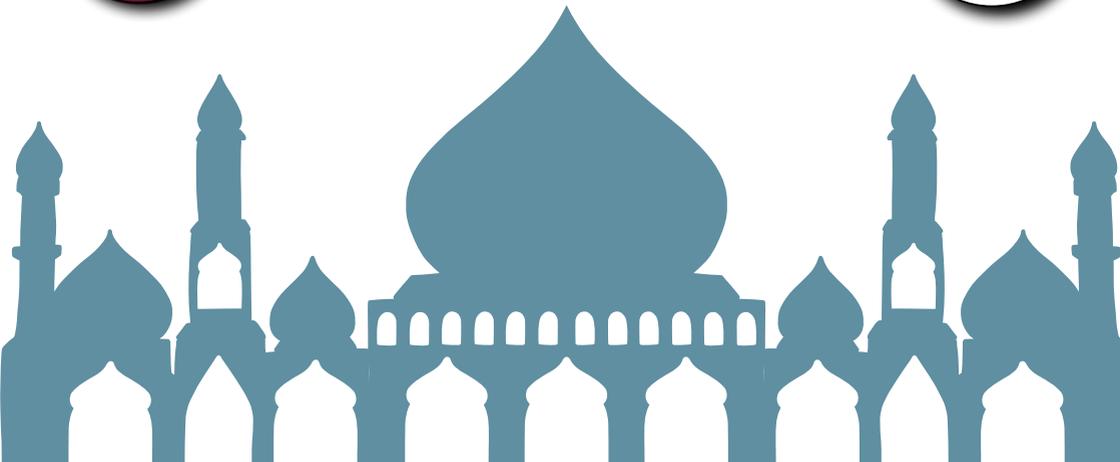


IS THE INHERITANCE OF RULERSHIP IN ACCORDANCE WITH ISLAMIC LAW?



I. INTRODUCTION

Allah Almighty says: "**Then We put you on a straight path of command, so follow it, and do not follow the desires of those who do not know.**" (Quran)

One of the attributes of Allah, who is perfect in His qualities, wise in His creation, and knowledgeable of the minutest affairs of His servants, is that He alone is the legislator of these rulings that regulate society. These divine rulings are among the greatest blessings of Allah upon His servants, as they are comprehensive and all-encompassing in all aspects of life, including faith, worship, transactions, politics, judiciary, and conduct. They are characterized by flexibility and adaptability to reality, making them capable of addressing all new developments and challenges of life with just solutions that preserve the five essential necessities: religion, intellect, life, honor, and wealth.

The divine universal laws necessitate human socialization, as Allah has created people with an innate inclination toward one another. This leads to the formation of societies, which inevitably results in relationships, interactions, disputes, and conflicts due to differing and often opposing wills. Consequently, the necessity of legislation arises to regulate these relationships, resolve disputes, and establish justice, truth, and goodness that everyone must abide by.

Divine laws have been revealed to regulate the affairs of individuals, families, societies, and states, ensuring inclusivity across various societal components, races, and ethnicities. Islam has emphasized the necessity of a governing system that manages people's affairs and interests, known as the **Islamic system of governance**. This system comprises the rulings that organize political authority, ensuring the well-being of the people and protecting them from corruption.



Since these divine rulings cannot be implemented unless overseen by a person with authority, power, and aides who enforce and uphold them, it is natural for every society to have a leader or ruler. This ruler is responsible for establishing justice, preventing oppression, ensuring security, eliminating chaos, settling disputes, punishing wrongdoers, providing for societal needs that individuals cannot fulfill on their own, and defending the nation against enemies and invaders.

Thus, these blessed divine laws established a strong and detailed relationship between the ruler and the ruled, based on **allegiance, obedience, counsel, supplication, unity, and support**. Additionally, they outlined interactions with non-Muslims in times of peace and war, as well as conditions for treaties and truces. These laws are an integral part of Islamic Sharia, forming a comprehensive divine system based on principles derived from the **Quran and Sunnah**. They provide the reference framework that defines the relationship between rulers and subjects while outlining responsibilities and rights.

Allah, the Most Just, has set precise regulations and firm principles for governing society from its very inception to prevent chaos, violent conflicts, and devastating wars. His divine wisdom necessitated establishing the scales of justice from the very beginning of human history, as He says:

"Indeed, We sent Our messengers with clear proofs and sent down with them the Scripture and the balance that the people may maintain justice. And We sent down iron, in which is strong material and benefits for people, so that Allah may make evident those who support Him and His messengers unseen. Indeed, Allah is Powerful and Exalted in Might." (Quran)

II. GOVERNANCE IN ISLAM

Dozens of verses in the Holy Quran, along with a vast number of authentic hadiths, discuss governance in terms of authority and rulership. Many Quranic verses elaborate on the details of governance, including military, political, criminal, social, and transactional legislation. Islam is a comprehensive framework for the **state, society, and life**, making governance and statehood an integral part of its teachings. It commands Muslims to establish a state, implement governance, and rule according to the laws of Islam.

Numerous Quranic verses emphasize governance and authority, instructing Muslims to **rule by what Allah has revealed**. Allah Almighty says:

"And judge between them by what Allah has revealed, and do not follow their desires, and beware lest they lead you away from some of what Allah has revealed to you. But if they turn away, then know that Allah intends to afflict them for some of their sins. And indeed, many among mankind are defiantly disobedient." (Quran)

Islamic governance is deeply rooted in divine guidance, ensuring justice, stability, and the implementation of **Allah's commandments** in all aspects of life.

1. THE CONCEPT OF THE STATE IN ISLAM

The **state** is an entity that brings together four essential elements: **territory, people, political will, and a governing system** to implement and enforce the rulings of Islam. It is also responsible for carrying Islam's message to the world through wisdom and good preaching, guiding people from the darkness of polytheism and ignorance to the light of faith, striving against those who obstruct the path of Allah and spread corruption on earth, and managing society's key resources to achieve progress and prosperity.



This definition applies to the **Islamic states** that have existed throughout Islamic history, starting from the **Prophetic State**, followed by the **Rashidun Caliphate, the Umayyad, Abbasid, and other Islamic states** that governed the affairs of Muslims. The establishment of the **Islamic state** began with the **Hijrah (migration) to Medina**, which marked the formation of the first Islamic government. This was evident in the presence of the four key elements:

- **Land** (Medina),
- **People** (Muslims and non-Muslims residing in the city),
- **Political will** (established through the allegiance of the Ansar),
- **A governing system** (founded by Prophet Muhammad ﷺ)

The **state** is the only mechanism Islam has established for implementing its **laws and regulations** in life and society. It is the backbone of Islam's presence in the world; without it, Islam would diminish as a **comprehensive way of life and governance**, remaining only as **spiritual rituals and moral teachings**.

For this reason, the Islamic state is **permanent and not temporary**. It is built upon the **Islamic creed**, which serves as its foundation, and it is not permissible for it to separate from this creed under any circumstances. When the Prophet Muhammad ﷺ established governance in Medina and assumed leadership, he built the system **entirely upon the Islamic creed**, even before the revelation of legislative rulings. The foundation of **Muslim life, social relations, justice, conflict resolution, and governance** was based on the testimony:

"There is no god but Allah, and Muhammad is the Messenger of Allah."

This principle became the cornerstone of Islamic governance and the structure of the **state and authority** in Islam.

2. CONSULTATION (SHURA) IN ISLAM

Shura (consultation) is one of the **fundamental principles** upon which the system of governance in Islam is based. The **Imam (leader) or head of state**, along with other leaders, are required to exercise **Shura** in all matters concerning the affairs of the nation. This obligation is **firmly established in the Quran, Sunnah, and scholarly consensus (Ijma')**.

Shura in the Quran

Allah Almighty commands:

“And consult them in affairs. Then, when you have taken a decision, put your trust in Allah.” (Quran 3:159)

This verse clearly establishes the obligation of consultation in all matters where deliberation is required. The imperative **"consult them"** indicates a binding obligation.

Allah also praises the believers by saying:

“And those who have responded to [the call of] their lord, and established prayer, and their affairs are [determined by] consultation among them.” (Quran 42:38)

By linking consultation with the establishment of **obligatory prayer**, this verse further emphasizes that **Shura is a required practice**, not merely an optional one.

Shura in the Sunnah

The Prophet Muhammad ﷺ said:

“No one ever regrets consulting others, and no one ever fails who seeks guidance from Allah (Istikhara).”

He also stated:

“No servant was ever doomed after seeking consultation, and no one ever prospered by depending solely on his own opinion.”

When the verse **“And consult them in affairs”** was revealed, the Prophet ﷺ commented:

“Indeed, Allah and His Messenger have no need for consultation, but Allah has made it a mercy for my nation. Whoever consults others will never lack guidance, and whoever neglects it will never escape misguidance.”

The Prophet ﷺ **applied Shura extensively** throughout his leadership. Abu Huraira (may Allah be pleased with him) remarked:

“There was no one who consulted his companions more than the Messenger of Allah.”

Shura in Scholarly Consensus (Ijma')

The **Rightly Guided Caliphs** followed the principle of Shura whenever a matter arose for which there was no explicit ruling in the **Quran or Sunnah**. Both **Abu Bakr and Umar (may Allah be pleased with them)**, when faced with issues requiring judgment, would **gather senior companions for consultation**. If they reached a consensus, the ruling would be established accordingly. This practice is supported by the narration of **Maymun ibn Mihran**, and since the **Companions approved and upheld this method**, it became a matter of scholarly consensus (Ijma').

The Importance of Shura in the Islamic State

Shura is one of the defining characteristics of the **Muslim Ummah** and the **Islamic state**. It applies to all aspects of governance, from **the establishment of the state, the election of the leader, and decision-making processes**, to **legislative and executive matters**. Whether conducted **directly or through elected representatives**, it remains a fundamental Islamic principle, firmly established in the **Quran, Sunnah, and the practices of the Rightly Guided Caliphs**.

Islam strongly encourages consultation, making it an **indispensable tool for justice and decision-making**, whether in **governing the nation or in personal matters**. The significance of Shura is further highlighted by the fact that **an entire chapter in the Quran is named after it (Surah Ash-Shura)**.

3. Ahl al-Hall wa al-'Aqd (The People of Authority and Decision-Making)

Ahl al-Hall wa al-'Aqd are the **consultative body** of the nation—individuals with sound judgment and expertise. They must meet certain **qualifications**, including:

- **Justice (integrity and moral uprightness)**
- **Knowledge**
- **Wisdom and sound opinion**

The requirement of **knowledge** encompasses all **essential fields** necessary for the well-being of the nation, including:

- **Islamic jurisprudence (Sharia)**
- **Military strategy**
- **Administration and governance**
- **Judiciary and law**
- **Medicine, engineering, agriculture, commerce, industry, and other sciences** relevant to national prosperity.

In this regard, **Ibn Khuwiz Mandad** states:

"It is obligatory for rulers to consult scholars in matters of religion that they do not fully understand or that may be ambiguous to them. Likewise, they should consult military leaders regarding war affairs, prominent figures regarding public interests, and experienced administrators, ministers, and officials regarding governance and national development."

Selection and Role of Ahl al-Hall wa al-'Aqd

It is evident that **the entire nation cannot serve as the consultative body**, since consultation should be sought only from **individuals with sound judgment, expertise, and deep understanding of the matter at hand**. Not every member of the public meets this criterion, so they are neither directly consulted nor responsible for selecting the consultative body.

Islamic teachings **do not specify** a fixed number for Ahl al-Hall wa al-'Aqd, nor do they prescribe a **particular method for their selection or the exact procedures of consultation**. This flexibility allows for **adaptation based on time, place, and circumstances**.

Therefore, Islam grants the **ruler (Wali al-Amr)** the authority to **organize and regulate** this process in a way that best serves the **public interest**, taking into account **the prevailing conditions and capabilities**. This falls under the scope of **Islamic political jurisprudence (Siyasah Shari'yyah)**, which is based on achieving the **best interests of the nation in every era and society**.

III . The System of Governance in Islam (The Caliphate)

The caliphate is a contract based on mutual consent and choice, as it is a pledge of obedience to the one who has the right to rule. It requires the acceptance of the one being pledged allegiance to, as well as the consent of those offering the pledge. Therefore, if someone refuses to become a caliph and declines the position, he cannot be forced into it. Instead, another person should be chosen. Similarly, taking the pledge from people by force or coercion is not permissible, as this would render the contract invalid. Coercion contradicts the nature of the caliphate, which is a contract based on mutual consent and choice, free from any form of compulsion, like any other contract.

However, once the pledge has been given by those whose allegiance is considered valid, the caliphate contract is established, and the person receiving the pledge becomes the ruler. At that point, obedience to him becomes obligatory. Any subsequent pledges from the rest of the people are no longer for the establishment of the caliphate but rather pledges of obedience. In this case, he is allowed to compel those who have not yet pledged allegiance to do so, as it is an obligation to obey him according to Islamic law. This does not constitute coercion in the initial contract of the caliphate but rather enforcement of obedience, which is mandatory.

Since the caliphate is a contractual agreement, it cannot be established without a contracting party, similar to the judiciary, where a person does not become a judge unless appointed by someone in authority. Likewise, no one can become a caliph unless appointed by the Muslims.

Conditions for the Establishment of the Caliphate

For a caliphate to be valid, seven conditions must be met for the caliph to be eligible. If even one of these conditions is missing, the caliphate does not stand. These conditions are: Islam, masculinity, adulthood, sanity, freedom, justice (which must be maintained, avoiding immorality), and personal integrity. Additionally, the caliph must be competent and capable of assuming the responsibilities of leadership, as this is a requirement of the pledge of allegiance (bay'ah).

Conditions of Preference

The conditions of preference include all criteria beyond the essential conditions for validity. For example, it is preferable for the caliph to be a scholar and a jurist (mujtahid), but this is not a strict requirement since he can consult knowledgeable scholars. Other preferred qualities include courage, sound judgment, strategic thinking, and other commendable traits

Who Confirms the Caliphate?

By reviewing the process of pledging allegiance (bay'ah) to the Rightly Guided Caliphs and the consensus of the Companions (may Allah be pleased with them), it becomes evident who has the authority to confirm the caliphate.

- In the case of Abu Bakr al-Siddiq, only the people of influence and authority (Ahl al-Hall wa al-'Aqd) in Medina participated in the pledge, while Muslims in Mecca and the rest of the Arabian Peninsula were neither consulted nor asked.
- Similarly, Umar ibn al-Khattab's caliphate was confirmed in the same manner.
- However, in the case of Uthman ibn Affan, 'Abd al-Rahman ibn 'Awf sought the opinion of the Muslims in Medina, not just Ahl al-Hall wa al-'Aqd.

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- When Ali ibn Abi Talib assumed the caliphate, most of the people of Medina and Kufa pledged allegiance to him, and he was given the pledge (bay‘ah) exclusively. Even those who later opposed and fought him did not pledge allegiance to another caliph but rather demanded retribution for Uthman’s murder. Their position was that of dissenters (bughat), who objected to the caliph on a particular issue, requiring him to clarify and, if necessary, confront them. However, they did not establish an alternative caliphate.

The caliph’s pledge of allegiance was historically given by most of the people of the capital without requiring approval from all other regions. This occurred in the presence of the esteemed Companions, with no recorded objections to this approach. No one opposed the practice of restricting the pledge to the majority of Medina’s inhabitants, indicating a consensus among the Companions that the caliphate is confirmed by those who represent the Muslim community’s political authority.

Since Ahl al-Hall wa al-‘Aqd and the majority of Medina’s residents were the principal representatives of the Muslim nation at the time, the caliphate is validly established when the pledge comes from representatives of the majority of the Islamic nation under the authority of the prospective caliph. This aligns with the process followed during the era of the Rightly Guided Caliphs. Their pledge was considered a **contractual bay‘ah** (bay‘at ‘aqd) for the caliphate.

As for those who did not initially pledge allegiance, once the caliphate is established, their pledge becomes a **pledge of obedience** (bay‘at ta‘ah), signifying submission to the legitimate caliph rather than a contractual pledge to appoint him.

The Caliph (Head of State)

The Caliph is the one who represents the nation in governance and authority, as well as in the implementation of Islamic rulings. Islam has vested governance and authority in the nation, which delegates someone to undertake this role on its behalf. Allah has obligated the Caliph to implement all the rulings of Islamic law.

Since the Caliph is appointed by the Muslims, he is considered their representative in governance, authority, and the enforcement of Islamic law. Therefore, he only becomes a Caliph when the nation pledges allegiance to him. This pledge of allegiance grants him authority and obligates the nation to obey him. A person does not become a legitimate ruler over Muslims unless the people of influence and authority in the nation give him a valid pledge of allegiance through free choice and consent, ensuring that he meets all the necessary conditions for the Caliphate. After his appointment, he must promptly enforce Islamic rulings.

Islam affirms that the ruler is accountable for all his actions and decisions and that he will be held responsible for them. He has no privilege that exempts him from accountability. The Prophet Muhammad (peace be upon him) said: **"Each of you is a shepherd, and each of you is responsible for his flock. The leader is a shepherd and is responsible for his people. A man is a shepherd over his family and is responsible for them."**

This responsibility is comprehensive, encompassing his accountability before Allah for his conduct and governance over the nation, as well as his responsibility and accountability before the people. If the nation observes any deviation in him, it has the right to remove him if he commits an act warranting dismissal. If he commits a crime, he is to be held accountable. If the crime involves the rights of individuals, such as murder, injury, or defamation, retribution must be carried out against him by the consensus of Muslim jurists. If the crime involves the rights of Allah, such as adultery or drinking alcohol, then, according to the majority of jurists, the prescribed punishment must be applied. The ruling is issued by the judge and carried out by the Muslim community, although Abu Hanifa held a differing opinion on this matter.

4. The Mechanism of Selecting a Caliph

It is from the wisdom of Allah that He made this great religion characterized by ease, tolerance, and flexibility in its commands, rulings, and legislation in general. He established the fundamental principles for its various systems while leaving the details and specific mechanisms to the scholars of each time and place, as these matters change and evolve. Islam does not bind us to a particular method or mechanism.

For this reason, the Prophet Muhammad (peace be upon him) passed away without appointing a specific person as his successor, despite the importance of the matter and the opportunity to do so. However, he hinted at Abu Bakr indirectly, as seen in his statement: "Tell Abu Bakr to lead the people in prayer," and his words: "Allah and the believers refuse anyone but Abu Bakr." Thus, the Prophet intended to leave the matter of succession to the Muslim community, making consultation and selection the method for appointing caliphs.

This is further clarified by the fact that the selection of caliphs varied during the time of the Rightly Guided Caliphs, whom the Prophet (peace be upon him) praised and commanded us to follow. From their experiences, scholars have derived different methods for selecting a ruler, which include:

- **Direct election by the majority of the "Ahl al-Hall wa al-'Aqd"** (the people of authority and decision-making), as happened in the Saqifah of Banu Sa'idah, where Abu Bakr al-Siddiq (may Allah be pleased with him) was chosen. He was later given allegiance by the general public in the mosque.
- **Nomination of a successor by the current caliph**, as occurred when Abu Bakr nominated Umar ibn al-Khattab (may Allah be pleased with him) as his successor. This nomination was subject to acceptance or rejection by the community, and after Abu Bakr's death, the companions accepted his suggestion and pledged allegiance to Umar.

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- **Selection through a council of candidates**, as was the case with the appointment of Uthman ibn Affan (may Allah be pleased with him), who was chosen from among six nominated candidates after mutual consultation.
 - **Public request and pledge of allegiance**, as happened with Ali ibn Abi Talib (may Allah be pleased with him), where people, including the "Ahl al-Hall wa al-'Aqd," approached him and requested that he assume leadership, after which they pledged allegiance to him.

IV. Inheritance of Rule (Succession) in the State of Qatar

The system of hereditary rule is practiced in some Islamic countries, including the State of Qatar. According to Article 8 of the Qatari Constitution, the governance of the state is hereditary within the Al Thani family and specifically among the male descendants of Hamad bin Khalifa bin Hamad bin Abdullah bin Jassim. The succession is passed to the son whom the Emir appoints as Crown Prince. If no son exists, the Emir designates a Crown Prince from the family, and in such a case, the succession remains hereditary among his male descendants.

The Legitimacy of Hereditary Rule in Islam

The Muslim Ummah became familiar with hereditary rule or the appointment of successors after the Rashidun Caliphate, which was based solely on the principle of consultation (Shura). Scholars unanimously agree that the legitimacy of governance in Islam is tied to the principles of Sharia, which establish competence and the public interest as the foundation for selecting a ruler, rather than mere lineage or inheritance. Islamic texts emphasize that governance is a trust and a significant responsibility that should only be entrusted to those who possess the necessary competence and ability to serve the interests of the Ummah.

Allah Almighty says:

"Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing." (Quran 4:58)



This topic has sparked extensive debate among scholars regarding its acceptance as a practical reality, given its connection to the fundamental principles of Islamic governance, such as consultation, justice, and selecting the most qualified leader. The caliphate or leadership in Islam is not merely a political position but a significant religious duty aimed at upholding religion and governing worldly affairs with justice.

Scholars have expressed differing opinions on the matter. Some argue that hereditary succession can be legitimate if it serves the public interest, preserves the state's integrity and sovereignty, and ensures the stability of the Ummah, provided that the most qualified candidate is chosen. Others reject the concept, viewing it as a violation of the principle of Shura, which forms the foundation of governance in Islam. They believe it paves the way for tyranny and allows ruling families to control the affairs of Muslims without just cause.

2. Methods of Establishing the Imamate

According to Ahl al-Sunnah, the Imamate is established through various methods. One of these methods, which is unanimously agreed upon, is the selection by the nation or its representatives from among the people of authority and decision-making (Ahl al-Hall wa al-'Aqd). Other methods have been a subject of dispute regarding their legitimacy; some scholars reject them entirely, while others consider them legitimate under specific conditions and circumstances.

The First Method: Selection and Allegiance by the People of Authority

This is the method agreed upon by both ancient and contemporary scholars for appointing the Imam (leader). Some scholars have even argued that it is the only legitimate Islamic method for assuming power, asserting that succession through inheritance does not establish legitimate rule. They point out that the Prophet Muhammad (peace be upon him) did not appoint a successor before his passing but rather left the matter to consultation and selection by the community.



These scholars view hereditary rule as an infringement upon the rights of the people, depriving them of the freedoms granted by Islam. Islam upholds the people's right to choose and dismiss their rulers, considering these rulers as their representatives and deputies. Nowhere in the Quran, the Sunnah, or the practice of the Rightly Guided Caliphs is there any endorsement or prescription of hereditary succession. The only legitimate method for leadership appointment, as prescribed by Islam, is through consultation (shura) and the selection of the most capable and qualified individual, without favoritism or injustice. The specific mechanisms for this process are left to interpretation, consultation, and adaptation based on circumstances.

The Andalusian scholar stated: *"There is no disagreement among the scholars of Islam that hereditary succession in leadership is not permissible."*

Al-Baghdadi affirmed: *"The vast majority of our scholars, meaning the Sunni scholars, agree that the method of establishing leadership (caliphate) is through the selection by the community."*

Ibn Khaldun also emphasized that the principle of leadership is based on the free choice of the community rather than hereditary rule. He stated: *"If the purpose of appointing a successor is merely to preserve power within the family, this is not among the religious objectives, as it is a matter determined by God for whomever He wills among His servants."*

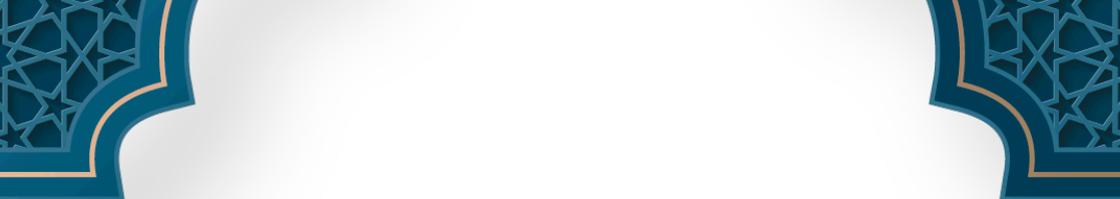
Al-Ghazali developed a comprehensive political framework on how a ruler should be chosen, presenting evidence from the Quran, Sunnah, and scholarly opinions on the ruling of hereditary succession. He firmly rejected the idea of passing leadership through inheritance and upheld the principle of consultation and the people's choice as the superior approach to governance.



They believe that what happened during the Rashidun Caliphate—when Abu Bakr appointed Umar ibn al-Khattab and Umar appointed the six companions—was merely a nomination by the current caliph for a trusted successor, without imposing it on the people. This is similar to what Abu Bakr and Umar did, where they nominated their successors without forcing it upon the people. They believe there is no valid comparison between the succession in the time of the Companions and the concept of crown prince.

In Ibn al-Jawzi's biography of Umar, it is mentioned: "When Abu Bakr fell ill and realized he was near death, he gathered the people and said: 'What has befallen me is as you see, and I do not think I will survive due to my condition. Allah has freed you from the oath of allegiance I took and has undone my covenant with you. You are free to appoint whoever you wish as your leader. If you appoint a successor while I am still alive, it will be better for you to avoid disagreements after my death.' They consulted and deliberated, but they couldn't come to a decision, so they returned to him and said, 'We accept your opinion, O Caliph of the Messenger of Allah.' He replied, 'Do you think you will disagree with me?' They said, 'No.' He said, 'Do you all agree upon this?' They replied, 'Yes.' He then asked them to wait while he considered what was best for Allah, His religion, and His servants. He sent for Uthman ibn Affan and said, 'Advise me on a man; by Allah, you are among those I trust and value.' Uthman suggested 'Umar ibn al-Khattab,' and Abu Bakr wrote the name. When it came to writing the name, he fainted, but when he regained consciousness, he insisted that it should be written as 'Umar ibn al-Khattab.'"

This narration, as cited by Ibn al-Jawzi (may Allah have mercy on him), confirms that Abu Bakr (may Allah be pleased with him) did not initially intend to appoint a successor from among the Companions. However, after the Companions disagreed, they requested him to make a choice and delegated the decision to him. Since the matter concerned them, he made them pledge to accept his selection, to which they agreed and entrusted the decision to him. This was the case with Abu Bakr's appointment of Umar (may Allah be pleased with them both), and a similar event occurred when Umar entrusted the matter to the Shura council. The established fact is



that the Companions themselves requested Umar to appoint a successor for them, just as they had done with Abu Bakr.

The conclusion we draw from this is that both Abu Bakr and Umar merely nominated individuals they deemed worthy of the caliphate. However, this nomination alone was not sufficient for the legitimacy of the leadership; rather, the Ummah had the right to either accept it or reject it and seek another leader.

It can be said that the concept of *Wilayat al-Ahd* (succession by appointment) differs from *Istikhlaf* (designation of a successor). The fundamental principle of *Istikhlaf* is that it only occurs when the caliph is on his deathbed, at which point he designates another person as his successor, as was the case with Abu Bakr and Umar (may Allah be pleased with them). They did not appoint successors except when death was imminent. It is established among them that the caliph's intent in *Istikhlaf* is merely to guide the people of authority (*Ahl al-Hall wa al-'Aqd*) towards the most suitable candidate for leadership, ensuring that he makes the best possible choice without favoring his own relatives.

On the other hand, *Wilayat al-Ahd* takes place while the ruler is still in good health and often occurs long before his passing or immediately after assuming power. The primary purpose of *Wilayat al-Ahd* is to favor relatives by granting them rule and to preserve governance within a specific family, often without regard for the best interests of the nation.

This distinction can be summarized as follows:

The concept of succession (*Istikhlaf*) is based on the interest of the nation, while the appointment of an heir to the throne (*Wilayat al-Ahd*) serves the interests of the ruler's family. Ibn Umar clarified this distinction in a speech before delegations in the presence of Mu'awiya, when allegiance was being pledged to Yazid. He stated:

"This caliphate is not Heracleian, nor Caesarean, nor Khosrowian, to be inherited from fathers to sons. If it were so, I would have taken it after my father."



Succession is founded on impartiality, whereas the appointment of an heir is based on favoritism. This is evident when Marwan advised the people of Medina to pledge allegiance to Yazid by saying, *"It is the tradition of Abu Bakr, the guiding and rightly guided."* In response, Abdurrahman ibn Abi Bakr retorted, *"Abu Bakr abandoned his own kin and tribe, and pledged allegiance to a man from Banu Adi, choosing him for his faith and trustworthiness."*

Succession is grounded in the principle of consultation (Shura), as it is merely a nomination—if the people approve, they pledge allegiance; if not, they reject it. In contrast, the appointment of an heir aims at establishing monarchy.

Only those who meet the necessary religious and leadership qualifications are chosen for succession. However, in the case of appointing an heir, the situation deteriorated to the point where power was entrusted to those unfit to rule—whether due to their youth, weakness, or open engagement in corruption and immorality.

These scholars believe that the inheritance of power has neither brought the expected benefits nor prevented the anticipated harms—the very reason some jurists justified it. They argue that the jurists who permitted hereditary succession to avoid strife actually paved the way for even greater conflicts. The first step in this turmoil was the abandonment of God's command for consultation (Shura) and the people's free choice, which led to calamities for the nation and greater social and political corruption. Among the most significant consequences were:

- **The Elimination of Shura in the Appointment of the Caliph:**

One of the most fundamental changes was in the constitutional principle governing the selection of the nation's leader. Traditionally, the selection process was conducted through consultation by elected representatives of the nation (Ahl al-Hall wa al-Aqd), who would place authority in the hands of the most suitable and capable leader. Allegiance (Bay'ah) was not a reward for seizing power but rather the means of legitimizing authority. A person's efforts, attempts, or conspiracies had no role in securing the Bay'ah. People were entirely free to pledge or withhold allegiance, and only those who gained the people's genuine consent would assume power.

• **Suppression of Freedom of Expression:**

The practice of enjoining good and forbidding evil was the safeguard of the Islamic society and its governance, ensuring its proper course. With awakened consciences and free tongues, people prevented their leaders from straying into error and boldly proclaimed the truth without fear or hesitation. This freedom was protected and guaranteed, as Islam established freedom of speech, granting every individual the right to express their beliefs through critique and guidance, and to defend what they perceived as the truth. The Quran states:

"And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful." (Surah Aal-e-Imran 3:104)

The duty to call for good and forbid evil cannot be fulfilled without ensuring freedom of speech for every member of the nation tasked with this responsibility. Likewise, the Prophet (peace be upon him) said:

"The religion is sincere advice." They asked, "To whom, O Messenger of Allah?" He said, "To Allah, His Messenger, the leaders of the Muslims, and their common folk."

Advising every member of the nation requires unrestricted freedom of expression, as long as it adheres to the limits of Islamic law. However, with the introduction of hereditary rule, the relationship between the ruler and the people became one of coercion: they were left with only two choices—either to open their mouths to shower him with praise or to remain entirely silent. Anyone whose conscience compelled them to speak the truth had to prepare for imprisonment, torture, execution, or exile. Thus, those who stood against oppression faced severe punishments, instilling fear in the hearts of the people and plunging the entire nation into a paralysis of cowardice and silence.



- **Disconnection from the People:**

One of the greatest corruptions that emerged with the hereditary transfer of power was the significant transformation in the lifestyle of rulers' heirs. They adopted the way of life of the kings of the Roman and Persian empires, abandoning the simplicity and humility that characterized the Prophet (peace be upon him) and the Rightly Guided Caliphs. They moved into royal palaces, surrounded themselves with special guards and watchmen, had guards walk ahead of their processions, and appointed gatekeepers to block direct contact with the people. This led to a complete disconnect between the rulers and their subjects, ending their direct engagement with the populace. As a result, intermediaries were needed to relay information about the people's conditions, but no government can truly understand its people's situation through such intermediaries. Likewise, the people were unable to present their grievances or communicate their needs to the rulers without a middleman.

- **Mismanagement of State Resources:**

In the original Islamic concept, the state treasury (Bayt al-Mal) and public resources were a trust in the hands of the ruler and his government, meant to preserve the rights of the people. The Caliph, or any other individual, had no right to dispose of state funds arbitrarily but was strictly bound by Islamic law regarding what entered and exited the treasury. The Caliph's share of these funds was limited to a salary sufficient for a modest life—neither impoverished nor luxurious.

This concept changed drastically with the emergence of hereditary rule. The state treasury became the personal property of the ruler and his family, while the people were obliged to pay taxes without having any right to question or hold the government accountable. The lifestyle of kings, princes, governors, and commanders turned into one of extravagance, where they had absolute control over the state's wealth and resources.



- **Political Tyranny:**

Consultation (Shura) was a fundamental principle in the Islamic system of governance. It was the standard for making important and decisive decisions. The advisory council (Ahl al-Hall wa al-'Aqd), composed of scholars, intellectuals, and political experts, played a crucial role in governance. The ruler would benefit from their opinions, and decisions were made based on collective wisdom. These advisors were free to express their views based on their knowledge, experience, and conscience.

However, with the transformation of the Caliphate into monarchy, this fundamental principle changed. Power became concentrated in the hands of a small elite, with no effective mechanisms for oversight and accountability. As a result, personal despotism replaced consultation, and decisions were made solely based on the ruler's absolute will, without genuine advisory input. This shift had disastrous consequences at all levels.

- **Monopoly of Power:**

One of the most significant negative effects of hereditary rule was the concentration of power within a single family, without regard for competence or the principle of consultation, which is central to Islam. This created a political and social class system within society, where ruling families were placed above everyone else, enjoying special privileges solely due to their lineage. This abolished the principle of equality among people that Islam had established. A small elite monopolized the state's resources at the expense of the general public, creating a wide gap between the rulers and the ruled, leading to a sense of social and economic injustice.

The Second Method: Succession or Appointment of an Heir (Wilayah al-Ahd)

Some early scholars, including experts in jurisprudence and Islamic governance, have held that the imamate (leadership) can be validly transferred to a designated successor appointed by the ruling leader, provided that the people of influence and decision (Ahl al-Hall wa al-'Aqd) approve and the general public pledges allegiance to the appointed successor.

Additionally, the successor must fulfill all the conditions of imamate previously mentioned. Among those who supported this view are Shams al-Din al-Sarakhsi, Imam al-Mawardi, Ibn Hazm, Imam al-Juwayni, Imam al-Nawawi, and others.

They argued based on public interest, asserting that succession brings evident benefits. The death of an imam could lead to various forms of disorder and corruption, while appointing a successor ensures stability and prevents chaos, making it the more prudent course of action.

One of their key pieces of evidence is the statement of the Prophet Muhammad (peace and blessings be upon him) in the hadith narrated by Al-Bukhari:

"I was about to send for Abu Bakr and his son and appoint him (as my successor), so that no one would say (something different) or wish (otherwise). But then I thought: Allah will refuse (anything but Abu Bakr's leadership), and the believers will also prevent (anyone else from taking the role), or Allah will prevent it, and the believers will refuse."

In another narration, Aisha (may Allah be pleased with her) reported that the Prophet (peace and blessings be upon him) said during his illness:



"Call for your father and brother so that I may write a letter appointing Abu Bakr as my successor, for I fear that someone might wish (to claim leadership) or someone may say: 'I am more deserving.' But Allah and the believers will refuse (any leader) except Abu Bakr."

These two hadiths provide clear evidence that the Prophet (peace and blessings be upon him) initially intended to appoint a successor but refrained from doing so, knowing that the people would not choose anyone other than Abu Bakr (may Allah be pleased with him). This indicates the permissibility of succession.

Commenting on this hadith, Shaykh al-Islam Ibn Taymiyyah (may Allah have mercy on him) stated:

"The Prophet intended to write a document due to his concern (about disputes), but then he realized that the matter was already clear and indisputable. He abandoned the idea of writing the document because there was no need for it, given the evident superiority and worthiness of Abu Bakr. This was even more decisive than an explicit appointment."

Additionally, they argue that the consensus of the Companions (may Allah be pleased with them) affirmed the legitimacy of appointing a successor when the Prophet's first Caliph, Abu Bakr, designated Umar ibn al-Khattab (may Allah be pleased with them both) as his successor. This legitimacy was further reinforced when Umar appointed a council of six Companions to choose the next leader, with no known opposition from the Muslim community at the time.

Here is the English translation of your text:

Many scholars have narrated this consensus. Al-Mawardi said:

"As for the appointment of the Caliph through the nomination of his predecessor, it is a matter on which consensus has been established regarding its permissibility, and there is agreement on its validity."



Al-Nawawi, in his commentary on Sahih Muslim, summarized:

"The Muslims have unanimously agreed that if the Caliph senses the approach of death, or even before that, he is permitted to appoint a successor. He is also permitted to leave the matter undecided. If he refrains from appointing a successor, he follows the example of the Prophet (peace and blessings be upon him) in this regard; otherwise, he follows the example of Abu Bakr (may Allah be pleased with him). They also unanimously agreed that the Caliphate is valid through succession."

Ibn Hazm elaborated on the benefits of succession, stating:

"The appointment of the Caliph can be valid through multiple means. The first, best, and most correct method is for the reigning Caliph to appoint a successor whom he deems suitable, whether he does so in good health, during an illness, or on his deathbed, as there is neither a textual prohibition nor a consensus against it. This is the method we prefer and discourage other methods because it ensures the continuity of leadership, the stability of Islam and its people, and prevents the anticipated discord and chaos that could arise otherwise. Without a designated successor, the nation may fall into disorder, ambitions may arise, and disputes may escalate."

He further stated:

"The Companions did not disagree that the appointment of a Caliph is valid through the nomination of a predecessor, provided that the selection was made with the well-being of the Muslim community in mind and not out of personal desire. The lack of disagreement among the Companions serves as evidence of the consensus on this matter."

Al-Nawawi also said:

"The Companions unanimously agreed that the Caliphate is valid through succession and also through the selection of the Ahl al-Hall wa'l-'Aqd (those qualified to elect a leader) when no successor has been appointed. This was the first method practiced by the Companions after the death of the Prophet (peace and blessings be upon him)."



Supporters of the legitimacy of succession draw an analogy between it and the Prophet's (peace and blessings be upon him) appointment of leaders over military expeditions. If appointing commanders over an army was permissible, then appointing a successor to the Caliphate is likewise permissible. Imam al-Bukhari recorded in his Sahih, as narrated by Abdullah ibn Umar (may Allah be pleased with them both), that the Messenger of Allah (peace and blessings be upon him) appointed Zayd ibn Haritha as the leader of the army of Mu'tah and said:

"If he is killed, then Ja'far ibn Abi Talib will take command. If he is killed, then Abdullah ibn Rawaha will take command." In another narration, he added: "And if he is killed, then the Muslims shall choose one among themselves."

Zayd advanced and was killed, then Ja'far took the flag and advanced but was also killed, and then Abdullah ibn Rawaha took the flag and was killed as well. May Allah be pleased with them.

Based on the above, the method of succession is considered legally permissible according to them, and they do not take into account the objections raised by some jurists and scholars who attempt to challenge this method, arguing that it leads to tyranny, injustice, and similar concerns. They justify their stance by asserting that competence is a fundamental requirement for the successor, that the process only occurs after consultation with the influential decision makers (Ahl al-Hall wa al-'Aqd) and their pledge of allegiance, and that the appointed successor must meet all the necessary conditions of leadership.

Jurists have various evidences and considerations that serve as their justification for legitimizing the inheritance of power when it occurs, despite some acknowledging its deviation from the original legal principles and others drawing an analogy between the



appointment of a successor and delegation of authority. The most significant of these considerations include:

- The necessity of inheriting power in certain situations, as necessities permit exceptions to prohibitions. However, what is permitted out of necessity cannot be deemed generally permissible in normal circumstances.
- The impracticality of the consultation (Shura) process, which is the legitimate alternative for selecting a ruler, and the absence of a viable means to implement it.
- The requirement that the appointed successor meets the necessary qualifications for leadership, such as being Muslim, free, of legal age, sane, male, just, and possessing other required traits. Consequently, appointing a minor, an immoral person, an incompetent individual, or anyone who lacks the necessary qualifications is not permissible.
- The acceptance and consent of the appointed successor. If the designated person does not accept the position, the appointment does not take effect, nor can they be coerced into accepting it. This is because succession is a contractual agreement between two parties, necessitating mutual consent. Al-Nawawi stated: "For the leadership to be valid, the pledgee must accept the pledge. If he refuses, his leadership does not take effect, and he cannot be forced into it."
- The successor must be present or at least locatable. If the designated successor is missing or unknown, the appointment is not valid.
- The appointing leader must still hold legitimate authority at the time of appointing his successor. If he attempts to do so after an event that removes him from leadership, the appointment is not valid.
- The appointing leader must consult the influential decision-makers (Ahl al-Hall wa al-'Aqd) and obtain their approval for the succession without coercion or force, and they must pledge allegiance to the designated successor.
- **The Third Method: Succession Without the Approval of the People of Authority**

- Those who argue that the approval and allegiance of the people of authority (Ahl al-Hall wa al-'Aqd) are not required include Al-Mawardi, who states: "The correct view is that his pledge of allegiance is valid, and that consent is not a requirement." The author of *Al-Salafah fi Ma'rifat al-Khilafah* also says: "The ruling of the imam in succession is akin to the ruling of the electors in appointment."
- They justify this by arguing that the pledge of allegiance to Umar was not contingent on the approval of the Companions, and that the imam has the ultimate right to appoint his successor, making his choice binding.
- However, this reasoning is countered by the fact that Umar's appointment was made with the approval of the majority of the Companions, as previously mentioned. Those who initially objected later retracted their opposition and pledged allegiance like the others. Scholars do not consider unanimous agreement of the people of authority necessary for the legitimacy of either appointment or succession to leadership.
- **The Fourth Method: Seizing Power (Taghallub)**
- Seizing power (*taghallub*) refers to ruling through actual force, such as military coups, or through de facto power, such as being appointed or inheriting rule from a previous usurper, or succeeding them without consultation—especially in cases where opposition is feared, and acceptance is lacking, even if the ruler is otherwise qualified. If a person seizes power through force, he does not thereby become a legitimate ruler, even if he declares himself the Caliph of Muslims, as his rule was not established through the consensus of the people of authority or by the free choice of the Muslim community. Even if he coerces people into pledging allegiance, such allegiance is invalid, as it is based on compulsion, whereas a legitimate pledge of allegiance (*bay'ah*) must be given freely and willingly.
- However, scholars advise obedience to such rulers to prevent further chaos and disintegration of the Muslim community.

- Ibn Taymiyyah states: *"Whenever a ruler becomes capable of governance—whether through the people's obedience or by force—he holds authority and must be obeyed if he commands according to God's law."*
- Al-Nawawi adds: *"If the imam dies, and someone possessing the necessary qualifications takes control without prior appointment or pledge of allegiance, and he subdues the people with his power and soldiers, his leadership becomes valid for the sake of maintaining order, even though his method of assuming power was sinful."*
- Ibn al-Wazir al-Yamani explains: *"Jurists have broadly stated that the leadership of a usurper is valid out of necessity. Those who do not carefully examine their words may misunderstand them, thinking they imply true legitimacy. However, their intent was to permit governance by such individuals for the sake of implementing essential laws, given the Muslims' dire need for stability."*
- Balancing between acknowledging the authority of a usurper and advocating for rebellion, scholars conclude that rebelling against a usurper leads to greater harm, discord, and bloodshed.
- Dr. Muhammad Uthman states: *"Scholars weigh between two types of evil and choose the lesser of the two to protect the ummah. They do not advocate exposing it to the greater of the two evils. This is a case of necessity, where prohibitions become permissible in dire circumstances—akin to eating carrion or pork in times of starvation. Accepting a usurper's rule is seen as the lesser of two evils compared to societal collapse."*
- There is no doubt that seizing power involves great injustice. It is a dual injustice: first, against those who are rightfully qualified to govern, and second, against those who have the right to appoint their ruler, whether they be the people of authority or the general populace. This reality is evident in the modern Muslim world. Clearly, the usurper bears sin for his actions.
- The Prophet Muhammad (peace be upon him) warned his companion 'Abd al-Rahman ibn Samurah: *"O 'Abd al-Rahman, do not seek leadership, for if you are given it upon request, you will be left to handle it alone. But if you are given it without asking, you will be aided in it."*

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- Seizing power is an even greater deviation from legitimacy than merely seeking it. The usurper fights for power, making him even less deserving of divine aid. If God does not aid him, he is abandoned. This indicates that seizing power is not a legitimate means of attaining authority. This was not merely advice from the Prophet but a binding legal ruling.
 - In another hadith, Abu Musa al-Ash‘ari reported that he and two men from his tribe came to the Prophet, and one of them said: "*O Messenger of Allah, appoint us to some position of authority.*" The other made a similar request. The Prophet replied: "*By Allah, we do not appoint to this position anyone who asks for it or is eager for it.*"
 - Thus, no one is permitted to seek leadership, and if they do, those with the authority to appoint leaders should not grant them their request. Fighting for power is even worse than merely asking for it.
 - A ruler imposed upon the people against their will would not be able to maintain control except through widespread oppression and fear to prevent any challenge to his authority. This is plainly evident today. In many Muslim countries, prisons bear witness to this reality. How many Muslims have been unjustly killed and deprived of their rights simply because they opposed unjust rulers.

• V. Conclusion

- The idea of concentrating rule in the hands of an individual, a family, or a specific class is entirely contrary to Islamic law, which mandates that governance should be entrusted to the most qualified individuals among the entire Muslim community. Every member of the ummah has a share in governance, and no single person or class has the right to strip Muslims of their authority and centralize power in their own hands. Likewise, no individual can claim that divine succession is his alone, excluding the rest of the Muslims. Most scholars agree that the legitimacy of governance and inheritance of power is bound by the principles of Sharia, which establish competence and public interest as the fundamental criteria for selecting a ruler, rather than mere lineage or hereditary succession.

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- The Prophet Muhammad (peace be upon him) was a symbol of a complete break from the model of political and religious inheritance. Clear evidence of this is found in the Sunnah and authentic hadiths, which categorically reject any form of inheritance in prophethood and leadership. The Quran also emphasizes the individual responsibility in political and judicial matters. The Prophet (peace be upon him) addressed his own family, saying:

"O Banu Hashim! Do not come to me on the Day of Judgment with your lineage while others come to me with their deeds."

Abu Dawood narrated that the Prophet said:

"He is not one of us who calls for tribalism, fights for tribalism, or dies upon tribalism."

Regarding blind support based on loyalty rather than justice, Al-Bayhaqi and Abu Dawood reported his saying:

"Whoever supports his people in wrongdoing is like a camel that falls into a pit and struggles to get out by its tail."

- The rejection of hereditary and familial rule was deeply ingrained in the mindset of the first generation of the Prophet's companions, as it was seen as intrinsic to Islam. In contrast, inheritance of leadership was a feature of pre-Islamic Arab and Persian traditions. While some jurists have permitted hereditary rule under specific political considerations, it remains a deviation from the original path set by Islam, which emphasizes consultation (shura) and free selection of leaders.
- A thorough study of scholarly opinions and legal rulings reveals that obeying a ruler who has assumed power through inheritance or appointment is not permissible, and his removal is an obligation for those capable of doing so—unless such removal would lead to greater harm than the harm caused by his rule. This is based on the principle of obeying a tyrannical or oppressive ruler only when the consequences of disobedience are more harmful. The Islamic legal maxim states: "There should be neither harm nor reciprocation of harm." This is one of the six major principles in Islamic jurisprudence, derived from a noble hadith of the Prophet (peace be upon him). It asserts that harm must be eliminated, except in cases where removing the initial harm would lead to a greater and more severe harm. In such situations, it is preferable to tolerate the lesser harm rather than escalate the damage, ensuring that actions do not inadvertently lead to greater suffering instead of relief.