



"SHŪRĀ" AS AN ELECTIVE INSTITUTION

Author(s): PATRICIA CRONE

Reviewed work(s):

Source: *Quaderni di Studi Arabi*, Vol. 19 (2001), pp. 3-39

Published by: [Istituto per l'Oriente C. A. Nallino](#)

Stable URL: <http://www.jstor.org/stable/25802929>

Accessed: 11/05/2012 07:46

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at

<http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



Istituto per l'Oriente C. A. Nallino is collaborating with JSTOR to digitize, preserve and extend access to *Quaderni di Studi Arabi*.

<http://www.jstor.org>

PATRICIA CRONE

SHŪRĀ AS AN ELECTIVE INSTITUTION*

Shūrā means consultation, usually between a person in authority and his subordinates, as in Q. 3:159 (*shāwirhum fī 'l-amr*), and occasionally between peers sharing power, as perhaps in Q. 42:38 on those “whose affairs are decided by consultation” (*amruhum shūrā baynahum*).¹ Either way, it is a procedure leading to a decision by people in charge of government. *Shūrā* also has a second and more specialized meaning, however. In sources relating to the Rāshidūn and the Umayyads it is normally a procedure for deciding who should be in charge of government. The participants here deliberate in order to elect a ruler, not to convey their advice to one or to act as joint rulers themselves; and *al-amr shūrā* is a call for the ruler to be elected by this procedure, not for affairs to be decided by consultation in general. *Shūrā* in this sense is a highly distinctive institution. It was famously adopted by ‘Umar for the choice of his successor, with the result that it figures in Sunnī constitutional law, but precisely wherein did it consist and what was its history?

I. ‘Umar’s *shūrā*

As usual in connection with the Rāshidūn, the earliest sources are *akhbārī* accounts compiled a century or so after the event. All are highly partisan and marked by hindsight.² But the doctrinal disputes by which they are shaped concern the

* I should like to thank Michael Cook and Chase Robinson for insightful comments on earlier drafts. The following abbreviations have been used: *Aghānī*, see note 77; BA, see notes 4, 54, 66; IAH, see note 9; *Imāma*, see note 6; IS, see note 4; Tab., see note 5; TG, see note 51; YT, see note 15.

¹ The meaning of 42:38 is not clear from either the verse itself or the exegetes, but cf. ‘Abd al-Jabbār’s definition of an acephalous society: *kawn al-nās shūrā lā ra’īs lahum wa-lā muqawwim wa-lā rā’in wa-lā mānī*’ (*al-Mughnī*, xx, ed. ‘A.-Ḥ. Maḥmūd and S. Dunyā, Cairo 1966, part 1, 24.12).

² They know that ‘Uthmān became a nepotist, that ‘Alī became caliph after him, that civil war ensued, that the Umayyads were to introduce dynastic succession, and that the descendants of al-‘Abbās were eventually to become caliphs. For their bias, see M. J.

participants in the institution, not the institution itself, the nature of which they mostly take for granted. How do they envisage it, then? The answer can be presented under six headings.

1) Evaluation

All the *akhbārīs* approve of ‘Umar’s *shūrā* (there clearly was no Rāfiḏī recollection of the event),³ and some present it as the best way of regulating the succession: ‘Umar instituted it saying that Abū Bakr’s election had been a coup (*falta*) and that his own had been effected without consultation (*‘an ghayr mashwara*), but that hereafter the matter was to be *shūrā*.⁴ More commonly, however, it is seen as a second-best solution: ‘Umar only used this method because he did not know whom to designate. ”Whom shall I appoint as my successor?”, he replies when people ask him to settle the succession. “If Abū ‘Ubayda had been alive, I would have appointed him... if Sālim, the client of Abū Ḥudhayfa, had been alive, I would have appointed him”.⁵ Elsewhere he would have appointed Abū ‘Ubayda, Mu‘ādh b. Jabal or Khālid b. al-Walīd,⁶ or he wanted to appoint ‘Abd al-Raḥmān b. ‘Awf, but the latter asked to be excused.⁷ Whomever he might have appointed, we are left in no doubt that people would have respected his choice: they are presented as wholly united around him and happy to leave the decision to

Kister, ‘Notes on an Account of the Shura Appointed by ‘Umar b. al-Khattab’, *Journal of Semitic Studies* 9, 1964; G. Rotter, *Die Umayyaden und der zweite Bürgerkrieg (680-692)*, Wiesbaden 1982, 7ff; S. Leder, ‘The Paradigmatic Character of Madā‘īnī’s *Shūrā-Narration*’, *Studia Islamica* 88, 1998, 42ff.

³ Many accounts in the mainstream sources are partial to ‘Alī, but no *akhbārī* rejects the whole procedure as absurd on the grounds that ‘Alī had been designated by the Prophet himself. When the Imāmīs discuss the *shūrā*, they do so on the basis of the same *akhbārī* accounts as everyone else (cf. esp. al-Faḍl b. Shādhān, *al-Idāh*, Beirut 1982, 84ff, 128f, 211f; al-Majlisī, *Biḥār al-anwār*, Beirut 1983, lx, 83f; also *Kitāb Sulaym b. Qays al-Hilālī*, ed. M. A. al-Anṣārī, Qum 1995, ii, 751, though this book mainly offers Imāmī elaboration; note that the *shūrā* here is invariably of the classical six (pp. 631, 651, 653, 751, 800); contrast below, notes 8, 9).

⁴ al-Balādhurī, *Ansāb al-ashraf*, v, ed. S. D. F. Goitein, Jerusalem 1936 (hereafter BA), v, 15.13. Compare the passages in which ‘Umar wishes it to be remembered that he did not appoint a successor, e.g. Ibn Sa‘d, *K. al-ṭabaqāt al-kabīr* (hereafter IS), ed. E. Sachau and others, Leiden 1904-17, iii/1, 242f, 256, 261 (ed. Beirut 1957-60, iii, 335f, 352f, 359). For Abū Bakr’s election as *falta*, see W. Madelung, *The Succession to Muḥammad*, Cambridge 1997, 29ff.

⁵ al-Ṭabarī, *Ta’rikh al-rusul wa’l-mulūk*, ed. M. J. de Goeje and others, Leiden 1879-1901 (hereafter Tab.), i, 2776f; similarly IS, iii/1, 248 (iii, 343).

⁶ Ibn Qutayba (attrib.), *al-Imāma wa’l-siyāsa*, Cairo 1969 (hereafter *Imāma*), i, 23f.

⁷ Tab. i, 2723f, reflecting the better known claim that ‘Abd al-Raḥmān withdrew from the competition as a member of the *shūrā* (below, note 22).

him. To these sources, the ideal would have been a situation in which there was a single man endowed with the same outstanding merit and ability to elicit consensus as 'Umar himself, so that all the dying caliph needed to do was to nominate him. But there was no such man now, only several men of equal merit and influence. This is why a *shūrā* was necessary.

2) The candidates

'Umar nominated five, six or seven men and told them to choose a successor from among themselves. The canonical figure is six: 'Uthmān, 'Alī, Ṭalḥa, al-Zubayr, 'Abd al-Raḥmān b. 'Awf and Sa'd b. Abī Waqqāṣ. The seventh man is Sa'īd b. Zayd, a kinsman of 'Umar's, but his appearance on the list is rare.⁸ Many sources deny that Sa'd b. Abī Waqqāṣ was nominated, taking the number down to five,⁹ and most say that Ṭalḥa was away on business and failed to come back in time, so that the real number is usually four.

Whatever their number, 'Umar chose the candidates on the grounds that they were "your chiefs and leading men" (*ru'asā' al-nās wa-qādatakum*),¹⁰ or that he could think of none better entitled,¹¹ or that if there were to be splits in the community it would be over these men.¹² Nobody had voted on them; it is not even clear, in most accounts, that people had been consulted about them.¹³ But we are left in no doubt that 'Umar got it right: had there been a modern-style election, these were the men who would have won the votes; had 'Umar left the succession unresolved, these were the men who would have fought it out.

⁸ For the figure seven, see the Ibādīs below, note 46. Sa'īd is included in Ibn Ḥabīb, *al-Muḥabbar*, ed. I. Lichtenstädter, Hyderabad 1942, 65f (where 'Alī and 'Uthmān should be added). 'Umar excludes him in Tab. i, 2777f; Ibn Shādhān, *Īdāh*, 211; cf. also al-Jāḥiẓ, *al-'Uthmāniyya*, ed. 'A.-S. M. Hārūn, Cairo 1955, 248.7 ('Umar did not include him though it was suggested to him).

⁹ 'Umar appointed five men (al-Bazdawī, *Uṣūl al-dīn*, ed. H. P. Linss, Cairo 1963, 185). Sa'd was not in the *shūrā* (Zuhrī and Wāqidi in BA, v, 21.4,6). He was removed by 'Umar so that only four were left ('Awāna in Ibn Abī 'l-Ḥadīd, *Sharḥ nahj al-balāgha*, ed. M. A.-F. Ibrāhīm, Cairo 1965-67 (hereafter IAH), ix, 50.6; or perhaps he was just declared ineligible by 'Abd al-Raḥmān b. 'Awf after the latter had stepped down because both of them were of Zuhra (below, note 22).

¹⁰ Tab. i, 2778.8.

¹¹ Ibn Abī Shayba, *K. al-muṣannaf fi 'l-aḥādīth wa'l-āthār*, Bombay 1966-82, xiv, 577; IS, iii/1, 245 (iii, 338).

¹² 'Abd al-Razzāq b. Hammām al-Ṣan'ānī, *al-Muṣannaf*, ed. Ḥ.-R. al-A'zamī, Beirut 1970-72, v, 480f (no. 9776); IS, iii/1, 249 (iii, 344).

¹³ As Jāḥiẓ sees it, they were: 'Umar chose them together with the Muhājirūn and Anṣār (*'Uthmāniyya*, 268.13).

3) Measures to secure agreement

The members of the *shūrā*¹⁴ were allegedly given three days to make a choice, with some draconian rules regarding disagreement: if one or two held out against the majority, they were to be killed;¹⁵ if two came out against two or three against three, they were to resume their deliberations,¹⁶ or the three who included ‘Abd al-Raḥmān b. ‘Awf were to prevail, or Ibn ‘Umar was to act as arbiter, and either way the losing three were to be killed if they refused to change their minds;¹⁷ all six were allegedly to be killed if they had not come to an agreement within three days,¹⁸ and so was anyone who tried to sow discord among them, opposed their choice, or took power by other means.¹⁹ The idea behind these somewhat implausible instructions seems to be that the alternative to *shūrā* was civil war. The candidates *had* to reach an agreement, and they had to do so fast; and since the aim of the proceedings was to reach agreement, not to obtain a representative sample of opinions, minority views were to be eliminated. When the deliberations began, ‘Alī is said to have opposed ‘Abd al-Raḥmān b. ‘Awf’s assumption of the role of sole elector, but nobody else supported him, so he was peremptorily ordered to fall into line by Abū Ṭalḥa al-Anṣārī, who stood guard by the electors with fifty men.²⁰

4) The negotiations

The candidates did not reach their agreement collectively, by sitting down around a negotiating table, though they are said to have tried. They met after ‘Umar’s death and debated for two days, but they were not getting anywhere: all the candidates were too eager to succeed;²¹ time was running out. At this point ‘Abd al-Raḥmān b. ‘Awf asked whether anybody was willing to withdraw from the competition in

¹⁴ Strictly speaking, this is a mistranslation: *shūrā* only means consultation, not the body that engages in it; *aṣḥāb al-shūrā* are people engaging in consultation, not the members of an electoral conclave. There is no word for the council or committee itself (short of the modern *majlis al-shūrā*). The mistranslation is however difficult to avoid; Islamicists regularly use it, and I shall follow suit.

¹⁵ Tab. i, 2779f; *Imāma*, 24; al-Ya‘qūbī, *Ta’rīkh*, ed. M. T. Houtsma, Leiden 1883 (hereafter YT), ii, 184; IAH, i, 187.

¹⁶ BA, v, 19.4; IS, iii/1, 42 (iii, 61).

¹⁷ Tab. i, 2725, 2779f; *Imāma*, 24; BA, 15.15, 19.6, 12 (without instructions to kill); YT, ii, 184; IAH, i, 187; Ibn Shādhān, *Īdāh*, 211f.

¹⁸ YT, ii, 184; IAH, i, 187; Ibn Shādhān, *Īdāh*, 212.3; cf. IS, iii/1, 248 (iii, 343), presumably meaning the same.

¹⁹ Ibn Ishāq in N. Abbott, *Studies in Arabic Literary Papyri*, i, Chicago 1957, no. 6:15, recto; BA, v, 18.21; Ibn Abī Shayba, *Muṣannaḥ*, xiv, 587 (no. 18921); IS, iii/1, 42, 249f (iii, 61, 344).

²⁰ BA, v, 21.17; IAH, ix, 51, cf. below, note 32, on Abū Ṭalḥa.

²¹ Ibn Ishāq in Abbott, *Papyri*, i, no. 6:16f, verso; IAH, ix, 51; Majlisī, *Biḥār*, xxxi, 83f (to Shī‘ites this proved that the procedure was conducive to disunity).

return for becoming the sole elector. When nobody replied, he volunteered to do so himself, and his offer was accepted, though ‘Alī is said to have opposed it at first.²² (Needless to say, there is also a version in which he is the first to agree.)²³ The decision was now in the hands of one man.

5) The consultative element

Little or no consultation had been necessary to identify the candidates, but trying to gauge their relative support was a different matter. ‘Abd al-Raḥmān b. ‘Awf attempted to establish who was most likely to win general acceptance by sounding out the opinions of both the candidates themselves and the leading men in Medina. He privately asked each candidate whom he would regard as the most suitable if he was not in the race himself,²⁴ and/or he asked the candidates to whittle down their own number to three: according to the versions in which all six are present, al-Zubayr stepped down in favour of ‘Alī, Ṭalḥa in favour of ‘Uthmān and Sa‘d b. Abī Waqqāṣ in favour of ‘Abd al-Raḥmān b. ‘Awf, who was not eligible (or who stepped down thereafter), so that now ‘Alī and ‘Uthmān were the only candidates.²⁵ He also toured Medina to consult with the Anṣār and Quraysh in Medina, or with the Companions as well as the commanders and *ashrāf* who had come to Medina from the garrison cities.²⁶ He even consulted with unknown people and *ḡuṭafā’ al-nās* according to some.²⁷ Since two days had already passed, all this took place in a great hurry, most of it during the final night.

6) The decision

We are not told how the candidates would have announced their decision if they had reached it jointly. As it was, everybody was left in suspense until the next morning. The Muhājirūn, Anṣār and commanders from the garrison cities assembled in the mosque, where they engaged in furious debate. Once again, the

²² Ibn Ishāq in Abbott, *Papyri*, i, no. 6:17, verso; BA, v, 21.13, citing Abū Mikhnaf; IAH, ix, 51, citing Sha‘bī; Tab. i, 2782, 2792 (in most of which he withdraws his kinsman Sa‘d b. Abī Waqqāṣ as well). A different account by Ibn Ishāq is cited in al-Māwardī, *al-Aḥkām al-sultāniyya*, ed. M. Enger, Bonn 1853, 16f (ed. Cairo 1973, 12) = id., *The Ordinances of Government*, tr. W. H. Wahba, Reading 1996, 12, where Ibn ‘Awf steps down after having reduced the candidates to three; similarly IS, iii/1, 245 (iii, 339).

²³ IS, iii/1, 95 (iii, 134), s.v. ‘Abd al-Raḥmān b. ‘Awf.

²⁴ Tab. i, 2782f, 2792f.

²⁵ Ibn Ishāq in Māwardī, *Aḥkām*, 16 (ed. Cairo, 12) = 12; Ibn Abī Shayba, *Muṣannaḥ*, xiv, 577 (no. 18905); IS, iii/1, 245 (iii, 339); Tab. i, 2784; IAH, i, 187f; *Imāma*, i, 26. The transmitters who made Ibn ‘Awf step down after having made the others do so forgot to ask themselves by what authority he had been acting up to then.

²⁶ Tab. i, 2783.

²⁷ *Imāma*, i, 26.8.

narrators give us to understand that the *shūrā* was designed to avert civil war: people were just about to fall into *fitna* when ‘Abd al-Raḥmān stood up and announced that he had considered the matter and consulted (*qad naẓartu wa-shāwurtu*).²⁸ He summoned ‘Alī and ‘Uthmān and asked first the one and next the other whether he would be willing to act in accordance to the Book of God, the *summa* of His Messenger and the *sīra* of the two caliphs after him. ‘Alī replied that he would do so to the best of his ability, while ‘Uthmān simply said yes;²⁹ or ‘Alī was enraged by a condition not to rely on Hāshimites whereas ‘Uthmān readily undertook not to rely on Umayyads.³⁰ ‘Abd al-Raḥmān announced his decision by paying allegiance to ‘Uthmān, and everyone else then followed suit.

7) Overall

It has to be emphasized that the above is not a reconstruction of what happened (we shall never know), merely a summary of how the institution is presented in the earliest accounts. Since it is impossible to get behind the *akhbārīs*, however, we shall have to work with what they tell us, and what it reduces to is this: *shūrā* was an institution for making contenders for power come to an agreement among themselves. Since all the *akhbārīs* unthinkingly share this conception, I shall proceed on the assumption that this is what the institution was in historical fact.

That the members of the *shūrā* had to choose a caliph from among themselves is hardly a new observation. Since there were no electors as distinct from candidates among them until ‘Abd al-Raḥmān b. ‘Awf stepped down, it is customary (at least in informal discussion) to compare them with the cardinals convened for the election of a new pope; but the comparison is not really apt. The cardinals have always been too numerous for all of them to be candidates in any real sense of the word (about fifty in the eleventh century, a hundred and twenty now); it was to prevent lay influence, not to avert violence, that the choice of the pope was made over to them; and they have in principle always been free to choose any male, upright and able-bodied member of the Catholic church.³¹ By contrast, the members of the *shūrā* were all real contenders for power, and the choice was made over to them to forestall civil war. (This was how it looked in hindsight, but people had presumably had foresight as well). The only striking similarity is that in both cases the room in which the electors deliberated was closed off to prevent external influence and/or to speed up the deliberations; or so at least according to some sources (an Aṣṣārī stood guard by the room of the *shūrā*

²⁸ Tab. i, 2785. ult.

²⁹ Tab. i, 2785f, 2794.9; IAH, i, 188.

³⁰ *Imāma*, i, 26f.

³¹ Cf. H. Fulrmann, *Die Päpste: von Petrus zu Johannes Paul II*, Munich 1998, 64ff, 71f (drawn to my attention by Giles Constable).

with fifty men for these purposes, we are told).³² But this sits uneasily with the conviction that there was consultation with people outside the conclave, and the narratives convey no sense that any of the electors were prevented from going out, though it is only of ʿAbd al-Raḥmān b. ʿAwf that we are explicitly told that he did so.

However this may be, the institution turned on the fact that confrontation at close quarters allowed the contenders to inspect each others' muscles and to withdraw without loss of face or, better still, for considerable rewards: for a man who withdrew so that another could win placed the latter in a debt of gratitude that could not easily be paid off. The game allowed for three courses of action. One could sacrifice ultimate ambition in return for the role of kingmaker, provided that one got in first, as did ʿAbd al-Raḥmān b. ʿAwf, who thereby played safe. Alternatively, one could stay in the running for longer, thereby reducing or completely nullifying the rewards of stepping down, as do Ṭalḥa and al-Zubayr in the versions in which Ṭalḥa eventually withdraws in favour of ʿUthmān and al-Zubayr draws a blank by withdrawing in favour of ʿAlī. Or one could play for all or nothing till the end, as do ʿUthmān and ʿAlī, with the result that the latter loses everything (in this particular round), including such hope as he may have entertained before the *shūrā* of winning by fighting it out. The *shūrā* had worked: the peace was kept (if not for long, as it turned out).

Shūrā, then, was a formal device for keeping the peace in a situation in which consensus was lacking. It is difficult to follow Rotter when, rightly suspicious of the sources, he chooses to cast doubt on this very point. What the sources present as a formal committee was probably not, in his view, any more than a traditional meeting of leading Qurashīs, who gathered to engage in political decision-making just as they had done in pre-Islamic Mecca.³³ But it is the very formality of ʿUmar's *shūrā* which is suggestive of authenticity, for formal institutions are few and far between in early Islamic history, and the sources are not in the habit of inventing them. Besides, Quraysh had no tradition for electing chiefs in their tribal meetings: they did not have chiefs at all.

II. Khārijite practice

Rotter must however be right that ʿUmar's *shūrā* perpetuates a pre-Islamic procedure (which seems to be generally accepted).³⁴ The only modification to his

³² Tab., 2724, 2781 (to prevent entry); IAH, i, 187 (to speed up the procedures).

³³ Rotter, *Umayyaden*, 12f. Modern scholars are in the habit of bestowing the name of *mala'* on such meetings in a Qurashī context, and Rotter does so too.

³⁴ Cf. *EF*, s.v. 'shūrā, I' (Bosworth), here on the grounds that pre-Islamic chiefs were in the habit of consulting with leading men, though this is hardly relevant in connection with the elective institution.

views proposed here is that the procedure was formal and generally Arabian, or at least north Arabian, rather than specifically Meccan. Presumably it was used for the regulation of the succession when a chiefly house was ridden by conflict, dying out or otherwise challenged. No example of its use in pre-Islamic times appears to be known, but Khārijite practice lends weight to the supposition that it was known to the Arabs at large independently of ‘Umar, if hardly under its classical name.

1) The election of al-Mustawrid

In 42/662 the Khārijites of Kufa resolved to rebel and so needed a leader. There were three candidates: al-Mustawrid b. ‘Ullafa, Ḥayyān b. Ḍabyān and Mu‘ādh b. Juwayn. As in Medina, they were singled out without elections or consultation; there was not even a dying caliph to nominate them, but it made no difference: everyone knew who they were. All met in Ḥayyān’s house to discuss whom to put in charge (*tashāwarū fī-man yuwallūhu ‘alayhim*). As in ‘Umar’s *shūrā*, it was the candidates themselves who deliberated and made the final choice. This time they stayed around the negotiating table, however: nobody stepped down to act as sole elector. Nor did anyone go around Kufa to sound out the opinions of leading Khārijites, for all were in Ḥayyān’s house: the meeting was held in the presence of “the Muslims and believers”. All three candidates protested that they did not want the command; the audience said that they would be equally happy with all three, and the three eventually agreed on al-Mustawrid b. ‘Ullafa on grounds of age.³⁵ This is unmistakably the same institution as ‘Umar’s *shūrā*, and here too it is a formal procedure distinct from an ordinary tribal meeting; but there is no sign of imitation of ‘Umar’s example in the proceedings. It is not called *shūrā*, either. No doubt the Khārijites had heard of ‘Umar’s use of the institution. They may well have seen themselves as following his example, too, but they clearly knew the institution from their own tribal tradition, not just from stories about him.

2) The election of al-Ḍaḥḥāk b. Qays al-Shaybānī

When Sa‘īd b. Baḥḍal, al-Ḍaḥḥāk’s predecessor, lay dying at Shahrazūr in 127/744f, his commanders and/or elite (*quwwād, khaṣṣa*) assembled around him.³⁶ He asked them to find him a successor, or so the text has it, but it is corrupt. More probably, they asked him to appoint a successor and he refused in implicit or explicit imitation of ‘Umar, saying that he wanted to make the matter a *shūrā* (the word does not figure in the garbled text as we have it). In any case, they responded

³⁵ Tab. ii, 20f.

³⁶ Khalīfa b. Khayyāt, *Ta’rikh*, ed. S. Zakkār, Damascus 1967f, 568f; al-Azdī, *Ta’rikh al-Mawṣil*, ed. ‘A. Ḥabība, Cairo 1967, 67.

by making over the choice of candidates to him.³⁷ He then told his companions to choose ten men,³⁸ whom he reduced to four, and the four were told to choose a man from among themselves. They chose two, and the two chose each other: here as in the first account the Khārijites display their upright nature by not openly seeking power. But al-Ḍaḥḥāk eventually allowed himself to be chosen.

Here the selection of the candidates is a more elaborate procedure than in ‘Umar’s *shūrā* and the first Khārijite example, and they are nominated by the commanders rather than the “caliph”, who merely reduces them to four. But once more it is the candidates who deliberate among themselves, apparently in the presence of their companions, who will have enabled them to sense where the majority lay; and once again they reach a decision without the need for a single elector, first whittling themselves down to two and then agreeing on a winner. It is the same institution as that used in the first Khārijite election.

It is no longer independent of ‘Umar’s model, however. ‘Umar’s precedent is first mentioned in a Khārijite context in an account relating to 77/696f (cf. below, section IV, no. 8), and its influence is manifest here. As mentioned already, the missing lines will almost certainly have made Sa‘īd refuse to appoint a successor after the fashion of ‘Umar. And Sa‘īd b. Baḥdal’s Khārijites start by picking out ten men to match the *‘ashara al-mubashshara* from among whom ‘Umar was believed to have chosen his candidates and proceed to whittle them down to the four actually remembered to have taken part in ‘Umar’s *shūrā*.

As regards the *‘ashara al-mubashshara*, the caliph had to be the most meritorious man of the community. It followed that ‘Umar must have chosen the candidates from the very best men, and the very best men in his time were those with whom the Prophet had been well pleased when he died (as ‘Umar often describes his candidates),³⁹ or “the People of Paradise” (as he also characterizes them),⁴⁰ namely the ten who “will be in Paradise” according to Ḥadīth; they were known as *al-‘ashara al-mubashshara*. Some traditions only list nine, Abū Bakr, ‘Umar, ‘Umar’s kinsman Sa‘īd b. Zayd and the six members of the *shūrā*; others bring the number up to ten by adding the Prophet himself or Abū ‘Ubayda b. al-

³⁷ Both texts have *fa-da‘āhum* (Azdī: *ilā*) *an yastakhlifa ‘alayhim rajulan minhum*, which does not make much sense. The most obvious solution is to read *fa-da‘awhu*, but in that case something is missing, for they respond by making over the choice to him in both versions (Khalīfa: *fa-ja‘alū dhālika lahu*; Azdī: *fa-qālū ikhtar lanā*).

³⁸ The text is corrupt again. Khalīfa has *fa-qāla ikhtārū minkum ‘ashara* and continues by making *him* choose the ten (*fa-akhrāja minhum ‘ashara*). Azdī solves the problem by omitting the passage asking them to do it. But one does less violence to the text by reading *fa-akhrājū*.

³⁹ Ibn Ishāq in Abbott, *Papyri*, i, no. 6:7; Ibn Abī Shayba, *Muṣannaḥ*, xiv, 577, 580 (nos. 18905, 18908); IS, iii/1, 42, 243, 245, 248 (iii, 61, 336, 338, 343); Tab. i, 2724.2, 2778.9.

⁴⁰ Tab. i, 2777.18.

Jarrāḥ.⁴¹ ‘Umar would allegedly have appointed Abū ‘Ubayda as his successor, had he been alive; as it was, he chose the candidates for the *shūrā* among the surviving people of Paradise, of whom there were seven apart from himself.

It is the presumed identity of ‘Umar’s candidates with the surviving *‘ashara al-mubashshara* which accounts for the belief that the *shūrā* had seven members and that Sa‘īd b. Zayd had been one of them. ‘Umar explicitly characterizes Sa‘īd as one of the “people of Paradise” before excluding him from the *shūrā* in one account.⁴² Sa‘īd obviously had to be excluded, however blessed, for one could not include a kinsman of ‘Umar’s without thereby playing into the hands of the Umayyads. When some nonetheless proceeded to include ‘Umar’s son ‘Abdallāh, they went out of their way to stress that he had not been a candidate himself.⁴³ With the exclusion of Sa‘īd we are down to the canonical six (Ibn ‘Umar is never counted), but only four were remembered actually to have taken part of the procedure, so stories sprouted for the elimination of another two: Ṭalḥa was away on business in Syria or the Sarāt, ‘Umar decided not to include Sa‘d b. Abī Waqqāṣ, or maybe Sa‘d fell by the wayside later.

An alternative account of al-Ḍaḥḥāk’s election has it that Sa‘īd b. Baḥdal set up a *shūrā* between six men: this time the word is explicitly used. One of the of the six was absent at the time, the remaining five chose al-Ḍaḥḥāk, and when the absent person returned and refused to give his consent, they told him that he had a choice between compliance and death.⁴⁴ Here we have a perfect replica of ‘Umar’s *shūrā*, complete with six candidates, an absent elector who returned too late (Ṭalḥa), and instructions to kill dissenters. This is what history looked like when literary models had been properly assimilated!

3) The election of ‘Abd al-Wahhāb

When ‘Abd al-Raḥmān b. Rustum lay dying in Tāhert in 164/780 (or about that time),⁴⁵ he decided that his succession should be settled by “consultation (*shūrā*) among seven men, as ‘Umar b. al-Khaṭṭāb had done”. We are given the names of

⁴¹ *EP*, s.v. ‘al-‘ashara al-mubashshara’; M. Yazigi, ‘Ḥadīth al-‘ashara, or the Political Uses of a Tradition’, *Studia Islamica* 86, 1997.

⁴² Tab. i, 2777f; cf. also Rotter, *Umayyaden*, 12.

⁴³ BA, v, 21.8, where he has voting rights (*ikhtiyār*) even though he is not a candidate. He is merely to be consulted in *Imāma*, 24 (where al-Ḥasan and Ibn ‘Abbās are also included without being eligible); IS, iii/1, 245 (iii, 339); and Ibn Shādhān, *Īdāḥ*, 211.14, -2 (with arabic comments at 212.5).

⁴⁴ Khalifa, 568f.

⁴⁵ The date is uncertain, cf. U. Rebstock, *Die Ibāditen im Maḡrib (2./8.-4./10 Jh.)*, Berlin 1983, 162.

all seven.⁴⁶ They met after ‘Abd al-Raḥmān’s death and debated for a whole month, eventually coming down in favour of two, the *faqīh* Mas‘ūd al-Andalusī and ‘Abd al-Wahhāb, the deceased imam’s son. As usual, all of them protested that they did not want the job, and Mas‘ūd is said to have fled when they decided to elect him. The remaining members of the *shūrā* then elected ‘Abd al-Wahhāb, Ibn Rustum’s son.⁴⁷ Thereafter the imamate remained hereditary in the Rustumid family, apparently with decreasing respect for electoral procedures.⁴⁸

As in the first account of al-Ḍaḥḥāk’s election, we have here a procedure inspired by ‘Umar’s example, not, as in the second account, a mere literary replica of it; but the tribal environment in which it is set is no longer Arab, and it is difficult not to sense a change. As in all genuine *shūras*, the candidates deliberate among themselves, but of the men who came to be candidates we are simply told that they were chosen by the caliph: one would assume that they had public support, but the account neither says nor implies it. Further, the candidates seem to have deliberated behind closed doors: there is no sense of a public presence as in the election of al-Mustawrid b. ‘Ullafa and al-Ḍaḥḥāk, nor are we assured that anyone toured Tāhert to sound out the opinions of leading men, let alone of *ḍi‘afā’*, as we are in accounts of ‘Umar’s *shūrā*. It is of course possible that the candidates in ‘Umar’s *shūrā* also deliberated behind closed doors, guarded by an Anṣārī, in which case it is hard to believe that they consulted with people outside the conclave (cf. above, I, 7); but the stories of how ‘Abd al-Raḥmān toured Medina will in that case have sprung up because people knew that the institution was meant to involve consultation with outsiders. Nobody seems to have thought so in North Africa, though it is hard to believe that the Rustumid polity was significantly more complex than ‘Umar’s at the time. There is also a striking lack of interest in the steps whereby the candidates whittled down their number to two.

Instead, there appears to be a preference for foreign candidates. Both finalists were outsiders, one an Andalusian and the other a son of the previous imam, of whom we are explicitly told that he had been chosen because he had no local tribe behind him: no chief would be given priority over another if he were elected, the Ibādī leaders had argued, nor would any tribe would receive preferential treatment thereafter, and he would be easier to depose if he went

⁴⁶ One copyist corrected the figure of seven to six, but he left all seven names intact (thus the manuscript behind E. Masqueray (tr.), *Chronique d’Abou Zakaria*, Alger 1878, 54). Two were Andalusians, two were local tribesmen (one a Kutāmī, the other an Ifrenī), two have no *nisbas*, and one was a son of the previous imam.

⁴⁷ Abū Zakariyyā’, *Kitāb siyar al-a’imma wa-akhbārihim*, ed. I. al-‘Arabī, Algiers 1979, 54ff; further sources and discussion in Rebstock, *Ibāditen*, 163ff.

⁴⁸ Cf. the reaction to the succession of Muḥammad b. Aflaḥ b. ‘Abd al-Wahhāb (Rebstock, *Ibāditen*, 167).

astray.⁴⁹ In short, the North African Ibādīs seem to have tried to avoid anarchy by keeping the tribal leaders out of the competition rather than by looking for one acceptable to all. Presumably, the changes reflect the influence of Berber political traditions.

III. The nature of the institution

Shūrā was an institution for the resolution of succession disputes liable to get out of hand (cf. above, section I, no. 7). It was consultative in the sense that it took account of public opinion, but it was not a consultative body such as that convoked, for example, by Bajkam in 329/940 for the election of a successor to al-Rāqī: here a large number of leading men were assembled to express their views, but they were not candidates themselves (or at least most of them were not), nor were they authorized to make the decision, so they reacted by cautiously expressing agreement with what they took to be a predetermined choice.⁵⁰ In ‘Umar’s *shūrā*, by contrast, the candidates themselves formed the committee and the man who renounced his candidature in return for the role of kingmaker announced his decision by the irrevocable act of paying allegiance to the man chosen.

Shūrā has often been characterized as “democratic”, if only in quotation marks and only with reference to how it worked in practice: first the candidates were chosen on the basis of public wishes and next they whittled themselves down to two, from whom the winner was chosen with further reference to public wishes; *in mice*, this is how the American president is elected today. But formally the procedure was anything but democratic, and ultimately it is pointless to speak of democracy in a context in which there was no state. The nature of *shūrā* was dictated by its absence.⁵¹

‘Umar’s Medina was a small face-to-face society in which people lived cheek by jowl, in much the same style and by much the same means, so that popular support could readily be seen, heard and estimated and, more fundamentally, so that one man could be expected to voice the views of all. Ideally, one man stepped into the role of public spokesman with such facility that no

⁴⁹ A. de Motylinski (ed. and tr.), ‘Chronique d’Ibn Ṣaghīr sur les imams Rostemides de Tahert’, *Actes du XIV^e Congrès International des Orientalistes, Alger 1905*, Paris 1908, 9 = 63f. For the other members of the *shūrā*, see above, note 46. I owe the point to Michael Cook.

⁵⁰ R. Mottahedeh, ‘Consultation and the Political Process in the Islamic Middle East of the 9th, 10th and 11th Centuries’, in M. M. Ibrahim (ed.), *Arabian Studies in Honour of Mahmoud Ghul*, Wiesbaden 1989, 83ff; reprinted with minor changes in C. Mallat (ed.), *Islam and Public Law*, London and Norwell, M.A., 1993, 20ff.

⁵¹ Similarly J. van Ess, *Theologie und Gesellschaft*, Berlin and New York 1991-97 (hereafter *TG*), iv, 707.

election was required at all. In practice, people might be divided, but since there had not in pre-Islamic times been any coercive agency for the regulation of their disputes, the traditional way of coping with disagreement without splitting up was to talk until somehow or other an agreement emerged. As the only alternative to fragmentation, consensus was the overriding aim of communal life: it was what *shūrā* was supposed to bring about, what the winner was supposed to formulate, and what all debates, however acrimonious, were supposed to achieve, at least on the surface, with people restating their views when they sensed where the majority was going, as ‘Alī is presented as doing in his response to ‘Abd al-Raḥmān’ b. ‘Awf’s proposal. The aim was not, as in modern democracies, to secure even representation of different interests, or to protect minority views. It was not even desirable to have a stark revelation of minority views, or indeed of any views apart from the final one, for this would make it difficult for people to restate them as they went along; it is probably for this reason that there was no raising of hands or other form of voting, let alone secret ballot.⁵² The system was designed to maximize rather than to counteract the normal human tendency to engage in “preference falsification” in response to social pressure;⁵³ for if conflicting views could not be disguised, they could not be accommodated. Whoever found themselves in the minority would have to leave, voluntarily or otherwise, as the early Muslims had done when they made their *hijra*, and as the Khārijites later felt obliged to do with *hijras* of their own, or they would have to be forcibly suppressed, as the narrators know when they credit ‘Umar with outrageous measures to secure agreement. Either way, there was no tradition for accommodating radically different convictions or irreconcilable interests within the same polity.

But already by the time of ‘Umar’s *shūrā* the Muslim expansion had begun to create such radical differences. The sheer fact that commanders and *ashrāf* had to travel to Medina to participate in the proceedings, as they do in some accounts, is indicative of the change; the next time people came to Medina from the garrison cities in substantial numbers it was to kill ‘Uthmān for his failure to serve their interests. However much people talked, unanimity could not be achieved any more. If *shūrā* was to retain its capacity to reflect public wishes, it would thus have to be modified to take account of the fact that conflicting interests now had to be represented rather than simply disguised or suppressed. But as will be seen, this did not happen.

⁵² Cf. the acute remarks of Mottahedeh, ‘Consultation’, 86, 88 (in Mallat, 24, 27).

⁵³ Cf. T. Kuran, *Private Truths, Public Lies. The Social Consequences of Preference Falsification*, Harvard 1995. Given that preference falsification was positively encouraged, it is however unlikely to have had the modern effect of bringing discomfort to the falsifier (cf. *op. cit.*, 5).

IV. Calls for, and examples of, *shūrā*, 656-750

From the death of ʿUthmān to the fall of the Umayyads Muslims of the most diverse convictions are presented as calling for the caliph to be elected by *shūrā*. Since no attempt to collect the material seems to have been made before, I shall now tabulate it in chronological order.

1) The first civil war

When ʿUthmān was killed, Ṭalḥa and al-Zubayr wanted to make *al-amr shūra bayna ʿl-muslimīn*,⁵⁴ arguing that ʿAlī had arrogated power to himself “without consent or consultation” (*bi-ghayr riḍā wa-lā mashwara*).⁵⁵ Muʿāwiya similarly called the Syrians to fight *ʿalā ʿl-shurā wa-l-ṭalab bi-dam ʿuthmān*⁵⁶ and told ʿAlī to step down so that the matter could be made a *shūrā bayna ʿl-muslimīn*.⁵⁷ We are not told whom they regarded as candidates, but one would assume that they regarded themselves as such, and ʿAlī too, in which case they were telling him to step down so that he could be included in the *shūrā* on a par with other candidates. But when the arbitrators agreed to declare both ʿAlī and Muʿāwiya deposed and to make the matter a *shūrā* “so that the Muslims can choose someone they like for themselves”,⁵⁸ they were probably excluding both from consideration.

At all events, ʿAlī rejected Muʿāwiya’s call for his resignation on the grounds that he, ʿAlī, had received allegiance from the same people, and on the same conditions, as Abū Bakr, ʿUmar and ʿUthmān: “nobody (else) who was present had the right to choose and nobody who was absent [such as Muʿāwiya] had the right to reject; *shūrā* is the prerogative of the Muhājirūn and Anṣār,⁵⁹ and when they agree on a man, calling him imam, that is acceptable to God (*kāna dhālika li’llāh riḍān*)”.⁶⁰ Here *shūrā* seems to encompass any form of election practised by the Muhājirūn and Anṣār up to ʿAlī’s time, not the distinctive procedure whereby the contenders for power came to an agreement among themselves.

Like so many who called for a *shūrā*, Muʿāwiya eventually had himself proclaimed caliph without one. He arrogated power to himself *bi-lā mashwara*, as

⁵⁴ al-Balādhurī, *Ansāb al-ashraf*, ii, ed. M. B. al-Maḥmūdī, Beirut 1974 (hereafter BA, ii), 223, 224, 225; Jāhīz, *ʿUthmāniyya*, 224.

⁵⁵ Thus Ṭalḥa in BA, ii, 226; al-Barrādī, *K. al-Jawāhir*, Cairo 1302, 101.15.

⁵⁶ BA, ii, 300.6, 327.4.

⁵⁷ Tab. i, 3277.12; al-Dīnawarī, *al-Akḥbār al-ṭiwāl*, ed. W. Guirgass, Leiden 1888, 181.

⁵⁸ Tab. i, 3358.9, citing Abū Mikhnaf; BA, ii, 351.1, 10, clearly based on the same source; Dīnawarī, 213f.

⁵⁹ Since Muʿāwiya was a *muhājir*, this looks like an argument meant for use against Khārijites rather than him.

⁶⁰ Naṣr b. Muzāḥim, *Waqʿat Ṣiffīn*,² ed. ʿA.-S. M. Hārūn, Cairo 1382, 29.

‘Ali’s adherents said.⁶¹ He is nonetheless presented as later telling the Hāshimites that the caliphate had passed from one group of Quraysh to another “by the consent of the masses and consultation of the elite (*bi-riḍā ’l-‘amma wa-bi-shūrā ’l-khāṣṣa*)”, which seems to be yet another example of *shūrā* in the sense of any mode of election based on respect for public opinion.⁶²

2) Kufan Khārijites of 42/662
Discussed already.

3) The designation of Yazīd I

Mu‘āwiya consulted numerous leading men, both in Syria and elsewhere, and made them pay allegiance to his son Yazīd in 51/671. This is never called a *shūrā* or *mashwara*, for there was only one candidate and he had been chosen because he was the caliph’s son, not because he had the community behind him. From now onwards only sons, brothers and other relatives would be caliphs, al-Mughīra b. Shu‘ba is supposed to have commented, adding that there would no longer be any real respect for public opinion again: *baṭalat al-shūrā abadan*.⁶³ The sons of the first two caliphs were equally dismayed. “By God, let this matter become a *shūrā* among the Muslims again”, was ‘Abd al-Raḥmān b. Abī Bakr’s response to the news;⁶⁴ and ‘Abdallāh b. ‘Umar likewise objected with reference to ‘Umar’s *shūrā*.⁶⁵

4) Ibn al-Zubayr

Ibn al-Zubayr responded to the designation of Yazīd by calling for a *shūrā bayna ’l-umma*.⁶⁶ His candidates, apart from himself, were two Medinese Qurashīs of Zuhra, Muṣ‘ab b. ‘Abd al-Raḥmān b. ‘Awf, the son of the sole elector in ‘Umar’s *shūrā*, and al-Miswar b. Makhrama, who had assisted ‘Abd al-Raḥmān b. ‘Awf at the time of the *shūrā*.⁶⁷ “the matter was *shūrā* between the two of them and Ibn al-

⁶¹ Tab. ii, 146.4; cf. Zubayr b. Bakkār, *al-Akhbār al-muwaḥḥaqiyyāt*, ed. S. M. al-‘Ānī, Baghdad 1972, 574.9.

⁶² *Akhbār al-dawla al-‘abbāsiyya*, ed. ‘A.-‘A. al-Dūrī and ‘A.-J. al-Muṭṭalibī, Beirut 1971, 51. Compare the spoof letter from Mu‘āwiya to Ziyād b. Abīhi in the Imāmī Sulaym b. Qays, *Kitāb*, 741.4.

⁶³ al-Iskāfī, *Luṭf al-tadbīr*, ed. A. ‘A. al-Bāqī, Cairo 1964, 36.

⁶⁴ Khalīfa, 252 (year 51).

⁶⁵ *Imāma*, 162.

⁶⁶ al-Balādhurī, *Ansāb al-ashraf*, ivb, ed. M. Schloessinger, Jerusalem 1938 (hereafter BA, ivb), 16.8, 47f, 58.5; Khalīfa, 324.11; Tab. ii, 422.7.

⁶⁷ Tab. i, 2783 (and cf. 2781.13, where the meetings are said to have taken place in his house); Ibn Ishāq in Māwardī, *Aḥkām*, 17 (ed. Cairo, 12) = 12.

Zubayr".⁶⁸ The Medinese were also calling to *al-riḍā wa'l- shūrā* in 63/682f,⁶⁹ but Muṣ'ab and al-Miswar went to join Ibn al-Zubayr in Mecca, where Muṣ'ab died during al-Ḥuṣayn b. Numayr's siege in 64/683f and al-Miswar was killed on the day that the news of Yazīd I's death arrived. Ibn al-Zubayr was thus the only candidate left and this was why he now had oaths of allegiance taken to himself as caliph according to some.⁷⁰ Others suggest that all his talk of *shūrā* had been a bid for Khārijite support, for the Khārijites had been followers of al-Miswar, and Ibn al-Zubayr's battle-cry was *lā ḥukma illā li'llāh* as long as al-Miswar and Muṣ'ab were alive.⁷¹ Still others say that Ibn al-Zubayr secretly received allegiance to himself *'alā 'l-shūrā*.⁷² But like Mu'āwiya, he eventually claimed the caliphal title without going through the procedure and he was criticized for this. "You used to call for *al-riḍā wa'l-shūrā*. Why did you not wait and consult (*a-fa-lā ṣabarta wa-shāwarta*)? We would have chosen you and given allegiance to you", the *mawlā* Abū Ḥurra said,⁷³ presumably meaning that Ibn al-Zubayr's followers would have been so strongly represented among the people consulted by the committee that he was bound to come out as the winner.

5) Mu'āwiya II

Back in Syria, Yazīd I had designated his son Mu'āwiya II as his successor, reassured by a poet who told him to suppress those who asked for *shūrā*: what right did they have to *shūrā* when they had killed 'Uthmān in the holy months?⁷⁴ This must have been a reference to Khārijite and/or other Iraqi demands for *shūrā* since one would hardly cast Ibn al-Zubayr, a staunch 'Uthmānī, as a supporter of 'Uthmān's killers.

In any case, the ailing Mu'āwiya II abdicated, saying that he had looked for a man to appoint the way Abū Bakr appointed 'Umar without finding one; he had then looked for six men to consult among themselves after the fashion of 'Umar's *shūrā*, but he had failed to find them too, so now the Syrians had to choose for

⁶⁸ BA, ivb, 56.16; IS, v, 119 (v, 160, s.v. Muṣ'ab b. 'Abd al-Raḥmān).

⁶⁹ Khalīfa, 289.

⁷⁰ BA, ivb, 56; IS, v, 119 (v, 160). He had allegiance taken to himself three months after Yazīd I died (Khalīfa, 324.12) or on the day the news of his death arrived (Tab. iii, 2333).

⁷¹ Muṣ'ab al-Zubayrī, *Nasab Quraysh*, ed. E. Levi-Provençal, Cairo 1953, 263; IS, v, 119 (v, 160).

⁷² BA, ivb, 17.6; cf. Tab. iii, 2333 and note d; Rotter, *Umayyaden*, 54f.

⁷³ BA, v, 188; Khalīfa, 323f.

⁷⁴ R. Nadler, *Die Umayyadenkalifen im Spiegel ihrer zeitgenössischen Dichter*, Inaugural-Dissertation Universität Erlangen-Nürnberg 1990, 41, citing 'Alī b. al-Ghadīr al-Ghanawī in *Naqā'id Jarīr wa'l-Akhṭal*, ed. A. Ṣālḥānī, Beirut 1922, 12f. 'Uthmān was killed in Dhū 'l-ḥijja, but the *akhbārīs* oddly make nothing of this fact.

themselves.⁷⁵ This is a nice example of the view that the ideal situation was one in which a single man enjoyed such obvious support that all the dying caliph needed to do was to nominate him; a *shūrā* among six leading men was second best. But even the second-best procedure was now proving impracticable. Mu‘āwiya II was not doing the Syrians a favour by leaving them with a free choice.

6) Marwān I and ‘Abd al-Malik

The Syrian chiefs proceeded to elect Marwān II at Jābiya. One would have thought that this was a star example of *shūrā ‘l-khāṣṣa* as envisaged by Mu‘āwiya (cf. above, no. 1), and from the point of view of the Syrian Quḍā‘is and their allies it may have been just that. But the sources never call it a *shūrā*, for what was attention to public opinion in one context was now failure to take it into account in another. Most non-Syrians (and indeed many Syrians) wanted to replace the Umayyads with others. The calls for a real *shūrā* thus continued.

When ‘Abd al-Malik succeeded his father, Ibn ‘Umar allegedly wrote to him saying that he and Ibn al-Zubayr should step down and make the matter a *shūrā*; he wrote the same to Ibn al-Zubayr, who told him to mind his own business.⁷⁶ In another story ‘Abd al-Malik sends a man to Muṣ‘ab b. al-Zubayr in Iraq inviting him to make *al-amr shūrā fi ‘l-khilāfa* whether in response to Ibn ‘Umar’s letter or otherwise; but Muṣ‘ab refuses.⁷⁷

7) al-Mukhtār

When adherents of the Zubayrids called upon followers of al-Mukhtār to pay to allegiance to the Commander of the Faithful ‘Abdallāh b. al-Zubayr, the followers of al-Mukhtār responded with a call to making the matter a *shūrā* in the Prophet’s family.⁷⁸ It is not clear whether they expected the *shūrā* to elect Ibn al-Ḥanafīyya, identified as the Mahdī by al-Mukhtār, or whether they saw the Mahdī and the future imam as separate figures.

8) Muṭarrif and the Khārijites

In the course of negotiations between Muṭarrif b. al-Mughīra b. Shu‘ba and the Jazīran Khārijites led by Shabīb in 77/696f it transpired that both parties believed in “making this matter a *shūrā* among the Muslims”. But Muṭarrif held the candidates to be restricted to Quraysh whereas the Khārijites could not see why Quraysh should have a better right to the caliphate than any other Arabs, so no

⁷⁵ Tab. ii, 468. According to YT, ii, 302f, he abdicated with a speech denouncing Mu‘āwiya for having usurped the position of ‘Alī!

⁷⁶ BA, v, 195.10; cf. Rotter, *Umayyaden*, 244.

⁷⁷ Abū ‘l-Faraj al-Iṣbahānī, *Kitāb al-aghānī*, Cairo 1927-74 (hereafter *Aghānī*), xix, 124.

⁷⁸ Tab. ii, 722.2-6.

alliance ensued.⁷⁹ In these negotiations *shūrā* once more seems to mean any kind of election based on respect for public opinion rather than the specific procedure adopted by ‘Umar (though Muṭarrif explicitly invokes it), for Shabīb commented that the *sunna* after the Prophet had been for the Muslims to elect the best of them for themselves (*ikhtiyār al-muslimīn minhum khayrahum lahum*), as if Abū Bakr, ‘Umar and ‘Uthmān had all been elected in the same way.

9) ‘Umar II

‘Umar II reputedly said (before his accession?) that if he had any share of *al-amr*, he would make it a *shūrā* among al-Qāsim b. Muḥammad (b. Abī Bakr), Sālim b. ‘Abdallāh (b. ‘Umar) and Ismā‘īl b. Umayya, an Umayyad.⁸⁰ Or he threatened to move the capital back to Medina and to make the caliphate a *shūrā* there with al-Qāsim b. Muḥammad b. Abī Bakr as its *ṣāhib*, presumably meaning the man in charge.⁸¹

10) Yazīd III

When Yazīd III killed al-Walīd II in 12/744, he called for a *shūra*.⁸² But it appears that like Mu‘āwiya and Ibn al-Zubayr, he had himself proclaimed caliph without going through the procedure.

11) Jazīran Khārijites of 127/744f

Discussed already.

12) Al-Ḥārith b. Surayj

To be discussed below, section V.

13) The ‘Abbāsīd revolution

The Hāshimiyya in Khurāsān called to *al-riḍā* from the Prophet’s family, implying that like al-Mukhtār’s followers, they expected the imam to be chosen by *shūrā* in the Prophet’s family; Abū Salama actually tried to get a *shūrā* together by inviting leading members of the ‘Alid family to come to Kufa, where the ‘Abbāsīds had already assembled. But Abū ‘l-‘Abbās was raised to the throne by generals on a par with Yazīd III.⁸³ Later it was put about that Ibrāhīm al-Imām had designated Abū

⁷⁹ Tab. ii, 984, 985f.

⁸⁰ IAH, xv, 264. 6.

⁸¹ IS, v, 253 (v, 254, s.v. ‘Umar b. ‘Abd al-‘Azīz).

⁸² Tab. ii, 1804.11.

⁸³ Cf. P. Crone, ‘On the Meaning of the ‘Abbāsīd Call to *al-Riḍā*’, in C. E. Bosworth and others (eds.), *The Islamic World, from Classical to Modern Times: Essays in honor of Bernard Lewis*, Princeton 1989.

'l-^cAbbās as his successor: had he not done so, the matter would have remained a *shūrā fi ahlihi*.⁸⁴

There are three main points of interest in all this. First, the common use of the expression *al-amr shūrā* (nos. 1, 3, 4, 6-10, 12) shows that the adherents of the elective procedure sought support for their convictions in the Qur'ān (43:38). The exegetes do not take the verse in question to refer to the elective procedure, but it was probably by reading it into the Qur'ān that its devotees endowed it with its classical name.

Secondly, *shūrā* is used now in the sense of the specific procedure adopted by 'Umar and now in the sense of any mode of election based on respect for public opinion (nos. 1, 8),⁸⁵ but in neither sense it is antithetical to hereditary succession. *Shūrā* was a procedure for singling out the most meritorious man wherever he might be found, and most people took merit to run in families. Only the Khārijites extended the pool of potential candidates to all Arabs (no. 8), or to all Muslims regardless of ethnic origin. Everyone else limited it to the Prophet's kin group, whether conceived as the entire tribe of Quraysh or as the Hāshimite clan alone (nos. 7, 8, cf. 1, 4, 9, 13), and saw kinship with an actual caliph or a member of 'Umar's *shūrā* as creating a further presumption of merit (nos. 4, 9, cf. 7): if a man had been good enough to be caliph or eligible as such, then the same was true of his descendants, and indeed of his other relatives.

In fact, as one would expect on the basis of pre-Islamic practice, the most meritorious man could perfectly well be a son of the previous ruler. The son of the Ibādī imam Ibn Rustum was chosen in a *shūrā* modelled on 'Umar's, as has been seen, and though the Nukkār disputed his succession, they did not do so with reference to his descent.⁸⁶ The succession of Yazīd I was only a violation of *shūrā* because Yazīd owed his power entirely to the fact that his father had designated him, not to any merit of his own as perceived by the community at large. Persons endowed with divine authority were of course free to proceed in this fashion, as the Shī'ites emphasized by calling designation by the Prophet and/or their imams *naṣṣ*, meaning that it was a divine instruction which could not be gainsaid (like an

⁸⁴ *Kitāb al-ʿuyūn wa'l-ḥadāʾiq*, ed. M. J. de Goeje, Leiden 1869, 191.4.

⁸⁵ Compare the Basrans after the death of Yazīd I: 'Ubaydallāh b. Ziyād told them to elect an interim governor, and they duly elected 'Ubaydallāh himself, ostensibly *ʿan* (var. *ʿalā*) *riḍan minhum wa-mashwara*; one of them later characterized their pledge of allegiance to him as *bayʿat l-riḍā – riḍan min mashwara* – for its alleged roots in public wishes. Thereafter they expelled him (Tab. ii, 437.10, 441.13; *Naqāʾid Jarīr wa'l-Farazdaq*, ed. A. A. Bevan, Leiden 1905-12, ii, 722.15; cf. Rotter, *Umayyaden*, 72, who strangely takes the first passage to mean *without agreement and consultation*).

⁸⁶ Cf. Rebstock, *Ibāditen*, 164ff.

explicit ruling in the Qurʾān or Ḥadīth). But Abū Bakr, Muʿāwiya and later caliphs were ordinary human beings, and designation by them was simple an *‘ahd*, “compact”, or *waṣīyya*, “testamentary disposition”, which had to take the wishes of other human beings into account. What was wrong with Muʿāwiya’s *‘ahd*, according to his enemies, was that it had failed to do so.

Thirdly, the sources continue to pay strikingly little attention to the manner in which the candidates are singled out, and they display no tendency to think that larger numbers ought be included. Each call for *shūrā* still comes from a small community in which people knew each other face-to-face, such as Zubayrid Medina (no. 4), Shīʿite Kufa (no. 7), or the caliphal families of Quraysh (no. 9), and no proposals are made to cope with the fact that there were now many such communities within the polity. Every call for *shūrā* in which the candidates are named is based on the assumption that the candidates possessed an objective goodness that made them the best to all, not just to those who knew them personally and saw fit to propose them. This doomed the institution to failure. It is of course unlikely that any attempt to retain elective procedures under imperial conditions could have succeeded, but the absence of attempts to make the institution more representative ensured that it also failed as a potential for other ways of securing public participation in central government, such as formal convocations of leading men from all over the realm with whom the caliph would have to parley before taking major decisions. The parochial manner in which the institution continued to be envisaged reflects the fact that the Muslims lacked a political elite over and above their many local and tribal divisions, apart from the caliphal family that they wished to replace. The nearest they had to it was Quraysh, but their immense prestige notwithstanding, Quraysh did not have any power outside the Ḥijāz, except by caliphal appointment, and Ibn al-Zubayr’s perspective appears to have been as parochial as that of everyone else.

V. *Shūrā* and *taḥkīm*.

One attempt was however made to adapt *shūrā* to new use at a local level by al-Ḥārith b. Surayj, in combination with *ḥukūma* or *taḥkīm*, arbitration. We may start by taking a closer look at the latter institution.

Like *shūrā*, arbitration was a procedure of pre-Islamic origin, but it was used for disputes of all kinds, not just those concerning succession, and whereas *shūrā* was designed to avert conflict, arbitration was designed to put an end to it after it had broken out. In the former procedure the rivals came together to reach an agreement among themselves; in the latter they appointed arbiters (*ḥakams*) to reach agreement on their behalf. In effect, *taḥkīm* was *shūrā* by proxy.⁸⁷

⁸⁷ I owe the felicitous phrase to Chase Robinson. For the rest, see *EP*, s.v. ‘*taḥkīm*’ (Djebli).

The best known arbitration in early Islamic history is that between ‘Alī and Mu‘āwiya after the battle of Şiffin. ‘Alī appointed one *ḥakam*, Abū Mūsā; Mu‘āwiya appointed another, ‘Amr b. al-‘Āṣ. It is not clear from the arbitration document precisely what the two arbiters were empowered to do, but if we go by the *akhbārīs*, they were authorized to settle the succession in any manner they liked: they are said to have considered appointing ‘Abdallāh b. ‘Umar as caliph (in another illustration of the importance of heredity),⁸⁸ and they eventually agreed to consider both ‘Alī and Mu‘āwiya to be deposed so that the succession could be decided by *shūrā* (cf. above, no. 1). Here as in the case of *shūrā*, it is clear that their decision was meant to be binding: it was referred to as a *qaḍiyya*, and the entire *umma* undertook to help the arbiters enforce it.⁸⁹ (They had to reach it within a specified period, too, though they were given a good deal more than three days.) But in practice the *umma* was too deeply divided for arbitration to work.

Arbitration was also used in Basra in the second civil war. When the Basrans expelled their governor ‘Ubaydallāh b. Ziyād, they first engaged in feuding and next resolved to make peace. They appointed (*ḥakkamū*) two men as arbiters,⁹⁰ instructing them to choose an interim governor on their behalf and promising to abide by their choice. One was a Muḍarī, the other a Rāsibī, of Rāsib b. Jarm/Quḍā‘a,⁹¹ not, as one would have expected, of Azd, the main representatives of the Yemeni faction in Basra. The Jarmī was in favour of a Hāshimite, the Muḍarī of an Umayyad, and each nominated a candidate. We are told that the Jarmī then pretended to agree with the Muḍarī’s choice so that the Muḍarī authorized him to act on his behalf in the public meeting; or the Jarmī told the Muḍarī that “we can’t both of us speak”, whereupon the Muḍarī allowed him to speak, which amounted to the same. They summoned people to the Mirbad for the election. The Jarmī started by taking the hands of the Muḍarī candidate and “imposing the conditions on him”, i.e. he asked him whether he would be willing to abide by the Book of God, the Sunna of the Prophet and perhaps other things as well. People thought he was about to pay allegiance to him. Instead, he proceeded to take the hand of the other candidate (popularly known as Babba) and imposed the same conditions on him, adding a speech in which he praised him as a member of the Prophet’s family and a maternal relative of the Umayyads. “I approve of him

⁸⁸ Tab. i, 3356, 3358.

⁸⁹ M. Hinds, ‘The Şiffin Arbitration Agreement’, *Journal of Semitic Studies* 17, 1972 (reprinted in his *Studies in Early Islamic History*, Princeton 1996), 115 (version B, 4, 8; version A, 3).

⁹⁰ Tab. ii, 444.20; other versions have *qalladū* (ibid., line 7) and *tarāḍaw bi-* (*Naqā‘id*, ii, 726.16).

⁹¹ Thus Abū ‘Ubayda in Tab. ii, 446; *Naqā‘id*, ii, 726.18. Cf. W. Caskel, *Ġamharat an-Nasab*, Leiden 1966, Register, s.v. ‘Rāsib b. al-Ḥazraġ’.

for you (*raḍītu lakum bihi*)”, he concluded. “We approve (*raḍīnā*)”, the Basrans responded, though the Muḍarī protested.⁹²

This story exemplifies what must have been a common reaction to the outcome of *shūrā* and *taḥkīm* alike: the losers held the winners to have cheated. According to ‘Alī’s followers, it was by clever manipulation that ‘Abd al-Raḥmān b. ‘Awf had contrived to elect ‘Uthmān rather than ‘Alī in the *shūrā*⁹³ and by outright trickery that ‘Amr b. al-‘Āṣ had secured ‘Alī’s deposition at the arbitration; some held ‘Amr b. al-‘Āṣ to have practised deceit on both occasions.⁹⁴ As the Muḍarīs of Basra saw it, it was likewise to trickery that Babba owed his election. The Basran trickster did it differently from ‘Amr b. al-‘Āṣ, who was envisaged as having duped Abū Mūsā by making him speak first: first Abū Mūsā announced the arbiters’ agreement to depose ‘Alī and Mu‘āwiya and next ‘Amr b. al-‘Āṣ confirmed ‘Alī’s deposition while affirming the rights of Mu‘āwiya, so that formally the joint decision of the arbiters was that ‘Alī was deposed. The trickery had to take a different form in the Basran arbitration because only one man could initiate the taking of allegiance. We are hardly to take the allegations seriously in either case, but both stories are interesting for presupposing a belief in the binding power of words that strikes the modern reader as almost childish: one had to abide by what had been said even if the words had been uttered accidentally, with a different intent or (one would assume) under duress; what counted were the words, not the will behind them.

There is no trickery in the account of al-Ḥārith b. Surayj, however, nor is there a coherent story, merely a confused narrative patched together from different sources: al-Ḥārith ended up as nobody’s hero; what people remembered about him was never tidied up. He rebelled in 116/734f, calling his opponents to “the Book of God and the *summa* and allegiance to *al-riḍā*”, by which he may have meant that the caliph was to be chosen by *shūrā*,⁹⁵ but by the time with which we are concerned he was only interested in the government of Khurāsān, then in the hands of Naṣr b. Sayyār. In 128/745f he and Naṣr agreed that Muqātil b. Ḥayyān and Jahm b. Ṣafwān should arbitrate between them (*an yaḥkuma baynahum [sic]*). Muqātil was associated with Naṣr while Jahm b. Ṣafwān was secretary to al-Ḥārith, but both were religious scholars, meaning that they could be presumed to have the interests of the community in mind, not just those of the men they represented. They decided that Naṣr should be deposed and that the matter, i.e. the governorship of Khurāsān, should be settled by *shūrā*, which Naṣr refused to

⁹² Tab. ii, 444, 446f; *Naqā'id*, ii, 727; cf. Rotter, *Umayyaden*, 76f.

⁹³ This is the implication of ‘Alī’s reluctance to accept ‘Abd al-Raḥmān b. ‘Awf as sole elector.

⁹⁴ Tab. i, 2795, where he tricks ‘Alī into giving the wrong reply to ‘Abd al-Raḥmān b. ‘Awf.

⁹⁵ Tab. ii, 1567.4.

accept.⁹⁶ Another passage has it that al-Ḥārith asked Naṣr b. Sayyār to make *al-amr shūrā* and that Naṣr refused: this is probably a reference to the same episode even though it is placed earlier in the same narrative.⁹⁷ The continuation of this earlier passage says that when Naṣr refused to make the matter a *shūrā*, various things happened and that eventually “they chose men who would nominate for them people who would act in accordance with the Book of God. Naṣr chose Muqātil b. Sulaymān and Muqātil b. Ḥayyān, and al-Ḥārith chose al-Mughīra b. Shu‘ba al-Jahḍamī and Mu‘ādh b. Jabala. Naṣr ordered his secretary to write down such rules (*sunan*) as they might agree on and such governors as they might choose so that he could appoint them to the two frontier areas, Samarqand and Tukhārīstān, and so that he could write to those in charge there about the norms and rules (*al-siyar wa’l-sunan*) they had agreed on”.⁹⁸ The flow of the narrative suggests that this is the *shūrā* that al-Ḥārith had asked for,⁹⁹ but actually it is a *taḥkīm*, now with four arbiters, of which the two on Naṣr’s side were religious scholars while the two on al-Ḥārith’s are unknown. What is more, it must be another version of the above-mentioned *taḥkīm* in which there are only two arbiters, not a separate occasion as al-Tabarī presents it. Leaving aside the fact that two successive arbitrations are implausible, Muqātil b. Ḥayyān appears on Naṣr’s side in both of them; and shortly after the account of the arbitration with two arbiters we are told that al-Ḥārith had his manifesto (*sīra, kitāb*) read aloud to people, which is also stated in different words shortly before the account of that with four.¹⁰⁰

Al-Ḥārith held the Umayyad governors of Khurāsān to run the province in an arbitrary and highhanded manner. He wanted them to appoint better subgovernors: the latter should be people of merit and excellence, he explained to Naṣr, meaning people whom the Khurāsānīs saw as endowed with these characteristics; and they should uphold the Book of God, justice and generally accepted rules (*al-sunna*).¹⁰¹ He also wanted the governor of Khurāsān itself to be chosen with reference to local wishes, as he made clear to Naṣr and al-Kirmānī alike (he asked the latter to make the matter a *shūrā* after Naṣr had been expelled from Marw, but needless to say al-Kirmānī refused).¹⁰² Being a military leader popular with the largest tribe in Khurāsān, the Tamīm, to which he himself belonged, al-Ḥārith was capable of putting sufficient pressure on Naṣr at a time when the latter was sorely in need of allies to force him to submit to arbitration, a time-honoured procedure for imposing

⁹⁶ Tab. ii, 1919.15.

⁹⁷ Tab. ii, 1918.7.

⁹⁸ Tab. ii, 1918.

⁹⁹ It is thus understood in P. Crone and M. Hinds, *God’s Caliph*, Cambridge 1986, 65.

¹⁰⁰ Tab. ii, 1918.9; 1920.19.

¹⁰¹ Tab. ii, 1889.16-19; 1890.1,7.

¹⁰² Tab. ii, 1931.10.

a binding verdict on both sides. The arbiters were authorized to nominate subgovernors and draw up rules (*sunan, al-siyar wa'l-sunan*), with Naṣr's own secretary taking down their resolutions, as we are told in the account in which there are four of them. That Naṣr should have agreed to letting them pronounce on the validity of his own tenure is difficult to believe, but they still declared him deposed so that his office could be filled by *shūrā* if we go by the version in which there are only two of them. The candidates for the *shūrā* are not named. It is by no means obvious that al-Ḥārith regarded himself as one, and he hardly saw Naṣr or al-Kirmānī as such; he may very well have regarded the nomination of candidates as the prerogative of the arbiters too. *Shūrā* and *tahkīm* were fusing at his hands. He appears to have been on the verge of creating a new institution for the supervision of local government, with religious scholars in the role of supervisors.

It was well known in the Umayyad period that provincials liked a say in the choice of their governors and subgovernors: one could conciliate them by letting them have their way from time to time, be it by dismissing a governor as soon as they evinced dislike of him¹⁰³ or by making over the actual choice to them.¹⁰⁴ But the idea that a formal institution could be used to secure local participation in the appointments of governors and the definition of the rules they were to follow alike is wholly unprecedented, and it is also the first time that we see religious scholars being chosen for a formal political role on the assumption that they rather than tribal leaders represented local interests. But nothing came of it. Al-Ḥārith was killed, and his ideas were washed away by the Hāshimite revolution.

VI. The political idiom after 750.

The calls for *shūrā* came to an abrupt end in 750. Though there must still have been people who favoured the procedure,¹⁰⁵ not a single demand for, or attempt to use, it seems to be recorded outside Khārijites circles after the accession of the 'Abbāsids.¹⁰⁶ Numerous Zaydī rebels called to the *riḍā* from the Prophet's family:

¹⁰³ Recommended by Mu'āwiya with reference to the Iraqis (al-Jāhīz, *al-Bayān wa'l-tabyīn*, ed. 'A.-S. M. Hārūn, second printing, Cairo 1960-61, ii, 131).

¹⁰⁴ Recommended by 'Umar b. Hubayra to a future governor of Khurāsān (Tab. ii, 1481.6); practised by Marwān II at Ḥimṣ in 127/744f (Tab. ii, 1892,3). The rebels against 'Uthmān, whose complaints often sound as if they were directed against al-Ḥajjāj, are said to have demanded to have whomever they wished as governor (M. Hinds, 'The Murder of the Caliph 'Uthmān', *International Journal of Middle East Studies* 3, 1972 (reprinted in his *Studies*), 458).

¹⁰⁵ Such as the Ghaylānīs (W. Madelung and P. E. Walker, *An Ismaili Heresiography. The "Bāb al-shayṭān" from Abū Tammām's Kitāb al-shajara*, Leiden 1998, 81 = 79).

¹⁰⁶ The complaint of the poet Sudayf, "our government has turned into domination instead of consultation (*mashwara*); our succession is now hereditary instead of being the community's choice", is not directed against the 'Abbāsids, as stated by B. Lewis, 'On the

thus al-Ḥusayn b. ʿAlī at Fakhkh in 169/786,¹⁰⁷ al-Ḥasan al-Hirsh in Iraq in 198/814,¹⁰⁸ Ibn Ṭabāṭabā in Kufa in 199/815,¹⁰⁹ Muḥammad b. al-Qāsim in Ṭalaqān in 219/834,¹¹⁰ Yahyā b. ʿUmar in Kufa in 250/864,¹¹¹ and al-Ḥasan b. Zayd in Ṭabaristān from 250/864 onwards.¹¹² But what the Zaydīs meant by *al-riḍā* was a learned and pious member of the Prophet's family who singled himself out as imam by claiming his rights, or in other words by rebelling; he was the opposite of an imam who had been designated, but he was not a man elected by *shūrā* in any real sense of the word.¹¹³ The communal participation consisted in joining his revolt. People endorsed his imamate by joining him, but they did not actually elect him.

Why did the institution suddenly lose its appeal? In part, no doubt, the answer is that the many demands for it had been futile: no *shūrā* had been convoked by non-Khārijites since that which elected ʿUthmān, and none was likely to be convoked now. But there is clearly more to it. Before the ʿAbbāsīd revolution the debate between rulers and ruled had centred on communal rights and generally accepted norms; now it centred on the rights of the imam, whether by descent, bequest, designation, unsurpassed merit, activism or a mixture of all these things. The political idiom had turned Shīʿite. Even Umayyad legitimists cast their claims in a Shīʿite form.¹¹⁴ The ʿAbbāsīds had vindicated this idiom by rising to power through it. They kept it dominant by supplying the Muslims with an effective articulation of their political unity for the first time.

From the conquests onwards, Arab, Iranian, Aramean, Berber, Greek and many other converts to Islam had been brought together in a single polity, never

Quietist and Activist Traditions in Islamic Political Writings', *Bulletin of the School of Oriental and African Studies* 49, 1986, 147, following F. Omar, *The ʿAbbāsīd Caliphate*, Baghdad 1969, 233f, and followed by Mottahedeh, 'Consultation', 83 (in Mallat, 19). Ibn Qutayba explicitly says that he voiced them *fi ayyām banī umayya (al-Shīʿr wa'l-shuʿarā)*, ed. A. M. Shākir, Cairo 1966, 761).

¹⁰⁷ Abū 'l-Faraj al-Iṣfahānī, *Maqātil al-ṭālibiyīn*, ed. A. Ṣaqr, Cairo 1949, 450.2 (*al-riḍā min āl muḥammad*); cf. Tab. iii, 554.5 (*al-murtaḍā min āl muḥammad*).

¹⁰⁸ Tab. iii, 975. 6.

¹⁰⁹ Tab. iii, 976. 14.

¹¹⁰ Tab. iii, 1165.14.

¹¹¹ Tab. iii, 1519.8; *Maqātil*, 639.11.

¹¹² Madelung, *Qāsim*, 155; al-Ṣūlī, *al-Awrāq*, ed. A. B. Khalidov, St Petersburg 1998, 449 (fol. 94w).

¹¹³ This is particularly clear in al-Nawbakhtī, *Firaq al-shīʿa*, ed. H. Ritter, Istanbul 1931, 19; cf. also van Ess, *TG*, i, 258f, both on the Jārūdis. But Sulaymān b. Jarīr al-Raqqī did accept *shūrā* in the sense of election: two electors sufficed (cf. below, note 150).

¹¹⁴ Cf. the Syrian ʿUthmānīs who presented the Umayyads of Syria and Spain as imams following one another by *naṣṣ* (al-Masʿūdī, *K. al-Tanbih wa'l-ishrāf*, ed. M. J. de Goeje, Leiden 1894, 336f).

having formed one before and having little in common apart from their belief in God, which they shared with most inhabitants of the Middle East, and Muḥammad, which was unique to them. They needed some way to translate this belief into legitimation of their newfound political unity. Most of them found it in the Prophet's kinsfolk, whether identified as Quraysh or just the Hāshimites: the Prophet had gone, but a caliph from his kin continued to rule them in his place, seeing to the preservation of his message and the execution of his law. The immense importance ascribed to succession within the Prophet's descent group by Shī'ites and non-Shī'ites alike did not just reflect belief in the hereditary nature of merit and other human characteristics, strong though that was, but also the fact that this group provided the only language in which the political unity of utterly diverse groups in utterly different places could be articulated. One *could* reject that language and still believe in the political unity of all Muslims, but the Khārijites who rejected it opted out of the polity too (in principle retaining the hope of reuniting it); and at least some of the Mu'tazilites who shared the Khārijite belief in the eligibility of all Muslims for the caliphate held it desirable for the caliph to be replaced with several semi-independent imams or wholly local forms of government without any imam at all.¹¹⁵

Since the Umayyads were Qurashīs, one might have thought that they symbolized the political unity of the Muslims perfectly well. But they had come to power at a time when the polity consisted almost entirely of Arabs fresh from the peninsula and when God rather than the Prophet was seen as the source of the caliph's position. That God should have chosen the Arabs for His mission was an excellent answer to the question why Arabs should form a single polity, but it did nothing for the rapidly growing number of non-Arab Muslims, whom it assigned to the position of mere clients to the master race. The Umayyads based their legitimacy on their relationship with God on the one hand and ʿUthmān on the other, not on their kinship with the Prophet, which they could not stress, when it came to matter, without playing into the hands of their Hāshimite rivals. Moreover, their realm was a loose federation of semi-autonomous provinces centred on the garrison cities founded during the conquests, initially dominated by the leaders of the tribes that had settled there, thereafter by the Syrian troops on whom the Umayyads increasingly relied to keep the federation together. Since the latter were recruited largely from among Arab, indeed bedouin, tribesmen from the Syrian desert and the Jazīra, they highlighted the increasingly archaic Arab nature of the Umayyad regime, making it difficult for non-Arab Muslims (clearly the majority within the *umma* by the later Umayyad period) to feel that they belonged. The

¹¹⁵ Notably al-Aṣamm and some Baghdad Mu'tazilites (see the references given below, note 125).

Umayyad caliphate had no capital to symbolize Islamic unity, no centre that could be envisaged as the wellspring of Muslim power, no magnet drawing people together from all over the Muslim world, and no pan-Islamic aristocracy: all it had was tribal leaders, provincial magnates, local notables, sectarian leaders, scholars of greater or lesser renown, and Syrian soldiers everywhere. The more diverse the caliphate became in ethnic and cultural terms, the more people hankered for a focus, to find it in the Prophet; and the more important the Prophet became, the more the Umayyads looked like survivors from the Jāhiliyya – mere *ṭulaqā'* who had converted late in order to snatch the prize.

As Hāshimites, the 'Abbāsids were not perceived as Arabs at all, but rather as a sacred lineage elevated above all ethnic, tribal, regional and local divisions. As beneficiaries of a revolution they swept away the remains of the conquest federation, replaced the tribally orientated Syrians with Khurāsānīs sanctified by their services to the blessed *dawla*, and built Baghdad, a highly visible and immensely magnetic centre of power and culture. The caliphate thus became a truly supra-ethnic polity, a political organization in which people could have a sense of belonging wherever they might hail from, with which they could identify. This was the great achievement of the 'Abbāsids which secured them survival, in however a debilitated form, down to 1258; and this, one would assume, is what modern scholars really have in mind when they say that the 'Abbāsids “granted equality to Arab and non-Arab Muslims”.

The 'Abbāsids were not of course universally popular, still less did they solve the problems of local government with which al-Ḥārith b. al-Surayj had grappled. But with the usual exception of the Khārījites, *shūrā* lost its appeal because there was no longer any doubt that the polity needed a sacred lineage, meaning Hāshimites. The ninth-century Mu'tazilites who stuck to the idea that the caliphate was open to all Muslims regardless of ethnicity were thinkers systematically exploring all conceivable ways of avoiding tyranny regardless of whether their ideas were politically opportune or not, while the Sunnīs, who stuck to the formulation that the caliphate belonged to Quraysh, only did so because they had enshrined it in Ḥadīth and needed it to preserve the legitimacy of the first three caliphs. In practice there could not be any question of replacing Hāshimites with Qurashīs more distantly related to the Prophet (unless one was an Umayyad legitimist), only with Hāshimites more closely related to him. The alternative to 'Abbāsids was 'Alids. *Shūrā* could still have survived as an elective procedure used within the 'Abbāsid house, and so in a sense it did, but only as a fossil. The whole point of a sacred lineage was that it functioned independently of public opinion.

VII. *Shūrā* in early ‘Abbāsīd discussion.

The degree to which *shūrā* had become an irrelevance is nicely illustrated by the manner in which it is handled by al-Aṣamm (d. c. 200/816), a Mu‘tazilite who rejected the concept of a sacred lineage;¹¹⁶ al-Jāhīz (d. 255/868), a Mu‘tazilite who accepted the ‘Abbāsīds as such a lineage; and al-Qāsim b. Ibrāhīm (d. 246/860), a Zaydī who held the sacred lineage to be ‘Alī’s offspring by Fāṭima, of whom he was himself one.

Given that al-Aṣamm held all Muslims to be eligible for the caliphate, one might have expected him to cling to *shūrā* as an elective procedure, and he certainly approved of it in the past, though he did not think that ‘Umar’s *shūrā* had succeeded in electing the best man: the most meritorious man in his view had been ‘Abd al-Raḥmān b. ‘Awf, whose superior merit lay in the very fact that he had renounced power.¹¹⁷ This did not invalidate the procedure to him, for the prerequisite for a lawful imamate was not in his view unsurpassed merit in the candidate but rather universal acceptance of him by the community.¹¹⁸ For this reason he recognized the imamate of ‘Uthmān and Mu‘āwiya, but not that of ‘Alī, whose position did not rest on *shūrā*,¹¹⁹ who had not been *al-riḍā min al-umma*,¹²⁰ and on whom there had been no agreement.¹²¹ ‘Alī had been right to fight ‘Ā’isha, Ṭalḥa and al-Zubayr, and also to accept arbitration in the battle against Mu‘āwiya, provided that his intention in both cases had been to put an end to the civil war and secure agreement on an imam rather than to arrogate power to himself; Abū Mūsā had likewise been right to depose ‘Alī so that agreement could be achieved; and ‘Ā’isha, Ṭalḥa, al-Zubayr and Mu‘āwiya had all been right to resist ‘Alī, provided that they too had done so in order to unite the community or, as he put it in connection with Ṭalḥa and al-Zubayr, in order to secure the election of an imam by *shūrā*, rather than to arrogate power to themselves.¹²² None the less, al-Aṣamm is reported to have rejected *shūrā* as an instrument for obtaining consensus in his own time, equating it with *ikhtiyār ba‘d al-umma*, election by part of the community

¹¹⁶ The evidence is indirect, cf. van Ess, *TG*, ii, 409 and note 2 thereto.

¹¹⁷ Ps.-Nāshī? in J. van Ess (ed.), *Frühe mu‘tazilitische Häresiographie*, Beirut 1971, 100 (tr. van Ess, *TG*, v, 204f). Compare the Ibādī Khālid b. Qaḥṭān (wrote c. 900) in S. I. Kāshif (ed.), *al-Siyar wa’l-jawābāt*, Cairo 1986, i, 100: the members of the *shūrā* agreed on ‘Abd al-Raḥmān b. ‘Awf (as the elector) because he was the best of them (*aḡḡalāhum*).

¹¹⁸ Ps.-Nāshī?, 101; al-Ash‘arī, *Maqālāt al-islāmiyyīn*, ed. H. Ritter, Istanbul 1929-33, 456.9; tr. van Ess, *TG*, v, 205, 204, with discussion at ii, 408ff.

¹¹⁹ Thus Ps.-Nāshī?, 101; tr. van Ess, *TG*, v, 205.

¹²⁰ Thus ‘Abd al-Jabbār, *Mughnī*, xx, part 2, 61.

¹²¹ Thus Ash‘arī, 456.10.

¹²² Ash‘arī, 457.13, al-Mufīd, *al-Jamal*, ed. ‘A. M. Sharīfī (*Muṣannaḡāt al-shaykh al-Mufīd*, i), Qumm 1413, 62f (tr. van Ess, *TG*, v, 205f); differently Nawbakhtī, *Firaq*, 14 (tr. van Ess, *TG*, v, 207), where he only approves of those who abstained from war.

rather than all of it.¹²³ Like everyone else, he seems to have taken it for granted that political agreement required people to know one another personally, or at least to come together in person, and the trouble was that the community had grown too large for this. He could not think of way in which consensus could be achieved on so grand a scale:¹²⁴ hence he thought it might be better to have several imams ruling smaller areas, or wholly local government without any imam at all.¹²⁵

To al-Jāhīz, *shūrā* was not so much unworkable as unnecessary. He did not worry about consensus and he scoffed at al-Aṣamm's ideas (as expounded by the latter's presumed pupils).¹²⁶ What interested him was government by a man of unsurpassed merit. Are people obliged to set up an imam, he asks in his *ʿUthmāniyya*, having in mind a situation in which a usurper (*mutaghallib*) holds sway. He answers the question in the affirmative with the proviso that "people" must be taken to mean the elite rather than the masses and that members of the elite are only obliged to act if circumstances allow it (the alternative being *taqiyya*) and if they know where the rightful candidate (*al-mustaḥiqq*) is to be found.¹²⁷ With these qualifications they must indeed rebel. But how can they know who the rightful candidate is when there are so many meritorious people? Al-Jāhīz responds with a passionate rejection of formal procedures. The rightful claimant will be known, he says, the way ʿAmr b. ʿUbayd emerged among the Muʿtazilites, al-Ḥasan b. Ṣāliḥ b. Ḥayy among the Zaydīs, Mirdās b. Udayya to the Khārijites and so forth. None of these people gathered from all parts of the world to vote in favour of the person in question,¹²⁸ nor was there a *shūrā* about him, nor was there any need to cast lots between candidates of equal merit.¹²⁹ Pre-eminence of this kind will always be known, he says, be it by hearsay or personal acquaintance. He himself, young though he is, knows that Aristotle was pre-eminent in the field of logic, Galen in that of medicine, and that so-and-so was the most generous person, the best poet, the best horsemen and the like in the Jāhiliyya, without there ever having been a *shūrā* about it or any casting of lots. It simply is not possible that the most perfect man (*akmal al-nās*) should be unknown. He could not become the

¹²³ al-Baḡhdādī, *Uṣūl al-dīn*, Istanbul 1928, 287.5; tr. van Ess, *TG*, v, 203.

¹²⁴ Similarly van Ess, *TG*, ii, 409; cf. also iv, 707.

¹²⁵ Cf. van Ess, *TG*, ii, 409ff and the references given there; also discussed in P. Crone, 'Ninth-Century Muslim Anarchists', *Past and Present* 167, 2000, 13f, 17-19.

¹²⁶ 'al-Jawābāt fi 'l-imāma' in his *Rasā'il*, ed. ʿA.-S. M. Hārūn, Cairo 1965-79, iv, 285ff.

¹²⁷ *ʿUthmāniyya*, 250 (here the question is raised), 261ff (where it is answered after a long diatribe against the *ʿamma*).

¹²⁸ Literally "so that all of them could say yes" (*ʿUthmāniyya*, 265.13).

¹²⁹ Some jurists held that lots should be used to settle cases where two candidates were equally qualified or two had come to be elected (Māwardī, *Aḥkām*, 8, 10 (ed. Cairo, 8, 9) = 6, 8; Abū Yaʿlā, *al-Aḥkām al-sultāniyya*, ed. M. Kh. al-Fiḳī, second printing, Cairo 1966, 25, where Ibn Ḥanbal and others endorse its use in the former case).

most learned man in religious and worldly affairs without frequenting scholars, disputing with them, participating in campaigns, going on many pilgrimages, engaging in much prayer, fasting, almsgiving, commanding right, forbidding wrong and so forth, and he could not do any of this without people getting to hear about him.¹³⁰ Al-Jāhiz concedes that there could be several men endowed with similar degrees of merit; but, he says, on closer inspection one will be found to be more meritorious than the other, however slightly, as is clear from ‘Umar’s *shūrā* which found ‘Uthmān to be more meritorious than the rest. Altogether, he says, there are three ways of appointing an imam: by revolt on behalf of the rightful claimant, as outlined; by *shūrā* as in the case of ‘Uthmān; and by universal acceptance of the obvious man, as in the case of Abū Bakr. The Prophet did not appoint any *shūrā*, nor was there any revolt; but having lived and fought and listened to the Prophet together for twenty-three years, people simply knew that Abū Bakr was the right man.¹³¹ This last is the situation that so many sources envisage as ideal.

Al-Jāhiz’ argument sounds remarkably like a Zaydī argument from which the genealogical qualifications for the imamate have been omitted. If it was meant as a justification of the ‘Abbāsīd revolution, it is certainly odd, for even ‘Abbāsīd loyalists must have found it difficult to envisage Abū ‘l-‘Abbās as the most learned and pious scholar of the age, and he was in any case supposed to have been designated by Ibrāhīm al-Imām, so that public knowledge about his merits was irrelevant. Perhaps al-Jāhiz (for it does seem to be him) cribbed the argument from one of the many Zaydī books available in Baghdad: in another work he mentions that some Zaydīs rejected genealogical qualifications for the imamate, holding ‘Alī to have been the rightful imam after the Prophet’s death on grounds of merit as distinct from descent; and he explicitly says that he liked their views better than those of other Zaydīs.¹³²

However this may be, his argument against formal procedures strikes a modern reader as odd. All the pre-eminent men he adduces are past figures who presumably had plenty of rivals in their own time, and all are admired either for one particular quality as opposed to general perfection or by one sect or school out of many at loggerheads with one another, raising the question how one could rely on hearsay and personal contacts to come up with an imam acceptable to all. The first objection probably rests on thought too modern to have made sense to al-

¹³⁰ *‘Uthmāniyya*, 265-268.

¹³¹ *‘Uthmāniyya*, 268, 270 with the continuation at 132.8ff (cf. the review by C. Pellat in *Arabica* 3, 1956, 323).

¹³² ‘Maqālat al-Zaydiyya wa’l-Rāfiḍa’ in his *Rasā’il*, iv, 317, compare 311ff. They were also known to al-Mas‘ūdī, *Murūj al-dhahab*, ed. C. Pellat, Beirut 1966-79, iv, 2257f, cf. 2225 (ed. Barbier de Maynard, vi, 24f, cf. v, 474).

Jāhiz, but he could certainly have been expected to see the second, and in a sense he did. If the imam is known, he says, all sorts of people may object that he should rather be one of theirs; Syrians, Iraqis, Hijāzīs, Tihāmīs, Jazarīs, Qurashīs, Ḥusaynids, Ḥasanids, Ibādīs, Ṣufrīs, Azraqīs, Najdīs, Zaydīs and so on and so forth may all protest in this manner. But this merely shows that the *ahl al-ḥaqq* need to be numerous and well equipped if they are to succeed in setting him up.¹³³ In other words, the argument should be read on the assumption that our side is self-evidently right: the imam will be known to *us* in the same way that famous figures became known to all sorts of other people in the past, *we* do not need any formal procedures to know who the right man is. *Shūrā* is not envisaged as a procedure for securing agreement among rival parties, only for the choice of a candidate within our own. It has changed in another respect, too: except in connection with ‘Umar’s *shūrā*, the electors and the candidates are envisaged as distinct; it is a procedure about the candidate (*fihi*), or about the question (*fi hādihā*), not among the contenders.¹³⁴

The electors and the candidates are also distinct to al-Qāsim b. Ibrāhīm, who rejects the institution in stronger terms. In one formulation, possibly falsely attributed to him, he says that the imam must be a member of the Prophet’s family, for otherwise *shūrā* would be necessary, and *shūrā* does not work; for even if people could be gathered from far afield they would have different aims, each group would claim the imamate for itself, and this would lead to war.¹³⁵ In another formulation he says that the imam is singled out by his kinship with the Prophet and the perfection of his wisdom (*kamāl al-ḥikma*) and that a man endowed with these two characteristics is the imam whether anybody has paid him allegiance or not: the community’s consent (*riḍā*) is not a requirement to the validity of his position, for the imam is chosen by God and the community has no choice (*ikhṭiyār*) in the matter. The elective principle is nonsense. If one takes “people” to mean the masses, they cannot come together (to serve as electors) because they are dispersed as far afield as China, Andalusia and Ghana; and if one takes it to mean the elite, exactly who is envisaged? If the answer is that the electors will be known

¹³³ *‘Uthmāniyya*, 269f. To a Zaydī it merely showed that the imam had to be a member of the Prophet’s family, cf. the *K. al-imāma* attributed to al-Qāsim b. Ibrāhīm in R. Strothmann, *Das Staatsrecht der Zaiditen*, Strassburg 1912, 15n (inaccurately translated in B. Abrahamov, ‘al-Qāsim ibn Ibrāhīm’s Theory of the Imamate’, *Arabica* 34, 1987, 91): if the imamate ceased to be identified in terms of (*ukhrijat/kharajat min*) proximity to the Prophet, every *firqa* of the community would claim it.

¹³⁴ *‘Uthmāniyya*, 265.14, 266.9.

¹³⁵ Abrahamov, ‘Theory of the Imamate’, 91f, citing the *K. al-imāma* (or *al-Iḥtijāj fi ‘l-imāma*) accepted as authentic by Abrahamov, but not by Madelung (cf. *ibid.*, 82n). It was to counteract this tendency that one reserved the imamate for the Prophet’s kin (cf. above, note 133).

by their excellence and knowledge, *a fortiori* the same is true of the imam himself.¹³⁶ On this last point al-Qāsim and al-Jāhiz were in perfect agreement.

To al-Aṣamm, government was legitimated by consensus while ethnicity was transcended by being ignored. To al-Jāhiz and al-Qāsim, by contrast, government owed its legitimacy to being wielded by a single person so superior that all others were naturally his subjects, and ethnicity was transcended by a focus on the imam's descent so sharp that the ethnic origins of other people ceased to matter. To al-Aṣamm, *shūrā* had lost its appeal because it was too narrowly conceived to articulate consensus in a large community; to al-Jāhiz and al-Qāsim it was too clumsy and impractical a procedure to single out perfection, which was not in any case something of which the community could sit in judgement according to the latter. Whether government was legitimated from below or above, *shūrā* had lost its appeal.

VIII. *Shūrā* according to the Sunnī jurists.

For all that, electoral procedures loom large in the classical expositions of Sunnī constitutional law. Most of these works date from the tenth and eleventh centuries when Shī'ism was, or recently had been, politically ascendant, and since they were usually written in implicit or explicit polemics against the Shī'ites, their authors come across as closer in spirit to al-Aṣamm than al-Jāhiz. They display a marked reluctance to cast Quraysh as a sacred lineage, de-emphasize the need for a ruler of unsurpassed merit, stress the rights of the community, and never tire of reiterating that the imamate was an elective institution. The imams had to be of Quraysh because people were given to obeying that clan, they say, or because Quraysh were in general more suitable for the imamate than others, not because they were kinsmen of the Prophet;¹³⁷ or it was simply as a way of honouring the Prophet's clan that the rule had developed, and given the sorry state of the 'Abbāsīd caliphate, it might be preferable, or at least permitted, to opt for a non-Qurashī candidate.¹³⁸ The imam had to be meritorious and ought to be the most meritorious

¹³⁶ W. Madelung, *Der Imam al-Qāsim b. Ibrāhīm und die Glaubenslehre der Zaiditen*, Berlin 1965, 142, citing al-Qāsim's *K. tathbūt al-imāma*; cf. also the summary in Abrahamov, 'Theory of the Imamate', 91.

¹³⁷ 'Abd al-Jabbār, *Mughnī*, xx/1, 234ff, esp. 238; compare the discussion in al-Bāqillānī, *al-Tamhīd*, ed. M. M. al-Khuḍayrī and M. 'A.-H. Abū Rīda, Cairo 1947, 182, 184. But Bazdawī, *Uṣūl*, 187f, does say that the imam must be a Qurashī because he occupies the position formerly held by the Prophet, seemingly untroubled by the obvious Shī'ite counter-argument that he ought in that case to be a descendant of the Prophet. Neither al-Māwardī nor Abū Ya'la offers explanations of the rule.

¹³⁸ al-Juwaynī, *Ghiyāth al-umam*, ed. 'A.-'A. al-Dīb, Cairo 1401, 438f, cf. 106-8 (discussed in W. Hallaq, 'Caliphs, Jurists and the Saljūqs in the Political Thought of Juwaynī', *The Muslim World* 74, 1984). For other scholars, see P. Crone, 'Even an Ethiopian Slave: the

man of his time, but the imamate of a less meritorious man was valid,¹³⁹ and if the most excellent man was chosen, it was because it was in the community's interest, not because he had a right to it.¹⁴⁰ Nobody could become imam simply by possessing the requisite qualifications.¹⁴¹ The imam was the community's steward and representative (*wakīl li'l-umma wa-nā'ib ʿanhā*),¹⁴² and his position rested on a contract with the community, not on Prophetic designation. The Sunnīs were adherents of *ikhtiyār* as distinct from those who believed in *naṣṣ* and made the caliphate hereditary (*mawrūtha*).¹⁴³

None of this means that the jurists were unhappy with dynastic succession in the ʿAbbāsīd family. They stressed the elective nature of the caliphate in order to defend their conviction that right guidance was located in communal consensus, as opposed to in a single, specially privileged human being, not in order to protest against current political practice; and though they certainly implied that the caliph owed his legitimacy to the community, they did not normally evince any desire to use *ikhtiyār* as a method for bringing public wishes to bear on either his election or his exercise of power. By *ikhtiyār* they meant human choice as opposed to divine right, not election by a representative sample of the community or elite.

Most jurists held that only a small number of electors, now commonly known as *ahl al-ḥall wa'l-ʿaqd*, was required for a valid contract. As in Babba's Basra, only one man could give the pledge of allegiance by which the contract was made, and some held that there were times when one elector sufficed. If the incumbent imam designated his own successor, the contract stood without further ratification, some dissenting voices notwithstanding.¹⁴⁴ (Designation was now indiscriminately known as *ʿahd* and *naṣṣ*.)¹⁴⁵ A single elector likewise sufficed where the candidate

Transformation of a Sunnī Tradition', *Bulletin of the School of Oriental and African Studies* 57, 1994, 64.

¹³⁹ Māwardī, 8f (ed. Cairo, 8) = 6f (noting Jāhīz's disagreement); Abū Yaʿlā, *Aḥkām*, 20; Bāqillānī, *Tamhīd*, 183f; ʿAbd al-Jabbār, *Mughnī*, xx/1, 215ff; Bazdawī, *Uṣūl*, 187f; Juwaynī, *Ghiyāth*, 246. Bazdawī wrongly claims that the Ashʿarītes disagreed, apart from al-Qalānīsī.

¹⁴⁰ ʿAbd al-Jabbār, *Mughnī*, xx/1, 227ff, 248.

¹⁴¹ ʿAbd al-Jabbār, *Mughnī*, xx/1, 250, cf. also 248; similarly Māwardī, 9 (ed. Cairo, 8) = 7, on the *jumhūr* versus Iraqī jurists who would dispense with the contract when there is only one qualified candidate.

¹⁴² Bāqillānī, *Tamhīd*, 184.-5.

¹⁴³ Baghdādī, *Uṣūl*, 279f; Bāqillānī, *Tamhīd*, 178.

¹⁴⁴ Some Basrans held that the nomination was not binding on the community unless the electors ratified it because it was the community's right to grant (or withhold) allegiance to a candidate; others held that he would at least need their consent to designate a son or father (Māwardī, 12f (ed. Cairo, 10) = 9f).

¹⁴⁵ Both Māwardī and Abū Yaʿlā stick with *ʿahd*, but ʿAbd al-Jabbār regularly uses *naṣṣ* (e.g. *Mughnī*, xx/1, 253.6) Al-Ghazālī uses of *tanṣīṣ* of designation by the Prophet and the

was the most meritorious member of his time¹⁴⁶ or where a contract was only required to ratify a *fait accompli*, as for example when a qualified candidate of the right kind (*imām al-ḥaqq*) had assumed emergency powers or established himself by force, or received power from wrongdoers (after the fashion of ‘Umar II).¹⁴⁷ Some held that no contract was required at all when a man had established himself by force.¹⁴⁸ Under other circumstances, a total of five men, including the actual elector, had to agree before the latter could proceed, on analogy with the elections of Abū Bakr and ‘Uthmān,¹⁴⁹ or two had to agree on analogy with the two witnesses required for legal suits or marriage (originally, one would assume, because two were required in *taḥkīm*);¹⁵⁰ or any plural number would do,¹⁵¹ or one man sufficed in all circumstances.¹⁵² *Shūrā* of the type in which the candidates chose the imam from among themselves could be used where there were several well-qualified candidates, but the choice could also be made over to separate electors. Either way, *shūrā* was now seen as form of designation, not as the opposite of it, or so at least by al-Māwardī and Abū Ya‘lā, who adduce ‘Umar’s

previous imam alike (*al-Iqtiṣād fī l-i‘tiqād*, ed. I. A. Çubukçu and H. Atay, Ankara 1962, c.g. 237f).

¹⁴⁶ Abū ‘Alī al-Jubbā‘ī in ‘Abd al-Jabbār, *Mughnī*, xxi/1, 253; Ash‘arī in Bazdawī, *Uṣūl*, 189.

¹⁴⁷ ‘Abd al-Jabbār, *Mughnī*, xxi/1, 253ff, citing Abū ‘Alī al-Jubbā‘ī, but cf. 258.6, where he seems to credit it to Abū Hāshim al-Jubbā‘ī.

¹⁴⁸ Thus most *ahl al-sunna wa l-jamā‘a*, in a quietist vein (cf. Abū Ya‘lā, *Aḥkām*, 23f, who does not agree; Bazdawī, *Uṣūl*, 192). Similarly Juwaynī, *Ghiyāth*, 451-91, for quite different reasons (cf. Hallaq, above, note 138), followed by Ghazālī, *Iqtiṣād*, 238, as far as the fully qualified Qurashī candidate without competitors is concerned.

¹⁴⁹ Four men reputedly agreed with ‘Umar before he gave allegiance to Abū Bakr, and four with ‘Abd al-Raḥmān b. ‘Awf before he gave allegiance to ‘Uthmān. The rule is accepted by Abū Hāshim al-Jubbā‘ī in ‘Abd al-Jabbār, *Mughnī*, xx/1, 254.8, 256.18; characterized as the view of most Basrans in Māwardī, 6f (ed. Cairo, 7) = 5; and rejected by Bāqillānī, *Tamhīd*, 179. When ‘Abd al-Jabbār lays down that there should be six electors (*Mughnī*, xx/i, 252.17), he must be including the candidate.

¹⁵⁰ Māwardī, 7 (ed. Cairo, 7) = 5, where this is characterized as the view of most Kufans. Two electors also sufficed according to the Zaydī Sulaymān b. Jarīr al-Raqqī (Ash‘arī, 68.2; ‘Abd al-Jabbār, *Mughnī*, xx/2, 184.16, citing Ka‘bī; Madelung, *Qāsim*, 62-4) and, we are told, the Khārijites (Nawbakhtī, 10).

¹⁵¹ Bazdawī, 189, but he seems to confuse the contract and the oath of allegiance incumbent on everyone once it has been concluded.

¹⁵² Cf. Māwardī, 7 (ed. Cairo, 7) = 5. This was the position of Bāqillānī, *Tamhīd*, 178 (one or more) and al-Juwaynī, *al-Irshād*, ed. and tr. J.-D. Luciani, Paris 1938, 239.9 = 356. It reappears in al-Ījī, *al-Mawāqif*, viii, Cairo 1907, 352.-2 (one or two).

shūrā as evidence that the incumbent imam was free to designate several candidates, provided that their number was small.¹⁵³

In sum, a small number of men were authorized to choose an imam on the community's behalf, just as a small number of men were authorized to engage in political decision-making in general; the community was bound by their act but did not participate itself. For all that, the electors are clearly seen as acting as its representatives.

The *ahl al-ḥall wa'l-ʿaqd* represent the community in the sense that they are discharging a communal obligation (*farḍ kifāya*). Unlike the incumbent imam, who could appoint his own successor by virtue of his office, they are not envisaged as holders of offices empowering them to engage in political decision making. They are simply administrators, jurists, scholars and other members of the educated elite (*ahl al-ra'y wa'l-tadbīr wa'l-fiqh, afāḍil al-muslimīn*).¹⁵⁴ But electing an imam was a communal obligation, like the conduct of holy war or the search for knowledge. Ultimately, anyone could do it. In the first instance the obligation fell on people endowed with integrity, knowledge and insight, customarily those to be found where the imam died, though they did not have any priority in law: they merely happened to be the first to know of his death, and most of the candidates were usually to be found there as well.¹⁵⁵ But if no upright members of the elite were available where the imam died, the obligation devolved to those in the neighbourhood, and from there to the next neighbourhood and so forth, eventually to become general: whoever first elected an imam by the right procedures had fulfilled the obligation on the community's behalf.¹⁵⁶

The concept of *farḍ kifāya* is one of the most striking illustrations of the well-known fact that medieval Muslims received their legal rights and duties as Muslims, not as members of a socio-political hierarchy. That such a hierarchy existed *de facto* was well known to everyone, of course, but it had no legal existence. The elite consisted of people who happened to have reached a position of wealth, learning, power and influence, not of chartered groups set apart by their own obligations and privileges, and there was not in law anything that its members could do that other Muslims could not do as well. They were merely the first to be obliged. Anyone could stand in for anybody. Anyone could stand in for the community at large.

¹⁵³ ʿAbd al-Jabbār, *Mughnī*, xx/1, 256f; Māwardī, *Aḥkām*, 12 (ed. Cairo 10) = 9; Abū Yaʿlā, 25.16.

¹⁵⁴ Bazdawī, *Uṣūl*, 192.13; Bāqillānī, *Tamhīd*, 178.8.

¹⁵⁵ Māwardī, 5 (ed. Cairo, 4) = 4; Abū Yaʿlā, 19. But ʿAbd al-Jabbār did think that geographical proximity created an obligation (cf. the next note).

¹⁵⁶ ʿAbd al-Jabbār, *Mughnī*, xx/1, 257f.

It is largely thanks to this fact that the electors come across as representatives of the community. But the jurists' repeated stress on the community's rights and interests certainly adds to the impression, and there were even jurists who argued that all people qualified for the role of *ahl al-ḥall wa'l-ʿaqd* in all provinces ought to agree before an imam could be enthroned "so that consent (*al-riḍā*) will be general and submission to his imamate will be by consensus (*ijmāʿan*)".¹⁵⁷ The Ḥanbalite Abū Yaʿlā was among them: adducing a tradition from Ibn Ḥanbal voicing this view, he explains that since the imam has the same claim to unquestioned obedience as *ijmāʿ*, the contract with him must rest on *ijmāʿ* as well.¹⁵⁸

It is not clear what motivated these jurists: maybe they were simply chopping logic, maybe they were animated by the same desire to for government based on consensus as al-Aṣamm. In any case, they are briefly dismissed by al-Māwardī and al-Bāqillānī with reference to the election of the first caliphs (though they must have considered them compatible with their views); al-Bāqillānī adds the time-honoured argument that it simply is not possible to bring all qualified people together in one place.¹⁵⁹ If they were animated by the same desire as al-Aṣamm, they were also up against his problem, then. Everyone still took it for granted that people had to be brought together physically in order to reach political agreement: there still was no tradition for organization of the type that obviates or minimizes the need for personal contact. There still was no aristocracy either.¹⁶⁰ Had the scholars been amenable to formal organization, they might have hit upon the idea of sending delegates to represent their towns or schools: even five would have been vastly more representative than the five who happened to be in favour at the court when a caliph died. Had there been an aristocracy of the type combining local power with central interests, their consent would have had to be obtained one way or the other, as in Sāsānid times: they too, however few, would have been far more representative of interests outside the palace than the secretaries and Turks who dominated it for so much of the time. But without formal organization, the notion of *ijmāʿ* could not be even remotely translated from the scholarly to the political level.

¹⁵⁷ Bāqillānī, *al-Tamhīd*, 178f; Māwardī, 6 (ed. Cairo, 6f) = 5. The position is also mentioned in al-Shahrastānī, *Nihāyat al-iqdām fi ʿilm al-kalām*, ed. and tr. A. Guillaume, London 1934, 496.13 = 157; and rejected in Juwaynī, *Irshād*, 239 = 356; Ījī, *Mawāqif*, viii, 352f.

¹⁵⁸ Abū Yaʿlā, 23f, with arguments against traditions from Ibn Ḥanbal implying that no contract was required at all.

¹⁵⁹ *Tamhīd*, 178.

¹⁶⁰ Or once more there was none: the Khurasānī supporters of the *dawla* had briefly occupied that role. But they had never been an aristocracy of the requisite type in as much as they had no local power bases.

The last vestiges of elective procedures were swept away by the Seljuqs. There were only three methods whereby the imam could be appointed according to al-Ghazālī: designation by the Prophet (as claimed by the Shīʿites), designation by the previous imam, and delegation of power (*tafwīd*) from a strong man.¹⁶¹ “Authority (*al-wilāya*) nowadays follows nothing but power (*al-shawka*); whoever receives allegiance from the possessor of power, he is the caliph; and whoever monopolizes power while remaining obedient to the caliph as regards the principle of the Friday oration and the coinage, he is the sultan”.¹⁶² The rules of *ikhṭiyār* had never applied to amirs and sultans: God raised them up. The rules continued to be set out in later works, often in polemics against Shīʿites; and of course amirs and sultans continued to engage in consultation too. But *shūrā* as an elective institution was now well and truly dead.

INSTITUTE FOR ADVANCED STUDY, PRINCETON

SUMMARY

The article traces the notion of shūrā as an elective institution in Islamic thought from ‘Umar to the eleventh-century jurists. It argues that by origin the institution was a pre-Islamic method of making the contenders for power come to an agreement among themselves, and it codifies the many calls for it in the Umayyad period, seeking to explain both why the institution remained narrowly conceived and why the calls for it came to an abrupt end after the Abbasid revolution. It ends with an examination of its residues in juristic thought.

¹⁶¹ *Iqtiṣād*, 237f.

¹⁶² al-Ghazālī, *Iḥyā’ ‘ulūm al-dīn*, Cairo 1282, ii, 116.6.