"SHŪRĀ" AS AN ELECTIVE INSTITUTION
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**Shūrā as an Elective Institution**

Shūrā means consultation, usually between a person in authority and his subordinates, as in Q. 3:159 (šāwirhum fi ’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). 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?

1. 'Umar’s shūrā

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

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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 là ṭa‘īs lahum wa-lā muqawwim wa-lā ṭa‘īn wa-lā mānīr (al-Mughnī, xx, ed. ʿA.-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. QSA, 19 (2001), pp. 3-39

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* 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.
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 akhbarīs approve of ʿUmar’s shūrā (there clearly was no Rāfīḍī recollection of the event), and some present it as the best way of regulating the succession: ʿUmar instituted it saying that Abū Bakr’s election had been a coup (falta) and that his own had been effected without consultation (ʿan ghayr mashwara), but that hereafter the matter was to be shūrā. More commonly, however, it is seen as a second-best solution: ʿUmar 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 ʿ Ubayda had been alive, I would have appointed him... if Sālim, the client of Abū Ḫudhayfa, had been alive, I would have appointed him”. Elsewhere he would have appointed Abū ʿ Ubayda, Muqrādh b. Jabal or Khālid b. al-Walīd; or he wanted to appoint ʿAbd al-Raḥmān b. Ṭawfīq, but the latter asked to be excused. 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


3 Many accounts in the mainstream sources are partial to ʿAlī, but no akhbarī rejects the whole procedure as absurd on the grounds that ʿAlī had been designated by the Prophet himself. When the Imāmis discuss the shūrā, they do so on the basis of the same akhbarī accounts as everyone else (cf. esp. al-Ṭabari, al-Ṭabari, al-Ṭabari, al-Tā thinner, al-Ṭabari thinner, al-Ṭabari thinner, al-Thānaʾ, Beirut 1982, 84ff, 218f, 211f; al-Majlis, Bitḥur al-anwār, Beirut 1983, ix, 83f; also Kitāb Sulaymān b. Qays al-Hilālī, ed. M. A. al-Ansārī, 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).


5 al-Ṭabarī, Taʾrikh 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 ʿUtayba (attrib.), al-Imāma wa-l-siyāsa, Cairo 1969 (hereafter Imāma), i, 23f.

7 Tab. i, 2723f, reflecting the better known claim that ʿAbd 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‘id b. Zayd, a kinsman of ‘Umar’s, but his appearance on the list is rare. Many sources deny that Sa‘d b. Abī Waqqāṣ was nominated, taking the number down to five, 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), or that he could think of none better entitled, or that if there were to be splits in the community it would be over these men. Nobody had voted on them; it is not even clear, in most accounts, that people had been consulted about them. 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 Ibāḍīs below, note 46. Sa‘id is included in Ibn Ḥabīb, al-Muḥabbar, ed. I. Lichtenstädt, Hyderabad 1942, 65f (where ‘Alī and ‘Uthmān should be added). ‘Umar excludes him in Tab. i, 2777f; Ibn Shādhān, ʿĪdāh, 211; cf. also al-Jāhīz, al-ʿUthmāniyya, 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, Usūl al-dīn, ed. H. P. Linss, Cairo 1963, 185). Sa‘d was not in the shūrā (Zuhrī and Wāqīdī 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-muṣannafī ʿl-aḥādīth waʿl-āthār, Bombay 1966-82, xiv, 577; IS, iii/1, 245 (iii, 338).
13 As Jāhīz sees it, they were: ‘Umar chose them together with the Muhājīrūn 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 ʿAbd al-Raḥmān b. ʿAwf were to prevail, or Ibn ʿUmar 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, ʿAli is said to have opposed ʿAbd al-Raḥmān b. ʿAwf’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-Anṣāri, 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 ʿUmar’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 ʿAbd al-Raḥmān b. ʿAwf asked whether anybody was willing to withdraw from the competition in

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14 Strictly speaking, this is a mistranslation: shūrā only means consultation, not the body that engages in it; ašhāb 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; ʿImāma, 24; al-Yaʿqūbī, Taʿrīkh, 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; ʿImāma, 24; BA, 15.15, 19.6,12 (without instructions to kill); YT, ii, 184; IAH, i, 187; Ibn Shādhān, ʿIdāh, 211f.

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

19 Ibn ṢaḥIQ in N. Abbott, Studies in Arabic Literary Papyri, i, Chicago 1957, no. 6:15, recto; BA, v, 18.21; Ibn Abī Shayba, Muṣannaf, 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 ṢaḥIQ in Abbott, Papyri, i, no. 6:16f, verso; IAH, ix, 51; Majlisī, Biṣrār, xxxi, 83f (to Shiʿīites 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 'Ali 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-Rahmān 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-Rahmān 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 dičafā' 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 Muhājurūn, Anṣār and commanders from the garrison cities assembled in the mosque, where they engaged in furious debate. Once again, the

²² Ibn Iṣḥāq in Abbott, Papyri, i, no. 6:17, verso; BA, v, 21.13, citing Abū Mikhnaf; IAH, ix, 51, citing Sha'ibī; Tab. i, 2782, 2792 (in most of which he withdraws his kinsman Sa'd b. Abī Waqqāṣ as well). A different account by Ibn Iṣḥāq is cited in al-Māwardī, al-Ahkām al-sultāniyya, ed. M. Enger, Bonn 1853, 16f (ed. Cairo 1973, 12) = id., The Ordinances of Government, tr. W. H. Wālba, 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-Rahmān b. 'Awf.
²⁴ Tab. i, 2782f, 2792f.
²⁵ Ibn Iṣḥāq in Māwardī, Aḥkām, 16 (ed. Cairo, 12) = 12; Ibn Abī Shayba, Musannaf, 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 nażartu wa-shāwārta).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 sunna 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 akhbaraṣ, 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 akhbaraṣ 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 Anṣārī 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.
with fifty men for these purposes, we are told). 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 Qurashis, who gathered to engage in political decision-making just as they had done in pre-Islamic Mecca. 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). The only modification to his

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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 Qurashi 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 ʿUmar, 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. ʿUllafa, Ḥāyyān b. Zabyān and Muʿādh 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 Ḥāyyān’s house to discuss whom to put in charge (tashāwarū fi-man yuwallūhu ʿalayhim). As in ʿUmar’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 Ḥāyyān’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. ʿUllafa on grounds of age.35 This is unmistakably the same institution as ʿUmar’s shūrā, and here too it is a formal procedure distinct from an ordinary tribal meeting; but there is no sign of imitation of ʿUmar’s example in the proceedings. It is not called shūrā, either. No doubt the Khārijites had heard of ʿUmar’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 Saʿīd b. Baḥdal, 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 ʿUmar, 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.
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-Ḍaḷḥāk eventually allowed himself to be chosen.

Here the selection of the candidates is a more elaborate procedure than in ʿUmar’s ʿshūrā 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 ʿUmar’s model, however. ʿUmar’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 madeSaʿīd refuse to appoint a successor after the fashion of ʿUmar. And Saʿīd b. Bahdal’s Khārijites start by picking out ten men to match the ʿashara al-mubashshara from among whom ʿUmar was believed to have chosen his candidates and proceed to whittle them down to the four actually remembered to have taken part in ʿUmar’s ʿshūrā.

As regards the ʿashara al-mubashshara, the caliph had to be the most meritorious man of the community. It followed that ʿUmar 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 ʿUmar 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-ʿashara al-mubashshara. Some traditions only list nine, Abū Bakr, ʿUmar, ʿUmar’s kinsman Saʿīd b. Zayd and the six members of the ʿshūrā; others bring the number up to ten by adding the Prophet himself or Abū ʿUbayda b. al-

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\(^37\) Both texts have have fa-daʿāhun (Azdī: ilā) an yastakhliṣa ʿalayhim rajulan minhum, which does not make much sense. The most obvious solution is to read fa-daʿāwhu, but in that case something is missing, for they respond by making over the choice to him in both versions (Khalīfa: fa-jāʿalū dhālīka lahu; Azdī: fa-qālū ikhtar lanā).

\(^38\) The text is corrupt again. Khalīfa has fa-qāla ikhtārū minhum ʿashara and continues by making him choose the ten (fa-akhrāja minhum ʿashara). 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 Iṣḥāq in Abbott, Papyri, i, no. 6:7; Ibn Abī Shayba, Muṣmānnaf, 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 ʾashara al-mubashshara which accounts for the belief that the shūrā had seven members and that Saʿīd b. Zayd had been one of them. ‘Umar explicitly characterizes Saʿīd as one of the “people of Paradise” before excluding him from the shūrā in one account. 42 Saʿīd 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 ʿAbdallāh, they went out of their way to stress that he had not been a candidate himself. 43 With the exclusion of Saʿīd we are down to the canonical six (Ibn ʿUmar 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 Saʿd b. Abī Waqqāṣ, or maybe Saʿd fell by the wayside later.

An alternative account of al-Dāḥjāk’s election has it that Saʿīd b. Bahdal 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-Dāḥjāk, 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 ʿUmar’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 ʿAbd al-Wahhāb
When ʿAbd 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 ʿUmar b. al-Khaṭṭāb had done”. We are given the names of

41 Eī, s.v. ‘al-ʿashara al-mubashshara’; M. Yazigi, ʿHadīth al-ʿashara, or the Political Uses of a Tradition’, Studia Islamica 86, 1997.
42 Tab. i, 2777f; cf. also Rotter, ʿUmayyaden, 12.
43 BA, v, 21.8, where he has voting rights (ikhtīyār) even though he is not a candidate. He is merely to be consulted in ṭuḥama, 24 (where al-Ḥasan and Ibn ʿAbbās are also included without being eligible); IS, iii/1, 245 (iii, 339); and Ibn Shādīhān, ʿIdāh, 211.14, -2 (with acerbic comments at 212.5).
44 Khalīfa, 568f.
45 The date is uncertain, cf. U. Rebstock, Die Ibaditen im Mağrib (2./8.-4./10 Jh.), Berlin 1983, 162.
all seven. They met after ‘Abd al-Rahmān’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. Thereafter the imamate remained hereditary in the Rustumid family, apparently with decreasing respect for electoral procedures.

As in the first account of al-Ḍāḥlāk’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-Ḍāḥlāk, nor are we assured that anyone toured Tahert to sound out the opinions of leading men, let alone of ḍa‘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-Rahmān 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 nīsbas, and one was a son of the previous imam.
47 Abū Zakariyyā, Ḥītāb siyar al-a‘immā wa-akhbārīhim, ed. I. al-ʿArabī, Algiers 1979, 54ff; further sources and discussion in Rebstock, Ibādīten, 163ff.
48 Cf. the reaction to the succession of Muḥammad b. Aflāḥ b. ‘Abd al-Wahhāb (Rebstock, Ibādīten, 167).
astray.\textsuperscript{49} In short, the North African Ibāḍīs 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.

\section*{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-Rāḍī: 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.\textsuperscript{50} In ʿUmar’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; \textit{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.\textsuperscript{51}

ʿUmar’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

\textsuperscript{49} A. de Motylinski (ed. and tr.), ‘Chronique d’Ibn Ṣaghīr sur les imams Rostemides de Taher’, 
\textit{Actes du XIV\textsuperscript{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.


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 shahrā 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 ḌAlī is presented as doing in his response to ḌAbd al-Rahmān’ b. ḌAwf’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. The system was designed to maximize rather than to counteract the normal human tendency to engage in “preference falsification” in response to social pressure; 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 ḌUmar 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 ḌUmar’s shahrā the Muslim expansion had begun to create such radical differences. The sheer fact that commanders and aṣhrāf 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 ṢUthmān for his failure to serve their interests. However much people talked, unanimity could not be achieved any more. If shahrā 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.

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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-muslimin,54 arguing that ʿAlī had arrogated power to himself “without consent or consultation” (bi-ghayr riḍā wa-lā mashwara).55 Muʿawiya similarly called the Syrians to fight ʿalā ʿl-shūrā waʾl-ṭalab bi-dam ʿuthmān56 and told ʿAlī to step down so that the matter could be made a shūrā bayna ʿl-muslimin.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 Muʿawiya 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 Muʿawiya’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 Muʿawiya] had the right to reject; shūrā is the prerogative of the Muhājirūn and Ḥanīfīs,”59 and when they agree on a man, calling him imam, that is acceptable to God (kāna ḏhālika līʾllāh riḍān).60 Here shūrā seems to encompass any form of election practised by the Muhājirūn and Ḥanīfīs 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, Muʿawiya eventually had himself proclaimed caliph without one. He arrogated power to himself bi-lā mashwara, as

55 Thus Ṭalḥa in BA, ii, 226; al-Barrādī, K. al-Jawāhir, Cairo 1302, 101.15.
56 BA, ii, 300.6, 327.4.
58 Tab. i, 3358.9, citing Abū Mūkhnaf; BA, ii, 351.1, 10, clearly based on the same source; Dinawarī, 213f.
59 Since Muʿawiya was a muhāǧir, this looks like an argument meant for use against Khārijites rather than him.
‘Ali’s adherents said. He is nonetheless presented as later telling the Ḥāshimites that the caliphate had passed from one group of Quraysh to another “by the consent of the masses and consultation of the elite (bi-rīdā ‘l-‘āmma 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.

2) Kufan Khārijites of 42/662
Discussed already.

3) The designation of Yazīd I
Muṣāwiya 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. 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-Rahmān b. Abī Bakr’s response to the news; and ‘Abdallāh b. ʿUmar likewise objected with reference to ʿUmar’s shūrā.

4) Ibn al-Zubayr
Ibn al-Zubayr responded to the designation of Yazīd by calling for a shūrā baynā ‘l-ʿumma. His candidates, apart from himself, were two Medinese Qurashis of Zuhra, Muṣ‘ab b. ʿAbd al-Rahmān b. ʿAwf, the son of the sole elector in ʿUmar’s shūrā, and al-Miswar b. Makhrama, who had assisted ‘Abd al-Rahmān b. ʿAwf at the time of the shūrā: “the matter was shūrā between the two of them and Ibn al-

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64 Khalīfa, 252 (year 51).
65 Imāma, 162.
66 al-Balādhūrī, Ansāb al-ashrāf, 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”. The Medinese were also calling to *al-ridā wa’l-šūrā* in 63/682f, but Muṣʿab and al-Miswar went to join Ibn al-Zubayr in Mecca, where Muṣʿab 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. Others suggest that all his talk of *šūrā* 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 ʾillā līʾlāh* as long as al-Miswar and Muṣʿab were alive. Still others say that Ibn al-Zubayr secretly received allegiance to himself ʿalāʾ *l-šūrā*. But like Muʿāwiya, he eventually claimed the caliphal title without going through the procedure and he was criticized for this. “You used to call for *al-ridā wa’l-šūrā*. 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 Ḫurra said, 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) Muʿāwiya II
Back in Syria, Yazīd I had designated his son Muʿāwiya II as his successor, reassured by a poet who told him to suppress those who asked for *šūrā*: what right did they have to *šūrā* when they had killed ʿUṯmān in the holy months? This must have been a reference to Khārijite and/or other Iraqi demands for *šūrā* since one would hardly cast Ibn al-Zubayr, a staunch ʿUṯmānī, as a supporter of ʿUṯmān’s killers.

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

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68 BA, ivb, 56.16; IS, v, 119 (v, 160, s.v. Muṣʿab b. ʿAbd al-Raḥmān).
69 Khalifa, 289.
70 BA, ivb, 56; IS, v, 119 (v, 160). He had allegiance taken to himself three months after Yazīd I died (Khalifa, 324.12) or on the day the news of his death arrived (Tab. iii, 2333).
72 BA, ivb, 17.6; cf. Tab. iii, 2333 and note d; Rotter, *Umayyaden*, 54f.
73 BA, v, 188; Khalifa, 323f.
themselves. 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. Muʿāwiya II was not doing the Syrians a favour by leaving them with a free choice.

6) Marwān I and ʿAbd 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 Muʿāwiya (cf. above, no. 1), and from the point of view of the Syrian Quḍāʿis 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 ʿAbd al-Malik succeeded his father, Ibn ʿUmar 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. In another story ʿAbd al-Malik sends a man to Muʿṣab b. al-Zubayr in Iraq inviting him to make al-amr shūrā fi 'l-khilāfa whether in response to Ibn ʿUmar’s letter or otherwise; but Muʿṣab refuses.

7) al-Mukhtār
When adherents of the Zubayrids called upon followers of al-Mukhtār to pay to allegiance to the Commander of the Faithful ʿAbdallāh b. al-Zubayr, the followers of al-Mukhtār responded with a call to making the matter a shūrā in the Prophet’s family. It is not clear whether they expected the shūrā to elect Ibn al-Ḥanafiyya, 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. Shuʿba and the Jazīran Khārijites led by Shabib in 77/696 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 Muʿāwiya for having usurped the position of ʿAlī!
76 BA, v, 195.10; cf. Rotter, Umayyaden, 244.
77 Abū l-Faraj al-Īṣbahānī, Kitāb al-aghānī, Cairo 1927-74 (hereafter Aghānī), xix, 124.
78 Tab. ii, 722.2-6.
alliance ensued. 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 ʿUmar (though Muṭarrif explicitly invokes it), for Shabib commented that the sunna after the Prophet had been for the Muslims to elect the best of them for themselves (ikhtiyār al-muslimin minhum khayrahum lahum), as if Abū Bakr, ʿUmar and ʿUthmān had all been elected in the same way.

9) ʿUmar II
ʿUmar 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. Muṭammad (b. Abī Bakr), Sālim b. ʿAbdallāh (b. ʿUmar) and Ismāʿīl b. Umayya, an Umayyad. Or he threatened to move the capital back to Medina and to make the caliphate a shūrā there with al-Qāsim b. Muṭammad b. Abī Bakr as its sāhib, presumably meaning the man in charge.

10) Yazīd III
When Yazīd III killed al-Walīd II in 12/744, he called for a shūrā. But it appears that like Muḥāwiya 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 ʿAbbāsid revolution
The Hāshimiyya in Khurasan called to al-ridā 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 ʿAlid family to come to Kufa, where the ʿAbbāsids had already assembled. But Abū ʾI-l-ʿAbbās was raised to the throne by generals on a par with Yazīd III. 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. ʿUmar b. ʿAbd al-ʿAzīz).
82 Tab. ii, 1804.11.
'l-ʾAbbās as his successor: had he not done so, the matter would have remained a shūrā fi aḥliḥi.\textsuperscript{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 Qurʾān (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 Qurʾān that its devotees endowed it with its classical name.

Secondly, shūrā is used now in the sense of the specific procedure adopted by ʿUmar and now in the sense of any mode of election based on respect for public opinion (nos. 1, 8),\textsuperscript{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 Hashimite clan alone (nos. 7, 8, cf. 1, 4, 9, 13), and saw kinship with an actual caliph or a member of ʿUmar’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 Ibāḍī imam Ibn Rustum was chosen in a shūrā modelled on ʿUmar’s, as has been seen, and though the Nukkār disputed his succession, they did not do so with reference to his descent.\textsuperscript{86} The succession of Yazid I was only a violation of shūrā because Yazid 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 Shiʿites 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

\textsuperscript{84} Kaṭāb al-ʿuyūn waʾl-ḥadāʾiq, ed. M. J. de Goeje, Leiden 1869, 191.4.

\textsuperscript{85} Compare the Basrans after the death of Yazid I: ʿUbaydallāh b. Ziyād told them to elect an interim governor, and they duly elected ʿUbaydallāh himself, ostensibly ʿan (var. ʿalā) ridān minhum wa-mashwarā; one of them later characterized their pledge of allegiance to him as bayʿat i-ridā – ridān min mashwarā – for its alleged roots in public wishes. Thereafter they expelled him (Tab. ii, 437.10, 441.13; Naqāʾid Jarīr waʾl-Farazdaq, ed. A. 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).

\textsuperscript{86} Cf. Rebstock, Ikāḥaṭ, 164ff.
explicit ruling in the Qur'ān or Ḥadīth). But Abū Bakr, Muʿāwiya and later caliphs were ordinary human beings, and designation by them was simple an ʿahd, “compact”, or waṣiyya, “testamentary disposition”, which had to take the wishes of other human beings into account. What was wrong with Muʿāwiya’s ʿahd, 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), Shiʿite 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 Hijāz, except by caliphal appointment, and Ibn al-Zubayr’s perspective appears to have been as parochial as that of everyone else.

V. Shūrā and taḥkim.

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 taḥkim, 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, taḥkim was Shūrā by proxy.87

87 I owe the felicitous phrase to Chase Robinson. For the rest, see EJ, s.v. ‘taḥkim’ (Djeblī).
The best known arbitration in early Islamic history is that between ʿAlī and Muṣāwiya after the battle of Ṣiffin. ʿAlī appointed one ḥakam, Abū Mūsā; Muṣāwiya appointed another, ʿAmr b. al-ʿĀṣ. It is not clear from the arbitration document precisely what the two arbiters were empowered to do, but if we go by the akhbāris, they were authorized to settle the succession in any manner they liked: they are said to have considered appointing ʿAbdallāh b. ʿUmar as caliph (in another illustration of the importance of heredity), and they eventually agreed to consider both ʿAlī and Muṣāwiya 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 qadiyya, and the entire umma undertook to help the arbiters enforce it. (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 ʿUbaydallāh b. Ziyād, they first engaged in feuding and next resolved to make peace. They appointed (ḥakkamū) two men as arbiters, instructing them to choose an interim governor on their behalf and promising to abide by their choice. One was a Muḍārī, the other a Rāṣibī, of Rāṣib b. Jarm/Qudāa, 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 Muḍārī of an Umayyad, and each nominated a candidate. We are told that the Jarmī then pretended to agree with the Muḍārī’s choice so that the Muḍārī authorized him to act on his behalf in the public meeting; or the Jarmī told the Muḍārī that “we can’t both of us speak”, whereupon the Muḍārī 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 Muḍārī 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

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88 Tab. i, 3356, 3358.
90 Tab. ii, 444.20; other versions have qalladā (ibid., line 7) and tarādaw bi- (Naqāʾīḍ, ii, 726.16).
91 Thus Abū ʿUbayda in Tab. ii, 446; Naqāʾīḍ, ii, 726.18. Cf. W. Caskel, Ġamharat an-Nasab, Leiden 1966, Register, s.v. ‘Rāṣib b. al-Ḥazraq’. 

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for you (rauditu lakum bihi)”, he concluded. “We approve (radīnā)”, 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 ‘Ali’s followers, it was by clever manipulation that ‘Abd al-Raḥmān b. ‘Awf had contrived to elect ‘Uthmān rather than ‘Ali in the shūrā93 and by outright trickery that ‘Amr b. al-‘Āṣ had secured ‘Ali’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 ‘Ali and Mu‘āwiya and next ‘Amr b. al-‘Āṣ confirmed ‘Ali’s deposition while affirming the rights of Mu‘āwiya, so that formally the joint decision of the arbiters was that ‘Ali 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 sunna and allegiance to al-riddā”, 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 Jāhm b. Ṣafwān should arbitrate between them (an yahkuma baynahum [sic]). Muqātil was associated with Naṣr while Jāhm 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 ‘Ali’s reluctance to accept ‘Abd al-Raḥmān b. ‘Awf as sole elector.
94 Tab. i, 2795, where he tricks ‘Ali into giving the wrong reply to ‘Abd al-Raḥmān b. ‘Awf.
95 Tab. ii, 1567.4.
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. 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 Muqātīl b. Sulaymān and Muqātīl b. Ḥayyān, and al-Ḥārith chose al-Mughīrah b. Shu‘ba al-Jahdāmī 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 Tukhāristān, 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". The flow of the narrative suggests that this is the shūrā that al-Ḥārith had asked for, but actually it is a tahkīm, 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 tahkīm 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, Muqātīl 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 (ṣira, kitāb) read aloud to people, which is also stated in different words shortly before the account of that with four.

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). 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). 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 *taḥkīm* 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 him\(^\text{103}\) or by making over the actual choice to them.\(^\text{104}\) 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,\(^\text{105}\) not a single demand for, or attempt to use, it seems to be recorded outside Khaṭṭijītes circles after the accession of the ʿAbbāsids.\(^\text{106}\) Numerous Zaydī rebels called to the *ridā* from the Prophet’s family:


\(^{104}\) Recommended by ʿUmar 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 ʿUthmān, 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 ʿUthmān’, *International Journal of Middle East Studies* 3, 1972 (reprinted in his Studies), 458).


\(^{106}\) 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 ʿAbbāsids, as stated by B. Lewis, ‘On the
thus al-Ḥusayn b. `Alī 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 Yaḥyā b. ʿUmar in Kufa in 250/864,111 and al-Ḥasan b. Zayd in Ṭabaristān from 250/864 onwards.112 But what the Zaydis meant by al-ridā 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 ʿAbbāsid 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 Shiʿite. Even Umayyad legitimists cast their claims in a Shiʿite form.114 The ʿAbbāsids 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


107 Abū ʿl-Faraj al-Iṣfahānī, Maqātil al-tālibiyin, ed. A. Ṣaqr, Cairo 1949, 450.2 (al-ridā 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-Ṣūfī, 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 ʿUthmānis who presented the Umayyads of Syria and Spain as imams following one another by naṣṣ (al-Masʾūdī, K. al-Tanbih waʿl-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 Ḥāshimites: 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 Shi‘ites and non-Shi‘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 Ḥāshimites 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-ʿAṣamm 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 *tulaqā* who had converted late in order to snatch the prize.

As Hāshmites, the ʿAbbāsids 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 Khurāsānis 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 the might hail from, with which they could identify. This was the great achievement of the ʿAbbāsids 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 ʿAbbāsids “granted equality to Arab and non-Arab Muslims”.

The ʿAbbāsids 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 Khārijites, *shūrā* lost its appeal because there was no longer any doubt that the polity needed a sacred lineage, meaning Hāshmites. The ninth-century Muʿtazilites 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 Ḥadith and needed it to preserve the legitimacy of the first three caliphs. In practice there could not be any question of replacing Hāshmites with Qurashi ʿs more distantly related to the Prophet (unless one was an Umayyad legitimist), only with Hāshmites more closely related to him. The alternative to ʿAbbāsids was ʿAlids. *Shūrā* could still have survived as an elective procedure used within the ʿAbbāsid 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 ʿAbbāsid discussion.

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

Given that al-Asāmm 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 ʿUmar’s shūrā had succeeded in electing the best man: the most meritorious man in his view had been ʿAbd al-Raḥmān b. ʿAwf, 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 imamates of ʿUthmān and Muʿāwiyah, but not that of ʿAlī, whose position did not rest on shūrā,119 who had not been al-ridā min al-umma120 and on whom there had been no agreement.121 ʿAlī had been right to fight ʿĀʾishah, Ṭalḥa and al-Zubayr, and also to accept arbitration in the battle against Muʿāwiyah, 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 ʿAlī so that agreement could be achieved; and ʿĀʾishah, Ṭalḥa, al-Zubayr and Muʿāwiyah had all been right to resist ʿAlī, 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-Asāmm is reported to have rejected shūrā as an instrument for obtaining consensus in his own time, equating it with ikhtiyār baʿḏ al-umma, election by part of the community.

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116 The evidence is indirect, cf. van Ess, TG, ii, 409 and note 2 thereto.
117 Ps.-Nāshī in J. van Ess (ed.), Frühe muʿtazilitische Härerisographie, Beirut 1971, 100 (tr. van Ess, TG, v, 204f). Compare the Ibadī Khālid b. Qahtān (wrote c. 900) in S. I. Kāshif (ed.), al-Siyār waʾl-jawābi, Cairo 1986, i, 100: the members of the shūrā agreed on ʿAbd al-Raḥmān b. ʿAwf (as the elector) because he was the best of them (afḍalahuhum).
118 Ps.-Nāshī, 101; al-Asfārī, Maqālāt al-islāmiyyān, 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 ʿAbd al-Jabbar, Mughni, xx, part 2, 61.
121 Thus Asfārī, 456,10.
122 Asfārī, 457,13, al-Mufid, al-Jamal, ed. A. M. Sharīf (Muṣannafāt al-shaykh al-Mufid, i), Qumm 1413, 62f (tr. van Ess, TG, v, 205f); differently Nawbakhtī, Fīraq, 14 (tr. van Ess, TG, v, 207), where he only approves of those who abstained from war.
rather than all of it.\textsuperscript{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:\textsuperscript{124} hence he thought it might be better to have several imams ruling smaller areas, or wholly local government without any imam at all.\textsuperscript{125}

To al-Jāḥiẓ, \textit{shūrā} was not so much unworkable as unnecessary. He did not worry about consensus and he scoffed at al-Ąṣamm’s ideas (as expounded by the latter’s presumed pupils).\textsuperscript{126} What interested him was government by a man of unsurpassed merit. Are people obliged to set up an imam, he asks in his \textit{‘Uthmānīyya}, having in mind a situation in which a usurper (\textit{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 \textit{taqiyya}) and if they know where the rightful candidate (\textit{al-mustahiqq}) is to be found.\textsuperscript{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-Jāḥiẓ 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. Ẓāliḥ b. Ḥayy among the Zaydis, Mīrādās 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,\textsuperscript{128} nor was there a \textit{shūrā} about him, nor was there any need to cast lots between candidates of equal merit.\textsuperscript{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 Jāhibiya, without there ever having been a \textit{shūrā} about it or any casting of lots. It simply is not possible that the most perfect man (\textit{akmal al-nās}) should be unknown. He could not become the

\textsuperscript{123} al-Bağlādā, \textit{Uṣāl al-dīn}, Istanbul 1928, 287.5; tr. van Ess, \textit{TG}, v, 203.

\textsuperscript{124} Similarly van Ess, \textit{TG}, ii, 409; cf. also iv, 707.

\textsuperscript{125} Cf. van Ess, \textit{TG}, ii, 409ff and the references given there; also discussed in P. Crone, \textit{`Ninth-Century Muslim Anarchists’}, \textit{Past and Present} 167, 2000, 13f, 17-19.


\textsuperscript{127} \textit{Uthmānīyya}, 250 (here the question is raised), 261ff (where it is answered after a long diatribe against the ʿāmma).

\textsuperscript{128} Literally “so that all of them could say yes” (\textit{Uthmānīyya}, 265.13).

\textsuperscript{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 (Māwardi, \textit{Akhām}, 8, 10 (ed. Cairo, 8, 9) = 6, 8; Abū Yaḥyā, \textit{al-Aḥkām al-sulṭānīyya}, ed. M. Kh. al-Fiqi, 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.\textsuperscript{130} Al-Jāḥīẓ 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 ʻUmar’s \textit{shūrā} which found ʻUthmān 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 \textit{shūrā} as in the case of ʻUthmān; and by universal acceptance of the obvious man, as in the case of Abū Bakr. The Prophet did not appoint any \textit{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.\textsuperscript{131} This last is the situation that so many sources envisage as ideal.

Al-Jāḥīẓ’ 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 ʻAbbāsid revolution, it is certainly odd, for even ʻAbbāsid loyalists must have found it difficult to envisage Abū ʻl-ʻAbbās as the most learned and pious scholar of the age, and he was in any case was supposed to have been designated by Ibrāhīm al-Imām, so that public knowledge about his merits was irrelevant. Perhaps al-Jāḥīẓ (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 ʻAlī 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.\textsuperscript{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-

\textsuperscript{130} ʻUthmāniyya, 265-268.

\textsuperscript{131} ʻUthmāniyya, 268, 270 with the continuation at 132.8ff (cf. the review by C. Pellat in \textit{Arabica} 3, 1956, 323).

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, Ḥijāzis, Tiḥāmīs, Jazaris, Qurashīs, Ḥusaynīds, Hasanids, Iḥādis, 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. 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 (*fithi*), or about the question (*fī ḥādīth*), not among the contenders.

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. 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

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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-Ḵāsim 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-Iḥtijāf *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-Jāḥiz were in perfect agreement.

To al-Asamm, government was legitimated by consensus while ethnicity was transcended by being ignored. To al-Jāḥiz 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-Asamm, *shūrā* had lost its appeal because it was too narrowly conceived to articulate consensus in a large community; to al-Jāḥiz 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 Sunni jurists.**

For all that, electoral procedures loom large in the classical expositions of Sunni constitutional law. Most of these works date from the tenth and eleventh centuries when Shi‘ism was, or recently had been, politically ascendant, and since they were usually written in implicit or explicit polemics against the Shi‘ites, their authors come across as closer in spirit to al-Asamm than al-Jāḥiz. 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 ‘Abbāsid caliphate, it might be preferable, or at least permitted, to opt for a non-Qurashi candidate.\(^{138}\) The imam had to be meritorious and ought to be the most meritorious


\(^{137}\) ‘Abd al-Jabbār, *Mugḥni*, xx/1, 234ff, esp. 238; compare the discussion in al-Bāqillānī, *al-Tamhīd*, ed. M. M. al-Khuṭayrī and M. ‘A.-H. Abū Rīda, Cairo 1947, 182, 184. But Bazdawi, *Uṣūl*, 187f, does say that the imam must be a Qurashi because he occupies the position formerly held by the Prophet, seemingly untroubled by the obvious Shi‘ite counter-argument that he ought in that ease to be a descendant of the Prophet. Neither al-Māwardī nor Abū Ya‘lā offers explanations of the rule.

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 (wakil li’l-ummma wa-nā’ib ‘anḥā),¹⁴² and his position rested on a contract with the community, not on Prophetic designation. The Sunnis were adherents of ikhtiyār as distinct from those who believed in nāṣṣ and made the caliphate hereditary (mawrāṭha).¹⁴³

None of this means that the jurists were unhappy with dynastic succession in the ‘Abbāsid 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-hall wa’l-aqd, 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 ‘ahd and nāṣṣ.)¹⁴⁵ A single elector likewise sufficed where the candidate

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¹³⁹ Māwardi, 8f (ed. Cairo, 8) = 6f (noting Jāḥiz’s disagreement); Abū Ya’lā, Ahkām, 20; Bāqillānī, Tamhid, 183f, ‘Abd al-Jabbār, Mughni, xx/1, 215ff; Bazdawī, Uṣūl, 187f; Juwaynī, Ghiyāḥ, 246. Bazdawī wrongly claims that the Ashʿarītes disagreed, apart from al-Qalānīsī.

¹⁴⁰ ‘Abd al-Jabbār, Mughni, xx/1, 227ff, 248.

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

¹⁴² Bāqillānī, Tamhid, 184.-5.

¹⁴³ Baghdādī, Uṣūl, 279f; Bāqillānī, Tamhid, 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 (Māwardi, 12f (ed. Cairo, 10) = 9f).

¹⁴⁵ Both Māwardi and Abū Ya’lā stick with ‘ahd, but ‘Abd al-Jabbār regularly uses nāṣṣ (e.g. Mughni, xx/1, 253.6) Al-Ghazālī uses of tanṣīṣ of designation by the Prophet and the
was the most meritorious member of his time\textsuperscript{146} or where a contract was only required to ratify a \textit{fait accompli}, as for example when a qualified candidate of the right kind (\textit{imām al-haqq}) had assumed emergency powers or established himself by force, or received power from wrongdoers (after the fashion of `Umar II).\textsuperscript{147} Some held that no contract was required at all when a man had established himself by force.\textsuperscript{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;\textsuperscript{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 \textit{tahkim});\textsuperscript{150} or any plural number would do,\textsuperscript{151} or one man sufficed in all circumstances.\textsuperscript{152} \textit{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, \textit{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

\textsuperscript{146} Abū `Alī al-Jubbārī in `Abd al-Jabbār, \textit{Mughnī}, xx/i/1, 253; Ashʿarī in Bazdawi, \textit{Uṣūl}, 189.

\textsuperscript{147} `Abd al-Jabbār, \textit{Mughnī}, xx/i/1, 253ff, citing Abū `Alī al-Jubbārī, but cf. 258.6, where he seems to credit it to Abū Hāshim al-Jubbārī.

\textsuperscript{148} Thus most \textit{ahl al-summa wa l-jamā'a}, in a quietest vein (cf. Abū Ya`lā, \textit{Aḥkām}, 23f, who does not agree; Bazdawi, \textit{Uṣūl}, 192). Similarly Juwaynī, \textit{Ghiyāḥ}, 451-91, for quite different reasons (cf. Hallaq, above, note 138), followed by Ghazālī, \textit{Iḥtiṣāl}, 238, as far as the fully qualified Qurashi candidate without competitors is concerned.

\textsuperscript{149} Four men reputedly agreed with `Umar before he gave allegiance to Abū Bakr, and four with `Abd al-Rahmān b. `Awf before he gave allegiance to `Uthmān. The rule is accepted by Abū Hāshim al-Jubbārī in `Abd al-Jabbār, \textit{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, \textit{Tamhīd}, 179. When `Abd al-Jabbār lays down that there should be six electors (\textit{Mughnī}, xx/1, 252.17), he must be including the candidate.

\textsuperscript{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 (Ashʿarī, 68.2; `Abd al-Jabbār, \textit{Mughnī}, xx/2, 184.16, citing Ka`bī; Madelung, \textit{Qāsim}, 62-4) and, we are told, the Khārijites (Nawbakhtī, 10).

\textsuperscript{151} Bazdawi, 189, but he seems to confuse the contract and the oath of allegiance incumbent on everyone once it has been concluded.

\textsuperscript{152} Cf. Māwardī, 7 (ed. Cairo, 7) = 5. This was the position of Bāqillānī, \textit{Tamhīd}, 178 (one or more) and al-Juwaynī, \textit{al-Iṣrahād}, ed. and tr. J.-D. Luciani, Paris 1938, 239.9 = 356. It reappears in al-Ījī, \textit{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.\textsuperscript{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-STALL wa’l-\textsuperscript{c}aqd represent the community in the sense that they are discharging a communal obligation (\textit{fard 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’\textsuperscript{y} wa’l-tadbīr wa’l-fiqh, afādīl al-muslimūn).\textsuperscript{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.\textsuperscript{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.\textsuperscript{156}

The concept of \textit{fard 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 \textit{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.

\textsuperscript{153} 'Abd al-Jabbār, \textit{Mugnī}, xx/1, 256f; Māwardī, \textit{Aḥkām}, 12 (ed. Cairo 10) = 9; Abū Ya‘lā, 25.16.

\textsuperscript{154} Bazdawī, \textit{Uṣūl}, 192.13; Bāqillānī, \textit{Tamhīd}, 178.8.

\textsuperscript{155} Māwardī, 5 (ed. Cairo, 4) = 4; Abū Ya‘lā, 19. But 'Abd al-Jabbār did think that geographical proximity created an obligation (cf. the next note).

\textsuperscript{156} 'Abd al-Jabbār, \textit{Mugnī}, 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-ridā*) will be general and submission to his imamate will be by consensus (*ijmāʿan*)”.  

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.  

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. 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 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.  

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 Sāsānīd 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.

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

159 *Tamhid*, 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 Shiites), designation by the previous imam, and delegation of power (tafwiḍ) from a strong man.161 “Authority (al-wilāyā) 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 ikhtiyār 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 Shiites; and of course amirs and sultans continued to engage in consultation too. But shūrā as an elective institution was now well and truly dead.

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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 and after the Abbasid revolution. It ends with an examination of its residues in juristic thought.

161 Iḥtiṣād, 237f.
162 al-Ghazālī, Iḥyā’ ʿulūm al-dīn, Cairo 1282, ii, 116.6.