The Formation of Legal Thought and Governance Issues in the Medieval Islamic World

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Abstract:

The relevance of the topic lies in the fact that, in the modern era, studying the formation stages of legal doctrines is essential for a deeper understanding of the intricacies of legal systems. In the medieval Islamic East, oppositional movements and political-legal doctrines significantly influenced the legal framework of the time. Therefore, the study of the topic "The Formation of Legal Thought and Issues of Governance in the Medieval Islamic World" is highly relevant for contemporary legal and historical research.

As mentioned earlier, some movements and opposition groups advocated for governance to be carried out exclusively by the Bayt al-Hikma and claimed that only the imamate had the legitimate right to rule, while others argued that authority should be established through a process of selection, emphasizing the right of all individuals to participate in governance. This divergence of opinion laid the foundations for early democratic principles.

Thus, this article has comprehensively examined the development of legal thought in the Muslim world and the interrelationship between political-legal doctrines. I believe that this research contributes significant insights to the field.

Keywords: *Imam, succession, caliph, power, Islamic religion, ruler, legitimacy, political governance, inheritance, Middle Ages, justice*

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INTRODUCTION

The political and legal conflicts that occurred in the early period following the emergence of Islam demonstrate the close relationship between religion and politics. At the root of these conflicts lay the issue of the caliphate. The assassination of the third caliph, Uthman, intensified these disputes. As a result, two major schisms occurred in Islamic history due to increased power struggles. These divisions were inflamed by the competing claims to leadership by Ali ibn Abi Talib and Muawiyah ibn Abu Sufyan. One of the movements that emerged from these schisms was the Kharijite movement, which faced many difficulties during the Fatimid era in Africa. Northern Africa was divided between Sunni Islam and the Kharijites (*Encyclopedic Dictionary of Islamic History, Philosophy, and Law.*2016).

The Kharijites believed that the caliph should not only be chosen from the Quraysh tribe but could also be selected from other tribes. According to them, "the main principle of a just ruler is the presence of political and legal legitimacy." In their view, if a caliph committed a sin, he was considered to have left Islam and thus had to be removed from office and executed. In contrast, the Shia movement linked the caliphate with religion and argued that succession should belong solely to the lineage of Ali and his descendants. It can be clearly concluded from research that Shia ideology viewed the issues of succession and legitimacy through the lens of the theory of imamate, approaching these issues from a religious and mystical perspective. The imamate was not only a religious leadership but was also seen as an institution that regulated social relations and implemented political governance. According to the Shia belief, the imams were infallible. Another significant movement was the Mu'tazilite movement, which also had its own perspective on legitimacy in Islamic law. According to the Mu'tazilite doctrine, legitimacy is based on human will and divine justice. They believed that rulers, including caliphs, should be held accountable for their actions just like any other person. In their teachings, they emphasized that logic and justice should be the primary principles in governance. The ideas promoted by religious doctrines and opposition movements had a profound impact on the development of Islamic legal thought and left deep marks in history (*Encyclopedic Dictionary of Islamic History, Philosophy, and Law*. 2016).

Since politics and religion were closely intertwined in the early stages of Islam, the issue of legitimacy was not only a religious matter but also a significant subject in the field of political governance. Conflicts over the caliphate gave rise to new ideas about legitimacy. The Kharijites' view justified the killing of a sinful political leader, even if he was in power. These ideas directly contradicted the views of the Shia. According to the Shia, the caliphate was a divinely ordained mission. They believed that imams had extraordinary knowledge and that leadership of the caliphate should be reserved for their descendants—specifically, the descendants of Ahl al-Bayt. The Shia also believed that the imam was not only a political leader but also a guardian of religious and moral values. The temporary concealment of the imam further reinforced these beliefs, as they associated it with occultation, believing that the imam would reappear and restore justice. The Mu'tazilite school also emphasized free will and moral responsibility. They argued that justice and the rule of law were the key factors ensuring the legitimacy of authority. According to them, a person should be held accountable for their

actions, and the system of punishment should be applied fairly. Different perspectives and ideas related to the concept of legitimacy had a significant influence on enriching legal thought in the Muslim world and contributed to the formation of political legal ideas. Today, legitimacy is generally understood as the recognition of authority by the people (*Encyclopedic Dictionary of Islamic History, Philosophy, and Law*. 2016).

The Kharijites' claim that a sinful leader had effectively left the fold of Islam carried not only religious but also political implications. In their view, a leader's legal status was closely tied to his personal 7morality, which introduced a more democratic approach to leadership. However, the Kharijites' radicalism and resort to violent methods prevented them from gaining broad popular support.In contrast, the Shia movement took an entirely different path, emphasizing the spiritual foundations of authority. Nevertheless, the Mu'tazilite school adopted a completely different position. They interpreted the principles of divine justice and human will, which were also emphasized by other groups, in a unique way. Their aim was to reconcile these ideas on both religious and ethical grounds. They believed that in order to establish justice in society, religious laws had to be applied in a way where reward and punishment were mutually reinforcing.

According to their worldview and ideology, a religious leader should not only be punished for his misdeeds but also rewarded for his righteous actions. From all this, it becomes clear that under the influence of opposition movements, a new perspective emerged in the Muslim world during that period—one that led to the development of not only legal but also religious and political ideas. As a result, the understanding of Islamic law and governance became more enriched. Before the rise of these opposition movements, the concept of legitimacy had been almost entirely limited to practical governance. However, under their influence, it began to develop further. The Kharijites tried to align the concept of legitimacy more with morality and law. According to them, there was only one rightful way to lead a state—by properly implementing the laws of justice, morality, and religion. If a ruler failed to do so and committed sins, he was considered to have left Islam, and in that case, he could be executed. In short, they did not perceive legitimacy as something divinely ordained; rather, it had to be based on a person's actions. As long as it aligned with the fundamental principles of Islam, it was valid. They adopted a religious approach to legitimacy similar to their views on succession. According to them, just as succession should be reserved for a person from the lineage of Ahl al-Bayt, so too should legitimacy. They believed such individuals were divinely chosen and considered imams to be infallible. This was regarded as the highest principle in governance. According to the Mu'tazilite school, however, governance should be based not only on religious matters but also on human reason and logic, and it should be regulated by legal norms. These were the main approaches in Islamic law at the time and played a significant role in shaping thoughts on succession and legitimacy.

In general, the issue of legitimacy in the Muslim world, like succession, was not limited to merely identifying the source of political power or the person who governed the state. It also had a major influence on the broad development and enrichment of religious views and perspectives. Without a doubt, the opposition movements and the approaches they introduced played a vital role. To understand the foundation and evolution of the concept of legitimacy in the Muslim world during that

era, it is essential to first examine the worldviews of the opposition movements, conduct comparative research, and carry out a thorough analysis. (Sharifov, Shahlar. 2017).

The views of the Kharijites regarding sinful rulers—that they should be considered apostates and punished—implied not only their removal from political leadership but also their exclusion from religious and spiritual authority. However, the Kharijites believed that this was the only way to protect the rights of all individuals in society and to ensure equality among them. The Shi'ites, on the other hand, had a completely different perspective on legitimacy. They believed that legitimate leadership could only be exercised by a person chosen by God—namely, the Imams—who must serve as both political and religious leaders. According to Shi'ite thought, only the Imams, due to their high moral and spiritual qualities and their infallibility, could restore justice and righteousness. (Jafarli, Nazim. 2023.) In their view, legitimacy is rooted solely in religious knowledge and must conform to the fundamental laws and principles of Islam. Since leadership is the exclusive right of the descendants of the Ahl al-Bayt, it was considered both absolute and immutable. The Mu'tazilite school, however, adopted a more nuanced and complex approach. They neither fully agreed with the Kharijites nor with the Shi'ites, instead justifying their views from a middle-ground position. For the Mu'tazilites, justice and human will had to be in harmony with religion and its principles. They also emphasized the moral responsibility of the leader. In their view, a ruler's actions should not only be based on religious principles but also be shaped by the people's free will and actions. In the early periods after the emergence of Islam, opposition movements' perspectives on legitimacy and succession were not limited to political conflicts—they also sparked major controversies in legal thought. Nevertheless, it cannot be denied that these movements contributed significantly to the formation of political and legal thought in the Islamic world. Notably, the Kharijite ideas on electing rulers by the people, though controversial, were considered innovative and democratic for the time. They laid the foundations for the formation of democratic principles and views. According to the Kharijites, just as the ruler is chosen by the people, the ruler's duty is to ensure justice, and the people have the right to demand this from the ruler. (Ministry of Internal Affairs of the Republic of Azerbaijan, Police Academy.2016).

They believed that political power could only be preserved in this way, and that every individual in society would believe in the existence of justice and strive to uphold its principles. However, the Kharijites were among the most radical of these opposition movements. They considered the use of force to change power as legitimate and justified their oppositionist ideas accordingly. (Sharifov, Shahlar. 2017).

The views on legitimacy and succession held by the Fatimids and Nizaris provoked different reactions and thoughts among various social groups in the Islamic community. Both Fatimids and Nizaris analyzed these issues in conjunction with political and religious leadership, and attempted to explain them on philosophical and theological grounds. Their ideas were not confined to the territories under their control but influenced the entire Islamic world.The Fatimids and Nizaris each developed their own interpretations of legitimacy and succession. The Fatimids elaborated on these ideas to a lesser extent, while the Nizaris expanded on them significantly, aligning them more with governance and political issues. The foundation of the Fatimid Caliphate by a dynasty adhering to Shi'ite Islam led them to associate governance closely with the theory of imamate and the Ahl al-Bayt. They also

claimed that political and religious leadership was divinely appointed and that only individuals from the Ahl al-Bayt lineage had the right to govern. This was reflected in their system of governance: every political decision in the Fatimid state was based on religious teachings and principles. This demonstrates that, during the Fatimid period, Islamic law and instruction were not only grounded in legal norms but also deeply rooted in religious values.

THE FOUNDATIONS OF THE EMERGENCE OF LEGAL THOUGHT

The Nizari understanding of legitimacy and succession was far more complex. According to the Nizaris, the Imam should govern not only because of his religious authority but also due to his unique esoteric knowledge. This knowledge regulated not only religious and political norms but also ensured the spiritual development of society. They believed that only the Imams could truly represent God's will and interpret the hidden meanings of sacred texts. This gave their notion of legitimacy a deeper meaning, going beyond family lineage and succession. They believed that the one who governs must do so based on religious instruction and the spiritual authority of the Imams. Hence, a ruler's legitimacy depends not just on political or legal authority but also on religious legitimacy. (Sharifov, Shahlar. 2017). The ideas of the Nizaris and Fatimids sparked major debates not only among Shi'ites but across the Islamic world. These debates reignited disputes over leadership and succession. Both groups—Nizaris and Fatimids—sought to explain and justify their ideas in their own unique ways. Their perspectives showed how religion and politics could complement one another. Ultimately, both the Fatimids and Nizaris left a profound mark on Islamic thinking about legitimacy and succession. In their view, religious leadership did not only stem from hereditary succession, but also from the esoteric knowledge possessed by these leaders. The Fatimids, however, held a distinctly different view. They based their beliefs on the divine appointment of the Ahl al-Bayt. They saw themselves, through their connection to Imam 'Ali and his lineage, as the only legitimate ruling dynasty of the Islamic world. Therefore, in establishing their state, they associated legitimacy with succession that was both political and religious in nature. (Shamiyeva, Hayat. *Religious-Political Movements in Azerbaijan (8th–9th Centuries).* Baku: Khan Publishing House, 2019, p. 56.). They believed that the ruler of the state was appointed by God, and that hereditary succession was of vital importance. This was one of their core principles in governance. All of this clearly and comprehensively explains how different the Nizaris and Fatimids were in their views on legitimacy and succession. For the Nizaris, true legitimacy was measured through the esoteric knowledge granted by God to the Imam. This understanding of leadership brought a unique perspective to the relationship between religious and political authority. The concepts of legitimacy and succession in the states of the Nizaris and Fatimids not only shaped governance but also played a significant role in the development of religious, political, and legal theories. On one hand, a common feature between them was the belief that leadership was divinely appointed—this was their foundational shared principle. The Fatimids believed that leaders descended from Imam 'Ali were not only religious guides but also political heads of society. This idea revealed that divine appointment was central to leadership. Under the influence of the Nizaris and Fatimids, the concept of legitimacy in the Islamic world was interpreted not only within a legal framework but also philosophically and theologically, and these perspectives were greatly expanded. They combined legal and religious teachings within their states and explained their interconnection. In doing so, these

views played a foundational role in the emergence of new legal and philosophical thought in the Islamic world. In general, the Nizaris spread more widely in regions outside the Fatimid sphere of control. They transformed Alamut, located in the mountains of northern Iran, into an impregnable fortress and established a state there. (*Encyclopedic Dictionary of Islamic History, Philosophy, and Law.*2016.).

In the medieval Muslim East, political governance was based on Islamic law, and the source of its legitimacy stemmed from this legal foundation. The power of the head of state was confirmed by Qur'anic verses and the Prophet's Sunnah, which also emphasized obedience to leadership. However, opposition movements of the time tried to challenge this and proposed alternative models. These political movements—including the Kharijites, Shi'ites, and Mu'tazilites—offered differing views on how the caliph should fulfill his duties. According to the Kharijites, a leader acting against religious laws lost their legitimacy, and in such cases, they believed it was obligatory to disobey them. Furthermore, the Kharijites argued that in order for power to be legitimate, it must be accepted by the people—popular consent was essential. This resembled a contract of mutual agreement between the ruler and the people. In Shi'ism, it was believed that the right to rule should be reserved for those descended from the Ahl al-Bayt, and similarly, they argued that the legitimacy of power was based on the concept of *imamate*. In other words, legitimacy only existed if the ruler was an Imam chosen by God. This idea became widespread, particularly during the Abbasid Caliphate. The theory of *imamate* essentially asserted that political authority must rest on divine appointment. However, during the Umayyad and Abbasid periods, this principle gave rise to significant disagreements and disputes. During the medieval Islamic period, there were major debates among scholars over this issue. For example, Nizam al-Mulk—under whose patronage the famous calligrapher Nizami of Tabriz lived and who taught at the major madrasa in Nishapur argued that rulers should govern not only according to legal norms but also in accordance with the principle of justice. That is, if they had to choose between legal codes and their conscience, they should follow the guidance of their conscience. They believed that the legitimacy of a ruler should not be based solely on religious law but should also serve the well-being of society. If there was a contradiction between the two, the welfare of the people should take precedence. The ideas voiced by opposition movements and religious sects about the legitimacy of rulers and sources of authority helped to develop these concepts, improve public welfare, and establish law and justice. During the era of the first caliphs—especially under the Umayyads—questions such as "On what should the legitimacy of a ruler's authority be based: Islamic law or other sources?" began to emerge. Although each opposition movement offered different ideas, the Kharijites, in particular, emphasized that legitimacy must be based on justice and the Qur'an. Their idea that even a sinful caliph should be removed from power led to major changes. These contradictions laid the ideological groundwork for rebellions against the ruling power during the Umayyad and Abbasid periods. Beyond legal and political legitimacy, there was also a concept of moral and religious legitimacy, which grew stronger especially in theories advocating governance by the *imamate*. In his *Siyasatnama* (Book of Government), Nizam al-Mulk emphasized that for the state to be strong, not only laws but also the personal moral and ethical qualities of the ruler were essential. He argued that the ruler should first and foremost establish justice and ensure public welfare. His ideas brought forth a governance model integrating law, religion, and ethics. Nizam al-Mulk was not only concerned with the welfare of the people but also with the interests of the ruler or caliph. He believed that if the people lived in

prosperity, the ruler would remain in power for a long time. Aside from the Kharijites, another movement with radical views on legitimacy was the Qarmatian movement. According to them, the state could only be legitimate if it ensured public welfare, with social equality taking top priority. The Qarmatian rebellions were particularly directed against social injustice, and they—alongside the Kharijites, Isma'ilis, and other opposition movements—had a profound impact. It was after their ideas spread that a degree of political stability began to emerge. (Sharifov, Shahlar, 2017). The Fatimids played a significant role in shaping ideas about the legitimacy of the ruler in the Muslim East during the medieval period and made invaluable contributions to the development of political and legal thought and new doctrines. In order to study the sources of legitimacy and authority of rulers in the medieval Islamic East, it is essential to comparatively analyze the opposition movements and religious doctrines—particularly the legal-political views and administrative approaches of the Mu'tazilites, Kharijites, Fatimids, and Nizaris. (Gasimov, Kheyribey.2008.). While their ideas often sparked wide debates, their irreplaceable role in the formation of new schools of thought during that period cannot be denied.

THE SOURCE AND LEGITIMACY OF AUTHORITY

The Shi'a believed that the state should only be governed by Imams, who are the rightful successors of the Prophet, appointed by divine authority, and that no form of coercion should be exerted against them, as leadership was their inherent right. These doctrines, particularly during the Abbasid era, played a major role in inspiring resistance movements against the ruling powers. During the Abbasid caliphate, the conflicts between Sunnis and Shi'as intensified, and the issue of who held the authority to appoint the ruler became increasingly complex.While Sunnis supported the selection of the caliph based on public consensus and consultation (shura), the Shi'a held that only a divinely appointed Imam was legitimate. In the Islamic world, the source of legitimacy for rulers and power was not determined solely by religious criteria, but also by political, social, and philosophical worldviews. These conflicts provided fertile ground for the emergence of opposition ideologies. The newly emerging opposition movements and sects introduced not only religious-legal doctrines but also emphasized social and moral principles, public welfare, and economic justice, thereby shaping new political outlooks and administrative models. As a result, theories of governance became increasingly complex. Each of these movements, with their distinct ideologies and perspectives, contributed to the development of a range of political theories. Through these movements, both active struggles against centralized authority and the formulation of alternative concepts of legitimacy emerged. Consequently, the concept of the "source of authority" came to reflect broader ideological and sociopolitical dimensions. These movements argued that those in power must never act unjustly and should always uphold moral and ethical standards. According to them, the ruler's legitimacy did not stem solely from law but also from his moral and social qualities, which, in turn, ensured social stability and justice. A central goal was to maintain peace and unity among different social groups and strata. As a result of these movements, new theories of political legitimacy emerged in the Islamic world, further complicating the discourse around power and authority. Overall, in the medieval Islamic East, the issue of legitimacy was shaped by a wide range of political, religious, and philosophical currents. The concept of the "Caliphate" was seen as a source of both political and religious authority. However, each sect and movement

interpreted this concept in different ways. For example, the Shi'a belief that only the descendants of the Prophet's household (Ahl al-Bayt) should rule led to the perception that the existing caliphs were illegitimate, reinforcing the idea of their unlawful authority. This view was shared in part by both the Kharijites and Shi'a, who rejected the legitimacy of the caliphate—but for different reasons. The Kharijites believed the ruler became illegitimate when he acted unjustly toward the people. Despite their differences, all these movements shared a common goal of ensuring political stability. Unlike others, the Ismailis emphasized not only political stability but also the necessity of aligning state governance entirely with religious principles. (UZAR10, O., & BEHBUDOV, 2021).

Apart from opposition groups and sects, various legal schools also offered different interpretations of the legitimacy of the ruler's power. Among these were the Hanafi, Hanbali, Maliki, and other schools. Notably, the Hanafi and Hanbali positions were fundamentally opposed. The Hanafis argued that governance could align with political realities, whereas the Hanbalis maintained that the ruler must govern solely based on religious principles.Some scholars and Islamic jurists of the time emphasized that the ideal ruler should be a morally perfect individual, highlighting the importance of ethical leadership. Sufi thinkers, in turn, argued that spiritual leadership was superior to worldly authority and supported the people's search for justice. Thus, within the various opposition movements, a recurring question emerged: "How should religious values and political governance be reconciled, and which should be prioritized?" Nonetheless, one constant remained: in the medieval Islamic world, **Shari'a** was considered the fundamental source of legitimate rule and power. It is also noteworthy that different regions of the Islamic world supported different ideologies and approaches, reflecting the diversity and fragmentation of thought during that time. (Uzar, O., & Behbudov, K. 2021)

That said, the theory of the Caliphate was unique in that it fused religious and worldly authority. Among the legal schools, the Hanafi school stood out for its innovative approaches, whereas the Maliki, Shafi'i, and other schools maintained more conservative positions. As mentioned earlier, many philosophers emphasized that the legitimacy and authority of a ruler must rest on moral and rational principles. Personally, I believe the primary duty of a ruler is to ensure political stability, promote public welfare, and uphold justice to the greatest extent possible. Ideally, a ruler should come to power through democratic means, such as elections. These debates were not confined to theoretical discussions alone. The differing views and ideological disputes often resulted in uprisings throughout the Muslim East, many of which were aimed at overthrowing the ruling authorities. During such uprisings, the demands put forward were primarily of a social nature. The people voiced the injustices they had suffered and demanded their rights. In my opinion, the number of injustices at the time must have been so great that the population, overwhelmed with despair, resorted to rebellion. Particularly, the Zaydis, who aimed to establish a form of religious governance based solely on divine rules, went to extreme lengths to achieve this (Öztürk, A., & Garibli, I. 2025).

Some of these sects and opposition movements openly declared their intentions, while others— though very few—such as the Ismailis, propagated their ideas covertly. They gradually strengthened their position and strove to change the existing political order. Each legal school and religious sect put forward differing perspectives on the legitimacy of power and attempted to implement their views in different ways, each seeking to increase their number of supporters through various means. In my

view, had the Kharijites not taken such a radical stance, they might have achieved their goals. However, I would also like to point out that one of the reasons why philosophers like Ibn Rushd argued for the governance of the state based both on religion and reason was the influence of Greek philosophy—especially works related to Aristotelianism—that had been translated into Arabic and significantly shaped their thinking. I believe that the source of the legitimacy of power should be based not only on strength, but also on moral and just principles. Although the institution of the Caliphate was initially perceived as the continuation of the Prophetic legacy and served as a source of legitimacy, it was later weakened considerably due to the rise of opposition movements, which in turn raised numerous questions and challenged its authority

This brings us to a critical question: What kind of governance model should have existed at the time? What powers, responsibilities, and rights should a ruler have had in order to resolve such ideological conflicts? These movements did not merely believe that only an Imam should govern the state; they also believed that the imamate was a divinely appointed and therefore sacred form of governance. Before beginning this comparative analysis, I would like to first note that the issue of the source of political legitimacy in that period was not shaped in a single direction. Rather, it was enriched and developed through the mutual interaction of all these movements, evolving on multiple levels.

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