

RESEARCH ARTICLE

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Sunni political meeting according to Al-Mawardi

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Abstract:

The political theorizing of Islamic jurists, particularly al-Mawardi, is exceptionally thorough, establishing an indispensable foundation for researchers studying political jurisprudence and Islamic politics in subsequent eras. This depth is unsurprising, given that al-Mawardi's perspectives and writings emerged from his extensive experience in political affairs during a pivotal period when the Caliphate functioned as the central authority in a state spanning most of the Islamic world. Crucially, al-Mawardi witnessed the transition from Shiite Buyid rule to that of the Seljuks, who entered Baghdad championing Sunnism. This event raised hopes for the restoration of the Caliphate's authority and the reunification of the state.

Keywords: Political Jurisprudence, Legitimacy, Al-Mawardi, Caliphate

Introduction:

Sunni jurists were aware of the historical roots of the legitimacy crisis that accompanied the formation of the state in Islamic history. This crisis has its roots in the initial question of authority with the death of the Prophet during the Saqifa meetings, and was then raised more urgently and violently with the Great Fitna. The concepts of authority and authority became increasingly complex with the sultanic state, particularly with the rise of the military

(usurpers) who imposed their rule on a powerless Abbasid Caliphate, when the rule of the Shiite Buyids began in Baghdad in 946 CE. This development had to be acknowledged at the level of actual practice in the political experience of Islam and accompanied theoretically. The writings of Islamic political jurists, especially al-Mawardi and those who came after him (Abu al-Farra', al-Juwayni, al-Ghazali, Ibn Taymiyyah, Ibn al-Qayyim al-Jawziyya, Ibn Jama'ah, etc.), indicate that their primary concern was preserving the unity of the ummah.

Al-Mawardi's uniqueness stems from his classical attempt to define the relationship between politics and revelation. He was the first Muslim to undertake a comprehensive deductive analysis of the elements of Islamic law related to governance, statehood, and politics. This meant that he transferred the fundamental problem of "the caliphate" which undermined Muslim unity from the theological and philosophical debates between the various Islamic sects to the level of jurisprudence and legislation. Al-Mawardi brought politics down from the realm of ideas to the constraints of reality and daily management. His text, "The Sultanic Rulings," is not only the first of its kind, but it is also the most famous in Islamic history.

01.Research problem:

- How was Al-Mawardi able to recognize the dilemma of legitimacy in political society?
- How did Al-Mawardi crystallize his vision of Islamic political society?
- What theoretical contribution did Al-Mawardi make to overcome this historical impasse?

To answer this question, we have divided the article into the following::

02.Research plan:

This study explores three main areas::

1.reviewContextsThe legitimacy dilemma is linked to the transformation of the caliphate into a monarchy.,How did the jurists evaluate this conflict between the political and religious authorities?.

2.Al-Mawardi crystallized his vision of political society, based on the text of the Qur'an and Sunnah and the rule of the Rightly-Guided Caliphs, as well as on the requirements of the public interest.

3.Al-Mawardi produced many books on royal etiquette and Islamic politics, including his vision of adopting the institution of the caliphate as an extension of the era of prophecy..

These points allow us to understandforGeneral perceptionto meetIslam in the Middle Abbasid Era, according to Al-Mawardi, andBy delving into many of the issues related to it.

03Research methodology:

This study uses the descriptive research method, focusing on analyzing the current facts related to a particular phenomenon or situation. In the context of Algerian cultural heritage and its role in activating sustainable tourism, this method allows us to delve into the subject and

enrich it with valuable scientific data, diverse information, and a rigorous approach to achieving our research objectives..

04.Research objectives:

This article seeks to achieve a set of goals, the most important of which are::

- 1.Working to highlight the history and circumstances of the emergence of Sunni political theory in Islamic thought, specifically among jurists..
- 2.Understanding the nature of authority in Islam, and revealing the constraints surrounding its practice and its actors..
- 3.To identify the contexts that made jurists the learned and socially authorized body to decide on the issue of the legitimacy of political authority..

05.Importance of research:

Understanding the discourse of royal rulings, especially its centrality within the discourses regulating the field of classical Islamic political thought first, and its ability to monopolize the question of legitimacy.comparisonWith other competing sayings, secondly, and more importantly, he was able to the Jurists who crystallized an understanding of the state as an institutional apparatus, based on their concept of religious legitimacy, which their sultanic rulings came to express.

06.Problems in the Sunni political meeting

Historical, theological, and jurisprudential approaches that focused on recording the phases of the political experience in Islam witnessed a discussion about the classification of the rule practiced at the actual level and the problems of legitimacy that followed from the establishment of the Umayyad state, and the rotation of that classification between three concepts: the caliphate, the kingdom, and the sultanate. Ibn Khaldun He considered that the era of Muawiyah became a kingdom, even if it was

confused with the caliphate: "You have seen how the matter became a kingdom, and the meanings of the caliphate remained, from the pursuit of religion and its doctrines and running on the path of truth, and the change did not appear except in the deterrent that was religion and then turned into fanaticism and a sword."(Ibn Khaldun, 1984, p. 262)

Saeed bin Jumahan (136 AH) narrated on the authority of Safina, the servant of the Prophet, that he said: The caliphate will last for thirty years, then there will be a kingdom of biting ones. There are indications that the hadith is directed against Muawiyah at times, and against the Marwanids at other times. The point is not to criticize the hadith's chain of transmission or text, but rather to explore the perception of a shift in the nature of authority after the murder of Ali ibn Abi Talib, and the "violent transition" that transformed the caliphate or emirate into a monarchy.

The main characteristic of the Rashidun era, in the view of the narrators of this hadith, was the issue of consultation, which Umar ibn al-Khattab emphasized in many of his statements about the nature of authority in Islam. This was not only Umar's opinion; rather, when Abu Musa al-Ash'ari (d. 50 AH) saw the balance tipping in Mu'awiyah's favor in the matter of the arbitrators, he said to Masruq ibn al-Ajda': "Emirate is that in which consultation is taken, and sovereignty is that which is overcome by the sword"! Thus, Islam knew an initial era in which there was a Rightly Guided Caliphate, then it gradually declined, and according to some hadiths, a "kingdom of guidance" arose. Then the decline increased, and a "kingdom of biting" arose. This concept makes "consultation" the basis of political authority in Islam, meaning that its nature revolves around...With Shura, there is existence and nonexistence. Shura means that the authority belongs to the group of Muslims or society, and that the contract is with them or between them and the Caliph. Therefore, it is natural that it beThe rulerOr the Caliph is just, so the people who entrusted him with their affairs

can change him or replace him if he changes and replaces.

This vision isI mean that the emerging element in that experience is the transformation of the caliphate into a kingdom. So it is a shift in the nature of power through a shift in motivation, which is represented in giving priority to the element of fanaticism, overcoming and force.(The little one,1984,p. 81).

However, this conception, despite its decisiveness on the issue of the transformation of the caliphate into a monarchy, remains flexible, as it does not impose direct consequences on this transformation with regard to the relationship between power, religion, and Islam. The UmayyadsADanone remains Muslims, and most scholars were willing to deal with them in a way that did not constitute disobedience to God.(Al-Sayyid, 2015, p. 351)And he foundto ruleOmar bin Abdul Aziz (99-101 AH) received a remarkable welcome, so that it could be saidAccording to the juristsHe is the fifth of the Rightly Guided Caliphs. Although Omar did not come to power through consultation, but rather Sulayman ibn Abd al-Malik appointed him as his successor.(96-99 AH). This means that the "historical picture" that gradually formed about the Caliphate and the changes that occurred in it does not rule out a return to it in the direction ofmodelThe Rightly Guided Caliphate.

07. Jurists are a scholarly institution...the jurists' view of the legitimacy dilemma

Sunni jurists were aware of the historical origins of the legitimacy crisis that accompanied the formation of the state in Islamic history. This crisis had its roots in the first question of authority with the death of the Prophet during the Saqifah meetings, and then was raised more urgently and violently with the Great Discord.

Jurists and hadith scholars did not see the need to boycott the authority. Rather, they advised continuing communication in order to

enjoin good and forbid evil, i.e., to bring about change for the better, or in the direction of the path of the "righteous predecessors." Part of this flexibility in understanding emerging developments and keeping pace with them without abandoning the example of the Rightly-Guided Caliphate was expanding the horizons of legitimacy, its causes and reasons. It has become clear from the previous quotes and facts that reaching legitimacy, in the view of the jurists of the Followers, is through two basic methods: Shura (reaching power through the opinion of the people or those with opinion of them), and justice (following the example of the Prophet and the Rightly-Guided Ones in dealing with Muslims and in dividing the spoils of war).

There is a historical justification for Muawiyah's legitimacy. A careful examination of the naming of the year of Muawiyah's pledge of allegiance as the "Year of the Congregation" (40 AH) reveals another reason for the newly acquired legitimacy of rule that did not result from consultation. The congregation means the people's gathering around an imam, "and whatever the Muslims deem good is good in the sight of God," and "my nation will not agree upon misguidance." However, this justification for legitimacy through the congregation does not address how that pledge of allegiance came about. It is "not something that was agreed upon" - consultation - but rather "something that was conquered by the sword," as Abu Musa al-Ash'ari said.

The jurists' concern was that the Muslims' word should be united, and that the dispute between them should end, even if only for a while. Unity of word was the principle for them, without claiming that Muawiyah's rule was equal to the Rightly Guided Caliphate. But if they strip him of all legitimacy, they will fall into the dilemma of forbidding everything and requiring a revolution against him. And revolution means shedding blood and disunity, with no certainty of victory. (Al-Sayyid, 2015, p. 352)

There is no doubt that the scholars' sense of the extreme danger resulting from the conflict that raged between Ali and Muawiyah (35-41 AH) is a sense that has realistic reasons: the great strife and the tens of thousands of Muslims who fell, then the growing Byzantine danger that almost robbed the Muslims of the Levant had it not been for Muawiyah paying money to the Byzantines (in the first civil war (36-40 AH), and Abd al-Malik ibn Marwan paying them (in the second civil war 65-72 AH).

The jurists of the followers added a third political/religious reason to the reasons for Umayyad legitimacy, which is jihad or the defense of the House of Islam.. The latter was the strongest reason for the imam's legitimacy after being certain of his Islam. Hence, the Sunni principle of obedience to imams, "including those who prevail," as long as they perform the prayer and strive in the cause of God. There is no doubt that prayer is a religious obligation. However, its political aspect is evident in congregational and Friday prayers. As for the religious meaning of jihad, Then The Qur'an imposed and demanded it, and the continuation of the call to Islam and Islam was dependent on it.

that Jurists said obedience to the ruler. He did not pray and he established jihad. And they did not say explicitly that he obeyed. It means complete legitimacy for him. It was acceptance. In the country Recognizing its necessity and calling for obedience to it is an acceptance that lacks full recognition of its legitimacy. It remained, in their eyes, a suspicious institution, and the attitude towards it remained ambiguous, not in its necessity but in the way it operated.

The concepts of authority and authority became more complex with the sultanic state, especially with the rise of the military (usurpers) who imposed their rule on the powerless Abbasid Caliphate, when the rule of the Shiite Buyids began in Baghdad in 946 AD. The sultanic state did not claim religious or historical legitimacy, but rather imposed its authority by

force and coercion. This situation could only raise profound questions about the legitimacy of the oppressive tyrant. The violent seizure of power and the resulting dilemmas. The political community had entered an unprecedented impasse and was threatening to collapse and disintegrate. The unity of Muslims and the House of Islam was in immediate danger, either from further fragmentation or from an external invasion.

This development had to be acknowledged at the level of actual practice in the political experience in Islam and accompanied theoretically. The writings of Islamic political jurists, especially al-Mawardi and those who came after him (Abu al-Farra, al-Juwayni, al-Ghazali, Ibn Taymiyyah, Ibn al-Qayyim al-Jawziyyah, Ibn Jama'ah, etc.) indicate that their primary concern was preserving the unity of the ummah, and they were right to do so. Cultural Islam emerged unscathed from the Mongol invasion despite the fall of the political system and the Abbasid Caliphate together in 1208 CE.

Al-Mawardi's choice is not because he was a jurist who sought to reconcile reason and revelation. His rational jurisprudence did not achieve the same success as his political jurisprudence. Rather, its uniqueness is due to his classical attempt to define the relationship between politics and religion. He was the first Muslim to undertake a comprehensive deductive analysis of the elements of Sharia related to governance, state, and politics. (Hanna, 1997, p. 39). This means that he transferred the main problem - "the Caliphate" - from the theological and philosophical debates and arguments between the various Islamic sects, to the level of jurisprudence and legislation. (Saeed, 2010, p. 45). Al-Mawardi brought politics down from the realm of ideas to the constraints of reality and daily management. His text, "The Sultanic Rulings," is not only the first of its kind, but it is also the most famous in Islamic history. (Hanna, 1997, p. 40).

Al-Mawardi seemed more concerned about the future of both the state and the community.

He thinks about the conqueror and describes his rule as tyrannical and usurping. However, he realizes that his rejection does not negate reality as much as it deepens and widens the gap in legitimacy. Al-Mawardi established a tradition that was followed by later scholars of Islamic politics. One of his good qualities was that his rationalism led him to open the jurisprudential mind to the realm of the possible and the relative, far from the language of the absolute. Thus, his acceptance... Conditional by the authority of the conqueror indicator On his realistic dealing with the legitimacy crisis.

08. Arrangements for establishing legitimacy according to Al-Mawardi

Islamic thought had to wait until the fifth century AH for the Shafi'i jurist al-Mawardi and the Hanbali jurist Abu Ya'la al-Farra' to come and write, each on his own, two treatises on public law entitled "Sultanic Rulings." Thus, Arkoun inaugurated the Sunni jurisprudential vision. For the issue A For politics. (Arkun, 2007, p. 127)

After the scholars had secured the right to be the sole guardians of the Sharia, they had to accept serious limitations regarding the issue of governance. Al-Mawardi's efforts have now ended. to A systematic formulation of the requirements of governance in accordance with Sharia law. The book, The Sultanic Rulings, is the culmination of a scholarly and practical journey in politics. and The ruling.

Al-Mawardi believes that establishing the kingdom on the basis of religion is more lasting and lasting (Al-Mawardi, 2014, p. 251) ((As for the first section, which is establishing religion, it is the most firmly established in foundation, the most lasting in duration, and the most sincere in obedience)). Al-Mawardi continues by saying that political authority is the indispensable guardian of religion, and must be exercised in accordance with the provisions of Sharia and Sunnah. He combines religion and state and makes the separation between them impossible, and he cites: (Al-Mawardi, 2014, p. 251)

((Ardashir ibn Babak said in his covenant to the kings of Persia, Religion and kingdom are twins, neither of them can exist without the other, because religion is a foundation and kingdom is a guardian. Kingdom needs its foundation and the foundation needs its guardian, because that which has no guardian is lost and that which has no foundation is destroyed.

According to this concept, for authority to be legitimate, it must be based on religion. In order to understand the content of this opinion and the implications it reveals, the starting point is this question: How is authority structured according to Al-Mawardi if it is based on religion?

Al-Mawardi's answer comes in traditional Islamic terms and therefore revolves, at least in its formal structure, around the institution of the Imamate (the Caliphate), from which all appointments to government positions emanate, directly or indirectly.

09.Imamate and its functions according to Al-Mawardi

The terms imamate and caliphate are used interchangeably to denote the dual religious and political authority and its authority over the Islamic umma. Caliph and caliphate became the general designations for supreme authority in the Sunni world, while imamate and imam prevailed as Shiite terms. However, imamate remained used by Sunnis as a more general designation for religious authority and is the dominant term in jurisprudential discourse. The image of the "caliphate" among the Muslim masses was immersed in a missionary expectation that aspired to a justice with a mythical essence. Beneath this awareness, the collective imagination was woven. However, this religious vision, charged with a high symbolic intensity, should not obscure the secular nature of political authority in Islam and how it was acquired and exercised. (Arkoun, 2007, p. 45)

Professor Al-Fadl Shalaq sees, Al-Mawardi's definition of the Imamate, despite its extreme

brevity, expresses three basic concepts in Islamic political theory, which are frequently repeated by later Muslim jurists and historians (Al-Fadl, 1993, p. 95).:

10.The divine source of political authority, which is (the Imamate), is "established" to succeed the prophethood.

Second: The separation of the religious and political spheres. There is no contradiction between this concept and the first. This is because religion, any religion, cannot justify its existence unless it considers that the omnipresent God, the Creator of the universe, is the one who determines the course of events on earth, including the course of political affairs. This also applies to other religions. Belief in the divine source of authority does not contradict the principle of separating religious and political functions, and establishing a separate institution for each..

Third: The state's intervention in religious affairs differs from its intervention in political affairs. In the former, it is limited to "guarding" religion without determining its content; this matter is left to "the scholars, the heirs of the prophets." In the latter, the state intervenes "for worldly policy." This expression suggests a more effective role in determining the course of political authority.

For his part, Radwan Al-Sayed (Al-Sayyid, 2014, p. 354).

Al-Mawardi's definition, "The Imamate is the subject of the succession of the Prophet in guarding religion and governing worldly affairs," is seen as a significant statement in the history of Islamic political thought, confirming the saying attributed to Uthman ibn Affan: "God restrains by authority what He does not restrain by the Qur'an." However, this understanding is marginal, if the expression is correct, since its most important aspect is its definition of the functions of Islamic authority. Al-Mawardi first claims that the Imamate replaces the Prophethood, which ended with the death of the

Prophet. However, he goes on to further define the matter when he distinguishes between his position as an Ash'ari and the positions of other Islamic sects, saying that the authority succeeds the Prophethood in only two matters: guarding religion and governing worldly affairs.

Hamilton sees Gibb The two duties mentioned by Al-Mawardi: Preserving religion and implementing rulings so that justice prevails are the greatest duties of the caliphate. However, al-Mawardi's emphasis on administrative duties is clearly directed against anyone who imagines that the caliphate is merely a religious or judicial function, which is what it would have become. A conclusion and the turning point in Al-Mawardi's theory and the basis of his book, because the other chapters of the book include - precisely - a detailed explanation of these administrative duties, and that is the issue that was the subject of dispute between the caliphs and the Buyid princes because these princes were - even if they did not formulate their opinion explicitly - They mean By neglecting the Caliphate in administrative affairs, these affairs are beyond its competence and ability. (Hamilton, 1979, p. 212)

Al-Mawardi's statement about the obligatory nature of the Imamate, In a way, it means what Ali ibn Abi Talib said to the Kharijites when they said that appointing a ruler "the Caliph" is not a religious duty, so he responded to them with what indicates that political authority is necessary for society "any society" when it reaches awareness of the idea of the system "the state", and not necessarily to implement the rulings of religion. MI mean That politics or "The state" is an urgent need for any society. It has reached a degree of complexity.

It now remains to explain the religious tinge that looms over the concept of the caliphate. The latter refers precisely to a form of government in which Sharia law prevails. Why? To sum up On the most important with Two "scientific researchers" from two completely different contexts, both of whom are among the most prominent figures in scientific discourse:

Professor Hamilton Gibb and Abd al-Rahman Ibn Khaldun. And if they were mentioned before Ibn Khaldun says, defining the Caliphate: ((Bringing everyone to bear in mind the requirements of the Shari'a regarding their interests in the Hereafter and the worldly ones that are related to it. Since the conditions of this world all refer back to the Shari'a in considering them in terms of the interests of the Hereafter. It is in reality a succession on behalf of the owner of the Shari'a in guarding the religion and governing the world with it.))(Ibn Khaldun, 1984, p. 180)

"Jab, H" believes that "it is the essence of the Sunni doctrine that the nation is based on the Sharia and that its historical development proceeds according to steps drawn by God, and that its continuity is dependent on the strength of consensus that is free from error. Since this is the case, it was the duty of the jurists, who are the guardians of the conscience of the nation, to stand up and clarify to each generation the direction of legitimacy in its political system. They saw that this issue was linked to the issue of the Caliphate, and the Caliphate, in essence - as a system - is a symbol of the sovereignty and authority of the Sharia.".) (Hamilton, 1979, p. 186).

According to Al-Mawardi, the necessity of authority is imposed by the demands of human society. Without authority, society sinks into chaos and loss. This is what human reason determines. Sharia, on the other hand, imposes restrictions to prevent society from drifting into practices that contradict religion. Sharia's mission here is to set limits on what reason can produce, not to determine the content and actions to which it may lead. (Al-Fadl, 1993, p. 93).

The mission of jurisprudence is A supervisory or, more precisely, normative mission, The position of Imamate can only be established through a contract that is voluntarily concluded between the chosen ones. (Al-Mawardi, 2006, p. 22) ((The Imamate is established in two ways: One of them is by the choice of the people of the

contract and the solution, and the second is by the covenant of the Imam before. The people of solution and connection. They are From the people of religion, knowledge and wisdom, and the Imam must be a Qurayshi, with a sound mind and body, in addition to courage and wisdom like that. Integrity and knowledge are essential for ijтиhad.

Al-Mawardi lists the duties of the imam, as follows: preserving the faith, enforcing rulings between disputing parties, protecting the people and defending women, enforcing the prescribed punishments, fortifying borders, conducting jihad, collecting spoils and alms, assessing gifts, seeking the sufficiency of trustworthy people and appointing advisors, and personally exercising authority without relying on delegation. These duties are repeatedly reiterated verbatim by many jurists after al-Mawardi.

Al-Fadl sees the split. The duties of the Imam towards the nation mentioned by Al-Mawardi. Most of it. Negative duties related to protecting society to prevent deviation from religion and the social order. At the same time, they relate to internal situations and only address external relations from a defensive perspective. This is to be expected, because al-Mawardi lived at a time when Islamic society had reached a stage of maturity and stability, such that its interest revolved around the means that would enable it to control affairs, prevent chaos, and ward off sedition. (Al-Fadl, 1993, p. 9).

If the essence of the contract, If a person, after assuming power, undertakes to exercise it in accordance with Sharia, then the investigation into the legitimacy of other technical matters (arrangements and procedures for confirmation) then moves to the practices of the ruler.

Here it becomes clear to us why Al-Mawardi tended to write advice literature. Hanna Mikhail saw that Al-Mawardi was deeply aware that the texts of Sharia tend to neglect the affairs of government to a large extent. Therefore, these affairs, including the principles

they contain related to government and public administration, were discussed and discussed in books of royal etiquette and the mirrors of princes. Which has roots in the Byzantine heritage, especially the Sassanian heritage.

Conclusion

Al-Mawardi's theorizing is not directed at the caliphate, but at the sultanic state, as he explicitly indicates in the aforementioned text. He sets the rules that the sultanic state must adhere to in order to remain consistent with religious teachings and thus remain within the community. He deals with actual authority and addresses a living problem, not delving into contemplation of dead issues.

Al-Mawardi was not formulating a theory for a reality that had passed its time, but rather he was setting out a program to rebuild the state in accordance with his vision emerging from historical experience. For the Islamic Political Meeting...and in a manner that does not conflict with the developments in the political situation, the most important of which is the emergence of the Sultanate state, which seized actual power and transformed the Caliphate into a symbol expressing the unity of the community despite its political disintegration. (Al-Fadl, 1993, p. 92).

Sunni political theoryAccording to "H Jab" Especially with Al-Mawardi, In reality, it was nothing more than a rationalization of the nation's real history, not a theory without historical facts. All of that grand and majestic structure of interpretation of sources was nothing more than a "post-modern" justification of the previous historical facts that were approved by consensus.

Al-Mawardi's primary goal in his political works was to expand the framework of divine law to include governmental actions, or at least to ensure that the affairs of government are not separated from the spirit of divine law. He believed that implementing God's law

necessitated the fulfillment of a number of religious requirements. In general terms, the religious duty of the ruler was to preserve Islam in accordance with its established principles and established consensus. In sociological terms, this meant nothing more than the expansion of religion into the public sphere to encompass all the structures of the regime. Social

– Hamilton Gibb, (1979), Studies in the Civilization of Islam, trans. Ihsan Abbas, Lebanon, Dar Al-Ilm Lil-Malayin

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