

A Critical Genealogy of Rulership, Abuse, and Institutional Counterbalance in the Islamic Caliphates

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Abstract: This article challenges conventional debates on Islam and human rights, often focusing on doctrinal compatibility. It argues that a more robust and universal human rights framework must be grounded not in idealized historical traditions, but in a pragmatic acknowledgment of the historical reality of state-sponsored abuse. Employing a critical-historical and genealogical method, this study analyzes primary Islamic sources—including historical chronicles and legal treatises—to reconstruct the political history of governance, dissent, and violence from the pre-Islamic period through the classical caliphates. The findings reveal a profound dissonance between the theoretical ideal of the "just ruler" and the statistical reality, in which over 94% of caliphs and sultans were unjust by the tradition's standards. This history of abuse, however, paradoxically fostered the emergence of crucial institutional counterbalances, most notably an independent scholarly class (*'Ulamā'*) that served as a moral and legal check on executive power. This study concludes that the most vital lesson from Islamic political history is the necessity of empowering such durable checks on power, shifting the focus from creating a perfect government to constraining the inevitable transgressions of an imperfect one.

Keywords: Human Rights; Islamic Political Thought; Genealogy; *'Ulamā'*; State Violence.

INTRODUCTION

The contemporary discourse on human rights is animated by a foundational debate concerning their origins, universality, and philosophical underpinnings. This conversation often involves a comparative analysis of two monumental civilizational legacies: the Western European Enlightenment and the classical Islamic tradition. Key scholarly inquiries pivot on whether human rights are a uniquely Western, secular invention or possess authentic roots and find compatibility within Islamic thought (Almahfali & Avery, 2023; Grynchak & Grynchak, 2023). This intellectual terrain is further complicated by postcolonial and critical interventions that rigorously question any simplistic claim to universality, enriching and

challenging the entire field. The ensuing dialogue forces a re-examination of the content of human rights and the historical authority from which they are presumed to derive their legitimacy, compelling scholars to navigate the complex interplay of history, power, and ethics.

These two traditions often offer divergent conceptual models for human dignity and rights. As articulated by thinkers like John Locke and Jean-Jacques Rousseau, the Enlightenment framework grounds rights in natural law, individual liberty, and a secular rationality that would form the bedrock of liberal democracy (Grynchak & Grynchak, 2023). Conversely, the classical Islamic paradigm posits that rights are divinely ordained, revealed through the *Sharia*, and embodied in the political-ethical practice of its early exemplars, creating a system where religion is seen as inseparable from law and governance (Almahfali & Avery, 2023). While some scholars draw from the Western legacy to propose universal human rights, others turn to Islamic thought to integrate these norms into modern Muslim societies. This latter approach is sometimes bolstered by historical arguments pointing to medieval Islamic cities' cosmopolitan and pluralistic nature as a precedent for religious freedom and diversity (Şentürk, 2022). These contrasting genealogies thus frame a central tension between secular individualism and divinely mandated communalism.

However, a critical examination reveals that an uncritical reliance on either tradition is untenable. While Enlightenment thinkers are widely credited with developing the language of modern rights, their vision was far from universal. The celebrated assertion of "men's inalienable right to life, liberty, and property" was conceived in a context where its authors were unlikely to have inclusively envisioned women, the enslaved, or colonized peoples as equal bearers of these rights. Indeed, the vast intellectual architecture of the Western Enlightenment tradition is deeply interwoven with the historical realities of human rights abuses and the cultures of racism and imperialism. This contradiction is a central focus of postcolonial and critical theorists, who argue that the Enlightenment's claims to universality are irrevocably compromised by this historical entanglement, rendering the Western human rights model a potentially hegemonic project detached from local moral and spiritual values (Mukharrom & Abdi, 2023).

This study contends that a similar critical lens must be applied to the classical Islamic tradition. To avoid a romanticized or apologetic history, it is necessary to explore not only the ethical and moral values enshrined in Islamic thought but also their connection to a historical legacy of supremacy-driven atrocities and systemic exclusion. Although classical Islamic texts contain terms for "rights," their function and conceptualization do not support a direct or seamless translation into the modern institutional framework of universal human rights. While it is undeniable that Muslim thinkers and leaders established institutions and traditions offering protections for life, liberty, and property, it is equally valid that Islamic history is replete with events that modern standards would categorize as profound human rights abuses. This necessitates a candid historical inquiry that moves beyond a simple search for doctrinal compatibility to a deeper analysis of governance, power, and violence as practiced.

To navigate this complex terrain, this article adopts a genealogical method. Such an approach challenges linear and triumphalist origin stories, revealing instead that concepts like human rights emerge from a complex interplay of political, social, and cultural forces across diverse societies (Mayblin, 2013). Applying this critical-historical lens to non-Western legal and ethical traditions, as scholars like Abdullahi An-Na'im have advocated, allows for a more nuanced understanding of how Islamic jurisprudence offers rich, though often overlooked, insights into rights discourse (Vartija, 2020; Yilmaz, 2021). By examining how Islamic

principles have been used to argue for justice, this perspective demonstrates that the engagement with rights in the Muslim world is not merely a modern Western import but a re-engagement with its complex historical traditions (Herbjørnsrud, 2021; Pryce, 2014). This methodology allows for an analysis that acknowledges a single tradition's ethical resources and historical failures.

This genealogical inquiry is integrated with a theoretical framework centered on "counterbalances" to state power. In pre-modern and non-democratic societies, institutions such as religious bodies and scholarly classes often acted as crucial checks on monarchical or executive authority (Parashar & Schulz, 2021). The history of the Islamic caliphate provides a powerful case study of this dynamic, where religious authority, in theory, was expected to serve as a moral counterbalance to the political power of the ruler. However, historical analysis reveals that this balance was precarious and often unrealized, as state power frequently co-opted religious institutions and manipulated theological interpretations to consolidate its own control (Dascalu et al., 2021). This tension highlights the pluralistic and often confrontational struggle for moral and political authority that characterized Islamic civilization, countering any notion of a monolithic and uncontested "Islamic government" (Powell & Mitchell, 2007).

A significant gap in the existing literature justifies this study. While scholars have examined dissent and state power, there remains a need for research that systematically connects a granular political history of dissent, state-sanctioned violence, and the *de facto* separation of powers within Islamic civilization to the broader discourse on human rights (Lange & Balian, 2008; Mitchell & Powell, 2009). Too often, state violence in Muslim contexts is framed within a simplistic binary of autocracy versus democracy, overlooking the complex histories of internal opposition where dissenters invoked the government's own professed religious and ethical standards to challenge its legitimacy (Chenoweth et al., 2019). Furthermore, while the role of religious institutions as counterweights is acknowledged, the specific ways in which Islamic scholars navigated state politics to carve out spaces for resistance remain under-explored (Carey, 2010). This article fills this gap by providing a critical genealogy of governance and abuse, shifting the focus from doctrinal compatibility to the historical dynamics of power, institutional failure, and resistance.

Therefore, this article aims to conduct a critical genealogy of Islamic political history to substantiate the hypothesis that a durable and universal human rights framework must be grounded not in the selective idealization of any tradition, but in the pragmatic acknowledgment that all governments are potential, and indeed probable, abusers of human rights. The central argument is that identifying, creating, and empowering effective institutional "counterbalances to government" is the most viable path toward securing human dignity. The novelty of this study lies in its use of a stark historical and statistical analysis of governance within Islamic civilization—demonstrating, for example, that over 94% of its historical rulers were deemed unjust by the standards of Muslim jurists themselves—to build a pragmatic, institution-focused theory of human rights. The scope of the inquiry covers the pre-Islamic, prophetic, and classical caliphate periods, focusing on institutional practices of exclusion, political violence, and the historical emergence of countervailing authorities.

METHOD

This study employs a critical-historical and genealogical research method to analyze the development of political and ethical norms related to governance and human dignity within Islamic civilization. Inspired by Foucault, this genealogical approach is used to critically

unmask how concepts such as rights and authority are shaped by power relations, social interests, and historical contingencies, rather than by supposedly timeless or universal truths (Harrison, 2023; Miller, 2021). The research design constitutes a counter-history, challenging static or essentialist accounts of Islamic political thought by tracing the dynamic and often contradictory interplay of traditions and institutions over time (Bergunder, 2024). A comparative framework juxtaposing the Islamic historical experience with that of the Western Enlightenment is employed not to establish superiority, but to reveal a parallel dynamic, wherein both traditions contain internal logics that can support rights while also being used to justify exclusion and violence. This approach maintains critical distance and contextual sensitivity, avoiding the anachronistic projection of modern Western categories onto pre-modern Islamic history (Zavala-Pelayo, 2021).

The analysis is grounded in a close reading of classical and pre-modern Islamic primary texts. Data sources include foundational historical chronicles (e.g., *al-Ṭabarī*, *al-Mas'ūdī*), biographical collections (e.g., *Ibn Sa'd*), and seminal works of Islamic political and legal theory (e.g., *al-Māwardī*). These sources are interpreted not merely as textual artifacts, but as evidence of the material and social contexts in which they emerged (Wang, 2025). Through this lens, the study reconstructs the political history, institutional frameworks, and normative debates surrounding justice (*ʿadālah*), tyranny, and dissent—thus providing a contextually nuanced understanding of how these concepts evolved and were contested within Islamic civilization (Zavala-Pelayo, 2021).

FINDING AND DISCUSSION

The Pre-Islamic Context: Economy, Violence, and Social Order in *Jahiliyyah* Arabia

To comprehend the transformative impact of Islam and its subsequent political and ethical trajectory, one must first analyze the complex socio-economic landscape of pre-Islamic Arabia, the world into which it was born. In the sixth century CE, Mecca was not an isolated desert oasis but a dynamic and strategic trading outpost, a crucial nexus linking the commercial arteries of Africa, Europe, and Asia. Recent archaeological and historical studies affirm this depiction, characterizing Mecca as a bustling commercial hub with a sophisticated market economy thriving on long-distance caravan trade (Grasso, 2023; Michalopoulos et al., 2017). This economy was not primitive; it functioned through both bartering and the use of gold and silver currencies known as the Dinar and Dirham, and it relied on early forms of financial agreements that facilitated complex commercial ventures among merchants (Conteh & Hassan, 2021). Trade and animal husbandry were the primary sources of wealth, with camels, in particular, serving as the principal mode of transport for goods and a primary indicator of a person's material standing, much as land was in feudal Europe. This economic model, less dependent on intensive agricultural labor and more on exchange, cultivated a specific set of social values essential for commerce, including trust, honor, and clan loyalty.

This trade-based economy directly shaped Mecca's pronounced social stratification, which was structured around wealth and powerful clan affiliations (Gusenova, 2020; Sari et al., 2024). At the apex of this hierarchy was the Quraysh, an umbrella tribal organization and a coalition of influential clans that governed the city-state, dominated its trade networks, and controlled its political life. The concentration of wealth in a few powerful trading families necessarily led to a concentration of power, creating significant power differentials and fostering a society marked by stark inequity, poverty, exploitation, and classism. Within this

framework, women experienced varying degrees of agency. At the same time, some were involved in trade; their roles were generally subordinate to male kin, and their social status was often defined through graded marital relationships that distinguished between marriage to a free woman, marriage to a captive, and concubinage (Sulemanu, 2023). Thus, The social order directly reflected its economic foundations, where clan loyalty and capital determined an individual's place in a highly unequal society.

Mecca's political and economic life cannot be understood in isolation from the broader geopolitical context of the era. In the sixth and seventh centuries, the Arabian Peninsula was a fiercely contested region, situated between three rival empires: the Byzantine Empire to the northwest, the Persian Sasanian Empire to the northeast, and the Aksumite Empire of Abyssinia to the south. These powers vied for control over the lucrative trade routes that passed through Arabia, and they frequently used local tribes as proxies in their imperial struggles (al-Ṭabarī, 1969). This external pressure profoundly influenced local allegiances, with tribes aligning themselves with different empires to secure trade guarantees or military support. The historical record is punctuated by these conflicts, such as the Abyssinian invasion of southern Arabia and the expedition against Mecca in 570 CE, known as the Year of the Elephant. The subsequent defeat of the Abyssinians by the Persians in 575 CE further altered the regional balance of power, demonstrating how Mecca's fate was intertwined with the clashing ambitions of its powerful neighbors.

This climate of imperial competition fostered and normalized a local economy of violence. Inter-tribal warfare, characterized by raids (*ghazw*) and skirmishes over resources, was an integral feature of the socio-political fabric, driven by competing economic interests and a culture that prized honor and reputation, often leading to cycles of revenge (Lange & Balian, 2008). Plunder was not merely chaotic banditry but a recognized and rationalized method of obtaining wealth and redistributing resources (Michalopoulos et al., 2016; Grasso, 2023). This practice was tolerated and even institutionalized by Meccan leaders for a strategic purpose: keeping distant traders insecure incentivized them to rely on local Meccan caravans for secure passage, thus protecting Mecca's economic interests. A network of treaties and alliances regulated this system. At the same time, raids on distant, unaffiliated tribes were permissible; an attack on a clan within the Quraysh federation or an allied tribe was met with severe punishment, underscoring the legal and political structures that managed this state of endemic conflict.

The most significant human consequence of this institutionalized violence was slavery. In a world where battles and raids were commonplace, captured people were systematically commodified. Enslaved persons were primarily prisoners of war and their captured family members, who became property distributed as spoils among the victorious fighters or the families of the fallen. While slavery existed, its scale in Mecca's trade-based economy was likely smaller than in regions dominated by labor-intensive agriculture (Lolayekar & Mukhopadhyay, 2020). The ethnic composition of the enslaved population reflected the region's conflicts. At the same time, a majority of slaves in the pre-Islamic period may have been Arabs captured in inter-tribal warfare. Historical records also list individuals of Abyssinian, Persian, Coptic, and Byzantine origin, their presence directly resulting from the clashes between Arab tribes and the surrounding empires. The presence of enslaved Africans, for instance, was primarily a consequence of the wars with Abyssinia, not an organized international slave trade as would develop in later centuries. This practice of enslavement, born from conflict, created deep-seated social hierarchies and legal distinctions that the advent of Islam would confront, modify, but not entirely abolish.

The Prophetic Transformation and Its Limits: From Clan to 'Ummah

The arrival of the Prophet Muhammad in the city of Yathrib in 622 CE marks a pivotal moment in Islamic history, initiating a profound transformation of the socio-political landscape of Arabia. This migration, or *Hijrah*, was not merely a change of location but the foundation of a new social order. In Mecca, after nearly a decade of preaching a message of monotheism and ethical responsibility, Muhammad had gathered a relatively small following, drawn mainly from the marginalized strata of society. Facing persecution from the powerful Quraysh elite, he accepted an invitation from the leaders of Yathrib, a city later renamed Madīnah, who saw in him a potential resolver of their internal disputes. Upon his arrival, the Prophet's first institutional acts were the establishment of a masjid, which served as a center for worship and community life, and dictating a treaty governing the city-state (al-Māwardī, 2019). This latter document, the Constitution or Charter of Madīnah, was central to his social re-engineering project. It aimed to abolish the primacy of clan identity, which had been the bedrock of *Jāhiliyyah* society, and replace it with a new form of solidarity: a brotherhood of believers, or the 'Ummah.

Contemporary scholars widely recognize the Constitution of Madīnah as a foundational document that established a legislative framework for Muslims and other communities in the pluralistic city, including its Jewish tribes. It embodied a model of coexistence, outlining mutual rights and responsibilities for all residents (Ghozali, 2024; Saputra & Syukur, 2023). The Charter explicitly sanctioned social relations between Muslims and non-Muslims, framing them as equals under a common law who shared responsibility for the city's defense, albeit with distinct religious identities and internal autonomy (Hamdani, 2017). This has been interpreted as an early basis for a form of citizenship that included non-Muslims, challenging monolithic portrayals of early Islamic governance as inherently exclusionary (Saeed & Khan, 2024). The pragmatism reflected in this civil document demonstrates the political skill that enabled the Prophet to unite the Arabian Peninsula under his rule within a decade. While the charter's commitments would be interpreted variably in later Islamic history, it is widely argued to have set a precedent for pluralism within Islamic political thought (Hassan, 2006).

However, this prophetic transformation had clear limits, as the new social order adapted and reconstituted, rather than entirely abolished, pre-existing structures and practices. A critical area where this tension is visible is the institution of slavery. While the advent of Islam introduced significant ethical reforms aimed at ameliorating the condition of the enslaved—with the Qur'an and the Prophet's teachings emphasizing kindness and encouraging manumission—it did not abolish the institution itself (Chenoweth et al., 2019). The new Islamic state continued to acquire captives through warfare, who were still considered spoils of war (*ghanā'im*) (Al-Shaykh, 2014). These individuals could be traded to free Muslim prisoners, held for ransom, or freed in exchange for services, but failing these outcomes, they could remain enslaved indefinitely. This reveals a deep tension between the theological aspirations of the new faith and the persistent socio-economic and military realities of the time, where economic imperatives often led to the continuation of the practice (Asadullin, 2020). The institution of slavery, therefore, evolved from its *Jāhiliyyah* form but was not eradicated, a reality that continues to fuel juridical and ethical debates in Islamic thought.

Furthermore, abolishing clan identity in favor of the 'Ummah created a new, and equally consequential, social division. With Madīnah remaining a diverse city, the Prophet established a new default distinction between "believers" and "non-believers". This distinction became a foundational element of identity and exclusion in early Islamic thought, shaping communal

identities and political rhetoric (Hassan, 2006). Theologically and politically, this binary meant that other Muslims could no longer enslave believers (Muslims), but it simultaneously categorized non-believer captives acquired in war as legitimate spoils. This differentiation served practical political functions, shaping alliances and providing justifications for warfare as the early Islamic state expanded (Hill & Jones, 2014). This new organizing principle, while revolutionary in its replacement of tribalism with a faith-based community, thus established its logic of inclusion and exclusion, a framework that would profoundly influence the legal and political development of Islamic civilization for centuries to come.

A Political History of Abuse

The period following the Prophet Muhammad's death inaugurated a new and tumultuous phase in Islamic history, one defined by the complex challenges of governance and the violent realities of political succession. The era of the Rāshidūn Caliphate (632–661 CE), often idealized in traditional narratives, was fraught with internal political, social, and economic crises, including accusations of cronyism, nepotism, and the mismanagement of public funds. These tensions culminated in the first major civil war, or *fitnah*, a term modern scholarship interprets as a historical event and a potent political-theological category used to frame and delegitimize dissent (Jaradat, 2015). The rebellion against the third caliph, 'Uthmān, which ended in his assassination, was driven by rebels who accused him of violating the Qur'anic principles of justice (*'adālah*)—the very standards he had sworn to uphold (Assidiqi & Putra, 2024; Rozaq et al., 2025). This event revealed a critical failure of the nascent state to manage political dissent, setting a devastating precedent for the violent resolution of internal conflict. The term *fitnah* itself was applied selectively; when unattached social groups rose demanding a fairer distribution of resources, they were labeled as outsiders (*khawārij*) and pursued militarily, whereas a rebellion led by the Prophet's widow, 'Ā'ishah, was not framed in the same delegitimizing terms, highlighting the political utility of the concept.

This initial strife bled directly into establishing the Umayyad dynasty (661–750 CE), founded through civil war and built on a foundation of clan-based power. The Umayyads institutionalized a system of Arab supremacy, wherein members of the Umayyad clan and those with Arab lineage were granted favorable treatment and key positions in the bureaucracy and military (Marozzi, 2019). This policy of ethnic and social hierarchy, which systematically marginalized non-Arab groups, is confirmed in both Muslim and non-Muslim sources from the period and stands as a central feature of their rule (Furman & Cherkashin, 2024; Goodall, 2022). This policy was institutionalized through differences in military pay, restrictions on land ownership for non-Arabs in conquered territories, and the almost exclusive appointment of Arab governors, which collectively fueled deep resentment among non-Arab converts (*mawālī*). This dynamic mirrors, albeit in a different theological context, the tension within the European Enlightenment tradition, where proclamations of universal rights co-occurred with the institutionalization of exclusive colonial power and racial hierarchies. Such discriminatory practices inevitably fostered resentment and created designated enemies of the state, transforming the government into an engine of exclusion. The state's response to public disapproval was consistently harsh, a policy starkly illustrated by the events of the second brutal civil war (*al-Fitnah al-Thānīyah*), which broke out shortly after the dynasty's founder, Mu'āwīyah, was succeeded by his son, Yazīd I.

The most searing event of this second *fitnah*, and arguably one of the most traumatic moments in Islamic history, was the tragedy of Karbalā'. When the Prophet Muhammad's

grandson, Ḥusayn, refused to endorse the rule of Yazīd, whom he judged unjust and illegitimate, he was intercepted with his small band of about seventy family members and supporters by a state army of five thousand troops. The ensuing confrontation was not a battle but a massacre, an act that by modern standards qualifies as a war crime and an attempt to destroy a specific social group—the last living direct male descendant of the Prophet. This act of extreme state-sponsored violence was so traumatizing that it permanently splintered the community, giving formal birth to the Shī'ah movement, which has commemorated the martyrdom of a man who refused to endorse a tyrant ever since. In historical chronicles, the language of *fitnah* was often employed to frame such rebellions as illegitimate and justify their suppression, reinforcing the ruling elite's authority (Hagler, 2018). However, from a human rights perspective, Karbalā' must be recognized as an instance of a government committing an atrocity against its people, a crime that no provocation could justify.

The cycle of violence and abuse continued, culminating in the downfall of the Umayyads themselves. An opposition movement, swearing to remediate the grievances of the Prophet's family, gained momentum, and after the Umayyad caliph cruelly killed its leader, the movement's anger amplified. In 750 CE, the 'Abbāsids seized power, but their ascendancy was marked by a vengeful brutality that mirrored and even exceeded their predecessors (al-Ya'qūbī, 1957). The first 'Abbāsīd caliph, Abū al-'Abbās, earned the title *al-Saffāh* (the Blood Spiller) by ordering and executing the systematic massacre of all male members of the Umayyad clan—the second act of genocide within a century of the Prophet's death. For the next five centuries, the 'Abbāsids would rule, presiding over an era of significant cultural and scientific progress, but this prosperity came at a significant human cost. Their reign was marked by exploitation, vast inequity that fueled rebellions like the Zanj Revolution, and a system of governance where peace and war were determined not by stable institutions but by the whim and temperament of individual caliphs who inherited their power by lineage alone. This political history demonstrates a consistent pattern: power was consolidated through violence, dissent was delegitimized through the political framing of *fitnah*, and governance was rooted in exclusionary principles of clan and ethnic supremacy.

The 'Ulamā' and the De Facto Secular State

Paradoxically, the very characteristics that made the Umayyad dynasty's rule so problematic—namely, the rulers' general lack of religious piety and their worldly appreciation for knowledge—inadvertently fostered one of the most significant institutional developments in Islamic history: the emergence of an independent scholarly class. The Umayyad caliphs, with few exceptions, were not religious figures and did not pretend to be; their authority rested on clan loyalty and military might, not spiritual legitimacy. This created a vacuum in religious authority that the Prophet and the Rāshidūn caliphs had previously filled, and into this void stepped independent scholars, the 'Ulamā', who dedicated themselves to interpreting the Qur'ān and the Sunnah for the populace. For the first time, ordinary Muslims had to navigate a social landscape with two distinct loci of power: the political authority of the caliph and the religious authority of the 'Ulamā'. This development effectively secularized Muslim society by creating a functional separation between the institutions of state and religion. This functional separation, born of historical contingency, is a fascinating parallel to the separation of church and state advocated by Enlightenment thinkers, which was rooted in philosophical principle. Despite their different origins, both produced a similar phenomenon: the emergence of a source of moral and intellectual authority outside of direct state control. This reality

challenges the monolithic and ahistorical depiction of Islamic governance as inherently theocratic.

Recent scholarship has reinforced this view, highlighting that the 'Ulamā' were not merely instruments of state ideology but often maintained a significant degree of autonomy that allowed them to function as a dissenting voice. Prominent scholars and theologians frequently criticized state policies. They engaged in non-cooperation, particularly in response to oppression or misrule, positioning themselves as guardians of Islamic ethical and legal frameworks against state overreach (Ascarya & Masrifah, 2022). While caliphs appointed their own "palace scholars" to positions within the bureaucracy, these figures had to compete for public trust against independent 'Ulamā', who often distinguished themselves through their piety and willingness to endorse or even participate in uprisings against unjust rulers. This dynamic created a persistent tension between religious authority and state governance, where cooperation was negotiated rather than assumed (Ascarya & Masrifah, 2022). This divestment of total religious authority from the caliphate is arguably the most consequential development of the era, as it produced an independent scholarly institution that future political leaders could never fully control.

This functional separation between political and religious spheres has led scholars to debate the existence of a de facto "secular" governance in pre-modern Islamic empires. While the state sought legitimacy through religious symbolism, practical governance often required a degree of secular administration to maintain order and economic stability, leading to an operational, if not formal, separation of powers (Kuran, 2001). The evolution of Islamic law often occurred in parallel to, and sometimes in defiance of, the administrative strategies of rulers, highlighting the adaptive and pluralistic nature of Islamic governance in response to socio-political challenges (Kuran, 2001). The historical reality for most of Islamic history was not theocracy, but a more complex arrangement where the caliph was an executive, bound in theory by the laws of *Sharī'ah* as interpreted by the 'Ulamā', but not a divine legislator himself.

A crucial mechanism that fostered and protected the financial and institutional autonomy of the 'Ulamā' was the *waqf* (pious endowment) system. The *waqf* allowed private wealth to be allocated to religious, educational, and social services—such as schools, mosques, and hospitals—without direct state control, thereby enhancing the self-sufficiency of scholarly institutions. This system created a semi-autonomous space for religious scholarship and social welfare, enabling scholars and jurists to operate independently and reinforcing their status as trusted community leaders capable of resisting state pressure (Kuran, 2001). To preserve their independence, scholars often engaged in trade and other vocations, famously justifying their commercial activities as necessary to avoid being co-opted by rulers. While the state eventually recognized the potential for these powerful, independent endowments to challenge its authority, the *waqf* system had already become an intrinsic and resilient feature of the socio-political landscape, institutionalizing a crucial counterbalance to the power of the caliphate (Kuran, 2001).

The Profound Dissonance between the Political Theory of the Caliphate and Its Historical Reality

The profound dissonance between the political theory of the Caliphate and its historical reality constitutes one of the most critical areas of analysis for understanding the relationship between Islam and governance. Classical Muslim jurists developed a comprehensive and demanding qualifications for a legitimate Caliph. For instance, the eleventh-century jurist al-

Māwardī articulated seven conditions, including probity (*'adālah*), knowledge (*'ilm*), wisdom, courage, and, crucially, lineage from the tribe of Quraysh. Later scholars like al-Taftāzānī added being male and free to this list. These idealized qualifications, rooted in the precedent of the early Rāshidūn period, emphasized piety, justice, and community consensus as the bedrock of legitimate leadership (Ridho, 2019; Zasuń, 2024). However, academic analyses of Islamic political history consistently demonstrate a significant and almost immediate gap between this normative ideal and the following political practice. After the Rāshidūn era, the Caliphate quickly shifted toward a model of hereditary succession and absolutism, a departure from scriptural and early precedents that is widely acknowledged in modern scholarship (Isnaini & Izuddin, 2025; Kamali, 2018).

This schism between theory and practice can partly be explained by the context in which these political treatises were written. Scholars argue that jurists like al-Māwardī were often writing in response to the political realities of their time, attempting to reconcile the ideal theory of the Caliphate with the prevailing dynastic order they lived under, adapting their frameworks to either justify or critique existing power structures (Zasuń, 2024). This created a persistent tension, as thinkers like Ibn Khaldūn would later observe with a practical realism, acknowledging that the ideal system was rarely achieved because political realities—such as tribalism and power struggles—consistently overrode theoretical norms (Ghozali, 2024; Ridho, 2019). This gap once again parallels the contradictions in Enlightenment-era Europe, where the theoretical ideals of the social contract and the sovereign citizen clashed with the reality of absolutist monarchical rule and highly exclusive political systems. The dissonance is a modern observation and a recognized feature of pre-modern Islamic political thought.

The failure of the ideal to manifest in reality is not merely anecdotal; it is a stark statistical fact. A quantitative analysis of the history of the pan-Islamic Caliphate reveals the fiction of righteous rule in undeniable terms. From the Prophet's death until the Ottoman Empire's formal disintegration, Muslims were ruled by approximately 98 caliphs and sultans. Of these, only a maximum of six would meet the stringent conditions for a just leader as defined by Muslim legal scholars. This means fewer than 6% of Islamic history's most powerful leaders were righteous. In comparison, over 94% have been judged, by their own tradition's standards, to have abused the human rights of one social group or another. In temporal terms, the caliphate and sultanate system spanned 1292 years, of which no more than 55 were under what could be deemed just rule. Righteous governance, therefore, was not the norm but a statistical anomaly—a rare exception in a long history of what was often corrupt, cruel, and exclusionary leadership (Souaiaia, 2021).

This historical reality of unjust rule did not go uncontested within the Islamic tradition. The very 'Ulamā' who defined the ideals of just leadership also provided theological justifications for dissent and rebellion against rulers who failed to meet them. Prominent early jurists, including Abū Ḥanīfah and Mālik ibn Anas, are documented as having supported armed uprisings against caliphs they deemed to be unjust. Their legal frameworks included nuanced discussions on the conditions under which rebellion (*baghy*) could be considered permissible, highlighting that political obedience was not absolute and was contingent on the ruler's adherence to Islamic law and justice (Nasir & Bukhari, 2019; Şimşek, 2022). This tradition of scholarly critique is further exemplified in the aftermath of tyrannical acts; for instance, later jurists like Ibn al-Jawzī wrote treatises analyzing the permissibility of cursing a ruler like Yazīd, demonstrating how religious scholarship grappled directly with the moral and legal complexities of responding to state-sanctioned tyranny (Liew, 2021).

This critique of the historical record forces a re-evaluation of how to approach the concept of human rights within this context. The overwhelming evidence demonstrates that unjust rule is the historical norm. This fact renders any plan to universalize human rights contingent on creating a "better government" or finding a more pious ruler fundamentally flawed. The critical question posed in this study is not whether governments will violate human rights, but what must be done *when* they inevitably do. The answer cannot be to hope for a better leader to emerge from a system that has statistically failed for over a millennium. Instead, the solution must be institutional. It requires creating and empowering a durable and independent "counterbalance to government"—an approach that acknowledges the hard facts of history and builds a framework for rights based on the reality of imperfect human governance, not on the fiction of righteous rule.

CONCLUSION

This study conducted a critical genealogy of Islamic political history to argue that a robust and universal human rights framework cannot be built upon the idealized legacy of any tradition. However, it must instead be grounded in the historical reality of state fallibility. The investigation revealed that the political history of Islamic civilization, from the early caliphates onward, was characterized not by the consistent application of its highest ethical ideals but by systemic exclusion, endemic violence, and the consolidation of power through dynastic and often tyrannical rule. The analysis demonstrated that righteous governance was a statistical anomaly, with over 94% of rulers failing to meet the standards of justice set by the tradition's jurists. This chronicle of abuse, however, is only half of the story. Paradoxically, these very conditions of misrule gave rise to one of the tradition's most vital contributions: the emergence of independent institutions of counterbalance, most notably the scholarly class of the 'Ulamā', which often served as a moral and legal check on executive power.

The primary academic contribution of this article is its methodological and theoretical reframing of the debate on Islam and human rights. This study offers a pragmatic institutional analysis by moving beyond a simple inquiry into doctrinal compatibility. It posits that the most fruitful lessons from Islamic history come not from its idealized principles but from its long and complex experience with the messy realities of governing, the inevitability of power abuse, and the perennial struggle to constrain it. The research challenges the monolithic depiction of Islamic governance as purely theocratic, highlighting its *de facto* secular dimensions and internal, historically rooted mechanisms of dissent. The central thesis is that human rights are best secured not by searching for a perfect political model in the past, but by understanding and strengthening the institutional counterweights that can hold any government, regardless of its legitimizing ideology, to account.

This conclusion opens several avenues for future research. Further studies could explore how these historical models of institutional counterbalance—such as the independent 'Ulamā' or the financial autonomy provided by the *waqf* system—might inform or be re-imagined within the context of contemporary civil society and human rights movements in Muslim-majority nations. Comparative genealogical analyses of other non-Western traditions could also be undertaken to build a more globally informed theory of institutional checks on power. Finally, research is needed to investigate how modern Islamic social and political movements are currently drawing upon, or diverging from, these historical precedents of dissent and critique in their engagement with the modern nation-state.

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