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The Flogging of the Imams and the Forging of Islamic Constitutionalism

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Abstract: This study examines the foundational struggle between independent jurists and caliphal power during the Umayyad–Abbasid transition as a critical juncture in Islamic political thought. Through a qualitative historical-comparative analysis that process-traces the principled resistance of Imams Abū Ḥanīfa and Mālik ibn Anas, it demonstrates how their refusal of state appointments, endurance of torture, and assertion of law above the ruler forged an enduring "separation of powers." The analysis reveals that their stances institutionalised the ulama as autonomous guardians of Sharia, insulating legal pluralism—the four Sunni schools—from executive manipulation and creating a proto-constitutional order centuries before Western analogues. The study further traces how this dynamic shaped legitimacy bargains, financial independence, and the soft power of transnational scholarly networks, yielding a normative architecture that constrained tyranny and preserved a vibrant legal tradition. Contemporary implications are drawn for judicial independence, academic freedom, and accountable governance in Muslim-majority states, anchoring global rule-of-law principles in indigenous Islamic heritage.

Keywords: Ulama-Caliph Relations, Islamic Constitutionalism, Legal Pluralism, Abbasid Revolution, Judicial Independence

Introduction

In the blistering heat of 8th-century Kufa, the flesh of a scholar split under the whip of imperial power. Imām Abū Ḥanīfa, his body swollen and bleeding, refused to count the doors of a mosque for a governor, let alone surrender his legal conscience. Fast forward twelve centuries: in Cairo's Tahrir Square, Egyptian judges in black robes marched alongside protestors in 2011, demanding an independent judiciary free from the suffocating grip of the executive (Brown, 2012). The scene is different, the geography shifted, yet the pulse is the same—a timeless, defiant insistence that law must tower above the ruler, that truth-tellers cannot be bought, beaten, or broken into silence. This study unearths that enduring struggle, not as a relic of medieval chronicles, but as the foundational seismograph of Islamic political thought and a living blueprint for Islamic diplomacy.

The transition from the Umayyad to the Abbasid dynasty in the mid-8th century was far more than a violent change of guard. It was, as Patricia Crone and Martin Hinds (2003)

argued, a contest for the very soul of authority in Islam—a clash between the caliph's claim to speak for God and the scholars' claim to guard God's law. The Umayyad sovereigns, ensconced in Damascus, ruled as Arab tribal kings (mulūk), their legitimacy bloated by conquest but starved of pious consensus (Hawting, 2000). The Abbasids, rising from Khurasan's secretive networks, brandished a messianic slogan—*"al-Riḍā min al-ʾAlī Muḥammad"*—promising a return to prophetic justice (Crone, 1980).

But as the blood dried in the Euphrates and the black banners unfurled over Baghdad, the jurists who had lent moral cover to revolution watched in horror as the new caliphs, too, sought to domesticate divine law. What unfolded was not merely a political drama but the birth of a constitutional tension: Could a ruler be subjected to the same sacred norms he was duty-bound to enforce? The answer, carved in the flesh of Abū Ḥanīfa and Mālik ibn Anas, shaped the trajectory of Islamic civilisation and constructed a "separation of powers" centuries before Montesquieu ever put quill to parchment (Nadwi, 2010).

Yet, for all the ink spilled on early Islamic history, the intersection between this scholar–caliph dynamic and the foundational theory of Islamic diplomacy remains strikingly under-theorised. Diplomacy, in its classical Islamic sense, was not merely the exchange of envoys between courts; it was the negotiation of moral authority across borders, the calibration of legitimacy through the language of religious fidelity (Haynes, 2016).

The independent ulama—armed with fatwas, study circles, and the raw charisma of suffering—functioned as a transnational moral class, adjudicating which rulers were legitimate and which were tyrants in waiting (Zaman, 2010). When Mālik decreed that oaths sworn under coercion were void, he did more than undermine an Abbasid governor's edict: he broadcast, from Medina to the far reaches of the dār al-islām, that the caliph's sword could not sever a believer's conscience from God's law. This was diplomacy by jurisprudence, a soft-power revolution that allowed a merchant-imām to stand toe-to-toe with the most powerful empire of its age.

The significance of this inquiry is not merely antiquarian; it is surgical. Contemporary Muslim-majority states continue to grapple with the legacy of the caliphal bargain: how much power should religious institutions wield, and whose hands hold the scales of Sharia? In Saudi Arabia, Crown Prince Mohammed bin Salman's consolidation of power has involved a systematic curtailing of the independent religious establishment, echoing the Abbasid playbook of co-option and coercion (Ulrichsen, 2020). In Iran, the velāyat-e faqīh fuses clerical and state authority in ways that would have made al-Manṣūr envious, yet its legitimacy is persistently contested from within the seminary itself.

According to the World Justice Project's Rule of Law Index (2023), the majority of Muslim-majority countries rank in the bottom half for judicial independence, with scores significantly correlated with perceptions of corruption and political instability. The United Nations Development Programme's Arab Human Development Report (2022) laments a "governance deficit" rooted in weak accountability mechanisms and the politicisation of legal and religious institutions. These are not isolated data points; they are the mournful echoes of Baghdad's prison cells.

Linking these modern maladies to their medieval origins is not an exercise in nostalgia but a rescue mission for a buried constitutional tradition. Western scholarship on democracy and the rule of law has long benefited from revisiting Magna Carta, the Investiture Controversy, and the English Civil War as archetypes of executive constraint. Islamic civilisation possesses its own such archetypes, embodied in the lacerated backs of its greatest jurists, yet these are too often treated as hagiography, not as political theory.

This study, therefore, sits at the intersection of basic and applied research. Basic, because it constructs a theory of the ulama–caliph nexus as a foundational mechanism of Islamic political order—explaining how variables like "scholarly financial independence" or "caliphal religious self-restraint" determined the resilience of legal pluralism. Applied, because it distils actionable principles for modern governance: that judicial independence, academic freedom, and the autonomy of religious bodies are not Western imports but Islamic imperatives, and that honouring them enhances domestic legitimacy and international soft power simultaneously (An-Na'im, 2010; Mandaville, 2020).

This investigation is, at its core, a qualitative comparative historical analysis. It reconstructs the Umayyad–Abbasid transition as a "critical juncture" in the formation of Sunni juristic culture, employing process-tracing to illuminate how specific acts of defiance (a refused judgeship, a fateful fatwā) produced enduring institutional norms (George & Bennett, 2005). The research is characterised by a deliberate interdisciplinarity: it wades into Islamic legal historiography (Hallaq, 2005; Melchert, 2024), political science theories of state-building and legitimation (Weber, 1978), and international relations scholarship on religious soft power and diplomacy (Haynes, 2016; Fox & Sandler, 2004). This fusion is necessary because the phenomenon itself—a legal class acting as a counterweight to centralised power—is constitutively multi-dimensional.

The motivation springs from a twin conviction. First, the dominant narrative of "Islamic despotism" is historically myopic; the Islamic past contains robust resources for limited government that have been suffocated by both colonial rupture and post-colonial authoritarianism (Sachedina, 2001). Second, that the contemporary crisis of trust in Muslim-majority states—documented by the OECD (2025) and Pew Research Centre (2017)—cannot be resolved by mere technocratic reform. It requires tapping into the "deep grammar" of Islamic legitimacy, a grammar in which the independent scholar is a symbol of divine accountability. When Pew surveys reveal that large majorities in countries like Egypt, Pakistan, and Jordan want religious leaders to play a role in politics but also distrust state-controlled religious bodies, we glimpse the spectre of Imam Mālik: the people yearn for moral authority, but not a moribund one chained to the palace.

Philosophically, this study operates within a post-positivist, interpretivist framework. It does not seek to uncover law-like generalisations that operate with Newtonian predictability, but to understand the meaning-laden actions of historical actors within their own cultural and normative horizons. When Abū Ḥanīfa told al-Manṣūr, "If I am lying, then a liar is unfit to be a judge; and if I am telling the truth, I have already told you I am unfit," he was deploying a logic internal to Islamic ethics—a iqāmat al-ḥujja (the

establishment of proof) that simultaneously honoured the caliph's station and utterly subverted his will. To interpret this act as mere "political opposition" is to flatten its rich theological texture (Kenney & Moosa, 2013). Thus, the research marries deductive and inductive reasoning in a spiralling hermeneutic.

Deductively, we test a preliminary theory derived from Weberian sociology of law: that when legal guardians achieve genuine autonomy from the executive, the legal system gains "sacred" legitimacy that constrains arbitrary power (Weber, 1978; Hallaq, 2005). Inductively, from the granular historical record—the lashes counted, the journeys to Mecca, the chains of transmission—we refine and thicken this theory, identifying uniquely Islamic mechanisms such as taqwā-based financial independence (piety-funded autonomy) and the normative force of the Prophetic hadith on coerced oaths.

To speak the language of systematic analysis while remaining faithful to the source material, this study conceptualises a set of relational variables. The independent variable is the degree of autonomous scholarly authority—operationalised through behaviours such as refusal of state appointments, maintenance of private income, and issuance of fatwās contrary to caliphal desire. The dependent variable is the institutional resilience of Islamic law, measured as the continuation and flourishing of juristic pluralism (multiple madhāhib) and the insulation of law from executive manipulation. A moderating variable is the caliph's religious legitimation strategy: whether the dynasty relied on coercive co-optation (Umayyad, later Abbasid) or initially on charismatic prophetic lineage (early Abbasid). Contextual variables include the urban commercial base of a scholar's city (e.g., Kufa's trade vs. Medina's land endowments) and the intensity of external military threat.

From this conceptual map, we derive the central thesis—in effect, the master proposition of the "imāmate of law" model: The greater the autonomy of the ulama from caliphal control, the more robust and pluralistic the development of Islamic jurisprudence, and the more enduring the dynasty's religious legitimacy. A testable sub-hypothesis posits that caliphates that financially co-opted scholars experienced a short-term consolidation of power but suffered long-term legitimacy decay, as state-sponsored fatwās lost credibility with the populace. The historical record bears this out: the Abbasids, who successfully co-opted Abū Yūsuf (Abū Ḥanīfa's student) as chief judge, gained an efficient judicial bureaucracy (al-Kindī, 1912), but the popular veneration of the imprisoned, martyred Imām far outstripped that of the comfortable palace jurist, creating a dual authority structure that periodically erupted in rebellion (Kennedy, 2022). In the language of modern political science, this is a classic case of "performance legitimacy" corroded by "procedural illegitimacy."

We must not, in our academic distance, forget the body. Abū Ḥanīfa died in prison, his frame wasted, rumours of poison clinging to his shroud like a final accusation (Abu Hanifa, 2024). Mālik was hoisted onto a camel, his arms dislocating as the whip tore into his back, crying out his identity not as a plea for mercy but as a declaration of unbroken truth: "I am Mālik, son of Anas, and I say coercion does not make a divorce!" (Chaudhry, 2024). These are not mere "data points"; they are wounds that speak. They speak of a conviction

that some things—the law of God, the dignity of conscience—are worth more than life itself. This study argues that this very corporeal vulnerability was the source of the ulama's monumental authority. The caliphs had armies and gold; the scholars had scars and stories. And in the economy of sacred history, scars proved the better currency.

Bulliet (1994) observed that Islam's edge was always its "view from the edge"—the provincial scholar, the travelling merchant, the marginalised mystic—who kept the centre from decaying into absolute hubris. To read the flogging of Malik as a strategic triumph is not grotesque; it is the profound recognition that power, when it overreaches into the soul's domain, inevitably mutilates itself in the eyes of the faithful.

This dynamic is the lost chapter of Islamic diplomacy. Too often, Islamic diplomacy is framed as the province of caliphal missives, amān (safe-conduct) agreements, and the protocol of embassies (Donner, 2010). But the ulama sustained a parallel diplomatic order: the ijāza (license to transmit knowledge) was a passport that crossed dynastic lines; the fatwā of a respected Medinese scholar could destabilise a Baghdad caliph more effectively than a Byzantine legion. This study suggests that understanding the medieval ulama as a transnational epistemic community—to borrow a term from international relations—illuminates their modern legacy (Haas, 1992). Today's Islamic scholars, from Al-Azhar to Qom to Deoband, continue to exert a gravitational pull on state behaviour, wielding a soft power that authoritarian rulers both fear and seek to capture.

The Tony Blair Institute for Global Change (2021) has provocatively argued that breaking the "ulema–state alliance" is a prerequisite for democratic development in the Muslim world. Yet a deeper historical analysis reveals that this alliance was never monolithic; it was always contested, with independent Imams creating the ideological and institutional templates for a "free pulpit." The research thus offers a counter-narrative: the potential for reformist diplomacy lies not in bypassing religious tradition, but in reactivating the prophetic, anti-tyrannical inheritance preserved precisely by scholars who refused to become palace appendages.

The pages that follow cut into this inheritance with the blades of history, law, and political theory. They move through Umayyad Damascus, across the broken promises of the Abbasid revolution, and into the prison cell of Abū Ḥanīfa to confront the question that refuses to die: Who guards the guardians of the faith? The answer—ignored by caliphs then and governments now—is stark: the true guardians stand protected only by conscience, and by the memory of a scholar's flogged back turned into a pillar of justice. This study honours that transformation and gives form to its grammar, so the pain that shaped a civilisation does not fade into silence.

Methodology

This study adopts a qualitative, historical-comparative methodology centred on process-tracing within a single critical case—the Umayyad–Abbasid transition—to uncover the causal mechanisms linking autonomous scholarly authority to the resilience of Islamic legal pluralism. Primary sources include classical Arabic biographical dictionaries (e.g., al-

Khaṭīb al-Baghdādī's Tārīkh Baghdād), legal treatises, and chronicles such as al-Ṭabarī's Tārīkh al-Rusul wa-l-Mulūk, while secondary analysis integrates contemporary works of Islamic legal historiography, political theory, and international relations. The research proceeds through a spiralling hermeneutic that weaves deductive testing of Weberian propositions on the sociology of law with inductive, context-sensitive interpretation of the jurists' recorded speech-acts and bodily suffering, treating the lash as a datum and the prison cell as a site of norm-production. A thematic literature review synthesises scholarship across Islamic history, diplomacy, and rule-of-law studies to frame the "imāmate of law" model. This design is particularly suited to master's-level research in both Islamic history and civilisation and Islamic banking and finance, as it demonstrates how historically grounded, textually faithful qualitative analysis can generate theoretical insights with clear normative and institutional implications for contemporary governance and ethical finance.

Result and Discussion

The mid-8th century saw the Umayyad dynasty collapse and the Abbasids seize power – a chaotic era akin to a slow-motion revolution. The renowned jurists of the time, especially Imam Abu Hanīfa and Imam Mālik, navigated this storm with unwavering principle. Their stances reflected three core values: political independence (refusing co-option by rulers), academic integrity (upholding the Sunna-based tradition of their communities), and a moral response to oppression. In simple terms, they insisted: *"The ruler is subject to the Sharia, not the other way around."*

Such a position meant they often clashed with both Umayyad and Abbasid caliphs. The Umayyads had long been criticised for acting like worldly kings (*mulūk*) instead of guided caliphs (Hawting, 2000). The Abbasids came promising a return to the Prophet's way (even using the slogan *"al-Riḍā min al-ʾAlī Muhammad"* – "one pleasing from the family of Muḥammad"), but soon showed their own authoritarian face. Throughout, these Imams and other scholars refused royal appointments or gifts, insisting on staying independent (Crone, 1980). Their story is a powerful "backgrounder" in Islamic history: a classic case of religion-state tension that shaped both medieval Islam and even modern statecraft (Khalīfa ibn Khayyāṭ, 1977; Ibn Abī Khaythama, 2006).

Imam Abū Hanīfa (699–767 CE): The Independent Jurist

Abū Hanīfa b. Thābit al-Naʿmānī ("Imām Aʿẓam") championed scholars' independence. During the late Umayyad period, the governor of Iraq, Yazīd b. Ḥubayrah famously offered him the keys to the treasury and the judgeship of Kufa. Abū Hanīfa flatly refused. As he quipped, *"If he asked me to count the doors of the mosque for him, I would not."* The governor had him whipped day after day, head swollen, even as fellow jurists urged him to relent. In typical stoicism, he replied, *"By Allah, I will never become involved in that!"* In utter defiance, Abū Hanīfa was eventually jailed – ten lashes a day until he was near death (Ibn Masud, 2013). He fled to Mecca to escape further persecution, living there through the Abbasid revolution

Under the early Abbasids, Abū Hanīfa at first welcomed the overthrow of the Umayyads as a chance for reform. When Caliph al-Ṣaffāḥ (r. 750–754) entered Kufa, he asked Abū Hanīfa to address the assembled scholars. In a sermon, Abū Hanīfa declared his allegiance *"by Allah and fidelity, and by the command of Allah"* to the new Imam, praising the end of "oppression and injustice" and affirming the Abbasids' Prophetic lineage (Ibn Masud, 2013). This shows he initially approved the revolt as "the right of Imamate", returning to the Prophet's family.

However, when Caliph al-Manṣūr (r. 754–775) consolidated power and began eliminating rivals, Abū Hanīfa became disillusioned. Al-Manṣūr tried to "tame" Abū Hanīfa by offering him the top judicial post (qāḍī al-quḍāt). Abū Hanīfa politely declined, citing his unsuitability. When the Caliph angrily called him a liar, Abū Hanīfa retorted: *"If I am lying, then a liar is unfit to be a judge; and if I am telling the truth, I have already told you I am unfit."* Enraged, al-Manṣūr threw Abū Hanīfa into prison (where he was reportedly starved and tortured). He died in custody around 767, possibly poisoned (Abu Hanifa, 2024).

Key takeaways on Abū Hanīfa's stance: He refused all state appointments (Umayyad or Abbasid) to keep juristic authority independent. He supported justice (e.g. praising the overthrow of unjust rule) but avoided being a puppet. His wealth as a silk merchant gave him financial independence, enabling him to say no to royal stipends (and even refusing zakāt). In today's terms, Abū Hanīfa argued for rule-of-law over "rule by decree." This set a precedent: even an autocratic caliph is not above legal norms (Hawting, 2000).

Imam Mālik ibn Anas (711–795 CE): Guardian of Medina's Sunnah

Imam Mālik, the "master of Medina," lived under both dynasties in the Prophet's city. His approach was to protect the Medinese tradition and the principle that law comes from learned practice, not royal whim. During the Abbasid succession crisis, a rebellion by Muhammad al-Nafs al-Zakiyya (a Shiʿite Alid) divided loyalties. Many had pledged bayʿah (loyalty oath) to al-Manṣūr by force. Mālik issued a dramatic fatwā: an oath taken under compulsion is *void*. He based it on the Prophetic hadith about coerced divorce (Hijazi, 2012).

This fatwā was a direct political blow: people could abandon their coerced allegiance without sin. In retaliation, the Abbasid governor of Medina publicly flogged Mālik – 70 lashes until his arms nearly dislocated. Even under torture, he refused to recant. (It's said Mālik forgave the Caliph later out of respect for the Prophet's kin, after al-Manṣūr pleaded forgiveness) (Khalīfa ibn Khayyāṭ, 1977; Ibn Abī Khaythama, 2006).

Later, al-Manṣūr attempted a reconciliation of sorts. He asked Mālik to move to Baghdad and put Mālik's compendium, *al-Muwaṭṭaʾ*, into official use. Mālik declined, famously warning: *"The Companions of the Prophet spread to different lands, and each carried their knowledge; do not force the people into one way."* In other words, Mālik protected legal pluralism. He insisted that imposing one school of law (even his revered *Muwaṭṭaʾ*) on all Muslims would be against the diversity of established practice. Once again he prioritised religious principle over royal favour.

Key themes from Imam Mālik: He preserved the Sunni tradition of Medina (the City of the Prophet). He argued legal points with learned reasoning, not politicking. His refusal of Abbasid pressure (and surviving flogging) reinforced that *legal validity comes from scholarship and community consensus, not from the ruler's command*. Like Abū Hanīfa, he maintained separate income (had business and/or waqf), so he could say *"no"* to offers of state largesse (Kuru, 2021).

Common Themes: Separation of Mosque and State

From these examples emerge **three pillars** of the Imams' stances (*mawāqif*):

1. Religious Authority > Caliphal Authority. Both Imams insisted that the *ulama* are the guardians of Sharia and Sunna, not the caliph. This echoes the classical Sunni view that a caliph's role is to *enable* scholars to do their work. The Umayyads were denounced as mere kings (*mulūks*), emphasising that "religious scholars (the 'ulama') are the true authorities in matters of faith and law" (Hawting, 2000). In effect, the Imams helped institute a separation of mosque and state: the caliph enforces law, but the *ulama* interpret and protect it. If a caliph sinned, they would still call it sin. This concept is sometimes likened to an early form of "rule of law" or institutional checks and balances in the Islamic context.
2. Financial Independence. Both refused state salaries. Abū Hanīfa's thriving silk business and Mālik's modest means meant they were not beholden to the caliph's stipend (ʿaṭā'). Even when offered gifts, they rejected them. This self-sufficiency was crucial: it allowed them to denounce rulers freely. (A modern parallel: independent judges cannot be paid by one branch of government if we want impartiality.)
3. Stability and Wisdom over Reckless Rebellion. The Imams recognised the perils of civil chaos (*fitna*). Neither organised mass uprising (they were scholars, not politicians), but they did support *principled* change (e.g. voicing a critique). When al-Manṣūr offered reconciliation, Abū Hanīfa advised restraint. The emphasis was on *educational and legal foundations* ("a system of law that will outlast any dynasty") rather than violent revolution. In today's terms, they preferred sustainable reform (like building institutions of learning) to rash upheaval.

Together, these stances preserved Islamic law and community life even as dynasties changed. By guarding legal independence, they ensured that even corrupt caliphs could not rewrite Sharia to fit their whims. The result was the birth of the enduring madhāhib (legal schools) and a stable "moral code" that outlived any ruler. Their legacy, in modern parlance, is a call for lawyers and scholars to remain independent from the executive – an early analog of constitutionalism (Yusron & Maspul, 2025).

Table 1. Comparison: Umayyad vs Abbasid Stance

Feature	Umayyad Era	Abbasid Era	Outcome
Abū Hanīfa	Refused administrative/judicial roles; flogged by Umayyads for his integrity.	Rejected caliphal judgeship (qāḍī al-quḍāt); imprisoned by al-Manṣūr.	Preserved juristic independence (*ijtihād*) – doctrine of *ulama* as non-state authorities.

Feature	Umayyad Era	Abbasid Era	Outcome
Imām Mālik	Focused on preserving Medina's Sunna; largely stayed out of late-Umayyad politics.	Issued a fatwā that coerced oaths are invalid (undermining Abbasid legitimacy); flogged by Abbasids.	Protected diversity of Islamic jurisprudence; stance led to doctrinal pluralism over uniformity.
General Strategy	Intellectual isolation from corrupt court; "pious distance" (echoing figures like Saʿīd b. al-Musayyib).	Guarded autonomy against state control; refused to become *employees* of the state.	Firmly established separation: "the birth of the four madhhabs" and a tradition of independent scholarship.

(*The table above highlights the shift: under Umayyads, scholars like these were persecuted for refusing co-option; under Abbasids, early cooperation gave way to confrontation when the* ulama *spotted authoritarianism. The result was a consensus that* ulama *would be the bedrock of Islamic law, not handmaidens of caliphs.*)

Ulama and Caliphs: A Tug-of-War for Legitimacy

The grand struggle between *ulama* and *umara* (rulers) over legitimacy began under the Umayyads and continued well into Abbasid times. Think of it as a historic tug-of-war: the caliph had swords, horses, taxes – but the *ulama* had the pulpit, the fatwas, and the hearts of the masses.

Umayyad Era (661–750 CE): Kingship, Critique and Distance

By the late Umayyads, many jurists openly called them "kings" (mulūk), a term loaded with disdain. As Prof. G. Hawting summarises, Muslim tradition insisted *"the Umayyads were merely kings and [not] the true caliphs"*, because a true caliph should be chosen by the people and limited in power (Hawting, 2000). Tradition held that the caliph's religious authority was limited – the guardians of the faith were the *ulama*, and the caliph was to maintain conditions for them (Khalīfa ibn Khayyāṭ, 1977; Ibn Abī Khaythama, 2006). Thus, when Muʿāwiya I appointed his son Yazīd (680 CE), many scholars cried foul.

Scholars like Saʿīd b. al-Musayyib and Ḥasan al-Baṣrī (living slightly later) set a precedent of "pious distance": they refused to enter palaces or tie themselves to rulers, believing proximity would corrupt their teachings. Indeed, the Umayyads often tried to enlist jurists to issue fatwas supporting unpopular policies (especially heavy taxation of non-Arab converts). Independent jurists, therefore went underground, teaching law privately. This period saw a flourishing of oral tradition and private study circles. (Archival note: much of what we know is through historians like al-Balādhurī and al-Ṭabarī, who themselves were in scholarly networks that opposed the Umayyad *tendency*.)

By 750 CE, the Umayyads had effectively lost the scholars' moral backing. The "memory" of tragedies like Karbala and the Harra massacre (Yazīd's suppression of Medina) remained alive in pulpit sermons, deepening the rift. Scholars had become the

nemesis of dynastic tyranny, echoing that "power should serve Islam, not Islam serve power" (Maspul & Yusron, 2026)

Abbasid "Honeymoon" and Subsequent Disillusionment

The Abbasid revolution leveraged this Ulama-opposition. The secret Hashimiyya network was run by clerics and tribal leaders in Khurāsān and Kūfah, preaching the slogan *"Ar-Riḍā min al-ʾAlī Muhammad"* – an ambiguous promise of a righteous leader from Muḥammad's family (Crone, 1980). Early on, many Sunnī scholars supported the Abbasid cause, framing it as fighting Umayyad *zulm* (oppression). They gave religious cover to the rebellion: e.g. chanting that overthrowing Muʿāwiya's heirs was justified by sacred justice.

First Year of Abbasids: When Abu'l-ʿAbbās al-Ṣaffāḥ took power in 750, he gathered Kufan scholars to legitimise his rule. He offered them honours and gifts if they pledged bayʿah (as memoirs record). Abū Hanīfa's famous sermon during that scene praised the end of injustice and invoked loyalty *"by the command of Allah"*. For a brief moment, rulers and *ulama* appeared allied: the ulama got safe patronage, and the caliphs got moral legitimacy.

Turning Point: Reality soon bit. The Abbasids set up a vast bureaucracy to rule a bigger empire. They needed legal unity and stability. This meant *hiring* the great jurists for the state – precisely what the Umayyads tried. Abu Hanīfa and Mālik found themselves offered official posts again (qāḍī, or "official mufti"), even large sums of money. But the latter half of the 8th century saw the Imams withdraw. Once al-Manṣūr executed rebellious Shiʿi Alids, these jurists realized the Abbasids simply swapped one tyranny for another. They refused state jobs outright. (Abū Hanīfa quipped he was "unfit" when offered chief judgeship; Mālik insisted on remaining a Medinese teacher.)

Scholars in Power: When Abbasids *didn't* get willing stars, they elevated those who would serve. Soon emerged a divide: "State Ulama" (who accepted judgeships and endorsed the caliph's decrees) versus "Independent Ulama" (the likes of Mālik, Abū Hanīfa, and later Aḥmad b. Ḥanbal, who maintained autonomy). This split shaped Islamic scholarship for centuries. The Abbasids' patronage of independent jurists waned as more bureaucratic Qāḍīs filled courts.

Three Key Dynamics of the Transition

1. Legitimacy Exchange: Caliphs always craved religious approval. They tried to tie themselves to the Prophet's family or legacy. Early Abbasids even publicly claimed birthright to Ali's branch (Crone, 1980). In return, Ulama demanded justice for the populace and fidelity to Sharia. Having moral sway, the Ulama influenced which regimes were seen as lawful (Ibn Masud, 2013). In essence, the Ulama used this leverage to protect people's rights (if a ruler grew unjust, scholars publicly reminded everyone, as Abū Hanīfa did in ʿAbbāsid Kufa).
2. Legal Autonomy: The Ulama insisted that Sharia is above the Sultan. They argued a caliph cannot make new law—he only enforces God's law. Any decree contrary to Sharia would be illegitimate. This principle was revolutionary: for the first time in that region,

even rulers could be said to be *"subject to the law"*. Hawting notes that classical theory held *"the caliph's authority was to be limited, in particular in religion, where the real authorities – the guardians of the Sunna – were the religious scholars"*. By pushing back, these Imams helped birth a proto-rule-of-law system (Hawting, 2000).

3. Financial Tension: Rulers often tried to *buy off* religious figures. "Gifts" (jawaʾiz) or salaries were offered to lull scholars into silence. The Imams countered this. Abū Hanīfa's own wealth as a merchant meant he could decline bribes (Kuru, 2021). Mālik likewise had modest means. This was deliberate: without royal income, they felt free to critique. The Abbasids eventually institutionalised ulema salaries (the infamous *ʿilmiyya* stipends), but the uncompromising Imams had shown that reliance on state funds equalled loss of voice.

Summary of Impact: The Umayyad→Abbasid transition *finalised a social contract*: the caliph handles war, treasury, and administration; the Ulama handle faith, education, and social law. This **separation of powers** – sword vs scripture – meant that even if a caliph was corrupt, Islamic law and culture stayed intact. One scholar likens it to the Ulama being the "moral compass" for society, ensuring continuity. The arrangement stabilised Islamic civilisation: dynasties rose and fell, but the core of Sunni law and culture endured through the independent efforts of scholars.

From Damascus to Baghdad: A Cultural and Political Transmission

When the Abbasids built Baghdad (762 CE) and shifted the capital from Damascus, it wasn't just geography changing – it was a **civilizational pivot**. Imagine the empire's heart moving from a Greco-Roman-Muslim Mediterranean hub to a Persianate, cosmopolitan crossroads on the Tigris. The ripple effects were massive:

1. Geopolitics: *Damascus* had anchored the Umayyad state close to Byzantium (their constant nemesis) and trade in the Levant. *Baghdad*, built on fertile Mesopotamia, pulled the empire's focus eastward into Persia and Central Asia. This shift rewarded the eastern (Khurasani/Persian) revolutionaries who had toppled the Umayyads. As one source notes, moving the capital "appeased the Persian mawālī support base" (The Umayyad and Abbasid Empire, n.d.). By relocating, the Abbasids reoriented borders, defense and diplomacy; Syria became a frontier rather than a centre.
2. Demographics: The Umayyad Caliphate had functioned like an Arab tribal aristocracy. In Damascus, top offices were held almost exclusively by Arabs; non-Arab Muslims (mawālī) paid extra taxes and felt marginalised. In contrast, *Baghdad was deliberately cosmopolitan*. Persians, Turks, Arabs, and even lately converted peoples (Persians, Khurasanis, Turkic guards) filled the bureaucracy and army. A Persian vizier (the era of the *Barmakids*) could pull the strings of the caliph. The Abbasids took care to present themselves not as "Arab kings" but as *universal Muslim rulers*. They even introduced Persian and eventually Turkish as court languages alongside Arabic. This broadening of the power base also changed the audience: scholars from across the Muslim world came to Baghdad. As a source notes, *"Baghdad's position as the Abbasid capital attracted Arab,*

Persian and other scholars… producing a vibrant academic community" (House of Wisdom, 2024).

3. Administration: In Damascus, the Umayyad state was relatively simple and military-focused ("The Caliph as a warrior-king"). In Baghdad, the Abbasids imported Sassanid bureaucracy. They created the famous Diwāns (ministries for finances, army, letters, etc.), and the office of the vazīr (prime minister) emerged. The Abbasid caliph became a secluded figure enthroned in elaborate ritual, far more like a Byzantine emperor or Persian shah-in-ceremony than a tribal warlord. The shift to bureaucracy also meant more record-keeping, more appointments, and as a result, more scholars serving as judges and administrators (for example, Mālik's student Ibn ʿAbd al-Raḥmān eventually became chief judge). The price was costlier for the government and more contested over positions among elite families, but also a more unified imperial system.
4. Intellectual Transformation (Golden Age): Perhaps the most enduring legacy was the scholarly revolution. Damascus and Mecca had preserved oral memory and the Prophet's companions' customs. But Baghdad became the world's library. Abbasid rulers patronised the translation of Greek, Persian and Indian works. The House of Wisdom (Bayt al-Ḥikma) was founded as a grand academy/library. Iraq's libraries, paper mills and hospitals multiplied. While Damascus remained a pious shrine city, Baghdad blossomed into a metropolis of poets, philosophers, mathematicians and physicians (Al-Khwārizmī, al-Kindī, al-Fārābī, etc.). This "Paper Revolution" meant that Islamic law, theology and hadith, once almost exclusively oral, were now codified in writing. It was in this milieu that Abū Yūsuf and Ibn al-Shāṭir could write encyclopedias. A fascinating footnote: some modern scholars debate whether the storied "House of Wisdom" was as centralised as myth suggests, but there's no doubt Baghdad aggregated the world's learning (House of Wisdom, 2024).
5. Impact on Ulama: In Damascus and Medina, a scholar might just be a local faqīh. In Baghdad, being a scholar became a high-status profession. Financial endowments (*awqāf*), growing mosques, and courts meant scholars could gather students in large institutions. The sheer wealth of Baghdad allowed for four standardised schools of law to emerge, since there was an environment (time, funds, record-keeping) to compile and debate. Without the move east, classical works like Mālik's *al-Muwaṭṭaʾ* or Abū Hanīfa's *Fiqh al-Akbar* might never have reached their final form.

Cultural Contrast – Damascus vs Baghdad: The Umayyad era in Damascus was characterised by an Arab-Islamic tribal ethos, tinged with Byzantine influence (e.g. architecture). The Abbasid Baghdad was Persian-Islamic and multiethnic (Hawting, 2000). The economy shifted from war-booty-based to Silk Road trade hubs. Religious practice also broadened: from "Arab Islam" toward a universalist Islam that encompassed many cultures. This mirrored the scholar's evolution: early Basran or Medinese Imams gave way to itinerant Baghdad-based scholars like al-Shāfiʿī, who synthesised Iraq and Hijazi traditions.

Abu Hanifa and Malik vs. Abbasid Authority: Scholars Defending the Law

In 8th-century Abbasid Baghdad and Medina, two towering jurists — Imams Abu Hanifa (d.150/767) and Malik ibn Anas (d.179/795) — took a public stand that law and truth must outrank political power. When Caliph al-Mansur (r.754–775) offered Abu Hanifa the chief judgeship, Abu Hanifa flatly refused to "lend his authority to the decisions of the Caliph". As one source recounts, Abu Hanifa calmly told al-Mansur he was "not fit" for the post, and when the Caliph accused him of lying, Abu Hanifa quipped, "How can you appoint a liar to the exalted post of a qāḍī (judge)?" He endured ten days of harsh interrogation and whipping under the Abbasids — just as he had under the Umayyads — but would not serve.

Contemporary historians laud him as a *"warrior for the authority of the law set against the power of the state"* (Nadwi, 2010). In Abu Hanifa's view, the judge's duty was to God's law above all; he believed accepting a political appointment would "compromise his independence" and make justice "subservient" to tyranny.

Imam Malik's confrontation with authority was just as principled. When the Abbasid governor of Medina forced citizens to swear allegiance to al-Mansur (under threat of forced divorce if they rebelled), Malik invoked the hadith "there is no divorce under coercion." He ruled that any bayʿa (oath of loyalty) given under duress was null and void. This directly challenged the governor's decree. Refusing to recant, Malik was seized and flogged (some sources say 70 lashes). Even tied upside-down to a camel and beaten until unconscious, he reportedly shouted defiantly, "I am Mālik, son of Anas, and I say coercion does not make a divorce!" (Chaudhry, 2024).

This moral courage made Malik a "mountain in Islamic scholarship." Notably, he never rejected *all* governors – he simply refused to bless injustice. Afterwards, the Caliph himself (Mansur) asked Malik's forgiveness, and Malik graciously complied. When his school (Madinah) was later visited by Harun al-Rashid, Malik politely demurred, saying, "knowledge should be visited and not that it should visit the people". His point was clear: a scholar's loyalty is to truth and community practice, not to palaces.

Neither Imam was an anarchist. Both affirmed the legitimacy of just rule but opposed theocracy or tyranny. They insisted Muslim rulers must obey Sharia just like any other subject. Indeed, Abu Hanifa's own student Abu Yusuf later *did* become grand judge under Harun al-Rashid, showing that Hanifa did not deny government per se. And Malik ultimately *"forgave"* Caliph Mansur upon request, while insisting the law remains supreme. In short, their quarrel was with *abuse* of authority, not authority itself. Classical Sunni doctrine echoed this: one obeys Muslim leaders so long as they do not command sin.

What Abu Hanifa and Malik did was check the ulema-free truth against political power. By refusing to conspire with corrupt rulers, they ensured that Islamic law would evolve through learned consensus (ijmāʿ), not by edict. As one scholar notes, long after these Imams, the principle remained: even when later jurists accepted government posts, "they still felt they had a duty to refuse to lend their authority to the will of the government" if it undermined the law (Nadwi, 2010).

Their stand shaped Islamic legal history. Abu Hanifa's martyrdom in prison turned him into a legend of integrity. His refusal convinced countless Muslims that a madhhab (school of law) must be defined by scholarship, not state favour. Historian Ebrahim Moosa observes that even once the Abbasid regime was secure, scholars refused to sacrifice independence: courts and madrasas were protected as spaces where *truth could withstand power* (Nadwi, 2010). In practice, this meant the Hanafi, Maliki (and later Shafiʿi/Hanbali) schools arose through debate, adaptation and consensus. The four imams were celebrated not only for piety but for exemplifying a separation of powers.

In effect, their resistance gave birth to a kind of "constitutional" dynamic: law and ethics were seen as higher than any caliph. Even Ibn ʿAbbās's hadith – that a ruler who sinned should be opposed – was quietly reinforced. Later empires (Ottoman, Mughal, etc.) grew strong partly because ulema (often Hanafi) could act as an independent check on sultans. As one medieval historian quipped, when Abu Hanifa was jailed, "jailing him only added to his popularity," so that people flocked to him in prison (Nadwi, 2010). This legacy meant Islamic jurisprudence became a broad university of thought rather than a single official creed.

Rule of Law and Trust in Institutions

The saga of Abu Hanifa and Malik is more than medieval history – it is an early model of the rule of law rooted in ethics. Modern analysts note that Islam's own principles require even kings to be bound by law. For example, one study observes that Islam "requires a constitutional, participatory and accountable form of governance…essentially based on the consent of the people" (Melkomyan, 2005). This mirrors what the Imams stood for: leaders and judges alike must be held accountable. Western research concurs: independent courts are the bedrock of stable society and prosperity. As an American law journal puts it, "countries that uphold [rule-of-law] principles tend to experience greater investment, innovation, and prosperity," whereas those with weak judiciaries suffer stagnation and corruption.

Another review highlights that trust in courts exceeds trust in executives – in OECD democracies, roughly 54% trust the judiciary versus only ~39% trust the government. In other words, people instinctively see *impartial law* as more credible than politics. This insight was exactly what Abu Hanifa emphasised by refusing a politicised bench: stable societies must have institutions (courts, universities, religious bodies) that can voice truth without fear. The OECD (2025) notes that when such trust is high, "social cohesion" and policy implementation improve.

Even recent events echo these lessons. During the Arab Spring, Egyptians *demanded* a state "fully governed by the rule of law," and judges called for full autonomy "insulated from political pressures" (Brown, 2012). In other words, the same constitutional aspirations arose millennia after Abu Hanifa and Malik. Think tanks now warn that without judicial independence or academic freedom, authoritarian regimes lose legitimacy and slide into instability. For foreign policy, this translates to soft power: governments that silence moral

voices (ulama or civil society) find both domestic trust and international reputation eroded. Conversely, by protecting courts and scholars, states gain "the trust that facilitates unity" and attract investment and alliances.

As one business analyst notes, upholding the rule of law – with impartial judges and clear contracts – is "essential" for economic development and general prosperity (American Bar Association, 2026; Organisation for Economic Co-operation and Development, 2025). In short, *righteous governance sells itself*: a society where even the Sultan can be challenged by evidence and ethical argument inspires confidence at home and abroad.

Comparative Perspectives

The Imams' legacy is universal: it parallels the Magna Carta's binding of King John or modern constitutions that limit executive power. Today, their example suggests concrete policies. First, governments (especially in Muslim-majority and developing states) should enshrine *judicial independence* in law. Constitutions and legal codes must protect judges and scholars from political dismissal or coercion. (For example, modern constitutions often mirror these values: the World Justice Project lists *accountability*, *just law*, and *impartial justice* as core rule-of-law principles (American Bar Association, 2026).

Second, courts and religious schools should be publicly funded but institutionally autonomous – so that jurists can issue opinions without fear of reprisal. Third, education systems and media ought to encourage ethical debate (within Sharia bounds) and critical thinking. Public encouragement of "enjoining right, forbidding wrong" (*al-amr bi-l-maʿrūf wa-nahy ʿan al-munkar*) can be a positive check, provided it isn't hijacked by politicians. In practice, this means supporting seminaries, universities and think-tanks that can critique governance.

These steps align with global norms. The United Nations and regional bodies stress the importance of an independent judiciary for peace and human rights. The Universal Declaration of Human Rights (Art. 10) guarantees *"a fair and public hearing by an independent and impartial tribunal."* Upholding that ideal strengthens global trust. Indeed, the OECD finds trust in courts is a vital complement to democracy (Organisation for Economic Co-operation and Development, 2025).

Finally, policymakers and diplomats should highlight that Islam's own tradition – as shown by Abu Hanifa and Malik – supports these values. In foreign relations and aid, funding for judicial training and university exchanges can reinforce that mixed heritage of faith and fairness. As one Middle East analyst pointed out, Egyptians of law, not by men, rising in 2011 demanded exactly what Malik and Hanifa had implicitly taught: rule by law, not by men (Brown, 2012).

The Abbasid era's greatest jurists bequeathed us a timeless lesson: societies flourish only when truth and law can stand up to power. Abu Hanifa and Malik risked their comfort (and indeed their lives) to prove that courts, scholars, *and moral voices must remain fearless and independent*. Modern policy should heed that lesson: by protecting justice and education as free pillars of society, nations build global trust and genuine stability. Their legacy is as

if a forgotten chapter of an unwritten constitution – a *ūṣūl al-fiqh* (foundation of jurisprudence) that says no ruler is above right, and that a free truth is the surest guarantor of long-term peace.

Informed by this history and global research, states and international bodies should:

1. Enshrine judicial and academic independence in law (e.g. fixed terms, fair appointment by committee).
2. Fund and empower independent law schools and think tanks, ensuring scholars can teach and critique the state without sanction.
3. Promote public civic education on *rule-of-law* values (through UN/NGO programs), tying local heritage (e.g. the Imams' example) to universal norms.
4. Encourage civil society and media to hold power accountable in non-violent ways, reinforcing social trust (as OECD notes, trust strengthens cohesion).
5. Engage in international partnerships (e.g. UNDP judicial reform, UNESCO academic freedom) to institutionalise checks and balances.

By doing so – honouring the spirit of Abu Hanifa and Malik – modern societies uphold global humanity values: justice, accountability and the dignity of each individual under the law.

The Ulama–Caliph "Tug-of-War": Lessons and Modern Parallels

This 8th-century transition reads like an ancient case study in political theory. In essence, the Abbasid takeover was a coalition of "sword" and "sermon": military revolution backed by clerical legitimacy. The ulama provided the *religious "software"* for the Abbasid regime's *military hardware*. But once in charge, the Abbasids tried to merge these powers. The independent Imams said "no way." The outcome was a delicate balance of powers that shaped the Islamic world's social contract for centuries.

Furthermore, the Abbasid–Imam dynamic invites comparison with other historical experiences:

1. Medieval Europe: Think of the Papacy vs the Holy Roman Emperor (e.g. Investiture Controversy) or the Church–State struggle in France under Louis and the Fronde. In some sense, the Abbasid scholars played a role similar to the medieval Church's canon lawyers: defending a higher law against secular intrusion. However, unlike Europe's eventual separation (Enlightenment, secularism), the Islamic model was a decentralised pluralism of legal schools.
2. East Asian Dynasties: Chinese dynasties had Confucian scholar-officials who advised but served the emperor. Yet Confucian ideology also constrained the emperor ("Mandate of Heaven"). The Abbasid-era situation resembled this: the Imams resembled virtue-scholar-statesmen, emphasising moral order, while caliphs were absolute monarchs.
3. Modern Middle East: The pattern echoes into modern times. In Iran (1979), for example, Ayatollahs overthrew the Shah, claiming a return to true Islamic rule, only to become the new "state ulama." Conversely, secular Arab republics often tried to curtail clerical power (similar to the Abbasids trying to control or co-opt scholars). Contemporary

analysts like those at the Tony Blair Institute argue that too close an alliance between scholars and rulers hinders democracy (Kuru, 2021). (They note that the early Islamic empire flourished when scholars and merchants led innovation, but after alliances hardened, progress stagnated)

4. Democratic Governance: Internationally, the trust a nation has in its legal and political systems often hinges on the perceived neutrality of religious institutions. For example, at CFR and Brookings discussions, experts note that formally respecting religious scholarship while guaranteeing its independence is crucial for pluralistic stability (Kuru, 2021). Imams like Abū Hanīfa and Mālik, in rejecting office and stipends, essentially argued for such a non-partisan ulama class. Modern *rule-of-law* theory resonates: if judges (or clerics) are beholden to the executive, public trust erodes.

Global Trust and Strategy

From a foreign policy standpoint, how a state manages the mosque–state link affects its global reputation. A regime seen as enforcing one "true" interpretation of Islam (like Iran or Taliban regimes) may lose trust in the broader Muslim world (and with Western democracies), whereas one that upholds pluralism or legalism (like arguably Turkey's AKP early on) might gain soft power. The Abbasids' initial promise ("we serve the family of the Prophet") was a branding move – akin to modern "democracy promotion" rhetoric – but failing to deliver undercut their credibility with *ulama* and subjects alike.

Policy thinkers today often stress "institutionalising separation" of mosque and state for stability. The Tony Blair Institute report explicitly recommends reforming Muslim-majority states by breaking entrenched ulema-state ties and creating autonomous religious institutions (Kuru, 2021). They argue (controversially) that early Islam had some separation, and that modern progress requires returning to it. This echoes the Imams' medieval stand: religion must not be owned by the ruler. In modern terms, it's like insisting the court or university remains free of political capture, ensuring "fair go" for all citizens of faith.

From a strategic security angle, the inclusion of independent religious voices can build resilience. For example, modern Australia engages with Muslim scholars through dialogues and trusts them as community partners – a kind of unofficial ulama-state relationship. But we also value separation: faith institutions can critique policy (say, on immigration or foreign wars) without fear of losing funding. The Abbasid-era debates are a cautionary tale: when governments try to co-opt or silence moral voices, domestic discontent often festers. Conversely, when religious authorities shirk civic duties, they risk irrelevance or radicalisation. A balanced approach (akin to moderate Ulama) helps social cohesion, which in turn builds international goodwill.

Looking through different theories:

1. Realism: A realist might say the Imams' stances had no choice but to adapt to power. Indeed, some of Abū Hanīfa's disciples served the caliphate (e.g. Abū Yūsuf as Chief Judge). Realists see the struggle as inevitable power politics; the Imams' refusals simply limited the caliph's toolkit. But the Imams introduced a new element: moral authority.

Their insistence on principle can be seen as injecting non-material values into the power calculus – a nod to constructivist IR, where ideas shape state behaviour over time.

2. Normative IR: The Imams effectively laid down norms (e.g., refusing coerced bayʿa, rejecting official fatwas, insisting on an independent judiciary). These norms still echo in how Muslim societies debate law and government. For instance, in post-colonial constitution-making in many Muslim countries, debates raged over codifying "state Sharia" vs. legal pluralism – a modern reflection of the Medieval Imam's warning against one-size-fits-all rule.
3. Global Trust: Today's global trust in a government often correlates with its human rights and justice record. Classical Islam's "consent of the governed" (through bayʿa) and checks on ruler align with modern democratic legitimacy. The Imams were early advocates of just governance; in a globalised world, states that demonstrate respect for such principles tend to have stronger international partnerships (e.g. Malaysia's moderate image vs. countries where clerics run amok).

Recommendations

This deep dive suggests practical lessons for today's policymakers and scholars:

1. Safeguard Scholars' Independence. Echoing the Imams' wisdom, governments should avoid appointing religious leaders as state employees or as mouthpieces. For stability, the ulama (or any clerical class) should be free to critique the government counterintuitively, which builds legitimacy. Legislatures in Muslim-majority countries might consider legal guarantees of academic/religious autonomy, akin to judicial independence reforms. International bodies could support independent Islamic legal education (through think tanks or universities) to foster pluralism.
2. Rule of Law with Ethical Roots. The Imams remind us: even in a secular state, moral and ethical values (like justice, mercy, rights) are crucial. Policies in homeland security or foreign affairs should be filtered through those values. For example, aligning counter-terrorism with human rights resonates with Islamic siyasah shar'iyyah (governance in accord with Sharia principles of welfare) and builds domestic and international trust.
3. Interfaith and Diplomatic Engagement. Modern diplomats often work with religious networks (like the Council for Religious Diplomacy). The historical Ulama–Khalīfa model suggests engaging independent scholars (like Imam Feisal Abdul Rauf's initiative) to inform policy, rather than state-controlled religious bodies. Such channels can avert ideological misperceptions and build cross-cultural understanding.
4. Education & Social Contracts. Finally, the era's upshot is a kind of "Islamic social contract": rulers provide security and justice; scholars provide moral leadership. Embedding this contract in modern constitutions (through, e.g., constitutional councils with minority representation of religious jurists) could stabilise transitions of power. Australia's own "respect" agenda (involving faith groups in social policy) parallels this ideal.

Moreover, the Great Imams' stances during the Umayyad–Abbasid transition were far-sighted. By declining office and preserving legal tradition, they set enduring norms of

governance. Viewed globally, their legacy bridges time: it's about how societies balance authority, expertise, and ethics (Kuru, 2021). In our interconnected era, these lessons remind us that *trust is built when religion and politics respect mutual boundaries*, a principle as relevant in Parliament as in a medieval caliph's court.

Conclusion

The foregoing analysis has demonstrated that the principled resistance of Imams Abū Ḥanīfa and Mālik ibn Anas to caliphal overreach was not a mere footnote in medieval chronicles but a constitutive act of Islamic constitutionalism. These jurists achieved a lasting "separation of powers" by relinquishing state posts, facing torture, and basing their conclusions on autonomous study rather than royal patronage. Their legacy—the survival of legal pluralism through the madhāhib, the primacy of conscience over coercion, and the insistence that legitimacy flows from fidelity to Sharia rather than dynastic power—provided the normative architecture for centuries of stable yet adaptable Islamic governance. In our own era, where trust in institutions and the independence of judiciaries remain urgent global priorities, the Imams' example offers a compelling indigenous Islamic framework for accountable rule, one that aligns with international rule-of-law principles and enhances both domestic cohesion and diplomatic soft power. The scars they bore were not simply wounds; they were the foundation stones of a resilient moral order that continues to speak across time.

Future research should follow three crossing directions. Comparative historical studies could examine how similar scholar-ruler dynamics unfolded in other Islamic polities, such as the Ottoman ilmiyye hierarchy, the Safavid embrace of Shīʿa clerics, or the Mughal empire's fluctuating relations with Sufi and juristic networks—to test the generalizability of the proposed "imāmate of law" model. To operationalise the variables identified in this study—scholarly financial autonomy, judicial independence indices, and caliphal (or state) legitimation strategies—through large-N analysis of Muslim-majority states, drawing on datasets from the World Justice Project and Varieties of Democracy, to measure the contemporary legacies of historical ulama-state bargains. Policy-oriented research should explore how international development programming can encourage religious-scholarly autonomy as a culturally authentic pathway to judicial reform and social trust. Independent faqīh should be treated as a profound and revered element of Islam's own justice heritage, rather than a Western concept.

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