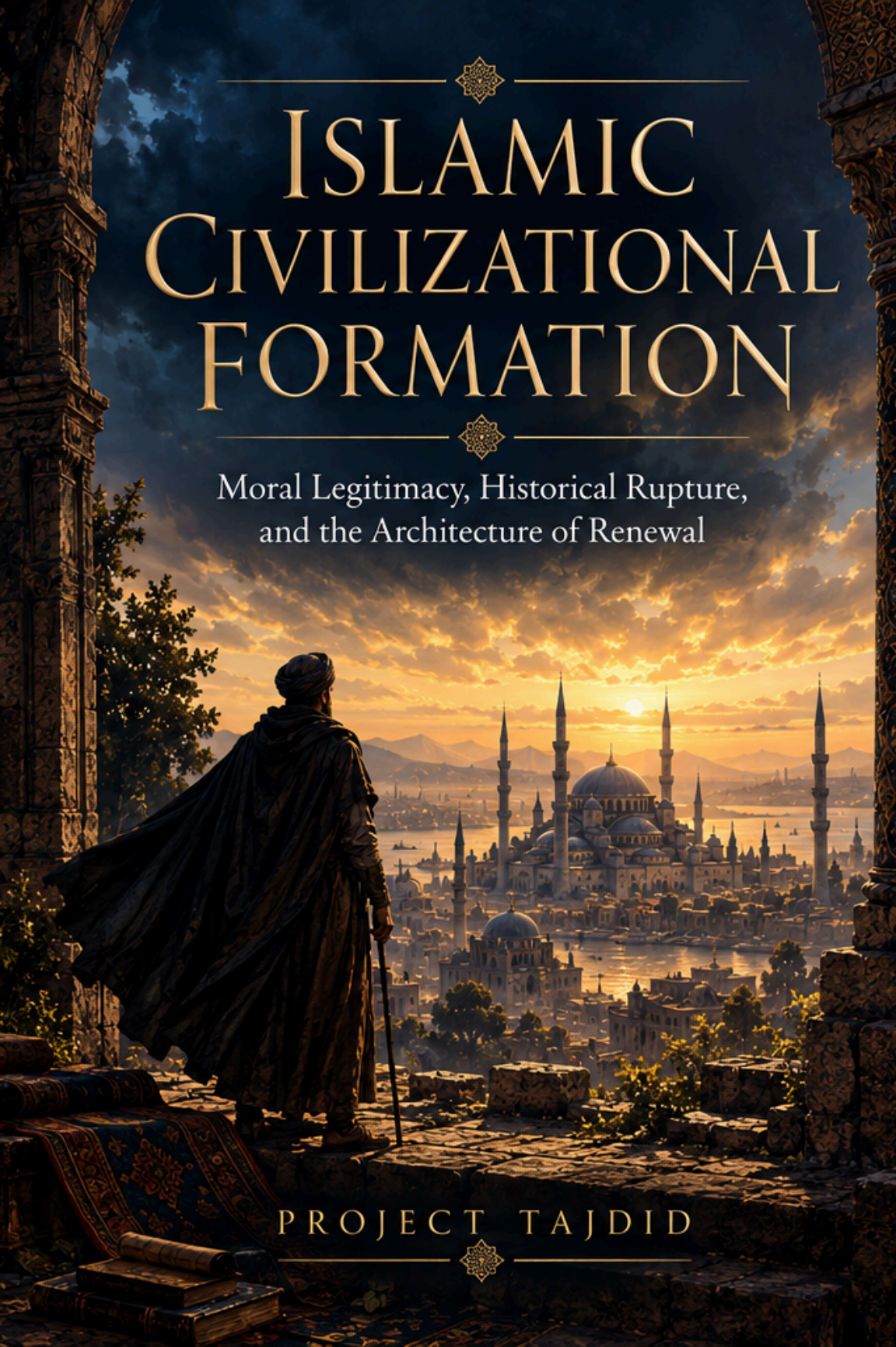




ISLAMIC CIVILIZATIONAL FORMATION

Moral Legitimacy, Historical Rupture,
and the Architecture of Renewal

PROJECT TAJDID

Islamic Civilizational Formation

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Editorial note

This edition asks whether moral legitimacy, social institutions, practical capability, and voluntary constitutional consent might converge in a durable Muslim political order. Historical description, scholarly interpretation, scriptural norm, and Project Tajdid's original constitutional choices are distinct kinds of claims. The latter are proposals for criticism, not doctrinal requirements. No founding state or leader is nominated, and no community is presumed obligated to join a future union.

The argument develops the intellectual horizon of *The Hollowing of the Ummah*, but stands independently. That earlier book emphasized capability before maximal political form. This volume therefore treats constitutional union as a contingent possibility after—and never a substitute for—social, scholarly, economic, and institutional renewal.

The book incorporates a compact constitutional framework and selected stress tests in its main chapters. The former thirty-two-article illustrative charter remains a separate drafting aid rather than an appendix defining the published argument. Primary scriptural references are identified by sura and verse or by established hadith collection and report number. Scholarly works listed at the end do not imply that every passage has received edition-specific page verification.

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Introduction — The Question of Legitimate Order

Civilizations do not endure through power alone. Armies may seize capitals, treasuries may finance states, and administrative systems may compel obedience. Yet the question that survives every conquest is not simply who governs, but why government ought to be obeyed. Political authority becomes durable when coercive capacity is accompanied by an intelligible claim to justice, institutional competence, and a degree of acceptance among the governed.

This book begins with a problem visible in both medieval and contemporary history: orders that claim universality frequently operate through unequal distributions of power. When their proclaimed principles and their observable conduct diverge, their moral authority becomes vulnerable. But the erosion of one order does not automatically legitimate its challenger. An alternative must demonstrate what it protects, what it builds, and how it constrains itself.

Islamic Civilizational Formation is a theory of this transition. It argues that a new center of political authority cannot be produced merely by announcing a title, convening a conference, or copying the institutions of a dominant power. Founding legitimacy arises from a historically contingent convergence of moral credibility, practical capability, and widespread recognition. The civilizational moment cannot be scheduled. Its institutional consequences, however, can be anticipated.

The proposal is therefore double-sided. Its first half is explanatory: how do civilizational orders gain authority, lose credibility, and survive rupture? Its second half is constitutional: if a widely recognized Muslim political center emerges, how could societies voluntarily form a single constitutional polity whose institutions survive the founding generation? The answer proposed here involves a representative shura, an accountable executive, independent courts, regional autonomy, protected civil institutions, and succession through law rather than force.

The argument is not that history necessarily culminates in this arrangement. Nor is it that Muslim societies must reject peaceful coexistence with other political communities. The aspiration is to investigate whether civilizational unity, constitutional constraint, and

social renewal can coexist without sacrificing pluralism, justice, or consent.

A question that survives the fall of capitals

Political authority is never merely a fact about the possession of force. The same order that commands a border, levies a tax, or deploys an army must explain why the burden falls justly upon those who bear it. Its reasons may be persuasive or fraudulent; its institutions may act according to those reasons or betray them. Yet the question cannot be made to disappear by coercion. The distinction between having power and being entitled to use it is the beginning of political philosophy, and the test of any civilization that aspires to lasting government.

This question is particularly acute when a political order speaks in universal terms. Modern states have sometimes described their projects through freedom, equality, security, development, or the rule of law; earlier empires made different claims about religious duty, dynastic right, protection, and public welfare. The languages differ, and not every historical regime claimed universality in the same sense. But there is a recurrent difficulty: the universal proposition can become a provincial privilege. An authority may demand observance of a principle from its adversaries while treating its own departures from that principle as exceptions. This is not a peculiarity of one civilization. It is a standing temptation of unequal power.

The existence of hypocrisy does not make a norm worthless. Indeed, accusations of hypocrisy presuppose a norm against which behavior can be assessed. The law's violation may confirm that its protection was needed. The critical question is whether institutions can turn general moral claims into obligations that bind the claimants themselves. A durable alternative to a deficient order must be superior not only in its diagnosis of injustice but in its treatment of those who disagree with it.

What formation means

The expression *Islamic Civilizational Formation* names a process rather than an institution. The unit of analysis is not simply the state. It is the relation among moral languages, knowledge-producing communities, economic practices, legal institutions, patterns of solidarity, and centers of public authority. These relations may converge at rare historical moments; more commonly, they develop without a single center. An intellectual tradition may endure a dynasty's destruction. A commercial

network may connect territories divided by war. A charitable institution may outlive the minister who endowed it. Civilizational achievement can thus persist when governments fail, and government can expand while civilizational trust contracts.

The argument has three levels. The first is descriptive: how did Muslim societies develop, preserve, and transmit institutions through conquest, fragmentation, and reconstruction? The second is explanatory: under what conditions do moral reputation, practical competence, and social recognition combine to make new political leadership plausible? The third is normative and speculative: if a legitimate desire for political union emerges among self-governing Muslim societies, what constitution could translate that desire into constrained, representative, and enduring common government? Claims at one level must not silently become conclusions at another. The fact that scholars supported a medieval ruler does not establish that today's scholars should possess a legislative veto. The fact that a conquest produced stability does not justify conquest. The fact that a community admires a leader cannot authorize that leader to govern the community without its consent.

The proposal retains the vocabulary of *shura*, *bay'ah*, and a constitutional *caliph* because those terms carry an Islamic historical and ethical significance. It does not claim that a modern bicameral parliament, constitutional court, universal suffrage, or federal fiscal equalization can be found already designed in a seventh- or eleventh-century text. These are modern institutional choices offered for assessment through Islamic jurisprudence, constitutional theory, comparative history, and the practical demands of political equality. Continuity of ethical purpose should not be confused with the supposed antiquity of a specific administrative mechanism.

A dialogue across intellectual traditions

Ibn Khaldun provides the book's most important historical interlocutor, not its automatic guarantor. In the *Muqaddimah* he analyzes the connection between group solidarity (*'asabiyyah*), conquest, dynastic consolidation, luxury, taxation, and political weakening. He refuses to pretend that dynasties are sustained by moral exhortation alone. His account, however, neither offers a constitutional blueprint for the twenty-first century nor treats moral advancement as the inevitable result of violence. The present theory asks a question adjacent to his: can a polity build institutions that carry the burden of collective purpose after the solidarity or exceptional competence of its founders has diminished?

Modern constitutional thought sharpens the problem. Max Weber's discussion of legitimacy distinguishes varieties of authority without certifying their justice. Hannah Arendt's account of founding highlights the need to convert revolutionary beginnings into a durable space of public freedom. John Rawls asks how coercive laws can be justified among citizens divided by reasonable doctrines; Philip Pettit's republicanism emphasizes freedom from arbitrary domination. Elinor Ostrom demonstrates, in a different institutional field, why durable rule systems may arise through multiple centers and organized communities rather than exclusive direction from above. None of these theorists supplies an Islamic constitution. Each illuminates a failure mode a serious proposal must face. Their concepts are analytical companions, not substitutes for engagement with Muslim juristic traditions.

The Islamic tradition likewise offers varied, historically situated resources. Qur'anic injunctions concerning trust and adjudication (4:58), justice even against one's own interests (4:135), fair dealing toward adversaries (5:8), consultation (42:38), and human plurality (49:13) establish ethical questions for political life. They do not by themselves settle the architecture of legislatures, executive tenure, minority citizenship, or judicial appointment. Muslim scholars from al-Mawardi and al-Juwayni to Ibn Taymiyyah and Ibn Khaldun confronted conflicts between ideal legitimacy and actual rule in different settings. Their works must be read as arguments made under particular pressures, not mined selectively for slogans compatible with a prefabricated modern scheme.

Scope, method, and caution

Five kinds of statement recur in what follows. A *historical fact* is an event or arrangement that can be supported by appropriately assessed sources: Baghdad was conquered in 1258; Salah al-Din defeated a Crusader army at Hattin in 1187; the United Nations Charter provides for permanent Security Council members. A *historical interpretation* explains why such things occurred: how much of Salah al-Din's success depended on diplomacy, patronage, ideology, or battlefield skill? A *causal hypothesis* proposes a mechanism that could be tested across cases, such as whether surviving moral and social institutions can furnish conquerors with a language of legitimacy. A *normative claim* states what justice or authority requires, such as equal access to a court. A *design proposal* specifies a rule that might implement the claim, such as a two-chamber supermajority for constitutional revision. Arguments lose their integrity when these categories are merged.

The evidence is necessarily uneven. Medieval chroniclers wrote with patrons, affiliations, literary conventions, and limited access; even an eyewitness may be a partisan witness. Modern legal instruments can often be cited to a specific article or paragraph, but their application to contested events requires care. Scholarly books mentioned here are identified by authentic bibliographic information; where an edition or page has not been inspected, no fictitious pinpoint citation is supplied. The documentary apparatus names primary records and specialist literature, and flags further verification necessary before publication. This is a substantive expanded manuscript, but it is not a substitute for a historian's Arabic and Persian source audit, legal peer review, or copyediting against the final cited editions.

The conditional wager

The central claim is deliberately conditional. A Muslim center may one day command unusual credibility because it protects the vulnerable, sustains competent government, generates learning, and demonstrates principled restraint. This possibility is neither foretold nor reserved for an identifiable present-day state. Such recognition might create an opportunity for voluntary constitutional union. It would not itself confer sovereignty over those who decline. A founding settlement would have to address citizens who are not Muslim, regions with different political preferences, people who oppose union, and future generations who owe no personal loyalty to a founding hero. Failure to answer any of these questions is failure of the theory's moral ambition, not a minor administrative inconvenience.

The title of caliph would therefore be the least important part of its constitution unless it comes attached to real limitations. A government that can compel a confession, jail peaceful critics, silence judges, or make hereditary privilege into an unreviewable claim cannot be rendered just by Islamic nomenclature. Conversely, a government that can be peacefully opposed, scrutinized, corrected, and eventually replaced may command loyalty precisely because it does not pretend to command the conscience. The founding moment is not the completion of political virtue. It is the beginning of its institutional trial.

Method — Revelation, Historical Evidence, and Constitutional Inference

The sources of a civilization are not interchangeable. The Qur'an and authentic Sunnah make normative claims of a kind no historian, sovereign, or constitutional theorist may manufacture. Histories, chronicles, legal treatises, judicial opinions, and present political judgments must all be examined, but they do not carry a single kind of authority. Confusing these levels makes it too easy either to claim divine endorsement for a novel institution or to dismiss an ethical obligation as a historical preference.

The authority of revelation and the limits of constitutional analogy

The Qur'an commands the fulfillment of trusts and justice in judgment (4:58), and describes consultation as a characteristic of the believing community (42:38). It commands impartial justice even where antagonism invites partiality (5:8). These are not decorative citations. They establish standards by which public action may be criticized. They do not, by themselves, give us a two-chamber parliament, a constitutional court of nine judges, a specific fiscal transfer formula, or a right of negotiated regional withdrawal. Each such arrangement remains an argument about how a moral obligation might be translated into durable institutional practice under modern conditions.

The Sunnah deepens this grammar of responsibility. The Prophet Muhammad ﷺ taught that each person entrusted with care is answerable for those under that care (Sahih al-Bukhari 7138). Obedience to a ruler, in another report, does not extend to an order to disobey God (Sahih al-Bukhari 7144). The report that religion entails sincere counsel, including to leaders and the wider community (Sahih Muslim 55a), complicates the notion that good political membership means silent acquiescence. None should be made to bear conclusions about electoral systems or judicial review that the report itself does not state. Rather, they oblige a theory of authority to account for responsibility, moral limits, and the legitimacy of reasoned correction.

The prophetic report concerning a renewer at the beginning of each century (Sunan Abi Dawud 4291) provides an important vocabulary of

tajdid. It does not name Project Tajdid's institutional agenda or establish that a modern union must follow from religious renewal. The constitutional model advanced here is an exercise of reasoning about public welfare and restraint that should remain open to juristic criticism and civic revision. This book does not claim to issue a fatwa or settle disputes among Sunni schools.

How classical political thought is being used

Ibn Khaldun is an analytic companion, not a coauthor. His discussion of 'asabiyyah, dynastic conquest, taxation, luxury, and transformations of social organization helps expose the fragility of rule that depends on founding solidarity alone. The term "moral pendulum," the three-part test of moral, performance, and recognition legitimacy, and the federal constitutional scheme developed here are Project Tajdid's original analytical constructions. They are not doctrines secretly contained in the Muqaddimah. Al-Mawardi, al-Juwayni, and Ibn Taymiyyah are likewise read as interpreters writing in particular conditions, not as sources for institutions or constitutional guarantees they never described.

The difference between fiqh and an enacted constitution deserves particular care. Juristic disagreements concern interpretation, evidence, public welfare, jurisdiction, and obligations; modern constitutional disputes additionally concern legislative competence, remedies, rights of appeal, the enforceability of court judgments, and the coercive machinery of the state. A constitutional designer may learn from classical categories without pretending that a premodern text has already answered a contemporary administrative problem. Both the historical range of Islamic governance and the diversity of Sunni legal reasoning warn against equating one preferred institutional design with Islam itself.

What history can prove and what theory must earn

A dated conquest, a treaty, or a recorded conversion is a historical claim requiring appropriate sources. Whether that event supports a general causal theory is an inference requiring comparison and counterexamples. Whether a modern state ought to design an institution in response is a normative and practical judgment. These stages must be labeled as such. A historian may establish that a dynasty survived a military defeat without establishing the moral quality of its rule; a theorist may admire the protection of scholarship under a ruler without treating that admiration as ratification of all his actions.

The moral pendulum theory is therefore offered in a deliberately falsifiable form. We should expect persistence of respected legal and social institutions sometimes to make the adoption of local norms more likely after conquest; we should also expect conspicuous failures, assimilation in the opposite direction, and cases in which elite conversion leaves arbitrary violence untouched. Similarly, claims about selective international enforcement must be built from comparable legal standards and specific institutional decisions rather than from indignation alone.

The constitutional project is measured by a further and harder test: whether the restraints it praises can protect people who oppose it. Would a court protect an unpopular critic? Could an executive be removed without violence? Could a region refuse accession and still live in peace? Could scholars disagree with the official interpretation without losing their institutions? The project's Islamic moral identity becomes credible through such constraints, not through the mere repetition of its title.

PART I

Power, Morality, and The Civilizational Pendulum

The principles that distinguish power, recognition, capability, and justified rule.

1. Power Is Not Legitimacy

Power is the capacity to produce outcomes. Legitimacy is the recognized justification for exercising that capacity. A government may possess the former and lack the latter; a religious or scholarly institution may command the latter while lacking the means to govern. Political order requires an encounter between them.

Moral legitimacy concerns the defensibility of a governing order's principles and conduct. Performance legitimacy concerns its demonstrated ability to provide security, adjudicate disputes, administer public goods, and preserve prosperity. Recognition legitimacy concerns whether communities and institutions accept its claim to authority. These are analytical categories, not settled classical Islamic legal terms.

A victorious army does not acquire moral authority merely because it wins. Nor does an admired intellectual tradition automatically become capable of coordinating defense, infrastructure, or fiscal administration. The proposed theory treats both moral credibility and material-institutional capability as necessary to a plausible founding claim, while requiring voluntary constitutional consent before that claim becomes jurisdiction over previously independent societies.

SCRIPTURAL ORIENTATION · TRUST, JUSTICE, AND RESPONSIBILITY

Qur'an 4:58 joins two duties that power can too easily separate: return trusts to their rightful holders, and judge justly between people. Sahih al-Bukhari 7138 represents the ruler as a guardian answerable for those entrusted to him. These sources establish responsibility rather than a transferable entitlement to obedience. The inference made in this book is that a public office should be judged not only by the authority it claims but also by the remedies available when it betrays that trust.

Constitutional accountability is one possible modern institutional translation; the precise machinery is not dictated by the verse or report.

Four questions concealed by the word authority

A successful political order answers at least four questions. Can it act? Has it reason to act? Who has authorized it to act? And what happens when it acts wrongly? Capacity addresses the first; moral justification the second; constitutional authorization the third; accountability the fourth. Political rhetoric often compresses them into a single assertion of

leadership. Yet each can be present while another is absent. A disciplined army may supply security without fair courts. A widely respected spiritual authority may articulate justice without possessing the logistics required to deliver food after a disaster. A government may win an election under fair rules and subsequently use its majority to disable the next election. Legitimacy is best approached as a structure of distinct claims whose interaction remains open to criticism.

The working manuscript distinguished moral, performance, and recognition legitimacy. Those categories are maintained here but clarified. Moral legitimacy asks whether the ends, means, and distribution of burdens of governing can be justified. Performance legitimacy concerns public security and the dependable provision of goods that make social life possible. Recognition legitimacy concerns beliefs and practices of acceptance among relevant populations and institutions. Constitutional authorization is treated separately: it is the process by which a population gives a determinate institution the right to issue binding rules within a jurisdiction. Recognition may motivate that choice, but admiration has no jurisdictional boundary. Constitution-making does.

Modern social science tends to analyze legitimacy partly as a belief held by subjects. Weber's authority types describe patterns through which obedience is accepted: traditional, charismatic, and legal-rational. Such analysis is indispensable, but a belief that a ruler is legitimate cannot prove the ruler just. A public may normalize domination; dissent may be crushed or too costly to express. Philosophical legitimacy asks for independent reasons, not only sociological consent. The distinction is especially important for charismatic founders: extraordinary recognition can mobilize sacrifice and institution-building, but can also conceal manipulation and destroy the ability to say no.

The Islamic vocabulary of trusteeship

The Qur'an's direction to return trusts to those entitled to them and to judge justly (4:58) supports the language of authority as obligation. The warning to stand firm in justice even against oneself and close relations (4:135) disrupts the idea that membership in a favored community excuses partiality. Verse 5:8 similarly prohibits hostility from becoming a reason to abandon fairness. These passages are not constitutional clauses. Their importance lies in the standard they impose on whatever constitutional arrangements a polity eventually adopts. A court that excuses a minister because he belongs to the ruling movement is inconsistent with the

principle it claims to embody. A parliament that can impose costs on one region without justification faces the same criticism.

Classical Sunni juristic literature recognizes the importance of order, appointment, obligation, and the hazards of sedition, but its authors disagree about the conditions under which the ruler's authority remains binding and about the responses appropriate to injustice. Al-Mawardi's *al-Ahkam al-Sultaniyya* organizes rules for public offices against the background of Abbasid and Buyid politics. Al-Juwayni's *Ghiyath al-Umam* confronts the breakdown of adequate leadership and the question of necessity. Ibn Taymiyyah's *al-Siyasa al-Shar'iyya* addresses just governance and the exercise of public office. It would be a category error to treat any one of these works as an endorsement of popular sovereignty, life tenure, federalism, or the specific arrangement developed later in this book. Their proper role is to furnish arguments, dilemmas, and juristic constraints for contemporary deliberation.

An accountable institution need not pretend that justice is purely a matter of private conviction. It must make justice public in the form of reasons, procedures, and remedies. In a dispute with a ministry, the individual needs more than the minister's piety. She needs standing, competent counsel, an impartial hearing, a reviewable judgment, and an enforcement mechanism. In a dispute between regions, the weaker party needs more than assurances of brotherhood. It needs an agreed competence boundary and an adjudicator neither side can appoint or dismiss at will. An Islamic constitutional order judged on its own terms should be particularly unwilling to confuse good intentions with the discharge of a trust.

Performance is neither incidental nor sufficient

The provision of order is an ethical achievement when the alternative is predation. A competent tax system funds hospitals; accurate registries allow rights to be claimed; infrastructure maintenance prevents catastrophe. It is easy for political theory to speak only of consent while overlooking the indignities produced by incompetent administration. Yet performance legitimacy is also the classic instrument by which authoritarian systems seek exemption from criticism. A government may defend its detention practices by citing security or its censorship by citing growth. Such claims have to be disaggregated: which outcomes were achieved, by what means, at whose expense, with what alternative policies available, and under whose supervision?

A useful distinction is between *capacity to deliver* and *capacity to self-correct*. The first can exist under highly centralized rule. The second requires room for audit, whistleblowing, journalism, opposition, and judicial reversal. A state that delivers rapid projects while suppressing adverse performance evidence may look efficient until it encounters an error that no subordinate dare reveal. The claim that political criticism is an obstacle to civilization mistakes a source of feedback for a source of decay. The challenge is to structure criticism so that it can correct decisions without making all collective action impossible.

Consider two hypothetical governments. One has impressive infrastructure and popular acclaim but imprisons peaceful opponents. The other protects broad formal freedoms but cannot provide elementary public security. Neither should be counted as a completed model of legitimate order. The theory cannot avoid tragic choices by repeating that morality and capability are both needed. It must identify non-negotiable rights, realistic performance thresholds, and institutional routes by which deficiencies can be remedied. Later chapters therefore give priority to courts, public finance, civilian protection, electoral integrity, and decentralized administration alongside constitutional symbols.

Consent is not a photograph of enthusiasm

Political movements frequently display enthusiastic gatherings as evidence that an entire population has authorized their rule. Yet crowds are not electorates, and recognition abroad is not ratification at home. Genuine constitutional consent requires reasonably free information, access to opponents' arguments, a meaningful rejection option, impartial voting administration, and protection against retaliation. Even then, majority endorsement does not extinguish the rights of minorities. The ability to abstain from joining a new union is particularly important when the proposed center has already become powerful enough to influence smaller societies.

There is also a temporal problem. A founding generation can vote for a constitution, but later generations inherit it without signing it. Constitutional authority cannot be made to depend indefinitely on a historical declaration of consent. It must renew itself through periodic elections, rights of association, public reasons, judicial challenges, and procedures for amendment. To call these processes *shura* in a modern scheme is a contemporary interpretive proposal, not a claim that consultation has always meant representative democracy.

A provisional test of legitimacy

A credible order should be able to give affirmative, inspectable answers to the following: are its basic rules public and general; can citizens and noncitizens contest arbitrary treatment; can courts issue effective relief against senior officials; can institutional mistakes be acknowledged without collective punishment; and can an opponent peacefully campaign to change the government? The answers cannot be derived from approval ratings or official speeches. They require evidence drawn from judicial outcomes, prison conditions, fiscal records, civil liberties, representative practice, and treatment of adversaries.

The original hypothesis is that a prospective founding center's moral credibility, governing performance, and broad recognition may converge sufficiently to create a unique opportunity for political formation. No historical evidence presently establishes that such convergence will occur. A finding that high-performing states can remain illegitimate, or that constitutional unions form without extraordinary charismatic leadership, would narrow its predictive scope. The theory should welcome such tests. A proposition that cannot survive counterevidence deserves neither loyalty nor constitutional power.

Objection: does legality merely sanctify existing power?

A defender of revolutionary legitimacy may object that constitutional rules commonly reflect an earlier distribution of power. If the original settlement was unjust, legal obedience can become a demand that the oppressed defer their claims indefinitely. This is a serious objection to an account that simply identifies legitimacy with legality. The proposed model avoids that identity. Constitutionality is a necessary mode of exercising authority once a justifiable constitution exists; it is not a declaration that every effective constitution is morally defensible. A legal system can protect slavery, apartheid, or a hereditary monopoly; those arrangements fail the moral test despite internal procedural regularity. The normative question remains whether persons subject to the law have adequate reasons to accept its coercive claims and meaningful means to challenge them.

A second objection runs in the opposite direction: a government may preserve individual protections yet lose the administrative competence required to meet emergencies. If legality becomes a vocabulary for avoiding decisions, people may turn to an unconstrained ruler promising effective rescue. The answer cannot be to multiply vetoes without end.

Emergency powers, provisional budgets, and clearly allocated competencies are intended to provide action within rules. Constitutionalism is most persuasive when it demonstrates that disciplined authority is more reliable over time than discretionary brilliance. Empirical assessment should compare actual outcomes under periods of concentrated and checked power, allowing for selection effects and different external pressures. The theory's moral superiority is not established by declaring that one arrangement sounds more restrained.

A practical evidentiary index

To measure legitimacy without collapsing its dimensions, a researcher could construct a dashboard rather than a single score. Moral conduct might be assessed through independent judgments on detention, civilian treatment, nondiscrimination, and corruption. Performance would be assessed through health, infrastructure reliability, education, security, and administrative responsiveness. Recognition would be studied through multiple methods, including free polling, voluntary participation, and the willingness of civil institutions to cooperate openly. Constitutional authorization would be documented through electoral integrity and ratification procedures. A government strong in one area and weak in another should display that pattern instead of receiving an average that conceals abuse. The dashboard would guide inquiry, not confer a right to govern.

2. The Moral Pendulum

The “moral pendulum” is a metaphor for the tendency of political orders to move between the extremes of unrestrained force and demands for normative restraint. At one extreme, rulers behave as though victory itself creates right. At the other, communities insist that power must answer to principles beyond immediate advantage. Neither the movement nor its direction is mechanically predictable.

The metaphor must not be mistaken for a law of history. Brutality does not guarantee a subsequent moral awakening. Oppression can persist, and societies may choose new forms of coercion rather than reform. The pendulum is useful only insofar as it prompts testable questions: when do legitimacy deficits become politically consequential? Which institutions preserve moral vocabularies after catastrophe? Under what conditions do conquerors adopt the norms of conquered populations?

The theory also requires a warning against romanticism. A movement opposing a selective international order may itself enforce law selectively. The test of moral renewal is therefore not opposition to a dominant power but consistent treatment of persons, communities, and adversaries under principles that constrain the movement itself.

SCRIPTURAL ORIENTATION · JUSTICE IS NOT AN AUTOMATIC CONSEQUENCE OF DEFEAT

Qur'an 5:8 prohibits hostility from becoming a reason for injustice. It is therefore impossible to treat the failure of one powerful order as religious proof that its challenger has become just. The verse requires consistency even where the adversary is disliked. This book applies that moral demand to the moral pendulum hypothesis: the survival of Islamic norms after conquest can be worth studying, but conquest, conversion, or eventual victory does not by itself demonstrate that rulers became more equitable.

Metaphor, mechanism, and the danger of destiny

The moral pendulum is tempting because it gives history an arc. An empire overreaches; those it dominates preserve an ethical language; the conqueror later adopts the norms of the conquered; the moral center thereby outlives the military center. Parts of the Mongol encounter with Muslim populations seem to invite this narrative. But historical sequence

is not causal demonstration, and a sequence repeated twice is not a natural law. The pendulum must be reconstructed as a set of mechanisms that could operate under identifiable conditions, and then confronted with cases in which they do not.

One mechanism is *legitimacy borrowing*: newcomers governing established populations adopt locally respected offices, languages, legal conventions, or rituals because doing so reduces resistance and administrative costs. A second is *social incorporation*: marriage, education, patronage, commercial exchange, and religious networks gradually alter the preferences of ruling elites. A third is *institutional persistence*: institutions such as legal schools, mercantile associations, or religious foundations remain available after a regime collapses, and a successor must decide whether to accommodate them. A fourth is *normative persuasion*: individuals genuinely adopt beliefs that they had once opposed. These mechanisms can interact but should not be collapsed. Strategic patronage may precede sincere conversion; sincere conversion does not prove that the ruler's subsequent policy was just.

If the mechanisms are real, we should be able to distinguish their empirical signs. An elite that adopts local administrative techniques but preserves a separate religion may display legitimacy borrowing without normative conversion. A ruler who adopts Islam while violently suppressing a Muslim rival demonstrates that conversion and political restraint are not the same. If social networks survive after conquest but the conqueror never adopts their values, institutional persistence has not produced the stronger claim of moral convergence. Every additional distinction reduces the metaphor's beauty but increases its explanatory value.

What would count as falsification?

A comparative inquiry requires a universe of cases wider than celebrated Muslim recoveries. The Mongols did not adopt Islam uniformly. Their successor polities followed divergent trajectories; the Yuan ruling house in China and Mongol regimes elsewhere require their own analysis rather than being silently assimilated into the Ilkhanid narrative. European colonial administrations sometimes integrated local intermediaries while preserving hierarchical power. Conquerors have at times destroyed institutions so thoroughly that no durable normative alternative remained. And anti-imperial movements have sometimes reproduced the coercive practices against which they mobilized. Such cases are not awkward footnotes; they test the core proposition.

The hypothesis should therefore be conditional rather than cyclic. After disruptive conquest, institutional continuity may increase the probability that incoming rulers use or adopt a conquered population's norms *when* those institutions retain prestige, deliver administrative advantages, connect elites and subjects, and are compatible with the conqueror's strategic circumstances. The probability may be reduced by coercive population displacement, alternative legitimation strategies, intense elite segregation, or state technologies capable of bypassing local organizations. There is no specified duration or necessary moral direction. Nothing in this mechanism promises improvement over time.

The word *moral* demands further discipline. Adoption of an indigenous faith by a conqueror is a religious fact, not automatically a moral improvement. The historian must distinguish changes of affiliation from reduced cruelty, stronger accountability, or more equitable treatment. A warlord's public piety may coexist with massacre; a non-Muslim administration may uphold some procedural protections more consistently than a self-described Islamic one. The moral evaluation should employ standards transparent enough to judge allies and opponents alike. Otherwise the pendulum simply renames the victories of one's own community as justice.

The attraction of reversal narratives

Communities under pressure naturally seek historical examples showing that an apparently overwhelming opponent need not define the future. This is neither irrational nor discreditable. Memories of Baghdad's destruction, the rise of the Mamluks, or Ottoman recovery can sustain confidence that a political defeat is not identical to cultural extinction. Yet hope becomes poor history when a later outcome is used to rewrite the uncertainty experienced by historical actors. A Muslim scholar living through the thirteenth-century invasions did not know that parts of Mongol Eurasia would later be ruled by Muslim dynasties. He could not cite future conversion as justification for the suffering of his present.

Theories of providence belong to theology and may be meaningful to believers, but a political-historical model should not turn providence into an empirical shortcut. The hypothesis here is not that God guarantees civilizational restoration on a schedule. It is that distributed institutions sometimes make restoration possible despite state collapse. The difference preserves both historical contingency and moral responsibility. One cannot tell victims that their suffering was necessary for an eventual pendulum swing.

Three contrasting observations

The Crusading period offers a partial counterpoint to the Mongol case. The Latin principalities did not undergo a comparable general conversion to Islam, although prolonged contact generated treaties, exchange, accommodation, and mutual knowledge. This suggests that institutional engagement can occur without the ideological assimilation predicted by a strong pendulum theory. The later Islamization of several Mongol elites supplies a favorable case for examining social incorporation, but their conversion varied sharply by polity and political moment. Twentieth-century decolonization offers still another pattern: many formerly dominated states claimed independence through universal languages of self-determination, rights, or development drawn partly from their opponents' own public commitments. The adoption of a norm can be reciprocal, selective, and politically instrumental, rather than a one-way moral conquest.

It is also possible for institutions to remain formally alive but morally compromised. Courts may survive under occupation yet serve rulers; endowments may persist but be captured by families or officials; scholars may preserve learning while becoming dependent on patronage. The mere presence of a civilizational vocabulary tells us little about the distribution of power within the community. Studies of court records, appointments, property rules, and fiscal extraction are required before declaring the survival a success.

Testing the theory systematically

The proposed research program distinguishes an independent variable (the survival, density, and autonomy of respected social institutions), intervening mechanisms (elite contact, governing need, patronage, religious persuasion), and outcomes (adoption of local legitimacy symbols; change of religious affiliation; measurable protections against arbitrary power). Cases should be selected not merely for dramatic outcomes but for variation on each dimension. A scholar comparing the Golden Horde, Ilkhanate, Yuan, and a non-Mongol conquest should document alternative explanations and the time elapsed between conquest and adoption. If administrative utility explains most of the pattern, the moral pendulum should be renamed an institutional incorporation theory. If outcomes are weak or contradictory, it should be retained as a suggestive metaphor and discarded as a causal model.

What remains normatively valuable is not the claim that coercion will be redeemed by history, but the demand that institutions preserve the capacity to make a principled alternative visible. A civilization that can educate, litigate, organize charity, and criticize injustice may retain moral resources through political adversity. That possibility is worth studying even if no conqueror ever adopts its worldview. The measure of its worth is the life it enables people to lead now, not the victory history might grant it later.

What would disprove the hypothesis?

A proper test would compare conquests where local institutions remained dense with cases where those institutions were destroyed or subordinated. The dependent outcomes should be separated: administrative borrowing, public religious affiliation, institutional accommodation, and actual changes in protection against arbitrary violence are not interchangeable. The analyst should search deliberately for cases where a conquering elite borrowed legal language without changing the treatment of its subjects.

The hypothesis would be weakened if institutional persistence repeatedly failed to predict adoption after controlling for elite survival incentives, marriage networks, external alliances, and the economic value of local administration. It would also be weakened by evidence that conversion was followed by repression indistinguishable from the earlier regime. These conditions make the metaphor useful precisely because they deny it the privilege of always being right.

Comparison of mechanisms and counterexamples

The strongest form of the pendulum thesis predicts that an order suffering from moral overreach will ultimately yield to a more legitimate one. Such a prediction is too broad to survive the historical record. Conquest can end in lasting displacement, assimilation in the opposite direction, destruction of indigenous institutions, or the establishment of new coercive hierarchies. Even where conquered elites shape the conqueror's institutions, this may occur because the newcomers lack clerks or revenue expertise rather than because they have recognized superior ethics. A useful study should therefore test the *direction* of institutional borrowing separately from its *moral outcome*. The latter requires criteria independent of the identities of borrower and borrowed.

The comparison should also consider negative cases in which scholars and civic networks survived without becoming politically decisive.

Preservation may remain local while rulers obtain legitimacy from rival sources. And reform movements that denounce corruption can consolidate into their own monopolies, demonstrating that denunciation of oppression is not a stable predictor of justice. To avoid retrospective selection, researchers should pre-register a definition of conquest, a threshold for institutional survival, a specified period of observation, and the relevant outcomes. Cases should be chosen before investigators learn which narrative they best support. The design would help distinguish a true probabilistic mechanism from a collection of memorable anecdotes.

Moral injury need not produce progress

A claim that injury eventually corrects itself may comfort a distant observer while obscuring the experience of those forced to live through it. People subjected to violence may become less trusting and more dependent on protective patronage networks, not more receptive to broad civic norms. The moral pendulum must therefore reject any logic in which atrocities are framed as historically necessary to the rise of a better civilization. It offers no justification for violence and no timetable for recovery. Its strongest defensible contribution is to direct attention toward institutions that preserve alternatives under conditions of coercion—not to promise that coercion will educate the conqueror.

3. The Conditions of Civilizational Authority

A civilizational order is more than a government. It includes scholarly lineages, schools, legal habits, markets, social trusts, languages, memories, technologies, and forms of association. A state can protect this ecology, but it cannot manufacture all of it by decree.

For that reason, capability must be defined broadly. Military readiness matters, but so do courts that can enforce judgments against officials; universities that can challenge fashionable error; businesses able to innovate; charitable endowments that survive administrations; and communities confident enough to criticize leaders. Capability without moral limits becomes domination. Morality without institutional capacity risks becoming aspiration without effect.

The founding center of a future order cannot be named in advance. It may emerge from achievements that later historians find obvious but contemporaries could not foresee. This uncertainty is not a weakness to be concealed. It is a constitutive feature of the theory: the founding moment is contingent, while the institutional response can be deliberately prepared.

SCRIPTURAL ORIENTATION · COOPERATION HAS A MORAL BOUNDARY

Qur'an 5:2 commends cooperation in righteousness and prohibits cooperation in transgression. This distinction matters for civilizational cohesion. A community can become highly coordinated for harmful ends; efficient mobilization alone is not a religious virtue. The contemporary extension proposed here is conditional: cross-border institutions, research associations, endowed universities, and shared economic initiatives qualify as renewal only insofar as they respect justice and legitimate difference. Cooperation must be answerable to its purposes, not merely celebrated for its scale.

Civilizations as networks, not cabinets

A government can order a curriculum; it cannot command genuine discovery. It can establish a university by statute; it cannot guarantee scholars the freedom to correct a ruler's error. It can subsidize a manufacturing sector; it cannot decree entrepreneurial judgment. Civilizations consist partly of cultivated capacities whose production

requires repeated, decentralized decisions by people who cannot all be subordinated to the same political instruction. This is the institutional meaning of civilizational depth. The apparent strength of a state may conceal a weak society; the collapse of a government may reveal institutions surprisingly capable of living on.

The historic Muslim world illustrates multiplicity. Jurists and legal schools moved across dynastic borders. Traders linked distant seas and caravan routes. The endowment (*waqf*) allowed resources to be committed to religious, educational, charitable, and other socially recognized purposes, although it took different forms and was never wholly insulated from political power. Cities developed scholarly authority in circumstances where no single ruler could monopolize expertise. These institutions are neither uniformly emancipatory nor interchangeable with modern civil society. Some sustained learning and care; others preserved status hierarchies or property restrictions. Their analytical importance lies in the plurality of centers through which norms and skills could survive.

A modern theory must therefore analyze five dimensions of capability. *Coercive capability* can defend territory and secure public order. *Administrative capability* coordinates budgets, regulation, procurement, and services. *Productive capability* allows communities to generate and adapt technology and sustain livelihoods. *Epistemic capability* permits independent knowledge, criticism, and correction. *Civic capability* allows persons and associations to cooperate without waiting for a minister's permission. Civilizational authority becomes plausible when a political center can protect all five without absorbing the latter three into executive command.

Founding credibility is costly to counterfeit

A prospective leader may win followers through propaganda, external funding, or a dramatic military event. Those are poor measures of durable credibility. Harder tests expose the leader to costs: obeying an adverse judicial ruling, publishing embarrassing fiscal information, protecting an unpopular minority, refusing an unlawful military advantage, accepting an electoral defeat, or protecting a scholar whose conclusions trouble the government. A claimant who invokes religious duty only when it favors his coalition reveals a weak moral foundation. Moral capital increases when an authority foregoes power that it could have seized and explains its decision under a public principle.

Legitimacy is also relational. The same government may be admired abroad and contested locally. The populations subject to its commands must be given decisive constitutional weight; admiration from distant communities cannot annul the consent of a neighbor. A supposed civilizational mandate issued by prominent scholars is insufficient if women, religious minorities, smaller regions, and political opposition have no protected opportunity to speak. Recognition becomes more credible when dissent is permitted and remains visible.

A sequence rather than a prophecy

One might describe a possible sequence: social institutions accumulate competence; an unusual crisis reveals the comparative reliability of a particular center; recognition grows across communities; independent polities explore cooperation; a convention drafts a constitutional union; ratification confers authority; and institutional checks begin to constrain the center that convened them. Each step is contingent. Some may fail while the earlier achievements remain valuable. Institutions can improve without a union ever forming. A confederation may prove more suitable than a single polity. The model should regard such outcomes as choices to be assessed, not failures of destiny.

The central design tension appears between coordination and autonomy. Some public problems require common capabilities: cross-border defense, epidemic surveillance, market regulation, large infrastructure, or disaster response. Others require local discretion: schools, language policy, family services, land use, and many aspects of public culture. Assigning everything to the center sacrifices information and accountability. Assigning everything locally may leave unavoidable common risks unmanaged. Elinor Ostrom's work on polycentric institutions is relevant by analogy: rules can be organized at several scales, and the proper scale depends on the problem. The inference is not that historical Muslim government followed Ostrom's designs, but that complexity itself argues against an absolutist account of central authority.

The civic foundation of renewal

The most important civilizational investments often yield returns beyond a single electoral term: literacy, public health, legal predictability, research infrastructure, archival preservation, professional ethics, and the protection of endowments. A polity serious about *tajdid*—renewal—should construct long-horizon stewardship without insulating

bureaucracies from scrutiny. Independent universities require public and private support plus transparent standards. Courts need secure budgets but must publish reasons. Awqaf should be governed by fiduciary obligations and independent audit; autonomy is no excuse for self-dealing. Public knowledge requires both intellectual freedom and the discipline of method.

This creates a criterion by which any proposed political union should be judged. Would union enable institutions to serve people better and defend their rights more reliably than cooperation without union? The comparison must be made honestly. Shared identity alone does not prove that centralization improves public goods. Supporters should present alternatives—treaty networks, common markets, confederation, federal union—and identify the costs of each. A constitutional proposal that cannot justify its transfer of authority is not strengthened by calling the transfer civilizational.

Conditions of possibility, not certificates of entitlement

Moral credibility, material competence, social recognition, and institutional pluralism are proposed as favorable conditions for civilizational leadership. They are not measurable with a single index, nor can a person who claims to satisfy them thereby gain legal supremacy. The conditions describe what might make a constitutional invitation persuasive. Consent, in turn, is not permanent permission for unconstrained rule. Courts, legislatures, regional governments, and citizens must continuously test the original promise.

The book thus moves from theory to a deliberately difficult historical laboratory. Its central question is not whether Muslim history contains triumphant rulers; every civilization has such stories. It is whether the relationships among military power, moral claim, social continuity, and legal restraint can be reconstructed without confusing remembrance with causation, or hope with evidence.

Founding without a monopoly of excellence

Concentration of capability presents an overlooked danger. If one polity alone supplies advanced medicine, infrastructure finance, military defense, and educational credentials, smaller societies may consider union not from genuine preference but because exit from its networks appears impossible. Dependence can produce apparent consent. The proposed constitutional convention therefore requires open access to

information, independent economic impact assessments, and the right of a prospective member to negotiate alternative partnerships. A credible founder should welcome the ability of others to say no. Its standing is stronger when cooperation is chosen from among real options rather than accepted under material siege.

The relation between capability and legitimacy

Capacity can be mismeasured through spectacular achievements: a new skyline, a record military parade, or a state-directed technological campaign. Such achievements may coexist with fragile procurement systems and censored professional warnings. The more relevant measures are reliability, adaptability, and correctability. A competent hospital network must maintain supplies beyond an opening ceremony; a judicial system must apply decisions against public institutions; scientific organizations must be able to publish failed trials. Civilizational capacity is thus not a property the central state possesses and distributes. It is a resilient pattern of relationships among institutions that retain enough autonomy to discover government error. An effective federal constitution would both depend on and protect those relationships.

PART II

The Historical Laboratory

Medieval ruptures and recoveries examined without historical inevitability.

4. Crusades, Salah al-Din, and Political Reconstruction

The Crusading era illustrates how military confrontation intersects with legitimacy, diplomacy, and institutional reconstruction. Salah al-Din's political career cannot be reduced to battlefield heroism. His consolidation of Egypt and Syria, relations with religious scholars, patronage, and positioning within the broader Sunni world formed part of the conditions that made his campaigns possible.

His success at Hattin in 1187 and the subsequent recovery of Jerusalem offered an enduring symbol of civilizational achievement. Yet the story also includes intra-Muslim rivalry, negotiation, contingent alliances, and compromises. An analytically serious account must ask not simply how a celebrated leader won, but how he assembled the capacity to act, what constituencies recognized him, and where his claims remained contested.

The Ayyubid and later Mamluk experiences also complicate the idea that a single victory permanently resolves the problem of unity. Leadership must be reproduced in institutions. Otherwise, achievements associated with a person may fracture among successors.

A fractured political landscape

The capture of Jerusalem by forces of the First Crusade in 1099 became a defining memory, but a later reader must resist treating the preceding landscape as a unified political nation suddenly surprised by one external blow. The late eleventh-century eastern Mediterranean contained competing dynasties, cities, religious authorities, and local power holders. Abbasid caliphal prestige coexisted with Seljuk power and regional claims, while Fatimid Egypt maintained a competing caliphal tradition. Latin expeditions entered this world of rivalries, diplomatic possibilities, and contested jurisdictions. They did not encounter an undifferentiated political bloc called Islamic civilization. This is why explanations of the subsequent Muslim responses must include the reconstruction of political coordination as well as religious language.

The narratives are themselves part of the problem. Ibn al-Athir, writing later with the advantage and distortion of retrospect, arranged events within a larger history of the Islamic world. Latin sources narrated conquest and rule through their own confessional categories. Carole

Hillenbrand's *The Crusades: Islamic Perspectives* demonstrates the breadth of Muslim responses beyond the simplified opposition between crusader and jihad hero. The historian must compare the times at which chroniclers wrote, the patrons they addressed, and the moral purpose served by an episode. To say that later Muslim memory made Jerusalem central is not to assume that every ruler in 1100 held the same hierarchy of priorities.

The prehistory of Salah al-Din's achievements

Imad al-Din Zangi captured Edessa in 1144, an event that shook the Latin East. His son Nur al-Din expanded the politics of unification and religious patronage, and his acquisition of Damascus in 1154 was essential for the later strategic integration of northern Syria. Salah al-Din entered this ongoing political process through Fatimid Egypt, where his rise followed a sequence of military interventions, appointments, and complex relationships with the Syrian ruling house. Ending the Fatimid caliphate in 1171 and strengthening control of Egypt gave him immense resources; governing Syria required further diplomacy and struggle after Nur al-Din's death in 1174. These events reveal accumulation rather than spontaneous salvation.

He employed military force against other Muslim powers and negotiated with rivals when interest required it. A serious account must not conceal these conflicts in order to manufacture a spotless unity narrative. Establishing common command often imposed costs on local elites and populations. Religious patronage aided recognition, but recognition had to be created through material arrangements: armies had to be supplied, fortresses provisioned, taxes collected, and alliances managed. Power and moral claims were not parallel lines; each affected the other's credibility. The late twelfth-century revival of Sunni institutions in Egypt also had consequences for communities whose earlier affiliations had enjoyed state sponsorship.

Hattin as an outcome, not an explanation

The battle of Hattin in July 1187 and the recovery of Jerusalem that October were extraordinary events. Yet saying that they occurred because Salah al-Din was pious or courageous evades the central historical questions. Why was a major field army available? How were Egyptian resources related to Syrian campaigning? What role did the political and military decisions of the Latin kingdom play? How important were local

defections, negotiated surrenders, seasonal conditions, and logistics? To isolate military success from administrative and diplomatic preparation is to turn history into admiration.

Baha' al-Din Ibn Shaddad's *al-Nawadir al-Sultaniyya*, available in D. S. Richards's translation as *The Rare and Excellent History of Saladin*, is invaluable and must be read critically. As a close associate in the ruler's last years, Ibn Shaddad could observe details that distant chroniclers could not. His personal esteem also makes his presentation a partial account rather than a transparent window into every motive. Other Muslim and Latin records help to identify what his narrative illuminates and what it may obscure. The proper lesson is not that intimate primary sources are unreliable, but that proximity brings both knowledge and attachment.

Mercy, war, and the ethics of comparison

The contrasting memories of Jerusalem in 1099 and 1187 invite a moral judgment, but the comparison must specify actions and contexts. Popular retellings often juxtapose crusader massacre with Salah al-Din's negotiated surrender of Jerusalem. There are grounds for analyzing that difference, including treatment of captives and arrangements for release, but neither episode exhausts the conduct of every army or ruler during the period. Ethical assessment should examine rules concerning noncombatants, prisoners, ransom, siege, and religious worship across several campaigns. The fact that one leader is judged favorably on a particular dimension does not confer general immunity from scrutiny.

A constitutional theory draws a more demanding lesson from the contrast. Magnanimity is most useful when embedded in enforceable rules, not when bestowed by the discretionary virtue of a commander. A captive should not need to trust a ruler's reputation for mercy if law can guarantee humane treatment. A religious minority should not depend on personal patronage to maintain its worship. A society that celebrates a benevolent sovereign but builds no constraints on his less benevolent successor has learned too little from its own historical admiration.

The succession problem

Salah al-Din died in 1193. Ayyubid dominions were distributed and contested among relatives, and the political unity associated with his authority proved vulnerable to family politics. This was not simply the failure of a good man to prepare sufficient heirs; the regime's

organization encouraged a particular relationship between familial distribution, territorial administration, and military patronage. Its history shows how much of a leader's achievement may be carried by informal relationships that cannot be transferred through an appointment decree. His successors inherited networks of loyalty as well as rivals with plausible dynastic claims.

The modern inference is precise: a founding center must be able to specify the succession process before it needs a successor. The process must not depend on whichever faction controls the palace or army at the decisive hour. The case supports the *need* for rules, but cannot prove that a modern federal shura would have solved twelfth-century conflicts. Comparative constitutional design is an independent argument prompted by the failure mode, not a device discovered within the Ayyubid system. Likewise, the memory of Jerusalem may legitimately inspire public service without authorizing a new ruler to demand obedience through historical analogy.

What the case can and cannot establish

The secure historical claims include the dates and broad course of the major campaigns and political consolidation. The disputed matters include the relative weight of religious ideology and dynastic interest, the experience of ordinary subjects, and the representativeness of surviving sources. The Project Tajdid hypothesis is that moral reputation became politically effective when connected to practical coordination and institutions that mobilized resources across regions. A rival explanation emphasizing military centralization, strategic geography, or opponent weakness may account for much of the outcome. The question is not which explanation is most flattering, but which best survives the evidence. This historical discipline is itself part of a theory concerned with legitimate power.

Fragmentation as a political rather than theological fact

The label 'disunity' can conceal the structural incentives of twelfth-century government. Rulers had territorial interests, military households, revenue sources, personal rivalries, and responsibilities to local constituencies. A historian who condemns fragmentation without describing those incentives risks assuming that invoking the umma would have made all parties willing to subordinate their survival to a single commander. The greater explanatory task is to show when

coalition became materially plausible. The consolidation associated with Nur al-Din and Salah al-Din involved precisely this intersection of public religious purposes and hard political bargaining. That coexistence does not make moral language insincere; it makes the historian's task more difficult than choosing between piety and power.

Whose legitimacy?

Ayyubid consolidation is often assessed from the perspective of dynastic rulers, religious scholars, or the long-term recovery of Jerusalem. The experiences of Egyptian administrators, Sunni and Shi'i communities, merchants, peasants paying for military campaigns, and populations under siege require separate attention. A celebrated interregional success may redistribute burdens unequally. The foundational political theory should ask how recognition varied by community and whether the means of consolidation were justified to those who bore the costs. Modern evidence may not permit a representative answer to every question, but the questions prevent an elite success narrative from becoming a universal verdict. They also anticipate the proposed union's requirement for population consent in addition to intergovernmental agreement.

5. Mongol Conquest and Islamic Continuity

The Mongol destruction of Baghdad in 1258 is an emblem of political rupture, but it was not the destruction of Islamic civilization. Scholars, legal schools, trade networks, devotional communities, and administrative practices survived across multiple centers. The political destruction was immense; the continuity of religious and social institutions was equally consequential.

The subsequent Islamization of Mongol ruling groups offers a particularly revealing case. Berke's conversion in the Golden Horde and Ghazan's adoption of Islam in the Ilkhanate belonged to different political contexts and trajectories. No single explanation can account for them. Personal conviction, relations with Muslim subjects, Sufi networks, political competition, elite patronage, and the practical requirements of governing all warrant examination.

The proposed pendulum interpretation asks whether the institutions and normative language of Muslim societies supplied conquerors with forms of authority that conquest itself could not provide. That is a hypothesis, not a demonstrated universal causal law. It must be weighed against explanations rooted in strategic interest, socialization, and religious change.

The deeper civilizational lesson may be that political centers can be destroyed without erasing the distributed institutions through which a civilization remembers and renews itself. This is precisely why a theory of future formation must attend to universities, jurists, endowments, merchants, and households rather than exclusively to sovereign rulers.

Destruction and distribution

The Mongol seizure of Baghdad in 1258 was a decisive rupture in Abbasid political history. The extent of killing, the fate of buildings and libraries, and the symbolic meaning of the catastrophe have generated accounts whose numbers and literary details cannot all be read literally. It was an enormous political and human disaster. It was not the end of Muslim life in the cities and regions beyond Baghdad, nor did Islam depend upon a single administrative capital for the transmission of law, learning, worship, trade, and memory. This distinction between sovereign centers and distributed institutions is the most relevant feature of the case for the present theory.

The dispersal of civilization should not be romanticized as if destruction itself created resilience. Refugees lost property, families, schools, and lives. Regional centers that survived did so for contingent reasons, among them distance, strategic choices of conquerors, negotiated accommodations, fiscal utility, and preexisting institutional networks. The same decentralization that could preserve learning might also reduce the resources available for common defense. Institutional resilience is a capacity, not an absolution of catastrophe.

Peter Jackson's *The Mongols and the Islamic World: From Conquest to Conversion* is an essential modern guide precisely because the subject encompasses an empire-wide range of relations between Muslim populations and Mongol rulers. Arabic and Persian chronicles, such as the works of Ibn al-Athir, Juvayni, and Rashid al-Din, require cross-reading. Authors wrote from distinct confessional, geographic, and courtly positions. Reports about conversion, patronage, or massacre cannot be treated as if they were produced by neutral bureaucratic statisticians. Language and patronage are not decorative historical context; they shape what can be inferred.

Not one conversion story

The Golden Horde and Ilkhanate provide contrasting trajectories. Berke, associated with the Golden Horde, is commonly described in the scholarship as a Muslim ruler, but the chronology, meaning, and political consequences of his conversion demand careful attention. Ghazan's adoption of Islam upon attaining Ilkhanid power in 1295 was linked to a different political setting: the politics of Iran, established Muslim administrative and religious institutions, elite competition, and the need to articulate rule over large Muslim populations. These cases should not be merged into a single drama in which conquest is inevitably defeated by the spirituality of its victims.

Three rival explanations deserve equal seriousness. One stresses religious persuasion through Muslim scholars, Sufis, personal networks, and changing identities. A second stresses administrative and diplomatic usefulness: recognized Islamic forms could help rulers govern Muslim subjects and compete with Muslim rivals. A third stresses elite politics: religious affiliation could reorder alliances and create a new basis for loyalty. These explanations need not exclude one another. The existence of strategic advantage does not disprove sincere belief. Conversely, a ruler's stated devotion does not establish that conversion occurred independently of political incentives.

The Mongol case also contains direct counterevidence to simple moral progress. Rulers who supported Islam could continue warfare against Muslim opponents. Their territorial regimes did not thereby become egalitarian, nonviolent, or constitutionally accountable. Relations between Mamluk Egypt-Syria and the Ilkhans show that shared religious language, once adopted, did not automatically dissolve strategic rivalry. If the moral pendulum means no more than that political elites sometimes adopt the majority religion of governed populations, it has to be renamed and narrowed. If it means increased justice, it requires separate evidence about state behavior.

Resilience is an institutional question

What survives when a capital falls? Some answers are visible in legal and educational continuity. The institutions that trained jurists, preserved books, authorized legal opinions, mediated property disputes, financed worship, and connected commercial actors were distributed among multiple communities. None had complete autonomy from rulers. Yet no single conquest could reliably erase every network at once. Such redundancy is an underappreciated source of civilizational endurance. It resembles, but is not identical to, modern arguments for distributed governance and institutional pluralism.

There is a danger in reading later Muslim success backwards into the experiences of survivors. The Baghdad scholar concerned for a manuscript or the merchant trying to protect children was not maintaining an abstract civilization on behalf of future historians. People made practical decisions in circumstances of fear. A theory of formation should therefore judge institutions first by whether they meet human needs in their own present, not by whether future textbooks credit them with preparing a new empire. Civic resilience is ethically valuable without a later crown.

What would a careful comparison show?

A viable empirical study would examine the Golden Horde, the Ilkhanate, and non-converting Mongol political formations, holding open variation in the religious composition of subjects, the identity of elite patrons, the availability of administrators, and competition with neighboring states. It would compare decrees, coin inscriptions, religious patronage, diplomatic correspondence, chronicles, and, where available, evidence of legal practice. An observed association between dense Muslim

institutions and elite conversion would not by itself establish causality. The researcher must look for sequence, intervening mechanisms, and cases in which similar institutions did not yield the predicted outcome.

The chapter therefore supports a narrower and stronger claim than inevitable moral reversal: civilizational structures may distribute enough memory, skill, and legitimacy to remain politically consequential under foreign rule. They may influence rulers and successors, but the direction and moral quality of that influence are contingent. A contemporary constitution should try to protect such social depth without inviting the disasters from which history sometimes shows it surviving.

A counterexample from within Mongol history

The Mongol imperial experience supplies its own negative cases. Conversion to Islam occurred in some ruling lines but not across the empire as a single civilizational reversal. Non-Muslim ruling traditions persisted elsewhere, and political strategies differed sharply between western Eurasia and East Asia. If Islamic institutional endurance alone automatically compelled conversion, the differences would be difficult to explain. The historian must ask whether religious demographics, dynastic competition, court networks, and elite socialization explain the divergence. This protects the model from treating the most favorable western cases as representative of all conquered territories.

The difference between adoption and authority

Suppose a ruler adopts Islam and sponsors mosques and scholars. Is that evidence of moral authority? It is evidence of religious and institutional behavior, not yet of justice. One must examine relations with subjects, other Muslim rulers, religious minorities, captives, and enemies. The conversion may have integrated the ruling household into a shared language of legitimacy while leaving ordinary coercive practices largely intact. For civilizational theory, that distinction permits a limited and credible claim: survived institutions shaped the repertoire of rule. A stronger claim—that their presence produced morally constrained governance—requires an independent comparative investigation. Without it, the pendulum changes meaning whenever confronted by inconvenient conduct.

6. The Mamluk Settlement and the Limits of Military Legitimacy

The Mamluks defeated a Mongol army at Ain Jalut in 1260 and later eliminated the remaining major Crusader coastal strongholds, culminating in Acre's fall in 1291. These achievements contributed to their claim to govern, but their political system also rested on military recruitment, elite competition, fiscal structures, and religious patronage.

Their experience shows that security provision can generate political recognition while leaving the mechanisms of succession unsettled. A state may defend a civilization and still suffer recurrent internal struggles over authority. The distinction between founding performance and constitutional continuity therefore matters.

The Cairo Abbasid caliphate under Mamluk patronage also illustrates the complex separation of symbolic caliphal authority from effective sultanic power. It should not be casually treated as a precedent for a modern federation; it is better approached as evidence that Islamic political history has accommodated multiple relationships between religious recognition and executive control.

Security as a public good

The Mamluk victory at Ayn Jalut in 1260 is not only a story of battlefield tactics. In the setting of Mongol invasions it helped establish the Mamluk regime as a power capable of defending Egypt and Syria. Later campaigns ended Latin control of Acre in 1291 and other coastal strongholds. These achievements mattered to people who faced immediate threats. A theory that dismisses them because Mamluk rulers were not democratically appointed would fail to recognize the moral importance of security. The question is instead how far successful defense can justify an otherwise highly unequal structure of rule.

The regime rested on distinctive military recruitment and elite reproduction. Military slavery was not simply an army payroll category; it formed part of an institutional structure through which selected recruits were trained, affiliated, manumitted, and integrated into networks of command. Competition among emirs and their households shaped succession. Fiscal arrangements, land assignments, and the relationship between the ruling military elite and urban society connected coercive

power to everyday administration. None of this can be reduced to a contrast between a heroic battlefield and an unjust palace. The same political system both delivered defense and contained recurring conflicts over distribution and leadership.

Reuven Amitai's *Mongols and Mamluks* emphasizes the long Mamluk–Ilkhanid struggle through war, diplomacy, espionage, and frontier contestation rather than treating Ayn Jalut as a self-contained end point. This broader chronology is essential. A single victory can become a powerful founding memory, but the political order then faces decades of burdens that the memory cannot finance. It must secure revenue, sustain legitimacy across generations, and manage armed factions whose capacities make them indispensable and potentially dangerous.

The paradox of the successful guardian

If a military institution saves a population from devastation, it may rightly earn admiration. Yet a guardian can use that admiration to claim exemption from the laws it is meant to defend. This is the first paradox of performance legitimacy. The second is organizational: the skill that makes a military class effective in war can make it unusually capable of coercing civilian institutions during succession disputes. Effective defenders are not necessarily effective constitutional stewards. The question of governing through law cannot be postponed until after peace, because war itself strengthens the actors most able to prevent legal accountability later.

The Mamluk case reveals an arrangement in which scholarly patronage, public religion, and military command interacted without being equivalent. Religious institutions could confer social approval and secure valuable functions even when sovereign decision-making rested elsewhere. This pluralism mattered, but it should not be mistaken for modern separation of powers. A jurist's authority to interpret law did not necessarily include a guaranteed power to invalidate a sultan's detention order. A contemporary constitutional court, by contrast, is designed to exercise a determinate legal jurisdiction with enforceable judgments. Historical resemblance in rhetoric is not identity of institution.

The Cairo Abbasid caliphate

Following Baghdad's fall, a line of Abbasid caliphs under Mamluk patronage in Cairo carried symbolic and ritual importance, while the sultans wielded effective governmental power. It is tempting to call this

an early division between spiritual and temporal authority. That phrase, however, may import modern distinctions that do not neatly describe medieval practices. Recognition, investiture, religious legitimacy, military command, and political patronage overlapped in historically specific ways. The Cairo institution is better evidence for the malleability of caliphal political roles than proof of a timeless constitutional separation.

For Project Tajdid the case creates a warning about titles. A caliph deprived of constitutional power may become a legitimating emblem for whoever commands soldiers. A caliph given unconstrained power may threaten the institutions supposed to keep him answerable. The proposed constitution therefore rejects an ambiguity in which symbolic religious title is allowed to stand in for actual institutional responsibility. If a caliph is to be a supreme executive, the powers, prohibitions, selection process, and judicial accountability of that office must be written and enforced. If a community instead chooses a ceremonial head of state, it should say so openly and locate executive authority elsewhere.

Succession and the command problem

The central problem is that command hierarchies are not automatically succession systems. A victorious general's authority may depend on personal relationships, military households, and access to resources. When he dies or becomes weak, ambitious factions may treat the office as a prize to be won rather than a public trust to be transferred. Modern states confront comparable problems when security institutions act as political arbiters. The constitutional answer is not to disparage soldiers, but to establish civilian supremacy, a lawful chain of command, publicly appropriated defense budgets, and an enforceable prohibition on the armed forces deciding who governs.

A practical design needs mechanisms. Senior officers must be appointed under transparent legal procedures, subject to legislative scrutiny where appropriate. Military courts should have narrow jurisdiction and not be ordinary tribunals for civilians. Emergency command cannot override fundamental personal protections. Security services must answer to inspectors general and independent judicial warrants. Above all, a refusal of military commanders to obey a valid transfer of authority should be treated as a constitutional breach, not as a legitimate correction of political disagreement.

Limits of the evidence

The Mamluks demonstrate that decisive security performance can support recognized rule without producing stable, impersonal succession. They do not demonstrate that a single constitutional alternative was historically available or that democratic institutions would have survived identical military conditions. Political concepts should not be applied retrospectively without acknowledging the difference in social foundations. Nevertheless, the case identifies a problem contemporary designers have no excuse to ignore: the state must be able to defend itself without making the defenders proprietors of the state.

The hidden costs of military brokerage

A security establishment capable of defending a polity may become the indispensable intermediary through which taxes, land, patronage, and political appointments flow. Such brokerage can finance effective defense while restricting broader access to power. The Mamluk system illustrates why the evaluation of a protector requires more than a judgment on wars won. Scholars of Mamluk history trace court networks, provincial administration, fiscal arrangements, and relations among elite households; the social order cannot be reconstructed solely from campaign histories. A comprehensive civilizational assessment would examine how military spending affected civilian institutions, how succession contests affected city life, and how scholarly patronage shaped judicial independence.

A modern constitutional implication

Civilian control must be defined positively, not simply declared. It requires accountable civilian authorities with actual budgetary knowledge, a military professional ethic separate from ruling-party loyalty, independent investigation of abuses, and courts capable of applying the law to officials in uniform. The proposal would fail if the caliph's permanent tenure were supported by a personal guard outside the public command hierarchy. It would also fail if the shura used the army to remove an otherwise lawful executive because legislators disliked an election result. The constitutional boundary protects both civilian representation and military professionalism.

7. Anatolia, the Seljuks, Timur, and the Ottoman Emergence

The Seljuks preceded Salah al-Din and shaped the political and cultural conditions of medieval Anatolia and the wider region. The defeat of the Sultanate of Rum by the Mongols at Kose Dag in 1243 contributed to the fragmentation from which Anatolian beyliks emerged. The early Ottomans were one among several competitors, not an inevitable destination of history.

The Ottoman polity developed through frontier warfare, alliances, dynastic politics, institutions, and economic networks. The later confrontation with Timur at Ankara in 1402 interrupted Ottoman consolidation and exposed the fragility of dynastic power. The eventual Ottoman recovery offers a useful case for examining institutional resilience, though it does not prove any simple theory of civilizational destiny.

The Mamluk–Ottoman rivalry likewise demonstrates that shared Sunni identity did not abolish competing strategic interests. Frontier principalities, Syria, trade routes, and competing claims to authority generated conflict. A constitutional theory seeking to avoid similar confrontations must therefore do more than invoke unity: it must create credible procedures for arbitration, transfer of authority, and the peaceful adjustment of political centers.

A frontier with many possible futures

Ottoman history is especially vulnerable to narratives written from its later imperial achievement. Because a large empire eventually emerged, the early principality can appear as a destined seed. Yet late medieval Anatolia was characterized by Seljuk legacies, Byzantine frontier politics, Mongol intervention, Turkish beyliks, local coalitions, military opportunity, and shifting religious affiliations. The Sultanate of Rum's defeat at Kose Dag in 1243 forms one important element of the fragmentation that followed, but it did not produce a straight line to Ottoman sovereignty. Rival principalities possessed their own opportunities and legitimacy claims.

Cemal Kafadar's *Between Two Worlds* is especially useful because it challenges one-dimensional explanations of Ottoman origins. Religious

frontier identity, tribal and dynastic connections, migration, Byzantine relations, and retrospective narrative construction must all be examined. A historian who assumes from the outset that a particular notion of holy war explains everything is unlikely to notice evidence of partnership, intermarriage, pragmatism, or competing identities. An account that reduces religious commitment to economic opportunism commits the reverse simplification. The evidence supports an analysis of overlapping motivations rather than a total theory of one motive.

The strategic work of institution-building

The early Ottoman success involved incorporation as much as conflict. Alliances, marriage, military recruitment, fiscal practice, settlement, and the integration of diverse communities helped transform a frontier enterprise into an expanding polity. The empire later developed sophisticated administrative traditions, but their mature form cannot simply be projected back onto Osman or Orhan. Institutions emerge through adaptation under pressure, often borrowing from the populations a growing state encounters. This is a different version of the civilizational formation problem: how does a fragile armed coalition become a political order with predictable offices, revenues, and loyalties?

The familiar contrast between conquering warriors and civilizing bureaucracy is too crude. Soldiers require supplies, taxes require records, and records imply mediators who understand local society. Lawmaking and adjudication often expand in response to practical disputes. Religious and political languages offer one means of integrating these functions, but their prestige remains open to contest. The story belongs not to a single people in isolation but to a region in which several traditions, including Byzantine and Islamic ones, shaped administrative possibilities.

Ankara and the limits of centralized glory

The defeat of Bayezid I by Timur at Ankara in 1402 endangered the expanding Ottoman polity and was followed by a contested dynastic interregnum. Timur's victory is a useful corrective to histories that narrate Ottoman ascendancy as uninterrupted. The empire's recovery by the early fifteenth century raises questions about surviving provincial institutions, dynastic legitimacy, bargaining with local elites, and the ability to reunify an apparatus damaged by military catastrophe. Recovery was neither immediate nor guaranteed. It should be examined as a

contingent outcome of political struggle rather than proof of some transhistorical Ottoman essence.

This episode can test different mechanisms. If administrative routines survived, they may have lowered the cost of reconstruction. If dynastic symbols retained enough credibility, contenders may have used them to recruit support. If military geography and outside rivals created opportunities, recovery may be explained partly without reference to cultural solidarity. Sources differ in what they emphasize. The constitution-maker need not settle all of these historiographical disputes before drawing the limited lesson: a polity whose identity and operation collapse with one ruler is precarious; a polity whose offices and rules can persist through lost battles has another kind of strength.

Shared identity does not abolish rivalry

Mamluk–Ottoman competition, eventually culminating in Ottoman conquest of Mamluk territories in 1516–17, also disrupts a simple civilizational unity story. Both polities drew on Sunni religious institutions, yet strategic conflicts concerned authority, routes, revenues, frontier interests, and regional supremacy. A shared body of religious belief could coexist with violent competition. Indeed, common languages of legitimacy could intensify disputes when multiple rulers claimed to embody them most fully. The important question is not why Muslims failed to perceive their common interests, but how those interests competed with immediate institutional incentives.

The proposed polity aims to change these incentives by making disputes among participating regions justiciable. Rival claims to capital status would be settled by constitutional amendment, not siege. Budget disputes would be mediated through an independent commission and legislative procedures. A wealthy region would enjoy political safeguards without acquiring an automatic right to command other regions. No historical state proves such safeguards sufficient, but the absence of credible arbitration plainly increases the appeal of coercion when rival executives cannot agree.

The historical meaning of non-inevitability

A serious civilizational theory should not have a preferred dynasty concealed in its historical method. If the early Ottomans had failed, other communities would still have pursued knowledge, law, trade, and religious life. An account of civilizational possibility should therefore be

able to explain paths not taken, short-lived experiments, and cooperative forms that never became empires. By refusing to call one outcome preordained, the historian also protects the political future from claims that a present founder possesses the same historical exemption from choice. The future cannot be authenticated by resemblance to a dynasty that happened to win.

The logic of hindsight

Later Ottoman imperial ideology organized the dynasty's origins into stories of succession, frontier virtue, religious mission, and providential achievement. These narratives are themselves historical evidence—for how later elites understood or wished to present the founding—but do not provide a transparent account of the earliest decades. Kafadar's intervention is methodological as much as factual: a historian must place chronicles in the environment of their composition and look for social affiliations that a mature national narrative tends to flatten. A model of future Islamic political formation should apply the same suspicion to its own founding myths. The moment a polity becomes successful is the moment its early compromises are most likely to be remembered as deliberate steps toward an inevitable outcome.

Resilience with unresolved costs

Ottoman recovery after Ankara is a useful question about institutions, but an analytical account must also study who paid for restoration. Dynastic rivalry and military reorganization could create displacement, taxation, and local suffering even when the state ultimately survived. A constitutional successor should not be judged solely by whether it reunifies a capital or regains borders. Its achievements also depend on lawful treatment of populations and the durability of social institutions. This dual accounting avoids allowing 'resilience' to become an ethical blank check for reconstruction at any cost.

8. Ibn Khaldun and the Problem of Constitutional Continuity

Political orders often originate in an intensity of cooperation that later generations cannot reproduce. Founders accept hardship, share risks, and recognize one another's sacrifices. Their successors inherit institutions and privileges, but not necessarily the solidarity that made those institutions possible. Ibn Khaldun helps explain why this difference matters. His analysis of 'asabiyyah, dynastic rule, prosperity, and decline supplies a demanding question for Islamic Civilizational Formation: can the authority generated in a founding moment be made accountable and durable once the founders are gone?

SCRIPTURAL ORIENTATION · SOLIDARITY IS NOT A SUBSTITUTE FOR JUSTICE

The Qur'an speaks of peoples and tribes as part of human plurality and mutual recognition (49:13), while making just judgment a duty (4:58). Neither verse establishes a sociological law of dynastic decline or specifies a modern constitutional design. They clarify the moral limit of this inquiry: cohesion may enable common action, but belonging to a powerful group does not itself confer righteousness or a right to rule.

What solidarity explains—and what it cannot justify

In the Muqaddimah, Ibn Khaldun treats 'asabiyyah, commonly translated as group feeling or solidarity, as a capacity for coordinated protection, sacrifice, and political action. He argues that it can enable the acquisition of royal authority, although religious commitment, economic circumstances, and established administrative practices also affect political life (chapter II, section 16; chapter III, sections 1–6). His account is an analysis of how rule becomes possible, not a moral endorsement of every successful ruler. A tightly bonded faction may defend its community; it may also exclude outsiders, reward kin, or entrench domination.

That distinction matters for this book. Its account of legitimacy requires moral credibility, practical capability, and recognition, followed by voluntary constitutional consent before authority extends to new communities. None of those criteria can be reduced to 'asabiyyah. Nor is the proposed “moral pendulum” Ibn Khaldun's theory under another

name. The pendulum asks whether gaps between professed justice and political conduct sometimes redirect allegiance; Ibn Khaldun investigates changing solidarities and the conditions of political rule. Their possible overlap is a question to examine, not an identity to assume.

The problem of inherited authority

Ibn Khaldun describes how a dynasty's original cohesion may be altered by consolidation, luxury, rivalry, and the ambitions of rulers who increasingly monopolize power (chapter III, sections 10–15). He does not offer a simple clock by which every regime must expire on schedule. Indeed, he observes that established dynasties can sometimes operate without the founding group feeling on which they initially depended (chapter III, section 2). This makes the historical problem more subtle: institutions can preserve a dynasty after its original solidarity weakens, but they may preserve its injustices as readily as its achievements.

The second generation is the decisive test for the present argument. A founder's prestige may become a family's presumed entitlement; trusted comrades may become unaccountable patrons; public offices may be distributed as the reward for ancestral sacrifice. The result is not merely declining virtue. It is a structural confusion between past service and present authorization. A community that cannot remove an incompetent successor without force has allowed its founding achievement to become a source of political vulnerability.

From founding cohesion to constitutional continuity

Project Tajdid's constitutional proposal is a response to that vulnerability, not a doctrine found in the Muqaddimah. Selection procedures, conflict-of-interest rules, enforceable judicial decisions, transparent budgets, regional representation, and peaceful executive removal seek to convert personal trust into public rules. They cannot guarantee that solidarity will persist or that institutions will remain incorruptible. They can, however, provide lawful ways to contest authority when shared memories and personal loyalties no longer suffice.

Fiscal discipline belongs to the same problem. Ibn Khaldun connected taxation and political transformation, including the pressures that can accompany dynastic expenditure (chapter III, section 36). A future constitutional center that promises more than it can finance may turn common purposes into coercive extraction. Independent auditing and transparent interregional transfers would be practical checks on this

danger. Those mechanisms are modern design choices; the historical diagnosis helps explain the risk but does not dictate a particular tax formula.

Can institutions survive the loss of their founders?

Institutions cannot replace solidarity entirely. Courts require compliance, legislatures require willingness to lose votes, and regions must accept at least some burdens for common goods. A union held together only by procedural language may fail when sacrifice becomes necessary. But common commitment need not mean obedience to one leader, dynasty, or ethnicity. It can attach to equal protection, fidelity to agreed rules, and the belief that opponents remain legitimate members of the political community.

Here the book offers a hypothesis that Ibn Khaldun did not formulate: constitutional restraints and independent social institutions may moderate some forces that historically turned political succession into crisis. They may also be captured, eroded, or circumvented. The proposal should therefore be tested against failed and surviving constitutional orders, rather than declared a remedy by analogy. Ibn Khaldun's enduring value is to deny the founder an easy victory over time. A just political order must be designed not only for the people who establish it, but for those who will inherit it without remembering why its restraints were necessary.

PART III

A World Order Under Strain

The international legal order, unequal enforcement, and strategic choice.

9. The Postwar Order: Law, Institutions, and Power

The post-1945 international system contains several related but distinct structures: the United Nations and its legal framework; international financial institutions; US alliance networks; trade regimes; and, later, policy programs often described as neoliberal. Treating all of these as one undifferentiated “neoliberal order” would weaken analysis. They overlap, but their origins, rules, memberships, and effects differ.

The UN Charter both constrains the use of force and recognizes sovereign equality, while the Security Council gives five permanent members exceptional veto authority. This is a built-in tension between universal legal aspiration and an unequal security architecture. The problem of selective enforcement arises partly from this design and partly from state behavior outside it.

The book should not assume that international law is fictitious because enforcement is uneven. Rules can shape behavior even when powerful actors violate them. The stronger argument is that repeated inconsistency between declared universality and practical selectivity can undermine institutional credibility, particularly among communities who experience the rules as asymmetrical.

Several orders within one world

The expression *postwar international order* is useful only if its components remain visible. The United Nations system, built around the Charter of 1945, is a legal and diplomatic arrangement of sovereign states. Bretton Woods institutions organize particular dimensions of monetary cooperation and development lending. American alliance networks reflect a distribution of military power and security commitments. The postwar trade regime developed through GATT and later the World Trade Organization. Neoliberal programs, associated especially with later decades, refer to particular ideas about markets, privatization, liberalization, and public regulation. These institutional worlds overlap and often reinforce one another, but they do not have identical members, legal foundations, interests, or histories.

Criticism becomes more credible when it distinguishes the norms of an institution from the behavior of powerful members. The Security

Council's unequal voting structure is an explicit feature of the Charter, not an accidental abuse of a convention designed for perfect equality. By contrast, a state that uses force in violation of the Charter has not shown that the Charter commands unlawful force. One can criticize the design of an institution while defending a norm against its violators. Failure to separate these arguments produces a misleading choice between idealizing the present order and treating every rule as a disguise for empire.

Sovereign equality and privileged guardianship

Article 2(1) of the UN Charter names sovereign equality, while Article 2(4) prohibits threats or uses of force against territorial integrity or political independence. Article 51 preserves an inherent right of individual or collective self-defense if an armed attack occurs, within the Charter's framework. Chapter VII provides for collective enforcement through the Security Council. Article 27 gives the five permanent members special voting power over nonprocedural decisions. The architecture thus embodies a compromise between a broadly universal legal order and the particular distribution of military power at its founding.

This compromise was not simply hypocritical decoration. The designers faced the problem of making major powers participate in a system that could constrain the use of force while recognizing those powers' capacity to refuse enforcement. The veto may be understood as a price of membership, a mechanism intended to prevent direct confrontation among great powers, or an institutionalized form of unequal sovereignty. Each interpretation captures something important. None relieves the analyst of asking how the bargain affects victims when serious violations implicate protected states or permanent members themselves.

The international legal order extends well beyond military enforcement. Treaty obligations, commercial arbitration, maritime law, human-rights monitoring, diplomatic immunity, technical standards, and transnational professional cooperation shape daily conduct. These rules can remain consequential even when coercive responses to war crimes or aggression are inconsistent. Describing the entire system as lawless misidentifies the mechanisms through which smaller states and individuals sometimes obtain predictability. The better inquiry identifies domains where law has real effect and domains where enforcement asymmetry undermines confidence.

International legitimacy and domestic constitutionalism

There is an important analogy between the global and domestic problems. At both levels, power can make an exception to a rule it claims others should obey. Domestically a president invokes emergency necessity to evade judicial review; internationally a major power invokes security to evade a legal norm imposed on its adversaries. Yet the analogy has limits. International society lacks a centralized legislature, police, and compulsory court jurisdiction comparable to those of a sovereign state. Hedley Bull's *The Anarchical Society* is relevant for this distinction between international society and domestic political hierarchy. The absence of world government does not mean there is no international order; it means order is generated under different structural conditions.

A proposed Islamic constitutional polity cannot simply promise to solve international inequality by becoming powerful. New military capacity could deter threats and increase diplomatic bargaining power; it would also create opportunities for its leaders to demand exceptions of their own. The constitutional question is how to constrain external policy before the polity becomes strong enough to ignore objections. Parliamentary control of war powers, publication of treaties, independent review of rights implications, and duties to respect the sovereignty of nonmembers are therefore not ornamental features. They are the domestic conditions under which international moral commitments might remain credible.

The productive and harmful dimensions of integration

Postwar institutions helped facilitate trade, technical cooperation, and the circulation of ideas, while international economic structures also reproduced sharp asymmetries in financing, influence, and agenda-setting. No serious assessment can proceed by assigning all development gains to globalization or all social injuries to foreign imposition. Different countries entered global markets with different capacities, institutions, and bargaining positions. Some policy reforms increased productive competition; others imposed severe distributional costs or restricted alternatives. Empirical analysis requires country and sector comparisons, not a civilizational verdict delivered in advance.

The economic claim relevant to Project Tajdid is narrower: political sovereignty does not automatically imply the capability to manufacture essential goods, fund a long-term research agenda, regulate transnational capital, or secure critical infrastructure. These capacities are compatible

with international trade, mutual dependence, and institutions shared with other regions. The relevant distinction is between cooperation entered from a position of meaningful choice and dependence that leaves few credible options. Constitutional coordination may expand choice in some domains while concentrating risk in others.

A verdict that remains double-edged

The postwar order has developed legal resources that constrain violence and recognize human rights; it also embeds exceptional powers and permits uneven enforcement. These claims can be held simultaneously. A successor order is not justified by promising to abolish unequal power, which no constitution can do at a planetary level. It would earn credibility by specifying its commitments, accepting reciprocal scrutiny, and refusing to authorize conduct by its friends that it condemns in its enemies. Whether those commitments are kept matters more than the vocabulary used to proclaim them.

The trap of anachronistic labels

Describing every post-1945 institution as neoliberal would obscure both chronology and function. The UN Charter precedes later economic policy programs commonly associated with neoliberalism. International financial institutions changed their doctrines over time, and states adopted different approaches to industrial policy, planning, monetary management, and trade. American alliance power also cannot simply be identified with the authority of the UN itself. The proposed critique is strongest when the legal rules, institutional structures, and ideological agendas can be examined independently before their interactions are assessed. Only then can one identify precisely where reforms might improve fairness.

Institutional credibility can coexist with violations

Some rules may continue to structure expectations even when enforcement is selective. States often rely on diplomatic practice, treaty interpretation, and commercial standards even while disagreeing sharply about security. The relevant damage from selective enforcement lies partly in the erosion of confidence that grave violations will attract comparable consequences. A theory of order should distinguish the *validity* of a norm from its *sociological credibility* and its *enforcement*. A rule may be valid yet weakly enforced; it may be widely obeyed yet unjust.

The same analytical distinction applied to a future caliphal constitution would prevent popularity from validating arbitrary power.

10. Selectivity and the Problem of Universal Rules

A rigorous critique requires comparable cases, clear legal standards, and attention to differences in facts. The wars in Iraq and Ukraine, the Israeli–Palestinian conflict, and NATO’s intervention in Kosovo raise distinct questions concerning sovereignty, self-defense, humanitarian claims, occupation, Security Council authorization, and accountability. They should not be treated as legally interchangeable.

The research task is to compare the principles invoked, the institutions empowered or bypassed, the sanctions or enforcement adopted, and the narratives through which states justified exceptions. Where violations are established, the analysis should say so; where legal assessments remain contested, it should identify the disagreement and its grounds.

The phrase “laws of the jungle for some, rules-based law for others” captures a critique of asymmetric power, but it must become an argued proposition rather than a slogan. What explains unequal consequences? Veto structures, alliance politics, economic dependence, military capacity, information asymmetry, or selective moral attention? Different mechanisms may operate in different cases.

Any proposed alternative order must be tested by the same standard. Would its courts protect a disfavored minority? Would its leaders accept adverse judgments? Would it condemn aggression by an ally? Without affirmative answers, it risks replacing one selective universalism with another.

SCRIPTURAL ORIENTATION · STANDARDS MUST BIND THOSE WE FAVOR

Qur’an 4:135 presses believers to uphold justice even against themselves and their close relations; Qur’an 5:8 forbids hostility from excusing injustice. This does not supply a ready-made international tribunal or decide every disputed legal case. It does require the critic of selective international enforcement to resist the same selectivity in reverse. A credible civilizational alternative cannot invoke law only when it constrains rivals and invoke identity whenever it shields friends.

The method of comparison

A useful comparison begins with the law applicable at the time of each event, the institutions empowered to apply it, the disputed facts, and the responses actually undertaken. The cases of Iraq in 2003, Kosovo in 1999, Russia's invasion of Ukraine in 2022, and the Israeli–Palestinian conflict differ in actors, legal positions, territorial relations, and judicial records. An argument about selectivity must not erase those differences for rhetorical symmetry. It should identify a common question—for example, the legality of using force without Security Council authorization—and then document why political consequences differed.

A defensible study also distinguishes *lawfulness* from *enforcement*. Security Council paralysis does not prove that an act was lawful. Sanctions by states may be politically selective while being legally permitted under particular conditions. Judicial proceedings may establish facts or obligations without directly imposing military enforcement. Public rhetoric about a war may diverge from its legal justification. The researcher should maintain a matrix containing legal norm, asserted justification, relevant authoritative decision, contested fact, enforcement response, and evidentiary limits. This prevents the selection of one dramatic quotation from replacing the underlying legal record.

Iraq and Kosovo: different claims of exception

The 2003 invasion of Iraq raised profound disputes about the authorization of force and the asserted revival of earlier Security Council resolutions. Critics argued that no new authorization permitted the invasion and that preventive or regime-change rationales could not replace the Charter's rules. Defenders advanced readings based on prior resolutions and Iraqi noncompliance; these positions were contested by many international lawyers and governments. The case illustrates a conflict between the claimed authority of prior collective decisions and the demand for fresh authorization. The collapse of asserted factual premises concerning weapons programs is also relevant to public legitimacy, but legal and intelligence questions must be separately assessed.

NATO's 1999 intervention in Kosovo did not receive an express Security Council authorization for that operation. Supporters advanced humanitarian arguments concerning mass atrocities and the failure of diplomacy; critics emphasized the Charter's restrictions on force absent self-defense or Council authorization. The often-invoked formulation

that an intervention was 'illegal but legitimate' describes a moral-political controversy rather than an established judicial exception to the Charter. The International Court of Justice's 2010 advisory opinion concerned the legality of Kosovo's 2008 declaration of independence; it did not retroactively declare NATO's 1999 air campaign lawful. Confusing those questions would undermine the very legal precision demanded by the critique.

Ukraine: an unambiguous prohibition amid disputed proceedings

Russia's full-scale invasion of Ukraine began on 24 February 2022. The prohibition on the use of force and the integrity of state borders supply the basic legal framework. In its provisional-measures order of 16 March 2022, issued in proceedings initiated by Ukraine under the Genocide Convention, the ICJ ordered Russia to suspend the military operations it had begun. Provisional measures are legally significant but are not a final merits judgment on every issue surrounding the war. The United Nations General Assembly also condemned the aggression in its emergency special session, although its resolutions are not the same as binding Security Council enforcement under Chapter VII.

The case demonstrates both moral clarity about a central norm and the structural limits of the Council when a permanent member is directly involved. Assistance to Ukraine, sanctions, prosecutions, and diplomatic initiatives are not interchangeable institutions; they reflect different legal bases and political coalitions. A theory of selectivity should compare what states did, the reasons publicly supplied, and the capacities that enabled those actions. It must also reject any inference that unequal consequences excuse the prohibited use of force itself.

Palestine: occupation, judicial findings, and legal distinctions

The Israeli–Palestinian conflict includes legal issues concerning occupation, settlements, annexation, civilian protection, self-determination, the conduct of hostilities, and the responsibilities of Palestinian armed groups. These questions are related but not identical. In its advisory opinion of 19 July 2024, the ICJ concluded that Israel's continued presence in the Occupied Palestinian Territory was unlawful, addressed the legal consequences of settlement and annexation practices, and emphasized the Palestinian people's right to self-determination. An advisory opinion is authoritative legal reasoning, but not a judgment in a

contentious case with the same procedural form. Several judges wrote separate opinions, and particular aspects of the Court's reasoning were disputed within the bench.

In the separate Genocide Convention case brought by South Africa against Israel, the ICJ issued provisional-measures orders in 2024. Those measures must not be described as a final determination that genocide occurred. The distinction protects accuracy while preserving the seriousness of the obligations the Court specified. The analysis must also address deliberate attacks on civilians and hostage-taking by armed groups, including attacks on 7 October 2023, without using those crimes to erase the legal rights of civilians in Gaza and the West Bank. A consistent rule-of-law framework cannot make civilian status or legal protection contingent on political allegiance.

What asymmetry proves—and what it does not

The varying responses to these cases suggest that alliance relations, veto power, military geography, public attention, and domestic political incentives can shape international enforcement. They do not by themselves establish that all legal judgments were identical or that the differences had one cause. A careful argument might conclude that the legal system offers genuine standards while coercive application remains deeply unequal. That conclusion is more demanding and more defensible than the slogan that power alone makes law.

Now reverse the test. Suppose a future Muslim-majority constitutional union had an allied region accused of expelling civilians, imprisoning peaceful religious dissenters, or invading a neighboring state. Would its legislature investigate, its courts hear claims, and its government cooperate with lawful international inquiries? If the answer depends on whether the accused are members of the favored community, the new order has reproduced the core defect it set out to criticize. The legitimacy of a universal principle is measured most severely where its application is politically inconvenient.

A comparison that could actually be audited

A case-based inquiry should assemble, for each conflict, the operative legal framework; the dates of major state action; the official justifications for force; the presence or absence of explicit Security Council authorization; the proceedings of international courts; the recognition or contestation of facts; the sanctions, humanitarian relief, and

accountability measures employed; and the explicit reasons for different responses. Iraq 2003 and Kosovo 1999 concern contested claims about the use of force and authorization. Ukraine 2022 concerns an invasion under an internationally established prohibition and proceedings with defined jurisdiction. Palestine engages a long-running occupation and multiple bodies of international law. Comparability comes from common legal questions, not from erasing these different postures.

A serious model should distinguish positive and negative evidence. If two legally different events receive different consequences, the difference does not alone demonstrate selectivity. If a comparable rule is invoked against an adversary but dismissed without legal reason when an ally acts similarly, the allegation becomes stronger. If powerful states comply with adverse rules when costly, that observation matters against an account of universal law as pure theater. Research should report these counterobservations. One-sided case selection is a threat not just to academic accuracy but to the moral credibility the book seeks to defend.

11. Muslim Societies, Dependency, and Capability

Political independence is not identical to strategic autonomy. States may possess formal sovereignty while depending on external suppliers for finance, advanced technology, military systems, energy infrastructure, critical logistics, or the knowledge required to maintain them. Dependency also varies by sector and can be mutual rather than unilateral.

The civilizational question is how independent institutions accumulate capabilities over generations. Engineers, research laboratories, ports, courts, manufacturing networks, educational systems, and financial institutions cannot be conjured into existence by constitutional declaration. They must be built, tested, and improved. The role of government is to secure fair rules, public goods, and strategic coordination without extinguishing social initiative.

This analysis must avoid assuming that all cooperation with Western states constitutes dependency, or that autarky is possible or desirable. Strategic autonomy is the capacity to make meaningful choices, not the elimination of trade, learning, or diplomacy.

SCRIPTURAL ORIENTATION · PREPARATION IS A PUBLIC RESPONSIBILITY

The account of Yusuf's planning in Qur'an 12:47–49 places prudent storage and administration beside the prospect of future scarcity. It is not a technical manual for industrial policy, nor does its narrative settle questions of state ownership or economic organization. It does make foresight and stewardship intelligible within a religious moral horizon. The argument here—that critical knowledge, infrastructure, logistics, and administrative competence enlarge meaningful political choice—is a modern strategic inference, not a verbatim scriptural program.

Independence without freedom of action

A flag, a constitution, and recognition as a sovereign state are substantial political achievements. They do not ensure that the state possesses the equipment, financing, skills, or knowledge required to carry out its own preferred policies. Dependency operates across distinct fields: food

imports, defense supply chains, cloud infrastructure, specialized medicine, financial clearing systems, manufacturing inputs, education, energy transit, and access to international markets. It may be asymmetric, shared, or deliberately chosen. Calling every import a failure of civilization would be economically unserious. The better question is whether a society retains the ability to make informed choices under stress.

Strategic autonomy is better conceived as a portfolio of capabilities than as self-sufficiency. A state may rationally import machinery but maintain competing suppliers, domestic repair capacity, transparent procurement, and a reserve of critical components. A research system may train students abroad while protecting its own laboratories and peer-review institutions. A financial system may integrate with global markets while supervising concentration risks. The goal is resilience with openness, not an expensive fantasy of complete national production.

Why institutions precede grand projects

Polities often announce large infrastructure initiatives before developing reliable contract enforcement, auditing, maintenance, procurement, or independent technical appraisal. Such projects can generate political prestige while concealing deteriorating assets and liabilities. Capability is not the number of publicized megaprojects; it is the ability to select, finance, maintain, and replace them within a transparent framework. A durable court system may appear less glorious than a new port, but the port's commercial value depends partly on enforceable agreements and confidence that property and obligations will not be arbitrarily revised.

The formation of scientific capacity likewise depends on routine conditions: primary and secondary education, stable laboratories, access to equipment and journals, tolerance for failed experiments, meritocratic professional advancement, and the possibility of contradicting a powerful sponsor. Scientific quality cannot be measured solely by publication counts, and technological mastery is not created by announcing a national strategy. A civilizational initiative worthy of the name should protect the uncomfortable independence of expertise. The same principle extends to historians whose findings displease national narratives and jurists who challenge popular piety with unpopular reasoning.

Dependency as a political relationship

Economic ties become politically constraining when withdrawal or coercion imposes concentrated costs on one party and tolerable costs on another. A state dependent on a single supplier of essential defense systems may face restrictions on independent use. A market heavily reliant on one export destination may become vulnerable to sanctions or demand shocks. Yet mutual dependence can also restrain conflict, and diversified economic integration may provide more stability than isolated production. There is no reason to believe that severing Western partnerships would automatically create autonomy; shifting entirely to another major power can reproduce the same pattern under a different flag.

The proposed theory therefore favors capabilities that enlarge bargaining choice: competition, redundancy, technical competence, fiscal prudence, and institutional credibility. Collective institutions among willing states may help with research networks, standards, shared logistics, and defense procurement, but their value must be assessed against coordination costs and regional inequality. A union could concentrate resources in a favored metropolis and deepen dependency for the periphery unless fiscal arrangements are explicit and reviewable.

States, societies, and the mistake of assigning every task to government

The role of government is foundational but bounded. It creates predictable legal frameworks, finances public goods, and responds to security threats. Private and charitable institutions discover opportunities government cannot foresee; universities may preserve controversial ideas that officials prefer to forget; diasporas connect scientific and commercial networks across borders. Civilizational formation requires all of them. A bureaucratic monopoly on renewal risks becoming a machine for distributing loyalty rather than cultivating competence.

The political economy of *awqaf* illustrates a difficult tradeoff. Endowments can anchor long-term purposes and protect resources from immediate electoral cycles. They can also become rigid, mismanaged, or vehicles for familial advantage. Modern fiduciary governance must therefore balance donor intent, beneficiary rights, transparency, adaptability, and enforceable oversight. Scholarship on Islamic charity, including Amy Singer's work, and critical institutional accounts such as

Timur Kuran's, should be studied together rather than enlisted as automatic proof of either the triumph or failure of endowed institutions.

Measures of meaningful progress

An empirical Project Tajdid capability index, if developed, should be openly provisional. Indicators might include electricity reliability, learning outcomes, maternal health, judicial delay, publication integrity, domestic engineering content in critical sectors, supplier concentration, corruption controls, and the rate at which audit recommendations are implemented. No single rank should be treated as a certificate of moral authority; measurement can be manipulated and tradeoffs remain political. More revealing than official claims of transformation is whether people have durable channels to expose failure and secure correction.

The immediate conclusion is modest but demanding. Muslim societies need not wait for political union to build expertise, law, or civic trust. Indeed, a credible union would be much more plausible after such institutions had developed. Civilizational leadership that requires social weakness to maintain control is the opposite of renewal.

The danger of a civilizational scoreboard

A development program organized around competition with a dominant civilization can become fascinated with rankings and prestige projects. Yet citizens do not experience strategic autonomy as an aggregate national score. They experience whether medicines are available, whether courts enforce contracts, whether skilled work is possible, and whether governments disclose risks. A useful capability framework must disaggregate by class, region, gender, and generation without assuming that aggregate national wealth implies broad public benefit. An expensive domestic industry may enhance strategic resilience while imposing costs on consumers; the tradeoff should be made visible rather than smuggled into patriotic rhetoric.

Cooperation as a form of sovereignty

Autonomy is partly the ability to form and leave partnerships under legitimate rules. Shared research infrastructure, mutual recognition of professional standards, open trade, and diversified defense arrangements can expand the choices available to smaller societies. Political union may

be beneficial when it lowers transaction costs and produces public goods, but it could also trap regions in an inefficient procurement monopoly or transfer their revenue to a distant political center. The burden of justification rests with union advocates to show comparative benefits. A confederation or treaty network might be the more legitimate and capable solution in some domains.

12. Multipolarity: Possibilities and Dangers

A multipolar international system may create space for regional initiatives and diversified partnerships, but it does not automatically produce justice. Competition among great powers can create bargaining opportunities, proxy conflicts, and new dependencies. A change in the number of major powers is not the same as a change in the moral quality of international politics.

A future Islamic civilizational polity, if voluntarily constituted, could participate as one sovereign actor among others. Its external doctrine could emphasize non-aggression, treaty fidelity, peaceful commerce, protection of civilians, diplomatic reciprocity, and lawful collective defense. None of these requires universal jurisdiction over non-Muslim societies.

The key question is whether a distinct civilizational identity can coexist with genuinely reciprocal international rules. The aspiration to critique selectivity has force only if the proposed order accepts obligations even when compliance is costly.

SCRIPTURAL ORIENTATION · POWER AND THE OFFER OF PEACE

Qur'an 8:61 instructs an inclination toward peace when the adversary inclines toward it. Read together with the surrounding discourse on conflict, it undermines any attempt to turn preparedness into an unrestricted doctrine of expansion. A constitutional polity that professes an Islamic identity would still need international obligations, civilian protections, transparent authorization of force, and a genuine capacity to honor treaties. Those legal institutions are proposed means of restraint; the verse does not prescribe their present form.

More poles do not mean more justice

The weakening of a single state's dominance can increase the room for diplomatic maneuver. Smaller states may diversify trade, obtain alternative technologies, and resist coercive demands. But several rival centers of power can also create competitive intervention, proxy wars, debt leverage, and pressure to choose sides. The nineteenth-century balance of power, the Cold War, and contemporary regional rivalries each caution against identifying a particular polarity with moral

superiority. A world with more powerful states may be less predictable and more dangerous for communities located between their interests.

Analytical terms matter. *Unipolarity* refers to a distribution of capabilities, not a complete absence of competing powers. *Multipolarity* does not guarantee that powers are equal or that smaller states can bargain freely. International society may have substantial legal rules regardless of polarity; military competition may override some of them. A credible Islamic political theory should offer an external doctrine that survives different configurations, rather than assuming that the decline of one hegemon is identical to the vindication of its opponents.

A non-hegemonic external doctrine

The proposed constitutional polity, if established voluntarily, would be a sovereign political actor among others. It would not claim legal jurisdiction over all Muslims living outside its borders, much less all non-Muslims. It would have special cultural ties and moral concerns, as existing states do, but those ties could not nullify the political rights of other populations. Its external commitments should include fidelity to treaties, peaceful settlement of disputes, the prohibition of aggression, civilian protection, diplomatic reciprocity, lawful collective defense, and humanitarian obligations that do not depend on confessional membership.

The doctrine has practical institutional consequences. Decisions to initiate armed force, apart from immediate defense against attack, should require stringent legislative authorization and a published legal rationale. Classification may protect tactical detail but must not conceal the legal basis for war indefinitely. Long-term deployments require renewal. Arms transfers should be subject to human-rights and conflict-risk review. Treaty commitments should be accessible in official languages and not converted into secret executive law. Courts should protect individual rights arising under the constitution even when foreign policy interests are involved.

Civilizational distinctiveness without isolation

Cultural specificity and legal reciprocity are compatible if identities are understood as sources of commitment rather than claims to immunity. A polity may draw its ethical vocabulary from Islamic traditions while treating a non-Muslim state's territorial integrity as fully binding. It may support cultural education and diaspora institutions without asserting

sovereignty over host states. It may condemn discrimination against Muslims abroad while refusing similar discrimination against religious minorities at home. In fact, such symmetry would strengthen the credibility of its civilizational identity.

There is a further tension between solidarity and prudence. Governments may invoke the suffering of co-religionists to justify military adventures that worsen suffering. Humanitarian attention is legitimate; intervention is constrained by international law, feasibility, and the duty not to create disproportionate danger. Diplomatic mediation, refugee protection, litigation, and economic assistance may be more effective than force. A constitution should require a public accounting of available alternatives before the executive places lives at risk.

The costs of becoming a pole

A polity large enough to become a geopolitical center would acquire a new temptation to treat neighboring societies as its strategic depth. Its citizens might interpret regional influence as a birthright. Political rhetoric might expand from mutual protection to demands for loyalty. A government organized around the memory of historical humiliation could find it difficult to acknowledge injuries it itself causes. The more successful it becomes, the more important independent scrutiny grows. A theory born from critique of selective power must plan for the day when it possesses selective power.

An external doctrine should be tested by scenarios: a weak neighbor declines an economic agreement; a former member wishes to exit; an allied government commits abuses; a powerful rival offers technological cooperation in return for suppressing criticism; a refugee population seeks protection without citizenship. In each case, the constitution must identify lawful competences, rights, and oversight rather than rely on the leader's public virtue. These tests bring the geopolitical argument back to the central question of the book: can a civilization seek power without making the possession of power the measure of justice?

The security dilemma inside a moral doctrine

A growing state may justify military investment as defensive, while neighbors interpret its rising capacity as a future threat. They may respond by arming, prompting further expansion by the first state. Even well-intentioned actors can become locked into a security dilemma. A

future Islamic union should not assume that the declaration of religiously grounded defensive purpose will persuade neighboring polities. Its actual deployments, transparency, arms-control behavior, and treaty fidelity will matter. Constitutional oversight of war powers and independent reporting reduce, but cannot eliminate, uncertainty.

Protection without jurisdiction

The suffering of Muslims outside the Union may create legitimate claims upon its conscience and humanitarian resources. It does not establish that its executive may govern or coerce those populations on the basis of religion. Diplomatic advocacy, refugee protection, humanitarian assistance, lawful litigation, and multilateral engagement can express solidarity while respecting independent states and individual choice. This distinction prevents a morally expansive identity from turning into a territorially expansive sovereignty claim. An order that asks outsiders to respect its jurisdiction must respect theirs on the same basis.

PART IV

Islamic Civilizational Formation

From contingent recognition to a voluntary, constrained constitutional polity.

13. The Unpredictable Founding Moment

The founding moment is not a checklist. A Muslim polity may acquire unusual recognition through a moral achievement, an institutional breakthrough, successful defense, economic transformation, or a combination no theorist can foresee. History supplies opportunities that constitutional designers cannot schedule.

The model nevertheless posits two indispensable features: moral credibility and material-institutional capability. The first means the prospective center's conduct plausibly expresses justice and accountability; the second means it can perform the responsibilities it proposes to assume. Recognition across communities and institutions makes these achievements politically consequential.

There is no infallible instrument for certifying organic recognition. Public admiration can be manufactured; scholars may disagree; successful leaders can become objects of uncritical devotion. The founding claim therefore cannot itself establish jurisdiction over others. It must be followed by informed, voluntary constitutional ratification.

SCRIPTURAL ORIENTATION · A TITLE CANNOT DISCHARGE A TRUST

The language of *amānah* in Qur'an 4:58 draws attention to the fiduciary dimension of authority. Recognition of an exceptional leader may be historically powerful, yet recognition is not permission to bypass accountability. The Prophet's characterization of rulers as responsible guardians (Sahih al-Bukhari 7138) strengthens the demand that a leader answer for the consequences of office. The modern distinction advanced here is between recognition as an invitation to negotiate and ratification as the source of jurisdiction over newly joining polities.

The danger of naming a founder too soon

Political imagination has a weakness for geography. Once a movement begins asking where a future capital should sit or which present leader ought to govern it, it may quietly replace the work of institutional design with a contest for prestige. The very premise of Islamic Civilizational Formation resists such foreknowledge. A future center might emerge from extraordinary social reform, exceptional protection of vulnerable communities, sustained technological achievement, a credible legal order, or a combination whose importance becomes apparent only

afterward. No existing government should receive prospective constitutional authority because its territory once held an imperial capital or because its rulers invoke a familiar title.

The unpredictability claim should not be transformed into mysticism. It does not imply that anything may happen without conditions. A political center must possess some material ability to carry out common tasks and some reputation for restraint. But it does imply that historical achievement is different from a certificate issued in advance. A movement that names its inevitable founder has shifted from historical theory to political endorsement, often without confessing the change. The present book will not do so.

Why recognition matters, and why it is insufficient

Recognition operates through beliefs and practices: respected institutions cooperate, scholars and civic organizations assess achievement, populations express trust, and other polities seek partnership. A leader who cannot mobilize a constituency is unlikely to convene a credible union. Yet recognition can be distorted by media control, strategic subsidies, foreign sponsorship, confessional polarization, and the silencing of dissatisfied people. An audience applauding an accomplished leader is not the same as a population consenting to live under his laws.

A serious inquiry would look for costly signals rather than ritual praise. Does the admired government allow public disagreement? Do courts rule against the executive and obtain compliance? Can its minorities participate without forced assimilation? Are security services subject to law? Does it maintain treaty obligations under pressure? Has it built institutions that can function when the celebrated leader is absent? These are not necessary proofs of a prophecy; they are ordinary demands of political credibility.

Four thresholds for an invitation

The proposed model separates the founding *invitation* from constitutional *ratification*. Before an invitation to negotiate political union, a center should demonstrate four threshold conditions. First, it must meet a baseline of protective governance: no systematic suppression of peaceful political opposition and enforceable safeguards against torture and collective punishment. Second, it must possess administrative capacity to negotiate and discharge common functions without extracting them arbitrarily from future members. Third, it must show a

willingness to accept a convention whose results it cannot predetermine. Fourth, it must acknowledge each prospective member's full right to refuse without economic punishment, subversion, or force.

These thresholds are normative proposals, not clauses of an inherited classical checklist. Their purpose is to make claims of civilizational leadership answerable to people, not merely to other rulers. A center that can assemble a convention only through threats has already failed the test. So has a center that offers an Islamic symbol while refusing a court with authority to review its own conduct. The founding principle can be put simply: the more power a founding leader commands, the stronger the reasons for legal restraint before other societies are asked to join.

Founding outside the logic of conquest

A union is not an entitlement over everyone who shares a religion. Muslim communities are scattered across sovereign states, including states that are not majority Muslim; Muslim-majority societies have different constitutional traditions, languages, public preferences, and minorities. Any suggestion that religious affiliation automatically transfers their allegiance would violate the consent principle at the heart of the proposal. The polity envisioned here is territorially constituted through the voluntary accession of lawfully represented members. It does not claim jurisdiction over people abroad because they are Muslim, or over historic territories because they were once ruled by a caliph.

A peaceful nonmember should remain a legitimate neighbor with whom trade and security agreements can be made. Likewise, the choice to pursue a common market or defense treaty rather than sovereign merger is not evidence of insufficient faith. A constitutional settlement should compete against those alternatives by its demonstrated advantages and rights protections. It may fail to persuade, and no violence may be justified by that failure.

The founding claim as an empirical and moral proposition

The descriptive hypothesis is that extraordinary combinations of credibility, capability, and recognition can create opportunities for new political settlements. The normative proposition is that those opportunities carry no jurisdiction until affected polities consent. Evidence for the first might emerge from comparative studies of unification movements, constitutional foundings, and long-term institutional leadership. The second is a political commitment defended

here through principles of non-domination and consent. One can reject the empirical hypothesis yet accept the normative commitment. This distinction will matter if history never produces the dramatic founding moment envisioned in the opening chapters.

A selection bias in stories of founding

Political founders are usually studied because their projects survived long enough to become objects of memory. Failed founders, unsuccessful federations, and ordinary cooperative institutions attract less public attention. A theory based only on successful unifiers may therefore mistake hindsight for foresight. Comparative research must include initiatives that enjoyed genuine enthusiasm but never produced stable law, along with those that created durable institutions through incremental negotiation rather than charismatic breakthrough. Such counterexamples could show that constitutional consent, not extraordinary founding leadership, is the critical variable.

The founder's refusal as proof of the theory

One of the strongest conceivable signals of moral credibility would be a celebrated leader's willingness to submit to rules that could remove him. This decision would be costly because it relinquishes control over institutional outcomes. It cannot be substituted with a staged public vow when the courts remain subordinate. The first caliph's constitutional obedience, particularly after an adverse judgment, would thus be a central empirical test of the founding theory. If the founder refuses such a constraint, the claim to moral recognition may remain socially real but loses its force as an argument for voluntary political union.

14. From Recognition to Constitutional Consent

The proposed founding center would initiate a constitutional convention among Muslim societies wishing to unite. The convention would not manufacture the initial claim to leadership; it would negotiate the terms on which independent polities become one constitutional polity. Delegates would represent both populations and constituent political communities.

A two-track convention would include a population-based assembly and a council representing participating polities. Approval by both, followed by ratification through legitimate domestic processes, would protect against unilateral domination by either the largest population or a coalition of smaller states. The details of franchise, ratification thresholds, and public participation require further development.

In the present model, the founding leader would assume the first caliphal office as an explicit term of the founding settlement, rather than being separately elected at that stage. This exception creates a serious consent problem: participants must be able to reject the settlement without coercion, and the founding leader must be subject to the constitution from the first day. Later leaders would be selected through the representative shura and formalized through bay'ah.

The distinction is between historical recognition and legal authority. The former motivates convergence; the latter depends on a constitutional agreement. A polity that declines to join must not thereby become an enemy. Peaceful coexistence is not evidence of hostility.

SCRIPTURAL ORIENTATION · SHURA AND THE QUESTION OF CONSENT

Qur'an 42:38 associates the believing community with consultation in its affairs; Qur'an 3:159 instructs consultation in the context of the Prophet's leadership. Neither text supplies the franchise, chamber balance, threshold, or ratification mechanism of the present proposal. Those remain questions of constitutional judgment. Yet a founding settlement imposed under threat cannot convincingly claim to embody consultation. The moral principle therefore places real pressure on the

model's exceptional appointment of its first executive: participation must be informed, dissent permissible, and refusal to join peaceful.

Negotiating a new people without erasing existing peoples

A voluntary political union confronts two communities of decision. Individual citizens must have a voice because they will live under the resulting common law. Constituent states or regions must also have a voice because they surrender or pool powers exercised through existing institutions. A constitutional convention that represents only population could permit a majority to dictate terms to small polities. A convention that represents only governments could allow a coalition of executives to settle a fundamental constitutional future without their populations. The proposed two-track process gives each form of membership an independent role.

For clarity, the first track is a directly elected *People's Convention* using proportional representation with a published formula, impartial election administration, independent observation, and reasonable access for opposition parties and independent candidates. The second is a *Council of Participating Polities*, with equal delegations from each prospective member and rules to ensure that governments do not monopolize the delegation where their own legitimacy is contested. Both bodies deliberate publicly, subject only to narrow exceptions for security-sensitive negotiating details. Drafts, minority reports, financial models, and the legal implications of joining must be available in relevant official languages.

The convention's mandate and its limits

The convention cannot lawfully assume the power it has been summoned to consider. Its mandate is to propose a constitutional text and accession agreement; it cannot collect new taxes, deploy a common army, or bind residents before ratification. A provisional secretariat may coordinate translation, legal drafting, public consultation, and independent impact assessments. Its budget should be limited, transparently funded by participants, and audited. The host state must guarantee access and personal security for lawful delegates and observers, including opponents of union.

The draft should address the subjects governments often prefer to postpone: citizenship, non-Muslim rights, language policy, public debt, assets and liabilities, military command, judicial transition, education,

property, currency, regional powers, taxation, emergency law, and the right to depart. Omitting divisive questions may increase the chance of ceremonial unanimity but reduces the likelihood of informed consent. The text should include an accession schedule specifying which powers transfer on which dates and what happens if required technical systems are not ready.

A two-key adoption rule

As an illustrative design, final approval in the convention would require at least three-fifths of the People's Convention and two-thirds of the Council of Participating Polities, followed by independent ratification within each joining polity. The numerical thresholds are design proposals to be negotiated; they are not religiously prescribed. Each prospective member would ratify through a domestic process that satisfies its lawful constitutional rules and a direct public referendum conducted under a common minimum standard. A simple majority of valid votes could be sufficient where the public debate and process are demonstrably free, but a polity may require a more demanding domestic threshold. No member joins because a neighboring population voted for it.

This scheme respects a principle easily lost in narratives of unity: the union does not preexist its members' consent. Failure to secure ratification in one territory leaves the others free to proceed if the resulting constitution is still workable. The refusing territory must not be isolated as punishment. For polities with disputed electoral integrity or ongoing armed coercion, the convention should postpone accession rather than use a staged plebiscite as a substitute for consent. The opportunity of the founding moment is never a justification for manufacturing legitimacy.

The founding executive: the most dangerous exception

The initial manuscript proposes that the person whose public achievements gave rise to the founding process would assume the first caliphal office as an explicit term of the settlement rather than through a separate selection vote. This design preserves the role of an organically recognized founder, but creates a serious inequality between the first and later officeholders. It can appear to transform personal acclaim into an office with no fixed electoral term. The danger increases when the founder or his supporters decide that independent scrutiny would betray the settlement's purpose.

If the exception is retained, it must be written on the cover of the constitutional proposal, not hidden in transitional provisions. Every ratifying population must know the founder's identity, powers, removal rules, and the fact that it is approving this individual as first executive. The founder must consent publicly to the court's jurisdiction, legislative control of spending, a constitutional oath, and lawful removal. An independent constitutional commission should certify the integrity of ratification, while an interim court can adjudicate pre-accession disputes. Refusing states and dissenting citizens retain ordinary protections. No inherited office or founding-family privilege is permitted.

The founding exception should also expire absolutely upon the departure of the first executive. It cannot be recreated through a claim that a successor has inherited the founder's charisma, nor can the founder choose the successor. The office may be indefinite in duration, but each occupant remains removable for proven abuse and subject to rigorous periodic public and legislative review. A society uncertain about the exception should be able to choose a separate first election instead; this would alter the original design without destroying its deeper thesis. The contingency of the founding moment is not a theological command to suspend equal political procedure.

An accession compact for skeptical members

Small polities will reasonably demand enforceable promises concerning their language, finances, property rights, regional institutions, and representation. The accession compact should identify matters that only the member can voluntarily transfer, provide dispute resolution by a constitutional court, and prohibit changes to agreed autonomy without the member's participation. Transitional debts must be evaluated by an independent fiscal commission to prevent a wealthy or highly indebted center from exporting liabilities. Public servants and soldiers require service guarantees consistent with professional accountability, not immunity for abuses.

The largest source of instability would be a divergence between ceremonial consent and practical command. If the founding center keeps exclusive control over armed forces and revenue while regional promises remain aspirational, the union becomes a hierarchy. Conversely, if every member can nullify any common obligation, the system may be a confederation incapable of performing the functions promised. The constitution must be explicit about where sovereignty is exercised jointly, where powers remain local, and how disagreement is resolved.

Consent after the founding

Ratification is only the beginning of legitimacy. Public authority renews itself through free elections, representative deliberation, lawful opposition, and access to independent adjudication. The constitution must protect groups that voted against founding, because after accession they live under the same law and possess the same civic status as those who supported it. Continuing legitimacy also depends on a practical right to campaign for amendments and, under the exit mechanism specified below, to advocate a peaceful constitutional departure. A system that prohibits constitutional opposition cannot claim that its original voluntary consent remains meaningful forever.

Who represents a population under imperfect conditions?

Founding conventions often occur when participating societies have uneven electoral institutions. A government may be widely recognized internationally but lack meaningful opposition at home. A conventional delegation appointed by that executive may negotiate competently while failing to represent the people who will inherit the settlement. The proposed two-track process therefore requires an integrity review of each member's domestic consent mechanism. Where electoral safeguards are inadequate, accession should be deferred while institutional reforms are undertaken. An exceptional founding opportunity does not authorize substitution of a staged plebiscite for public deliberation.

Translating differences into legitimate bargains

The language of unity can make bargaining appear ignoble. In fact, negotiation over education, debt, public employment, fiscal transfers, and language is how a federation prevents shared ideals from becoming the preferences of the largest party. Each concession must be transparent enough for citizens to evaluate. Secret annexes allocating permanent contracts or command posts to ruling families would corrupt ratification, even if the final vote were technically valid. An accession compact should be available for public challenge before the referendum and should state which conditions are legally enforceable. A union is stronger when its compromises can withstand daylight.

15. The Constitutional Architecture

The proposed polity has a supreme executive—the caliph—who serves without a fixed electoral term while capable of discharging the office and subject to resignation, lawful removal, or death. Incapacity must be assessed by functional standards, not by disability or illness alone. Impeachment would require defined grounds, evidence, independent adjudication, and protections against factional misuse.

A bicameral representative shura would combine population-based representation with a council of regions. Its functions would include legislation within constitutional limits, fiscal oversight, scrutiny of the executive, constitutional amendments under heightened thresholds, and selection of subsequent caliphs. The separation between initiating impeachment and determining guilt should be deliberate.

An independent constitutional judiciary would review executive action, legislation, and conflicts among branches and regions. Judicial independence requires appointment rules, security of tenure, transparent reasoning, and enforceable judgments. The Islamic character of the constitution would not dissolve interpretive disagreement: jurists differ, and the relation among *fiqh*, constitutional interpretation, and elected lawmaking must be specified rather than assumed.

Regional governments would exercise substantial devolved powers, while defense, external relations, and other genuinely common functions would be assigned to central institutions. Fiscal arrangements must be explicit. An unfunded autonomy is nominal; an unconstrained center can become hegemonic. The capital could move through constitutional procedures without changing the state's identity or requiring a change of ruler.

The model initially envisioned peaceful departure as distinct from aggression. This is difficult to reconcile with a single sovereign polity: a legal right of secession, a negotiated exit procedure, and an absolute prohibition on exit imply different constitutions. The issue remains open and cannot be concealed by calling the system both federal and unitary.

SCRIPTURAL ORIENTATION · CONSULTATION IS NOT EXECUTIVE IMMUNITY

Qur'an 4:59 speaks of obedience and of referring disputes to Allah and the Messenger. *Sahih al-Bukhari* 7144 limits obedience where

disobedience to God is commanded. In classical interpretation these texts have generated extensive discussion about authority, disorder, lawful obedience, and correction. The proposal in this chapter makes a separate modern institutional claim: legislatures, independent judges, accessible courts, financial auditors, and procedures of removal can reduce the risk that a ruler's religious vocabulary becomes an argument for personal impunity. The institutional claim requires its own justification beyond citation.

A constitution must state the location of power

The proposed political order is not a revival of historical administrative forms. It is a modern federal constitutional polity with an Islamic ethical identity, a bicameral representative *shura*, an accountable executive called the *caliph*, a constitutional judiciary, and substantial regional self-government. These labels carry responsibilities, not magic. The constitution should be supreme law enforceable in courts, with public legislative competence allocated by text, not by the discretionary permission of a ruler. Governmental validity would depend on enactment through the prescribed procedures and compatibility with enforceable rights.

The institutional model has three design objectives that sometimes compete. It must coordinate shared functions; prevent central domination of regions and persons; and permit decisive government without converting every dispute into constitutional crisis. A rigid veto for every small member might protect autonomy but paralyze common action. A population-only legislature might govern efficiently but make smaller members fear exploitation. A strong executive might respond promptly to emergencies but cultivate impunity. The solution is not a universal formula: it is a specified distribution of authority combined with escalation procedures for deadlock and review.

The bicameral shura

The first chamber, called the *Assembly of Citizens*, would be elected by universal, equal adult suffrage for four-year terms using a mixed proportional system or another proportional formula chosen in the constitution. Independent boundary design, transparent campaign finance, public election results at the polling-place level, and judicially reviewable electoral challenges are prerequisites. Seats should reflect population through a formula reviewed after each census, with

adjustments that prevent extreme malapportionment. Every adult citizen, regardless of sex, religious identity, ethnicity, language, disability, or political affiliation, should hold equal voting rights in the common chamber.

The second chamber, the *Council of Regions*, would give each founding region a small and equal delegation—illustratively four elected delegates—serving staggered six-year terms. Equal regional representation protects constituent units but cannot properly be described as equal per-person representation. Its democratic limitation must be acknowledged. For ordinary laws affecting only national competences, a majority of each chamber would suffice after a reconciliation procedure. Measures altering regional competences, approving constitutional amendments, authorizing major emergency extensions, or admitting new members would require reinforced consent in both. The Council of Regions should not be permitted to block indefinitely a basic fiscal appropriation that fully complies with constitutional duties; a structured conference committee and, if necessary, a narrow interim budget would prevent administrative hostage-taking.

The Assembly of Citizens would initiate supply and tax bills, while both chambers would possess meaningful scrutiny powers. Committees should have subpoena authority subject to privacy safeguards; legislative hearings should be public by default. Parliament must be able to investigate the executive, confirm key appointments, audit expenditures, and require explanations of classified activities through security-cleared committees that are themselves subject to law. Independent members and opposition parties need guaranteed committee access; otherwise a large ruling coalition could turn scrutiny into self-congratulation.

Executive authority with indefinite tenure but no personal entitlement

The original design contemplates a caliph who serves without a fixed electoral term while capable and legally qualified. Retaining that feature creates dangers that must be confronted directly. An indefinite term can support continuity and reduce short-term campaigning, but it can also lengthen patronage networks, deter challengers, and transform personal authority into an entrenched political interest. To avoid confusing independence from frequent elections with immunity, the executive would be constrained by several distinct mechanisms: judicial review of every legally cognizable official act, legislative appropriation of funds,

independent appointment commissions, annual public reporting, periodic competency hearings, and two routes to removal.

The first route is *impeachment for cause*: the lower chamber may charge the executive for serious constitutional violation, corruption, abuse of office, unlawful use of force, or sustained refusal to execute final court judgments. A supermajority vote, followed by an independent constitutional tribunal with full hearing rights, determines legal responsibility. A separate final threshold in the Council of Regions may be required to confirm removal, but cannot override a judicial finding to confer immunity. The second route is a *constructive constitutional recall* for sustained loss of governability: a two-thirds vote in each chamber, followed by a directly administered nationwide confirmation vote, can terminate the tenure without criminalizing political disagreement. This exceptional mechanism preserves an indefinite initial term while rejecting a lifelong property right in government. Its high bar may still be criticized as too difficult; a fixed-term alternative remains an important competing design.

Executive orders must have clear statutory authority, publication requirements, and reviewability. The caliph would appoint a cabinet that requires confidence of the Assembly of Citizens, ensuring that routine administration can change without necessarily displacing the head of state. Cabinet ministers should be removable after no-confidence procedures and legally accountable for departmental acts. The caliph may propose legislation and nominate certain officials but cannot legislate by decree outside narrowly defined delegated or emergency authority. No official act may be justified by a claim of sacred personal infallibility.

Selecting subsequent executives

After the founder leaves, the shura would select the next caliph under a legally specified procedure. Nominations could come from a minimum number of legislators distributed across regions, supplemented by a publicly administered citizen-petition route. Candidates must disclose assets and conflicts of interest, submit to independent vetting for legal eligibility, and participate in public hearings. An eligibility commission cannot reject a candidate for peaceful theological, political, or scholarly disagreement. The Assembly of Citizens and Council of Regions would vote in a joint, transparently recorded procedure requiring, illustratively, three-fifths support in each chamber. If no candidate prevails after several rounds, the lowest-supported candidates would be eliminated and a final runoff held under a fixed timetable. A neutral interim successor—such as

the presiding officer of the Council of Regions—would perform strictly limited duties during the vacancy.

The traditional concept of *bay'ah* could be retained as a public constitutional oath in which the executive accepts the lawful obligations of office and participating representatives acknowledge the constitutional transfer of authority. It would not be a private pledge of personal obedience by citizens, and it could not supersede the bill of rights. This interpretation is a proposed modern use of the term. It requires juristic debate and should not be described as the uniform meaning of *bay'ah* across Islamic history.

Judiciary and legal supremacy

A Constitutional Court would resolve disputes over the basic law, rights, branch competence, and boundaries between central and regional powers. Appointment should be divided among institutions to reduce capture: an independent Judicial Appointments Commission would propose qualified shortlists drawing on judges, legal academics, professional associations, regions, and civic representation; confirmation would require a qualified majority in the shura. Judges might serve one nonrenewable twelve-year term, with staggered appointments, fixed compensation, a protected budget, and removal only for proven serious misconduct through an independent judicial discipline process. Appointment by merit does not eliminate ideological differences; published reasons and dissenting opinions are critical forms of accountability.

Judicial review must extend to executive acts and legislation, but the court should not substitute its policy preferences whenever elected institutions make a contestable choice. A constitutional cause of action requires standing, a recognized right or competence, and an available remedy. The proposed bill of rights would allow representative and public-interest claims where individuals cannot safely or practically litigate. The court must be able to issue binding relief against ministers and security agencies, and contempt of final judgments should have consequences. If the executive controls whether judicial decisions are obeyed, constitutional supremacy is only a title.

Ordinary courts must be accessible throughout the union and not transformed into distant federal enclaves. Regional courts could apply regional civil and administrative law, while a common appellate structure ensures minimum procedural guarantees. Specialized religious or

personal-status tribunals might exist only under conditions consistent with equal rights, voluntary jurisdiction where applicable, due process, appeal, and prohibition of coercion in matters of belief. There should be no autonomous security court capable of overriding constitutional protections.

Competences and subsidiarity

The constitution should specify *exclusive union powers*, *exclusive regional powers*, and *concurrent powers*. Union powers might include external relations, common defense, union citizenship and border administration, monetary and customs policy where expressly adopted, interstate transport standards, and baseline protection of fundamental rights. Regional powers would include ordinary education administration, local public health delivery, municipal services, housing, land-use regulation, language and cultural programming, and most civil administration. Concurrent powers might include environmental protection, disaster management, scientific infrastructure, and economic development. Residual powers should presumptively remain with regions, subject to expressly enumerated union responsibilities.

The principle of subsidiarity is not an excuse for regional oppression. A region cannot invoke autonomy to deny protected religious freedom, persecute an ethnic community, or block federal court orders. Conversely, the center should not invoke rights protection as a pretext to assume every regional function. Intervention requires a defined legal violation, notice and opportunity to cure, a proportionate remedy, and prompt judicial review. Distinguishing ordinary policy disagreement from rights violation is central to preserving credible federalism.

Public finance and the prevention of dependency

Autonomy without revenue is a promise that can be withdrawn through budget allocation. The constitution should assign tax bases and borrowing powers clearly, require an open formula for fiscal transfers, establish a stabilizing system for disasters, and create an independent Fiscal Council. Equalization should consider objectively assessed population needs, revenue capacity, and cost differences rather than political allegiance. A prosperous region may contribute more to shared obligations without being treated as the permanent treasury of others. A poorer region should not be forced to abandon minimum public services in order to preserve local government.

The proposed budget process would require annual publication of national and regional consolidated accounts, all major guarantees and off-budget vehicles, procurement contracts subject to legitimate confidentiality, and long-term debt projections. A Supreme Audit Institution would report to the legislature, not the cabinet, with protected access to records and mandatory public responses from audited bodies. Borrowing limits should include transparent emergency exceptions rather than encouraging concealed liabilities. Fiscal rules cannot prevent every crisis, but can make the costs and beneficiaries of decisions inspectable.

Security, intelligence, and the monopoly of lawful force

A unified defense establishment must not be an alternative sovereign. A single professional chain of command would operate under the constitution and lawfully appointed civilian officers. The deployment of armed forces inside member regions should be tightly limited to genuine emergencies, subject to prior or prompt legislative oversight and review in court. Regional police should remain locally accountable while complying with national rights standards. Intelligence agencies require statutory mandates, judicial warrant procedures for intrusive surveillance, legislative inspectors, and accessible remedies for unlawful targeting.

A major constitutional danger is the multiplication of partisan armed bodies under the language of regional defense or civilizational protection. No political party, executive household, or religious movement may maintain an armed force outside statutory public command. Disarmament and security-sector integration at accession should be negotiated in stages, with civilian protection and professional vetting. The goal is neither a weak state nor an untouchable security establishment, but a state strong enough to enforce law and constrained enough not to become its greatest violator.

Emergency power, impeachment, amendment, and exit

Emergencies are the moments when a constitution's promises most urgently require procedures. The executive may declare a temporary emergency only in response to narrowly enumerated threats, with immediate publication and rapid judicial review. Initial measures should expire after fourteen days unless affirmatively approved by both chambers, with each renewal subject to stricter time limits and disclosure. Certain guarantees—including freedom from torture and slavery,

protection against punishment without law, recognition before courts, and minimum habeas protections—must remain non-derogable. Extraordinary public-health and disaster measures require necessity, proportionality, and less restrictive alternatives, not an unlimited invocation of safety.

Amendment should be difficult but possible. An ordinary constitutional amendment could require two-thirds in each chamber plus ratification by a majority of regional legislatures representing a majority of the population. Alterations to regional autonomy or the basic bill of rights would require additional consent from affected regions and a public referendum. The constitution should prohibit amendments that abolish competitive political participation, abolish independent courts, authorize enslavement or torture, or make the executive permanently unreviewable. Such entrenched commitments resemble the logic of constitutional 'eternity' provisions elsewhere, but their precise content is a contemporary proposal to be debated.

Finally, the original manuscript rightly recognized that sovereign union and an unrestricted right to secede imply different political settlements. The model offered here adopts a *regulated right to negotiate exit*, elaborated in Chapter 16 and the appended constitutional schedule. A clear regional mandate starts negotiation; it does not create immediate unilateral transfer of territory, debt, and citizenship. The common polity may insist on fair treatment for resident minorities and agreed obligations but may not turn peaceful advocacy of exit into treason. There is no sense in celebrating voluntary accession while declaring that every future generation is bound by force to the founding bargain.

Constitutional commitments in operational form

The detailed charter that informed this analysis can be reduced to a smaller set of commitments for the purpose of the present book. Entry into the union must require publicly defensible ratification in each joining community; a region's decision not to join creates no presumption of hostility. A written bill of rights must provide enforceable remedies to every person under the union's jurisdiction, while electoral and regional representation must be regular, auditable, and subject to independent dispute resolution.

The constitutional shura would consist of an assembly reflecting the population and a second chamber reflecting constituent regions. Laws of general application should require agreement between the two, subject to

a narrowly defined dispute procedure, while constitutional changes would demand higher thresholds and, for changes to core regional powers, direct consent from affected regions. Revenue assignments, an equalization formula, audited national accounts, and regional borrowing rules are indispensable: nominal autonomy without fiscal resources does not survive its first budget.

An independent constitutional court would hear rights claims and intergovernmental disputes, publish reasons, and issue binding remedies. Judicial appointments would require participation from more than one branch and safeguards against partisan capture. A publicly accountable prosecutor, an audit authority, and protections for whistleblowers would investigate the executive rather than depend upon executive permission. The security services would operate under civilian law, legislative appropriations, and judicial warrants for intrusive surveillance.

An emergency declaration would be time-limited, immediately reviewable, and incapable of suspending the prohibition of torture or other non-derogable protections. Impeachment would begin through a political charging process but require independent adjudication; it would not be a substitute for the regular opportunity to replace an ineffective administration. Peaceful regional exit would require a sustained democratic mandate and a negotiated transition protecting residents, liabilities, property, and minority rights. This is an illustrative design choice, not an uncontested implication of classical Islamic law.

The most difficult unresolved choice is the indefinite executive term. It offers continuity at the cost of executive entrenchment. A single fixed term or a largely ceremonial head of state paired with a removable government may prove better. A responsible constitutional convention would compare these alternatives before adopting the founder's preferred arrangement. To make institutional constraints credible, the new polity must accept that some proposed features may be rejected in deliberation.

A provisional architecture, not a final fiqh ruling

Every number and office described in this chapter is a draftable proposition. None is represented as mandated in this precise form by the Qur'an, the Sunnah, Ibn Khaldun, or medieval constitutional practice. The scheme asks jurists, political theorists, and prospective citizens to determine whether this institutional translation is coherent with Islamic moral commitments, equal civic standing, and enforceable limits on coercion. Its first task is not to imitate a historical constitution that never

existed. It is to make a new one honest enough to be criticized before it governs.

Alternatives to indefinite tenure

The indefinite executive term is the model's most vulnerable institutional choice. Advocates may argue that it offers continuity and shields the office from perpetual campaigning; critics may reply that a long-serving executive can dominate appointments, information, security policy, and political careers. A comparative analysis should assess at least three alternative designs: a fixed single nonrenewable term; a head of state chosen for a renewable parliamentary term with easy constructive replacement; and an indefinite term with constitutional recall, the option provisionally adopted here. Each redistributes the risk of factional instability, personal entrenchment, and short-term populism. No Qur'anic verse selects among these modern procedures.

When constitutional safeguards block each other

The architecture also risks deadlock. A regional chamber with equal member representation may prevent the population chamber from passing urgent fiscal law. A strong court may invalidate the very compromise needed to maintain regional cooperation. A high recall threshold may render a dysfunctional executive practically irremovable. A right of negotiated exit may encourage political actors to threaten departure to secure transfers. Each risk needs operational answers: conference committees, interim budgets, narrowly crafted judicial remedies, timed voting procedures, and independent arbitration. Institutions should be modeled through stress tests before they become objects of reverence.

16. Law, Pluralism, and the Limits of Authority

The polity is proposed as Islamic in constitutional identity and cosmopolitan in social composition. Non-Muslim communities would enjoy freedom to criticize government, maintain religious life, and challenge official action in independent courts. A claim should be heard because the claimant has standing and alleges a cognizable violation—not because the claimant has already proved the case.

The model's invocation of dhimma requires careful legal and moral analysis. Classical arrangements differed across schools and historical settings and often entailed legal distinctions incompatible with modern equal-citizenship norms. A contemporary constitution must state clearly which rights attach to every person, which attach to citizenship, what offices are open to whom, and how religious freedom, due process, and equality before courts are secured.

Freedom of speech must include the freedom of scholars, journalists, universities, associations, and ordinary people to criticize executive policies without being classified as disloyal. Constitutional limits on speech, if any, require precise definitions and judicial oversight. “Threatening the order” cannot become a catchall pretext for suppressing peaceful disagreement.

Security powers similarly require distinction between dissent, peaceful constitutional competition, economic rivalry, and actual unlawful coercion or violence. Defensive measures must be necessary, proportionate, reviewable, and consistent with obligations to protect civilians. A constitution that protects itself by abandoning its own legal restraints undermines the legitimacy it claims.

SCRIPTURAL ORIENTATION · CONSCIENCE, EQUALITY, AND JURISTIC DISAGREEMENT

Qur'an 2:256 is a foundational text in the discussion of religious compulsion, and 49:13 grounds human plurality in a shared origin. Their precise legal implications have been debated within tafsir and fiqh and cannot be flattened into an unqualified claim that all earlier Muslim states practiced modern equal citizenship. This book proposes equal civic standing and enforceable religious freedom as constitutional commitments, then openly addresses points at which that proposal

diverges from historical arrangements or influential juristic positions. Qur'an 5:8 and 4:135 require impartiality; the breadth of specific political offices requires additional legal reasoning, not concealment.

The difference between a moral tradition and a monopoly on interpretation

To say a constitution has an Islamic identity answers fewer legal questions than its authors may hope. Who interprets the sources? What status is assigned to disagreements among recognized legal schools? How is a statute reviewed for compatibility with public principles? Which questions should be decided through juristic reasoning, which through elected lawmaking, and which by judges interpreting rights? An Islamic constitutional order cannot resolve these questions by announcing that the state will 'apply the sharia' and treating opposition as ignorance. Classical Islamic jurisprudence contains techniques for handling disagreement; it does not erase the political necessity of specifying who can impose a disputed interpretation on the public.

A credible modern settlement would begin by distinguishing several levels of norm. Foundational commitments drawn from the Qur'an and the Prophetic example shape the polity's publicly declared moral purposes. The broader juristic tradition supplies disciplined methods, precedents, and contestable arguments. Constitutional provisions specify enforceable institutional rules and rights. Elected legislation makes choices within those boundaries. Court judgments apply and interpret the law in actual disputes. These levels interact without collapsing into one office or profession. A minister cannot make his personal opinion into revelation. Nor should a constitutional judge pretend that every legal disagreement is simply resolved by invoking a verse apart from its exegetical and juristic setting.

Al-Mawardi, al-Juwayni, and Ibn Taymiyyah approached public authority through different problems of legal obligation and political order. Their works contribute to this discussion by making visible the gap between the ethical ideal and actual sovereign power. They do not offer unanimous instructions on citizenship in a multinational federal state. Wael Hallaq's *The Impossible State* provides a formidable contemporary criticism of attempts to place premodern Islamic moral-juristic forms inside a centralized modern sovereign state. Its challenge cannot be answered merely by using Islamic vocabulary for constitutional agencies. The present proposal must show that independent ethical and

legal communities can continue to correct the state rather than be absorbed by it.

Equal citizenship as a constitutive promise

The constitution should provide one undivided citizenship and equal civil and political standing for all citizens. Religious affiliation would not determine tax liability, ordinary voting rights, access to courts, eligibility for public employment, property protection, or access to education and public services. Citizens who belong to minority faiths, who change religious beliefs, or who hold no religious belief must be able to live without coercive penalties imposed solely on the basis of conscience. These are demanding commitments and will face disagreement from some juristic perspectives. That disagreement should be made public and reasoned through, not resolved by euphemism.

The term *dhimma* has a complex history. It designated forms of protection and legal relationship for non-Muslim communities under various Muslim governments, with different rules across time and legal schools. In some settings it enabled communal institutions and protected forms of worship; in others it imposed restrictions and asymmetrical status that conflict with modern equal-citizenship principles. A modern constitution cannot simultaneously affirm equal citizenship and reintroduce a status hierarchy through an undefined use of *dhimma*. The morally serious choice is to protect religious communities through universal rights and specific institutional guarantees, while studying classical arrangements historically rather than importing their unequal incidents by default.

The bill of rights should protect worship, religious education, houses of worship, communal charitable organizations, and the right to criticize state policy. Legal protection extends to dissent within Islam: different Sunni schools, Shi'i communities, and other Muslim traditions cannot be made subjects of coercion merely because a state-appointed council favors one doctrine. The design should avoid an official test of orthodoxy as a condition for ordinary civic rights. A state that turns doctrinal disagreement into a route to imprisonment would weaken both public legitimacy and the independence of religious scholarship.

The eligibility problem at the top of the state

A genuine difficulty lies in the caliphal executive. Some historical and contemporary jurists regard religious qualifications for supreme Islamic

leadership as nonnegotiable. A constitution that bars non-Muslim citizens from the highest office would nevertheless depart from a strong reading of equal political eligibility. The contradiction should not be denied. This manuscript recommends that *constitutional eligibility for executive office be based on citizenship, competence, and a binding commitment to uphold the Islamic-identified constitution, rather than a compulsory confession of private belief*. The term caliph would denote the office's constitutional history and public trust, not the state's authority to judge inward faith.

That recommendation is a proposed modern normative choice, not a consensus of classical Sunni law. It may be rejected after serious juristic and public deliberation. If a founding convention instead restricts eligibility by religion, it should state candidly that its model recognizes unequal access to one office, explain the justification it claims, and submit that restriction to the populations whose consent it seeks. A book serious about justice should prefer an explicit unresolved political conflict to a false assertion that all competing principles are already reconciled. The general rights floor, however, cannot be made dependent on the executive's faith or on the majority's approval of a minority citizen.

Speech, scholarship, and the right to oppose

Political criticism must not be classified as aggression against the religious identity of the constitution. People need protection to investigate misuse of public funds, publish opposition arguments, question government interpretations of religious texts, organize demonstrations, and campaign for constitutional reform. Peaceful calls for a different political settlement—including a secular constitutional model, a confederal alternative, or regulated regional exit—should remain lawful political speech. Threats, targeted harassment, direct incitement to violence, and genuine breaches of narrowly defined security laws may be regulated under publicly reviewable standards. Mere offense, embarrassment, or loss of popularity is not enough.

Academic freedom is particularly essential to the civilizational claim. Historians cannot work if sources that complicate national myths are forbidden. Scientific researchers cannot innovate if findings contrary to state plans lead to dismissal. Religious scholars cannot deliberate if official appointments depend on repeating the executive's preferred fatwa. A constitutional system should protect academic appointments from partisan coercion while imposing transparent research ethics, financial disclosure, and fair disciplinary procedures. Independence without quality

control is irresponsible; quality control controlled by political office is censorship by another name.

The problem of moral policing

A society can value public virtue without granting unlimited coercive powers to officials who claim to enforce it. The Islamic duty of *commanding right and forbidding wrong* has been discussed across centuries and schools, as Michael Cook's historical study documents. Its doctrinal and practical complexities cannot be reduced to the assertion that every person who disapproves of another's conduct may enlist state force. Who establishes the wrong? Under what standards of evidence? Whose privacy is protected? How is disproportionate intervention prevented? Does the alleged wrongdoing implicate the rights of others or only a contested theory of personal piety?

The constitutional answer should sharply limit public coercion to conduct prohibited by clear, general, and rights-compatible law. There should be no independent moral militia, no punishments issued by informal ideological enforcers, and no unreviewable religious-police jurisdiction. Institutions may educate, persuade, debate, and provide voluntary social services within ordinary law. State coercion requires enacted authority, due process, independent courts, and proportionate sanctions. This is not a denial that communities hold shared moral expectations; it is a denial that self-appointed interpreters may seize legal authority.

Family law and legal pluralism

Personal-status and family law raise some of the hardest questions because religious affiliation, gender equality, contractual expectations, and communal autonomy can conflict. The constitution should guarantee a universal civil legal option for marriage, divorce, inheritance-related disputes where legally feasible, guardianship, and family protection, together with voluntary religious mediation that cannot remove minimum rights or procedural safeguards. If religious tribunals have delegated jurisdiction, participation must be genuinely voluntary; all parties must be informed of civil alternatives, have access to appeal, and retain safeguards against duress. Child welfare and protection against violence cannot be traded away through a private agreement.

This design will encounter disagreement over whether and how civil law can coexist with particular fiqh rules. A responsible constitutional

convention should not conceal that disagreement. It should commission public juristic analysis across recognized traditions and comparative examination of systems that have experimented with legal pluralism. The results must be judged against the dignity and equal legal agency of persons directly affected, especially those whose voices have historically been filtered through communal representatives.

Constitutional interpretation without a clerical veto

A Constitutional Court would have final jurisdiction over the enforceable public constitution, but it should receive serious juristic argument where cases implicate Islamic constitutional principles. An independent Council of Juristic and Ethical Inquiry could publish nonbinding opinions and dissenting analyses, chosen through transparent professional and scholarly procedures rather than executive patronage. Its membership should reflect serious methodological disagreement, not a government-curated photograph of unanimity. It would have no unilateral power to nullify elections, dissolve parliament, or declare citizens outside civic protection.

The arrangement has shortcomings. Judges may lack deep training in Islamic jurisprudence; scholars may disagree about whether their advice should be merely consultative; public officials may cherry-pick convenient opinions. The response is not to abolish the distinction between juristic and constitutional institutions but to improve their interaction through reason-giving, expert evidence, published methodology, and opportunities for public challenge. A state that insists its own interpretation exhausts Islam would risk precisely the monopoly that independent juristic traditions have sometimes resisted.

Exit, minorities, and the sovereignty dilemma

The strongest unresolved structural tension from the first draft concerns secession. A sovereign federation cannot operate if every region may immediately disregard common law whenever it is dissatisfied. Equally, a union founded on consent should be cautious about using indefinite military coercion to prevent a clearly expressed, peaceful desire to leave. Comparative constitutional law offers no universal solution. The Supreme Court of Canada's *Reference re Secession of Quebec* (1998) emphasized federalism, democracy, constitutionalism and the rule of law, and respect for minorities, identifying a duty to negotiate following

a clear democratic expression rather than an automatic unilateral constitutional right of departure.

The proposed model adopts a negotiated constitutional path. A regional legislature initiates the process by a two-thirds vote, followed by a referendum on a clear question after a minimum public deliberation period. A qualified affirmative mandate—illustratively at least 55 percent of valid votes, with a specified turnout floor—would trigger formal negotiations, not instant independence. Negotiations must address debt, currency, citizenship, public property, military installations, treaty obligations, and the status of communities within the departing territory. A constitutional tribunal would oversee process fairness and adjudicate deadlock over legal duties. The final agreement would return to voters and both legislatures for approval. Peaceful advocacy and participation in this procedure would never be treason.

The model has no simple solution when a region's minority opposes exit or wishes to remain in the union. A qualified regional majority cannot dispose freely of the citizenship, territory, or constitutional rights of smaller internal communities. Boundary commissions, local consultations, autonomy options, mobility rights, and international legal standards would be necessary. There should be no magical algorithm for resolving every territorial conflict. The moral point is to reduce incentives for war and make coercion difficult to disguise as constitutional fidelity.

Security and the right to judicial protection

Violence, terrorism, and attacks on civilians are not protected merely because they are presented in constitutional language. A lawful state may prevent and prosecute serious offenses. It must distinguish those acts from peaceful separatism, competing economic policies, religious dissent, and criticism of a ruler. Surveillance requires independent authorization; detention requires prompt access to court and counsel; criminal guilt requires proof under public law. Emergency measures must be time-limited and reviewable. Institutions should be judged on how they behave toward the accused when the public is frightened.

A constitution that promises justice but cannot hear claims against security services remains incomplete. Access to courts must therefore include legal aid where necessary, public-interest standing, protective measures for vulnerable claimants, enforceable remedies, and penalties for deliberate official noncompliance. To say all persons have rights while

enabling government to prevent them from filing suit is to advertise a right without allowing its exercise.

A polity that survives conscientious disagreement

Pluralism is not an optional concession to be granted after civilizational greatness is achieved. It is one of the tests of whether the proposed civilization understands authority as a trust rather than a possession. A person may remain loyal to the law while disputing the government's theology, economics, historical narrative, or foreign policy. A constitutional union should be strong enough to regard such disagreement as a normal feature of public life. The difficult project is to sustain an Islamic public identity that invites reasoned ethical commitments without converting the private conscience of every resident into state property.

Classical disagreement and contemporary coercion

The presence of disagreement within the Islamic juristic tradition does not automatically justify every modern policy, but it makes claims of effortless unanimity suspect. Different scholars have debated the scope of public authority, interpretation, necessity, communal status, and the relation between rulers and learned institutions. Modern equal citizenship adds questions not settled in the same institutional terms by premodern jurists. A serious constitutional project must articulate when it is offering continuity, when analogy, and when an original normative choice. It must not label a dissenting scholar hostile to Islam merely for challenging the method by which law is enacted.

The candid cost of equal eligibility

The recommendation that executive eligibility rest on citizenship rather than private religious status may be attractive from the standpoint of equal civic rights, but it creates real conflict with classical juristic formulations of supreme imamate. It cannot be marketed simultaneously as an uncontroversial traditional rule and an innovative constitutional compromise. Juristic disagreement must be commissioned and published, the view's limitations acknowledged, and the founding public permitted to accept or reject it. The same applies to free change of religion, personal-status law, and the role of nonbinding scholarly councils. Integrity requires naming the controversies even where doing so complicates the aspiration to unity.

17. Society as the Engine of Tajdid

Civilizational renewal is primarily a social achievement. Universities, scholarly communities, endowments, enterprises, laboratories, families, and voluntary associations generate knowledge and capabilities over decades. The state may coordinate public goods and protect security, but it cannot monopolize the work of renewal without impoverishing the sources of creativity and correction.

Awqaf offer a historically important case of institutional continuity beyond rulers, though their independence and performance varied across periods. A modern design would protect endowments, require transparent stewardship, and guard against capture by both private elites and the state. Similar principles apply to universities and professional bodies.

Tajdid in this account is neither mere imitation of a dominant order nor rejection of every useful institutional technique developed elsewhere. It means renewing capacity and moral seriousness while distinguishing transferable mechanisms—such as audit, judicial review, or representative deliberation—from the philosophical assumptions sometimes associated with them.

SCRIPTURAL ORIENTATION · KNOWLEDGE AS AN ENDURING TRUST

Sahih al-Bukhari 7138 distributes responsibility through household and public life. Its point is not that the government should administer every profession or association; it is that entrusted responsibility carries accountability. Qur'an 5:2 places a moral condition on cooperation. Endowments, universities, professional societies, and firms become important in this framework because they preserve productive duties across political transitions. A state that absorbs these institutions in the name of religious unity may destroy the independent capacity for correction that renewal requires.

The institutions that cannot be commanded into excellence

The temptation of civilizational politics is to locate the engine of renewal in the palace, the army, or the founding text. Yet the capacities that make a society durable arise largely through institutions whose work is slow, specialized, and only partly visible to rulers: schools that teach basic literacy, courts that develop predictable practice, libraries that preserve

inquiry, laboratories that accept failed experiments, merchants who enforce reputational trust, professional associations that sanction malpractice, and families that sustain mutual care. A state may establish incentives, secure order, and provide common goods. It cannot know in advance which scholar, engineer, cooperative, or philanthropic institution will supply the next breakthrough.

Tajdid is therefore interpreted here as a continuing social renewal of ethical seriousness, intellectual judgment, and practical competence. The meaning is proposed by Project Tajdid and should not be treated as a comprehensive definition supplied by the classical tradition. It is compatible with the preservation of distinctive Islamic practices and with critical learning from other civilizations. Methods of financial audit, judicial administration, scientific peer review, and electoral supervision are tools whose effectiveness can be assessed independently of the metaphysical commitments associated with their original developers.

Endowments and the ecology of trust

Historical awqaf supported diverse purposes and sometimes permitted charitable activity to continue through political transition. Their modern value depends on governance. A charitable endowment can be captured by a private household, immobilized by inflexible rules, or redirected through coercive state intervention. The choice is not between romantic independence and bureaucratic absorption. It is between accountable stewardship arrangements with different balances of autonomy, transparency, and adaptability.

An endowment framework should secure donor purpose subject to public law, maintain published financial records, require conflicts-of-interest disclosure, permit beneficiary complaints, and provide court-supervised amendment when the original purpose becomes impossible or seriously harmful. Independent auditors must be protected from dismissal after discovering misuse. University endowments should not empower donors to dictate scientific conclusions; religious educational endowments should not permit state authorities to dismiss scholars solely for peaceful dissent. The same principle applies to hospitals, community funds, and cultural preservation trusts.

Scholarly work on Islamic charities, from the study of everyday welfare practices to critiques of waqf rigidity, makes the subject more interesting than celebratory histories suggest. A society must ask which arrangements foster adaptive public benefit under present conditions.

Historical continuity is evidence of institutional possibility, not automatic proof of efficiency or equity. The legitimate ambition is to design forms capable of serving people after both donors and officials have died.

Schools, universities, and epistemic independence

A civilization can expand its student enrollment while weakening the habit of independent judgment. If examinations reward memorized formulas but penalize reasonable criticism, educational growth may reproduce dependency on imported expertise. Strong primary education, rigorous language study, mathematical competence, historical method, and scientific literacy matter as much as elite research centers. These foundations enable a population to scrutinize political claims instead of treating prestige as evidence. In an Islamic intellectual project, instruction in Qur'anic interpretation and classical languages should coexist with careful historical criticism, recognition of juristic diversity, and methods for examining competing claims.

Universities should be organized through charters protecting academic freedom, tenure or equivalent professional security, transparent review, and institutional accountability. A minister should not determine historical conclusions by decree. A donor should not suppress research into harms associated with a commercial sector. Scholars, in turn, should face ethical obligations to disclose funding and correct errors. Free inquiry is not the absence of standards; it is the possibility of applying professional standards without fear of political punishment.

Markets, labor, and productive dignity

Civilizational renewal also depends on economic arrangements that allow ordinary people to develop competence and sustain households without arbitrary favor. Stable property rules, enforceable contracts, fair competition, access to capital, labor protections, and predictable tax administration reduce the premium on political connection. A constitution cannot prescribe an ideal industrial strategy, but it can prohibit arbitrary expropriation, require public justification for major subsidies, and guard against executive monopolies created in the name of development.

The language of Islamic commercial ethics should not become a substitute for empirical economic inquiry. Different juristic analyses of finance and commerce require consideration, and modern institutions

can have consequences the classical texts could not have anticipated. Public policy should examine actual outcomes for workers, families, creditors, entrepreneurs, and vulnerable consumers. The claim that an instrument has an Islamic label is insufficient evidence of fairness. The questions are how risks are distributed, what recourse weaker parties possess, and whether regulators are independent of the regulated.

The city, the province, and the household

Governance closest to daily life deserves constitutional seriousness. Urban transit, water maintenance, land registration, school quality, and local health provision affect the social conditions in which moral language becomes credible or hollow. Regional and municipal institutions need meaningful revenue, elected leadership, public procurement rules, and transparent complaint systems. Local democracy can become corrupt or exclusionary, so its value lies in proximity coupled with rights, audit, and the opportunity for central courts to correct abuse—not in an assumption that smaller authority is automatically kinder.

A constitution should also recognize that not every moral good is governmental. Families and voluntary communities may provide indispensable networks of care, but they can be sites of domination and exclusion. The state should protect persons within them through family law, education access, safeguards against violence, and support for caregivers without turning intimate life into an instrument of ideological regimentation. A civilizational theory that celebrates family while ignoring the legal agency of women, children, and vulnerable members would sacrifice persons to its own vocabulary.

Technology and independent judgment

Modern civilizational capacity includes cybersecurity, artificial intelligence, biotechnology, energy systems, and communications infrastructure. But technological prestige is especially easy to confuse with capability. Purchasing software is not the same as maintaining expertise to audit it. Operating a large data center is not proof of privacy protection. Training models is not the same as verifying their reliability or making their use answerable to law. The constitutional response should include data-protection legislation, independent technical regulators, procurement transparency, restrictions on mass surveillance, and public channels for challenging automated decisions that affect rights.

Scientific and technological initiatives should be evaluated on their independent merits, including the opportunity costs of allocating scarce public resources. A desire to catch up with dominant powers can incentivize theatrical spending and institutional secrecy. The deeper aspiration is to create environments in which knowledge can grow without requiring a ruler's approval and errors can be reported before they become catastrophes.

Preparing civic capacity before unity

Project Tajdid's practical implication is counterintuitive: the best preparation for a possible constitutional union is not endless argument about who should rule it. It is work that would be valuable even if no union ever forms. Publish reliable history. Strengthen school materials. Create scholarly exchange networks. Encourage independent institutions. Develop transparent philanthropic governance. Support reliable public data, capable administration, and practical cross-border scientific collaboration. None requires a proclamation of sovereignty, and each can improve the legitimacy of future public choices.

The social engine of tajdid is not apolitical. It shapes the options that politics can responsibly pursue. A population accustomed to open argument is better able to reject fraudulent promises of unity. Courts experienced in applying general rules are better able to resist the founding executive. Professionals whose authority is not wholly dependent on patronage can advise lawmakers candidly. These forms of capacity are the conditions under which the constitutional architecture of the previous chapters becomes something more than an admirable diagram.

Professional institutions as constitutional actors

A society's professions are not merely sources of labor; they are potential channels of correction. A medical association can challenge unsafe government policy, an engineering society can disclose infrastructure failure, and a bar association can document denial of due process. Such institutions can also become guilds that protect insiders, so they require transparent governance and competition. Their independence is justified by the public value of expertise rather than by an unquestioned status above scrutiny. A constitutional order that protects professional dissent while permitting appropriate regulation is less dependent on the wisdom of any one officeholder.

A renewal program with measurable failure

Project Tajdid could give practical force to the argument by publishing a recurring institutional report that records achievements and setbacks in education, civic legal access, historic preservation, endowment governance, and scientific collaboration. The report should separate public data from interpretation, state measurement uncertainty, and welcome correction. A renewal movement that can publish its own failed predictions offers a more persuasive account of epistemic seriousness than one that presents every initiative as a civilizational breakthrough. The discipline of acknowledging error is not separate from moral legitimacy; it is one of its observable forms.

PART V

The Long Horizon

The institutions that must endure beyond the founders.

18. Continuity Beyond the Founders

The decisive test of a founding settlement comes after its founders disappear. Can the polity transfer authority without violence? Can the capital relocate without humiliation or rupture? Can a court rule against a powerful executive and expect compliance? Can a region become prosperous without demanding political supremacy? Can communities preserve faith and scholarship while challenging their own government?

No constitutional text can abolish ambition, rivalry, or contingency. Institutional design can, however, alter incentives and provide lawful paths for disputes that might otherwise become existential. The proposed system seeks to make leadership transferable, regional influence negotiable, and legitimacy contestable within rules rather than through war.

Its greatest risk may be the transformation of founding charisma into permanent entitlement. A center that initially earned recognition through achievement could later claim immunity from scrutiny. The constitutional response must therefore insist that founding status grants no exemption from law and no hereditary monopoly on the political future.

SCRIPTURAL ORIENTATION · COUNSEL AS A SAFEGUARD AGAINST DECAY

Sahih Muslim 55a describes religious sincerity as including counsel toward the leaders of Muslims and their community. This report is not a ready-made opposition statute. It is nevertheless difficult to reconcile its ethic of sincere correction with a political atmosphere where respectful criticism is automatically treated as treachery. In the present constitutional inference, law should preserve access to courts, journalism, scholarly disagreement, and lawful opposition precisely when founders become admired enough to resist them. A civilization must be able to tell its government an unwelcome truth.

The test begins when memory becomes an obstacle

The most difficult moment for a polity constructed around extraordinary founding achievement may not be its first crisis. It may be the ordinary year in which the founding generation has grown old, an unpopular court has ruled against the government, and a new regional leadership

refuses to defer to remembered sacrifice. At such a moment, yesterday's moral prestige can become today's justification for exemption. The measure of continuity is whether the society has made room for a future in which its celebrated founders are wrong.

A state may preserve portraits and rituals while losing the capacity to transfer authority. It may honor the language of consultation while arranging every council vote in advance. It may celebrate historical legal scholarship while punishing contemporary legal dissent. These practices preserve the symbols of a civilization at the cost of the practices that made its achievement valuable. Institutional fidelity often demands an act of criticism: the belief that a founder served justice cannot become the assumption that justice must serve the founder.

Four succession trials

The first trial is a vacancy. The caliph dies, resigns, becomes unable to discharge the office, or is removed lawfully. The constitution must identify who temporarily performs executive duties, which powers are suspended during transition, when the shura must begin selection, and how courts resolve disputes over candidate qualification. A security force cannot plausibly claim temporary authority to choose the new ruler because procedures are inconvenient. If the law cannot govern succession, its claim to supreme authority was conditional all along.

The second is adverse judgment. A constitutional court rules that an executive measure violated rights or exceeded delegated competence. The government may appeal where law permits and may criticize the reasoning, but it must obey the final result. Enforcement cannot depend on personal admiration for the judges. If the court is systematically ignored, legal independence requires protected administrative enforcement, legislative remedies, and ultimately lawful removal procedures. The citizen should not need to organize a rebellion to vindicate a judgment.

The third is regional divergence. A prosperous region demands greater control of its revenue; another region believes equalization has become patronage; a smaller region fears demographic domination. The constitutional system must make such disputes negotiable and justiciable. The center cannot resolve disagreement by withholding ordinary services, replacing regional leaders without due process, or labeling demands for autonomy as disloyalty. Regions, in turn, cannot invoke autonomy to evade agreed obligations or deny equal rights to internal

minorities. Durable federalism depends on the credibility of both halves of the bargain.

The fourth is the language of renewal itself. Political movements often outlive their reforms by becoming the gatekeepers of what counts as authentic renewal. The constitution must protect public argument about whether the settlement has failed, whether its leadership should change, or whether a different federal structure would work better. Legal opposition is not a defect to be endured until consensus returns. It is an institution through which errors become visible without requiring political destruction.

The capital as a symbol with a legal address

The manuscript's proposal that the capital may move is more important than it first appears. A capital concentrates jobs, records, cultural prestige, security functions, and patronage networks. It can become the geographical form of a founding group's superiority claim. If movement of the capital is treated as a repudiation of the state or its moral basis, the state has identified itself with one city. A federal polity should be capable of changing an administrative address without changing the source of its legitimacy.

Relocation could require an independent fiscal and administrative study, publication of projected costs, a qualified two-chamber vote, protection for employees, and a multi-year implementation plan. No relocation may be used as retaliation against a region or to evade a court or opposition legislature. The constitution may alternatively distribute institutions across cities, reducing the stakes of concentrating all authority in one metropolis. Comparative experience suggests there is no uniquely correct arrangement; there is a need for an explicit process that prevents symbolic rivalry from turning into a constitutional emergency.

Unintended constitutional decay

No constitution can write self-enforcement into existence. Judges may be appointed through formally balanced procedures yet share an elite ideology. Regional chambers may become bargaining clubs for executives rather than representatives of citizens. Emergency rules may be exploited through serial renewals. Legislative committees may prefer secrecy or partisan advantage over oversight. Endowments may be captured by the same families they were meant to restrain. A mature theory must

anticipate the possibility that its own safeguards become the vehicles of domination.

The countermeasures are not merely more rules. They include public access to information, independent journalism, professional accountability, genuine electoral competition, civic organizations able to finance themselves lawfully, and a culture in which adverse evidence is not treated as treason. Institutional design should create overlapping sites of accountability so that the failure of one does not disable all. Yet an excess of veto points can itself make a government incapable of protecting people. Assessment must compare the costs of delay with the risks of unchecked action rather than proclaiming every new barrier a victory for liberty.

The constitutional paradox of permanence

The strongest protection of the founding project may be its acceptance that future generations can alter it. Some commitments—protection against torture, equal standing before courts, the right of political participation—deserve a specially entrenched status. But not every detail of executive selection or fiscal allocation is sacred. A constitution becomes brittle when ordinary reform is impossible, and opportunistic when every incumbent can amend it at will. A multi-level amendment process attempts to avoid both dangers.

The political union should survive because people judge it useful, just, and amendable, not because the armed forces prevent them from imagining alternatives. Even a negotiated exit, if used peacefully, need not mean a collapse of civilizational belonging. Scholars, businesses, families, and worshipping communities can remain connected across borders. The choice of constitutional jurisdiction is important but cannot exhaust the reality of shared culture or moral concern.

The last measurement

Five trials of the constitutional promise

First, imagine that the founding executive declines to implement an adverse constitutional judgment. An attractive constitution cannot be satisfied by exhortation. Legislative contempt powers, control of appropriations, a publicly reasoned court order, and a lawful route to suspend or remove officials must make defiance costly without inviting

rival armed commands. The first judicial defeat of the founder is a more meaningful constitutional ceremony than the founding proclamation.

Second, imagine a minority community successfully challenges an education or worship regulation. If the government demands proof of loyalty before granting standing, equality has already failed. The court must hear the claimant because jurisdiction and a plausible rights claim exist, and it must issue an enforceable remedy even when the ruling is unpopular. The office of government is tested most severely when it has to protect those who do not share the ruling religious identity.

Third, a prosperous region votes by a clear and sustained majority to seek departure. Neither instant unilateral separation nor armed prevention follows from the model. A time-bound negotiation would address borders, debt, resources, citizenship, movement, minority guarantees, and international obligations, with independent arbitration for unresolved questions. The constitution should spell out what happens if negotiation fails; postponing that question until a crisis would invite force to replace law.

Fourth, a severe emergency creates pressure to censor scholars and journalists who criticize the executive response. The state may regulate demonstrably harmful conduct under clear law, but peaceful criticism cannot be relabeled an emergency merely because it is embarrassing. Courts and legislators must remain able to review evidence promptly, and extraordinary measures must sunset unless renewed openly. A doctrine of necessity without a calendar and judge is a doctrine of unaccountable power.

Fifth, the population chamber approves the budget and the regional chamber rejects it. Basic salaries and essential services cannot become bargaining hostages. A limited continuing appropriation, mediation between chambers, and an independently verifiable schedule for final resolution are preferable to allowing either chamber to rule by fiscal paralysis. These stress tests do not certify the design. They show what an institutional argument must be able to answer before becoming a credible claim to govern.

The founding moment will be judged most fairly by events it cannot control. Does a minority citizen obtain relief against a powerful official? Does a judge retain office after ruling against the executive? Can a public historian revise the official story? Can a region reject a central demand through lawful process? Does the next caliph accept selection without a

family claim? These are less dramatic tests than a battlefield victory. They are also less easily staged.

The book's wager is that a civilization capable of producing trustworthy social institutions might, under rare conditions, form a constitutional polity strong enough to coordinate shared goods and constrained enough to survive disagreement. History does not guarantee that wager. A coherent constitution cannot guarantee it either. The next generation must choose, criticize, repair, and sometimes reverse what it inherits. If the constitution makes that work possible, the founding generation will have accomplished something more enduring than personal rule.

The stress test of an unpopular successor

Imagine that the founding caliph resigns after years of broad admiration. The shura selects a successor who satisfies the rules but lacks the founder's public stature. Several powerful governors publicly doubt the result; a security commander announces that the founding mission is endangered; crowds demand an emergency appointment of the founder's relative. If the constitution is durable, the courts adjudicate procedural claims, the armed forces maintain institutional neutrality, regions obey lawful outcomes, and critics remain free to campaign for amendment. If instead the military adjudicates charisma, the original settlement has failed the moment it was intended to demonstrate continuity.

Generational consent through lawful revision

The descendants of founders are not morally bound to preserve every institutional choice unchanged. They are entitled to scrutinize federal fiscal rules, executive tenure, representation, and even the distribution of sovereignty through lawful procedures. Their obligation is to respect the equal standing of fellow citizens while seeking change. This is the real meaning of constitutional continuity: maintaining procedures capable of governing disagreement, not freezing the preferences of a revered generation. A polity confident enough to permit amendment demonstrates a stronger form of authority than one sustained only by nostalgia and police power.

Conclusion — Preparing Without Presuming

The theory of Islamic Civilizational Formation began with a distinction that political triumph continually threatens to erase: the ability to govern is not the right to govern. Military strength can stop aggression, but it cannot alone establish justice. Scholars can preserve principles, but neither learning nor reputation automatically supplies public authority over those who have not consented. Social institutions can survive dynastic catastrophe, but survival is not proof that history moves inevitably toward moral restoration. A founding figure may deserve admiration, yet admiration itself can become the greatest enemy of the constraints that make lasting political order possible.

The historical cases considered here resist conversion into a simple story. Salah al-Din's achievement involved political reconstruction, rivalry, diplomacy, and military success; his successors struggled to reproduce the coherence of his government. The Mongol invasions devastated states and populations while leaving varied institutional resources that contributed, under particular conditions, to later religious and political transformations. The Mamluks provided genuine security yet remained vulnerable to succession through military competition. Ottoman emergence was a contingent process shaped by many communities and interrupted by defeat. Ibn Khaldun makes the recurrent vulnerabilities of solidarity and dynastic power intelligible, but does not certify a modern remedy. These histories warn against treating victory as moral entitlement or constitutional stability as a reward conferred on the virtuous.

The contemporary international order presents a parallel problem. Its law is neither fictitious nor consistently enforced; it contains valuable norms and structures of unequal power. A just response cannot rest on the wish that a favored civilization will become the next power exempt from scrutiny. A different distribution of coercive capacity does not itself create a different standard of conduct. Universal rules acquire credibility when they apply to those who are strongest, closest, or most popular within the community that invokes them.

The constitutional proposal is therefore explicit in its limits. A founding center may invite, but not compel, voluntary union. The constitution must create rights that belong to people without favor, offices that can be scrutinized, a shura that represents both citizens and regions, courts that can review the highest executive, fiscal rules that

resist domination, security institutions subject to civilian law, and means of revising or contesting the settlement. The term *caliph* will not make these institutions just. Their actual conduct, independence, and public accountability will determine whether the name denotes a constitutional trust or a historical costume.

The moral pendulum survives this analysis only as a disciplined metaphor and a conditional research program. It is possible that institutional endurance sometimes reshapes the values and claims of conquerors. It is not true as a law of history that suffering produces justice, or that the fall of a powerful order necessarily elevates a more virtuous one. Nothing morally useful follows from waiting for a favorable turn. Communities can educate, practice law, sustain care, innovate, criticize power, and build cross-border cooperation now. Those acts remain valuable whether a constitutional union ever becomes possible.

For Project Tajdid the practical beginning is thus neither a coronation nor a capital. It is a program of historical inquiry, constitutional criticism, and social institution-building undertaken without a guarantee of political culmination. Such preparation is not timid. It is a refusal to let civilizational ambition become a license to dominate in the name of a promised future. If a founding opportunity comes, the architecture must be ready to constrain the very authority that made the opportunity possible. If it does not, the work of knowledge, justice, and renewal loses none of its meaning. A civilization serious about legitimate order should be willing, above all, to be judged by the principles it asks others to respect.

Notes on Sources and Further Reading

Texts, historical studies, and constitutional references below are provided to make the argument auditable and to distinguish the work's authorities. Qur'anic citations are by sura and verse; Prophetic reports are identified by collection and report number. Historical and legal studies are listed as resources, not presented as verified page-by-page footnotes for every claim in this research edition. Passages involving contested historical interpretation, classical legal judgments, or current litigation should be checked against the cited primary texts and specialist editions before final scholarly publication.

Revelation and Prophetic reports

Qur'an: 2:256; 3:159; 4:58–59; 4:135; 5:2; 5:8; 8:61; 12:47–49; 42:38; 49:13.

Text and translation comparison: <https://quran.com> ;

<https://corpus.quran.com> .

Sahih al-Bukhari 7138, on responsibility for those placed in one's care.

Text: <https://sunnah.com/bukhari:7138> .

Sahih al-Bukhari 7144, on the limits of obedience when disobedience to God is ordered. Text: <https://sunnah.com/bukhari:7144> .

Sahih Muslim 55a, on sincerity and counsel to leaders and the community.

Text: <https://sunnah.com/muslim:55a> .

Sunan Abi Dawud 4291, on the renewal of religion. Text:

<https://sunnah.com/abudawud:4291> . Attribution and grading should be considered in standard hadith scholarship, not inferred from this book's use of the term tajdid.

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Ibn Khaldun, al-Muqaddimah (The Muqaddimah: An Introduction to History), trans. Franz Rosenthal (Princeton University Press, 1958; unabridged edition reissued 2026), especially chapter II, section 16, and chapter III, sections 1–2, 10–15, and 36. Section references identify the arguments discussed in Chapter 8; the constitutional proposals are Project Tajdid's own.

Al-Mawardi, al-Ahkam al-Sultaniyya; al-Juwayni, Ghiyath al-Umam; Ibn Taymiyyah, al-Siyasa al-Shar'iyya. Read in their legal and political settings; none is invoked as the author of the constitutional model in this book.

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W. Elliot Bulmer, *Federalism and Bicameralism, Constitution-Building Primers* (International IDEA, available at idea.int).

Contemporary legal documents

Charter of the United Nations (1945), especially Articles 2, 24, 27, 39–42, 51, and 103: <https://www.un.org/en/about-us/un-charter> .

International Court of Justice, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024: <https://www.icj-cij.org/case/186> . An advisory opinion is not a contentious judgment imposing a criminal conviction.

International Court of Justice, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion*, 22 July 2010: <https://www.icj-cij.org/case/141> . The opinion did not decide the legality of NATO's 1999 intervention.

International Court of Justice, *Allegations of Genocide (Ukraine v. Russian Federation)*, Order of 16 March 2022: <https://www.icj-cij.org/case/182> .

Supreme Court of Canada, *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217. Consult the official judgment for the roles of democracy, constitutionalism, federalism, and respect for minorities.

Authorial boundaries

The terms “moral pendulum,” the proposed thresholds for civilizational authority, and the scheme of a voluntarily ratified federal Islamic polity are original hypotheses and designs of Project Tajdid. They are not scriptural formulas, propositions attributed to Ibn Khaldun, or a statement of an agreed Sunni constitutional doctrine. The manuscript invites juristic, historical, and comparative-constitutional criticism of each proposal.

WHAT MAKES POWER LEGITIMATE?



*Empires rise through power.
Civilizations endure through something greater.*

Across history, Muslim societies have confronted conquest, fragmentation, and the collapse of political authority. Yet the institutions, intellectual traditions, and moral foundations of Islamic civilization have repeatedly survived the rulers who once claimed to represent them.

What explains this endurance? And what would it take for a renewed political order to command not only power, but legitimacy?

Islamic Civilizational Formation explores these questions through Ibn Khaldun's theory of civilizational change, the Qur'an and Sunnah, Islamic political thought, and the lessons of history — from the Crusades and Mongol conquests to the emergence of the Ottomans and the contradictions of the modern international order.

Moving beyond historical analysis, the book examines how moral authority, institutional capability, and voluntary consent might converge into a constitutional order rooted in justice, accountability, and pluralism.

It does not presume that renewal is inevitable, nor that the past can simply be restored.

It asks a more demanding question:

*If a new civilizational order were to emerge,
how could it become worthy of the authority it claims?*



PROJECT TAJDID

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