

Accountability of Public Servants in the Islamic State: The Early Stages

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Abstract

Islamic legal and political system has a long history of fourteen hundred years of implementation in different areas and eras by different Muslim governments. In the beginning of this history there was an ideal Muslim government which was a model for an Islamic state i.e. *al-Khilāfah al-Rāshidah*. Afterwards there was some deterioration in the political system but the legal system mainly remained the same. Sometimes the enforcement of *Shari'ah* was a priority of the government and sometimes it enforced Islamic system only as a compulsion. For one thousand years this system was the only option for the Muslim governments and states as there was no other viable system which could take its place. Accountability is the basis of the Islamic creed and thus it is part of Islamic social and political life as a basic idea. That is why accountability of public servants has always been a cherished idea of the Muslim rulers. Having said that we do not mean that there has been a uniformed organization of this work in the form of a department like *Wilāyat al-Mazālim* but in one form or another, the work of accountability been present side by side with the formal judicial system.

The goal of this article is not to discuss minute details of the accountability in the early stages of the Islamic state, rather it aims at proving broadly that the essence of this important dimension of Islamic political system did exist from the very inception of the Islamic state at *Madīnah* and its successor state of *al-Khilāfah al-Rāshidah*. Starting from there this work has been carried out in all the Muslim governments, though the form and strength may have been varied from time to time.

Keywords: Accountability; Islamic State; Administration; Political Science; *Qur'an*; *Hadith*.

Accountability in the Prophet (Peace Be Upon Him)'s Era¹

The period of the Prophet (PBUH) was that of the foundation of the Islamic state and its various institutions. Though there was no independent institution for the accountability of public servants however the essence of accountability and its spirit was very much there. The Prophet (PBUH) is a role model for the believers in all walks of life and accountability of the public servants to redress the grievances of those affected by any malpractices of the public officials is one of the most important features of Islamic state so he must be and, surely, he was a role model in this respect too. Thus we find the Prophet's era was ideal in this respect. He used to call to account any official of the government if there was any corruption or misuse of authority. In this regard he did not forgive even himself. That is why in the famous book of *Hadith*; *al Muṣannaf*, a *bāb* (section) has been compiled in the name of 'Retaliation of the Prophet (PBUH) from himself' and a few *Aḥādīth* of the Prophet (PBUH) have been mentioned there. We will state here three of those *aḥādīth*.

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(a) *Abū Saʿīd al Khudārī* reported that once the Prophet Muhammad (PBUH) came out from his house intending to go for prayers. A man caught hold of the rein of his she-camel and said, 'I have to say something to you O Messenger of Allah!' The Prophet (PBUH) said, leave me now, you will have your need fulfilled. But the man insisted and said that thrice. So the Prophet (PBUH) hit him with a lash and said, 'Leave me and you will have your need fulfilled'. Then the Prophet (PBUH) led the prayers. After finishing he asked: where is the man whom I flogged? The people looked at each other and asked the same. The man came from the back rows and said, 'I seek refuge of Allah from His and His Messenger's wrath.' The Prophet (PBUH) asked him to come near and take his revenge. He threw the lash over to him. The man said, 'I forgive you', the Prophet (PBUH) said, 'Are you forgiving me?' He said, 'yes, I forgive you.' So the Prophet (PBUH) said, 'by Him, in Whose possession my soul is, any believer who oppresses another and then does not give him an opportunity to retaliate in this world, Allah will take revenge from him on the Judgement Day. *Abū Dharr* said, 'O Messenger of Allah! Do you remember the night when I was driving your camel and you were taking a slumber? I touched your head with the stick and told you to be seated straight. So you retaliate from me now for that. The Prophet (PBUH) said, 'I forgive you' but *Abū Dharr* insisted and at last the Prophet (PBUH) hit him with the lash.²

(b) It is reported that the Prophet Muhammad (PBUH) met a man who had his hair dyed yellow. There was a branch of date palm in the hand of the Prophet (PBUH). He said "remove this", pushing the man with the branch and added: "Did not I forbid you from doing this". As a result of pushing the man was hurt, though did not bleed. The man said, "Retaliation O Messenger of Allah!" when the people objected to this, the man said, "Allah has not preferred any body over my body." So the Prophet (PBUH) uncovered his abdomen and said, "take your revenge". But the man said, "I leave it so that you intercede for me on the Judgement day".³

(c) It is reported that once the Prophet Muhammad (PBUH) said to his Companions: "Anyone whom I have insulted should take his retaliation from me. Any one whom I have hit should take his retaliation from me and anyone from whom I have taken any property illegally should take back his property from me, no one should say that he fears rancour from the Messenger of Allah. Lo! That is not my nature nor is it my morals. Among you favourite to me is the one who took his due from me or forgive me, so that when I meet my Lord, I am with pure soul."⁴ It is reported that a man owned a date palm in the garden of an *Ansārī*. The former used to tease the owner of the garden (perhaps by going there at odd times or in a bad manner). The owner of the garden offered to him to either sell his tree to him or exchange it with another tree, but the man refused. The Prophet (PBUH), therefore said: "أنت مضار" "You are causing harm" and ordered the *Ansārī* to cut off the tree.⁵

The Prophet (PBUH) investigated a dispute of irrigation between *Al Zubayr bin al 'Awwām* and one *Anṣārī*. He came personally and said to *Zubayr*, "you water O *Zubayr* and then the *Anṣārī*". To this the later objected and said, "Surely he is the son of your maternal aunt, O Messenger of Allah!" The Prophet (PBUH) got angry at his words and said, "O *Zubayr*! Make it to flow over his stomach until the water reaches the ankles" He told him to have it flow over his stomach as a reprimand for

his audacity. There is a difference of opinion regarding his order to have the water flow up to the ankles that is whether it was to affirm a right in the form of a judgement between them or it was merely to affirm that it was permitted but delivered as a reprimand to the two parties.⁶

The administration of the Islamic state during Prophet's period had among other things, a distinctive feature of accountability.

In the seventh year of *Hijrah*, the holy Prophet (PBUH) sent a detachment of over one thousand Companions under the leadership of *Ghālib bin Abdullah Laythī* to confront the tribe of *Madīnah* which was successfully done. During the course of action '*Othmān bin Zayd* killed *Nāhik bin Mardās* despite his recitation of لا إله إلا الله، محمد رسول الله. The Holy Prophet took him to task after returning. He replied that he had recited the *shahadah* just to save his skin. But the Prophet (PBUH) asked him whether he had incised his heart to know about the fact.⁷

In eighth year of *Hijrah* the Holy Prophet (PBUH) sent another detachment of eight persons under the command of *Abū Qalābah* to a place *Izm*, eight miles from *Madīnah* on an espionage mission; on their way they met a person *Amar bin Adbat Ashja'i* who greeted them in an Islamic manner but *Muhlam bin Jath'amah* put him to death on account of his personal feud going on in the past. The matter was reported to the Prophet (PBUH). Allah, the Exalted, disliked it and revealed the following Ayah:

"يا أيها الذين آمنوا إذا ضربتم في سبيل الله فتبينوا ولا تقولوا لمن ألقى إليكم السلام لست مؤمنا"

"O those who believe, When you go out in the way of Allah, ascertain properly and don't say to a person who greets you (like Muslims) that he is not a believer.."⁸

The detachment met the Holy Prophet (PBUH) on its way to *Makkah* and the matter was reported to him. *Muhlam* asked the Holy Prophet (PBUH) to seek for him forgiveness from Allah. The Prophet (PBUH) by way of rap rover said that Allah might not forgive him. *Muhlam* went away weeping and died of shock after a few days.⁹

The Prophet (PBUH) sent a company of Muslims under the command of *Khālīd bin Walīd* to a tribe *Banū Jadhima* in 8 A.H. The detachment consisted of *Muhājirs*, *Anṣārs* and *Banū Sulaym* who were three hundred strong. When they reached there they had embraced Islam, had constructed mosques and offered prayers. *Khālīd bin Walīd* asked, 'then how do you explain the arms you are carrying?' They replied that actually they apprehended that a tribe having time old strife with them had attacked them but when he asked them to lay down arms they readily did. Despite that *Khālīd bin Walīd* took them as prisoners. *Banū Sulaym* killed their captives. The *Muhājirs* and the *Anṣār*, however, released the captives in their custody. When the Holy Prophet (PBUH) came to know, he immediately said, O Allah I am not responsible for the act of *Khālīd*.' *Banū Jadhima*, in pre Islamic era had murdered 'Auf bin Abdurrahman bin 'Auf, the uncle of Abdurrahman and *Faka bin Mughirah* the uncle of *Khālīd bin Walīd*. *Khalid* replied that he had avenged the murder of his uncle. The Holy Prophet (PBUH) listening to this altercation reprimanded *Khalid* that he should not quarrel with his companion and said that even gold equal to the weight of Mountain '*Uhud* spent in the way of Allah could not weigh his Companion's one morning and one evening. The holy Prophet (PBUH) did not hesitate to condemn the wrong doer howsoever strong or important he might be.¹⁰

The Prophet (PBUH) used to make his officials accountable for whatever they have before the job and after the job. He checked their income and expenditure as has been reported in *Ṣaḥīḥayn* (Bukhārī & Muslim) by *Abū Hamīd al Sāʿidī* that the Prophet (PBUH) appointed a man from *Azd*; whose name was *Ibn-e-al Lutaibah* in *Zakāh* collection department. When he returned from his job, the Prophet (PBUH) called him to account for whatever he was possessing. He said that some of the wealth is that of the state and some of it has been gifted to him. The Prophet (PBUH) said, ‘what is the matter with a person whom we appoint for some job, then he says this is yours and this has been gifted to him. Should not he stay at his parents’ home and see whether he is given gifts or not? By Him in Whose possession my soul is, any one whom we appoint for some job in the affairs which Allah has assigned to us, then he misappropriates something from it, will come on Judgement Day bearing upon his back whatever he misappropriated, if it be a camel it will be grumbling, if it is a cow it will be mooing and if it is a goat, it will be shouting, then the Prophet (PBUH) lifted his hands towards the sky and said, “O, Allah, Did I convey?” He did that twice or thrice.¹¹ The above mentioned examples show that the Prophet (PBUH) kept the Companions under strict surveillance even in the matter of war. As a usual approach towards war is that everything is fair in it. But the Prophet (PBUH) taught the *Ummah* through his conduct that it should not be the case. Even during war the Muslims are to follow the rules; the essence of which is that only those people are to be killed or captured who are really up to fight Muslims. The last example explains the state of accountability and Prophetic approach towards this. There is a very great lesson for all those involved in any type of job. Anything which one gets by virtue of the post to which he is appointed should be deposited to the public treasury.

At the time of the Prophet (PBUH) the population of the Muslim state was small in number and the people of Arabia were illiterate and straight forward. Therefore a very complex legal system was not in place neither one was needed. Hence the complaints against government officials were also not that much in number as compared to the later periods. That is why, though there was not an independent department which would take care of grievance redress but the essence of accountability was very much there.

Al-Khilāfah al-Rāshidah & Accountability of Public Servants

The period of the four caliphs who are called as *Khulafāʾ Rāshidūn*, was the best era with respect to the administration of justice. They were called *Rāshidūn* (Rightly Guided) because they followed the footsteps of the Prophet (PBUH) in every matter of life.

The first of those four was *Abū Bakr* (RA) who only ruled the Muslim state for two years. Those two years were mostly spent in eliminating the tumults which broke out after the passing away of the Prophet (PBUH). Among those tumults one was the imposters who claimed Prophet-hood and another important problem was apostasy among many tribes. Some of the tribes refused to pay *Zakāh* money to the government. *Abū Bakr* (RA) had not only to confront those challenges but he also had the biggest challenge to keep the *Ummah* united which was leaderless after the passing away of the Prophet (PBUH). He did that successfully. Keeping in view the peculiar situation which prevailed during this period, it can easily be understood that there was no ‘business as usual’ situation. Perhaps this is the reason that one

does not find much about the manner of governance of *Abū Bakr* (RA) as is the case of *‘Umar* (RA), *‘Uthman* and *‘Alī* (RA). However there is no doubt in the fact that in the matter of accountability *Abū Bakr* was a role model as he is described “the best man after the prophets”. When he was elected as caliph and people took oath of allegiance to him, he stood up and said among other things:

‘O people, I have been made responsible over you and am not the best of you. If I do something good, support me and if I do something wrong, correct me. Truth is trust and lie is dishonesty. The weak among you is the strongest in my view till I reinstate his right to him and the strongest among you is the weakest in my view until I take from him the right (of others), Allah willing...’¹²

Because of pre occupation with the affairs of government he left his business and took a small amount as salary from the public treasury. When his death came close, he asked his family to return if anything has been spared from the belongings of public treasury.¹³

This shows his sense of accountability in the matter concerning public property.

The inaugural address of *Abū Bakr* (RA) reflects the administrative policy particularly regarding the redress of people’s grievances against the government officials. There is not much which has been reported regarding accountability of the public servants because most of the officials during his rule were those who had been appointed by the Prophet (PBUH) and most of them were retained by *Abū Bakr* (RA).

The second caliph *‘Umar* (RH) was the best ruler, the world has ever seen, in all respects but particularly with regard to the accountability of public servants and grievance redress. He ruled the Islamic state for over ten years. That is the golden era in Islamic history particularly with respect to the administration of justice.

He told his people, “I did not appoint the officials for torturing you, insulting you and taking away your properties. Rather I appointed them to teach you the Book of your Lord and the *Sunnah* of your Prophet (PBUH). So whoever is oppressed by any government officials should come to me unhesitatingly and complain to me so that I call the oppressor to account.”¹⁴

He wrote to his military commanders: “Render due rights of Muslims to them. Don’t thrash them, it will defile them. Don’t praise them which will land them in trouble and don’t close your doors to them lest the stronger should usurp the rights of the weaker among them and don’t prefer yourselves over them as it would be tantamount to oppressing them.”¹⁵

There are many instances of accountability of the public servants by *‘Umar* (RA) which clearly show that he did not hesitate to call to account any official of the government even if, apparently, there would be a risk of disorder. Prime example in this respect is that of *Khālīd bin Walīd*, who was removed from his post by *‘Umar* (RA) although his importance was known to him very well. The charge sheet contained the following allegations against *Khālīd*, during his tenure as commander of the Muslim Army at *Qinnasreen* sector of Syria.

(a) A Roman commander launched an attack on the forces of *Khālīd* but failed and defeated by Muslim army. The contingent of the enemy army included local Arab Christians. After the defeat, they sent an excuse to *Khālīd* and begged for his forgiveness. He forgave them against Islamic military code. Those Christian Arabs

fought a severe battle against the Muslims and were defeated. In such a case they must be made prisoners of war and treated in accordance with the terms prescribed in the code. Their release out of favour or for ransom was the prerogative of the head of the state. When the news of *Khālid*'s act reached *'Umar* (RA), he charged him with accusation by saying, "*Khālid* has invested himself with authority."¹⁶

(b) After his successful campaign of *Qinnasreen* he in his leisurely mood entered a bath wherein he embrocated himself with liquid containing liquor. On the receipt of this news *'Umar* (RA) wrote to him: I have come to know that you had a massage with liquor whereas Allah has prohibited both its patent and latent qualities and its massage. Therefore don't have its massage on your body. *Khālid*'s explanation of the allegation did not satisfy *'Umar* (RA) who expressed his disapproval by remarking: The progeny of *Mughirah* are tempted to antipathy. Allah my not kill you on the same.

(c) On the completion of his conquest of *Qinnasreen* *Khālid* received a very large share of booty. Many people benefitted from his bestowal. *Al-Ash'ath bin Qays* was one of the beneficiaries to whom he gave ten thousand. It was reported to *'Umar* (RA), who sent him the following instructions: You shall not bestow upon a goat or a camel without my prior approval.

On the receipt of these instructions from the capital, *Khālid* instead of complying with replied: Either I may be left alone and allowed to act or you proceed with your action.¹⁷

With all this background *'Umar* ordered trial of *Khālid bin Walid* in an open court. He called for a messenger and handed over to him the following order addressed to *Abū 'Ubaydah bin al Jarrāh*, commander in chief of the Muslim army in Syria.

"Ask *Khālid* to stand up. Tie him with his turban. Remove cap from his head until he discloses to you the source wherefrom he bestowed the gift upon *Al Ash'ath*. Did he do it from his personal wealth or from the state property which he acquired as booty? If he maintains that he has given it to him from state property, it means he has confessed to his dishonesty. If he maintains that he has given it from personal property he has committed extravagance."

Abū 'Ubaydah summoned *Khālid* for appearance. The messenger of *'Umar* (*Bilal*) stood up and asked *Khālid* the question but he did not reply. So his turban and cap were removed and he was dismissed from his post of army general.¹⁸

'Umar (RA) was very careful in selecting the right man for the right job. He did not stop at selection; rather he would keep his officials under constant observation throughout their tenure of service. He stipulated the following for his officials: That he will not ride on Turkish horse, will not eat bread of starch, would not use superior cloth and would not close his doors for needy people.¹⁹

The things mentioned in the above stipulation of *'Umar* (RA) were considered a luxury during that era. It is reported that that when *'Umar* (RA) appointed an official, he used to tell him: "I am not imposing you on the blood of the people nor upon their bodies. I am appointing you so that you establish prayers among them distribute their due among them and resolve their disputes among them with justice."²⁰

He wrote to *Abū Musā Ash'arī*: "Give equal treatment to all the people in your court and in your presence so that the highborn shall not expect you to do injustice and

the weak shall not be afraid of your tyranny.”²¹

A man complained to ‘Umar (RA) bin al Khattāb that *Abū Musā Ash’arī* punished him with shaving his head after getting angry with him without any such punishable crime. ‘Umar wrote to *Abū Musā*:

“Peace be upon you, Mr. So and so informed me that you ordered his head to be shaven without any offence punishable with such punishment. If you have done it before people, so give him a chance to retaliate from you in public and if you have done it in privacy, give him opportunity to do that with you in privacy. The man brought the message and gave it to *Abū Musā*. The people took the matter seriously and asked the man to forgive *Abū Musā* but he said, “No, by God, I will never give up my right on the demand of people.”²²

When *Abū Musā* got ready for his retaliation, the man lifted his head towards the sky and said, “O, Allah, we praise you for the true *dīn* and justice and I make you a witness that I am forgiving him at my own will.”²³ He would not only stop advising the officials to fulfil their duty of providing justice to public, but would demand them to have direct contact with the masses. Therefore if he knew that any official does not visit the sick or does not allow the weak to visit him he would remove him from his post. In this respect he wrote to *Sa‘ad bin Abī Waqās*, the governor of Iraq:

“Visit the Muslim patients, go and participate in their funerals. Keep your door open, solve their problems yourself, indeed you are one of them except that Allah has charged you with more responsibility”.²⁴

He did not only use to give instructions but he also applied the same rules first of all on his own self, his family members, his government officials and then on general public. This was the reason that the common man was encouraged to speak out if he observed anything wrong.

It is said that ‘Umar (RA) received from Yemen, sheets of cloth. He distributed it among people each of whom received one length as his share. ‘Umar’s share was that of one Muslim. He tailored it, wore it. The next day he ascended the pulpit to give orders to the people for preparation of Jihad. A Muslim stood up and said, “We neither listen to you nor obey you.” “Why so?” asked ‘Umar (RA). He answered, “Because you have preferred yourself to us.” ‘Umar again asked, “In what way I have done so?” He replied, “When you distributed the Yemen lengths of cloth, each one received one and so you too. But one length would not make you a garment; we see you have tailored it into a whole shirt and you are a tall man too. If you had not taken more, you could not have made a shirt of it.” ‘Umar (RA) turned to his son ‘*Abdallah* and said, “‘*Abdallah!* Reply him”. He stood up and said, “When the commander of the faithful ‘Umar wished to tailor this length of cloth, it was not sufficient, so I gave him enough of my length to complete it for him.” The man said, “Now we listen and obey you”.²⁵

‘Umar used to hold an open court for the accountability of public servants every year during *Hajj* season. He used to inquire about the property of a person before appointing him to the post. He kept a check on him during his service tenure whether his assets increased. If they did increase, he would confiscate the additional property and used to say to them: “We appointed you as a public servant, not a businessman”²⁶

'Umar bin al Khattāb wrote to one of his governors a letter in which he required him to explain his position regarding the assets which came under his ownership after he became the governor of Bahrain. He replied justifying the ownership of those assets but 'Umar was not satisfied. He sent *Muḥammad bin Maslamah* to divide his assets in two and to confiscate one of the parts for depositing it in the public treasury.²⁷

According to another report he appointed 'Utbah bin Abū Sufyān over Ṭa'if and then dismissed him for some reason after some time. Once, after his dismissal he met him and found with him thirty thousand *dirhams*. He inquired about the money. 'Utbah said that he was going to buy an estate with it. But 'Umar (RA) confiscated the money and deposited it in public treasury.²⁸

Some of the examples of checking maladministration of government officials by 'Umar are as follow:

(a) There was a report that *Sa'ad bin Abī Waqqāṣ* had closed the door of his residence opening towards market place due to noise. 'Umar (RA) sent *Muḥammad bin Maslamah* to burn the door who went and did the same.

(b) He dismissed *Qudamah* from governorship of Bahrain and inflicted *Hadd* punishment on him for drinking.

(c) He changed the governors of *Kūfa* successively on complaints. *Ammār bin Yāsir* was removed because he had no necessary qualifications to be governor. *Abū Musā Ash'arī* was removed because his slave dealt in business and that he was a weak governor.

(d) When a person from Egypt complained to 'Umar (RA) that his governor was doing wrong things and was saying that he could not do anything. 'Umar sent for *'Ayād bin Ghanam* and gave him a flock of cattle to graze as his father used to graze cattle.

(e) When 'Umar (RA) asked *Abū Hurayrah* (RA), governor of *Bahrain* to explain about affluence of wealth with him while at the time of appointment he had no shoes even. He replied that the horses have procreated and gifts accumulated. Being not satisfied with the explanation 'Umar got the excess deposited in public treasury.

(f) An Egyptian came to *Madīnah* and complained to 'Umar about the oppression done by son of *'Amr bin al 'Āṣ*, governor of the area. 'Umar (RA) summoned both 'Amr and his son. He gave a lash to the Egyptian and asked him to beat the son. When he did, 'Umar asked him to beat the father too for it is because of father that he did the wrong. The Egyptian, however, did not beat him as he was satisfied with the punishment of his son. At this occasion 'Umar said to 'Amr: "When did you enslave the people while their mothers have born them free."²⁹

All the above stated examples and many others too, are a clear proof that 'Umar was a role model when it comes to the implementation of law in its real sense. That is why according to a report, the Prophet (PBUH) has termed him as the strictest in the matter of Allah (...وأشدّهم في أمر الله عمر...)³⁰

When *'Uthmān bin Affān* (RA) took over after 'Umar's martyrdom, he continued the policies of his predecessors. There is a common notion about 'Uthmān that he was very lenient but that may not be a whole truth. History says that he called to account the public servants whenever there was a need for that.

It is reported that *Sa'ad bin Abī Waqqāṣ* who was governor of *Kūfa*, borrowed some money from public treasury, of which *'Abdullāh bin Mas'ūd* was incharge. After some

time when *Ibn Mas'ūd* demanded of him to pay the due, he could not do that and wanted more time for payment. This issue grew into a dispute between the two companions. When 'Uthmān came to know about the issue, he, after investigation, removed *Sa'ad* from his post and appointed *Walīd bin 'Uqbah* in his place.³¹

It is reported by *Ṭabarī* that in the first letter of 'Uthmān to his officials he wrote:

Allah has commanded the leaders to be protectors and not tax-collectors. In the beginning of this *Ummah* protectors and not tax-collectors were prepared. It is possible that your leaders will become tax collectors and they will not be protectors. When that happens to be the case; modesty, honesty and loyalty will come to an end.³²

He also sent a letter to all provinces wherein he wrote:

I will call to account the governors every year in *Hajj* season. If there is any complaint against any official, I will hold an inquiry about it and will address the problem. I have come to know that some of the officials are teasing people without any reason. Let me tell you that since this responsibility has been assigned to me, I have made enjoining virtue and forbidding evil as my pre-occupation. People should know that if they have any complaint against me or my governors, they should mention it on the occasion of *Hajj* or should forgive it.³³

It is reported that *Walīd bin 'Uqbah* who has been appointed by 'Uthmān as governor of *Kūfa*, was dismissed by him because he had drunk. He was not deposed only but also punished with *Hadd* after investigation of the matter.³⁴

From the above discussion the fact become manifest that 'Uthmān like his predecessors did not hesitate from calling to account any officer of his government. He followed the pattern of *Abū Bakr* and 'Umar (May Allah be pleased with them) in this respect. We can therefore say that the essence of *Wilāyat al Maẓālim* i.e. accountability of the public servants did exist in the period of 'Uthmān in a more developed form because he based his conduct of affairs on the experiences of those before him.

The last of the four caliphs was 'Alī bin Abī Ṭālib (RA), about whom the Prophet (PBUH) has declared that he is the best in understanding legal matters (علي وأقضاهم علي)³⁵

He is called *Khalīfah-i-Rāshid* because he followed the footsteps of the Messenger of Allah like his predecessors. In his first address after election as *Khaīfah*, he said:

Allah has revealed the guiding book and explained in it all what is good and what is bad, so take what is good and leave what is evil. Fulfil your obligation towards Allah; He will lead you to Paradise. Indeed Allah has granted sanctity to *al Ḥaram* (Holy House of *Ka'bah*) but preferred the sanctity of a Muslim over it and encouraged sincerity and unity among Muslims. A Muslim is one from whose tongue and hands others are safe except if there is a legal justification. You are accountable even for the land and animals. Obey Allah and don't disobey him.³⁶

According to another report he addressed the people in the following words:

Allah has given me right over you that I should govern your affairs and you have a similar right against me as I have one. The affairs of public cannot go smooth until there is a competent government and the government cannot run efficiently unless the public is good. So when the public render back to its ruler his rights; and the ruler respects their rights, right will prevail among them, the ways of religion become established, signs of justice become fixed and the *Sunnah* gains currency,

thus the times become good.³⁷

The period of *Alī bin Abī Ṭālib* (RA), which was not more than five years, mostly passed in coping with the turmoil caused by the martyrdom of *‘Uthmān* and later clash between *M‘āwiyah bin Abī Sufyān*, the governor of Syria and the central government. There was no normalcy in the Islamic state. Most of the history reports are also about the problems which were created by that turmoil. Thus little can be found about the manner of accountability which was carried out by him in the matters of abuse of power or mal-administration by the government officials. However, one can easily have an idea from the above mentioned address of *Alī*, the type of accountability which was carried out by him. He used to have a check and balance over the conduct of his officials. In this regard the comment of *Māwardī* is worth noting.

“Among the four caliphs none of them particularly held a court for hearing cases of *Mazālim* as they were at the very beginning of the matter when *Dīn* has just appeared among them; among men who willingly allowed themselves to be guided to the truth and who desisted from evil deeds by mere admonition. Any disputes arising among them were confined to dubious matters, which judicial judgment explained to them. If a brutish Bedouin committed an act of injustice; admonition alone was sufficient to make him renounce it and rough treatment made him act correctly. The caliphs of the first four generation restricted themselves to settle disputes among people by way of judicial decisions that is by applying the yardstick of truth to these disputes. Aware as they were, of the people’s complete acceptance of the necessity of this truth.³⁸

Alī, however, at a time when consolidation of his imamate was delayed because of people’s interference and their headstrong and excessively individualistic political action found him obliged to make great effort to arrive at solution to obscure points of law. He was the first to pursue this path and achieved mastery in it, although he did not fix a session for looking into *Mazālim* cases as he did not need that.³⁹

Mandhar bin Jārūd was the governor of *Astakhar*. There were reports that he is in habit of hunting having leisure time and playing with dogs. *Alī* warned him and ultimately deposed him.⁴⁰

According to another report that *Alī* appointed *Ka‘ab bin Mālīk Anṣārī* as investigator for probing against the officials of *Iraq*.⁴¹

Once *Yazīd bin Qays*, an official, delayed sending tax money to the capital so *Alī* wrote to him:

You delayed sending tax money. I am not sure about the reason but I advise you to fear Allah. Don’t do a thing which would spoil your reward and will nullify your Jihad. Fear Allah and keep your soul pure of prohibited wealth. Don’t give me a chance to call you to account. Honour Muslims but don’t oppress non-Muslim citizens either. Whatever Allah has bestowed upon you make it a source of achieving success in the Hereafter and don’t forget this worldly life as well.⁴²

Once *Abdullāh bin Abbās* drew ten thousand *dirhams* from public treasury in *Baṣra*. When *Alī* demanded of him to return the same he refused. *Alī* after advising him returned the sum himself.⁴³

To another official *Naumān bin Ajlān*, who went away with the tax money of

Bahrain, Alī wrote:

Whoever does not fulfil his trust and does not save his soul and his *Dīn*, he , in fact, harms himself in this world and what is going to face him in the Hereafter is more bitter, more unfortunate and more sustained. Fear Allah as you come from a noble family. So give me a chance of thinking about you in positive terms. If the news which I have heard is correct, repent and don't compel me to change my opinion about you. Pay the money back.⁴⁴

The above discussion proves that all the *Khulafā-i-Rāshidīn* were more or less equal in the matter of accountability of the public servants. In fact they were called *Rāshidun* (Rightly Guided) because they followed the pattern which was taught to them by the Prophet (PBUH). They considered the public property and wealth as a sacred trust which they were supposed to protect. They did not allow their families and friends to misappropriate that wealth. They selected public servants on the basis of their capabilities and sincerity the collective welfare. After selection and appointment they did not allow them to enjoy life as they liked, rather they kept them under strict surveillance and corrected and punished them whenever it was needed. They did not forgive a person for his abuse of authority or corruption only because he was very influential or important. They observed equality in the matter of accountability. They always did justice which was in time and visible to all. They would not declare the investigative process against the public officials as a secret. Everything was open to all and transparent in line with the legal saying that, “Not only must Justice be done; it must also be seen to be done.” Consequently we can say the accountability in general and accountability of the public servants in particular did exist in this period in its best form although it was not given a particular name but its real spirit prevailed during the period perhaps in a manner which the history never saw after that.

Notes and References

¹ The Prophet's era here means ten years of the life of the Prophet Muhammad (S.A.W) as this was the period where he established a political and legal system in the form of the state of Madinah.

² Abū Bakr bin Hummām 'Abdurrazzāq al Ṣan'ānī, *Al Muṣannaḥ*, (Beirut: Al Maktab al Islāmī, 1970)vol.9, Ḥadīth No 18037, bāb: *Qawad al Nabiy min nafsihi*

³ Ibid Ḥadīth No 18039

⁴ Ibid Ḥadīth 18043

⁵ Abū Dāwūd, Sulaymān bin Ash'ath (d.275 A.H.) *Sunan-i-Abī Dawūd*, (Soft Copy)bāb: min al Qaḍā, Ḥadīth No 3152

⁶ Al Māwardī, Abū al Ḥasan Alī bin Muḥammad bin Ḥabīb al Baṣri al Baghdādī, *Al Ahkām al Suṭṭāniyyahwa al Wilāyāt al Diniyyah* trans. Asadullah Yate p.116, 117,(Cairo: Mustafā al Bābī al Ḥilabī wa Awlāduhu, 1973) Abū Ya'lā, Qādī Abū Muḥammad al-Ḥusayn al-Ḥanbalī, *al-Ahkām al-Sultāniyyah* , (Cairo, 1937)p.58

⁷ Dr Riaz Mahmood, *The Concept of Administrative Accountability in Islam*(Lahore: Maqbool Academy. (2001) p.82

⁸ Al Qur'ān 4:94

⁹ Dr. Riaz Mahmood, *The Concept of Administrative Accountability in Islam*, op.cit. p.83

¹⁰ Ibid. p.84

¹¹ Ibn Qayyim al Jawziyyah, *Al Ṭuruq al Ḥukmiyyah fī al Siyāsah al Shariyyah*, , ed. Hāmid Al Faqī (Beirut: Dārul kutub al 'Ilmiyyah, 1953) P.248

- ¹² Ḥassan Ibrāhīm Ḥassan, *Tārīkh al Islām al siyāsī wa al Dīnī wa al thaqāfī wa al Ijtimā'ī*, (Beirut: Dār Iḥyā al turāth al 'Arabī, , 1964) 1/205 and Muḥammad Ḥusayn Haykal, *Al Siddiq Abū Bak* (Egypt: Matba'ah Miṣr, Sharikah Musāhamah Miṣriyyah, 1958) pp.123-124
- ¹³ Ibid. p. 124.
- ¹⁴ Muḥammad Ḥussain Haykal, *Al Fārūq 'Umar* (Cairo: Sharikah Musāhamah Miṣriyyah, 1364 A.H.) 2/216
- ¹⁵ Ṭabarī, Imām Abū Ja'far Muḥammad bin Jarīr, *Tārīkh al Umam wal Mulūk*, (Cairo: Matba'ah al Istiqāmah, 1939) . 2/274
- ¹⁶ Ibid. 2/491
- ¹⁷ Ibid. 2/491
- ¹⁸ Muhammad Yousaf Guraya, *Judicial System Under the Prophet and the First Two Pious Caliphs*. (Lahore: Anjuman-e-Himayat-e-Islam,. 1982) pp. 284, 285
- ¹⁹ Dr Riaz Mahmood, *The Concept of Administrative Accountability in Islam*, op.cit. p. 95,
- ²⁰ Ṭabarī, *Tārīkh al Umam wa al Mulūk*, op.cit. 3/273, , Dr. Sulaymān Muḥammad Al Tamāwī, *'Umar bin al Khattāb wa Usūl al Siyāsah wa al Idārah al Hadithah* (Beirut: Dār al Fikr al Arabī, 1976)p.277
- ²¹ Muhammad Yousaf Guraya, *Judicial System under the Prophet and First Two Pious Caliphs*, op.cit. p 327
- ²² Dr. Aḥmad Shalabī, *Mawsū'at al Nuḥum wa al ḥaḍārah al Islāmiyyah* (Cairo: Maktabah al Naḥḍah al Miṣriyyah, 1981) 8/239
- ²³ Ibid. 8/239
- ²⁴ Al Tamāwī, Dr. Sulaiman Muhammad *'Umar bin al Khattāb wa Uṣūl al Siyāsah wa al Idārah al Hadithah*. (Beirut: Dar al Fikr al Arabi, 1976). p.277
- ²⁵ Muḥammad Ali ṬabāṬabā, *Al Fakhri*, , trans. C.E.J. Whitting, (London: Luizac & Co. 1947) p.25
- ²⁶ Muḥammad Ḥusayn Haykal, *Al Fārooq 'Umar*, op.cit. p.223
- ²⁷ Ibn 'Abd Rabbīhi, *Al Aqd al farīd*, ed. M. Sa'īd al 'Irbān, (Beirut: Dār al Fikr, n.d) 1/35
- ²⁸ Ibid. p.37
- ²⁹ M. Ḥussayn Haykal, *Al Fārūq 'Umar*, op.cit. p.283
- ³⁰ Tirmidhī, Abū 'Isā Muḥammad bin 'Isā bin Sawrah, *Al Jāmi' al Ṣaḥīḥ* (Soft Copy) Kitāb: al Manāqib, bāb: manāqib Mu'ādh bin Jabal wa Zayd bin Thābit wa Ka'b, Ḥadīth No 3723
- ³¹ Ṭabarī, *Tārīkh al Umam wal Mulūk*, op.cit. 3/311 Ibn Athīr, Izz al Dīn Abu al Ḥasan Ali 'Abd al Wāḥid al Shaybānī, *Al Kāmil fī al Tārīkh*, (Beirut: Dār Ṣādir, 1965)2/456
- ³² Ṭabarī, *Tārīkh al Umam wal Mulūk*, op.cit. 3/306
- ³³ Ibid 3/380
- ³⁴ Ibid p. 318
- ³⁵ *Tirmidhī*, Kitāb al Manāqib bāb: manāqib Mu'ādh bin Jabal wa Zayd bin Thābit wa Ka'ab, Ḥadīth No 3723
- ³⁶ Ṭabarī, *Tārīkh al Umam wa al Mulūk*, op.cit. 3/456, Ibn Athīr, *Al Kāmil fī al Tārīkh*, op.cit. 2/557
- ³⁷ Al Sharīf Al Radī, *Nahj al Balāghah*, , trans. Sy. Ali Raza, (Tehran: World Organisation for Islamic Services, 1980) p.467
- ³⁸ Māwardī, *Al Ahkām al Sultāniyyah*, , trans. Asadullah Yate op.cit. p. 117
- ³⁹ Jurjī Zaidān, *Tārīkh al Tamaddun al Islāmī*, (Egypt: Matba'ah al Hilāl, 1902)1/ 187
- ⁴⁰ Yaqūbī, 2/240 as quoted by, Shah Mueenuddīn Aḥmad Nadawī, *Tārīkh-i-Islām*, , (India: Ma'ārīf Press, Azam Garh, 1939) 1/354
- ⁴¹ *Kitāb al Kharāj*, p. 9, as stated by Nadawī, Shah Mueenuddin Aḥmad. *Tārīkh-i-Islām*, (Inida: Ma'ārīf Press, Azam Garh, 1939) p.355
- ⁴² Yaqūbī, 2/237 as stated by Nadawī, *Tārīkh-i-Islām* op.cit. p.356
- ⁴³ Ibid p. 356
- ⁴⁴ Ibid. p.356