Islamic Political Thought: Reviving a Rationalist Tradition

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Islamic Political Thought: Reviving a Rationalist Tradition

A Dissertation
Presented to
the Faculty of the Josef Korbel School of International Studies
University of Denver

In Partial Fulfillment
of the Requirements for the Degree of
Doctor of Philosophy

by
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June 2013
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Abstract

This work develops the foundations of an Islamic argument for secular, liberal democracy from within the Islamic discursive tradition. First, it challenges the presentation of contemporary Islamic political thought as a unified, continuous development of the classical canon by showing the influence of the now marginalized medieval rationalists in the development of Islamic political thought. The classical rationalist concern with divine justice forced the founders of Sunni orthodoxy to state their epistemologies and their positions on ethical ontology. The orthodox positions, and their related methods of legal-juristic reasoning, are shown to be incapable of accommodating the modern Islamic positions on political representation, slavery, and just war. This leads to the second argument of the work, that the modern Islamic discourse is better understood as a reflection of the central concern with justice and its rationalist epistemology and ethical ontology we find in the writings of classical rationalists. This argument is made by examining the works of three classical rationalists, a theologian, a philosopher, and a historian. Their political positions, shaped by their rationalism and concern with justice, challenged their orthodox contemporaries, and provide substantive critiques of the classical political accommodations, methods of politico-legal reasoning, and hence, of modern Islamist political projects. The final chapter reveals how far the
mainstream of Islamic political thought has deviated from the classical discourses, since the 19th century, by adopting the language and ideals of the European Enlightenment. This shift is presented as a triumph of classical rationalism over literalism, whose epistemological foundations and ontological implications have yet to be acknowledged and appreciated.
Acknowledgements

I will be forever grateful for the friendship and support of Professor Alan Gilbert. His encouragement and guidance were invaluable. I am likewise grateful to Professor Carl Pletsch for all his support and detailed feedback. It was always a delight to discuss the work with Professor Haider Khan, whose breadth of knowledge was continually surprising. I am also grateful for Professors Randall Kuhn and Frederique Chevillot for their challenging questions and help. I benefited immensely from the support and patience of my friends and family on two continents, whose discussions with me about the work helped shape the argument and emphasize its timeliness and relevance. Finally, I am above all thankful to my partner, Mila, who was my rock during the whole process.
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Chapter 1: Introduction

Introduction and Aim of the Dissertation

In 1986, the Egyptian author Farag Fouda published a short book entitled _Al-Haqiqa Al-Gha'iba, or The Absent Truth_. The book, whose title was a provocative play on the title of a polemical work popular with Islamic militants, challenged the Islamic fundamentalist groups who were calling for the application of Islamic law, the _shari`ah_. Fouda challenged the common Arab and Muslim imaginary of a glorious past, frequently contrasted with a miserable and oppressive present. In that romanticized past, Muslims supposedly lived under just and pious rulers who abided by the tenets of the Islamic religion. Instead of a past filled with justice and piety, Fouda revealed a history laden with tyranny and apostasy. To his contemporaries who argued that an 'Islamic state' - defined as one which implemented and followed the _shari`ah_ - would return the

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1 _Al-Farida Al-Gha'iba, or The Absent Obligation_, was a polemical work that called on Muslims to take up their 'neglected' duty of jihad against non-Muslims and apostate Muslims. The book appeared in the 1970s. Its author, Abdel-Salam Farag, was executed by the Egyptian state for his role in the assassination of president Sadat.

2 The _shari`ah_ refers to the legal body of knowledge derived from the Quran and the _Sunna_ (the record of the life and sayings of the Prophet). The _Shari`ah_ encompasses both penal and regulatory laws, from punishments for theft and adultery, to regulating marriage and inheritance. The medieval jurists expanded the _shari`ah_ to cover cases that were not specified in the scriptures through a complex process of analogy, and by interpreting the general objectives of the divine revelation as they understood them. The _shari`ah_ is self-referential, and values the opinions of earlier, highly regarded jurists, whose opinions continue to set the parameters of orthodoxy.
Muslims to the justice of the past, Fouda had a powerful counter. He showed that even during the heyday of Islamic triumph, when Islamic law was applied by the companions of the Prophet, justice still proved elusive. To paraphrase his words: justice does not reign with the virtue of the leader, the virtue of the population, or the application of Islamic law; justice exists when there is a system of government, meaning the set of regulations which hold the ruler accountable when he errs, check him when he transgresses, and remove him when needed (Fouda 1986). Fouda's book caused a stir among fundamentalists, and the furor over the body of his work led to his assassination in 1992 by Al-Gama’a Al-Islamiya militants.

Unlike other contemporaneous works which were deemed insulting to Islam, Fouda's work should not have been controversial. He had not maligned the Prophet or his companions, nor had he challenged the sanctity of the revelation. He sourced his material from the orthodox and canonical works of Islamic history. The tales of tyranny, apostasy, and decadent caliphal courts had been read countless times by students, jurists, religious scholars, and historians. His call for the rule of law and democratic accountability was similarly uncontentious. Such calls were being voiced by liberal and Islamist activists alike. And yet his little book caused such controversy that he was deemed an offensive apostate.

What Fouda had challenged was more than a romanticized version of history. Fouda had undermined a fundamental premise of political Islam. All Islamic political groups and activists, moderate and militant, traditionalist and modern, base their political project on two premises, one religious and one putatively empirical. First, they argue, Muslims should live by the shari`ah, because the shari`ah is commanded by God.
It is the divine will encoded in laws worked out over the centuries by Muslim scholars following the Quranic and Prophetic tenets. The second is based on the appeal to a romanticized past, when Muslims were at the center of a glorious, advanced, powerful, and prosperous civilization. The latter argument is based on the faulty causal inference that since Muslims in the past who lived by the shari`ah lived in just, and hence prosperous and powerful states, living by the shari`ah in the present will likewise bring about justice. Together, the two premises are the foundations of political proselytizing by Islamic groups. The two premises, are, of course, related and mutually-supportive: to enact the commandments of God is to enact His perfect will which is intended for the good life of His creation. As will be seen in the following chapters, this argument is one that recurs throughout Islamic history. What Fouda had challenged, then, was not an idealized history, but the very core of the Islamic political project. Fouda's crime was to cast doubt on the supposed truism that the shari`ah would lead to justice.

The relation of shari'ah to justice is the central concern of this dissertation. It is an attempt, in a manner, to test the fundamentalists' hypothesis, that the shari`ah is sufficient for creating political justice. Such a 'hypothesis' might appear inconsequential to the non-Muslim or non-religious Muslim reader. However, to take such a question seriously is to engage with Muslims who believe that political Islam, in any of its modern manifestations, will in fact bring about political justice - the belief that the shari`ah can serve as the legal and political basis for governing a modern state. This belief lies at the heart of the legitimacy of Islamist political parties. This is not to deny that Islamist political parties have benefited from the oppression of secular, leftist groups during decades of dictatorship, or to deny the Islamists' organizational skills, the
effectiveness of their appeals to identity, or the reach of their charity networks. Nevertheless, the political project of bringing 'Islam' to government has resonated with Muslim societies.

This dissertation will problematize the relationship between shari`ah and justice from within the Islamic tradition. It is aimed at, in part, a Muslim public that is in the process of formulating a new, moderate political voice that calls for democracy and political freedom, while attempting to reconcile these modern conceptions of political justice with their classical legacy and Muslim identity. It will make the case for a rationalist approach to the interpretation of revelation, an approach that can fully contend with the modern conception of justice that challenges the classical legacy in relation to human rights, particularly including women's rights, the nature of government, and the immutability of the shari`ah. The argument it makes is twofold. The first argument will contend that the shari`ah, as it stands and without fundamental reform, will not bring justice, and in fact may bring about the political tyranny of whatever group or institution is afforded the role of interpreter of the shari`ah. Second, it will argue for a new, democratic approach to establishing the role of religion in politics by building on a rationalist re-interpretation of the revelation and the shari`ah in light of modern Muslim conceptions of justice.

The first argument will recapture the insights of classical rationalists who developed internal critiques, from within Islam and as committed Muslims, of the orthodox conception of the political. The classical rationalist critique of orthodoxy will uncover the archaic epistemological and ontological assumptions that underlie classical,
and hence modern, Sunni orthodoxy. This will also challenge the arguments set forth by contemporary fundamentalists against the classical rationalists as being outside the fold of orthodoxy. The following three chapters will reveal how the classical rationalist conceptions of justice, the divine, and the nature of humanity and human freedom are far closer to modern Muslim conceptions. More importantly, the classical rationalist critique of orthodoxy will show how the shari`ah, developed through a mix of literalism and pragmatic, accommodative change, is far from the unified, coherent, and thus sanctified whole that the modern fundamentalists aver it is. Reclaiming the history of Islamic rationalist thought will allow us to uncover the bases of the failure of the shari`ah to bring about justice.

The second argument builds on the first. Challenging the orthodox monopoly on the interpretation of the religion and the definition of the shari`ah opens up space for the possibility of a progressive Muslim politics. Throughout this work, and concluding in the final chapter, the argument will be made for a rationalist approach to the interpretation of revelation that takes full account of the evolution of our ideals of justice. This will proceed in tandem with an exposition of the limitations of applying traditionalist/literalist forms of legal-juristic reasoning to political questions. A rationalist approach, it will be shown, is fully capable of accounting for change in central Muslim conceptions of justice, whereas the traditionalist/literalist position is forced into anachronism and contradiction. The work will conclude with a brief outline of a rationalist Muslim political theory that places the priority in political life on justice over

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3 The set of religio-legal discourses that are grouped under the title of Sunni Islam are the dominant expression of Islam throughout the world.
the text, which is, as will be argued throughout this work, the central insight of the classical rationalists and the contemporary position of the vast majority of Muslims.

Justice, Reason, and Discursive Tradition

The choice to engage with the contemporary debate in political Islamic thought by examining the classical tradition of rationalism might appear circuitous. The choice is necessitated, in part, by the nature of Islam. This work approaches Islam as a discursive tradition, based on the conceptualization developed by the anthropologist Talal Asad (Asad 1986). According to Asad, a tradition “consists essentially of a set of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history” (Asad 1986, 14).

Elaborating on Asad’s conception, Anjum (2007) describes the Islamic discursive tradition as characterized by its own rationality or styles of reasoning — couched in its texts, history, and institutions. This is not to say that there is some rationality, logic, or philosophy essentially Islamic and thus impenetrable to the outsiders, but that certain theoretical considerations and premises emanating from the content and form of the foundational discourses (the content and context of the scriptures, the historical experience of Islam in its formative years, etc.) come to characterize the tradition, and so anyone wishing to argue within the Islamic tradition, must start with them, even if only to argue against them. (Anjum 2007, 662)

Asad does not deny the insights collected by Hobsbawm and Ranger (1983). As an anthropologist, he is engaged in a different project: “The claim that contemporary ideas and social arrangements are really ancient when they are not is in itself no more significant than the pretense that new ones have been introduced when actually they have not. Lying to oneself, as well as to others, about the relationship of the present to the past is as banal in modern societies as it is in societies that anthropologists typically study. The important point is simply that all instituted practices are oriented to a conception of the past.” (Asad 1986, 15)
This does not deny that Islam is open to external influence, whether by material or
discursive factors, but to acknowledge that new ideas must contend with an Islamic
justification from within the discursive tradition. To engage with debates in Islamic
thought in a manner that is relevant to the participants in that debate is to acknowledge its
central concerns, forms of argumentation, and the validity of its forms of knowledge.
This approach to Islamic thought echoes the work of Hashemi (2009), who has noted the
significance of the religious justifications offered by the founders of liberal thought in
early modern Europe. According to Hashemi, in societies where the primary marker of
identity is religious, liberal democracy will have to pass through the gates of religious
argument. This work is an effort to engage with that process by developing an internal
criticism from within the contemporary discourse.

In order to develop an internal criticism of contemporary Islamic political
thought, this work will exploit the largely unacknowledged transformations in the Islamic
understanding of justice since the 19th century. Following closer contact with modern
Europe in the 19th century, a new conception of justice appeared in mainstream, Sunni
Islamic discourse that formed a clear discontinuity with the classical literature. Islamic
arguments appeared that accepted, tacitly and silently, the European Enlightenment ideals
of justice. The new discourses made the case for the abolition of slavery, rejected
offensive war, and argued for the need for new laws that would regulate the relationship
between the ruler and the ruled. The final chapter will comment on this process in more
detail. At this point, suffice it to acknowledge that the new Islamic literature incorporated
European Enlightenment ideals by providing them with Islamic justifications. The
abolition of slavery was presented as a teleological intention of the revelation. History
was reinterpreted to justify the early Islamic conquests as wars intended to liberate the long-suffering subjects of oppressive empires. Constitutional, representative democracy was provided with an Islamic pedigree.

These glaring anachronisms in the religious literature that appeared in the 19th century continue to inform mainstream religious discourse today, including the writings of notable jurists and the literature produced by groups like the Muslim Brotherhood, as the final chapter will recount in more detail. This does not deny the variation in the contemporary discourse. Extremist, puritan calls continue to be made for a return to the classical position on any of these issues. In fact, the weak discursive foundations of moderate Islam that are based on anachronism are continually open to attack by the extremists, forming a continuous pull on the debate in the direction of conservatism and reaction.

This work will contribute to developing a solid foundation for the moderate Islamic conception of justice by rejecting anachronism and historical obfuscation through the revival the tradition of critical, rationalist thought. Chapter 2 will develop the contours of a rationally conceived notion of justice and define its relationship to the revelation. Such a notion of justice, it will be shown, will be better able to tackle the evolution of our ideals without resorting to anachronism and contradiction, providing a conception of justice that can proclaim the evil of slavery in a manner that the contemporary Sunni legal reasoning cannot. Chapters 3 and 4 will examine how rationalist Muslim thinkers recognized and articulated the insufficiency of the *shari`ah* for regulating the relation between the ruler and the ruled, and were able to develop the basis of an Islamic call for secular laws (laws developed outside the *shari`ah*) to govern
that relationship. Throughout these chapters, the foundations of contemporary Sunni thought will be shown to fail in providing the discursive ground upon which the modern conception of justice is supposedly built. The final chapter will bring the insights of the classical rationalists to bear on the contemporary debate in a manner that uncovers the weakness of the Sunni apologetics and offers the outline of an Islamic argument for secular, liberal democracy.

The entry points into the contemporary debates that this work has chosen, therefore, are justice and reason. Justice is the central theme of Islamic political thought. As Filali Ansari (2005) notes, justice is to the Islamic political tradition what liberty is to the Western tradition. The earliest commentator to write on modern Europe for a Muslim audience, the Egyptian cleric Rifa'a al-Tahtawi, similarly observed that what the French mean by liberty, the Muslims mean by justice: the protection of the subject from the tyranny of the ruler (1831).

The other entry point is reason. The relation of reason to revelation has been at the heart of Islamic thought from the very beginning of Islam's written record. And as will be seen in the following chapters, the debate over the role and extent of reason in religion was laden with political significance in Islam, and continues to be part of the political debate today.

This is the result, in part, of the Quran's dual calls to humanity for both rational reflection on God's creation as well as submission to God. In Islam's historical tradition, different groups have privileged different aspects of this duality, oftentimes as part of political struggles. For those who privileged the calls to submission, the Quran tended to be taken literally, with reason denigrated to a supporting role. The traditions of
the Prophet and his companions during the foundational era of Islam, as well as the works of notable jurists, came to take the position of authoritative truth. For those who took the privileged the call for rational reflection, the argument was that revelation appealed to reason, and therefore reason must be prior to revelation. As such, revelation cannot contradict reason or observed reality. Reason therefore has the final authority in interpreting the text of the revelation regardless of the interpretations of the predecessors.

As the following chapters will show, the political debate in Islam may be largely written as a debate between these two approaches. And although the Sunni traditionalist/literalist schools of thought had established discursive hegemony by the 11th century CE (as will be recounted in the following pages), the rationalist challenge continued throughout Islamic history. In fact, it was the rationalist challenge that compelled Sunni scholars to develop and assert their own ontological and epistemological positions. Because of the entanglement of rationalist critique with the development of Sunni orthodoxy, to examine the rationalist critique is to uncover the very genealogy of Sunni Islam itself, revealing in the process its archaic assumptions about human nature, the divine, and justice. The critiques of the classical rationalists, and their notions of political justice, it will be argued, are far closer to the concerns of the vast majority of contemporary Muslims.

More importantly, the political projects of different schools of thought may be mapped onto their epistemological approaches. The classical rationalists, as will be seen in the following chapters, took the verses that point to God's justice as license to develop rationally conceived notions of justice through which they attempted to contextualize the revelation. Politically, classical rationalists tended to be reformers. In
opposition to the rationalists is the mainstream of Sunni Islam. Sunni orthodoxy privileged the literal application of the revelation, as well as the traditionalist emulation of the previous generations, especially the generation of the Prophet's companions. The role of independent reason was generally restricted to the cases where literalism, for lack of records or change of context, was no longer sufficient. Politically, Sunni Islam reflected this conservative pragmatism. At the extreme of Sunni Islam are the 'puritans', the self-identified Salafists (those who follow the salaf, the pious predecessor). Salafists are defined by strict literalism and the extreme restriction of the role of reason in the production of religious knowledge.

Contemporary political Islam may similarly be mapped onto an epistemological continuum. At one extreme are the contemporary Salafists, those who continue to privilege literalism and the discourses of the classical literalists. The Salafist political project reflects their general approach to religion. Literalism means the application of the shari`ah as it stood by the 10th/11th century. Politically, this is to be achieved by implementing the shari`ah through the legal mechanisms of the state. Most militants will self-identify as Salafists, although Salafists may also be politically quietist. Contemporary Salafism cultivates a world-view developed from the classical Salafist discourses, reviving its medieval conceptions of government and war, as well as its sectarian prejudices. Al-Gama’a al-Islamiya, the assassins of Fouda, were militant Salafists.
The majority of Sunni Muslims are not Salafists. The majority of Sunni Muslims accept a wider range of classical discourses and jurists than the Salafists. This is reflected in the political expressions of some Sunni Islamist groups. In the Middle East the Muslim Brotherhood represents the most influential representative of mainstream Sunni Islam. Like the Salafists, the Muslim Brotherhood's political project, as expressed in their literature (Chapter 5) aims to bring the state and society under the guidance of the shari‘ah. But unlike the Salafists, the Muslim Brotherhood's conservatism is ameliorated by pragmatism, allowing reason to play an independent role in cases where the classical legacy is insufficient. Their interpretation of shari‘ah tends to be more tolerant of change.

We may clarify the influence of the classical discourses on these two general approaches to government by comparing the political writings of two representative Islamist authors. Writing from a Salafist perspective, Tu‘aymeh (2005), develops a theory of the modern state based on the political writings of the classical jurists. Tu‘aymeh uses the writings of the Sunni ‘ulama’ of the classical period on the caliphate to develop a blue print for the structures of a modern Islamic state. The anachronistic nature of the debate among the Sunni scholars, who were themselves keenly aware of their own contexts and innovated within it, is neglected. Based on the classical theory of the caliphate, Tu‘aymah argues that the modern Muslim state must be ruled by a single male, who rules for life. A consultative body without the ability to legislate would replace parliaments, since the early Muslim rulers consulted others but were themselves the legislators. The ruler cannot be removed unless it is shown that he

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5 Most Sunnis would not object to the label 'salafist' as denoting reverence of the pious predecessors. Salafism as understood here, however, refers to the social and political movements that share an epistemological approach that is literalist and anti-rationalist.
has apostatized or has become unfit to rule through bodily handicap. But since schism and chaos are worse than tyranny, revolution and disobedience are forbidden (unless the ruler commands what is against the religious law).

In contrast to Tu’awymeh is Yusef al-Qaradawi. Al-Qaradawi is a popular Islamic scholar and preacher, with a wide reach through his show *Shari’a and Life* on Al-Jazeera satellite network. He is close to the Muslim Brotherhood, and is a member of the Association of Senior Scholars at al-Azhar. In 1996 he published his *Of the Jurisprudence of the State In Islam*. His vision for the Islamic state is a democratic one, where political parties contest elections in a constitutional democracy, rulers are held accountable to their populations, human rights are respected, and political power is periodically contested. There is no need to return to a caliphal form of rule in Qaradawi’s vision, because democracy has been reconciled with Islam (Chapter 5). Instead, a constitutional republican government, with parliamentary contests, would replace the caliphal government. Legal codes would be subject to the *shari’a*, however. Where there is consensus among scholars on the commandments of the *shari`ah*, the laws would conform. Reflecting Sunni pragmatism (as opposed to Salafist rigidity), Qaradawi allows unsettled aspects of the *shari’a* which require interpretation to meet with the demands of the modern world to be subject to political contestation. Political parties, however, would be subject to review by a body of Islamic scholars who would ensure that their agendas do not conflict with the principles of Islam. (Qaradawi 1996).

Writing in 1996, Qaradawi’s vision of Islamic democracy was a Sunni version of the constitution of the Islamic Republic of Iran. The delimitation of political life by Qaradawi to the principles of Islam as interpreted by a body of Islamic scholars
would reproduce the Guardian Council of Iran. The council that Qaradawi envisions would have the authority to test and determine the Islamic qualifications of parties and persons who wish to contest elections, and would create an oligarchy of Islamic scholars who would censor of the political life of the population.

Following the revolutions of 2011 in the Middle East, Qaradawi appears to have changed his position on the 'guardian council' in favor of free, open democratic contestation. However, the Muslim Brotherhood, now in power in Egypt, passed a constitution in late 2012 that had added language that refers all laws to the rulings of the shari`ah, with the authority of interpreting the shari`ah allotted to al-Azhar (Al-Azhar is the highest institution of Islamic learning in Sunni Islam). Should a conservative group capture the traditionally moderate al-Azhar, the new language in the constitution has created the potential for an extremist interpretation of the religion to be forced on the state and society.

Tu`aymeh and Qaradawi do not represent the full spectrum of the opinions of Muslims on government or the role of religion in political life. Their opinions, however, are representative of most organized Islamic political movements. Following the revolutions of 2011, even some Salafist groups, including the terrorist al-Gama`a al-Islamiya in Egypt, have consented to electoral contestation. This is a reaction to the lessons of the Arab Spring, which have shown that Arabs and Muslims have opted, overwhelmingly, for democracy, and would not tolerate a dictatorship, even in the name of religion. It is the shape of that democracy, however, that will be contested. This work is an effort to contribute to the efforts of those inside and outside the region who are making the case for a liberal democracy free of the custody of the men of religion. The
examples of Tu`aymeh and Qaradawi, both popular and highly regarded preachers, reveals that the forces on the side of illiberal democracy have the perceptions of tradition, authenticity, and religious authority.

This work aims to strengthen the foundations of liberal democratic thought from within the Islamic tradition by undermining the self-proclaimed certainty and continuity with the past that authors like Tu`aymeh and Qaradawi, and their political allies, claim for themselves. The key to the legitimacy of the political arguments of Tu`aymeh and Qaradawi is the perception that their work follows the methods of religious legal reasoning. This perception is strengthened by association with the writings of the seminal figures of classical Sunni Islam whose writings are presented as a coherent, unified whole. This work will challenge this perception by uncovering the discursive processes that transformed Islamic political thought throughout its long history. Instead of the perception of a unified whole, the methodology of Tu’aymeh and Qaradawi will be shown to be little more than an incoherent mining of the varied, contradictory discourses of classical Islam in pursuit of a pre-established political vision.

To that end, this work will focus on four moments in the development of political thought in Islam by placing the classical, seminal figures of Sunni Islam in debate with their rationalist contemporaries. This work will examine the early development of the theological foundations of the theory of the caliphate (Chapters 1 and 2) as part of the shari`ah in the debates between the founders of Sunni orthodoxy and their rationalist opponents among the speculative theologians. This will be followed by an examination of the challenge presented by the Muslim philosophers (Chapter 3) during the era of the weakness of the traditional caliphates and the rise of accommodationist Sunni
political thought. The following chapter (Chapter 4) compares the reaction of a rationalist historian to that of one of the founders of Salafist Islam to the decline of the traditional caliphates (and the gradual elimination of the theory of the caliphate from the religious law). The final chapter (Chapter 5) examines the transformation of Islamic political literature in the Middle East since the 19th century in reaction to modern European political thought. As these four moments will show, Islamic political thought is far from the coherent, unified whole which authors like Tu‘aymeh and Qaradawi present it. More importantly, the record of the rationalist critiques during these four moments will reveal the continued failure of mainstream religious discourse, inhibited as it is by literalist/traditionalist religious reasoning, to offer a political theory of justice, especially when compared with the political projects of the rationalists. This work is a call to revive the rationalist tradition in Islamic thought in the hopes that it will contribute to new forms of religious reasoning and expand the discursive tools available to Muslim reformers.

**Literature Review and Brief Historical Introduction**

The literature review presented in this chapter will focus on the contours of academic research in English on Islamic political thought. A more detailed literature review will follow in each chapter. The aim of the review at this point is to establish the contours of the political debate in Islam as it appears in academic literature, and present the place of this study in regards to existing English-language academic studies. This will be followed by a brief historical introduction of the rise of Islam and the events of its
foundational era. Acquaintance with the political events of the foundational era is necessary for understanding the points of reference of Islamic political discourse.

Few studies on classical Islamic political thought have been published in English. Of those published, there is a tendency to focus on the political tracts of the most famous figures of the period (Crone 2004, Black 2001). This approach tends to privilege the political writings that are dedicated to discussing the issue of leadership, or the ‘theory of the caliphate’ (Rosenthal 1958). Crone, a leading scholar publishing in English on classical Islamic political thought, has written a long survey of the topic, along with other studies on the thought of the Mu’tazila theologians (Crone 2000, 2004). She describes the political debates of early Islam as a “protracted controversy over the nature and function of the leadership of the umma [Muslim Community], that is the imamate” (Crone 2004, 16). As a historian, Crone focuses on political tracts debating the nature of the leadership of the Muslim community. But as will be shown in the next chapter, it is the theological debates the Mu’tazila held with their interlocutors that were laden with political significance and innovation during the time they wrote.

Debates over the nature of the caliphate are an essential element of the political discourse of classical Islam, but they do not represent the full account of political thought in the classical period. Interestingly, the writings on the theory of the caliphate are also privileged by contemporary Muslim fundamentalists, for reasons which will be explored below. The goal of this dissertation is to join a growing trend over the
last decade that investigates the political aspects of a wider range of Islamic texts beyond the narrow issue of leadership.\textsuperscript{6}

Crone (2004) does provide us with a useful temporal division for studying the political writings of Islamic thinkers. The first era starts from the wars of succession following the Prophet’s death, and lasts till the end of the 9\textsuperscript{th} century CE. The second era lasts till the 14\textsuperscript{th} century CE, and is characterized by the demise of the power of the Arab ruling elite in favor of the rising secular authority of Turkish (and other) mercenaries and slaves. The division is not exact, but it is helpful in reviewing the nature and the development in the writings of Muslim thinkers on politics in the classical period.

In the first era, political debate was generally the domain of theologians. In this period the debate centered around the events of the schism and the legitimacy of existing caliphs, as will be briefly discussed in the next section. Crone (2004) notes that the central theme in this period was how to avoid tyranny. Some Muslims held that the best guarantee against tyranny was to reject a permanent position of religious or secular authority (Watt 2009). Most Muslims, however, would come to accept the need for the position. For most Muslims it was not the position of caliph that resulted in tyranny, but the nature of the person occupying it. The early Muslims (and many Sunni Muslims today) could point to the justice and wisdom of the earliest caliphs, caliphs such as `Umar Ibn Al-Khattab, to argue that once the proper person occupied the position, justice will prevail. Political debate therefore centered on procedural concerns, and on the qualifications of the person who might become caliph: should he be the most qualified

\textsuperscript{6} See Kuran (2010) on the historically regressive consequences of the progressive aspects of Islamic contractual law. See also Anjum’s (2008) excellent PhD dissertation on the political dimensions of the legal debates.
(al-afdāl) or is it possible to accept someone who is preferable (mafdūl) to the best for realist considerations? What were the legitimate methods of nominating him, and the conditions under which a caliph could be resisted or removed? Interesting innovations and answers were produced during this period.

The position of the caliph, as head of the religious community, also came to take on spiritual significance beyond the role of leader of the Muslims. Pre-Islamic and non-Arab messianic ideas existed among the conquered peoples of the Middle East. These messianic ideas entered into Islamic discourse over the next few centuries, centering around the line of descendents of the Prophet. While early, or ‘proto’-Shiites generally tended to reject the caliphs themselves, they held strongly to the belief in the need for a person at the helm of the community, an Imam, divinely guided and sanctioned, from the bloodline of the Prophet to rule on Earth. Messianic beliefs may have appealed disproportionately to disaffected Muslims. (Watt 2009)

By the end of the 10th century CE, Muslim caliphs came to depend increasingly on the strength of outside mercenaries and slaves, who would eventually become the de facto rulers of the Muslim lands till the arrival of the Mongols in the 13th century CE (and the ascendancy of the Ottomans in the 15/16th centuries CE). Muslim writers now came to hold that tyranny was inevitable (Crone 2004). The actual position of the caliph receded in power and authority, as the Turkish slave class and chiefs of Turkish tribes gained secular power. The Turkish rulers generally kept the position of the caliph as a nominal one, but held the caliphs in positions of perpetual weakness. The Turkish rulers took secular titles to reflect their power such as sultan, prince, and king, and forced the caliphs to recognize their legitimacy. Theologians continued to write about
politics, but as Crone points out, many of the writings by theologians reflect a belief in
the inevitability of tyranny.

Prior to the Turkish ascendancy, and lasting through it, a new type of
literature with a political theme flourished. Courtiers produced writings generally referred
to in English as the “Mirrors for Princes,” writings in the form of testaments and advice
(Rosenthal 1958, 67). Their sources were not limited to Islam but included Indian,
Persian, and Greek history and literature (Crone 2004). The *Mirrors* contained advice on
a range of aspects of princely life, from methods of ruling to court ceremony. Nizam al-
Mulk, a Seljuk vizier of the 11th century CE, wrote the *Siyasat Nama*, or Book of
Government. In it he asserted that the “Muslim sovereign must have physical beauty,
good character, courage, warlike qualities, a taste for the arts and sciences” (Rosenthal
1958, 82). He advised rulers to obey God’s commands, rule justly, and be charitable. He
also advised on the need for a network of spies to observe his subordinates (Rosenthal
1958). The *Mirrors* reflected the secular concerns of rulers, and advised the princes to
view those in positions of power with suspicion, and view the general population as
subjects without a voice (Crone 2004). The *Mirrors* were directed at men in authority,
and their concern was for the wellbeing of the ruler, with the wellbeing of the population
being incidental to that of the ruler.

Another type of political writing came from the philosophers, who
maintained a complex relationship with rulers, often admired by one prince and
persecuted by his successor. The philosopher Ibn Rushd (Averroes) is the subject of
Chapter 3. In historical studies of Islam published in English there is a tendency to
discount the philosophers as having remained outside of the mainstream of Islam. Black
(2001) refers to them as a “sideshow” (5). Some academic interest in the political writings of the Muslim philosophers exists in English language publications, but tends to follow Leo Strauss’ emphasis on the works of Al-Farabi (Strauss 1959, Mahdi 2001, Butterworth 2001). The political project of the philosophers is largely viewed as an effort to harmonize Neo-Platonic thought with the Islamic experience. But as the chapter on Ibn Rushd will show, the effort to harmonize was a reforming effort, not a purely academic one. Ibn Rushd was also far from a sideshow, having debated Al-Ghazali with lasting results in the movement of concepts and terminology from philosophy into the mainstream of Islam.

Outside the royal courts, Sunni scholars had triumphed in creating the hegemonic formulation of Islam by the 11/12th centuries CE (Hodgson 1974). The scriptural methodologies and texts which over the centuries coalesced into Sunni doctrine would command the allegiance of the majority of Muslims into the 21st century. Sunni Muslim scholars (or ‘ulama’) flourished outside the courts, and engaged with the quotidian affairs of the Muslim population. Sunni ‘ulama’ held some authority, tasked with administering the legal affairs of Muslims, preaching, interpreting contracts, presiding over death and marriage, and interpreting the tenets of the religion to the general population. For the most part, however, they could not challenge the secular authority of the rulers. (Hodgson 1974, Lapidus 1988)

As Sunni doctrine matured, political questions came to the fore. Sunni ‘ulama’ were generally identified with their populations, and did not, for the most part, exist as a privileged ecclesiastical class above it. Sunni doctrine was strengthened with the concept of Ijma’, a religious construct loosely translated as ‘consensus’. The sources
of Sunni Islamic orthodoxy were the Quran and the Sunna (records of the life and sayings of the Prophet), as well as scriptural methodologies developed over the course of the previous centuries. In the matters that were not strictly covered by these sources, a third source developed, which was the Ijma’, or consensus of the Muslims (meaning the consensus of the recognized Sunni ’ulama’). Ijma’ is generally understood in relation to matters of religious significance, but in application had important political consequences. It ensured the discursive hegemony of the Sunni ’ulama’ by creating a conservative and tenacious formulation of Islam that was difficult for any ruler to challenge. As will be discussed in Chapter 2, when the Caliph Al-Ma’mun attempted to impose a single doctrine as the orthodox Islam, it was the scholars who resisted and defeated him. After Ma’mum’s efforts, Ijma’ would disperse the centers of power in Islam throughout the community, making Islam almost immune to dictation by the rulers, while also making it inherently conservative.

On politics, the Sunni ’ulama’ of the period continued the debate on the qualifications of the caliph, his ethnicity, and the legitimate ways in which he can be nominated, elected, designated, or removed. At this point in history the caliph was mainly the titular head of the Umma (community), without real power. Sunni ’ulama’, in contrast to the earlier period, almost unanimously insisted on the necessity of his position. Black (2001) argues that this trend may reflect the weaker position of the scholars of the period, and their hope to return to caliphal rule, as opposed to rule by what was perceived as nominally Muslim outsiders.

Some of the most famous ’ulama’ of Islam wrote in this period. It is to this period that works in English tend to focus for an understanding of the ‘orthodox’ position
of Islam on the questions of politics. Al-Mawardi and Al-Ghazali, two seminal figures in the development of Sunni political jurisprudence, both wrote on the theory of the caliphate, engaging in some of the earlier debates on the qualifications of the caliph, and providing some innovations. Al-Ghazali offered that the caliph may delegate powers to a sultan, for instance, reflecting the status quo that had forced itself on the theological debates of the era, while maintaining the legitimacy of the existing caliph (Rosenthal 1958). This period also saw a revival of discussions about the sinfulness of disobedience to tyrants. Most thinkers argued that obedience to rulers was dictated by the need to preserve order, and could point to verses in the Quran to support their argument. The general trend was towards political quietism, preferring a nominally Muslim tyrant to schism and chaos (Tu’aymah 2005).

The above offers an outline of the political concerns of the classical Islamic writers, as well as the areas of interest to the historians of classical Islam. As opposed to the emphasis of the historians, an interest in contemporary Islamic political thought developed in the West following the Iranian Revolution in 1979, and further intensified following the events of 9/11. While these two events sparked interest in political Islam, the field of study was contemporary Islamic thought and movements. Many of these studies attempt to investigate the compatibility of Islam with Western 'values' or with democracy, by referring to works of classical Islam in an attempt to uncover an ‘Islamic’ political mindset which is then measured against the requirements of liberal democracy.

As a discursive tradition, however, it is impossible to define the Islamic position on political questions. Any study of political thought in Islam, classical or
modern, must contend with the contentious and fractured nature of the debate. In the modern world some Muslims support secular democracy, while others argue for the need for an Islamic form of democracy. Salafists, at least in their literature, tend to reject democracy completely as a harmful innovation and some argue for the return of the caliphate. Within these groups there are numerous variations. Each of these groups is able to point to political, theological, or legal formulations of Islamic thought from the long Islamic past to lend legitimacy to their arguments. Articulations of a single ‘political Islam’ which does not contend with the nature of the debate are inherently specious, whether advocated by Islamic groups or by Western scholars or politicians. Among Western scholars, Bernard Lewis has been at the forefront of the attempts to articulate an essentialized version of Islam. In *The Political Language of Islam*, Lewis attempts to provide the ‘Islamic’ meaning or understanding of several political concepts. His general methodology is to offer an etymology of the word used to refer to the political concepts he has chosen to discuss, followed by an analysis of how Muslims understand that concept. This is followed in some cases by a comparison with the parallel ‘Western’ notions.

Islam is presented by Lewis as a frozen, monolithic entity, where political concepts and the words that refer to them have a generally accepted ‘Islamic’ meaning. For any complex political concept to have such an unchallenged, single, ‘Islamic’

7 For a discussion on the salafist creed and activism see Wiktorowicz (2000)

8 Lewis chooses words from three different languages, Arabic, Persian, and Turkish. The challenge of arguing for a single ‘Islamic’ meaning based on three separate and different languages is sidestepped by the explanation that enough cross-fertilization has occurred between the three languages to make such an inclusive study feasible.
meaning would require that Islam be undifferentiated, a-temporal, and isolated. Lewis
does indeed ignore the temporal, regional, and sectarian divisions in Islam. The argument
that any political, or even basic religious concept has a widely accepted ‘Islamic’
meaning denies the centuries of debate within Islam. Few of the tenets of Islam have
escaped fierce debate, sometimes with bloody consequences. As the next chapter will
show, the seemingly abstract question of whether the Quran, as word of God, is eternal or
created in time was the subject of a centuries long, acrimonious debate. The debate over
the createdness of the Quran would lead to an inquisition, cause the death and
imprisonment of some of Islam’s most revered thinkers, and threaten to unseat a caliph.

But Lewis’ aim is not to investigate the history of political ideas in Islam.
His aim is to formulate a notion of an Islamic worldview, one that is in binary opposition
to a Western worldview. For example, Lewis informs his reader that the word *kafir*,
meaning unbeliever, refers to everyone outside of Islam:
the outsider is defined by his rejection of Islam. He is the *kafir*, ‘the unbeliever’, ie he
who does not believe in the apostolate of Muhammad and the authenticity of the
revelation which he brought. The languages of Islam, like those of the civilizations of
antiquity, of Christendom, and of Asia, have words to denote the stranger, the foreigner,
the barbarian. But from the time of the Prophet to the present day, the ultimate definition
of the Other, the alien outsider, and presumptive enemy, has been the *kafir*, the
unbeliever. (Lewis 1991, 4-5)

The word *kafir* does indeed refer to the unbelievers, those who reject the
message of Muhammad. But the word does not represent the outsider, just as the word
‘Muslim’ does not represent the totality of the Muslim self-identification. In the Quran,
the word *kafir*, or its plural, *kuffar*, generally refers to the unbelieving Arabs of Quraysh,
Muhammad’s tribe and persecutors. Throughout Islamic history, the usage of the word
has varied, having been used to describe apostate Muslims, and Muslims of other sects.
Christians and Jews, however, have generally been referred to as Christians and Jews. As for military foes, from what we know from Muslim historians, Muslims generally referred to them by sectarian or ethnic names. The rhetorical use of the word *kafir* as a derogatory one may point to the self-perception of the one uttering it as a Muslim, but this does not justify the leap that Lewis makes to the existence of a self-other dichotomy for Muslims based on a simple binary distinction between Muslim and *Kafir*.

For such a binary dichotomy to exist, Muslims would need to be shown to have a dominant Muslim identity. Lewis does in fact make this exact argument:

> in most Muslim countries Islam is still the ultimate criterion of group identity and loyalty. It is Islam which distinguishes between self and other, between insider and outsider, between brother and stranger. We in the western world have become accustomed to other criteria of classification, by nation, by country, and by various subdivisions of these. (Lewis 1991, 4).

And even though modern national or other identities exist in the Muslim world, they are “intrusive” (4). It is at times of crisis, however, that Muslims show their true identity when their “deeper loyalties take over”, and that identity is Islamic (4). This assertion is easily empirically disproven. National, ethnic, sectarian, and other identities have long made any notion of a Pan-Islamic, united, undifferentiated identity a myth, especially in the 20th century. Consider civil wars in the Middle East, or the Muslim-on-Muslim atrocities in Bangladesh, Darfur, or between Iraq and Iran. It is only in the mythologized past of the writings of some contemporary Muslims that such an identity exists, but this again itself is a modern invention without historical substance.

The aim of Lewis is, ironically, in alignment with the aims of some Islamic political groups. The mythologized, united Muslim intellectual past is the foundation for Salafists and other groups who attempt to rule in the name of Islam. These
groups sidestep the complexities of the political debate and context within which the intellectual legacy was developed, to formulate a putative agreement among Muslims scholars of the classical era. This allows them to present a single, Islamic political agenda.

Consider, for instance, the political proclamations of Tu`aymeh (2005) briefly mentioned in the previous section. Tu`aymeh refers to the works of al-Ghazali. In opposition to most orthodox Sunnis, Salafists tend to view al-Ghazali with some suspicion for his involvement in debating the classical rationalists. Nevertheless, Tu`aymeh refers to al-Ghazali's writings on the proper characteristics of the caliph and the procedures for electing him with complete disregard to al-Ghazali's historical context. For instance, where the latter argues that the caliph must be descended from the Arab tribe of Quraysh, Tu`aymeh refers to the opinion of the radical, egalitarian Kharijites (below) who rejected the role of ethnicity in determining leadership. The Kharijites, however, are usually considered outside the realm of Sunni orthodoxy for having declared all other Muslims as apostates. But Tu`aymeh prefers to refer to them, since any deviation from the traditional canons is ameliorated by association with classical figures or groups, even those outside the realm of orthodoxy. In his effort to transplant a medieval political structure into the modern nation state, Tu`aymeh is forced into a paradoxical position. Similarly with Qaradawi, as will be seen in the final chapter, the introduction of democracy into Islamic political discourse using the orthodox methods of legal reasoning has produced an illiberal version of democratic thought. This dissertation aims to counter the perception of Islamic thought as a unified, coherent whole, challenging thereby the method of religious-legal reasoning at the heart of
contemporary Islamic political thought. It will show from within the rationalist tradition of Islamic thought how the very epistemology underlying religious-legal reasoning fails to provide a suitable basis for thinking about politics in the modern world. The aim is to show how the rationalist critiques of Sunni orthodoxy provide us with a progressive, yet Islamic, argument for secular, liberal democracy.

This work also aims to expand our academic understanding of the development of Islamic political thought by widening the scope of research beyond the strictly political tracts of classical writers and their focus on leadership. It also aims to acknowledge fully the role of speculative theologians, philosophers, and historians in shaping the political discourse in classical and contemporary Islamic thought. This will contribute to enriching our understanding of the complexities of, and discontinuities within Islam, as well as negating essentialist accounts of the religion and its adherents.

This work will examine the writings (and historical contexts) of three rationalist Muslims from the classical era, all of whom appeared during moments of complex transformations in the political discourse. All three were legal jurists and judges (positions which require extensive study of the religious law). All three wrote as committed Muslims, and argued, in their different contexts, that the highest good of Islam is political justice. The three writers, a speculative theologian, a philosopher, and a historian, developed internal critiques of orthodox Islamic political thought. The final chapter examines the movement of Islamic thought since the 19th century, and reveals how the critiques of the classical rationalists contain the potential to contribute to the revitalization of contemporary Islamic political thought.
Plan of the Dissertation

Chapter 1: Introduction and Historical Background

The next section of the Introduction presents a brief historical account of the rise of Islam. It recounts the foundational events in the political legacy of the Muslims, which serve as the reference points in the religious-political discourse. It includes a brief account of the politicization of the thought-life of the early Muslims, as well as the political underpinnings of the theological debates which would shape the contours of the intellectual life in Islam for centuries to come.

Chapter 2: Qadi Abdul-Jabbar: Rational Theology and Justice

Chapter 2 is an analysis of the writings of Qadi Abdul-Jabbar, a Mu‘tazilite theologian. His writings will be placed within the general context of Mu‘tazila thought, which matured during the era of the consolidation of the great caliphates. The Mu‘tazila developed a rationalist form of theological and juristic reasoning which gave priority in religious knowledge to reason over revelation, and which elevated God's justice above textual considerations. This resulted in an exegetical insistence on metaphorical interpretation of the scriptures where the scriptures appeared to contradict reason or undermine God's perfect justice. The Mu‘tazila formed a formidable challenge to the rising Sunni orthodoxy, which had to articulate its own
epistemological positions in response. The result was a Sunni epistemology that denied the objectivity of moral judgments, denied free will, and denied causality. The political implications were a revolutionary politics on the side of the Mu`tazila, and a quietist obedience on the part of mainstream Sunni political thought. The Sunni epistemology which developed in debate with the Mu`tazila continues to influence contemporary Sunni methods of religious reasoning. The failure of these methods to account for modern developments in Sunni positions on moral questions, such as the justice of slavery, is examined against Mu`tazila rationalism and exegetical methods.

Chapter 3: Ibn Rushd: Philosopher of Justice

Chapter 3 will examine the writings of the philosopher Ibn Rushd. Ibn Rushd wrote during the era of the weakness of the traditional caliphates, and offered an alternative political theory to that of Sunni accommodation. Ibn Rushd is known for attempting to harmonizing reason and revelation. It will be shown here that was also an effort at enshrining justice at the center of political life. Ibn Rushd’s debate with the Sunni scholar Al-Ghazali will also be considered for its defense of rational inquiry into both nature and the divine, and for its internal criticism of the Sunni epistemology that developed in debate with the Mu`tazila. The focus of the chapter is on Ibn Rushd's political writings, particularly his commentary on Plato's Republic. Ibn Rushd's commentary was a tacit indictment of the failure of the shari`ah (and the related theory of the caliphate) to establish justice, and was the highest argument from within Islam for the
necessity of establishing secular laws (laws developed outside of the *shari`ah*), for ensuring political justice. In opposition to Sunni accommodation, Ibn Rushd's rationalist form of religious reasoning recognized and condemned the tyranny and injustice at the heart of the Muslim cities of his time, as well as the injustice suffered by Muslim women. Like the Mu`tazila, Ibn Rushd contextualized the revelation through justice, arguing for metaphorical interpretation of the scriptures when they appeared to contradict reason or imply injustice on behalf of the Divine. He further established the exegetical method of reconciling contradictory verses within the revelation as indications of a higher meaning, a potential contribution to the contemporary debate that will be developed in the final chapter.

Chapter 4: Ibn Khaldun: History, *Shar`iah*, and the Possibility of Justice

Chapter 4 will examine the historical and theoretical writings of Ibn Khaldun. Ibn Khaldun is renowned as a sociologist and historian, but few studies have examined his writings as a political theorist (with the notable exception of Rosenthal (1958)). Ibn Khaldun wrote during the era of the demise of the powerful caliphates. It was in reaction to the demise of the caliphates that the most influential articulation for a state based on the *shari`ah* appeared in Islam in the writings of the literalist jurist Ibn Taymiyyah. Ibn Taymiyyah advanced a vision of the Muslim state that is governed by the union of the rulers and the jurists, creating a new ruling class. It is a vision based on the government of the ideationally committed ruler, who abides by and applies the *shari`ah* in conjunction with a jurist class. This vision continues to animate the contemporary
writings of political Islamists. Ibn Khaldun, however, reacting to the same fractured and tumultuous political landscape, developed a sophisticated theory of history through a subtle utilization of philosophical epistemology and criticism of Sunni epistemology. Ibn Khaldun argued that there were identifiable, recurring social causes that underlie the rise and fall of states, and showed how ideational commitments, no matter how noble at first, will necessarily devolve into tyranny. Ibn Khaldun, it will be argued, offers a substantive criticism of the politics of the shari`ah state that contemporary Islamists must contend with.

Chapter 5: The Triumph of Reason

Chapter 5 examines a fourth moment in the development of Islamic political thought. Since the 19th century, Islamic political discourse demonstrates significant breaks with the classical legacy. This was, in part, a result of the manner in which Muslims engaged with the ideas of the European Enlightenment. The development of a modern Muslim discourse on slavery, just war, and democracy reveals a tacit epistemological shift of profound significance that has yet to be acknowledged. The chapter will argue that the modern discourse has vindicated the classical rationalists. The modern form of political reasoning has adopted, silently, a rationalist epistemology and ethical ontology that is better understood as a continuation of the classical rationalist tradition than it is of the classical orthodox tradition. This shift, however, remains unacknowledged, and continues to attempt to ground itself in the traditionalist/literalist forms of reasoning. This has inhibited the debate, and as the chapter will show, has
empowered Salafist and militant criticisms of moderate Islam. The chapter will develop an argument for the full recognition of the rationalist epistemology that now grounds much of moderate Islam, and outlines the progressive potential of an Islamic theory that takes full advantage of the insights of the classical rationalists.

**Historical Background**

Islam originated in the politically fragmented Arabia of the 6th century (Lapidus 1988). In earlier centuries, the international order had created some stability in the region. Client states existed in the Arabian Peninsula on the borders of the established empires. Abyssinia had a client state in Yemen, and the Persians and Byzantines had client states in the north of Arabia. Incessant warfare among the great powers weakened the client states and resulted in disorder in Arabia. Lapidus argues that this led to progressive bedouinization. The camel nomadism of the Bedouins unsettled previously settled agricultural areas and oases, and led to an increase in inter-tribal warfare over water and pasture lands.

Mecca, a town in Eastern Arabia, was able to withstand the increasing fragmentation, and was able to provide some social and economic order. Mecca was home to the *Ka’aba*, which had become a major religious shrine in Arabia. It was also a “repository of the various idols and tribal gods” of the Arabian tribes, making it the destination of the pilgrims from around Arabia. (Lapidus 1988, 16)
The tribe of Quraysh dominated Mecca. Quraysh established Mecca as a waypoint on the trade route between India and the Far East through the Arabian Sea to the Mediterranean. Meccans ran caravans between Yemen in the south and the Byzantine cities in the north. Quraysh also established sacred months to secure the profitable annual pilgrimage. Some merchants had amassed vast fortunes. Students of pre-Islamic Arabia have noted that the increasing wealth may have challenged the social fabric of the Arabian tribes in Mecca, preparing the way for a reformist movement that would restore some of the security of the old order. Hodgson (1974) argues that:

With the development of Mecca as a commercial and financial centre, the moral standards of Bedouin society no longer served well ... a type of economic inequality had arisen between man and man which threatened tribal solidarity and in any case undermined the Bedouin ideal of generous manliness in which wealth was a welcome but relatively transient distinction. In Mecca, as the individual began to act more freely in his own private interest, the tribal expectations came to fit less well. Particularly those who were disadvantaged in the new, more individualistic pattern welcomed a moral conception which could restore something of the older moral security in a form adapted to individualistic, commercial life. (Hodgson 1974, 167)

It was in this setting that Islam appeared. Religiously, it was a call to monotheism in a region dominated by pagan beliefs. But it was no less revolutionary in its criticism of the social and political order of Mecca. Islam criticized the “hoarded gold” of the wealthy merchants that was not shared with the poor (The Quran, 9:34). The message of Muhammad also warned the pagan Arabs of a Last Day, an apocalyptic day of reckoning, when each individual would face their Creator and be held accountable for their actions in this life. The concept of judgment in an afterlife was in contrast to Bedouin ideals of a short life of manliness, honor, pride in oneself and one’s tribe, and courage in the face of death (Hodgson 1974). It was an attitude that held that life was transient, and that only a man’s tribe and his legacy would succeed him after death. The
apocalyptic day of reckoning is presented in one of the most eloquent verses of the Quran (81:1-14):

When the sun shall be darkened, when the stars shall be thrown down, when the mountains shall be set moving, when the pregnant camels shall be untended, when the savage beasts shall be stampeded, when the seas shall be set boiling, when the souls shall be coupled, when the buried infant shall be asked for what sin she was killed, when the scrolls shall be unrolled, when the skies shall be stripped off, when Hell shall be set blazing, when Paradise shall be brought near,—a soul shall know what it has produced.

(Hodgson 1974, 163)

Islam also carried a message of equality that was radical in the environment of 6th century Arabia: not only were all free Arabs equal, regardless of tribe, but so were slaves. Islam regulated marriage and “enhanced the status of women and children, who were no longer to be considered merely chattels or potential warriors but individuals with rights and needs of their own” (Lapidus 1988, 30). Women were given a greater public role during the lifetime of the Prophet, which only receded in the following centuries (Wadud 1999, Mernissi 1991). The radical message of equality must be understood against the tribal mentality of the time, where each tribe saw itself as an independent community, and guarded its pride and honor with the sword. Islam came with the message that all were equal in Islam, regardless of the tribe, color of the skin, or status as free or slave.

Islam’s message attracted the poor, members of weaker clans, the tribeless, slaves, and many idealistic young men and women of the rich merchant families (Hodgson notes that many may have been the less-well placed young men of the rich families) (Hodgson 1974). Against Islam stood the rich merchants and the tribal leaders of the hegemonic tribes. One of the most successful clans of Quraysh was the clan of Umayya. To Umayya belonged large stakes in the Meccan trade and in the religious pilgrimage. Abu Sufyan, a leader of the clan of Umayya played a leading role in
persecuting Muslims, and in leading wars against the Muslims once they had established an Islamic polity in Medina.

Opposition to Muhammad was made in religious terms, as defending the gods of the ancestors. But, as Lapidus argues, there were material and social elements at stake. Islam threatened the institutions of hegemony which Quraysh had secured for itself, religious, social, and mercantile. “Religion, moral beliefs, social structure, and economic life formed a system of ideas and institutions inextricably bound up with one another. To attack them at any major point was to attack the whole society.” (Lapidus 1988, 25)

As Muhammad’s popularity grew, opposition to him grew increasingly violent. Slaves and the tribeless suffered the worst retribution of the Quraysh. Muhammad was allowed some protection by the solidarity of his clan of Hashem. But as Muhammad’s message attracted more and more adherents, the clan of Hashem came under increasing pressure to lift their protection. Muhammad was eventually forced to flee to Medina, where earlier contacts had ensured him a safe haven. Medina had suffered a feud between its two largest Arab clans. The need for a peaceful resolution to the long feud, and the exposure to the monotheism of the Jewish tribes who lived around Medina may have combined in making the Medinans receptive to the message and leadership of Muhammad.

At Mecca Muhammad’s message had focused on the spiritual and the moral. At Medina Islam began with a social contract between Muhammad and the leaders of the Medinan clans and the Meccan refugees. Muhammad had to put into practice the equality of all Muslims, including the feuding clans of Medina, the recent refugees from
Mecca, and other Arab and some Jewish converts. Muhammad also had to rule in trade disputes, and put into practice the regulation of marriage, the protection of orphans, the collection of alms for the poor, and establish the religious rituals of prayer and fasting and the rituals surrounding death and birth. The new community was now called an “Ummah”, to emphasize the oneness of all Muslims above tribal and clan membership (Hodgson 1974, 173).

Warfare was soon introduced into the Islamic setting. Quraysh had persecuted the Muslims and many refugees had their property confiscated. Muhammad faced pressure to allow the Muslims to attack the Quraysh caravans in retribution. The first battle was at the Badr oasis, where the Muslims won a devastating victory over the Quraysh and the reputation of Muhammad and the Muslims spread throughout Arabia. More tribes joined the Muslims, and Muhammad was eventually able to lead ten thousand troops unopposed against Mecca in 630 CE. Successful at Mecca, Muhammad forgave his persecutors, and even honored his old enemy Abu Sufyan of Umayya. Muhammad thereby gained the following of the Quraysh clans.

Muhammad died at age 63, having began his preaching at the age of 40. In 23 years, his message had initiated a process that would transform Arabia. He cleansed Mecca of its pagan idols, and established a new monotheistic religion as supreme in Arabia. In his lifetime Muslim troops had even engaged in skirmishes with the Byzantine armies to the north.
Prophet Muhammad’s Death and Succession

Muhammad died without designating a clear successor. Several tribes that had followed Muhammad now felt free of their obligation to pay alms (zakat). Hodgson makes the argument that the response to the seceding tribes by Muhammad’s companions at Medina was a deciding moment in the history of Islam. Had the Muslims not designated a political leadership, Islam would have most likely remained limited to a spiritual endeavor and would have become one among many of the religions of the Arabian Peninsula. According to Hodgson:

some men had a more ambitious conception of Islam and of the Ummah community Muhammad had created. Islam was not merely a matter of each individual's obeying God; it was a compact in which all Muslims were bound to each other as well. This compact did not cease with the Prophet's death; the pattern of life he had instituted could be continued under the guidance of those who had been closest to him, the earliest Muslims. Any who separated from the core of the Muslims at Medina were in fact backing out of Islam itself; they were traitors to the cause of God for which Muhammad and his followers had so long been fighting. That cause was still to be fought for, and demanded a single chief to whom all would be loyal. (Hodgson 1974, 197-8)

Both Medina and Quraysh accepted this vision, supported by one of Muhammad’s earliest and most loyal companions, Abu Bakr. Abu Bakr would become the first ‘khaliphat Muhammad’, (caliph or successor to Muhammad – the designation caliph would take on expanding meaning in the following years). Abu Bakr was chosen as caliph following intense negotiations among the Prophet's companions and the representatives of the most influential tribal interests. by the Prophet's most influential companions. The apostate tribes were subdued by force, and the companions of the Prophet were established as the spiritual and political authorities. Arabian tribes that were not already Christian or Jewish had to convert to Islam.
Conversion, however, may not have been the intention of the Muslims once they exited the Arabian Peninsula (Hodgson 1974). Hodgson notes that Christian Arab tribes were even allowed to take part in the invasion of Byzantine and Persian lands and share in the booty. Later Muslim chroniclers, however, describe the early Muslim armies as offering the inhabitants of the towns they conquered the options of converting to Islam, paying a tax (*jizya*) in exchange for autonomy and protection, or preparing for war.

The ease with which the Arabs took control of Persian and Byzantine lands has been attributed to the fatigue that the two empires had suffered from centuries of war, and also the lack of popular resistance to the Muslims from the inhabitants of the land. Hodgson argues that from the point of view of leading classes among the conquered peoples, the rule of the Arabs had been acceptable as approaching, even more closely than the older states, the principles of justice represented in the great Irano-Semitic imperial tradition. In that tradition, the absolute monarch was expected to rise above all more limited interest groups and privileged classes and maintain some balance among them, so that the stronger should not freely override the weaker. In the first instance, the Arabs won support in Roman territories and probably in the Iraq and even parts of Iran by curbing a persecuting ecclesiastical rule and imposing equality among the sects. (Hodgson 1974, 241)

Later apologists for the Muslim conquests would provide a justification for Muslim rule based on the injustices suffered by the populations under Byzantine and Persian imperial rule. The ninth century Persian Muslim historian Al-Baladhuri reports that the when the Muslim army had to retreat from northern Syria in the face of Heraclius’ army prior to the battle of *Yarmuk*, the Muslim leader returned the tax to the people of Homs (Emmesa). The people of Homs refused the tax and responded “We prefer your rule and justice to the injustice we were living under, and we will repel the soldiers of Heraclius
from our city” (Al-Baladhuri, 141). He also reports that “the Jews of the city rose up and swore by their Torah that the city of Homs would not allow Heraclius’ commander to enter the city until they are defeated” (Al-Baladhuri, 141). The accuracy of the report may be questioned, but it is informative of the attitude of later Muslims regarding their conquering mission.

As Hodgson notes, the Muslims could justify their conquests through the belief in the “superiority of Islam as religion, and therefore in providing for social order”. It would justify having the “simple, fair-dealing Muslims” replace the old oppressive and corrupt order. “The caliphal state was no longer simply an Arabian commonwealth but was a vehicle of conquest beyond Bedouin Arabia, and depended on that conquest for its financial and psychological existence.” (Hodgson 1974, 207)

The second caliph, `Umar, occupies pride of place in Sunni Islamic discourse regarding the just ruler.  

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9 `Umar does not receive similar accolades from Shiite writers for his role in thwarting the Prophet's cousin `Ali Ibn Abi Taleb from becoming caliph. In Shiite literature, `Ali occupies the place of `Umar in wisdom and justice.
candidate as caliph. Later debates, as has been mentioned, would extend to the legitimacy of accepting a *mardul*, or ‘preferable’ candidate, for realist considerations. In modern articulations ‘Umar is presented as a ruler whose justice stemmed from his fear of God and of the judgment of the Last Day (Akkad 2005).

Abu Bakr had ruled briefly, while ‘Umar ruled for a decade. ‘Umar was widely respected as a Meccan warrior prior to his conversion, and was renowned for his wisdom, courage and military prowess. ‘Umar organized the conquests, which expanded during his reign to the whole of Byzantine Syria and much of Iraq. He did not allow Arab armies to settle in existing towns, but instead had Muslim troops build and live in new cities, possibly “to prevent the Arabs from settling as an agricultural aristocracy in the new lands” (Levi-Della Vida 1999).

The booty from the conquests was to be accounted for, and each warrior would receive his share. ‘Umar negated older customs by making pay relative to the individual warrior’s service and not based on his tribe’s or family’s position. ‘Umar was renowned for being a strict judge of his commanders: during the annual pilgrimage, his commanders had to return to Medina to face any accusers in the presence of ‘Umar himself. ‘Umar was also known for his humility and the ease of access with which Muslims and others could approach him. It is reported of him as having preferred to sleep under a tree on an old rag than to engage in the luxuries of the imperial lands the Muslims had conquered. Muslim historians of the centuries following ‘Umar’s reign describe him as a tolerant and sensitive figure, who was motivated by the fear of God from transgressing his role as leader. Leadership for ‘Umar is presented as a heavy burden, not as a privilege. He is also presented as engaging in acts of reconciliation with the
conquered peoples, the most famous of which are the accounts in Al- Baladhuri and Tabari of the treaty he made with the patriarch of Jerusalem, whereby Christian churches would be protected and Christian access to the city would be guaranteed for posterity.

‘Umar, himself was of a minor clan, and attempted to strike a balance between the need to rely on men of merit as well as to appease the old aristocracy of Quraysh. He appointed men of smaller clans to lead armies, but also acknowledged his own limits, having given in to the governorship of Syria by Mu’awiya son of Abu Sufyan of Umayya. As Levi-Della Vida (1999) notes, 'Umar was the "paradigmatic just ruler" for Sunni Muslims, and "appears in some 20th-century works as a model for democratic leadership and other modern values. Thus in greatly different circumstances, this austere, majestic figure continues to inspire respect and awe in the community of believers."

`Umar was succeeded by `Uthman ibn `Affan, of the clan of Umayya, a companion and kinsman by marriage of the Prophet. `Uthman’s reign was troubled by accusations of nepotism favoring the interests of the old aristocracy of Quraysh. He was also accused of not being a strict enforcer of Quranic penalties against wayward commanders. He had relied on the aristocracy of Quraysh to enforce the central authority of Medina, although his financial policies did not differ from those of `Umar (Hodgson 1974). The conquest of the richer lands had ended, however, while Arab tribes continued to migrate to the new provinces. Provincial attitudes changed towards the financial arrangement (Lapidus 1988). Provincial unrest was compounded by the arrival of the richer Meccan families who engaged in lucrative trade in the provinces (Hodgson 1974). The appearance to the warriors in the provinces, fairly or unfairly, was that `Uthman had
come to favor the old Meccan aristocracy, and especially his clan of Umayya. After much intrigue, `Uthman was killed in 656 CE by angry soldiers from the province of Fustat in Egypt, marking the beginning of the largest schism in Islam.

Several contenders to the position of caliph would soon arise, the two main ones being Mu`awiya son of Abu Sufyan, `Uthman’s relative from Ummaya, and `Ali ibn Abi Taleb, the Prophet’s cousin and early companion. Mu`awiya was in control of Syria with a contingent of disciplined forces, whereas `Ali was supported by the clan of Hashem, and was generally favored by those disaffected by `Uthman’s reign. The armies of neither contender was able to resolve the matter militarily, and both sides eventually accepted arbitration. (Hodgson 1974)

A third group would arise in response to `Ali’s agreement to arbitration, the group that came to be known as the Kharijites. This group believed that `Uthman was justly killed for having acted against the precepts of religion. It was therefore a further injustice for `Ali to halt the war and accept arbitration in a matter that was settled according to the Quran. The Kharijites turned on `Ali and eventually succeeded in assassinating him. After `Ali’s assassination Mu`awiyah consolidated his position. When `Ali’s son attempted to continue the struggle against the Umayyads, Mu`awiyah’s son and successor defeated him and resolved the matter of succession militarily. The Umayyads would continue to rule the Eastern Muslim empire till 750 CE, and would remain rulers until the 11th century CE in Spain.

The Kharijites took the extreme position that the Muslim who commits a grave sin has apostatized, and must therefore be either killed or expelled from the community. The guilt is compounded when a Muslim is in a position of authority, as
'Uthman was. The extreme position of the Kharijites remained unpopular with most Muslims of the time. Kharijites generally existed on the margins of the Islamic empire in small bands that practiced radical egalitarianism. The importance of the Kharijite movement, however, was in their insistence on returning to Quranic principles in the political affairs of the Muslims. Watt (2009) argues that had everyone acquiesced in `Uthman’s failure to inflict Quranic penalties, and the apparent return to pre-Islamic principles in the dispute between `Ali and Mu`awiyah and the appointment of arbiters, there might never have been any genuinely Islamic empire (35).

The Kharijites eventually receded as their main principles were taken up by other groups. Their “insistence that the Islamic community should be based on revealed truth was continued by the general religious movement, and the concern for justice and the punishment of wrongdoing was taken up by the Mu`tazila” (Watt 2009, 34)

The extreme position of the Kharijites on the one who commits a grave sin forced itself into the general intellectual debate. The debate outside of Kharijite circles formulated less extreme outcomes, but retained its political dimension (Watt 2009). The supporters of the Umayyad position argued that `Uthman had not erred, and Mu`awiyah was justified in insisting on revenge, making him the true heir to `Uthman (Hodgson 1974). The supporters of `Ali argued that the murder of `Uthman was justified, but more importantly, `Ali was chosen by consultation similar to the previous caliphs, giving `Ali a legitimacy that Mu`awiyah lacked. `Ali was also a Hashemite, a cousin of the Prophet, married to his daughter, and a man of a long history of service to Islam, unlike Mu`awiyah, who had the devious honor of being the son of one of the most famous persecutors of the early Muslims.
Most Muslims came to agree that the position of the one who commits a grave sin may weaken his status as a righteous *muʿmin*, or believer, but not necessarily as a Muslim. The political application of the difference between believer and Muslim was an innovative use of a Quranic verse. It meant that the Muslim who committed a grave sin should not be expelled from the community, and may remain in a position of authority (without negating the need to apply the Quranic punishments). This position appealed to the supporters of Umayyad rule, since it allowed the Muslims to hold that ʿUthman may have erred, but was nevertheless unjustly murdered. A school of thought that came to be known as the Murjiʿa, whose name derives from the root of the term ‘to postpone’, held that it was to God that the judgment belonged, and they therefore withheld or postponed judgment on the academic question of the position of the one who commits a grave sin. The political corollary of this was that they withheld judgment on the events of the schism, since the righteousness of ʿUthman was God’s judgment alone. Their attitude came to mark the general Sunni attitude towards the events of the schism, and would eventually allow Sunnis to accept the legitimacy of the first four caliphs and hold them in equal reverence. (Watt 2009)

After ʿAli’s assassination, Muʿawiyah was able to use the force of his disciplined Syrian troops to establish his supremacy. Muʿawiyah forced himself upon the Muslims, and was generally accepted as preferable to the chaos and disunity of the civil wars (Hodgson 1974). The Syrian troops under Umayyad leadership were finally able to subdue the military aspect of the *Fitna* in the time of Muʿawiyah’s son and designated successor to the position of caliph, Yazid, who defeated and killed the son of ʿAli in Iraq in 680 CE Umayyad rule transformed accession to the position of caliph from one by
consultation to one of designation by a predecessor. The first three caliphs had been chosen by consultation among the companions of the Prophet in conjunction with various Arab interests. The Umayyad caliphs, however, would designate their successors, usually their sons or brothers, making the position a de facto hereditary one. The Umayyads relied on force to establish their rule, whereas the previous caliphs, including ʿAli, made their appeal to their merit as companions of the Prophet, and to their ability to balance the varying interests of the Muslims. The Muslim empire would now take a new form that would borrow heavily from the monarchic and imperial ideology and trappings of the Byzantines and Persians against the original freedom and dignity of the Arab tribesman (Hodgson 1974, 223).

Lapidus’s description of the court of the Umayyads is easily contrasted with the vision of the pious and humble ʿUmar:

The quintessential expression of [the Umayyad] imperial program was court ceremony, art, and architecture. The court of the Umayyads became a theater enacting the drama of royalty. The Caliph’s residence was approached by ceremonial gates; its central feature was a longitudinal hall culminating in an absidal or domed room … derived from Hellenistic, Roman, Byzantine, and Sasanian patterns for the emperor’s court. The Caliph held audience dressed in crown and royal robes, seated on a throne, and veiled from the rest of his audience by a curtain. His courtiers stood or sat on each side of the long hall. His day included consultations and receptions, prayer, and private entertainments – hunting, music, dancing girls, wine drinking, and poetry reading. A chamberlain controlled access to the royal person; everyone addressed him in submissive tones and with panegyric greetings. (Lapidus 1988, 83)

In court poetry the caliph was referred to as khalifat Allah (deputy of God) instead of the successor of the Prophet. Oaths of allegiance that had been an Arab custom indicating the free choice of alliance between equals came to mean an oath of submission and allegiance to the caliph (Lapidus 1988).
Yazid, son of Mu`awiyah, was caliph till 683 CE. He was succeeded by two caliphs who reigned shortly till 685 CE, when `Abd-al-Malik became caliph. It was up to him “to establish the state unambiguously on the basis first of all of force, with religious allegiance brought into play only when force had first decided who was to be master” (Hodgson 1974, 223). `Abd-al-Malik relied on the infamous Al-Hajjaj Ibn Yusuf Al-Thaqafi to put down rebellions and establish Umayyad rule in troublesome regions.

When a contender to the Umayyads arose in Mecca, Al-Hajjaj did not hesitate to besiege it, and then bombard it with catapults, damaging the Ka`aba and killing Muslim pilgrims. He was then sent to pacify Iraq, where the Umayyads were still widely resented. In Iraq he became legend and continues in Arabic literature to represent the ruthless tyrant. He was proud of his allegiance to the house of Umayya, and fought the Kharijites in Iraq. He also used ruthless punishments to subdue criticism of Umayyad rule. He began his reign over Iraq with the famous words he spoke at a mosque in Kufa, “Oh people of Kufa, I see heads that have ripened and are ready for harvest, and they belong to me” and continued “it is as if I am looking on the blood between the turbans and the beards” (Al-Khudari 2004, 334).

Under Umayyad rule, the discontents engaged in an expansion and reinterpretation of their religion:

Thus many of those who had been associated with the defeated parties, not only in the Iraq but even in the Hijaz, came to constitute a semi-political, semi-cultural body of opposition to the ruling trends among the Arabs. In their view, the community at large which gave allegiance to Islam seemed mostly devoted in fact to enjoying the fruits of conquest under the leadership of men whose position in power had resulted largely from force and from tribal alliances. Given such a mood, it was natural that, among those relatively few who were taking a special interest in Islamic ideals, an oppositional standpoint, in greater or lesser degree, became common. It was in this spirit that they began to develop a more intimate and more universal conception of Islam. These men
envisaged a society which should embody justice on earth, led by the most pious among the Muslims. (Hodgson 1974, 248).

It was in the debates surrounding these matters that a “generalized critique” of Umayyad rule developed (Hodgson 1974, 249). The discontents included the defeated Arabs of Iraq who had suffered under al-Hajjaj, the more pious individuals who rejected the imperial trappings of the Umayyads, and the Arabs of Medina who lost their prestige. But more importantly were the recent converts. Non-Arabs who had converted to Islam while living in the garrison towns proved to be a challenge to the privileged class of Arabs. Tribal mentality maintained a conceptual space for outsiders who join the tribe as clients. Clients enjoy the protection of the tribe, but are not allowed equal stature with members of the tribe. The Quran, however, provided a different space for them, as Muslims equal in all dignity and rights. Men from among the converts put forward a critique of the status of non-Arab Muslims based on Quranic principles that appealed to large segments of the underclass and were natural allies of all who had suffered under Umayyad rule. (Hodgson 1974)

Al-Hasan Al-Basri, who lived during the reign of Al-Hajjaj over Iraq, represents two of the disaffected groups under Umayyad rule. He was himself the son of a freed man of Persian extraction, and he took his religion seriously (Hodgson 1974). He was a preacher and a judge, and was known for his asceticism. Al-Hasan was widely respected as an authority on the Quran and the matters of religion, and was known for his criticism of the excesses of Umayyad rule. Al-Hasan has been claimed as the spiritual and intellectual predecessor of several Islamic schools of thought, and was highly
regarded by Sunni `ulama’ as well as by contemporary Sunni writers. He took up the
banner of opposition to the Umayyad propagandists based on Quranic exegesis.

The supporters of the Umayyads developed a religious justification for their rule. They
were able to make two arguments. First, Umayyads inherited their rule from ’Uthman,
especially that 'Ali refused to avenge the murder of ’Uthman, while the true heir,
Mu’awiyah, had insisted on it. Second, that the caliphate "was bestowed upon them by
God” since everything happens according to God’s will (Watt 2009, 82-83). The
Umayyad propagandists were relying on the concept of qadar, an Islamic concept which
may be translated as fate. The Quran has verses that point to God’s “absolute
sovereignty” which may be interpreted to support predestination (Watt 1946, 124). The
deterministic attitude may have also found resonance with a fatalistic streak that existed
in pre-Islamic Arabia, although as Watt argues, the historical record on pre-Islamic
Arabia is incomplete as to make any conclusive remarks in this regard.

Determinism in the early Islamic context came to include the idea of
predetermined events in one’s life (time of birth and death, for example) but also
included the more controversial aspects of the afterlife. It extended to whether or not a
person would believe in the message of Islam, and whether or not a believer would
commit righteous acts, or would err and sin. Ultimately, it would decide if one would end
up in Paradise or Hell.¹⁰ Supporters of the Umayyads found that the belief in
predestination lent itself to the belief in the divine appointment of the caliph, and
therefore not only the futility of rebellion, but even the sinfulness of rebelling against

¹⁰ For an extensive account of the early development of the free-will debate in Islam, see Watt
(1946) .
God’s chosen rulers. Al-Hajjaj forced the men who had taken part in an anti-Umayyad rebellion to admit that their actions had rendered them unbelievers, and put to death any who refused to admit unbelief. (Watt 2009: 83)

Debates about free will may have arisen from debates at the courts of the generally tolerant Umayyads between Muslim and Christian debaters (Hodgson 1974). Watt (1946, 2009), however, argues that it is possible to trace the origin of the debate within early Islam without the need to attribute any Christian influence on the matter. Watt traces the development of the concept of free will from debates started with the Kharijites. The letter of Al-Hasan Al-Basri, below, supports Watt’s contention, that the debate on free will most likely developed from political debates.¹¹

Few documents from this era remain, and most studies of this era are constructed from later reports. Watt (2009) has provided the definitive reconstruction of the development of thought in this era using the reports of the heresiographers. One possibly original source remains, the record of a correspondence between the Caliph `Abd Al-Malik and Al-Hasan Al-Basri, on the issue of fee will. Olbermann (1935) has made a strong case for the authenticity of the correspondence. The letter of Al-Hasan is a response to a direct question from the caliph, who is asking about the concept of free will which Al-Hasan has been reported to have been discussing. The caliph claims that the belief in free will was never held by the Prophet nor his companions, and is therefore a harmful innovation.

¹¹ Crone (2004) disagrees with Watt and others who hold that the Umayyads used determinist arguments to justify their rule. She bases her argument on the observation that the general attitude at the time was one of determinism. While this may be true, it only rules out that determinism was an attitude created by the Umayyads, not that it was not utilized by them, a claim that Watt does not make.
Al-Hasan provides an impassioned response to the caliph. He makes the argument that it was not a matter for debate by the companions of the Prophet since it was agreed on by all who lived with the Prophet that every person is responsible for their actions. The question of free will or predestination only became an issue after those around the caliph started to use it to justify their sins. He provides exegetical proof for his position on the freedom of action of all humans, and exegetical proof that the position on determinism is a deliberate obfuscation of the Quranic verses in which God’s determination is “didactic, rather than a determinative factor” (Olbermann 1935, 149). God is therefore righteous, and what stems from him is righteous. “Violence and tyranny” come from humans (Olbermann 1935, 151). Of those who instigated the matter before the caliph, Al-Hasan refers to them as “the ignorant”, “wrong-doers”, and the “misleaders” (Olbermann 1935, 146). More directly, the following exchange has been recorded of Al-Hasan. A man asked him of the rulers: “these princes shed the blood of Muslims and seize their goods; they do (various things) and say, ‘Our acts occur only according to God’s determination (qadar)’. Al-Hasan replied ‘the enemies of God lie’” (Watt 2009, 100).

The preachers and thinkers who came to support Al-Hasan’s position on free will were referred to as the Qadarites at this early stage. The Qadarites would expand the defense of free will, eventually coming to rely not only on exegetical arguments but also on the logical implication of the justice of God and the idea that human actions are determined by the reason or intellect (Van Ess 1999). “Two motives are to be discerned for the adoption of Qadarite views” for Watt, "[s]ome were opposed to the Umayyad claim to rule by divine appointment; others were concerned to have justice in the
community and in what was asserted of God” (Watt 2009, 98). The anti-Umayyad
position lost its relevance after the Abbasid revolution, but the second motive
retained and increased its importance as time went on. When the Mu‘tazila became the
chief exponents of the doctrine of free will, the idea of God’s justice was prominent in
their thinking (Watt 2009, 98).

The Mu‘tazila are the subject of the next chapter.
Chapter 2: Qadi Abdul-Jabbar: Rational Theology and Justice

Socrates: ... The point which I should first wish to understand is whether the pious or holy is beloved by the gods because it is holy, or holy because it is beloved of the gods.

Euthyphro

The Mu'tazila were a group of speculative theologians active between the 8th and 11th centuries CE. They arose from among the disciples of Al-Hasan Al-Basri (Chapter 1), continuing some of the debates in which he had been engaged on free will and the position of the grave sinner. Their name derives from the word i‘tizal, meaning to separate oneself from others, or to refuse to take sides in a conflict (Gimaret 1999). The 10th/11th century CE saw the dusk of the great period of speculative theology in Islam, and the Mu'tazila school was overshadowed by the establishment of Sunnism as Islamic orthodoxy.

Sunni epistemology, as will be shown here, developed in large part in reaction to Mu’tazila rationalism. The central Sunni figures and the epistemological positions they developed in debate with the Mu’tazila continue to serve as the foundations of the contemporary Sunni discursive tradition. Sunni epistemology, it will be shown, is at the heart of classical political thought, and continues to inform contemporary political debates in the Muslim world. It is the aim of this chapter to argue that a rationally conceived notion of justice, similar to that developed by the Mu’tazila, is
better able to serve as the foundation of thinking about politics in the modern world. The Mu’tazila notion of justice, it will be shown, is a better reflection of contemporary notions of justice than the classical Sunni position. This chapter will attempt to reclaim the rationalism of the Mu’tazila through a careful reading of one of their most extensive surviving texts.

This chapter is based on the body of work of `Abd Al-Jabbar ibn Ahmad ibn `Abd Al-Jabbar Al-Hamadani Al-Asadabadi, (henceforth `Abd Al-Jabbar), (d. 1025 CE). The use of the works of `Abd Al-Jabbar in this chapter has two aims. The first is to expand our understanding of the political implications of Islamic theology beyond the limits of the debate over the caliphate. The second and more important aim is to use `Abd Al-Jabbar’s debate with the founders of Sunni Islam to investigate the development of Sunni orthodox epistemology in opposition to Mu'tazila rationalism. The classical Sunni epistemology will then be shown to fail as the basis for political and social action in the contemporary world. This chapter will therefore examine the medieval debate regarding epistemology between the rationalist and the traditionalist theologians, and then trace the intellectual continuity between the medieval traditionalists and contemporary Sunni political movements. The debate between the classical rationalists and traditionalists will serve as the foundation for a critique of contemporary Islamic political projects, emphasizing the failure of Sunni epistemology to offer a sound basis for Islamic governance, and establish the need for a new epistemology which continues and corrects the Mu'tazila attempt at grounding religion in reason.

As speculative theologians, the Mu'tazila held to the priority of reason over revelation. Their concerns were to deny any injustice from being attributed to God,
and to defend Islam against what they considered the dangerous doctrines of other Muslims, as well as from the attacks of the adherents of other religions. In their effort to enshrine justice at the center of the religion, they developed the foundations of rationalist methodologies for religious reasoning. The Mu’tazila were the first to establish the methods of metaphorical interpretation. Metaphorical interpretation, they held, was necessary where the revelation appeared to either contradict reason (as the debate over anthropomorphism will show), or where it appeared to attribute any injustice to God. As will be seen in this chapter, Sunni epistemology is based on a denigration of both historical and metaphorical contextualization of the text of the scriptures. And yet, as will be argued in the final section of this chapter, and more fully in Chapter 5, Sunnis are forced to contextualize the revelation in several of their adaptations to modern notions of justice, particularly in the rejection of slavery. The full implications of these contradictions will be fleshed out in the final chapter. At this point, suffice it to indicate the potential of an approach to religious reasoning, such as that developed by the Mu’tazila, which consciously and deliberately theorizes the role of reason in understanding a divine text.

Unity and Justice: Mu’tazila Principles and Revolutionary Expression

The first principle held by the Mu’tazila is Tawhid, which refers to the unity, oneness, and uniqueness of God. Under this principle the Mu'tazila defended God from anthropomorphic doctrines, and challenged the dualism of the Manicheans and the
Trinitarian ideas of the Christians. The second principle is al-'Adl, or justice, the Mu'tazila effort to use reason to deny any attribution of injustice to God. This principle may be traced back to the discussions of free will among the followers of Al-Hasan Al-Basri (Chapter 1). The third principle, al-Wa‘d wal-Wa‘id, or the promise and the threat, concerns the truth of the promise of God, in that any promise of punishment in the Quran against unbelievers or against sinning believers will be carried out by God. This principle denies the possibility of arbitrary forgiveness by God, or the possibility of intercession by others on behalf of sinners. Politically, this position held every person, including the caliph, accountable for their actions on Earth, and rejected the quietist position of the Murji‘a (Chapter 1) against unjust rulers. The fourth principle, al-Manzila Bayn al-Manzilatayn, or the intermediary position, concerns the position of the believer who commits a grave sin. The political implications of this principle have already been mentioned, as regards the events of the original schism in Islam as well as the legitimacy of the Umayyads. The Mu'tazila distanced themselves from the extreme Kharijite position which considered the grave sinner an apostate. But as Muhsin (1996) has argued, the Mu'tazila rejected the caliphate of Mu‘awiya, and needed to explain the rejection on religious grounds. The intermediary position between faith and apostasy allowed the Mu'tazila to reject the caliphate of a grave sinner, while avoiding the extremist Kharijite position. The fifth principle may also be traced to the debates around Al-Hasan, and according to one anecdote is the reason behind the separation of Wasil ibn `Ata’, the founder of the Mu'tazila, from his teacher Al-Hasan. The principle, al-Amr bil-Ma‘ruf wal-Nahi ‘an al-Munkar, commanding good and forbidding evil, refers to the duty of all Muslims to uphold the tenets of the religion in the public space. Muhsin (1996) and
Amara (1989) both describe this principle as reflecting the revolutionary spirit of the Mu'tazila, who held that it was the personal duty of every Muslim to fight a tyrannical ruler.

The historical record contains evidence that Mu'tazila doctrines of justice translated into revolutionary fervor against unjust caliphs. Many Mu'tazila were engaged in political activism and revolution\textsuperscript{12}. Amara (1989) counts three revolutions against Umayyad rule in Iraq and Khurasan in the 8\textsuperscript{th} CE century in which the Mu'tazila took part, as well as one in Syria which succeeded in assassinating the Umayyad caliph al-Walid ibn Yazid. Mu'tazila were also active in resistance against the Abbasid caliphs, including the last armed revolt in which the Mu'tazila took part in large numbers, against the caliph Al-Mansur in 763 CE (Amara 1989). During the reign of the Abbasid caliph Al-Ma'mun, however, their doctrine informed state policy, and they may have enjoyed a brief era of political influence. After the inquisition initiated by al-Ma’mun (below) ended, the Mu'tazila lost ground to the traditionalist scholars, the ‘\textit{ulama}’, and faced increasing persecution by rulers who wished to garner favor with the ‘\textit{ulama}’. The Mu'tazila continued to gain the favor of some princes and men of influence until the 11\textsuperscript{th} century, after which their ideas passed into the doctrines of other sects, and they largely ceased to exist as an independent group (Gimaret 1999).

Qadi `Abd Al-Jabbar

`Abd Al-Jabbar was born in Baghdad, and served as chief judge of the province of Rayy under the pro-Mu'tazila Sahib Ibn `Abbad (Stern 1999). `Abd Al-Jabbar was a later Mu'tazila, and was writing at a time when the Mu'tazila influence and appeal had waned in favor of the traditionalist `ulama’ and the rise of the Muslim philosophers. His work makes up the largest body of original Mu'tazila writings which has survived from the classical period. His writing reflects the maturity of Mu'tazila doctrines, and shows some evidence of attempting to reconcile where possible with Sunni doctrines (Rawi 1980). His writings combine meticulously argued works of speculative theology, with shorter works of doctrinal exposition and Mu'tazila propaganda. His work provides us with an insight into the efforts at articulating a rational or semi-rational epistemological ground for religious and moral knowledge, based on medieval conceptions of nature and logic.

This chapter will rely mostly on the 20 volume Al-Mughni fi Abwab Al-Tawhid wal-`Adl (Mughni henceforth), or the Summa on the Topics of Unity and Justice, 14 volumes of which were recovered in the mid-twentieth century by Egyptian researchers in Yemen. The Mughni, while disorganized at times, is an attempt to systematize Mu'tazila ideas and build logical coherency and consistency. It critiques and corrects earlier Mu'tazila masters where needed, while defending Mu'tazila doctrines from the attacks of Sunni writers. The other works by `Abd Al-Jabbar cited here include the Kitab Al-Usul Al-Khamsa (henceforth Usul), or the Book of the Five Principles, a short exposition of the five Mu'tazila principles (translated by Martin et al. 1997).
longer text, the *Sharh Al-Usul Al-Khamsa* (henceforth *Sharh*), or the Explanation of the Five Principles, contains `Abd Al-Jabbar’s own commentary on the five principles, as well as the super-commentary of his student Manekdim. The *Sharh* will be used where it is in agreement with `Abd Al-Jabbar’s other works. Where differences arise between `Abd Al-Jabbar’s other works and Manekdim’s commentary this will be noted. Finally, two works of propaganda are also referred to, the shorter *Al-Mukhtasar fi Usul Al-Din* (henceforth *Mukhtasar*), or the Summary of the Principles of Religion, and the *Fadl Al-I’tizal wa Tabaqat Al-Mu’tazila wa Mubayanatahum Lisa’ir Al-Mukhalifin* (henceforth *Fadl*), or The Benefit of I’tizal and the Generations of the Mu'tazila and their Differences with their Adversaries, a longer work in defense of the Mu'tazila against their adversaries.

**Anthropomorphism, Inquisition, and Defeat**

What defines the Mu'tazila and differentiates them from other classical theologians was the priority they gave to reason. Since revelation appealed to reason, and since the truth of revelation could not be known apart from reason, the Mu'tazila argued that reason is prior to revelation. Reason is in itself sufficient for the knowledge of good and evil and of God and His attributes. `Abd Al-Jabbar puts it most clearly in the *Usul*, where he summarizes the methodology by which reason is given priority over revelation:

> And that which is transmitted in conflict with the Book [Quran] and rational evidence we will interpret metaphorically [*ta’awalna*] in a sound manner, just as we interpret the Book of God in accord with rational proof, not with that which is in conflict with it (Martin et al. 1997, 108).

In opposition to the Mu'tazila, the scholars of the movements which would develop into Sunni orthodoxy advanced literalist interpretations of the scriptures. While the Sunnis
differed among themselves, as will be seen, on the extent of the role of reason in uncovering moral and religious knowledge, they agreed in their opposition to Mu'tazila rationalism.

The metaphorical interpretation of the scriptures in accordance with reason is evident in the first of the Mu'tazila’s five principles, *Tawhid* or divine unity. The principle of *Tawhid* refers to the oneness and uniqueness of God. That God is one is a tenet of monotheism. By the time the Mu'tazila were active the challenges to the monotheism of Islam had ceased to arise from the original polytheism of the Arabs. The debate regarding monotheism was directed towards the dualists, particularly the Manichaeans (Watt 2009). The uniqueness of God refers to the debate over the anthropomorphic descriptions of God in the Quran. Within Islam, *Tawhid* concerned the divine attributes, and was the Mu'tazila attempt to combat the anthropomorphic interpretations of the attributes of God.

Several verses in the Quran refer to the hand or face of God. These verses lend themselves readily to metaphorical interpretation, referring to the blessing or essence of God (Watt 2009). Despite this, there seems to have been a tendency in the early centuries of Islam towards literalist interpretations of such verses (Watt 2009). Later, and more politically relevant, a threat to Islam’s hegemony arose from the dualist religions which gained in popularity among the secretary class in the 8th century CE (Watt 2009). The Mu'tazila framed the debate with the dualists as a debate between rationally supported monotheism and an irrational dualism. Mu'tazila ideas on *Tawhid* developed in

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13 Following the early Muslim conquests, the Arab elites retained the services of a native (largely non-Muslim, non-Arab) secretary class to administer the new Muslim imperial domains.
debates with both the literalists and the dualists, and reflect the use of reason as an *a priori* ground for knowledge of the divine.

In the *Fadl*, `Abd Al-Jabbar describes the development of the argument against anthropomorphism as rooted in an effort to correct the tendency among the masses (*al-`awam*) towards literal interpretation of the anthropomorphic verses in the Quran. For the Mu'tazila, the masses were rationally capable of understanding all the truths which the Mu'tazila held, and so should be informed of the error they make when they describe God with a body. The Mu'tazila argued their case against their opponents whom they labeled as *mushabbiha* or *mujassima* (anthropomorphists or those who describe God as a body). The Mu'tazila proof was that any attribute of God that is coeternal with Him would share in His divinity, making it equal to God, thereby negating the divine unity and oneness of God. Mu'tazila logic dictated that anything eternal would exist in and of itself (*li-nafsihi*), since it was not created by another, and must therefore be its own cause, making it equal to God.

Since nothing can be co-eternal with God, the nature of the word of God, the Quran itself, came into question.\(^{14}\) If the word of God is eternal, as many had held, then according to Mu'tazila logic it would be an entity equal to God. The Mu'tazila response was to deny the eternity of the Quran, reasoning instead that the Quran must be created in time (*muhdath* and *makhluq*). The Mu'tazila were able to support this idea by pointing to verses in the Quran which speak of the Quran as having been sent down, or

\(^{14}\) Watt (2009) notes that although a created Quran is a logical corollary of the attributes of God, the debate regarding the created Quran may have arisen earlier in time.
‘made to take a certain form’ (maj`ul), or occurring later in time than the Torah of the Jews.  

(Mughni, VII)

The Epistemology of `Abd Al-Jabbar

The major difference between Mu'tazila and Sunni theologians was in the epistemology of morality. For the Sunnis, moral knowledge is given in revelation, and reason is incapable of providing the grounds for knowledge of good and evil. There is no moral knowledge, or even morality, prior to revelation. The case is different for the Mu'tazila. Not only may moral knowledge be reached by reason, God Himself is only knowable through reason, which is prior to revelation.

In the twelfth volume of the Mughni, `Abd Al-Jabbar divides knowledge into the medieval categories of necessary knowledge (`ilm daruri) and acquired knowledge (`ilm muktasab). He defines necessary knowledge as that knowledge which we cannot negate in ourselves, knowledge upon which all rational persons would agree. It includes original knowledge, that knowledge which was created in us by God, such as knowledge of our own internal states (the state of reflecting or desiring), or knowledge of

15 The debate over the created Quran continues to have symbolic resonance today. The debate had reached a head during the reign of the Abbasid Caliph Al-Ma'mun (813-833 CE.) The originally tolerant al-Ma'mun established an inquisition (the only truly doctrinal inquisition in Islam), known as the Mihna, or the testing. The Caliph had numerous judges and jurists tested on their position regarding whether or not the Quran was created. While many acquiesced, the literalist jurist Ahmad ibn Hanbal persevered in the contrary position that the question was unanswerable. Ibn Hanbal suffered several years of imprisonment and torture during the reign of al-Ma'mun's successor, which helped establish him and his literalist school of thought as representatives of resistance to the caliphal domination. In contemporary religious literature, the Mihna continues to be used rhetorically, equating oppressive secular Arab governments with the government of al-Ma'mun. The Mihna tarnished the reputation and appeal of the Mu'tazila, perhaps unfairly, as recent scholarship has found little indication that the Mu'tazila, as a group, were involved in the Mihna, which appears to have been an effort at establishing caliphal dominance over all doctrinal schools (See Nawas (1994), Melchert (1997), Zaman (1997)).
the principles of logic, such that a body cannot be in two places, or be both eternal and created in time (muhdath). It is knowledge which occurs in us but we are not its source, knowledge which we cannot deny from ourselves through doubt. Necessary knowledge may also occur in us through a means, such as perceiving through our senses. Knowledge that is gained by perception is also an act of God. A third type of necessary knowledge is what occurs in us through knowledge that is itself a condition of knowledge, ma yajri majra al tareeq, such as knowledge of the self, which is prior to and a condition of the knowledge of the states of the self. (Mughni, XII)

Acquired knowledge is knowledge acquired through nazar (reflection, thought, or contemplation). We know it is knowledge when our soul is at rest concerning it. The peace of the soul indicates the lack of any doubts regarding what is known. To know something through nazar is to have answered all possible doubts that may arise concerning it. The peace or tranquility we experience regarding acquired knowledge is similar to the peace we have regarding necessary knowledge. For instance, our soul is at rest regarding the necessary knowledge that the color black is different from white. (Mughni, XII)

`Abd Al-Jabbar’s definition of knowledge as peace or tranquility in the soul points to the dialectical method followed by the speculative theologians. Kalam works tend to begin with a question of the form “if it is said” or “if he (the opponent in the debate) asks,” followed by “it is responded to him”. The assertions `Abd Al-Jabbar makes are followed by the many questions and doubts which may be raised. The doubts are often raised in the voice of an adversary from a different school. Differences with his own Mu'tazila predecessors are also presented and answered. `Abd Al-Jabbar, for the
most part, does not move from one topic to another until he has answered an exhaustive
list of doubts and potential challenges. ʿAbd Al-Jabbar’s definition of knowledge, and his
manner of writing (or dictating), reflect the dialectical method he followed in developing
and refining a set of logically consistent definitions upon which Mu'tazila theology may
be built and defended.

Knowledge (ʿilm) is a maʿna. Maʿna is a technical term referring to that
which makes it possible for an entity to have attributes, or as Ghaneabassiri has translated
it, an “entitative ground” (Ghaneabassiri 2008, 81). According to ʿAbd Al-Jabbar
(Mughni, XII) knowledge is the maʿna which brings about tranquility within the one who
knows. Knowledge is of a category with belief and conviction, but is specifically that
conviction (iʿtiqad) to which the person has peace and which is not plagued by any
doubts. There is an important caveat, however, and it is that knowledge through nazar is
only reached after the person examines the issue at hand. ʿAbd Al-Jabbar gives the
example of a person who sees a mirage and believes he is seeing water. It is not
knowledge until he has investigated and examined all possible doubts, and only then
would his soul have peace regarding that knowledge. Proofs only come about after
disproving all the doubts which might arise. The one who has peace regarding what is
mistaken in his belief deems his soul to have peace regarding what he thinks
is knowledge but is mistaken in what he deems as peace, whereas one who knows, knows
that he has peace.

ʿAbd Al-Jabbar defines ʿaql, which may be translated as both mind and
reason, as the set of the specific knowledges which enable a person to think and reflect
(nazar), infer knowledge (istidlal) and perform what he is required to do by his creator
(ma kullifa bihi) (Mughni XI). For `Abd Al-Jabbar `aql is not a substance or a sense or an ability or an instrument, although if the intention in using these words when describing `aql is to indicate that the mind or reason is what enables one to have the knowledge making nazār possible, then the words are correct in intention but mistaken in terminology. The aim of `aql is to enable one to acquire knowledge.

`Aql has generally been translated as reason, although some objections exist. Peters (1976) and Ghaneabassiri (2008) prefer intuition or common sense. `Abd Al-Jabbar’s notion of knowledge is in fact intuitive, as Peters and Ghaneabassiri have noted, although this does not justify dropping the translation of `aql as reason. As will become clear from the following discussion, `Abd Al-Jabbar uses `aql to refer the ability of the person to reason, to think logically, to infer knowledge, deduce conclusions from premises, and analogize. As pertains to human life, his notion of reason parallels that of Aristotelian reason in the *Nicomachean Ethics*: to enable one to know what is the good life. In *Mughni* XI `Abd Al-Jabbar describes `aql as etymologically derived from the word `eqal, the bridle used on a camel to direct it and prevent it from following its passions.

Similarly for us, reason is what prevents us from committing any desirable act which we know is bad. `Aql will be therefore be translated as reason here.\(^{16}\)

This is not to deny that there is an intuitive aspect to the notion of reason held by `Abd Al-Jabbar, especially in relation to moral knowledge. In his description of the person who is of sound mind, he includes the knowledge of some good and bad acts, and the knowledge of some duties. A person of sound mind, according to `Abd Al-

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\(^{16}\) The English translation of the Arabic technical terms in the work of `Abd Al-Jabbar will follow Peters (1976) unless otherwise noted.
Jabbar, knows intuitively that injustice is bad, that being ungrateful is bad, and that lies which do not bring a benefit or prevent a harm are bad. He also knows that charity is good and that it is a duty to give thanks for a blessing, and that it is a duty to return a something that has been entrusted to him. For `Abd Al-Jabbar these are aspects of necessary knowledge, since all rational persons agree on them. All other moral knowledge that is acquired is not possible without this necessary and original knowledge. (Mughni XII)

Grounding all knowledge in the division between necessary and acquired knowledge allows `Abd Al-Jabbar to submit the knowledge of God Himself to reason, undermining claims that God is known only through revelation. God must be known through nazar, according to `Abd Al-Jabbar, since He cannot be known through perception (He cannot be seen) or through necessary knowledge. For God to be part of necessary knowledge would require all rational persons to agree on His existence, similar to how they agree that night is dark and day is bright, and this is not the case. Also, necessary knowledge may not be denied from the self, and yet some famous believers became atheists later in life. (Sharh)

In the Sharh `Abd Al-Jabbar uses this to level a serious challenge against those who hold that God is known by knowledge that is received from one’s predecessors, and who deny the role of reason in religious knowledge. These are the people who follow taqlid (imitation). Taqlid, according to `Abd Al-Jabbar, means accepting the word of another without requiring proof. In Mukhtasar, `Abd Al-Jabbar specifically names those whom he is criticizing as ashab al hadith, which includes the traditionalists and followers of literalist methodologies. `Abd Al-Jabbar’s refutation of
*taqlid* is that one who decides to follow one sect must follow all sects, since he has no ground to discriminate against any of them. This would lead to a contradiction in beliefs as different sects hold different beliefs. If one decides to choose among them, he must use *nazar*, which returns us to reason. More importantly, not even the Prophet is followed through *taqlid*, since we believe him based on evidence (miracles), whereas *taqlid* is to accept without proof. Knowledge of God and religion is therefore acquired knowledge, since it is the result of *nazar*.

There are several rational paths leading to the knowledge of God. The first is through His actions, as there are many actions we are not capable of which point to one who is different from us. These actions include the creation of substances (*jawaher*), life, colors, or ability (*qudra*). The existence of reason, *al-`aql*, (the mind or the reasoning faculty), also points to the action of one unlike us. *(Sharh)*

God may also be known through accidents (*a`arad*). Accidents are of two types, perceived and non-perceived (*mudrak wa ghayr mudrak*). Of the perceived there are seven, including color, taste, warmth and so on. We also know that all bodies (*ajsam*) are the same. We may therefore prove that bodies differ by their accidents, due to some entititative ground (*ma`na*) existing in them, allowing bodies to contain these accidents. Hence black differs from white through a *ma`na*. Otherwise bodies could not be perceived. Of those not perceivable, such as desire, life, or ability (*qudra*), we know they too must have a *ma`na* since the same person may have a desire and then not have it, and it would not occur without there being a *ma`na* making it possible for the same body to have desire at one moment but not at another. *(Sharh)*
All accidents may be or not be (`adam), which is evidence that they are 
muhdath, occurring in time, temporal. What is eternal (qadim), can only be and cannot 
not be (la yajooz `aleyhi al-`adam). Since we can prove that accidents are muhdath, we 
know they need one who brings them into being. As for bodies, they cannot be eternal 
with God, or else they would be like Him. Since bodies cannot exist without accidents, 
and we have proven accidents are muhdath, we know that bodies are also muhdath and 
not eternal. This necessitates a muhith, one who causes them to occur in time, or else 
they would be their own cause. Since they do not have power (do not have qudra), they 
cannot be their own cause. This leaves their cause to be either us, or one different from 
us. This one who is different from us must therefore be capable or have power (have 
qudra) since He is the muhdith of the muhdath. (Sharh)

The one who has qudra, or has power/ability, must have it eternally, since 
He cannot have been without power and then was made to have power, or else He would 
have been given power by a power occurring in time. What He has created is of the 
quality that is evidence that He is knowing, since His creation is evidence of skill (similar 
to how a written text is evidence of the skill of a writer). He is also all-knowing since He 
cannot have been made to know after not knowing, and knows eternally for the same 
reason. And the knowing, capable one must be living (hayy), and must exist (mawjud). 
He must also be eternal, since if not, He would be muhdath, needing a muhith, which 
has been shown to be impossible, or else we would need a chain of muhdiths, ad 
infinitem. (Sharh)

The manner in which God can have these attribute was a matter for some 
debate. Some earlier Mu'tazila had argued that God knew by a knowledge that is Himself.
A later argument was that His attributes were of what He is in Himself. In the *Sharh*, the commentary turns to influential Sunni critic of Mu'tazilism, Al-Ash`ari, with the sarcastic comment that “then al-'Ash`ari reached brilliance, and claimed that God had these attributes through eternal ma`nas (entitative grounds), because of al-'Ash`ari’s rudeness and his lack of concern for Islam and Muslims” (*Sharh*, 183). The Mu'tazila position on the attributes was that they could not exist in themselves, or else they would be partners in God’s eternity. ʿAbd Al-Jabbar accepted his predecessor’s (Abu Hashim’s) linguistic answer to this problem, that God’s knowing is a state of His essence, so that there is no knowledge apart from that essence (Watt 2009).

Returning to *Tawhid*, ʿAbd Al-Jabbar challenged the dualists (Manichaeans and Zoroastrians), as reason also dictates that God must be only one. Two who have power or ability should be capable of limiting the other, which would mean God is less than fully capable, and that is a contradiction. As for the Christian Trinity, Christians held that God was one substance or essence (*jawhar*) with three hypostases. Not only is it impossible for one to be three, but more importantly, God cannot be a substance or essence (*jawhar*), since it would require that He be created in time (*muhdath*). (*Sharh*)

Reason, Intuition, and Moral Objectivity

In *Mughni* VI, ʿAbd Al-Jabbar develops the rational argument for the justice of God through a dialectical exposition of the epistemology of morality. In answer to the what Hourani has labeled Sunni “theistic subjectivism” or the determination of the moral quality of acts by an act of God's commandments (Hourani 1985, 59), ʿAbd Al-
Jabbar provides an epistemology of morals based on an argument for moral objectivity, one which may be uncovered through the use of reason - that actions have ethical/moral qualities in and of themselves, and that the ethical/moral quality is knowable to human reason. Hourani likens Abdul-Jabbar's moral objectivism to the intuitionist ethics of A.C Ewing and W.D Ross. It is a morality which judges actions intuitively, based on whether or not the actor deserves praise or blame for his actions.

`Abd Al-Jabbar begins his discussion of morality by defining the judgments of actions (ahkam al fe`l) in Mughni VI, the volume dedicated to justice. An action is defined as that which occurs by the one who is capable of it (has qudra to perform it). The technical word qudra refers to the ability or power of the actor to perform the act, while being independently capable of it. Peters’ (1976) translation of qudra as efficient cause captures the technical aspect of the word as used by `Abd Al-Jabbar. The word will be translated here as ability, capability, or power, to better match the flow of the Arabic text, with the caveat that it is intended as an independent or autonomous capacity to perform an act. The theological significance of the source of the ability will become clear in the following section.

`Abd Al-Jabbar divides actions into several types. The first type of action is that which may not have any additional value attributed to it, such as actions which occur from the one who is sleeping. The actions of the sleeper lack intention and are therefore amoral, neither good nor bad. This category does not apply to God since He is self-aware. `Abd Al-Jabbar differentiates himself from his Mu'tazila predecessor Abu Abdallah, who had argued that the value of an act depends on the result of that act. Even though Abu Abdallah excepted the one sleeping from praise or blame, `Abd Al-Jabbar
shows that this is not logically feasible, since if the one sleeping smacks another by accident it must still be a bad act similar in result to what happens if it was intentional. `Abd Al-Jabbar’s criteria provides a more consistent basis for the value judgment of an action by basing the judgment on the intention of the actor. (Mughni VI)

The second type of act is that to which a moral value may be attributed, and is further divided into two types, good or bad. Bad (*qabih*) actions are actions for which the actor deserves blame. Actions which are not bad, actions which do not deserve blame in any way, are good (*hasan*). This applies only to actions where the actor has a choice. Actions to which the actor was forced (*mulja‘*) do not bring upon the actor neither praise nor blame. (Mughni VI)

Good actions are of four different types depending on the praise or blame they bring on the actor. The first is that to which no other attribute may be added other than being good, and deserves neither praise nor blame. These are actions which are permissible (*mubah*), and include actions directed at one’s own benefit, such as breathing or eating. The second is that which deserves praise for doing it, but does not deserve blame for not doing it, and that is *nadb*. Actions that are *nadb* include actions which the actor is encouraged to perform, but is not blamed for not performing. This is the only category of actions whose desert is not known rationally, but through divine revelation. It includes voluntary prayers (*nawafil*), which deserve praise and reward but do not bring blame if they are not performed. The third category is the action which the person may be blamed for not doing, but praised for doing, which is the category of *wajib*, or duty. The final category is good actions which deserve praise, actions intended to benefit others, such as charity and kindness. (Mughni VI)
The intuitive aspect of the epistemology of `Abd Al-Jabbar is most evident in his defense of the moral economy he develops based on the distinction between acts which deserve blame and acts which do not. For instance, lying which does not have any benefit is known by necessary knowledge to be bad, when committed by one who is able and has a choice, and the liar deserves blame for his act. For `Abd Al-Jabbar this is self-evident, and is supported by his argument that any person of a sound mind would find such an act blameworthy. All rational persons agree, according to `Abd Al-Jabbar, just as they agree that night is dark, that such a bad act deserves blame. As evidence, `Abd Al-Jabbar describes a hypothetical situation in which a man is given the choice of earning a dirham (a unit of currency) for lying, or a dirham for telling the truth. If that man is of a sound mind, he will choose to tell the truth since there is no benefit in telling the lie.

(Mughni VI)

`Abd Al-Jabbar’s priority in his exposition of objective morality is not to develop an ethical argument for human conduct, but as Vasalou (2008) has noted, to defend the Mu'tazila principle that God is just, and that all His actions must be just. According to `Abd Al-Jabbar (Mughni VI), we know by a necessary knowledge that we would blame one who knowingly orders his slave to carry out an impossible act, and then punishes the slave for failing to carry it out. If we know that it is unjust for a person on Earth to command an impossible burden, then by analogy from the seen to the unseen, we know that it would be unjust for God to command an impossible burden, and then punish us for failing. This, however, was the position of the Mujbira on predestination, in which God predetermines our actions. With some ambiguity, it was also the position of Al-Ash’ari, who argued that God created the actions while humans acquired them. In order
to establish that God’s actions are just, `Abd Al-Jabbar must first establish that all God’s actions are good.

That God’s actions are all good may be shown through reason and speculation (*nazar*). The sources of bad actions are ignorance, desire, need, or *ilja`* (being forced to commit an act). `Abd Al-Jabbar has already established that God is living, all-powerful (*qadir*), and all-knowing, and that He has all these attributes in Himself (*li-nafsihi* or *li-zatihi*). Since He knows in Himself, meaning not by a knowledge that occurred in time (*muhdath*), He must be all-knowing. If He is all-knowing He must know good and evil, and therefore He cannot be ignorant. God is also self-sufficient (*ghany*) since He is living and He does not need. Need is only possible for one who has desire or repulsion (*alshahwa wal-nafar*). The evidence that God does not desire is that He would have to desire by a desire that is in Himself, or by a *ma`na* within Him. If He desires by a desire that is in Himself He would desire infinitely, and would be forced to create, infinitely, that which He desires, and He would be forced to consume that which He desires infinitely as well. We know, according to `Abd Al-Jabbar, that He transcends such a situation. If He desired by a *ma`na* within Him, that *ma`na* would be coeternal with Him, which has already been disproven. (*Mughni* VI)

Further, if He knows what is bad and He is self-sufficient, then He has no need to choose what is bad, and never does. Nothing can force Him (*ilja`*) since being forced to something means being either prohibited from an alternative action by another, or needing to do it for a benefit or gain for oneself. Since He is self-sufficient He never needs, and He is capable and cannot be prohibited. Hence He never chooses what is bad, although He is capable of it, but always does what is good. Again, `Abd Al-Jabbar is
analogizing from the seen to the unseen. The man who knows lying is bad would not lie if he was offered the same reward for lying or telling the truth. God, being all-knowing, powerful, and self-sufficient, will never commit a bad act, although He is capable of it. Further, since God is self-sufficient, all He does must be intended for the benefit of others, since He never needs. (Mughni VI)

This provides the ground for `Abd Al-Jabbar’s discussion of the justice of God. He defines justice as the category of good actions which are done to benefit another, even if that action includes a harm (Mughni VI). In Sharh justice is defined as a good action which is done to benefit or harm another. What we do to benefit others, or to harm others in a good way (‘ala wajh yahsun), is just. A judge is just when he rules fairly, meaning his actions are good actions directed at others, even though his ruling may contain harm. God’s actions must all be just, since His actions are always good, and they are always directed at others. And as injustice is the opposite of justice, it is every underserved harm that is devoid of benefit, and which does not avoid a greater harm (Mughni XIII).

The only act by God which is not just is the original creation of humanity. It is a good act, but is itself not a just act, since it is not directed at others, but only the condition of possibility of being just from that moment on. In the Sharh, Manekdim’s commentary breaks with `Abd Al-Jabbar on this point. Manekdim argues that the act of creation, according to `Abd Al-Jabbar’s definition, should be considered just, and he offers what he thinks is a better definition of justice: giving to another his right or his due, and getting from another what is right or due (tawfeer haq alghayr, wa isteefa’ alhaq minh) (Sharh). Manekdim’s judgment of `Abd Al-Jabbar’s reasoning is incorrect,
however, since `Abd Al-Jabbar’s conclusion that the original act of creation is good but not just is logically consistent with his definition of justice, since justice cannot exist before others exist.

The knowledge of God’s justice is the lens through which all other aspects of religion and life must be approached. In the Sharh it is stated that the tafsir (explanation and exegesis of the Quran) should not be done by one who does not have the prior knowledge of the justice of God through reason. This applies to life as well, where all acts that are attributed to God, such as illness and suffering that are not caused by humans must be investigated with the prior knowledge that God’s actions are just. This extends from the creation of humans to the suffering of animals.

Since God is just, His intention in creating humanity must be in order to benefit and reward them. But reward necessitates choice. Hence God created humanity and provided them with ability (qudra) and freedom of action. The freedom of action makes it just for Him to reward or punish them. The goodness of the act is in giving them the choice. The consequences of their choices, such as believing or not believing in Him, are their responsibility (so that creating one whom God knows will not believe and will suffer in Hell is still just). This also necessitates that the children of unbelievers who die before adulthood are in Heaven and are not punished since they were not given the choice as rational adults. (Mughni XI)

The word `Abd Al-Jabbar uses to describe the relationship of God to humans is taklif (obligation, responsibility), and the human is the mukallaf (“religiously obligated person” (Ghaneabassiri 2008, 73)). The act of taklif is itself good and just, since it is aimed at the benefit of the mukallaf. `Abd Al-Jabbar clarifies that divine obligation
which merits reward has two conditions. The first is that there must be some difficulty
(mashaqqa) involved in the obligation. This condition is met through creating desire and repulsion within the mukallaf (shawha wa nufur al-tab`). Without desire and repulsion there would be no difficulty, since temptations would be easy to resist, while duties would be easy to perform. Second, the one obligated must be given the tools to perform what he has been obligated to perform. The tools include ability (qudra), knowledge (how to bring something about), life, and will (the will to make something happen in some manner and not another). (Mughni XI)

As for divine revelation which informs the mukallaf of reward and punishment, it is a form of mercy or grace (lutf). Lutf is what helps the person be obedient to God and thereby merit reward. Lutf may also include hardships, such as illness, which cause the person to remember God. Religion and prophets are all part of God’s lutf. By making revelation part of lutf ‘Abd Al-Jabbar is able to avoid the possible criticism that he has made revelation superfluous. If all good and evil, and even God’s attributes, are rationally known, then revelation must provide something above rationally known truths. ‘Abd Al-Jabbar argues that revelation contains the knowledge of those things which are not necessarily good or bad in themselves, but the knowledge of which helps us perform our duties to God. Whereas what is rationally known to be evil is evil by an attribute associated with it, what is evil by revelation is evil because of the evil it leads to (which is always a rationally known evil). Had we known what good the injunctions of revelation lead to, we would have rationally known that they are good. For instance, we know it is good to perform one’s duties. Had we known that prayers train a person to perform duties, we would have known by reason that they are good. All divine
injunctions must therefore be shown to lead to a rationally knowable good or bad.
Revelation does not in itself impart moral value to an act, but only reveals the benefits or
harms which certain actions will lead to. Revelation is thus made to act as the knowledge
of a superior and merciful being. *(Mughni XIII)*

It is at this point in 'Abd Al-Jabbar’s ideas that he breaks most profoundly
with Sunni theologians. For the Sunni theologians, revelation is the basis of morality. For
'Abd Al-Jabbar, all aspects of revelation must accord with the precepts of reason and the
knowledge of the justice of God as established by reason. Verses in the Quran which
seem to allude to predestination, for instance, contradict what has been established of
God’s justice, since God’s justice necessitates freedom of action and choice on the part of
humanity. Any verse in the Revelation which contradicts the precepts of reason must be
interpreted metaphorically or linguistically (*ta’wil*), and the true, rational meaning of the
verse uncovered. Where *ta’wil* is not possible, 'Abd Al-Jabbar speculates. For instance,
the Quran allows Muslims to consume certain animals. We know by reason that the
suffering of animals is bad. We also know that suffering that is undeserved and
uncompensated is meaningless (*’abath*) suffering, and is also bad. 'Abd Al-Jabbar infers
that God will therefore compensate animals in the afterlife for their suffering in this life
*(Mughni XIII)*.

**Al-Ash‘ari’s Objections and ‘Abd Al-Jabbar’s Response**

'Abd Al-Jabbar and Mu'tazila theologians were willing to bend the
scriptures where they needed in order to protect God from any attributions of injustice. In
opposition, Sunni theologians, represented by Al-Ash‘ari, were willing to accept divine
injustice in order to protect the sanctity of the scriptures. Abu Al-Hasan Al-Ash’ari (d. 936 CE) was himself a Mu'tazila until the age of 40, when he experienced a spiritual episode that transformed him into one of the Mu'tazila's most effective opponents. His criticisms of Mu'tazila thought formed the germ of Sunni epistemology for centuries to come, and influenced the true founder of Sunni epistemology, al-Ghazali (below).17

In his Kitab Al-Luma `fi Al-Rad `ala Ahl Al-Zeygh wal-Bida` (henceforth Luma’) (Book of Lights in Response to the People of Error and Innovation), Al-Ash’ari argued that good and evil are only known through revelation. More importantly, good and evil only exist through revelation, since it is through the divine proclamations that forbid or command that actions become bad or good. Justice is not an issue for God, since there is no one above Him to command or forbid Him, meaning there is no right or wrong, or good or evil, for God (Al-Ash’ari, Luma`).

Al-Ash’ari’s proof is from the text of the Quran. The Quran has verses that indicate that God is able to have all humans believe or disbelieve in Him. This means that God did not create the ability (qudra) to believe in the ones who do not believe. God has therefore willed them to be unbelievers. As for children of unbelievers, God may punish them in the afterlife, and that would be just for Him. Everything He does is just, including the raising of some animals above others, and blessing some people over others, and creating those He knows will not believe and will therefore be punished in the afterlife. God may even create people and send them into punishment immediately, or punish believers and send unbelievers to Heaven if He wills. The only reason we know

17 Al-Ash’ari used the methods of kalam theology to defend the doctrines of the literalist Ibn Hanbal, but faced criticism from the followers of Ibn Hanbal for engaging in kalam at all (this criticism continues to leveled by contemporary salafists).
He does not do that is because of what He has revealed to us. This is a direct criticism of 
the Mu'tazila notion of duty (wajib) applying to God. Reason fails to discover the 
morality of actions since that morality is contained in the revealed commands and 
injunctions. If God had decreed that lying (the prime example of Mu’tazila necessary 
knowledge of morality) is good, then lying would have been good. (Al-Ash’ari, Luma`)

As for free will, Al-Ash’ari argued that since God is qadir (meaning all-
powerful in this context), everything that He wants or wills (yurid) must happen. For 
anything to happen that God did not will is a sign of His weakness and inability, which 
would be a contradiction. This means everything, including evil, happens by God’s will. 
And this applies to His own actions as to the actions of others. If God wills only good 
acts, none of His creatures would be able to commit evil acts. Al-Ash’ari avoids 
associating himself with the extreme position of the Mujbira, by using the idea of kasb, or 
acquisition. Kasb is an attempt to keep God as the source of efficient causality of all 
actions, while associating, in some manner, the actions created by God with the human 
actor (Watt 2009).

The support for kasb comes from verses in the Quran, such as 37:96, 
which states that “God created you and what you do,” and verse 32:17, “God rewards 
their works.” (Al-Ash’ari, Luma`, my translation). The two verses combined are proof 
that although God is the creator of human actions, He will reward or punish them for 
those actions.

The proof of kasb, according to Al-Ash’ari, is that had humans been the 
creators of their acts, they would create them as they see fit. For instance, we know that 
faith is good but difficult, whereas unbelief is bad. If human actions occurred according
to human intentions, faith would be easy, and unbelief good. But this is not the case, which is evidence that in their reality actions are created the way they are by a Creator according to His intention. The only one who has *qudra* is God, and the only actor (*fa`el*) of an action is God. Humans are not the actors or doers, but they acquire the act that is done by God. Humans are able to act by an ability which God creates in them, for good or evil, simultaneously with the act. The sentence “a man acquired unbelief” means a man acquired unbelief by a created ability (*bi-quwwa muhdatha*) (Al-Ash`ari, *Luma`*, 74). As for injustice and sin, God creates it for His creatures, not for Himself, meaning He is not the one who is unjust or sinful, just as creating speech in another does not make Him the speaker. (Al-Ash`ari, *Luma`*)

Al-Ash`ari avoids the language of choice as well. The closest he comes to acknowledging some human agency is in his discussion of forced and acquired acts. The difference between an action that is forced (*idtirari*) and one that is acquired (*muktasab*) is that the first happens and there is no ability to stop it, such as shivering, but in the latter there is an ability to commit the act. A person knows in himself the difference between them when he compares an acquired act to a forced one. The difference which one knows in himself between forced and acquired acts hints at some human agency in the acquired act. The idea of human agency, even as it relates to having a choice in which actions are acquired, remains undeveloped. Al-Ash`ari’s concern is not to establish human agency but to avoid attributing ability (*qudra*) to humans. (Al-Ash`ari, *Luma`*)

`Abd Al-Jabbar, writing after Al-Ash`ari’s writings had become influential, responded to all the objections raised against the Mu`tazila. The idea that human freedom challenges God’s will is given a linguistic answer. For God to will
(yureed) means for God to desire. God’s actions are what indicate His ability or qudra, not His desire, since if He wills something of Himself He does it. If He desires something of someone else, He has the ability to make the person perform the act. But if He permits the person to have a choice, and the person does not perform the act, it does not indicate weakness on the part of God, since God retains the ability. This is similar to a king who desires a subject to perform a certain act. That the subject does not perform the act is not an indication that the king is weak, since the king may still force the subject. (Mukhtasar)

In response to Al-Ash’ari’s theistic subjectivism, `Abd Al-Jabbar responds that the act of commanding and forbidding cannot impart moral value. If the act of forbidding something makes it bad, then anything humans forbid each other would become bad, leading to a contradiction as the same thing would be both permitted and allowed by different persons. It is not that He is God, the one to whom everything belongs (al-malik al-rab al-ilah), whereas we are not, since it is the act of forbidding itself, despite Him being God, that should impart the moral value. As to the assertion by Al-Ash’ari that morality does not apply to God since there is no one above God to command or forbid, `Abd Al-Jabbar answers that if God’s actions cannot be good or bad there is no criteria with which he could be praised. He could not be shown to be worthy of praise, thanks, or worship. And by analogy from what is seen to what is unseen, we know that there are still moral criteria for our behavior regarding what we own, such as slaves, meaning this also applies to God. (Mughni VI)

`Abd Al-Jabbar (Mughni VI) counts on his opponents to recognize the truth that if God forbade faith in Him, it would make faith bad, something they all would agree is impossible. As for Him being God, Al-Ash’ari’s intention according to `Abd Al-
Jabbar is that He is capable (*qadir*), and if *qudra* is the cause behind His imparting moral values to actions, then we also have *qudra* and should be able to impart moral value to actions we are capable of. Even those who believe in the eternity of the world and do not believe in God or religion, still know all necessary knowledge, and know good and bad, so that there must be a different criteria for good and bad beyond divine commands. The evidence in from that Quran is in such verses as 16:90, “God commands justice and kindness” and “God forbids lewdness and wrongdoing and oppression” meaning He asserted them before commanding or prohibiting them (*Mughni* VI, 113).

What is evil or bad, according to ‘Abd Al-Jabbar, must be bad because it has a certain attribute or state that makes it different from good. All bads that are known through necessary knowledge, such as lying, being ungrateful, or imposing an impossible burden, are known to be necessarily bad if they do not avoid a greater harm or bring some benefit. However, if they do avoid a harm we no longer know by a necessary knowledge that they are bad. We know through *nazar* or speculation (which leads to acquired knowledge, *`ilm* muktasab) that all lying is bad. This is because we can show that what is known by necessary knowledge to be bad is bad by virtue of being bad, regardless of benefit or harm. For instance, if lying is not bad in itself, but is bad because it does not bring benefit or avoid harm, then truth that does not benefit or avoid harm is also bad, and when lying and telling the truth benefit or have a gain, it is possible to choose lying over the truth. This may lead to a situation where a beneficial lie is preferable to a truth. If we do not know that lying is bad and truth is good in themselves, then we cannot trust God to be truthful, and we could no longer trust his messengers or prophets. Since this is known to be false, lying must be bad for a reason other than being devoid of benefit or avoiding
harm, and is bad for something in itself by virtue of being lying. That something must be rationally knowable (ma’qu'). It is that attribute or state that makes something bad, regardless of the actor, which means it applies to God and humans alike. (Mughni VI)

As for kash, ‘Abd Al-Jabbar traces the development of the idea from the predestinarians. In the Sharh, the idea is traced back to the Jahmia, named for Jahm ibn Safwan, who claimed that God creates all human actions, and humans have no control over them. The Mu'tazila proved that God could not justly hold humans accountable for the actions He determines and creates, any more than He could blame them for how they look or for their height. In Mughni VIII, ‘Abd Al-Jabbar traces the next phase in the development of the idea to Dirar ibn Amr and his followers, who kept developing the idea till they came up with the notion of kash. Their intention was to argue that the occurrence (huduth) of the act is from God, and that the person acquires but does not yuhdeth the act (bring it into being). They decided on the term kash because they could not find a term derived from the verb to do (almushtaqqat min al-af'al) without it being impossible for anyone but God.

The idea of kash, according to ‘Abd Al-Jabbar, was to avoid allowing humans to be the efficient cause behind their own actions, in order to avoid claiming that humans ‘created’ their own actions. ‘Abd Al-Jabbar’s refutation of kash (Mughni VIII) is that if the person is simply the place (mahal) where the act is created, he cannot be judged on the morality of the act since he has no choice. And simply associating the created act or created ability with the person, (as Al-Ash’ari does) does not answer the challenge of how God may be just in judging us for an act He created. Some of Al-Ash’ari’s followers had emphasized the choice of the act in the person, but the creation of
the act by God. To this `Abd Al-Jabbar responds that choice only follows the ability to
perform either the act or its opposite, and one who cannot create his own act can only
choose the act which will be created for him, making choice meaningless. In the
*Mukhtasar* he responds to the discussion among Ash`arites concerning the timing of the
created ability. If the ability is created at the moment of the act, as Ash`arites generally
held, `Abd Al-Jabbar responds that this makes choice meaningless, since if the act is a
choice, the person must be able to stop during it. However, if an act is created, the person
becomes incapable of stopping it, like someone thrown off the roof of a building.
Finally, in the *Sharh* he points out that acquisition may be disproven in itself, by simply
showing that it is an impossible idea to grasp rationally (*ghayr ma`qool*). None of the
opponents of acquisition, such as the Mu'tazila, Zaydites, Kharijites, and Imamis have
been able to understand it. And this is despite their serious efforts, the importance of the
issue, and despite how long they have been at it, in all their numbers.

**The Maturation of Sunni Epistemology**

The challenge to Mu'tazila theology from Al-Ash`ari was thoroughly
answered by `Abd Al-Jabbar. A more powerful, and perhaps devastating, critique of
Mu'tazila theology came from Abu Hamid Al-Ghazali (d. 1111 CE). Al-Ghazali, known
in the West Algazel, considered himself a follower of Al-Ash`ari, but was able to present
a far more serious challenge to Mu'tazila rationalism than his predecessor. Al-Ghazali’s
works are the foundational works of contemporary Sunni theology and epistemology, and
the following exposition of his works on the fundamentals of jurisprudence will set the
ground for the critique of contemporary Sunni epistemology and political theory.
In the *Al-Mustasfa min ʾIlm Al-Usul* (henceforth *Mustasfa*) (*The Chosen From The Science of Fundamentals*), Al-Ghazali divides knowledge into three categories: rational (*ʿaqli*), received or revealed (*naqli*), and mixed. The first, rational, is not required for religious knowledge, and includes sciences such as mathematics, trigonometry, and astrology. The inclusion of astrology allows him to claim that rational knowledge combines both honest (*sadiqa*) sciences and fake (*kaziba*) sciences. The fake ones lead astray, and the honest ones are useless, since only that which is useful for the afterlife is truly useful. The second category, *naqli*, includes the hadith and traditions of the Prophet, which is knowledge that is preserved and does not require reason.

The third category, which mixes reason and *samʿ* (revealed knowledge), is the highest knowledge, such as the knowledge of *fiqh* (jurisprudence) and the fundamentals of jurisprudence (*usul al-fiqh*). Mixed knowledge is neither based wholly on reason, which would be rejected by *sharʿ* (Islamic law), nor is it pure imitation, *taqlid*, which is not supported by reason. The fundamentals of jurisprudence (*usul al-fiqh*) contain the knowledge of the proofs of the rules of *sharʿ* (Islamic law), which is the knowledge of the rules of human actions as commanded by God. The rules are contained in the Quran, *Sunna* (sayings and traditions of the Prophet), and *Ijmaʾ* (consensus of the companions, and those after them). (Al-Ghazali, *Mustasfa*)

As for the rules of actions, Al-Ghazali argues that they are not attributes of the actions, and hence reason has no way of knowing them on its own. There are simply no rules before receiving the Law from God (*khitab al-sharʿ*). The rules by which actions may be judged are three: what we have been told not to do and is therefore forbidden (*haram*), what we have been told to do and is therefore duty (*wajib*), and what we have
been allowed to do or not do, which is permissible. Whatever has not been given a rule by the divine lawgiver does not have a rule. (Al-Ghazali, Mustasfa)

The Mu'tazila argument regarding moral objectivity, that the morality of some actions is known by necessary knowledge, is broken down by Al-Ghazali into its three basic assumptions. First, morality is an attribute of the acts in themselves. Second, the morality of an act is known by all rational persons through necessary knowledge. Third, the agreement of all rational persons is proof, and makes a statement necessarily true. (Al-Ghazali, Mustasfa)

In response to the first assumption, Al-Ghazali shows that there are no intrinsic values to acts since the morality of any action changes according to the context. For the Mu'tazila killing is bad, although executing a murderer is good, or if there is compensation for the killing. God allows humans to kill animals for food since, according to some Mu'tazila, He will compensate the animals in the afterlife. Lying, likewise, cannot be shown to be intrinsically bad since lying to protect a prophet of God cannot be a bad act, and is perhaps even a duty. If morality is intrinsic, it cannot change by the changing context. The second and third assumptions are built on the definition of necessary knowledge, the knowledge about which all rational persons agree. Al-Ghazali argues that ‘we’, the general Sunni movement, are arguing with the Mu'tazila regarding the morality of actions, which places morality outside of the category of necessary knowledge. Finally, the agreement of rational persons is not a criteria with which to judge what is necessary knowledge, since all rational persons may agree on something, and their agreement does not make it necessary knowledge. (Al-Ghazali, Mustasfa)
Al-Ghazali further undermines the foundation of Mu'tazila moral epistemology by placing the source of general agreement on the morality of certain acts in psychology rather than in a necessary knowledge created originally within us by God. Al-Ghazali agrees, for instance, that most rational persons would choose to tell the truth over a lie if the reward was similar, but not for the reason the Mu'tazila claim. The truth behind the choice is either that revealed religions have become ingrained in our moral values, or because of other, hidden or evident, goals. (Al-Ghazali, Mustasfa)

When people judge an action to be bad intrinsically, what they have done is abstract from a certain situation where that action is in opposition to their own personal aims, regardless of the aims of others. They do not think of those rare situations where that same action may be beneficial. A person who holds that all lying is bad has not considered that situation where his aims might be different, such as lying to protect a prophet. Such a person is most likely to hold that all lying is bad since he has been raised from childhood to think that lying is bad, and may even consider lying to protect a prophet, which is good, to be bad. (Al-Ghazali, Mustasfa)

People also tend to associate similar things in their imagination. For instance, a person who has suffered a snake bite becomes afraid of colored pieces of rope, associating the rope with harm. Even if he knows by reason that the rope is not harmful, he will remain subject to the illusion of similarity. Imagination is therefore a greater force than reason. Imagination of reward and praise is powerful enough for people to risk their lives against their rational judgments. A person may recklessly attack a much larger group of enemies knowing he could not survive just for the imagined praise he would receive for his courage. (Al-Ghazali, Mustasfa)
Imagination is also the reason behind the Mu'tazila argument that persons without religion would still help a stranger in need. When we see someone in need, we imagine ourselves in their situation, and we imagine the other person abandoning us. We see the abandonment as bad, since it is contrary to our goals, and so we make the effort to help them. It is therefore not proof of necessary knowledge. (Al-Ghazali, Mustasfa) Finally, the whole methodology of the Mu'tazila is undermined, since judging from what is seen to what is unseen is valid, but does not apply when considering the divine.\(^\text{18}\) God is of a different category and nothing can be known about Him through analogy from what is seen on Earth. The example Al-Ghazali uses to prove this point is that we know from what is seen that it is bad for a person to give the freedom to his male and female slaves to act wantonly and commit adultery together. By analogy it would be bad for God to give us that freedom. The reality of the situation is that God has done exactly that, allowing his creatures the freedom to commit evils, and the Mu'tazila argue that that is good from God. Hence, analogizing from the seen to the unseen, while valid in itself, fails when the category of the unseen is not demarcated so as not to include the divine, which is of a different category altogether. (Al-Ghazali, Mustasfa)

Ibn Hazm, the 11\(^{\text{th}}\) century Andalusian theologian, also seized on this aspect of Mu'tazila methodology in \textit{Al-Fasl fi Al-Milal wal-Ahwa' wal-Nihal} (henceforth \textit{Milal}) (The Separation of Religions, Heresies, and Sects). Ibn Hazm was a literalist Zahirite, fiercer than Al-Ghazali in his defense of the freedom of God. Ibn Hazm specifically attacked the issue of justice held by the Mu'tazila, claiming it as the source of all their heresy. In an ironic twist, he showed that by analogizing from what is seen to

\(^{18}\) Khadduri (1985) notes that Baqillani had pointed this out as well.
what is unseen, the Mu'tazila have engaged in *tashbih* (anthropomorphism). Fighting anthropology was a foundational aspect of the Mu'tazila theology, and the accusation leveled by Ibn Hazm is significant. When the Mu'tazila claim that we know by analogy from what is seen to what is unseen that it is unjust for God to command an impossible burden, the Mu'tazila are denying God’s uniqueness and likening Him to humans. What applies to us through reason does not apply to God. (Ibn Hazm, *Milal*)

Ibn Hazm also challenged the Mu'tazila claim that it is unjust for God to favor some over others. The Mu'tazila argued this as part of their principle on the promise and the threat, denying that God will forgive some unrepentant sinners as an act of mercy or grace (which would be unjust towards those who avoided sin, and unfair towards the sinners He does not forgive). Ibn Hazm shows that God in fact has revealed that He has favored some over others. He has allowed men to engage in polygamy, but not women, although we know that they both feel the same jealousy in their heart. God also allows a free Muslim to own his fellow Muslim slave, and put him to work and sell him, although that slave may be better in the eyes of God because of his piety and good behavior. God commanded that a male child inherit twice the amount of the female child, although the male child may be rich and the female child poor and in need. God allows us to consume some animals, although we know from experience the pain this causes them, and we have seen the suffering of the mother ewe when we take away her lamb. (Ibn Hazm, *Milal*)

What this reveals, according to Ibn Hazm, is that God favors whomever He wants, and that this is just, because God is prior to good and evil. If good and evil are categories known by reason, as the Mu'tazila claim, then before the creation these categories could not exist, meaning God is prior to all morality. If good and evil existed
as categories before creation, they would have existed eternally, with God, which the Mu'tazila would argue makes them divine entities equal to God. If the Mu'tazila respond that good and evil existed eternally in God’s knowledge, but did not exist as categories in and of themselves, then God’s knowledge of good and evil determines them, and what He does is good and just, regardless of our knowledge and reason. (Ibn Hazm, *Milal*)

By the 11th century, when `Abd Al-Jabbar was writing, the Mu'tazila had lost popularity among Muslim populations in favor the Sufi, Sunni, and Shiite sects. Although Shiite theologians continued to draw on Mu'tazila ideas, among the Sunnis the Mu'tazila were discursively defeated by the efforts of Al-Ash'ari, Al-Ghazali and others, and their figures made unpopular by association with the *Mihna*. `Abd Al-Jabbar’s effort at reconciling with the Sunnis met with little success, and the Mu'tazila continued to be rejected as heretics until the 19th century when their rational methods were seized upon by Muslim reformers. Mu'tazila writings were seen, and continue to be seen, as holding the promise for a modern Islam which is open to rational reform.

**Political Theory: Mu'tazila Justice versus Sunni Accommodation**

Politically, `Abd Al-Jabbar was himself not as rebellious as the earlier Mu'tazila. His political writings on the caliphate reflect an acceptance of the general Sunni concept of the caliphate, but with more emphasis on the importance of justice in the Imam. Most Sunni theologians placed the unity of the Islamic lands and the fear of chaos and civil strife (*fitna*) above considerations of the justice of the ruler. As has been discussed in the previous chapter, Sunni writings on the political affairs of Islam were
less interested in formulating a normative argument than they were in rationalizing actual historical developments (Gibb 1962). In Gibb’s words, Sunni political theory was in contrast to the theories of the Shia and the Khawarij – not speculatively derived from the sources of Revelation, but rather based on an interpretation of these sources in the light of later political developments, and reinforced by the dogma of the divine guidance of the community and the infallibility of its ijma [consensus]…Almost every succeeding generation left its mark upon the political doctrine, as fresh precedents were created and the theory was accommodated to them. This close dependence upon historical fact is clearly seen in (and serves to explain) yet another feature of Sunni theory, namely its refusal to lay down rules for cases which had not yet arisen in practice (Gibb 1962, 154-5).

Although, as Gibb notes, there does not exist a single Sunni political theory, Al-Mawardi’s 19 Al-Ahkam Al-Sultaniya, or Sultanic Rules, is a formulation which may serve as an exposition of the main concerns of Sunni jurists of the classical period. Sunni political theory relied on the events of the foundational period in Islam (the early period of succession to the Prophet) as a record of legal precedents. The record served as the basis for legitimacy in political debates, and as the ground for innovations needed to accommodate historical developments. In common with most Sunni jurists, Al-Mawardi held that the caliph or Imam is to be elected by qualified electors. The electors were to come from among the ahl al-`aqd wal-hal, or ‘those who tie and loosen’. This referred to men of power and authority who represented the most powerful interests in the community so as to make their designation meaningful. Sunni jurists generally agreed that the number of powerful men who elect the Imam ranges from one to six, in order to match the number of persons involved in the choice of the first caliphs following the Prophet’s death.

19 Died 1058 CE
Sunni rationalization of the status quo is evident in the innovations Al-Mawardi introduced to deal with the situation of the weakened Abbasid caliphs. After establishing the procedure through which a caliph is elected, and providing an extensive study of the caliph’s duties and the nature of his authority, Al-Mawardi introduces two exceptions to caliphal authority based on historical developments. The first is the situation in which a powerful subordinate has restrained the caliph and now exercises executive authority himself. The second, the imarate by seizure, is the situation in which a powerful person has seized control of an outlying province. In both cases, if these persons agree to acknowledge the nominal authority of the caliph, and agree to rule according to the shari`a, the caliph may designate them and their authority becomes legitimate. Similarly, Al-Ghazali accepted the legitimacy of a secular sultan who forces the caliph to designate him, as long as the caliph receives nominal recognition in return (Rosenthal 1958). Gibb notes, however, that Al-Mawardi’s attempt to limit expediency to such a situation was the “thin edge of the wedge. Already the whole structure of juristic theory of the caliphate was beginning to crumble, and it was not long before the continued application of these principles brought it crashing to the ground” (Gibb 1962, 164).

In contrast to Sunni political theory, Mu'tazila theory established justice as an essential element of rule, both in the person of the ruler, and in his actions. Few Sunni jurists had allowed for the removal of a caliph who commits injustice, and even then, those who remove the caliph must be of a superior force and number to the caliph’s supporters to ensure that the coup is quick and avoids chaos and civil strife (fitna). In practice this discourages rebellion or resistance from below, where the results could not
be known beforehand. It favors coups by established princes, tribal chiefs, and army generals. For the Mu'tazila, resistance to an unjust ruler was the duty of every Muslim, regardless of social position.

`Abd Al-Jabbar’s discussion of the Imamate (*Mughni* XX) breaks with most Mu'tazila theologians, and argues that the Imamate is not known by reason but by revelation. His evidence is that rational persons may argue, validly, that the existence of a powerful leader is more of a threat than the lack of a leader. It is therefore not a matter of rational consensus that a leader is necessary. Most of `Abd Al-Jabbar’s political discussion mirrors Sunni ideas on the issue of the caliphate, and mirrors Sunni positions on the events of the succession to the Prophet. The crucial difference, however, pertains to justice and revolution.

`Abd Al-Jabbar holds that the Imam must be a just person, meaning one who may be trusted to uphold the law, be fair in its application, and be responsible with the state’s finances. If the Imam errs, he must be removed. He supports this with the generally accepted record of the events of the succession: in the case of `Uthman, the issue of debate was whether or not he had erred, but there was general consensus that if he had erred he should be removed. As for Sunni accommodation to power politics, `Abd Al-Jabbar rejects out of hand that a usurper who establishes himself by force gains the right to rule, especially to rule as an Imam. One who is unfit for rule who establishes himself by force commits an injustice. To force himself to be recognized as Imam is a further injustice which cannot negate the prior injustice. (*Mughni* XX)

Since the 19th century, Muslim reformers and political thinkers have utilized the works of the classical Muslim writers, including the Mu'tazila and Sunnis, to
lend legitimacy to their contemporary political projects. Whereas conservative Sunni political groups emphasize continuity and textual legitimacy, reformers have used Mu'tazila writings to create an Islamic basis for a rational, political formation which is open to developments from outside of the Islamic world.

In Sunni Islam, the sources or fundamentals of jurisprudence, *usul al-fiqh*, continue to be as Al-Ghazali had enumerated them: Quran, Sunna, and *Ijma`a*, or consensus. Consensus may refer to the consensus of the generation of the Prophet’s companions, or the consensus of later scholars. Debates within contemporary Sunni Islam are played out within narrow margins, such as the space allowed by the ambiguity of some Quranic verses, and the authenticity of some traditions regarding the Prophet. A larger space exists in the discursive formation referred to as consensus, which includes the seminal works of Sunni Islam, including the works of Al-Ash’ari and Al-Ghazali. The latter space is created, in part, by the ambiguity of the rules governing what is included in consensus and the rules governing the use of that material. The ambiguity is somewhat deliberate, as Yassin (2009) has argued, mixing text and history, and imparting sanctity to the history.

In practice, consensus amounts to a process of selective utilization of the seminal works the classical period of Islam in support of contemporary arguments. The selective use of statements from the classical works to bolster one side of an argument against another does not consider the context of these works, or aim at consistent use of the authors or works. This is most evident in the contemporary uses of the classical materials by Islamic political theorists. The works of the seminal figures of Sunni Islamic theology have entered the canon of Sunni Muslim religious knowledge, and associating
ideas with them lends truth value to claims made within contemporary debates. Politically, this has resulted in a method of selective evidence that is unsystematic, and rejects as far as possible the historical contextualization of the texts.

For instance, Hasan Al-Banna (d. 1949), the founder of the Muslim Brotherhood, used Al-Mawardi to argue that Islam is compatible with a parliamentary system of government. Al-Banna noted that just as Al-Mawardi held that a ruling caliph is accountable for the actions of his deputy, so should the Egyptian monarch (at the time of his writing) be held accountable for his prime minister. That Al-Mawardi allows the caliph to designate a deputy is proof, according to Al-Banna, that Islam is applicable to all places and eras. The Islamic precedent and basis for parliamentary elections is the election of the caliph by the *ahl al-hal wal-`aqd*. In order for the Egyptian constitution to comply with this condition of the classical jurists, anyone running for parliamentary elections should come from among the *ahl al-hal wal-`aqd*, which would include the Islamic jurists, people of experience in public affairs, and anyone with a leadership position in the community, such as heads of households, tribes, or leaders of other groups. There should even be a mechanism in the election laws which bars those who are not from among the *ahl al-hal wal-`aqd* from running in the elections. (Al-Banna 1988)

For Al-Banna, finding an Islamic basis for contemporary governance reflects contemporary experience but is limited by the conceptual framework of the classical Sunni scholars. Al-Banna’s Islamization of parliamentary elections undermines both democracy and state authority. His version of elections would enshrine the patriarchal structures of authority in society, instead of conferring upon someone, by popular choice and through the parliamentary system, the power to ‘tie and loosen’. The goal of Al-
Banna is to accommodate the historical developments, and rationalize them according to Islamic discursive practices, while at the same time rejecting them. Al-Banna accepted the parliamentary system, which had already been accepted by the Egyptian population, by providing an Islamic basis for it from the works of the classical Sunni theologians. The Islamization of the concept of elections, however, refuses to contextualize the Sunni writings, or acknowledge the difference between the election by a handful of powerful men, which reflects power politics, and the election by a popular vote which serves to empower the disenfranchised. Al-Banna is not blind to the difference. His goal is not to formulate an Islamic vision of democracy, but to accommodate and to contain a historical development.

As both Al-Mawardi and Al-Ghazali were writing during the weakness of the Abbasid caliphate, it is possible to understand their innovations within their own historical contexts, motivated as they were by the concern for the unity of the Muslim lands and the avoidance of civil strife. It is difficult to understand, however, how their works may serve as a sacrosanct source of political theory upon which to base a modern constitution. What Al-Banna and others, such as Tu`aymeh, have done is to refer selectively to the works of these seminal figures, in order to provide a sense of continuity with the Islamic past, and to provide legitimacy for their political views. The contradiction occurs when Al-Banna and others refer to what is seemingly modern in the work of Al-Mawardi while ignoring the *imarate* by seizure as no longer valid but as something which was valid within its context. The result is that Islamic thinkers contextualize the aspects of Islamic thought which they choose, while claiming to refuse to contextualize the sources of Islamic knowledge. If Islamic texts may be contextualized
in some cases and their inapplicability to the current situation accepted, then the source of the division between what may or may not be contextualized must be clarified.

Mu'tazila ideas began to resurface in Sunni Arabic writings in the 19th century. The famous Egyptian reformer Muhammad `Abduh (d. 1905) (Chapter 5), an Azhari trained member of the `ulama‘ class, returned to the Mu'tazila idea that reason is prior to revelation. He accepted ta‘wil or metaphoric interpretation of verses in the Quran which seem to contradict what is known rationally. Politically, `Abduh argued that religious government or religious authority (sulta diniya) has no basis in Islam. He used verses from the Quran to argue that Islam is a religion of preaching and advising, not rule. He compared the Muslim caliphate, in which the Muslim caliph is chosen, and where he may be removed for transgressions, to the concept of theocratic government. Theocratic government, he argued, was a European idea, which explains why Europeans needed to separate religious and civil authority, a situation which does not apply in Islam. (`Abduh 1993, 301-308)

The idea that there is no religious political authority in Islam was seized upon by the Egyptian judge `Ali Abd Al-Raziq. Abd Al-Raziq (1925) used this idea to oppose the plans by the British colonial authorities and the Egyptian monarch to establish a new and pliant Islamic caliphate based in Egypt to replace the Ottoman caliphate (Amara 2000). Abd Al-Raziq contrasted the Prophetic period with the post-Prophetic period, and showed from the historical record that an Islamic government did not exist during the life of the Prophet. He based this contention on the lack of even the simplest of

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20 See also Oliver-Dee (2009), *The Caliphate Question: the British Government and Islamic Governance*.
instruments of state power during the life of the Prophet, and the observation that Muslim converts were left to live according to their own political customs. What was established by the early caliphs, according to Abd Al-Raziq, was not an Islamic government but an Arab temporal authority. Government was therefore the political innovation of the Prophet’s companions, but not the dictate of religion. He argued that the wars of the Ridda were a political and not a religious development. The war was not sanctioned religiously as many of the tribes who were fought had not apostatized but simply refused to pay alms tax. It was not a sin worthy of death according to religious law, but a rebellion against the nascent Arab state centered at Medina.

Amara (1989) reworks `Abd Al-Jabbar’s argument against the Shiite requirement of a divinely guided Imam to argue for a modern republican democratic form of government. Amara differentiates between the source of the legitimacy of the Imam in Shiite political theory, and in Mu'tazila and Sunni political theory. Whereas the Shiite argued for the need for a divinely guided and divinely chosen Imam (chosen through his line of descent from the Prophet), the Sunnis and Mu'tazila argued that the source of legitimacy is merit and election by the Muslim community. As opposed to the Sunni political arguments of Al-Ghazali and Al-Mawardi, Amara notes that `Abd Al-Jabbar, and the Mu'tazila in general, rejected any compromise with tyranny, and legitimized revolution against tyrants. For Amara, the communal source of legitimacy (as opposed to the sacred) of the political authority, and the right to remove that authority when it errs, is an Islamic precursor of modern republican democracy.

The list of reformers who have utilized Mu'tazila writings for political arguments is not limited to the above examples, and their intentions for the most part are
progressive and democratic. They share, however, the same criticisms which may be leveled at contemporary Sunni political writers who use the classical record to support their political projects: a selective use of the materials of the classical writers which does not provide a comprehensive epistemological ground which would govern the use of the classical material and acknowledge the foreignness of the historical contexts within which the material was developed.

**Conclusion: Slavery and the Failure of Sunni Epistemology**

The failure of Sunni epistemology, and the inconsistency in the contextualization of the scripture and classical writings are most evident in Sunni Islam’s failure to formulate a strict ban on slavery. Despite the agreement among Sunni scholars that slavery is an evil practice, Sunni Islam remains incapable of issuing a final and binding ban on slavery using the Sunni methods available through the epistemology outlined by Al-Ghazali. The position that has been taken by most Sunni apologists is that the Quran allowed slavery as a necessary evil, one that was prevalent throughout the world at the time of the revelation. They argue, with ample evidence from the Quran and Sunna, that the intention of Islam was to regulate the practice in favor of the slave, and to encourage emancipation.

The Muslim reformer Muhammad Rashid Rida (d. 1935), in completing the Quranic *tafsir* started by his teacher Muhammad `Abduh, argued that the aim of the Quran was to abolish slavery gradually. Abolishing slavery immediately would have been impossible, given the resistance of the slave owning class, and the poverty and chaos into which the slaves would have found themselves. As an example of the suffering of the
freed slaves, he describes the wholesale abolition of slavery in the United States, where according to him the slaves were left to wander the Earth in search of a living, having to eventually fall back on their original masters. The goal of the Quran was therefore to prevent further slavery, while abolishing existing slavery gradually. (Rida 1947, 288-9)

The first method of ending slavery, according to Rida, was by forbidding the enslavement of the weak by the strong. The exception was to allow the enslavement of prisoners taken in a just war. As for the lack of a clear Quranic injunction forbidding slavery completely, Rida argues that it is a wisdom allowing the leaders of the Muslims leverage in negotiating the freedom of Muslim captives. This aim is not stated in the Quran, but Rida reads it back into the Quran. The second method of abolishing slavery gradually was to command and recommend the emancipation of existing slaves (wujub and nadhb). Any injustice against the slave by the owner is sinful, and in the case of bodily harming the slave, results in the legal emancipation of the slave. Any injustice less than bodily harm is still sinful, and the expiation for that sin is to free the slave. Any slave who offers to buy his freedom at a future date has the legal right to demand that a written contract be drawn up to protect the agreement. A woman who bears a child for the owner is freed (with her children) after the owner’s death. The Quran makes the emancipation of slaves a condition for the expiation of several sins, and recommends emancipation as a means of gaining God’s favor. Emancipation of slaves is also an aim of zakat, the alms tax leveled by the Muslim ruler. (Rida 1947)

The general agreement among contemporary Sunni apologists is similar to the argument made by Rida, emphasizing the progressive and teleological nature of the Quranic commandments related to slavery. What the apologists do not explain is the
failure of Sunni epistemology to develop this progressive aspect of the Quran for over a millennium. Slavery in the Muslim world was prevalent until the 19th century. It was forbidden by the Ottoman empire in the 19th century under pressure from the Europeans. Brunschwig (1999) notes how Wahhabi Saudis resisted emancipation. Saudi Arabia did not officially abolish slavery until 1962. Abou El-Fadl reports that as recent as 1993, a high ranking jurist in Saudi Arabia argued that “not only is slavery lawful in Islam, but that it ought to be legalized in Saudi Arabia. [He] went further in accusing Muslim scholars who condemned and outlawed slavery of being ignorant and infidels” (Abou El-Fadl 2005, 255). Abou El-Fadl notes that the Saudi jurist may have been responding to the Westernization of the idea of rights, particularly women’s rights, but acknowledges that such an edict “is particularly disturbing and dangerous because it effectively legitimates the trafficking in and sexual exploitation of so-called domestic workers in the Gulf region and especially Saudi Arabia” (Abou El-Fadl 2005, 255).21

It is telling that the Saudi jurist, and not Rida, is correct according to Sunni epistemology. According to the stricter Salafist epistemology, championed by Ibn Hanbal and inspiring Saudi Arabian Wahhabist Islam, if the Salaf (the predecessors) practiced slavery then slavery is permitted. Textually, slavery is as permissible today as it was in

21 Abou El-Fadl writes that “The position of slavery had been resolved for most of the twentieth century: slavery was considered unlawful and immoral, and all Muslim countries without exception had made the practice illegal. Importantly, most Muslim scholars had reached the reasonable conclusion that slavery is inconsistent with Qur’anic morality and the ethical objectives of the Islamic faith.” As for the Saudi jurist’s intention, “The reinstitution of slavery has nothing to do with the safeguarding of Islam or Islamic law, and it also has nothing to do with protecting the integrity of Arab or Saudi cultures, but in the puritan mind, this is a slap in the West’s face. Because puritans believe that the West pioneered the abolition of slavery and invented the idea that the practice of slavery is a violation of human rights, they simplistically think that championing the cause of slavery is a snub to Western moral standards.” (Abou El-Fadl 2005, 255-256)
the year 600 AD. The case is similar for the vast majority of Sunnis who are not Salafist, and who follow the more complex epistemology of Al-Ghazali. Even though the consensus of scholars (ijma’) exists against slavery, consensus does not overrule the Quran. If Sunni epistemological grounds are to be followed on the issue of slavery as they are on other issues, we should find dozens of Sunni scholars debating the intricacies of Quranic injunctions pertaining to slavery. And yet that is not the case.

Most ‘ulama’, in fact, accept a variation of the argument made by Rida. Rida argued that the Quran had a teleological aim, one that works through time. Our knowledge of this Quranic aim is not by revelation, but by reason, and is based on the knowledge of the historical situation which existed at the time of the Quranic revelation. What Rida has done, then, is to historicize the scriptures in order to show that God transcends an objectively known evil. That this mirrors some aspects of Mu'tazila doctrine is not surprising, since Rida’s teacher, 'Abduh, was among the first modern scholars to reclaim Mu'tazila ideas. What is surprising, however, is that this argument finds wide acceptance among even the strictest of modern interpretations of Islam. This is all the more surprising since any efforts at historicizing the scriptures by Muslims writers is met with serious and sometimes violent resistance by these same advocates of historicizing the Quran on the issue of slavery.

What has occurred since the 19th century is that popular feeling among Muslims against slavery has overridden epistemological considerations. Sunni apologists must either follow their epistemology fully, leading to the embarrassing situation in which they are apologists for slavery, or to accept a situation of contradiction where they offer a loose historicization of the scriptures while claiming to reject historicization as a
valid epistemological tool. For the most part, they have opted for the latter, undermining their whole epistemological claim. Ironically, an 11th century Mu'tazila thinker would not face this contradiction. The Mu'tazila had the conceptual and discursive tools with which to forbid slavery conclusively once it may be shown that slavery is necessarily evil. The Sunni does not.

The other injustice noted by Ibn Hazm, the lesser rights of women in the Quran, does not receive the same treatment. As Mernissi (1991) has argued, the Quranic injunctions governing the civil and legal rights of women were progressive in their historical context. Sunni scholars do not, however, expand their epistemology to turn what have now become regressive aspects of Islamic law into a divine progressive project for the emancipation of women, similar to the case with slavery. In fact, Sunni apologists tend to take the Quranic rules which favor males in matters of inheritance and which equate the testimony of two women with one man in court as the epistemological grounds through which they view women: the reason for the unequal status of women in the Quran must be some incapacity inherent in women. Gone are the honest words of Ibn Hazm, who admitted that women are equal to men in their jealousy and need, but that God simply plays favorites, and He is free to do so. As opposed to both Ibn Hazm and 'Abd Al-Jabbar, contemporary Sunni apologists bend both scripture and reality.

The failure of Sunni scholars to produce a binding edict abolishing slavery is therefore a failure of epistemology. This is not to argue, naively, that epistemology holds the grounds for the reform of the religion and religious movements. It is only to emphasize the difficulty of reform within Islam as long as the interpretation of the
religion remains the privilege of a narrow class of persons versed in the classical material and who accept that material’s discursive constraints.

`Abd Al-Jabbar, writing in the 11th century, pointed out that beating a slave for no reason is evil. Given his conceptual horizon, he could see that beating the slave is evil, but did not see slavery itself as evil. By the 19th century slavery, as will be discussed in chapter 5, was an objectively known injustice. By the 21st century, we know that granting women an unequal status is an objectively known injustice. Had `Abd Al-Jabbar’s rational methods of not interpreting the text of the Quran without understanding the justice of God been allowed to flourish within Sunni Islam, the emancipation of slaves and the emancipation of women might have found more allies from within the religion. Politically, Muslims would also benefit from an approach to religion which emphasized justice in the political realm over textual considerations. The Mu'tazila defeat by the Sunni `ulama’ was complete by the time of Al-Ghazali, and we do not have a record of a Mu'tazila master who responded to him. That task was taken up by the philosopher Ibn Rushd, the subject of the next chapter.
Chapter 3: Ibn Rushd: Philosopher of Justice

The previous chapter investigated the centrality of justice in the works of the Mu'tazila who were active during the era of consolidation of the powerful caliphates. This chapter investigates the works of the philosopher Ibn Rushd (d. 1198 CE) (known in the West as Averroes). Ibn Rushd lived during a more tumultuous era, when the traditional caliphates had been challenged by powerful, non-Arab tribal military leaders. In the Muslim East, the Abbasid caliphs were retained by powerful Turkic tribesmen as powerless figureheads. In the Muslim West, Berber tribesmen had come to power on the heels of popular religious movements that established their power in North Africa and Spain. Sunni orthodox writings from this period, including those of Ghazali and Mawardi mentioned in the previous chapter, engaged in accommodation and apology for the new status quo. The political writings of Ghazali and Mawardi exhibit the Sunni methods of legal-religious reasoning that were to come to define Sunni Islam for centuries to come. They both cleverly utilized the historical record of the foundational period to provide religious sanction and justification for the new political order. Sunni political thought was inhibited by its desire to justify, not challenge, the status quo, setting its priority on preserving order and unity. The Sunni theory of the caliphate does not, therefore, develop a normative theory of the state.
Against this backdrop comes the work of Ibn Rushd. Ibn Rushd, educated in the Greek rationalist legacy of Plato and Aristotle, called out the tyranny and injustice at the heart of Muslim political and social life. Ibn Rushd, like Ghazali, had lived and served in the halls of power. Unlike Ghazali, however, he developed a normative theory of the state that acknowledged the centrality of justice to political life, and condemned the injustice of existing arrangements. As this chapter will show, Ibn Rushd offered a vision of a just state that abandoned Sunni forms of religious and legal reasoning in favor of a new approach that contextualized the revelation through a rationalist conception of justice. What resulted was a new form of legal-religious reasoning that set justice as the highest priority of both revelation and politics. Ibn Rushd's new reasoning provided the most searing indictment in Muslim history of political injustice and the injustice of the lot of Muslim women. More importantly, Ibn Rushd's reasoning, as will be seen, was an indictment of the failure of the shari`ah for establishing justice, and the most thorough argument in Islam for the need for secular political laws (laws developed outside the shari`ah and traditional jurisprudence) that will ensure justice.

The chapter begins with a review of the academic literature pertaining to Islamic philosophers, with a focus on the influence of Leo Strauss in reading the Muslim philosophers, particularly Al-Farabi, as proponents of establishing the rule of philosopher-kings who would rule without laws. In contrast to this reading of the Muslim philosophers, this chapter will present a new reading of Ibn Rushd as an advocate of political reform through the establishment of secular, rational laws. Ibn Rushd's religious defense of Aristotle, particularly against the attacks in Ghazali's *Incoherence of the Philosophers*, continues the effort of the Mu`tazila at reconciling reason with the Islamic
revelation. The result is an internal criticism of Ghazali's epistemology which vindicates
the Mu'tazila assertion of the justice of God and the necessity of acknowledging the
objectivity of moral qualities. The final section in this chapter will examine Ibn Rushd's
commentary on Plato's Republic. In the commentary, Ibn Rushd's earlier efforts at
developing a rational form of religious reasoning are brought to bear on the political. The
commentary, read in this manner, is an in-depth, yet subtle, indictment of the failure of
the shari'ah, including Sunni theories of the caliphate which up to this point had been
treated as part of the shari'ah record, at establishing lasting political justice.

The Muslim Reception of Greek Philosophy

Caliph Al-Ma'mun's translation house (Chapter 2) initiated the process of
the systematic study of Greek philosophy in Islam. Greek philosophy, particularly logic,
left itself readily to the theological debates raging among Muslims (including the
Mu'tazila) and between Muslims and non-Muslims. The entry of Greek knowledge into
Islam, however, was not compartmentalized. Greek sciences, particularly the works of
Aristotle, were seen to form a scientific whole. Greek medicine, mathematics, and natural
science were studied alongside Plato's dialogues and Aristotle's logic. Many Muslim
philosophers, including Ibn Rushd, were accomplished physicians. But with Greek
philosophy also came Neo-Platonic metaphysics, which would provide the Sunni critique
of philosophy with enough fodder to discredit philosophical speculation as a whole. The
Sunni critique took its form during the era of the establishment of Sunni hegemony.
Ghazali, for instance, penned the foundational critiques of Mu'tazila thought, philosophy,
Shiism (particularly Ismailism), and other doctrines that challenged Sunni dominance.
Ibn Rushd's defense of philosophy against Ghazali was twofold. He had to establish the role of reason in religious reasoning, while also excising from philosophy Neo-Platonic metaphysics. It was Farabi who first synthesized Neo-Platonic metaphysics into Islamic doctrine, and who is credited with initiating the Muslim philosophical tradition as well as Muslim political philosophy.

**Farabi, Neo-Platonism, and Leo Strauss**

Farabi (d. 950 CE) is credited with introducing political philosophy into Muslim philosophical discourse, and a study of Islamic political thought would be reasonably expected to contain a study of Farabi. The preference has been made here for Ibn Rushd (d. 1198 CE) for reasons which will become evident. At this point it is sufficient to point out that Farabi, while readily acknowledged as a brilliant thinker, and a writer of infinite wit and subtlety, is a challenge to classify in either his commitment to Islam or to a specific political teaching. Modern scholarship is divided over the intention of Farabi’s political writings. As Galston notes, Farabi has been read by Leo Strauss and others as concerned with the philosophical life, not a political project, whereas others, including Galston, argue that Farabi calls on philosophers to play a political role (Galston 1992). Even among those who emphasize the practical or political dimension in Farabi, agreement is lacking on what his political vision might be.

The disagreements are a natural result of Farabi’s style of writing, laden with contradictions between texts and within the same text. What Farabi truly believed remains elusive, although his works played a crucial role in the development of Muslim philosophy, especially as regards his enumeration of the unjust cities. His description of
the unjust cities, while forming with Plato’s *Republic* the foundation of later writings on politics in Islamic philosophy, found a more thorough and insightful treatment in Ibn Rushd, who provided an impassioned indictment of tyranny that was not matched by Farabi’s briefer discussions.

Farabi’s most famous political writings, the *Virtuous City* and the *Political Regime*, incorporated Neo-Platonist metaphysics in an adaptation of Plato’s insights in the *Republic* into the nature of the virtuous political order. Two Neo-Platonist works, mistakenly attributed to Aristotle as his own or as commentaries on his original texts, had entered Muslim philosophical discourse: the *Theologia Aristotelis* and the *Liber de Causis* (the first was probably taken from Plotinus and the latter from Proclus) (Fakhri 2004). These two works expounded the doctrine of Emanation, which described the cosmos as an emanation from the perfect, transcendent One. The One of Emanation had come to be equated with the God of monotheism by the time the Muslim philosophers were writing. The doctrine described the world and the higher beings as eternal, successive emanations from God, Himself a simple, transcendent being in self-contemplation. From His self-contemplation emanated a lower being, contemplating both self and God, and resulting in a series of successive emanations of lower beings in contemplation of the One. The doctrine dealt with emanation, the nature of the soul, reason, and the relation of humanity to the divine.

Farabi’s description of the virtuous city is a city ruled by philosophers who have attained a state of conjunction with the Active Intellect (the tenth emanation, associated with the sphere of the moon), which Farabi equates with the Holy Spirit or *wahy* of revealed religions. Should such a philosopher rule in the city, he will teach the
citizens the theoretical knowledge of the beings through dialectical and rhetorical arguments, and will order them in the just arrangement of Plato’s Republic. Through their knowledge of the higher beings, and their obedience to the philosopher, they will achieve happiness in this life and a state of bliss in the afterlife. The philosophers are the true rulers, kings, and imams. Their rule is superior to written laws. As noted by Strauss (1953), their rule is even superior to the written, revealed Law²² (Farabi, Political Regime). The philosopher in the city is like the One, like God, with the city ordered around him in a microcosm of the higher beings. Only the philosopher and the citizens of the virtuous city will survive after death in bliss, while the citizens of unjust cities, the majority of humanity, will return to the corporal elements from which they are composed (some others continue in the afterlife in a state of misery, mainly the false philosophers who alter the truth, and possibly the cities which follow them). The Virtuous City and the Political Regime, therefore, condition happiness in this life, or in the next, on the theoretical knowledge of the beings.

In the Attainment of Happiness, in the mid-section on “The Philosophy of Plato”, Farabi declared Plato’s political teaching as a combination of the way of Socrates with the way of Thrasymachus:

He [Plato] explains Thrasymachus’ method and made it known that Thrasymachus was more able than Socrates to form the character of the youth and instruct the multitude; Socrates possessed only the ability to conduct a scientific investigation of justice and the virtues, and a power of love, but did not possess the ability to form the character of the youth and the multitude; and the philosopher, the prince, and the legislator ought to be able to use both methods: the Socratic method with the elect, and Thrasymachus’ method with the youth and the multitude. (Farabi Attainment, 66-67)

²² The capitalized ‘Law’ will be used to refer to Shari`ah throughout this chapter.
According to Strauss (1945), however, Farabi did not advocate an actual political teaching. The reference in the political teachings, on Strauss’ account, is intended for a different purpose. Farabi intended the identification of philosophy with the royal art "as a pedagogic device for leading the reader toward the view that theoretical philosophy by itself, and nothing else, produces true happiness in this life, i.e. the only happiness which is possible” (Strauss 1945, 370). Strauss noted, for instance, that elsewhere, Farabi is said to have declared that the afterlife is merely “ravings and old women’s tales” (Strauss 1945, 372). Strauss further noted that Farabi discussed the afterlife in the first section of the \textit{Attainment}, but was silent on Plato’s view of the immortality of the soul in the section on Plato’s philosophy. This is evidence, according to Strauss, of Farabi’s rejection of “Plato’s doctrine of immortality, or rather he considers it an exoteric doctrine” (Strauss 1945, 371).

Contradictions, repetitions, and omissions, for Strauss, were the pedagogical tools of the Muslims philosophers, intended to obscure the author’s actual view from the casual reader, while alerting the careful reader. Farabi, then, is not interested in articulating an actual political teaching, but instead, is interested in alerting the careful reader, a young philosopher for instance, to Farabi’s view on the way of life which supplies happiness. The pronouncements in the \textit{Virtuous City} and \textit{Political Regime} on the afterlife, according to this reading, are merely exoteric writings, intended to placate the public by declaring orthodox, or heretical but “still tolerable views” (Strauss
Farabi’s true teaching, then, was that the only happiness available to humanity was the happiness of the philosopher in this life\(^\text{23}\).

What, then, of Farabi’s political pronouncements? While Strauss denies that Farabi advocated a political role for philosophers, he describes Farabi’s understanding of Plato’s political teaching as the replacement of the philosopher-king\(^\text{24}\) with the secret kingship of the philosopher who lives privately as a member of an imperfect community. That kingship is exercised by means of an exoteric teaching which, while not too flagrantly contradicting the accepted opinions, undermines them in such a way as to guide the potential philosophers towards the truth (Strauss 1945, 384).

This contradicts Strauss’ earlier assertion that Farabi did not intend for philosophers to rule. On Strauss’ account, then, Farabi’s hidden, esoteric aim is transformed from living a life of solitude into ruling through his teachings. Farabi described this teaching as the subject of Plato’s *Letters*, in which Plato indicated how to move “the Athenians (his own people)” from their ways of life, and how to abolish their laws and how to turn them away from them … He [Plato] described his view regarding the way in which they could be moved gradually, and he described the opinions and the laws toward which they should be moved after the abolition of their ways of life and laws (Farabi *Attainment*, 67).

Strauss’ Farabi, then, advocated the gradual undermining of popular beliefs in order to lead the potential philosophers, either to truth, or to rulership. It is unclear, as noted

\(^{23}\) “There was a further, and in a sense, even more compelling reason for concealing the philosophic doctrine concerning happiness. To identify happiness with the perfection which consists of the science of the beings, is tantamount to closing the very prospect of happiness to the large majority of men. For reasons of philanthropy, if for no other reason, Farabi was compelled to show a possibility of happiness to men other than philosophers” (Strauss 1945, 377-8).

\(^{24}\) Developed in reaction to Socrates’ execution and the perceived danger facing the philosopher in the city.
above, what that truth is, since, as Farabi proclaims at the end of the *Attainment*, “we do not possess metaphysical science” (Farabi *Attainment*, 130).25

Strauss’ investigation of Farabi’s esoteric writing is fascinating, and his assertions regarding Farabi’s hidden views find some support in Farabi’s texts. Strauss’ method, however, is open to investigation. Strauss’ method requires the careful reader to take note of contradictions (between texts and among texts), repetitions, and omissions, and to note the position in the text of certain statements. When Farabi comments on texts by other authors, such as in his commentary on Plato’s *Laws*, the reader is required to pay close attention to the differences between the original text and how that text is referred to by Farabi. These are all signals as to Farabi’s true intentions and hidden teachings.

Leaman (1980) has argued that this method has become the “standard interpretation” followed in the study of Muslim philosophical texts (Leaman 1980, 525). This ‘standard interpretation’ contextualizes the philosophical texts by positing a “conflict between belief and disbelief” which is not always warranted (Leaman 1980, 525). Leaman is not opposed to contextualizing the texts, but “to the assumption that the context is invariably one in which the conflict between religion and philosophy is of overriding importance” (Leaman 1980, 525).

The standard interpretation has obscured other aspects of the texts of the Muslim philosophers, and has led to an approach in which any contradiction or difference among texts is understood as intentional and suggestive, that the Muslim philosophers, in Leaman’s words, “must be up to something” (Leaman 1980, 532). Consider, for instance,

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25 It appears that the source of that knowledge is not religious knowledge, which Farabi dismisses in the *Attainment* as “not sufficient” (56).
Blaustein’s study of Ibn Rushd’s middle commentary on Aristotle’s *Rhetoric* (Butterworth ed. 1992). Blaustein expands on an earlier insight from Butterworth (1972)\(^{26}\). Butterworth had noted that Ibn Rushd introduces the teaching of theoretical things into the realm of rhetoric, a position which is absent from Aristotle’s original work. Blaustein has expanded this insight by comparing the text of Ibn Rushd’s commentary with Aristotle’s text to present Ibn Rushd’s commentary as an apology for deception.

*Aristotle’s Rhetoric* is a study of the art of persuasion. According to Aristotle, earlier writers on the art of rhetoric had focused on the things external to persuasion, such as manipulating the emotions of the audience, and neglected the true subject matter of the art, which is the enthymeme (an imperfect syllogism where the premises are common opinions and the conclusions are probable but not necessary). While Blaustein acknowledges that Ibn Rushd is generally faithful to Aristotle’s text, he argues that Ibn Rushd is generally less concerned with promoting the high-minded approach; he consistently transmits and sometimes elaborates on the deceptive devices mentioned in the original text, and he frequently softens or omits Aristotle’s condemnations of them (Butterworth ed. 1992, 282).

The deceptive techniques include appeals to emotions and sophistical arguments (264). A supposed example of such a softening of the condemnation occurs when Aristotle calls “techniques that make use of a man’s good qualities to injure him, by mixing the good

\(^{26}\) As will be discussed below, there is evidence, when Ibn Rushd’s body of work is examined as a whole, that he adapted philosophical treatises into vision for the relation of the philosopher to the multitude. The issue here is the methodology which assumes that any contradictions or deviations are evidence of esoteric writing that must be investigated for hidden, and usually sinister, teachings.
and the bad” as “most artful and most unjust” (282). Ibn Rushd, however, “while making clear that such techniques are blameworthy, simply calls them clever” (282).

As regards the use of externals, Blaustein notes that

the most conspicuous departure or apparent departure from Aristotle’s scrupulously right-minded approach occurs almost at the beginning of the book. Aristotle there endorses the practice in well-governed cities of forbidding speakers to try to warp the listeners’ judgment by playing on their passions, and he notes that all people admit this is the better policy, even if they do not follow it (284).

Ibn Rushd, however,

says, instead, that there are two points of view as to the legitimacy of ‘external’ elements, i.e., those such as attempts to arouse a passion, which do not contribute to the rational argument itself. Some consider it proper ‘to establish laws which educate the people by all means which have some effect on assent, whether they produce it [rationally] or are external.’ Others would exclude anything external. And the first opinion, Averroes says, is correct. (284).

Blaustein remarks in a footnote that is “perhaps the most striking case where merely noting that Averroes had a faulty translation … hinders us from inquiring about how he understood what he took to be Aristotle’s opinion” (284).

This is taken as destruction by Ibn Rushd of the “nuances of Aristotle’s exposition” and as condoning, “in the clearest possible terms, the use of externals in rhetoric” (288).

Blaustein then notes that

[c]uriously, after seizing the first opportunity to express this opinion, he [Ibn Rushd] reverts to Aristotle’s treatment of the subject. The unmistakable endorsement of externals is followed by a depreciation of their usefulness … Appeals to the passions are of no use in the last category because undergoing a passion is always a response to a particular situation, while opinions about the just and the unjust are universals (288).

‘Curious’ contradictions, following Strauss’ methodology, are suggestive of a hidden intention.
We are not in possession of the translation which Ibn Rushd had at his disposal when he wrote the commentary. However, Badawi (1979) has edited a manuscript of an Arabic translation of Aristotle’s *Rhetoric*. The manuscript, as Badawi notes, suffers from obscurities in the wording of the text and from mistranslations. The text appears to have been composed prior to the development of Arabic philosophical terminology. Ibn Rushd’s commentary reproduces, almost verbatim, passages from this manuscript. If Ibn Rushd relied on a text that was based on this translation, as Ibn Sina appears to have before him, then there is reason to suspect that what Blaustein produces as the most apparent departure from Aristotle’s text was indeed caused by the obscurity of this early translation. The wording of this section in the original text is obscure, and as Salim notes in his editorial footnotes on Ibn Rushd’s commentary, Ibn Sina also read this passage as indicating that Aristotle allowed the use of externals (Ibn Rushd, *Khataba*). In fact, Ibn Rushd’s text precedes the discussion of the views on rhetoric with “He [Aristotle] said” (Ibn Rushd *Khataba*, 5). If Ibn Rushd was under the assumption that Aristotle allowed the use of externals in rhetoric, then the ‘curious’ passage which follows, in which Ibn Rushd depreciates the value of externals, is no longer curious. It would point to Ibn Rushd’s opinion that the use of externals, even if allowed, does not produce persuasion, but as Aristotle indicated, only serves to put the audience in a receptive frame of mind. As for Ibn Rushd’s commentary on the use of emotions, it follows Aristotle’s text, where the use of emotions forms the bulk of the second book of the *Rhetoric*. Why Blaustein equated the use of emotions with deception is unclear.

The other major departure cited by Blaustein occurs in the use of sophistical arguments:
As usual, Averroes is more direct: in this case, he expands Aristotle’s hints into a major and recurring inquiry into the use of sophistry in rhetoric. His account of the relation of rhetoric, dialectic, and sophistry remains faithful to Aristotle but compares the three arts at much greater length (Blaustein 1992, 297).

Expansion on Aristotle’s text, however, is a recurring method followed by Ibn Rushd in most of his middle and long commentaries, as would be the method of any commentator whose aim was to explain an obscure and difficult text. Blaustein notes that if Averroes "so far conforms more or less to Aristotle’s view, though stating it more directly, he departs from Aristotle, at least in one place, in loosening the standards for what constitutes a genuine enthymeme." (298-9). Blaustein acknowledges that Ibn Rushd follows Aristotle in “distinguishing the true from apparent” enthymeme (299), although Ibn Rushd “adds that certain sophisms are peculiar to rhetoric and not, like others, common to rhetoric and other syllogistic arts” (299). The example is the syllogism where the “sign is more general than the terms it purports to connect” (299). “Averroes, however, wishes to allow them in rhetoric as genuine enthymemes”. (299) Ibn Rushd’s text does not support the contention that he wishes to allow the apparent enthymeme in rhetoric. Ibn Rushd was simply elaborating on the perplexing nature of the apparent enthymeme contained in Aristotle’s text (and possibly on this perplexing section of the old Arabic translation).

When Ibn Rushd’s text is compared to Badawi’s manuscript (which Blaustein refers to in a footnote) and not to the contemporary editions of Aristotle’s text, Ibn Rushd appears to have followed, quite faithfully, what he had at his disposal as Aristotle’s text, elaborating on difficult and obscurely worded passages, as a faithful commentator would be expected to do. Blaustein has followed Strauss’ method, in which
contradictions, silences, and even subtle differences between the Muslim philosophers’ commentaries and the original Greek texts are assumed to be indicative of a hidden intention. But as has been shown, this obscures simpler explanations. As Leaman notes in commenting on Strauss’ study of Farabi’s Plato’s Laws, “if the points Strauss makes about the difficulties are separately examined, they can be seen not to be difficulties at all, but rather normal ways of going about writing philosophy” (533).

The legacy of Strauss’ method has been to direct attention towards uncovering the philosophers’ deceptive devices and hidden intentions. This is not to deny that the Muslim philosophers engaged in dissimulation, or even that Ibn Rushd provided an apology for a king to lie his citizens for their benefit (Ibn Rushd, Republic). The intention here is to show how the disproportionate attention to this aspect has obscured other aspects of the Muslim philosophers’ writings, and has been explained by some commentators as motivated by intentions other than scholarly interest.\(^{27}\) This work itself, however, does not claim to be motivated by scholarly interest alone, but as will be shown, the choice to investigate Ibn Rushd, and not Farabi\(^{28}\), arises from the contemporary relevance of Ibn Rushd’s works. As opposed to Farabi’s political teachings which denigrate the rule of law and advocate a secret, deceptive role for the philosophers for the benefit of other philosophers (if we are to believe Strauss), Ibn Rushd put forth a vision of political justice that would ensure the happiness of all citizens, while engaging the

\(^{27}\) Drury (1985) has argued that Strauss’ focus on this aspect was motivated not by scholarly interest, but was an effort to introduce into the contemporary debate an apology for deception in politics. It is a method, not unlike the method Farabi attributes to Plato, whereby the philosopher gradually undermines the beliefs of the citizens in order to replace them with different beliefs.

\(^{28}\) Ibn Bajjah and Ibn Tufayl both recommended a life of seclusion for the philosopher. Ibn Sina did not offer an independent insight into politics.
theologians and critics of philosophy directly. His adaptation of Plato’s insights into the unjust cities for the Muslim experience continues to be of relevance, especially where Islamic political movements make the call for an Islamic state.

**Ibn Rushd**

Ibn Rushd’s extant writings describe the situation in Muslim Spain as one of division, strife, poverty, and injustice. The theologians, in their political ambition, had created a situation of division and intolerance. Pseudo-philosophers had brought philosophy into disrepute. Muslim cities were rife with injustice and tyranny, and women were reduced to a life akin to vegetative life. The body of his work reveals a conviction that philosophy contained the answer to these evils. Correct, demonstrative philosophy, the philosophy of Aristotle, could bring philosophy and revelation into harmony, and could provide the foundation for a just political formation which would secure the happiness of every citizen. The benefits of philosophy demanded a defense of philosophy against the attacks of the theologians, as well as an effort to purge philosophy of the speculations of the unqualified philosophers. Ibn Rushd responded by presenting an apology for philosophy from within religion which would reconcile reason and revelation.

Ibn Rushd’s extant writings include philosophical works, public or theological works, and works of *fiqh* (jurisprudence). The philosophical works were aimed at philosophers, some being commissioned by his benefactors among the Almohad caliphs\(^29\). These include summaries, middle commentaries, and longer commentaries on

\(^{29}\) Ibn Rushd was the descendant of a well-respected family of scholars, his grandfather having served as the high judge of Cordoba. He was introduced early in his career by the philosopher Ibn
Aristotle’s writings (and a commentary on Plato’s *Republic*). The theological works appear to be aimed at theologians and the public, and contain a defense of philosophy. These include the famous *Incoherence of the Incoherence* (*Tahafut al-Tahafut*), written in response to Ghazali’s *Incoherence of the Philosophers* (*Tahafut al-Falasifa*). Three other texts are aimed at the theologians, including the *Decisive Treatise*\(^3⁰\), the *Epistle Dedicatorary* (*Damima*), and the *Exposition*\(^3¹\) (*Kashf*), which, as Madhi (ed. Marmura, 1984) noted, form a tripartite work\(^3²\).

**Ghazali’s Attack on Philosophy**

In the *Incoherence of the Philosophers*, Ghazali took the Muslim philosophers to task, not for their rational endeavors, but for the certainty they claimed in matters of metaphysics. The doctrine of Emanation, as noted above, formed the cornerstone of the metaphysics of Islamic philosophy for both Farabi and Ibn Sina. It was to the Neo-Platonist metaphysics that Ghazali turned his attention in his famous attack, Tufayl to his friend the Almohad Caliph Abu-Ya’qub Yusuf. Ibn Rushd enjoyed the favor of the Almohad caliphs Abu-Ya’qub Yusuf and his son and successor Al-Mansur for most of his life. The Almohad dynasty had come to power in Spain espousing a fundamentalist Islam, although the latter two caliphs appear to have been students of philosophy. Ibn Rushd suffered a brief exile at the end of his life by the caliph Al-Mansur. The cause of the caliph’s decision to persecute Ibn Rushd remains disputed.

\(^3⁰\) *The Book of the Decisive Treatise Determining the Connection Between the Law and Wisdom.* (Butterworth’s translation includes the Arabic text).

\(^3¹\) *The Exposition or The Book of Uncovering the Clear Paths of the Signs about the Beliefs of the Religious Community*

\(^3²\) There is evidence that the latter works in defense of philosophy had been commissioned by his patrons.
not without success. Ghazali’s *Tahafut* has come to be viewed as the decisive blow against philosophy in medieval Islam.\(^{33}\)

Ghazali combined a brilliant logical attack with aggressive polemics to undermine Neo-Platonist metaphysics, particularly as propounded by Ibn Sina. His stated aim was to show how the philosophers could not claim the same level of demonstrative certainty in metaphysical matters as they could in mathematics or logic. Ghazali was clear in asserting that he did not deny the contributions of the ancient philosophers to knowledge, even claiming that the art of logic was essential for religious knowledge. His concern was the with the metaphysical aspects of Neo-Platonist philosophy which conflicted with the Sunni, particularly Ash’arite, positions.\(^{34}\)

The Neo-Platonists faced a challenge in attributing knowledge to God, who as a simple One, would have a multiplicity of attributes. Some Neo-Platonists therefore denied God’s

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\(^{33}\) Jabri, in his introduction to Ibn Rushd’s *Tahafut*, has traced this commonly accepted notion to Renan, who made the argument in his *Averroes et l’Averroïsme*. Jabri argues that there is little evidence to believe that Ghazali’s *Tahafut* was in fact the decisive blow Renan describes. Philosophy continued to flourish in the West with Ibn Bajjah, Ibn Tufayl, and Ibn Rushd, and in the East, Avicennan philosophy entered into the doctrines of Shiite Islam, while emanationist ideas entered into Sufi creeds. After Ghazali, works continued to be penned by Ash’arites in serious debate with the philosophical doctrines of Farabi and Ibn Sina which lacked the aggressive polemical style of Ghazali. Nevertheless, Ibn Rushd felt the need to respond to Ghazali’s *Tahafut* as part of his project to place philosophy at the center of learning and in his effort to undermine the Ash’arite creed that was finding adherents in Muslim Spain. (Ibn Rushd *Tahafut*)

\(^{34}\) In Ghazali’s words, “I have observed that there is a class of men who believe in their superiority to others because of their greater intelligence and insight” who “defy the injunctions of the Sacred Law” and “have renounced the Faith altogether, by having indulged in diverse speculations.” These “heretics in our time have heard the awe-inspiring names of people like Socrates, Hippocrates, Plato, Aristotle, etc.” “When I saw this vein of folly pulsating among these idiots, I decided to write this book in order to refute the ancient philosophers. It will expose the incoherence of their beliefs and the inconsistency of their metaphysical theories. It will bring to light the flimsiest and the obscurest elements of their thought which will provide some amusement for, and serve as a warning to, intelligent men.” (Ghazali *Tahafut*, 1-3).
knowledge of the world, while Ibn Sina argued that God knew universals but not particulars. This concept of God contrasted with that of the Sunni concept of an active, omnipotent, omniscient God who created the world *ex nihilo* through an act of will.

Ghazali’s attack on the doctrine of Emanation mirrors his attack on the Mu'tazila, with Ghazali defending God’s omnipotence and will in all matters, both physical and in regards to good and evil. Ghazali pronounced most of the twenty positions of the philosophers he included in the *Tahafut* as harmful innovations. He declared the philosophers as apostates on the issues of the eternity of the world, the denial of God’s knowledge, and the nature of the resurrection.

Ghazali’s discussion of the eternity of the world and God’s knowledge in the *Tahafut* provides an example of his combination of logic, erudition, and polemics in his attack on the philosophers. The first point concerns the eternity of the world, the argument Ghazali considered the philosophers’ most developed argument, and the one most difficult to challenge. The philosophers held that God is eternal and unchanging. The temporal cannot arise from the eternal. For the world to be created *ex nihilo* would necessitate a change in the eternal from not-creating to creating, a change that is impossible. The world must therefore be eternal. The Ash`arite position, which Ghazali argues is as tenable as the position of the philosophers, is that God willed the creation of the world at a certain moment with an eternal will. Had the world been eternal, then the philosophers will have to explain how an eternal number of revolutions of the celestial spheres may have passed when we are able to measure the ratios of the spherical revolutions. If the sun revolves in a year and Saturn in thirty, their revolutions are of a set
ratio. But if they had all been revolving eternally, then one eternity must be set against another eternity with a fixed ratio, which is absurd.

The doctrine of Emanation, according to Ghazali, reduces God to passivity, without action or will, making him closer to a dead person than a living God. If the world emanates from Him without an act of will, He would no longer be the Creator. An eternally emanating, existing world does not need a Creator God.

As for God’s knowledge, Ghazali claimed that Ibn Sina was embarrassed to claim that God’s knowledge was limited to Himself, whereas the lower entities emanating from Him knew both Him and themselves, making them superior in knowledge to God. For this reason Ibn Sina argued that God knows universals but not particulars, and that He knows them in Himself. But as Ghazali noted, this contradicts the philosophers’ insistence on making God One. By adding different types of knowledge to Him, which He knows in Himself, Ibn Sina reached an incoherent position. According to Ghazali, Ibn Sina argued that God is a being without matter, and what is without matter is pure ‘aql (mind/reason), and all things are known to pure ‘aql. Ibn Sina’s argument is based on matter being the impediment to knowledge. Ghazali accepts that matter may be an impediment, but is not the only impediment. Ibn Sina’s syllogism is therefore a conditional syllogism of the form, which commits the logical fallacy of denying the antecedent.

Ghazali’s taunt to the philosophers is that you claim to have discovered the realities of the Divine things by your rational methods. But your helplessness has been shown; the incoherence of your methods has been exposed; and your claim to definitive knowledge has been reduced to absurdity. And this is what we aimed at in this discussion. Where is he who claimed that metaphysical arguments are as conclusive as mathematical arguments? (Ghazali Tahafut, 122).
The correct source of knowledge of the divine is not reason but revelation. The doctrines of the Ash'arites, even if they are not provable, are at least as tenable as the incoherent positions of the philosophers. The God of revelation is the agent of all things, acting in the world through His will as He determines, knowing all things through one knowledge, knowing even the particulars which change through time, and that does not add or change anything in Him. He can act in the world because even causation itself is only the manifestation of His action, which denies necessary attributes as well, the two (causality and nature) being the foundations of the philosophers’ rational knowledge. According to Ghazali there is no necessary relation between cause and effect. What we have come to accept as causation is simply a succession of events that God has decreed and that we have come to associate with one another. “If one follows the other, it is because He has created them in that fashion, not because the connection in itself is necessary and indissoluble” (Ghazali Tahafut, 185). What we think is fire burning cotton by necessity of fire’s fire, for instance, is “God – who through the intermediary of angels, or directly – is the agent of the creation of blackness in the cotton; of the disintegration of its parts, and of their transformation into smouldering heaps or ashes” (Ghazali Tahafut, 186). All we know is that we observe the succession of fire contacting cotton, and cotton burning.

Ibn Rushd’s Defense of Philosophy

Ibn Rushd set about the defense of philosophy by reconciling reason with revelation by returning to the philosophy of Aristotle, and by excising from philosophy
all that he considered were the errors of his predecessors. The sources of the apparent 
disagreements between revelation and philosophy, according to him, were the 
speculations of the theologians and the misunderstandings of unqualified philosophers. 
When revelation is examined by the qualified philosopher, it is found to be in agreement 
with philosophy. Revelation and philosophy share the identical aim, which is the 
knowledge of the world and the teaching of virtue. Their disagreements are only 
apparent, a difference necessitated by the different audiences to whom they are directed. 
In response to Ghazali, Ibn Rushd showed the incoherence of an epistemology based on a 
defense of revelation, the foundation of which is the analogy from the seen to the unseen.

In place of an epistemology developed in defense of revelation, Ibn Rushd 
presented an epistemology based on sense perception and reason, and the certainty of 
demonstration as explained in Aristotle’s *Posterior Analytics*. Not only is philosophy not 
in opposition to revelation, revelation commands the study of philosophy. Ibn Rushd 
recounted verses from the Quran in the *Decisive Treatise* which command the believer to 
investigate and wonder at creation. Philosophy 
is nothing more than reflection upon existing things and consideration of them insofar as 
they are an indication of the Artisan … and the more complete cognizance of the art in 
them is, the more complete cognizance of the Artisan (Ibn Rushd, *Decisive Treatise*: 1). 
Revelation commands reflecting on existing things, and the art which does this best is 
philosophy, therefore the Law commands philosophy.

In response to the theologians who condemn philosophy as harmful, or as 
a foreign innovation, Ibn Rushd explained that the harm is only accidental, resulting from 
bad practitioners of philosophy who are either incompetent or have been swayed by their 
passions to misrepresent philosophy for their own gain. The same is true with
jurisprudence and other arts. For “how many jurists has jurisprudence been a cause of diminished devoutness and immersion in this world! Indeed, we find most jurists to be like this, yet what their art requires in essence is practical virtue” (Ibn Rushd *Decisive Treatise*, 7).

The origin of philosophy among a non-Muslim people is irrelevant, because it is an instrument or a tool, and no one prohibits the importation of a useful tool regardless of its origin. Ibn Rushd asserted that we should be grateful to the ancient Greeks for their investigations into philosophy, because knowledge is cumulative and a single person cannot reproduce a whole art. Without the efforts of the ancients, philosophy would not have reached its fruition. We must therefore turn to the results of the investigations of the ancients, take from them what is true, being grateful for the true, and forgiving the errors. Indeed, to forbid the study of the philosophy of the ancients is to prevent people from the knowledge of God as He has commanded, which is the epitome of ignorance. (Ibn Rushd *Decisive Treatise*)

Ibn Rushd’s epistemology stands on the certainty of demonstration. As he explained in his middle commentary on Aristotle’s *Posterior Analytics*, demonstration is from necessary premises, where the predicate is essentially and universally related to the subject. Demonstrative knowledge is knowledge of something through its cause (Ibn Rushd *Burhan*). It is a certain (*yaqini*) syllogism which produces knowledge of a thing as it is in existence and through the cause of its existence. Its premises must be true, prior, known without a middle term, more known than the conclusion, and be the cause of both the conclusion as well as our knowledge of the conclusion. The first or basic principles of demonstration are known to us through sense perception (and not through prior memories
as Plato had argued in the *Meno*). Sense perception is an ability or readiness existing in all animals. Unlike other animals, however, humans are able to retain what they have perceived indefinitely. Humans also have an imaginative faculty which is able to bring out from repeated observations the similarities among what they have perceived. The similarity among many different observations leads us to the universal. When the universal is taken from the matters that are subject to will, they are the principles of practical science. When the universals are taken from things that exist, they are principles of theoretical science. Demonstrations are made from the universal natures that belongs to all the things contained in the demonstrative judgment.

First principles are therefore known through induction from observations of repeated particulars. They are similar to what happens at war when a line is routed, then one man stands his ground and is followed by another and then another until the line is formed. Principles are therefore not known through demonstration but through ‘*aql*, meaning both reason and mind, as there is nothing that has better judgment than demonstration but ‘*aql*. ‘*Aql* is therefore the principle of principles. (Ibn Rushd *Burhan*)

As for where demonstrative knowledge and the letter of revelation seem to conflict, knowing that truth does not contradict truth, revelation must be interpreted, *ta`wil*, to align it with demonstration (Ibn Rushd *Decisive Treatise*). *Ta`wil* refers to “drawing out” the true meaning from figurative speech “without violating the custom of the Arabic language” (Ibn Rushd *DT*, 9). “And we firmly affirm that, whenever demonstration leads to something different from the apparent sense of the Law, that apparent sense admits of interpretation according to the rule of interpretation in Arabic”
(Ibn Rushd *Decisive Treatise*, 9), and if the scriptures be studied, something else closer to meaning of the demonstrated fact will usually be found.

The person in possession of demonstration is the philosopher, and it is the philosopher who will note where revelation and demonstration conflict, and it is the philosopher whose responsibility it is to interpret revelation in this case. Ibn Rushd transformed the situation in the *Decisive Treatise* from one in which revelation simply commands philosophy, into one in which it is only the philosopher who is in possession of the inner meaning of the revelation and is qualified to draw out that truth.

The source of the disputes among the theologians, according to Ibn Rushd, were the verses in revelation which appear to be in contradiction. This was the case with freewill and determinism as discussed in the previous chapter. Such contradictions, however, were intended as signals to the learned to search for a deeper meaning which would reconcile the contradicting verses. In the case of free will and determinism, as explained in the *Kashf*, there are verses which indicate freewill and there are verses which indicate that God leads some astray. The truth is that scripture aimed to combine the two positions, not create a separation between them, and so the Quran contains verses referring to humanity’s choices and God’s justice and omnipotence. God is the creator of both human nature and the composition of humanity, as well as the rules of physics which surround humanity. Humanity’s desires are therefore predetermined, and the external influences on humans are also created and predetermined by God. This is does not deny freewill (as Hourani (1962) had argued). Ibn Rushd is clear that God also

\[\text{35 Al-rasikhun fil 'ilm, a Quranic term appearing in verses 3:3-7}\]
created in us the faculty to choose between different opposites. God is therefore the Creator, and we are the agents. Only when the two terms creator and agent are confused, as they are by the theologians, does confusion arise.\(^{36}\)

The reason for the contradicting verses is that revelation is intended to bring about assent or belief among all people, and people are of varying natures and abilities. It is a mercy from God that those who cannot attain demonstrative knowledge, whether by nature, habit, or lack of learning, are spoken to in revelation rhetorically, by means of examples and metaphors. The goal of the Law is to teach true knowledge and right practice to everyone, and teaching is through assent and conception. The Law therefore includes all the possible means of bringing about assent and conception. Some will believe only through demonstration, some through dialectical arguments, and some through rhetorical arguments. They will all reach the same level of assent and conviction through their respective means. But as most people will come to belief using rhetorical arguments, they form the majority of arguments in revelation. (Ibn Rushd \textit{Kashf})

Revealing dialectical or demonstrative arguments to the public, as the theologians had done, is harmful. Ibn Rushd blamed the theologians for revealing the dialectical interpretations of the revelation as the cause of the division and sects which have arisen in Islam. The theologians, according to him, had torn apart the Law and divided the people, causing intolerance, accusations of apostasy, and hatred and war. This is the real act of apostasy (Ibn Rushd \textit{Kashf}). By engaging the public with the

\(^{36}\) As for verses which indicate that God leads some astray, they refer to the order of things created by God, where some (a minority) will be lead astray, while a majority will be good. The good of the majority outweighs the evil of the minority, so that not creating humanity at all would be a greater evil than the evil of the minority who are led astray.
interpretations of the revelation that are meant for the few, the theologians undermined
the public’s faith. This is all the more tragic as the proofs of the Ash’arites do not amount
to certain knowledge but are mostly sophistical, rejecting such necessary things such as
causation.

The proper means for bringing about assent in religion are the simple
proofs of revelation, which are closer to the first or basic principles than the speculations
of the theologians. Revelation relies on arguments from providence and invention (as
translated by Fakhri (2001)). The first is based on the observation that all things in
creation are created for the benefit of humanity, such as night and day, the four seasons,
and the animals and the plants, and the physiognomy of humans which matches their
needs. All this indicates that there is an intentional design, and that this design indicates
an inventor, an acting Agent with will and purpose. He lists numerous verses from the
Quran which call the believer to examine the intricacy of creation and the providence
inherent in that creation. And these simple proofs are sufficient for anyone, whether from
among the public or the elite, the former relying on the knowledge they have through
sense perception, and the latter combining it with the knowledge of demonstration. (Ibn
Rushd, Kashf)

The non-demonstrative classes, then, achieve assent through dialectics or
rhetoric. Dialectic and rhetoric are the tools of the philosophers to bring the public to
belief and to instruct them in theoretical matters and teach them virtue. This view of
human nature and the role of dialectic and rhetoric as tools of instruction is aligned with
Ibn Rushd’s philosophical works. In his middle commentary on Aristotle’s Topics (Ibn
Rushd Jadal), for instance, Ibn Rushd emphasized the political role of dialectics in
teaching the public. Aristotle had included debating the public as one of the benefits of dialectics in his *Topics*. But as Butterworth notes in the introduction to Ibn Rushd’s commentary on the *Topics*, “[f]or Aristotle, dialectic is a universal art with its own independent sphere. It is no more in the service of demonstration than any other art” (Ibn Rushd *Jadal*, 32-33). When dialectics is used to debate the public, it is used to explore the significance of the soundness of the opinions held by the citizens, not to instruct them by presenting truths acquired from demonstrative reasoning in more acceptable language. (Ibn Rushd *Jadal*, 25.)

By emphasizing the roles of dialectic and rhetoric as tools of instruction, Ibn Rushd showed how the theologians failed as theologians, dialecticians, and rhetoricians. The tools available to the instructor are the syllogism and induction. In his commentary on the *Topics*, Ibn Rushd stated that the public role of dialectic is “to create belief in the beneficial theoretical matters needed for their coming together in political society in justice and virtue” (Ibn Rushd *Jadal*, 31)\(^{37}\). The dialectician creates syllogisms based on premises taken from the opinions common among the public. In rhetoric (Ibn Rushd *Khataba*\(^{38}\)) the syllogism is in the form of an enthymeme, where the premise is based on the things which resemble the truth, and among the public are taken as true (in rhetoric the example takes the place of induction).

Instead of bringing about persuasion and leading people to virtue, the theologians had used dialectic and rhetoric as investigative tools into the matters of metaphysics, creating doubt among the public, and infecting the community with hatred and intolerance. As for their attacks on philosophy, they have opposed their dialectical

\(^{37}\) My translation.

\(^{38}\) Ibn Rushd’s middle commentary on Aristotle’s *Rhetoric*. 131
and rhetorical arguments to the demonstrative proofs of the philosophers. The theologians, according to Ibn Rushd, are closer to sophists than to dialecticians. Aristotle differentiated the dialectician from the sophist according to intention (Topics). Both use the same syllogism, but the goal of the dialectician is to win a debate, whereas the goal of the sophist is financial gain. Ibn Rushd defined the sophist as motivated by the desire to appear wise and gain the honor belonging to the wise, presenting oneself as being in possession of the certainty of demonstrative knowledge (Jadal).

The Ash`arite proofs in matters of metaphysics fail, because they are based on analogizing from the seen to the unseen, the same criticism leveled by the Ash`arites at the Mu'tazila. The epistemological position of the Ash`arites is based on a defense of God’s omnipotence, which Ibn Rushd described in his commentary on Plato’s Republic as akin to lawyers who begin by stating their position, and then are led in their defense of that position to an absurd argument. Analogizing from the seen to the unseen is a rhetorical method of argument, incapable of reaching demonstrative truth. Once Ash`arite theology is examined, according to Ibn Rushd, it is found to fail according to both reason and revelation. For instance, on the issue of the eternity of the world, Ibn Rushd (Decisive Treatise) puts forward verses from the Quran which are evidence that God made the world through some prior matter, there being no evidence in the scriptures of an act of creation ex nihilo.
Ghazali’s *Tahafut*, according to Ibn Rushd, is rife with sophistry (Ibn Rushd, *Tafahut*). Ghazali’s rejection of causality, for instance, is a sophistical argument. Things have essential natures by which they are differentiated from other things, and through which they are named and defined. Otherwise nothing would have a name or definition, and all things would be one. If all things were one that thing would again have to have an essential property through which its actions occur, otherwise it would be nothing, and all existence would be nothing. Even the Ashʿarites agree that there are necessary conditions and relations when they analogize from the seen to the unseen. Reason is nothing but the knowledge of things through their causes, and the Ashʿarites admit this in their own reasoning. Denying causes is denying reason itself, and the full knowledge of effects is the knowledge of the causes, so that denying causes is denying knowledge. Ibn Rushd presented Aristotle’s retort to the sophists in the *Posterior Analytics*: Whomever denies that any knowledge is necessary must admit that this assertion is itself not necessary (Ibn Rushd *Tahafut*).

The epistemology of the Ashʿarites, based on analogy from the seen to the unseen, results in a conception of God that is little more than a divine human being from whom the Ashʿarites have abstracted matter. This is what led Ghazali to assert that God created the world, a temporal event, through an eternal will. The God of the Ashʿarites is analogized from the human experience, as a man with will, knowledge, and ability, from whom they then abstracted body, because body is matter, and matter is temporal in their doctrine. This is no more than *tashbih*, analogizing from likenesses, a rhetorical method which is convincing but cannot withstand scrutiny (Ibn Rushd *Tahafut, 430*). The eternal is as different from the temporal as might be. The difference is so vast that there cannot
“exist one single species which is differentiated by eternity and non-eternity as one single genus is differentiated through the various differences into which it is divided” (Ibn Rushd 77)\textsuperscript{39}.

The eternity of the world should be investigated according to demonstration, which is to be found in Aristotle’s Physics and Metaphysics. The difficulty with the eternity of the world arises from the dialectical argument that posits a backwards chain of creation which must end in a first cause. The correct demonstrative proof investigates the world from the existing motion of the spheres, which indicates a source of the movement. This sidesteps the need for an initial act of creation. Had Ghazali investigated the matter of the eternity of the world in its proper source, which is Aristotle, and not the emanationist ideas of Farabi and Ibn Sina, Ghazali would have found that the issue of the eternal issuing from the temporal would not arise. The doctrine of emanations of beings, one from the other, are all “inventions fabricated against the philosophers by Avicenna, Farabi, and others” and

What Avicenna says of the derivation of these principles from each other is a theory not known amongst the ancients, who merely state that these principles hold certain positions in relation to the First Principle, and that their existence is only made real through this relation to the First Principle. As is said in the Qur’an: ‘There is none amongst us but has his appointed place’. It is the connexion which exists between them which brings it about that some are the effect of others and that they all depend on the First Principle\textsuperscript{40} (Ibn Rushd 77).

The world is in fact both eternal and created, issuing from God in its entirety, and being constantly and continuously created by God. The philosophers no

\textsuperscript{39} English quotations of the Tahafut are from van den Bergh’s (2008) translation cited as TT. The English version was obtained as e-text and lacks page numbers.

\textsuperscript{40} Ibn Rushd does not comment on the apocryphal works attributed to Aristotle, but clearly rejects them in favor of Aristotle’s other works
longer need to explain how an eternal will produced the world. This difficulty remains, however, for Ghazali, whose assertion is a sophist one, having attempted to avoid the explanation by introducing a lag between the eternal will and the act of creation, which is absurd. As for eternal ratios, the mistake is in assuming that ratios of parts to parts remains the ratios of whole to whole when we are dealing with infinite sums. The mistake of the theologians in rejecting eternal or infinite revolutions is that they mistook the accidental for the essential in this matter, as the movements of the spheres follow each other accidentally, not essentially. The revolutions are not the causes of the succeeding movement, so that they may be considered infinite without needing to end in a single cause or beginning.

As for God’s knowledge, it cannot be divided into knowledge either of Himself or others. Ibn Rushd criticized Farabi and Ibn Sina for introducing this concept into philosophy, and held them responsible for the attacks on philosophy which it generated. The knowledge of God is the basis of the existence of all things, whereas the difficulty arises when God’s knowledge is made dependent on things and events. The syllogism Ghazali produced in attacking Ibn Sina neglected the long chain of demonstrations and categorical syllogisms which investigate form and matter, actual and potential, movement, intellect, and reason (which may be found in Aristotle’s *Physics*, Book VIII (Ibn Rushd *Tahafut*, 436)). Ghazali presented the relation of knowledge to matter as a basic premise, making the syllogism seem absurd. He should have started from the actual basic premises which are supported by categorical syllogisms.

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41 According to Ibn Rushd, the hypothetical syllogism Ghazali presents is valid, as the inference from the reverse has been proven through other categorical syllogisms. The proper hypothetical
but since they are not first principles, nor generally acknowledged, nor evident at first
sight, they are regarded, no doubt, by those who have never heard anything of these
things as very much open to objection. But indeed Ghazali confused the sciences in a
most terrible way, and he uprooted science from its foundation and its method (Ibn Rushd
*TT*).

Ibn Rushd’s Political Philosophy

Ibn Rushd’s political use of philosophy extended beyond the critique of
the theological doctrines of the Ash’arites. He also used the insights of the ancients to
provide a judgment on the political order in the Muslim cities of his time, and a vision of
political justice which would extend to every citizen in an ideal and virtuous city. It is
unclear to whom Ibn Rushd dedicated his commentary[^42] on *Plato’s Republic*[^43], but it
there is ample evidence in the text that it was directed at a specific reader in a position of
authority who was knowledgeable in the affairs of state[^44].

[^42]: The title of the work is unknown. It is referred to here as the commentary on *Plato’s Republic*. Some modern scholars refer to it as a summary.

[^43]: The original Arabic text of this work has been lost. What has reached us is a Hebrew translation, which has been translated into English, first by Rosenthal, and later by Lerner. There is also an Arabic translation from the Hebrew text (by Shahlan, edited by Jabri (1998)). I have followed both the English translation by Lerner (1974) and the Arabic translation. All quotations refer to Lerner’s translation.

[^44]: The treatise ends with the following, suggestive, prayer. “May God help you with that which you are presently undertaking; and, in His will and holiness, may He remove the obstacles” (Ibn Rushd *Republic*, 149: 105). The date of the work is unknown, and so it is unclear whether Ibn Rushd was writing to Abu Ya’qub or his son. Jabri has argued in the introduction to the Arabic translation of Ibn Rushd’s commentary on *Plato’s Republic* that it is neither (Ibn Rushd *Daruri*). According to Jabri the work is dedicated to Al-Mansur’s brother Abu Yahya, a close friend of Ibn
Ibn Rushd combined what he considered were the demonstrative arguments in the *Republic* with Aristotle’s insights into happiness, virtue, and human perfection in the *Nicomachean Ethics*. At the hands of Ibn Rushd, the *Republic* and the *Nicomachean Ethics* combined to provide a basis for a vision of the virtuous political order, as well as a searing condemnation of the tyranny and injustice he saw at the heart of contemporary Muslim cities.

Philosophy is the proper foundation of politics, according to Ibn Rushd, because “good governance and good counsel are undoubtedly a kind of knowledge”. Their source is not in the practical arts but in theoretical knowledge. And the knowledge of the ideal political order demands knowledge of the end of humanity. “It is evident that this wisdom can only be completed through knowledge of the end of man since this governance moves in that direction.” (Ibn Rushd *Republic*, 49:48)

It has been shown in Aristotle’s *Physics* that every natural being has a final cause, and humans are natural beings. The city is necessary for the existence of humans, and so the final cause of humans must be related to their being part of the city. The final cause is one, since the being (humanity) is one, although it might be one in kind.

Jabri speculates that it was written at the time of the illness of the caliph Al-Mansur, when his brother Abu Yahya was poised to ascend to the throne. One contemporary account of the cause of Ibn Rushd’s exile points to that friendship, but without explanation. Jabri takes this to be evidence that Ibn Rushd had written this work at the behest of his friend, not as an academic exercise, but as an actual guide to creating a just political order once the prince became the caliph. It is this work, according to Jabri, which resulted in the exile of Ibn Rushd after the caliph Al-Mansur recovered.

Ibn Rushd abstracts from Plato the dialectical arguments, keeping only what he considered were demonstrative and useful arguments (hence he does not comment on Books I, IX, and X, as well as the beginning of Book II)

Ibn Rushd explains that he had to rely on Plato because Aristotle’s *Politics* “has not yet fallen into our hands” (Ibn Rushd *Republic*, 4:22).
or in relationship. If the final cause was one perfection in kind, every person would achieve it independently, and everyone in the city would be equal. But it is one in relationship, since many perfections exist. All the perfections are made one by existing for the sake of a single final end or perfection. It is evident that different people are capable of achieving different perfections, and just as perfections exist some for the sake of others, and all for the sake of a final end, then the relation of humans to one another must mirror the relation of the perfections, some being ruled by others.

From the first part of political science (Nicomachean Ethics), it is known that there are four types of human perfections. These are the “theoretical virtues, cogitative virtues, moral virtues, and [proficiency in the] practical arts” (Ibn Rushd Republic, 5:22). The latter three are for the sake of the highest, the theoretical virtue, as preparations for it, theoretical virtue being their end. In order to attain the perfection of each person in any of these arts, one is in need of other persons, so that we are political by nature. And as Plato stated, every person will be best at an art if they are trained for it from their youth and only practice that one art. But the arts are many. And since perfection in the different arts must be attained by different individuals within the same population, nature produces different individuals with different capacities and dispositions “corresponding to the difference in their perfections”. If every person "among them were potentially prepared for all human perfections, nature would have wrought something in vain; for it is absurd that there be something possible whose realization is impossible” (Ibn Rushd Republic, 6:23).

As for the final end of humanity, it is related to the differentiae of the species, which is the rational faculty. Humanity reaches its happiness when the actions
specific to humans, meaning actions of the rational faculty, are realized “in the utmost goodness and excellence. That is why it is said in the definition of happiness that it is an activity of the rational soul that is in accord with what is required by virtue” (which is Aristotle’s definition in the *Nicomachean Ethics*) (Ibn Rushd *Republic*, 84:68). And since there are different parts of the rational faculty, there are different virtues and different perfections. But since they are all perfections of the same being, some must be for the sake of others (except moral virtue which belongs to everyone). And as different virtues exist for the sake of others, there must be one virtue for which all other virtues exist, and which exists for itself and not for anything else, and that must be the ultimate happiness and ultimate perfection. This ultimate perfection and happiness is philosophy. All the other virtues exist for its sake, with the theoretical virtue as both efficient and final cause of the other virtues.

This final end of humanity is identical with the intention of revelation. Revelation, or “what the Laws existing in this time of ours assert concerning this matter is that the end of man is doing what God (may He be exalted!) wills, but that the only way of knowing this matter of what it is God wills of them is prophecy” (Ibn Rushd *Republic*, 81:66). For Ibn Rushd, revelation commands the knowledge of God and the universe, which is the aim of philosophy, and both command the moral virtues. The intention of revelation is therefore “identical with the intention of philosophy in genus and purpose” (Ibn Rushd *Republic*, 81:66).

Based on these premises, there ought to exist an association of humans – [an association] perfect in every species of human perfection and [whose members] are helped to their completion in that the less perfect follows the fully perfect by way of preparing for his [own] perfection, and the
more perfect aids the less by giving him the principles of his perfection (Ibn Rushd Republic, 6:23). In this perfect association, the virtues will be related to one another as the faculties within the human soul are related, “so that this city will be wise in its theoretical part through which it rules over all its parts in the manner in which a man wise in the rational part rules through it over all the faculties of the soul”. The other faculties are the spirited and appetitive parts, “where the moral virtues are to be found”. Hence the city “will draw itself toward appropriate objects in the measure and time judged by intellect”, so that it will act in moderation as regards all virtues (again reflecting the Nicomachean Ethics).

“This is the very justice that Plato investigated in the first book of the this book and explained in the fourth book. It is nothing more than that every human in the city do the work that is his by nature in the best way that he possibly can”. This is only possible if the “parts of the city are in submission to what theoretical science and those who rule over it decree”:

Just as justice in the soul of each consists in every one of its parts doing only what it has to do in the appropriate measure and at the appropriate time – this necessarily occurring in the parts of the soul only when intellect rules over them – so too in the case of the city (Ibn Rushd Republic, 7:23-8:24).

It is noteworthy that Ibn Rushd did not engage the political writings of the theologians on the caliphate. The theory of the caliphate, as has been discussed in previous chapters, centered on the attributes of the caliph and the procedure through which he is chosen. The ideal of the writers on the caliphate would be a caliph who would rule according to the Islamic shari’a. But as the Mu'tazila had shown, these procedures were insufficient to ensure justice. Ibn Rushd, the accomplished jurist, did not engage in any of his extant juristic writings with the theory of the caliphate, despite
having commented at length on Ghazali’s other works. Instead, he turned to philosophy for a vision of the just political order. Ibn Rushd, like many among the Mu'tazila, realized that the religious laws (particularly the trappings of the caliphate) were insufficient to secure justice in the political realm. It is Ibn Rushd’s insight, developed from Greek philosophy, that political justice required a set of secular laws developed through reason, not from revelation or religious historical precedent.

The domains of religion and political philosophy overlap, however. The goal and proper domain of religion is the teaching of virtue and morality. Ibn Rushd included not only Islam but the majority of existing religions. The domain of political philosophy is the virtue and justice of the whole city. A just and virtuous city demands virtuous citizens, who have been trained in the moral virtues. The more successful the religion is in establishing the moral virtues, the easier it is to establish justice in the city. This being the case, cities or states founded by religious persons may resemble the virtuous city. Ibn Rushd referred to the rule of the first four caliphs as an era in which the governance resembled the virtuous governance. Closer to his own time, the early Almohads, in their religious zeal, also resembled a virtuous political order. Governance based on religion does not endure, however. It transforms, usually into timocracy. This was the case with the original caliphate with Mu`awiya, as well as with Ibn Rushd’s own patrons, the Almohads:

You may understand what Plato says concerning the transformation of the virtuous governance into the timocratic governance and of the virtuous individual into the timocratic individual from the case of the governance of the Arabs in early times, for they used to imitate the virtuous governance. Then they were transformed into timocrats in the days of Mu`awiya. So seems to be the case in the governance now existing in these islands (Republic, 121:89).
This even applies to the predecessors and enemies of the Almohads:

An example in this time is the kingdom of people known as the Almoravids. At first they imitated the governance based on the nomos; this was under the first of them. Then they changed under his son into the timocratic, though there was also mixed in him the love of wealth. Then it changed under his grandson into the hedonistic with all the kinds of things of the hedonists; and it perished in his days. This was because the governance that opposed it at that time resembled the governance based on the nomos (which is the governance of the early Almohads) (*Republic*, 125:92).

It is unclear what Ibn Rushd was specifically referring to with the word nomos. But the context is evidence that he held that the governance of groups or individuals who aim at religious virtue may briefly result in a political order that resembles the virtuous one, but is not in itself sufficient to secure justice, and is unstable and unendurable. Ibn Rushd’s position regarding the instability of the religious political order is unambiguous. Only philosophy is capable of establishing the secular laws that are required to bring about and preserve justice in the political realm, thereby realizing the justice and virtue that is the intention of the revelation itself. As for religious laws, Ibn Rushd quoted Plato as indicating these should be followed according to what God “may He be exalted” commands through His prophets:

It is as though he [Plato] asserts that these divine things, and that whatever of these there is in cities we ought to acknowledge as such, for they [the divine things] are, as it were, common to all the Laws and conventions of the nomoi. (Ibn Rushd *Republic*, 48:47) 47

**The Laws of the Virtuous City**

The secular laws are the subject matter of the second part of the political science. The first part (the Nicomachean Ethics) is concerned with the virtues. The second part is concerned with the attainment of the virtues in the souls of the citizens and

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47 Horowitz (1960) has argued that the hostility of the Catholic Church to Ibn Rushd and the Latin Averroists was due in part to Ibn Rushd’s political secularism (which in the Christian medieval context amounted to a rejection of the divine right of kings).
in the city. The goal of legislation should be the laying down of universal laws (as opposed to particular laws) which will discipline from youth and raise citizens who will tend towards what the laws have instilled in them, who will of their own accord perform what the particular laws would have stated. (Legislating particular laws would be a continuous process of adjustment that would fail at producing citizens who are virtuous of their own accord). We may read this as Ibn Rushd’s answer to Farabi’s argument that the rule of philosophers is superior to the rule of law.

Farabi justified his position by explaining how a philosopher could change the laws of a predecessor to deal with new situations (just as the predecessor would have changed his laws had he been aware of the new situation). Ibn Rushd, however, bases the virtuous city on universal laws which have the certainty of demonstration, and which should prove true throughout time:

Justice will come about when the citizens hold fast to the laws, when the opinions of the lords and the multitude concur in preserving what the nomoi oblige them to, so that this disposition comes to be found in the youth, women, slaves, freeborn, rulers, and multitude, and in general in all its parts (53:50).

Every person will then perform their duties and not attempt to acquire a position which they are not fit for

This is political justice; just as perversion in cities, which is the cause of injustice, is nothing more than each and every one of its citizens growing in more than one thing and transferring from thing to thing, from activity to activity, from rank to rank … Its harm will be very evident in the transfer of classes from one to the other, as when one who is parsimonious and wealthy is transferred, [thanks] to his parsimony, so as to enter the class of warriors or, even more, the class of chiefs. This leads to many evils. You can make this clear from [what happens in these] cities (Ibn Rushd Republic, 53:50-1).

The laws must therefore provide for the training of the citizens, as well as regulate the relationship of the rulers, the guardians, and the multitude, to ensure that virtue and
moderation are found throughout the city. This requires laws which regulate the training and discipline of the youth to bring about the right opinions and virtuous actions, as well as regulations on property, wealth, and family, which are the causes of the corruption of cities.

There are two ways of bringing about the virtues in the citizens, teaching and coercion. The multitude will be taught theoretical knowledge using dialectical, rhetorical or poetic arguments, while the capable few will be taught using demonstration. This is the natural way of teaching, and is appropriate for the citizens who have grown up from their youth in the city. The way of coercion is for “enemies, foes, and him whose way it is not to be aroused to the virtues that are desired of him. This is the way of coercion and of chastisement by blows” (Ibn Rushd Republic, 11:26). This way is not intended for the citizens of the virtuous city (unless in military training).

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48 Of the theoretical things that should be taught, Ibn Rushd refers to what is probably Farabi’s Political Regime, that theoretical things will be taught to the multitude through representations and likenesses. The substance of this is what Farabi includes in the Political Regime on the likeness of the metaphysical or divine realm to the political realm, the first centered around God as the highest being, united in His service, with a hierarchy of beings based on closeness in knowledge to Him. Just as the universe runs as one, the city runs as one body, with different parts all serving one end – the leader in the city and the heart in the body. Ibn Rushd then quotes Farabi’s Attainment (according to Lerner), that the “first and second principles” should be represented “by their likenesses among political principles, and the acts of the natural powers and principles are [represented] by their likenesses among the voluntary powers and arts” (Ibn Rushd Republic, 19:30).

49 Ibn Rushd differed with Plato on the military role of the guardians. Plato had stated that the military aspect results from necessity, in order to defend the city. Ibn Rushd argued that Plato would have been correct if virtue was only possible for one group or race of people. Ibn Rushd’s view was that all people are capable of virtue, and so the military role of the guardians should be to bring about virtue among other people as well. Ibn Rushd argued that Plato held that only the Greeks were capable of philosophy, whereas his own view is that most people are capable of philosophy and virtue.
The Guardians

The virtuous city is “wise, courageous, moderate, and just”, wisdom in the rulers, courage in the guardians, and moderation (being Aristotle’s mean) throughout the citizens (Ibn Rushd Republic, 49:48). Justice is every person doing what they are disposed to by nature. It parallels the individual soul, where justice occurs when the spirited and appetitive parts are ordered under the guidance of reason and in submission to it. The comparison is valid, according to Ibn Rushd, because what is in the city of humans cannot be other than what is in the human soul itself.

The guardians should be chosen from among “the most virtuous and who most loves the advantage of the citizens” and be tested for perseverance in belief “concerning the obligation of doing whatever is most advantageous for the city” (Ibn Rushd Republic, 34-5:39). The guardians should not possess anything, for as Plato said, there is “nothing more ugly in shepherds than that the dogs they have reared with a view to guarding whatever they wish them to, should depart from that disposition on account of their hunger or their fear or some other bad habit [and go on] to harm the sheep,” turning from watch-dogs into wolves (Ibn Rushd Republic, 37:41). Ibn Rushd offers that this may be made clear for the reader “from the cases of the mighty taken from these cities, for on the death of the tyrant who had been subduing them, they turned on the grazing [flock] and devoured them” (Ibn Rushd Republic, 38:41).

Every person, including the guardians, should specialize in one art and train for it from youth. Ibn Rushd agreed with Plato, that the guardians should be spirited in nature but also love their fellow citizens, like spirited dogs who are friendly with familiar persons but vicious with strangers. This comes about through training in music
and gymnastics. It is necessary for the guardians to have these two opposing qualities, for else “love or hatred grounded in advantage and disadvantage would prevent this [union of opposites], turning enemies into chiefs and chiefs into enemies. This is self-evident” (Ibn Rushd Republic, 17:29).

Should the guardians acquire possessions, they will become households, vying for their own wealth with the citizens and other guardians. They will cease to protect the citizens and protect themselves. They will engage in wars for their own benefits, motivated not by concern to defend the citizens but to enlarge their property. They will become enemies of the citizens. “In general, what will happen to them in their relations with the citizens and with one another – enmity, hatred, and mutual fraud – is like what happens to the inhabitants of these cities” (Ibn Rushd Republic, 39:42). Money generally should not be allowed in the city, and some other method of value exchange should be adopted which is under the supervision of the guardians. “There will be a kind of money in the city with which all these tools and provisions will be paid for. Then they distribute them among the citizens in the measure that each kind has need of” (Ibn Rushd Republic, 39:42). The quantities of goods produced should be regulated and not left to chance, or else the artisans will aim to accumulate wealth instead of working for the true end, which is the benefit of the city. Even the number of artisans should be regulated.

To preserve the natures of the guardians, the guardian class must procreate with like individuals. This leads Ibn Rushd to the investigation of the nature of women, and to the most scathing criticism of the lot of women in Muslim cities.

If men in the guardian class are to procreate with like individuals, then women must be of a nature that allows them to be guardians, and to be in every class of
citizens in the city. If not, then they are fit only for domestic activities. “And we say that women, in so far as they are of one kind with men, necessarily share in the end of man” (Ibn Rushd Republic, 57:53). Even if men and women differ in degrees of ability among individuals, women are of the same species as men. And the same species cannot differ but by degree. So that even if men were stronger or better at some activities and women at others, the difference is one of degree not of type. And from the knowledge of women warriors in the deserts, it is clear that women can be guardians and warriors. As for philosophers, “since some women are formed with eminence and a praiseworthy disposition, it is not impossible that there be philosophers and rulers among them” (Ibn Rushd Republic, 58:53).

The absence of women philosophers does not indicate the impossibility of women philosophers. The existing status of women in society should not be taken as evidence of their ability or nature. The correct demonstrative argument is proof that women, being of one nature and one kind with men, share in the end of the species as a whole. There is another proof as well, through induction. The guardians have been compared to watch-dogs, and Ibn Rushd states that we see this in female dogs who guard what their males guard and strike at hyenas just as their males strike at them, save that they are weaker at this. That is why nature sometimes, but rarely, gives the male an instrument with which he can fight that is not in the female (Ibn Rushd Republic, 59:54)

such as with the boar. “But since the fighting instruments of those animals whose it is to fight are for the most part common to the male and the female,” nature “intends that the female also perform this activity” (Ibn Rushd Republic, 59:54). Women should therefore be among the guardians and among the philosophers. Women should be chosen for their
natures and join the guardian class and class of rulers, training with the men in
gymnastics and music, engaging uncovered in gymnastics, as Plato said, covered only in
virtue:

The competence of women is unknown, however, in these cities since they are only taken
in them for procreation and hence are placed at the service of their husbands and confined
to procreation, upbringing, and suckling. This nullifies their [other activities]. Since
women in these cities are not prepared with respect to any of the human virtues, they
frequently resemble plants in these cities. Their being a burden upon the men in these
cities is one of the causes of the poverty of these cities. This is because they are found
there in double the number of men, while not understanding though [their] upbringing
any of the necessary actions except for the few actions – like spinning and weaving. This
is all self-evident.\(^{50}\) (Ibn Rushd Republic, 59:54)

Women’s unjust social status is not the true mark of their natures or
abilities. But neither is it revelation. Ibn Rushd does not reconcile the aspects of
revelation which favor men in marriage, inheritance, and in testimony, with the equal
nature of women that he has proven through demonstration. The inegalitarian aspects of
revelation are transcended, however, through the laws of the virtuous city. Ibn Rushd
follows Plato’s regulations on marriage and procreation. Among the guardian class,
membership is regulated through (controlled) lots, and endures only as long as needed to
ensure procreation. Outside of the time of marriage, men and women in the guardian
class live and train together in equality. Inheritance laws are superfluous since private
property has been abolished. As for the inequality of the testimony of men and women in
legal matters, the virtuous city will not have much need of judges. The causes of strife

\(^{50}\) This use of demonstration is superior to Aristotle’s, who argued in the Politics (Book I) that
women are of inferior abilities and should be relegated to the home, ruled by men. Ibn Sina’s
position is closer to Aristotle (although it is unlikely that he had access to the Politics as it had not
been translated into Arabic). Ibn Sina argued that women should be home-bound and covered
(Butterworth 2000).
and fighting among the citizens, being family and property, have been abolished,
abolishing with them

the cause of the disputes occurring among citizens of this city over money, children, and
women. It is evident that if all the things in this city are in accord with this, then it will
remove envy and hatred from them as well as poverty and other evils found in these cities
(Ibn Rushd Republic, 66:58).

Ibn Rushd’s writings on the relation of philosophy to revelation offer
another method of investigating the situation of women. As was shown above, Ibn Rushd
argued that truth does not contradict truth, so that demonstration and revelation hold the
same truth. He also noted that when different verses in the revelation seem to be in
contradiction, it is a signal to the learned to investigate how the contrasting verses may be
reconciled in order to uncover the deeper truth. We may consider, then, how these
assertions relate to the status of women. Demonstration has proven that women are equal
to men in nature and ability. If this is the case, then inegalitarian aspects of the revelation
are an injustice. But God is just, and furthermore, revelation also contains verses which
point to the equality of men and women. How then to reconcile these contradictions? The
contradiction in the revelation is a signal to the learned that men and women are indeed
equal, but there is a hidden aspect to that equality. The revelation must therefore be
interpreted to align it with demonstrated truth. When considered in this way, the verses
which allow for the unequal status of men and women must be limited to a certain
historical social arrangement. When we are in possession of demonstrative evidence of
the equality of men and women, such verses become a hidden indictment of those
arrangements. We may contrast this reading of revelation with the contemporary
insistence of certain Islamic interpretations of revelation to define women’s abilities and legal and social status according to a literal reading of the revelation.

The regulations on marriage and property create a city where the citizens are related to one another paternally or as siblings, all feeling love for one another. As Ibn Rushd stated, the goal of the communism of women and children is to create one body, one family, among the city, where no one can claim “this is mine and this is not mine” (Ibn Rushd Republic, 64:57). The oneness of the city is described in terms that are similar to a Prophetic tradition, recognizable to a Muslim reader, where the community is described as one body, where even should a finger suffer, the rest of the body suffers with it.

Establishing the City

This city comes about if the king is a philosopher. A philosopher is one who has acquired the theoretical sciences, and has the practical (political) science, coupled with cogitative and moral virtues needed to put the practical science to use in bringing about justice in the city. This is true of the initial lawgiver as well. This equates philosopher with lawgiver, king, and imam, all being synonyms. Whether or not he is a prophet is open to investigation, which Ibn Rushd promised to investigate in the first part of this science. But it is probably “with respect to what is preferable, not out of necessity” (Ibn Rushd Republic, 72:61).

As for the initial establishment of the city, the best and quickest way is for a philosopher to come to power, or for a king’s son to be a philosopher, and come to rule. He would send everyone over the age of ten years out into the villages and raise the children according to what has been explained here. This is Plato’s opinion, which Ibn
Rushd referred to as the easiest and quickest way. There is a different, longer route, where a succession of virtuous kings rule uninterrupted for a long period of time, moving the city gradually into the form of the virtuous city. The gradual movement will occur on two levels, in the city’s actions and in its beliefs. The difficulty of accomplishing this change and the time it will take depend on the existing laws of the city and their proximity to the laws of the virtuous city.

If it requires a virtuous city to train philosophers who have attained the four virtues, then the virtuous city itself cannot be established, as Ibn Rushd acknowledged, and what “we were laying down in speech and had then thought to be possible” turns out to be “impossible”. Ibn Rushd’s response to this challenge, however, is that it is possible to grow up with these natural qualities that we have attributed to them – developing, moreover, so as to choose the general common nomos that not a single nation can help choosing; and besides, their particular Law would not be far from the human Laws; [if these conditions are fulfilled] wisdom would have been completed in their time.

And tellingly, “This is as matters are in this time of ours and in our Law.” If the “likes of these come to rule” for an extended and continuous period of time, “it is possible for this city to come into being.” In other words, with a Law like that developed from Islam, and wisdom or philosophy having reached its completion in this time, it is possible for philosophers to exist (himself being an obvious example). Should the philosophers rule for an uninterrupted period of time, the laws of the city would be moved towards the laws of the virtuous city over time and the citizens would be raised towards virtue. (*Republic*, 74:62-75:63)
Even should a single individual with all these qualities not be found, the city could still exist. Where a single king has attained the four conditions of philosophy in addition to military ability, he would be the true king and “his governance is the truly royal governance.” If these qualities do not exist in one person but are divided among several, they would rule together, each serving the city according to their specific abilities (this would be called the rule of the elect and virtuous, and their rule is aristocratic). The city may also be ruled by a person who has not reached the position of king, but who is an expert in jurisprudence, having understanding of the first Law of the legislator, being an expert at extrapolating from the original Law the judgments for particular cases, combining military capability with his legal knowledge. If two persons are found, one an expert in the Law that exists, and another an expert in military affairs, they should rule together, “as was the case with many of the Muslim kings.” (Ibn Rushd Republic, 106:80-106:81).

The enumeration of the types of rulers of the virtuous city parallels Farabi’s discussion in the Virtuous City. For Farabi, however, a philosopher was essential for the city, and should all the attributes of character exist without philosophy, the city would remain without a king and would be ruined. Farabi relegates the rule of law to a rank lower than the rule of the philosopher without laws, who changes the laws according to his judgment. Ibn Rushd, however, elevates the position of law and jurisprudence. He allows that the virtuous city may continue to exist even without a philosopher, as long as a capable jurist who is adept at interpreting the original laws is allowed to govern. A
virtuous political order may therefore continue to exist even in the absence of the philosopher, as long as the proper laws are established.\textsuperscript{51}

The virtuous city, then, comes about when a philosopher, or a succession of philosophers, establish the universal laws which bring about justice in the city and the happiness of the citizens. The relation of those who have theoretical knowledge to the multitude is like the metaphor of Plato’s Cave. To lead out of the cave requires Plato’s “cunning device” of moving them out into the light of the sun gradually (Ibn Rushd Republic, 94:74). And while the citizens should be taught not to lie, the king alone may lie, as long as it is for the benefit of the citizens, and it will be appropriate for them in the respect in which a drug is appropriate for a disease. Just as it is only the physician who prescribes a drug, so it is the king who lies to the multitude concerning affairs of the realm. That is because untrue stories are necessary for the teaching of the citizens. No bringer of a nomos is to be found who does not make use of invented stories, for this is something necessary for the multitude to reach their happiness (Ibn Rushd Republic, 24:32).

For instance, Plato “cleverly provided” a tale (the myth of the metals) to persuade the guardians and the multitude to allow their offspring to be transferred among classes (Ibn Rushd Republic, 36:40).

The reason philosophers do not rule in existing cities is on account of the multitude being unaware that philosophy holds any benefit for them. Another reason, connected with the first, is the disrepute that has befallen philosophy when those who have not attained the moral virtues engage in philosophy, as has happened “in this time of

\textsuperscript{51} In the middle commentary on the Rhetoric, Ibn Rushd notes that the city of good authority (jawdat al-tasallut) is the one where authority is exercised through education and according to the law. Whomever reveals what the laws demand rules through good authority. This is the authority which brings about the well being of the citizens and human happiness, and their goal is virtue and adherence to the law.
ours”. Those lacking the virtues of the true philosopher will be swayed by their passions, using their wisdom for violence and oppression, and for deceiving the citizens and creating fear in them. Others, through their lack of the virtues and their bad education produce the sophists who run these existing cities, attacking philosophy and praising injustice. “Their thought and their rulership over the cities: this indeed is the greatest of the causes for the loss of wisdom and the extinguishing of its light.” (Ibn Rushd Republic, 77-78:64).

The Non-Virtuous Cities

Without the secular laws, known through demonstration, and established by philosophers, justice cannot be found in the city. Cities not founded on philosophy are domestic or household cities. They are cities that are not one but many, “their politics is for the sake of the governance of the household rather than the governance of the household being for the sake of the city” (Ibn Rushd Republic, 43:45).

The first of these cities is the timocratic city, which, following Plato, is considered the city closest to the virtuous one, having as its aim the virtues (honor) according to unexamined opinion. “[Y]ou yourself know that this kind of governance was frequently found among us” (Ibn Rushd Republic, 109:82). The timocratic city transforms, usually into the vile (oligarchic) city. This is evident, Ibn Rushd asserted, from a contemporary example, as “has come about among us in the habits and states of those possessing lordship and status” after the timocratic government they had been raised under was undone. The rulers now engage in base behaviors, and rarely is any
among them virtuous, except the one who follows the Quranic injunctions, who “remains in an excellent state” (Ibn Rushd Republic, 145:103). The oligarchic governance is referred to as the vile city, following Farabi’s terminology (Political Regime). This is where the citizens care to accumulate wealth in excess of need, where wealth is the goal in itself, not the honor or conveniences which wealth brings. The ruler is the wealthiest among them, who facilitates the accumulation of riches by the few, necessitating the poverty of the majority of the citizens (Farabi’s hedonistic city is considered as a class with the vile city).

The democratic city, (al-madina al-jama`iya in Farabi’s Political Regime) is the city of the multitude. It is the city which lacks a unified aim (the aims being honor, wealth, pleasure, and in the tyrannical city the aim is the tyrant’s desires). The citizens are ruled through their consent, and are free to pursue their own goals. Among them will be lovers of wealth, honor, tyranny, and even the virtues. From this city might emerge the virtuous city or any of the ignorant cities. The city is not without laws. There are laws related to the choice of the ruler, to regulating commerce, protecting property, and concerning morality. The goal or intention of this city is the household, and so it is a domestic city, an accidental association, lacking a single aim. Ibn Rushd’s judgment is that “most of these cities existing today are democratic, and the individual who truly lords it over them is the one who has the capability of so governing that every man attains his desire and preserves it” (Ibn Rushd Republic, 111:84). It is the city most admired by the multitude, being like a multicolored garment, appealing to the beholder.

Plato rejected democracy because it pursued liberty and equality to excess, leading to anarchy and the ruin of the law, and argued that democracy falls into tyranny.
Ibn Rushd adapted Plato’s view of democracy to the Muslim experience. As referred to by Ibn Rushd, democracy is not the rule of the multitude, but a form of governance where the multitude have consented to the rule of certain persons or groups. The cities of the multitude enjoy a lax administration, where the rulers are not engaged in any significant effort to control the lives of the citizens. The defining feature of democracy for Ibn Rushd is not the freedom of the citizens, but the lack of a unified and single aim. Unlike Plato, he did not consider the liberty of the citizens to be the aim of the city (such a form of government had not existed in the Muslim context he was familiar with). Understood in this way, the city of the multitude is the city that is devoid of outright domination and unified aim. While such cities might appear to be free and happy, Ibn Rushd uncovered a hidden and potential tyranny at its heart.

The city of the multitude is free only for a brief time. It is the city that most commonly arises from the earliest human gatherings (the city of necessity). Once there is some wealth in the city, it becomes a democratic one, where everyone is free to pursue their own goals. It divides into a city of households, joined together by accident and not according to any specific final end. However, such cities will suffer transformation quickly if they are not “strengthened by virtue or honor”, “as is the case with democratic cities existing in this time of ours and in that which preceded” (Ibn Rushd Republic, 127:93). Once the city is wealthy, someone else is delegated to fight, and this requires the imposition of taxes on the citizens, as the wealth in these cities is the wealth of the households and not civic or common wealth. Hence they sometimes need to bring forth from the household some of the acquired surplus in it and transfer it to whichever of them fights. Herein originates tributes and imposts. Men are of two classes: a class designated the multitude, and a class designated
the mighty – as was the case with the people of Persia and is the case in many of these cities of ours. Among these the multitude are plundered by the mighty, and the mighty go so far in seizing their property that this occasionally leads them to tyranny, just as this comes about in this time of ours and in this city of ours (Ibn Rushd Republic, 112:84).

Alternately, should the rulers not divide the taxes equitably and keep it to “lord it over them, why this is the hardest of things for the multitude. They will then try to shake off the rulers, and the lord will try to tyrannize over them”. “What initially was designated as civic property in this nation is by now truly domestic – i.e. for the sake of the households of the lords among them” And this is why "the aristocratic part among them is now entirely tyrannical” (Ibn Rushd Republic, 112-3:85).

“You yourself can understand this clearly from this democratic lordship that exists in our time for it often changes into tyranny. An example of this is the lordship existing in this land of ours – i.e., Cordoba – after 500” (1106 CE). “It was almost completely democratic; then the situation turned after 540” (1145 CE) “into a tyranny” (Ibn Rushd Republic, 133:98). The situation is also true of the Muslim cities where the rulers claim to be virtuous:

Therein is the similarity between aristocratic cities and tyrannical cities. The aristocratic parts existing in these cities often turn into tyrannical ones, and give the lie to the aristocratic intention – as is the case with the aristocratic parts found in cities existing in this time of ours (Ibn Rushd Republic, 115:86).

The governance which is most opposite of the virtuous city is the tyrannical city. In such cities there exists a single end, and that is the end of the tyrant, whatever his desire be. The citizens who serve the tyrant “resemble slaves; indeed they are truly slave”. It is most opposed to the virtuous city because in the virtuous association it is intended only that every one of the citizens receive as much of happiness as it is in his nature to be raised to. Hence the intention of
the virtuous royal arts is only the advantage of the civic body, just as is the case with the other arts.

The tyrant allows the citizens only the necessities which allow them to serve him, as is the situation of slaves. “It is evident that this city is of the utmost injustice since not one of the practical arts has as its intention solely the completion of the intention of the arts. This is self-evident.” (Ibn Rushd Republic, 113-114:85).

The tyrant may even use religion and law as a ruse to achieve power:

Plato says that it is characteristic of this individual that he subdue all humans and arouse them to hold fast to the nomos so that it might be thought that he is not tyrannizing, and that he intends the guidance and direction of the citizens [with a view] to dividing property and goods among them, and that he has no other intention than the care of the association and the improvement of the city. When he has made peace with the enemies without by setting things right with some and overcoming others, he turns to his city where he continually stirs up wars among them. This is so that he might control the property of its citizens and seize it. For he holds that once he has plundered them of their wealth they will be unable to shake him off, and they will be preoccupied with themselves and with seeking their daily bread, as happened to the people of our district with the individual known as Ibn Ghaniya. (Ibn Rushd Republic, 133-4:97).

The tyrant becomes afraid of the wealth of his citizens, and he fears and persecutes any among them who show signs of “might, courage, and greatness” (Ibn Rushd Republic, 134:97) and purges the city of them. He becomes a hater of his citizens, and surrounds himself with mercenaries, “evil foreigners” from outside the city who are paid to protect him from his own citizens (134:97). Should the citizens resist, he disarms and enslaves them. His rule is “of utmost injustice” and “utmost evil and ruination” and there is “no one more wretched than the tyrant” (140:100). Just as he has enslaved the people, he is enslaved to his desires and fears, and he is “envious, violent, and friendless” (143:102). “All these actions of the tyrants are manifest in this time of ours not only through argument but also through sense and evidence” (135:98).
Conclusion

Ibn Rushd’s writings replaced religious knowledge, developed through the speculations of the theologians, with the certainty of demonstrative knowledge. Once it was established that science and revelation do not contradict, it became possible to relegate religion to its proper domain, instructing the masses in morality and virtue, but not as a foundation for knowledge. As for the legal commandments of the religion, especially as pertains to the status of women, Ibn Rushd’s insight into contradictions in revelation uncover a method which allows us to combine religion and reason to critique existing social arrangements and present a project for the reform of existing injustices.

Ibn Rushd’s commentary on Plato’s Republic reveals a set of political concerns which are immediately recognizable to the citizen of any Muslim majority or Arab state. Ibn Rushd’s concerns are the tyranny of the mighty, which necessitate secular laws that will separate wealth from power, and that will ensure that the rulers are concerned with the benefit of the city and not their own personal gain. His description of the democratic cities differs from Plato’s, although we are not challenged to provide numerous examples where the post-colonial arrangements in Muslim or Arab states enthroned certain groups with the apparent consent of the multitude. In such states, the civic wealth, the natural resources, are appropriated as the private, domestic wealth of the rulers. The Arab Spring is evidence of Ibn Rushd’s pronouncements, that even in such seemingly happy states, once the citizens resist, the state quickly transforms into a tyranny, evincing all the trappings of tyranny, down to the importation of mercenaries.

This is also true of Ibn Rushd’s description of the tyrant who comes to rule in the name of
religion or the law, as witnessed in the post-colonial experience of both religious and secular revolutions in the Muslim and Arab states.

The significance of Ibn Rushd, as will be shown in Chapter 5, is in the method he provides, from within Islam, for reconciling reason and revelation, and for contextualizing the revelation according to rational knowledge and historical experience. While we might differ with Ibn Rushd’s assumptions about human nature, happiness, and knowledge, and therefore with the laws of the virtuous city which arise from these assumptions, we find in him the basis for an argument that challenges contemporary Islamic movements to assert the foundations of their knowledge, particularly their political knowledge, which is the foundation of their calls for an Islamic state.

Two insights from Ibn Rushd stand out in the contemporary context: the use of religion in establishing tyranny, and the injustice befallen women. The shari`ah, as Ibn Rushd notes, is not only compatible with tyranny, but the tyrant may even use it to establish his reign:

Plato says that it is characteristic of this individual that he subdue all humans and arouse them to hold fast to the nomos so that it might be thought that he is not tyrannizing, and that he intends the guidance and direction of the citizens [with a view] to dividing property and goods among them, and that he has no other intention than the care of the association and the improvement of the city (Ibn Rushd Republic, 133-4:97).

It is significant here that Ibn Rushd has extended the meaning of nomos in a manner that Plato would not have considered: the religious law, the shari`ah. As stated above, we are not at a loss to name several modern Arab and Muslim states where the shari`ah is the basis of the government of a tyrannical elite who have acquired the natural wealth of the state as their own domestic wealth.
The lesson from Ibn Rushd for Muslims today is that the *shari`ah* should be recognized for its limitations. First, we must note that soon after Ibn Rushd, as the following chapter will recount, the theory of the caliphate was no longer presented as part of the *shari`ah* proper. Sunni writers continued to pay homage to the theory of the caliphate, but subtly and silently, as will be seen, pushed the theory of the caliphate outside the realm of *shari`ah*. Whereas the Mu`tazila were persecuted in earlier ages for claiming that the necessity of the caliphate was known by reason and not revelation (in other words, for claiming that the caliphate was not part of the religious law), the new generation of Muslim jurists began a process of articulating an Islamic political theory that could operate without reference to a caliph at all. As the next chapter will show, Islamic political thought replaced the centrality in Muslim political life of the caliph with the centrality of applying the *shari`ah* (a *shari`ah* from which the theory of the caliphate had been largely excised). The new theory silently acknowledged the limits of the theory of the caliphate, and advanced a new accommodationist legal position which argued that any ruler would gain legitimacy by applying the *shari`ah*.

What we find in orthodox Islamic history, then, is a subtle movement away from an imagined polity that was held together by a single, Muslim caliphate, to a new literature which identified the Islamic identity of a polity with the application of the *shari`ah*. This willfully neglected that the religio-legal position of the *shari`ah* on the political was, and had been for centuries, the centrality of the caliphate. This was an unacknowledged failure of Sunni religio-legal reasoning, limited as it was to textual literalism and the analogical acrobatics of historical precedent (as we saw in the case of Ghazali and Mawardi justifying a usurper).
In contrast to this, we find Ibn Rushd's approach to religio-political reasoning. His reasoning started from the identity of the goals of religion and the rational endeavor of philosophy: the cultivation of virtue in the pursuit of justice. By placing justice, instead of fealty to the traditions, as the guiding principle in approaching the divine scriptures, he was able to identify and condemn the marriage of wealth and power, as well as the use of the *shari’a* to strengthen tyrants. Both of these considerations were lacking in the theory of the caliphate, and continue to be largely lacking in contemporary Islamic political thought. Traditionalist reasoning is even clearer in its blindness to the lot of women, which Ibn Rushd condemned so boldly.

Contemporary Islamic political thought continues to deny the failure of orthodox religious law, even as it tacitly admits to the need for secular laws to govern the relationship between ruler and ruled, as was observed by Ibn Rushd 8 centuries ago. Instead, as the example of Qaradawi shows, contemporary Islamist groups have incorporated the trappings of democratic government into their political programs without acknowledging that such secular laws are, above all, an indication of the failure, or at least the serious limitation, of the *shari’a*, whose implementation they continue to agitate for, even from within democracy.

Ibn Rushd's writings raise another challenge to contemporary Islamists who continue to justify illiberal aspects of their political agendas by reference to the classical canon and classical authors. Consider, for instance, the rejection of revolution against an unjust ruler, a cornerstone of Saudi Arabian Wahhabism (Chapter 5) and other brands of Salafism, or Tu’aymeh's (Chapter 2) reliance on Ghazali's political writings in arguing for a life-long ruler who is both the executive and legislator. How are we to
reconcile the piecemeal or wholesale adoption of the classical legacy with modern science and common sense? Are we to reject causality with the rejection of revolution against tyranny? Or are we to deny free will just as we deny that combining governing and legislation in one person is the quickest road to tyranny? Sunni political and religious literature continues to deny the need for historically contextualizing either the revelation or the classical legacy, favoring instead to continue to cultivate an image of continuity and unity, and thus authenticity.

We may disagree with Ibn Rushd's formulation, based on the *Republic*, which holds that secular laws which cultivate *virtue* will ensure the government of the best qualified individuals, men and women, who will govern for the benefit of the community and not their own personal gain (establish justice). In this sense Ibn Rushd was answering one limitation of the theory of the caliphate while still working within its original conceptual horizon. The procedural structures for electing a caliph, in the ideal form of the theory of the caliphate, were intended to bring about the government of the most virtuous and capable. Realist considerations soon dropped this expectation, and Sunni political thought devolved into apologetics for the myriad exceptions to the ideal situation. Ibn Rushd's innovation was to do away with the trappings of the theory of the caliphate, and consider instead the secular laws which would bring about the government of the best qualified individuals from throughout the community, chosen for their ability, virtue, and love of their fellow citizens. In this sense, his formulation was far more democratic than the theory of the caliphate. The theory of the caliphate (Chapter 1) accepted monarchical succession, based on historical precedent, and gave the power of electing a caliph to a handful of powerful men, again based on historical precedent. Ibn
Rushd did away with historical precedent as containing the authority of truth, and instead developed a fuller theory of political justice, and condemned, in a manner that Sunni orthodoxy has yet to do, the injustice of tyranny and the injustice of denying women their full humanity.

With the death of Ibn Rushd came the end of the era of the great Muslim philosophers, although philosophy lived on among Muslims for centuries. Ibn Rushd's writings on the nature of government and the transformation of regimes was taken up, over a century later, by a young student of philosophy who would go on to synthesize Ibn Rushd's insights with the record of the history of the Muslims in his new science of history. Ibn Khaldun is the subject of the next chapter.
In investigating the history of Islamic political thought, this work has focused on the debate between two medieval approaches to the relation between religion and politics, a rationalist approach and a traditionalist approach. Both approaches contributed to the development of a uniquely Islamic political discourse. It was a discourse whose parameters were set by negotiating the facts of history and the interpretations of the scriptures, and by imagining, re-imagining, interpreting, and re-interpreting the events of the foundational period of Muslim history. How the scriptures and the foundational era were used depended on the contexts, factional allegiances, and doctrinal commitments of the different authors. What made this tradition of political writing Islamic is its reference to the scriptures and the foundational period as the sources of authority and legitimacy. While both approaches were in a fluid relation to the scriptures and the record of the foundational era, the rationalist approach was characterized by an effort to reconcile reason and revelation (pushing the political debate into the realm of epistemology), and presenting a vision of Islamic political life that is based on a rationalist conception of justice. The traditionalists, on the other hand, approached political thought in a manner closer to jurisprudence, focusing on the traditions or *Sunna* (the actions of the Prophet and the first generation) as the authoritative body of knowledge through which political apologies may be articulated.
The overall aim of this work is to argue for a new method of religious reasoning that establishes justice as the basis of Islamic political thought, through which the scriptures and classical legacy should be contextualized. This requires that we counter the presentation by contemporary Islamic political groups and writers of Islam’s relation to politics, particularly in its Sunni articulation, as unified, single, and unproblematic in its general principles. This work aims to contribute to the growing literature that challenges such an understanding of classical Islamic thought, since the canon of classical thought is today being presented as containing ground sufficient for thinking about contemporary politics. The approach followed in this work is to uncover the movement of classical political thought through its dialogue with the now-marginalized medieval rationalists, whose epistemology and concern with justice are far closer to the commonsense and political outlook of the moderns, a point to be taken up in the following chapter. Investigating that movement helps us understand classical Islamic political thought in its original contexts, as well as to understand the shifts in its central concerns given different historical circumstances and the changing conceptions of epistemology. This in turn allows us to problematize the fundamental assumption of contemporary Islamic political thought: that regulating the modern political state through the shari`ah, based on the political and legal discourses of classical orthodoxy, is sufficient to establish a just and effective modern state (a notion that is presented by Islamic political groups as self-evident to any Muslim). The goal of historicizing the canons of political and religious texts, and uncovering the changing assumptions and

52 As noted in Chapter 1, the presentation of Islamic political thought as unified and monolithic is paralleled by a similar effort by numerous individuals and groups outside of Islam, towards a different aim (as noted in Chapter 1).
epistemologies which underlie the formation of those texts, is to challenge the self-evidential certainty of the contemporary Islamic religious projects, and to bring to the fore the archaic assumptions about knowledge and human nature that no longer suffice as foundations for thinking about the relation of religion to political life.

The previous two chapters placed the orthodox theologians in debate with the rationalist Mu’tazila and philosophers, during the eras of supremacy and then weakness of the caliphates. This chapter turns to the later Middle Ages, when the caliphates had fallen, and the focus of the political writings shifted from the caliphate to the notion of a state based on the shari`ah. The latter approach to political thought in Islam continues to define the contemporary political project of Islamist groups. It holds that the ideational commitments of rulers, as long as they are religiously virtuous and apply the shari`ah, regardless of how they achieve power, will suffice to establish justice. It calls for the unity of the rulers with the jurists, which would tacitly create a new ruling class. It was a traditionalist innovation, but unacknowledged as such, and was presented using literalist methods of juristic reasoning. In opposition to this innovation in political thought was the work of Ibn Khaldun, who offered a sophisticated reading of the first seven centuries of Muslim history. Ibn Khaldun's account of the social causes underlying the rise and fall of states undermines the simplistic political argument that the unity of the rulers and the jurists in applying the shari`ah suffices to bring about a just state.

This chapter opens with a historical overview, followed by a brief examination of the work of the jurist Ibn Taymiyyah (d. 1328 CE). Ibn Taymiyyah articulated a traditionalist/literalist response to the decline and division of the Muslims, arguing for a return to the shari`ah in all aspects of state and society (Ibn Taymiyyah
continues to be popular among contemporary political groups, especially the most puritanical and militant ones). The bulk of the chapter deals with the thought of the historian Ibn Khaldun (d. 1406 CE). Ibn Khaldun’s famous opus, the *Muqaddimah* or *Prolegomena*, is a theoretical introduction to his history of the Muslims. The *Muqaddimah* attempts to provide a comprehensive analysis of the patterns of political life that characterized the first seven centuries of Muslim history. It forms a synthesis, of sorts, of the traditions of political writing in Islam from among both the theologians and the philosophers, and coming at the close of the 14th century, stands as Hegel’s Owl of Minerva. In the sixteenth century Istanbul became the center of Sunni Islam following the rise of the Ottoman Empire. The Arab regions of the empire lost much of their political autonomy, and with it, innovation in political discourse, a situation that remained mostly unchanged until the 19th century.

Both Ibn Khaldun and Ibn Taymiyyah demonstrate the shift in the understanding of the concept of the caliphate, and both rely on reinterpreting the scriptures and the foundational period in support of their understandings of the political. But whereas Ibn Taymiyyah articulated a normative traditionalist response, Ibn Khaldun was interested in uncovering the natural causes behind the movement of history. To this end, he utilized the epistemology of the philosophers, and brought the insights of theology and jurisprudence to bear on his conclusions, resulting in a reading of history that is at once realist, empirical, and Islamic. His work presents us with the highest

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53 The full title in Rosenthal’s translation (the only full translation of the *Muqaddimah* in English) is the *Book of Lessons and Archive of Early and Subsequent History, Dealing with the Political Events Concerning the Arabs, Non-Arabs, and Berbers, and the Supreme Rulers Who Were Contemporary with Them (Kitab al-’Ibar wa Diwan al-Mubtada’ wal-Khabar fi Ayyam al-Arab wal-Ajam wal-Barbar wa man ’Asarahum min Thawi al-Sultan al-Akbar)*.
articulation from within classical Islam of the relation of religion to politics, of *shari`ah* to justice, and given the nature of humanity, of the possibilities and conditions of religion and justice themselves. Finally, Ibn Khaldun provides us with a starting point from which to approach the idealism of the later traditionalist vision of a religious state as articulated by Ibn Taymiyyah, which has been taken up in different forms by numerous political groups throughout the contemporary Muslim world.

**Historical Overview**

In the 13\textsuperscript{th} and 14\textsuperscript{th} centuries a new type of Islamic political theory appeared that reflected a series of political and military reversals, the chief among which was the fall of the last of the large, imperial caliphates. In the Muslim East, the Abbasid caliphate suffered the genocidal invasion of the Mongol hordes led by Hulago, who sacked Baghdad, the center of the Muslim East in 1258 CE (the last Abbasid caliph is said to have been wrapped in a carpet and trampled under the Mongol horsemen). In the Muslim West, the Al-Mohad caliphate (the benefactor of Ibn Rushd and Ibn Tufayl) was brought down by rebellions from among the Arab and Berber tribes of North Africa. Political power in the West fell to minor princes, who engaged in continual wars among themselves, bolstered by shifting alliances with the powerful tribes of the region. Such tribes, according to Ibn Khaldun, made their living from their spears, and found financial incentives in continually stirring up trouble among the princes (*Muqaddimah*). With North Africa divided, Muslim Spain was left without a unified force with which to resist the Christian military advance. In the East, with the fall of the Abbasid caliphate, political
power became the prerogative of a class of warrior-slaves, the Mamluks\textsuperscript{54}, who established themselves in Egypt and Syria. The Mamluks ruled through a system of patronage (Fromherz 2010), and their rule was marked by wars of succession and an expansion of the \textit{iqta`} system\textsuperscript{55}. Although the Mamluks often proved effective military leaders, stemming the tide of the Mongols in 1260 CE and purging Palestine of the Crusaders in 1302 CE, dynastic quarrels would prevent them from mounting a sustained defense of the Muslims against the Mongols. Ibn Khaldun recounts how when the Mongol devastation returned in the 14\textsuperscript{th} century under Tamerlane, the young Mamluk sultan whom Ibn Khaldun had been accompanying decided to withdraw his armies from Syria on the eve of battle upon hearing the news of a coup in Cairo, leaving Damascus to be sacked.

Another invader from the east, which would leave as much devastation in its wake to challenge even the Mongols, was the plague, known to Europeans as the Black Death (1348 CE). Ibn Khaldun described it:

This was the situation until, in the middle of the eighth [fourteenth] century, civilization both in the East and the West was visited by a destructive plague which devastated

\textsuperscript{54} The Mamluks were a caste of slave-soldiers, trained from their youth in the military arts. Mamluks were purchased as young boys mostly from Turkish (and later Circassian) tribes, and trained in specialized schools. Upon coming of age, the slave-soldiers were purchased and mostly emancipated by rulers or powerful generals, in whose service they would remain. The Mamluks gained increasing prominence for their military abilities. By the time of the demise of the last Abbasid caliph in Iraq, the Mamluks had gained military domination and independence, and were able to install themselves as the \textit{de facto} rulers in Egypt. The Mamluk reign lasted until the arrival of the Ottomans in the 16\textsuperscript{th} century (they continued to rule Egypt as clients of the Ottomans until the 19\textsuperscript{th} century). The Mamluks ruled as sultans, paying nominal allegiance to a powerless Abbasid caliph they installed in Cairo. Succession to the throne was a bloody affair, with wars of succession among the Mamluks following the death of the sitting sultan. (Fromherz 2010) (Ayalon 1999)

\textsuperscript{55} The \textit{iqta`} system was a system of land ownership similar to, but distinct from, the European system of feudal land holding.
nations and caused populations to vanish. It swallowed up many of the good things of civilization and wiped them out. It overtook the dynasties at the time of their senility, when they had reached the limit of their duration. It lessened their power and curtailed their influence. It weakened their authority. Their situation approached the point of annihilation and dissolution. Civilization decreased with the decrease of mankind. Cities and buildings were laid waste, roads and way signs were obliterated, settlements and mansions became empty, dynasties and tribes grew weak. The entire inhabited world changed. The East, it seems, was similarly visited, though in accordance with and in proportion to (the East's more affluent) civilization. It was as if the voice of existence in the world had called out for oblivion and restriction, and the world had responded to its call. God inherits the Earth and whomever is upon it. (Muqaddimah, 77)

The situation, then, was one of political fragmentation and decline. The Muslims had suffered political upheavals, invasions, and division before the 14th century. The difference we find in the new political writings reflected the demise of the great caliphates which had been the dominant form of government from the 8th to the 13th centuries. With the bloody death of the last Abbasid caliph, the fiction of the weakened caliphate as an actual governing institution became more difficult to defend. On the one hand, we find jurists who continued the earlier tradition of justifying de facto historical developments. Ibn Jama’a (d.1333 CE) in the Tahrir al-Ahkam, argued that if a powerful sultan usurped power by force, it was the duty of the Imam to recognize and delegate him in order to preserve the unity of the community. As Black (2001) notes, this was an extension of Marawdi’s emirate by seizure which Mawardi had applied to outlying provinces.

Another response appeared during this era, with its most powerful and innovative articulation coming at the hands of Ibn Taymiyyah. Ibn Taymiyyah reinterpreted the meaning of the caliphate in ways that shifted the focus from the sanctity of the office towards the application of the divine Law, the shari’ah. This new tradition will be referred to here as shari’ah-based political thought, and the state based upon it as
the *shari`ah*-state. *Shari`ah*-based political writings, both in the classical period and in contemporary discourse, diagnose the ills of the Muslim community, be they military, economic, or cultural, as caused by the abandonment of the ways of true religion. The solution to the ills of the Muslim community, consequently, is a return to the true religion of the first generation of Muslims. As will be shown below, this tradition has been revived in the 20th century by numerous Islamic political groups.

The shift in the focus was not a full break, and the caliphate continued to be described as divinely ordained and as an institution whose establishment should be the goal of the community. But whereas earlier authors, such as Ghazali and Mawardi56 had written apologies in support of the weakened and nominal later Abbasid caliphs, the new trend, exemplified by Ibn Taymiyyah (d.1328 CE) and his student Ibn al-Qayyim al-Jawziyah (d.1350 CE), emphasized the function of the caliphate in applying the *shari`ah*. The utility of the caliphate was its ability to establish the *shari`ah* and govern for the benefit of Islam. A caliph who was under the suzerainty of a powerful secular ruler was caliph in name only. Since establishing the *shari`ah* was the goal of the caliphate, and the *shari`ah* could be established by any ruler regardless of the existence of the caliphate, establishing the *shari`ah* came to be expressed as the duty of all Muslim rulers. Whereas the apologists of the caliphate had equated, in large measure, the existence of the caliphate with the existence of the Muslim realm, the theorists of the *shari`ah*-state made the application of the *shari`ah* the measure of whether a polity was Muslim. This was regardless of the legitimacy of any particular ruler according to the methods of jurisprudence developed in the theory of the caliphate, because any ruler could gain

56 Described in more detail in Chapters 1 and 2.
legitimacy by applying the *shari`ah*. In its classical articulation, *shari`ah*-based political thought was an innovation that attempted, in part, to create a space that would maintain social and legal continuity in the face of the upheavals of the dynastic struggles of the powerful, and that reflected a realist bent among the authors who had to contend with the new divided and troubled world of the later Middle Ages.

There are four essential aspects of *shari`ah*-based political theory. The first is that it posits, as noted above, that the ills of the Muslim community are caused by abandoning the ways of religion, and would be alleviated by returning to the strict implementation of the divine commands as enshrined in the *shari`ah*. The second aspect is a rejection of rebellion and revolution, and similar to the theory of the caliphate, prefers tyranny to the chaos of internal strife. Together, these two aspects result in a third, the assertion that the establishment of the *shari`ah* is the prerogative of the rulers, who “when they are righteous, the people will be righteous” (*Siyasa*, 136). Finally, the *shari`ah* is believed to be able to regulate all aspects of the life of the Muslim community and the individual, and that it is sufficient, when properly followed, to establish justice in the Muslim realm.

These aspects of *Shari`ah*-based political theory receive their clearest articulation in Ibn Taymiyyah’s *Al-Siyasa Al-Shari`yya* (*Government According to the Shari`ah*). Ibn Taymiyyah lived in the Muslim East, during the period of Mongol invasions, himself a refugee from the Mongols as a child. He was a fiery preacher and a doctrinal puritan. In the paranoid world of the Mongols (and their alliances with the Christians of the region), and living under the factionalized Mamluk state, Ibn Taymiyyah responded with a different vision of government than had been articulated by
the theorists of the caliphate. As Khan (1992) and Anjum (2008) have noted, in his juristic writings, Ibn Taymiyyah supported the caliphate as divinely ordained. But in his political writings, he dispensed with the fiction of the legitimacy of a weakened caliphate, and focused instead on the foundations of a just shari`ah state that could be established by any God-fearing Muslim prince or ruler. The good Muslim ruler would govern for the benefit of the Muslims and establish justice by basing his rule on the scriptures and on the actions of the first generation of Muslims (and, Ibn Taymiyyah hoped, would place the unified defense of the Muslims against the Mongols above dynastic and political struggles).  

In the Siyasa, Ibn Taymiyyah developed the axioms of the Islamic shari`ah-state from a single verse from the Quran. He then showed how the just and mighty state of the early Muslims abided by these axioms. The verse, 4:58-59, reads

*Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing (58) O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it*

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57 Ibn Taymiyyah’s political writings correspond to his general project of puritanical reform directed at the two enemies of Islam, the first being the Mongols, and the second being the apostasy and innovations he perceived among his contemporaries. Among these were Sufi groups whose mystical doctrines he perceived as a negation of God’s uniqueness and separateness. To this end he attacked the epistemology of the philosophers, which he considered was the basis of the Sufi Neo-Platonist doctrines. He argued that logic was invalid for metaphysical purposes, since universals did not impart certain knowledge of particulars as the philosophers believed. Universals only existed in the mind, not in nature. Definition itself, the foundation of philosophical epistemology, was subjective, emphasizing certain properties of objects over others according to the intentions and prejudices of the observer. By undermining the ontological reality of universals and definitions, he showed how syllogisms could not impart certain, but only possible or probable, knowledge. This amounted to a rejection of essences and essential properties, and hence of causation. The only certain knowledge that is accessible to humans is knowledge received through divine revelation. (Fakhri 2004) (Leaman 2000).
to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result (59). The first axiom, based on this verse, is that all judging/governing should be just. The second axiom is that the duties of all offices of authority must be performed ethically (render trusts). The third axiom is aimed at the Muslim subjects, who are to obey those in command, including both the rulers and the religious scholars. The early Muslims, according to Ibn Taymiyyah, followed these three axioms, which was the source of the unity, justice, and glory of the past. In comparison to that generation, his own contemporaries suffered division and weakness because of the corruption of the rulers who no longer abided by nor implemented the dictates of the shari`ah, and because of the corruption of unjust judges who accepted bribes and swayed their judgments in favor of the powerful. Since the rulers and judges were corrupt and no longer enforced the shari`ah, the population itself had become corrupt, and both sin and heresy abounded. The goal of the religious ruler, according to Ibn Taymiyyah, is to establish the fundamental dictate of religion, which is to “command right and forbid wrong” (Siyasa, 139). As Anjum (2008) has argued, this amounted to a politicization of the commandment. Ibn Taymiyyah argued that commanding right and forbidding wrong was only possible through coercion by the ruler, making the state itself is an extension of religion (Black 2001). He explained the role of the state in commanding right and forbidding wrong as the establishment of the rights of God and the rights of humanity.

58 The translated meanings of the text of the Quran are from the Sahih International version (1997).

59 Commanding or enjoining right and forbidding wrong (al-amr bil-ma`ruf wal-nahi`an al-munkar) is a doctrine developed from several verses in the Quran (see for example 3:104,110), that enjoin the Muslim believers to command worship and good works and to strive to forbid evil and sin where possible.
The rights of God include the divine decrees regarding worship and sin. The ruler is responsible for establishing those rights by making the necessary arrangements for worship, and by punishing any transgressions against them (including punishing sin and punishing anyone who neglected their duties of worship). The ruler is also responsible for protecting the rights of humanity, which include the rights to life, limb, property, and reputation, as well as the rights that issue from the regulations on contracts and marriage.

A state based on the shari`ah, then, would be created and maintained by the God-fearing ruler, a ruler self-disciplined by his religious convictions, who referred to the shari`ah in all matters, and who chose his subordinates according to a utilitarian calculation of the greatest benefit to the Muslims. This was how, according to Ibn Taymiyyah, the Prophet and the first generation conducted their affairs. For instance, Ibn Taymiyyah showed how the first generation adopted the position that a sinful but skilled military general is preferable during a time of war to a pious but ineffectual one – the benefit of his skill would outweigh the evil of his sin. Similarly, in a time of widespread crime a more pious but less learned judge would be preferable to a more learned but less pious one. Once the state is ordered in this manner, the population will also be brought to good behavior by applying the shari`ah, which would punish transgressions against the rights of God and the rights of other humans. The rights of God include worship, so that in addition to ethical and legal transgressions, the subjects would be punished for neglecting their duties towards God. The transformation of the state would therefore lead to the transformation of the population, bringing both justice and piety to the Muslims.
Ibn Taymiyyah did not specify how a religious leader is to be installed, although he is clear that religious rebellion and revolution are to be avoided. People may disobey orders that are in direct contradiction to the *shari`ah*, but may not resist the ruler with force. In fact, he is clear that revolution and rebellion against an unjust ruler, an issue he criticizes the Mu'tazila for allowing, is strictly forbidden, because as “experience shows”, “sixty years of a tyrant are preferable to one night of anarchy” (*Siyasa*, 139).

While all Muslims are enjoined to take part in the effort to command good and forbid evil, the transformation of the state itself and the enshrinement of the *shari`ah* as the legal framework of the state is the prerogative of the rulers.

The notion that the state and society may be transformed through emulation of the first generation of Muslims and adherence to the *shari`ah* continues to be advanced today. There is a similarity in Ibn Taymiyyah’s vision of a state and society transformed by the *shari`ah* in the vision and approach of contemporary Islamic political groups. Similar to Ibn Taymiyyah’s vision, contemporary groups preach a return to the *shari`ah* in all aspects of life, and mix political action, proselytizing, and charity work towards that end. But whereas Ibn Taymiyyah made the transformation of the state the prerogative of the ruler, modern groups have worked to transform the state through its legal mechanisms. The more moderate groups, particularly those groups that have dominated the elections in the post-Arab Spring, have engaged in local and parliamentary elections. Starting in the 1970s, more militant groups, among whom are the predecessors of Al-Qa`eda, have attempted to capture the state through armed struggle. The latter groups have taken Ibn Taymiyyah’s assertion that a Muslim polity is one that enshrines the *shari`ah* to indicate condemnation of both states and societies that live under secular
laws as un-Islamic, and hence as apostates to be fought. Both Ibn Taymiyyah and the modern groups start from the premise that government is necessary for humanity, and hold that such a government must be based on the shari`ah. The manner in which the shari`ah would result in political justice is seldom articulated, and is taken as self-evident. It is the will of God, and is supported by the empirical proof is that it had succeeded in the ‘past’. And since all matters of interpretation of the shari`ah are left to the ruler in conjunction with the jurists, the power of legislation will be located in a new ruling class. According to Anjum (2008), Ibn Taymiyyah's assertion that the Community is the location of religious knowledge may have served as a limit on the power of both rulers and jurists. As such, the knowledge held by jurists would be continually corrected by the Community, which in Anjum's opinion would empower the Community against both jurists and rulers. Ibn Taymiyyah's position, however, is refuted by Ibn Rushd's insight that ideational commitment to shari`ah, without secular laws to limit the ruler, will result in tyranny. The relation between the state, justice, and the shari`ah receives a more thorough investigation from Ibn Khaldun, to whom this work now turns.

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60 Illustrating the significance of the classical debates in the modern world, in 2010 a group of pan-Islamic scholars meeting in Mardin in Turkey (the Mardin Conference) offered a re-reading and reinterpretation of Ibn Taymiyyah’s edict that a Muslim polity was one that enshrined the Shari`ah. Ibn Taymiyyah’s words had been aimed at the legality of fighting the Tatar Mongols. Since the Tatars had nominally converted to Islam, there was some debate among the Muslims as to whether or not jihad could be declared against them. Ibn Taymiyyah’s edict was that since the Tatars lived by a Mongol code and not the Muslim Shari`ah, they were not true Muslims. More importantly, their constant and bloody attacks on the Muslims made jihad against them both legal and obligatory. The core of the edict, then, was not the application of the Shari`ah as the objective of the jihad, as the militants have claimed. Although the proceedings of the Mardin Conference followed the rules of orthodox jurisprudence, it was nevertheless condemned by militant groups.
Ibn Khaldun’s *Muqaddimah*

Ibn Khaldun’s *Muqaddima*, the introduction to his history of the Muslims, has been long remarked in the West and in Arabic writings as the first systematic study of society. He intended it as the foundation of a new method of studying history, the value of which would be the correction of the accounts of other historians based on empirical knowledge of the world. The proper understanding of history required such a method, according to him, because the accounts of historians tend to mix fact with fiction. The source of the errors in historical accounts might be due to the historians’ factional allegiances, their need to praise the powerful, or because of their desire to recount the exotic and amazing. In order to sift the fact from the fiction, the historian needs to know the principles of politics, the (true) nature of existent things, and the differences among nations, places, and periods with regard to ways of life, character qualities, customs, sects, schools, and everything else. He further needs a comprehensive knowledge of present conditions in all these respects. He must compare similarities or differences between the present and the past (or distantly located) conditions. … Then, he must check transmitted information with the basic principles he knows. If it fulfills their requirements, it is sound. Otherwise, the historian must consider it as spurious and dispense with it (*Muqaddimah*, 72-73).

The historian must therefore have knowledge of the principles of politics and the ways of human association and civilization. This amounted to a new science, which he argued was part of philosophy. He termed his new science *`ilm al-`umran*, the science of human civilization. Knowledge of civilization allows the historian to compare the realities of his own era to the records of earlier historians, and understand the incentives and possibilities that were available to people in the past. It also enables the
historian to understand the conceptual transformations through time which explain some of the oddities of the accounts of historians of earlier eras.\footnote{This chapter focuses on the political aspect of Ibn Khaldun’s thought. It will not do justice to the magnitude and breadth of his work, which covered what he considered were all the pertinent aspects and causes of social, intellectual, religious, and cultural life.}

Ibn Khaldun grew up in modern day Tunisia, a descendant from refugees from Seville after its fall to Ferdinand III (Ibn Khaldun \textit{Autobiography}). He studied religious science with his father, and according to his own autobiography, lost his parents to the plague. He is known to have studied philosophy in his youth, and appears to have been an enthusiastic student of philosophy, although as his \textit{Muqaddimah} shows had changed his position on philosophy later in life. His early career was marked, as he claimed, by the passions and ambitions of youth. He served under numerous princes from Muslim Spain, to modern-day Morocco, Algeria, and Tunisia, often shifting allegiance as fortunes changed. He was briefly imprisoned for taking part in a rebellion against the ruler of Fez in Morocco, and at one point had to escape into the desert and live under the protection of a Berber tribe. He also spent time with the nomadic tribes of North Africa, both Arab and Berber, at the behest of his benefactors, in attempts to collect taxes or to gain alliances with the powerful nomadic tribes. His experience among both city and desert dwellers provided him with a knowledge of life outside the cities, the importance of which he criticized earlier writers for neglecting. He finally left the Muslim West for Egypt around 1382 CE (Fromherz 2010) after his benefactor, the ruler of Bougie in Algeria, suffered defeat in a war caused by the Arab tribe of Banu Hilal. He was
appointed as high judge of the Maliki\textsuperscript{62} creed in Egypt, but soon fell out of favor with the ruler for refusing, according to his autobiography, to bend his judgments to the privilege of the powerful. Around 1400-1401 CE he accompanied the Mamluk sultan’s army from Cairo to Syria to meet the armies of Tamerlane. The sultan, as mentioned above, had to return with his army to Cairo on fear of a coup, and Ibn Khaldun was sent by the Damascenes to negotiate their surrender to Tamerlane (he exited the besieged city by being lowered down in a basket over the walls). Ibn Khaldun’s efforts ultimately failed because of the tenacity of the city’s garrison, and Damascus was sacked. Ibn Khaldun was well-received by Tamerlane, with whom he discussed his theory of history.\textsuperscript{63}

The world of Islam in Ibn Khaldun’s lifetime was fractured and in decline, a decline that extended beyond the military and political to the economic and cultural (Jabri 2007). He witnessed for himself the long term decline of civilization in the Muslim West that was caused, in his telling, by the incursions of the Bedouin tribes of Banu Hilal and Banu Salim in the 11\textsuperscript{th} century\textsuperscript{64}. His \textit{Mugaddimah} may be read as an attempt to explain the state of decline based on his own vast experience in the halls of power, his knowledge of desert life, and his extensive study of history. The value of his \textit{Mugaddimah} extends beyond the correction of the accounts of other historians into an

\textsuperscript{62} \textit{Maliki} is one of the four accepted schools of thought in Sunni jurisprudence (the others are \textit{Hanafi}, \textit{Shafi`i}, and \textit{Hanbali}).

\textsuperscript{63} Tamerlane, Ibn Khaldun noted, was given to debate, about things he knew and things he did not know. See Fromherz (2010) for an account of the meeting based on Ibn Khaldun’s autobiography.

\textsuperscript{64} In the 11\textsuperscript{th} century, the Fatimid caliphate in Cairo commissioned the large Arab tribes of Banu Hilal and Banu Salim to invade Tunisia and coastal North Africa (as punishment for their clients in Tunisia for switching allegiance). The incursions by the two tribes, according to Ibn Khaldun, had devastating effects on the region, with agricultural and sedentary centers suffering long lasting and irreparable damage.
explanation of the patterns of political life that he gleaned from history and from his own experience. He found a cyclical pattern at the heart of Muslim history and civilization, a pattern of movement from desert to sedentary life, from power to weakness, from unity to division, and from justice to tyranny. Earlier writers on politics, such as Ibn Rushd, he noted, had neglected the crucial relation between the nomadic desert tribes and the state. The history of Islam, according to Ibn Khaldun, was shaped by the power-differential between nomadic tribes and sedentary populations.

Ibn Khaldun’s *Muqaddimah* has received ample scholarly attention since the 19th century, particularly for its sociological insights. The novelty of his political insights has been the subject of some contention. H.A.R. Gibb (1933) once argued that earlier 20th century studies of the *Muqaddimah* had exaggerated its level of innovation. Gibb posited instead that the *Muqaddimah* was a strictly orthodox work which continued the earlier tradition of political writings. It was an attempt to provide justification for the facts history in light of the revelation. Gibb goes so far as to argue that Ibn Khaldun’s political pronouncements echo those of Ibn Taymiyyah, that the “course of history is what it is because of the infraction of the *shari`ah*” (31). Gibb’s argument finds allies in studies published in Arabic that aim to stress the orthodoxy of Ibn Khaldun’s work. Similar to Gibb, Shak’a (1983) notes the abundance of Quranic verses produced by Ibn Khaldun on almost every page in support of his arguments. Shak’a goes even further to argue that the Quranic verses were not just evidence of the Ibn Khaldun’s orthodoxy, but contained the pure Islamic basis of his insights.

The following sections will expand on more recent scholarship on Ibn Khaldun that challenges such arguments. First, it will be argued that a close reading of
the *Muqaddimah* reveals a great deal of debt to philosophical epistemology which Ibn Khaldun defends, albeit cautiously, as Mahdi (1971) has noted. Second, his theory of the state will be contrasted both with the normative theory of the *shari`ah*-state and the apologies of the theorists of the caliphate. Ibn Khaldun’s theory of the state, it will be shown, was grounded in the methods of demonstration from first principles developed from empirical evidence. Instead of presenting a religious justification of the status quo, he reinterpreted both history and the scriptures in light of his rational investigation.

The pattern of Muslim history, in Ibn Khaldun’s telling, was marked by the military supremacy of the inhabitants of the deserts and wilderness over sedentary people. Sedentary people suffered the attacks of nomadic groups, whose attacks were sometimes aimed at looting, and at other times at the direct domination and rule of the sedentary population. Only when sedentary populations were governed by powerful states were the nomads kept at bay. The evidence of history shows, however, that the establishment of powerful states required the strength of the powerful, armed nomadic tribes. Such powerful states arose when the leadership of the nomadic tribes dominated sedentary populations and installed themselves as kings and princes. The life of such states also followed a certain pattern, a pattern of rise and fall. The dynasties that were established by nomadic tribes were quickly sedentarized themselves, and in a few generations would be defeated by another tribal group. States and dynasties, therefore, tended to follow a cycle of rise and fall that was tied to the power differential between nomadic tribes and sedentary populations. This was how the early Arabs, when united by Islam, were able to defeat the great civilizations of both the Persians and the Byzantines at the time of their decline. Arab power arrived at the time of the weakness of the
Byzantines and the Persians, and the military supremacy of the nomads enabled them to capture their states. Once the Arabs themselves were sedentarized, Turkish and Berber nomadic tribes replaced them and established new, powerful states (and were themselves replaced after a period of time by other Berber and Turkish tribes). The Mongols, again, were a new and powerful nomadic group that was able to capture most of the Muslim East from the Turks. Ibn Khaldun presented ample evidence from history to support his broad description of the process through which states rise and fall in the Muslim experience.

Civilization itself, he found, was tied to that movement, to the life-cycle of powerful states. Civilization, meaning the great cities, the cultivated land, and the development of arts and science, only occurred among sedentary people. Comparative investigation of the highly civilized Muslim Spain and the Muslim East with the less civilized North Africa pointed to the importance of powerful states that protected sedentary populations from the incursion of the ‘uncivilized’ nomadic groups. The protection of the state therefore was crucial to the development and longevity of civilization. In the Muslim East and in Muslim Spain, the population had been thoroughly sedentarized, and was easy to govern. In the Muslim West, according to Ibn Khaldun, the domination of nomadic tribes had prevented civilization from flourishing. The combination of the need for secure, sedentary life with the military supremacy of the nomadic groups resulted in a pattern of rise and decline of both states and civilizations.

Ibn Khaldun’s *Muqaddimah* is the search for the *causes* of these patterns of political and social life. As opposed to the normative and idealist bent among his predecessors, both theologians and philosophers, he aimed for an explanation that would account for the
realities of history based on empirical evidence and founded on demonstrative proof. His new science of civilization allowed him to develop a theory of the state and its relation to civilization. He adopted, as will be shown below, what insights he considered true from among his predecessors, and combined them in a novel synthesis that explained the patterns of Muslim history. From within all the texts of classical Islam that have survived, his *Muqaddimah* provides the highest articulation of the relation of the state to civilization, of religion to justice, and of the social structures of the Muslim realm to the possibilities of civilized life. The following section turns to his theory of the state.

**Ibn Khaldun’s Theory of the State**

History, Ibn Khaldun asserts, “is a discipline widely cultivated among nations and races”. “Both the learned and the ignorant are able to understand it” (*Muqaddimah*, 50). “The inner meaning of history” however, involves speculation and an attempt to get at the truth, subtle explanation of the causes and origins of existing things, and deep knowledge of the how and why of events. (History), therefore, is firmly rooted in philosophy. It deserves to be accounted a branch of (philosophy) (*Muqaddimah*, 50).

He described his investigation of history as a commentary on civilization, on urbanization, and on the essential [properties] of human social organization, in a way that explains to the reader [the causes of] why things are as they are, and shows him how the men who constituted a dynasty first came upon the historical scene (*Muqaddimah*, 52).\(^65\)

\(^65\) Dale (2006) has shown how Rosenthal’s English translation obscures some of the philosophical terminology used by Ibn Khaldun. For instance, in the text quoted above, Rosenthal translated *al-award al-thatiya*, or essential properties, a philosophical term, as “essential characteristics”. 

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The search for essential properties reflects the Aristotelian conceptions of epistemology and ontology that characterize Ibn Khaldun’s approach. He defined the new science of civilization in terms resembling Aristotle’s definition of science in the *Analytica Posteria* (having a specific subject and certain problems which aim to uncover the subject’s essential properties and states) (Jabri 2007). The causes of human association and the political structures which arise from that association are explained according to their “natures” (*tab` or tabi`a*). Dale (2006) has argued that “nature” in Ibn Khaldun takes the place of essence in Aristotle. When Ibn Khaldun quotes the Aristotelian edict, for instance, that man is political by nature, he is referring to the natural properties of humanity that issue from the essential manner in which it was created by God. The nature of humanity is therefore in a causal and determinant relation to the social and political structures which issue from it. Hence Ibn Khaldun is able to refer to nomads as being a generation natural to humanity, or to kingship as being by nature a desire for absolute domination and power. The study of history is to uncover those natures in their causal and relational influences on the movement of human social and political associations.

Ibn Khaldun attempted to downplay the conflict between his epistemology and that of the traditionalists. He explained the difference as arising from the methodology and assumptions of the Ash’arites. The Ash’arites relied on analogy from the seen to unseen, and considered universals as existing in the mind only, hence rejecting essential nature, and consequently, of causality as being inherent in the

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66 “The Ash’arites were the dominant Sunni school of thought in speculative theology by the 11th century. As described in more detail in Chapter 2, the Ash’arite creed developed in debate with the rationalist Mu’tazila regarding the attributes and nature of the divine. They adopted positions on determinism, occasionalism and atomism in support of the autonomy of God.”
existents. Instead, they opted for a notion of occasionalism and atomism which defended the autonomy and subjectivity of God (later on, Ibn Taymiyyah challenged the foundations of logic itself by undermining the objectivity of definitions and the certainty of induction). The traditionalists’ project was to undermine rationalist epistemologies in favor of the certainty of revealed scripture. Ibn Khaldun responded, first, by asserting that properties and causes were simply created by God in objects in a certain, unchanging manner (making God the cause of causality itself). Second, he delimited the utility of induction and logic to the investigation of nature. Universals are knowable through observation and induction, and through a process of abstraction lead to knowledge of further universals. As opposed to the philosophers, however, he limited the certainty and validity of knowledge gained through induction and abstraction to the study of perceivable objects. All universals, he asserted, must be investigated against empirical evidence in nature, through the senses. Where the abstractions from universals lead into the area beyond nature, we have only uncertainty. This makes the metaphysics of the philosophers uncertain, and ultimately, a waste of time. Ibn Khaldun noted further that Ghazali had accepted logic, and that by his own time, most Muslims had accepted logic as valid and useful (he does not mention Ibn Taymiyyah, however). The significance of Ibn Khaldun’s approach is that by delimiting philosophical ontology and epistemology to the realm of nature, he was able to present his theoretical study in terms acceptable to orthodox Muslims. While we do not have much evidence of the reception of Ibn Khaldun’s work in his own lifetime, we find from the contemporary writings from Islamic scholars that the condemnation that continues today of the philosophers as apostates is not extended to Ibn Khaldun (in fact, as the example of Shaka (1983) shows,
Islamic scholars are keen on co-opting Ibn Khaldun as an author from within the orthodox Sunni tradition, and his work is generally celebrated as a ‘scientific’ work, despite its grounding in philosophy).

Ibn Khaldun’s investigation proceeded from six primary premises (muqaddimat), which as Mahdi (1971) noted, was a reference, again lost in the English translation, to the premises of the logical syllogisms. These premises serve as the axioms of the new science. The first premise is that human association and kingship are natural, or occur by nature as a property of humanity. Humanity was created by God in a manner in which it requires for its sustenance and protection a group cooperative effort. Association is therefore essential for humanity as a species. Human nature is also divided into the rational, human element, and the aggressive, animal element. Human association, therefore, requires a restraining power (wazi’) that will keep people from transgressing against one another. This restraining power must be from among them, from one who has authority and power, so that none can transgress against it. This is royal authority or kingship (mulk). Kingship is therefore natural to humanity (occurs by nature of humanity).

The second, third, fourth, and fifth premises concern the influences of climate and geographical environment on the nature and characteristics of the inhabitants. Ibn Khaldun adapted these from Galen and the Muslim philosophers.67 The effect of environment on behavior and physical constitution is explained as follows. The Earth, being a globe, receives the sun’s rays at different angles. The middle of the Earth receives

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67 This conceptualization based on Galen’s work was mirrored in the following centuries in Europe in the writings of Montesquieu and Rousseau.
the sun’s rays directly, which heats the land and the air. This region is hot and dry, and its people are impulsive and careless. To the north of that region is the temperate zone, which receives heat in moderation. This is the most inhabited and civilized region, and corresponds to the Mediterranean, Middle East, India, and China. The people of this region are the most tempered in their behavior and in their physical constitutions. The northernmost region is the coldest region. Hot air, as explained by Galen’s theory of vapors, causes people to be impulsive and careless (such as the people of Egypt), while cold air causes people to be frugal and serious (such as the people of Fez in Morocco). (Galen was mistaken, on his own account for thinking that the inhabitants of hotter zones are careless and rhythm loving because they have inferior brains. Their behavior is not caused by biology, according to Ibn Khaldun, but by the hot air, which has an effect similar to the vapors of alcohol or a bathhouse).

The type of sustenance available in each climate influences physical constitution and behavior. Animals and humans who inhabit areas that are arid have better physical constitutions and natures than those who live in the cultivated areas. The abundance of food in the fertile areas, where food is mixed and rots from humidity, causes people to become lethargic. This is why groups who inhabit the desert, including the Arab Bedouins and Berber tribes, have better constitutions, and are swifter of mind and body (which is one of the causes of the military supremacy of the nomadic over the sedentary populations). Their simpler way of life also makes them closer, as individuals, to being good than to being evil.

The sixth premise concerns the relation of the natural to the divine. Creation is presented as a continuum of matter, rising from the minerals to the plants to
The differences among groups of people arise from the differences in their environments. Those who obtain their living from tending animals tend towards a nomadic life, pursuing pasture and water. Among these are the Arab Bedouins, the Zanatah Berbers, the Kurds, the Turkomen, and the Turks. The Arabs are the most nomadic, or the most Bedouin, because they tend camels, which enables them to move into the harshest environments. In these harsh environments, groups are always in competition over pasture lands, and must rely on their own strength for protection. This causes them to be courageous and self-reliant. Living outside of the authority of a king or
ruler also causes them to be proud. Inhabitants of cities, on the other hand, rely on their city’s garrison and walls, and become dependent and cowardly. Living under a government also teaches them to accept punishments and discipline, which makes them meek (another cause of nomadic military superiority).

Environment not only affects individual constitutions, it also shapes the social formation of the group. Social formations are determined by the group’s relation to nature, to how food and sustenance are obtained (ma`ash, how a person makes a living). In the desert the group relies on itself, which cements the solidarity of the group. This also occurs according to human nature, and is explained by the term `asabiyya. `Asabiyya has been translated as group feeling or as social solidarity. Ibn Khaldun defined it as that natural feeling of mercy and compassion that God has created in humans towards those they perceive as belonging to their same group. It is also the anger one feels when one’s group suffers an injustice. One may feel `asabiyya for one’s family, tribe, neighborhood, sect, or school of thought. The feeling of `asabiyya, however, is strongest among the nomadic groups because it is cemented both by function and by an imagined common bloodline. A group without a strong feeling of `asabiyya could not survive the harsh and competitive environment of the desert. `Asabiyya is therefore most pronounced among the Bedouins. Being coupled with a belief in an imaginary shared ancestry extends the strongest feeling of `asabiyya, that of the family, to a larger group. `Asabiyya explains why individuals will face dangers and sacrifice themselves for their group, in order to defend it, or to correct an injustice that has befallen it. `Asabiyya, according to Ibn Khaldun, was the driving force of Muslim history, and the property of humanity which had the most crucial role in shaping the historical patterns of rise and fall of states, of
nomadic supremacy, and of the possibilities of civilized life. He was proud enough of his theory of ‘asabiyya to discuss it with Tamerlane during their meeting outside of Damascus.

‘Asabiyya also has its own nature. From his reading of history and his experience with nomadic tribes in North Africa, he found that ‘asabiyya, by nature, seeks domination, is a will to power over others. A group with a strong ‘asabiyya will always seek domination over others near it. In the case of nomadic tribes, there are competing, narrower feelings of ‘asabiyya among the larger ‘asabiyya of the tribe as a whole, such as the ‘asabiyya of different clans within the tribe. The group with the strongest ‘asabiyya will establish itself as the leader of the tribe. Once it is established as the leader in its own tribe, it will seek domination over other tribes. If it is able to defeat other tribes, it will join them to itself, making itself larger and stronger. It will continue to expand until it meets its equal, and then will stop expanding. If it happens that during the tribe’s time of expansion it comes upon an established state that is in decline, it will be able to capture that state and install itself as a ruler. The natural end that is sought by ‘asabiyya, therefore, is domination, and that desire for domination will seek kingship where possible. This is how the Arabs were able to establish their dominion over the Persians and the Byzantines, how the Arabs were later replaced by the Turks, and how the Berber tribes established themselves in place of the Arab rulers of Muslim Spain (and how the Berber tribes of Zanata and Masmuda replaced one another).
Stages in the Life Span of the State

The `asabiyya of the group is the source of its ability to acquire domination, and to establish itself as the ruler of a state. But the process through which `asabiyya establishes its domination carries within it the seeds of its own decline and death. The domination and kingship which `asabiyya naturally seeks, when acquired, bring with them the causes of the dissipation of that `asabiyya. Kingship, by nature, desires to monopolize all power and glory for itself. The life of kingship, as well, is the life of luxury and ease. The first generation, the generation of the founders of the state, experienced the rigors of desert life. They recognize that their power rests on the loyalty of their group. The second generation will be accustomed to the luxuries and ease of living that come with sedentary life and with royal living. Some of the qualities of the desert life will remain in them, as they have learned from the first generation. The third and fourth generations will be so thoroughly accustomed to the royal luxury and the royal way of life that they will be have lost all courage and will be unfit to rule. They grow up in luxury, believing that they rule by birthright, not because of the `asabiyya of the founding group.\(^68\) The state is usually lost in the fourth generation to another group with a strong `asabiyya.\(^69\)

The average life span of a dynasty and the state it rules is, in a general way, that of four human generations, around 120 years. It usually corresponds to five

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\(^68\) Ibn Khaldun recounts how he attempted to dissuade a young prince, to no avail, from pursuing his desire to become a singer as a matter that “did not befit his position” and to emulate great rulers instead (\textit{Muqaddimah}, 65).

\(^69\) This explains why, according to Ibn Khaldun, the Torah states that God holds descendants accountable to the fourth generation.
stages. The first stage is that of the founding of the dynasty, which corresponds to the capture of a state. The founder of the dynasty will at first be generous to his own group through whose 'asabiyya he was able to achieve kingship. The founder will appoint his own group to positions of honor and lavish them with rewards. During this stage, the group is still accustomed to the simple desert life, taxes will be low, and the group will follow the rules of Bedouin generosity towards its subjects. Kingship, however, by nature, desires to monopolize all power and glory. Once the tribe’s rule is established, the ruling 'asabiyya, meaning the ruling clan or house, enters the second stage, where it will attempt to acquire all power and glory for itself. It will begin to weaken its own group, replacing them with clients, servants and mercenaries. This alienates the original group, and destroys the 'asabiyya that had established the state (which generation is able to carry this out depends on the speed with which the dynasty establishes its strength). The third stage is the stage of stability and enjoyment of the luxuries of kingship. During this stage, the dynasty will attempt to establish its glory and honor by receiving the recognition of its neighbors, building monuments, erecting great works, and building new cities. The state at this point will establish taxation, and attempt to control spending. It is the stage of prosperity. The fourth stage is the stage of contentment and peace, where the ruling house is able to enjoy the efforts of the previous generations and the state will no longer be interested in expansion. The fifth stage is the stage of over-spending. It usually corresponds to the third or fourth generations of the dynasty. The rulers in this stage squander the achievements of their predecessors on their passions and on their court and mercenaries. Such rulers begin to appoint those who are not qualified to positions of power based on personal preference and not on qualification or in regards to benefit to
the ruler or the state. This alienates the mighty among his people, who will no longer endeavor to protect him. This is the stage of decline which cannot be cured, like a terminal illness. Once decline has set in, it cannot be reversed. Mercenaries do not sacrifice themselves for financial rewards like the members of one `asabiyya did. The state is now easy prey for a new group. That group might come from among another clan in the founding tribe or from a new nomadic group. The new group may remove the dynasty from power, or it may establish itself as the de facto ruler while keeping the nominal tutelage of the original dynasty (as the Turks did with the Abbasids), depending on its strength on the possibility of being accepted by the general public.

These are the five stages in the life of the state that Ibn Khaldun found in his examination of history. 'Asabiyya establishes kingship and the state. Kingship destroys that same `asabiyya that brought it to power, and with it, the source of its longevity. The cycle occurs by nature, as properties of `asabiyya and kingship. The cycle is one of life and death, and as such, is inevitable. No state is able to escape this cycle. And most unfortunately for the Muslim West, this cycle required that one group have a stronger `asabiyya than all the other groups, and be capable of establishing its domination over them. But as he noted, where too many competing `asabiyyas exist, without one being able to vanquish the others, a large and powerful state cannot arise. This doomed North Africa, and with it Muslim Spain, to disunity and internal strife. It explains why the princes of the North African cities were involved in minor wars, allying themselves with the Arab and Berber tribes, without being able to mount a unified defense against the Christian onslaught on the Muslim cities of Spain. And as the state is essential to civilization, it also explains why civilization had not flourished in the Muslim West.
The state, Ibn Khaldun asserted, is to civilization as form is to matter (again reflecting philosophical terminology). Where a state cannot be established, civilization cannot flourish. The reason, he found, was that although the state was born out of the natural desire for domination, it was also the highest form of that natural restraining power (wazi`) that is natural and necessary for all human association. Without the protection of the state, humanity cannot hope to enjoy the fruits of its labor, and civilization is nothing more than the aggregation of the efforts of individuals in their labor and transactions. When the state provides protection, the subjects will increase their labor, hoping to enjoy the fruits of that labor. They will be able to secure their necessities and look towards the enjoyment of luxuries. Prosperity and stability also lead to an increase in the population as people procreate more and as agricultural lands are secured and food is ample. The state, especially after the second stage, becomes the largest customer of all the luxury items in the market. As the state expands, it hires more people, and they and their families multiply the demand for necessities and luxuries. The arts and professions flourish, especially in the capital (where the royal court exists). The longer the duration of the state, the more the artisans and professionals are able to specialize in their arts and innovate new ones. This explains why the Muslim East had a greater civilization than the West. All arts and professions, including science and bookmaking, carpentry, tailoring, cooking, dancing, singing, and so on, require a sedentary life which allows knowledge to accumulate, and requires prosperity which creates a demand for it.
Justice and the State

Domination (*taghllub*) is the foundation of both the state and civilization for Ibn Khaldun. That domination is necessary and natural given the duality of humanity’s social/cooperative and aggressive natures. It comes about through the natural desire among humanity for domination, and it leads to “natural royal authority” (*Muqaddimah*, 238). Natural royal authority or natural kingship aims at satisfying the passions and desires of the ruler through force, and is described by Ibn Khaldun as tyrannical and unjust (reflecting the philosophical definition of tyranny we find in Ibn Rushd). This was the type of rule, according to Ibn Khaldun, that existed among all contemporary states in his time, among both the Muslims and the non-Muslims. He considered this type of rule “rational”, based on rational calculations that were aimed at the benefit of the ruler. The benefit of the population was only a secondary matter in these types of states.

It was possible, however, that a rational government exist whose aim was the common good (*maslaha `amma*). Such a government had existed among the ancient Persians (an idea that had probably been introduced by Farabi). In this type of government, laws are formulated in a rational manner for the benefit of both ruler and ruled. Political philosophy, as well, aimed at establishing a just political order. But Ibn Khaldun discounts the efforts of the philosophers as ideal speculations that were aimed at envisioning a virtuous polis that would no longer require a government. He considered it doubtful that even the philosophers believed that such an ideal city could be established in reality, except perhaps in the rarest cases.
A third type of government had existed that was also aimed at the common good. This was the state based on revelation, the caliphal state. The caliphal state is superior to the rational one because it encompasses the laws of the good rational states, while also leading the population to happiness in the next life. Focusing only on the rational laws that will benefit this life alone is “reprehensible” because it is without the light of God and neglects the afterlife, which is the true concern of humanity (Muqaddimah, 238). Caliphal rule was political rule (madani, the term used by the philosophers). It is the vicegerency of the Prophet in establishing the shari`ah. Similar to Ibn Taymiyyah, the value of the caliphal state for Ibn Khaldun stemmed from its ability to establish the shari`ah. When the laws of the state follow the shari`ah, the state will be just, according to Ibn Khaldun, because the shari`ah was intended by the Creator for that very purpose. In fact, justice was the reason the revelation was sent down to humanity. Ibn Khaldun interpreted the general aim of the shari`ah as the preservation of the human species. It was intended to preserve the highest expression of humanity’s existence, which is civilization. The very reason revelation forbade injustice was its detriment to humanity and civilization. The evidence for this in the Quran and Sunna “is much too ample to have it accurately or fully presented” (Muqaddimah, 346):

This is what the Lawgiver (Muhammad) actually had in mind when he forbade injustice. He meant the resulting destruction and ruin of civilization, which ultimately permits the eradication of the human species. This is what the religious law quite generally and wisely aims at in emphasizing five things as necessary: the preservation of (1) the religion, (2) the soul (life), (3) the intellect, (4) progeny, and (5) property (Muqaddimah, 345).

The five fundamentals of the shari`ah, the protection of religion, life, intellect, progeny, and property, were developed by earlier theologians, and Ibn Khaldun adopted them from
Ghazali. Ibn Khaldun’s innovation was in bringing the earlier theological doctrines into the realm of political discourse in a manner that had not been articulated before him.

His own investigation supported this interpretation of the general aim of the revelation. Injustice, he showed, was the cause of the decline of the state in the final stage of its life. That decline was the cause of the lawlessness, famines, and eradication of the population that marked the final stage of the state. The decline is inevitable, and is caused by the very nature of kingship. The ruler who has become accustomed to luxury, and who has alienated his original `asabiyya, will be too weak to defend himself and must rely on the support of clients and mercenaries. This leads to an increase in his expenses over his income. State income, as Ibn Khladun noted, has fixed sources, either wealth captured in war, or from taxation levied from the subjects. When the state stops expanding in its later stages income from war dries up. This forces the ruler to levy new taxes, raise the rate of existing taxes, and attempt to find new sources of income by engaging in commerce, setting up monopolies, or extorting merchants and artisans. These three forms of injustice (higher taxation, forced labor, and unfairly engaging in commerce) ruin both the state and civilization by robbing people of the hope they have in enjoying the fruit of their labor. Humans labor because of the hope they have in being able to benefit from the results of their efforts. It is labor which creates the value of the thing produced. Injustice ruins civilization because it robs people of their hope, and therefore their motivation to work.

Taxation, as Ibn Khaldun noted, is usually low in the beginning of a state. The state at this stage is still ruled by men of simple needs and generous natures. This creates an atmosphere of hope among the population, who increase their efforts in the
hopes of profit, and this leads to prosperity and an increase in the size of the population as food production is secured. In the later stages, taxes begin to rise, and the state begins levying new and higher taxes that the people were not accustomed to. This robs them of their hope and motivation. As people begin to lose hope, they withhold their labor, or leave the state and move into other lands. This further lowers tax receipts, forcing the state to raise the rate of taxation even higher. At some point, the state will begin to engage in outright injustice, appropriating the property of its citizens, sometimes without even the recourse to the justification of taxation. This ruins civilization, because civilization is the totality of the efforts and labor of that population. Lawlessness and high taxes cause the farmers to stop producing a surplus (or to leave their land altogether), which causes famines. Artisans stop producing, and the arts and sciences are no longer cultivated. The same result is brought about when the state forces its population to labor without payment.

In the later stages the state will also attempt to engage in commerce. The state might do this fairly or unfairly, and yet both are similarly detrimental to the population. The state might engage in unjust practices, such as extorting merchants, forcing them to sell their goods to the state for low prices, and then forcing them to buy their goods back at a higher price. The state might also set up monopolies for itself. This too robs people of their hope in labor and ruins the market. Even should the state engage in fair commerce, it will harm its own tax revenues in the long run, because the state is always the largest customer in the market. If the state stops purchasing from merchants and engages in commerce itself, it will ruin those merchants and everyone depending on them.
This process, Ibn Khaldun found, occurs gradually, almost imperceptibly at first. Over the long run, it will bring about the ruin of civilization, and with it, the state (he noted that when one sees a prosperous state, one can deduce that the state is at its final stages and will soon turn to outright injustice and decline). As injustice by the state rises, prosperity and civilization decline. This has the paradoxical effect of further lowering tax revenues, as the productivity of farmers, merchants, and artisans drops. This creates a cycle whereby the state is further forced to lower expenditures on its clients and mercenaries, and raise taxes even further to meet its financial needs, further lowering productivity. Once this cycle is initiated it is impossible to halt, and leads to an unjust state that will engage in outright injustice in appropriating the property and labor of its subjects. The injustice will extend further into their lives and honor as the state attempts to acquire their property by force. The injustice of the ruler also corrupts the subjects.

When the subjects are faced with a harsh or unjust ruler, they respond by becoming deceitful and evasive. As the ruler’s power weakens, new urban ‘asabiyyas arise among the population in the hopes of protecting themselves against the ruler and against others, dividing the population and further weakening the state. The end result is a weakened state that cannot afford its own soldiery, and that has lost the support of its own group and its subjects. It now presents an easy prey to a new, rising ‘asabiyya. This, in brief, is Ibn Khaldun’s theory of the state, and of its rise and decline. It is explained according to human nature and the properties of human association. He found in his reading of history, and from his own experience, that his theory of ‘asabiyya is able to account for the movement of Islamic history, the rise of new states, the movement from Bedouin to sedentary life, and the inevitable decline and death of all states. All
these things occur, he found, by nature, because God created all things with certain properties and causes. Ibn Khaldun’s insights extend beyond a theory of the state, and offer a theory of justice that is the highest articulation from within classical Islam of the relation between shari`ah, justice, and civilization.

Shari`ah, Justice, and 'Asabiyya

The question, then, is how did Ibn Khaldun differ from Ibn Taymiyyah in conceptualizing the relation of shari`ah to justice? We may use two examples from the Muqaddimah of domination that Ibn Khaldun gleaned from Islamic history. Juxtaposing these two examples emphasizes the difference between the domination of non-religious tribes, and the political government of a tribe that has been infused with religious conviction. The two extremes are both real examples, but may serve as ideal types of the rule of domination and the rule of a religious government.

In the first case, Ibn Khaldun recounted from history and from his own experience in North Africa, how the domination of a tribe that is not self-disciplined by religious conviction is the most detrimental to civilization. When a tribe captures a city or a region, its aim will be financial gain and the acquisition of the possessions of the sedentary people. “[I]t is their nature to plunder whatever other people possess. Their sustenance lies wherever the shadow of their lances falls. They recognize no limit in taking the possessions of other people.” Their reign is one of injustice in which they appropriate without payment the products of the artisans and the possessions of the merchants. This destroys the motive to work, and causes the people to scatter in the land.
Their very way of life is opposed to that of the sedentary people, being unaccustomed to laws or rules, and making their living not from labor but from their spears. Being accustomed to movement and temporary residence, they do not concern themselves with building and establishing towns and cities, and this “natural disposition is the negation and antithesis of civilization”. They are not prepared for rule, and so they do not enforce laws. Instead, they will establish large fines for transgressions among the population they dominate, in order to benefit themselves. As financial fines are not enough to deter crime, the region will enter a state of lawlessness. “There no longer exists any political (power) to protect property, and civilization is ruined.” Among themselves the members of the tribe will continually vie for position and wealth, engaging in continual war and strife. Their domain is therefore one of chaos and anarchy, and “[a]narchy destroys mankind and ruins civilization, since, as we have stated, the existence of royal authority is a natural quality of man. It alone guarantees their existence and social organization” (Muqaddimah, 196).

This realm of chaos and injustice is contrasted with the great states that were established by the early Arab conquests. In that case, tribes with similar customs established prosperous and just states. The reason, Ibn Khaldun asserted, was religion. It is only through religion that the nomadic groups may establish stable states which protect life and property, allowing civilization to flourish. The first reason is that religious feeling adds a different dimension of solidarity to the existing feeling of `asabiyya, making the proud Bedouins self-disciplined and obedient to their leaders. Religious feeling unites their wills in one, and prevents their constant quarrelling and competition for position. Religion removes their pride and their roughness, preparing them for being
governed, and enabling them to govern in turn. This is only possible when the nomadic groups are inspired by a prophet (as were the early Arabs\textsuperscript{70}) or by a wali or religious leader (such as were the Berber tribes who followed the religious call of Ibn Tumart and established the Al-Mohad state). Their simple nature makes them ready to accept religious calls and to follow the precepts of religion, as they are closest to the simplest existence of humanity before the corruption of the vices of civilized life.

The second reason is that when a group that is united by religious feeling, and he is referring to Islam as the religion, it will implement the legal codes of the shari`ah. The laws of the shari`ah are intended by the Creator for the benefit of humanity and civilization. For this reason, the shari`ah allows only certain, small taxes. “The reason for this is that when the dynasty follows the ways (sunan) of Islam, it imposes only such taxes as are stipulated by the religious law” (Muqaddimah, 332). These include the zakat (a small charity tax), the kharaj (a tax on agricultural land), and the jizya (a poll tax on non-Muslims):

They mean small assessments, because, as everyone knows, the charity tax on property is low. The same applies to the charity tax on grain and cattle, and also to the poll tax, the land tax, and all other taxes required by the religious law. They have fixed limits that cannot be overstepped (Muqaddimah, 332).

Other than these, the shari`ah does not allow taxation. This creates a hopeful situation for the subjects, who will engage in commerce and increase their productivity, thereby increasing state revenues. It leads to a prosperous situation for both

\textsuperscript{70} “Religion cemented their leadership with the religious law and its ordinances, which, explicitly and implicitly, are concerned with what is good for civilization. The caliphs followed one after another. As a result, the royal authority and government of the Arabs became great and strong. When Rustum [the Persian general] saw the Muslims assemble for prayer, he said: ‘Umar eats my liver. He teaches the dogs how to behave.’” (Muqaddimah, 198)
ruler and ruled. As prosperity increases, low assessments collected on a large amount of production bring in a large tax revenue for the rulers. In the period of decline, high tax rates are levied on declining production, and result in lower tax revenues.

Ibn Khaldun’s most important contribution to the relation of religion to politics is in showing that justice, based on his reading of the first seven centuries of Muslim history, is only possible when ’asabiyya and religion are united, when a powerful ’asabiyya is inspired by a religious call (has a “religious colouring” (Muqaddimah, 203)). In fact, Ibn Khaldun asserted that religious laws themselves “cannot materialize without group feeling” (Muqaddimah, 253). This was the truth behind the establishment of the first Muslim state, and was a pattern that recurred throughout Muslim history. The reason is that “every mass (political) undertaking by necessity requires group feeling” (Muqaddimah, 204). Religion and ’asabiyya are inseparable, and this has been the pattern of Muslim history from the foundation of the first Muslim state through to Ibn Khaldun’s time.

This assertion is the most comprehensive and broadest generalization of the relation between Islam and power throughout Muslim history. It puts Ibn Khaldun at odds with both the supporters and critics of the historical caliphates, and more importantly, with aspects of the revelation itself. The Quran contains strong condemnations of both ’asabiyya and kingship. The traditions of the Prophet also show how ’asabiyya conflicted with his vision of a united and egalitarian Islam that transcended tribal and clan affiliations. Ibn Khaldun approached this conflict between history and revelation in a novel manner, by turning to jurisprudence.
Ibn Khaldun explained the meaning of the verses which condemned kingship and `asabiyya by interpreting their intentions. “All religious laws must have (specific) purposes and significant meanings of their own, on account of which they were made” (Muqaddimah, 244). This form of scriptural interpretation looks to maqasid al-shari`ah, or the higher objectives of the revelation (Kamali 2003). It aims to uncover the benefits for humanity that are intended by the particular commandments of the revelation. As both `asabiyya and kingship were natural and necessary, the general intention of the verses must be to condemn those forms of `asabiyya and kingship that are aimed at injustice. Where `asabiyya and kingship are in the service of Islam (and Islam is intended to protect humanity and civilization), they are good and valid.

Similarly, he reinterpreted the debate among the theorists of the caliphate. The theorists of the caliphate had debated how to incorporate the Prophet’s saying that the rulership of the Muslims should belong to the tribe of Quraysh in their conditions of the caliph (the condition of Qurashite descent). Ibn Khaldun argued that the Prophet’s intention was that the rulership should go to the group with the strongest `asabiyya, which during his lifetime was Quraysh. But since the Quraysh and their descendents had long been sedentarized and their `asabiyya had dissipated, it was meaningless to hold on to the letter of his saying. Instead, the intention of that tradition was that the rulership should and would naturally go to the strongest `asabiyya in its own time:

If we probe into the matter and analyze it, we find that the (public) interest is nothing else but regard for group feeling. (Group feeling) gives protection and helps people to press their claims. The existence of (group feeling) frees the incumbent in the position (of imam) from opposition and division. The Muslim community accepts him and his family, and he can establish friendly terms with them... The religious law would hardly ever make a requirement in contradiction to the requirements of existence. (Muqaddimah, 246).
The necessary union between `asabiyya and religion is at odds with several aspects of Islamic political theory that had preceded Ibn Khaldun. First, it undermines the call to revolution against tyranny by the Muʿtazila. Revolution against injustice in the name of religion is doomed to failure if it is not united with `asabiyya:

Rulers and dynasties are strongly entrenched. Their foundations can be undermined and destroyed only through strong efforts backed by the group feeling of tribes and families, as we have mentioned before. Similarly, prophets in their religious propaganda depended on groups and families, though they were the ones who could have been supported by God with anything in existence, if He had wished, but in His wisdom He permitted matters to take their customary course.

Any call for religious revolution will amount to failure, and will succeed only in causing division and strife. “(Religious reforms) are a divine matter that materializes only with God’s pleasure and support”. Ibn Khaldun goes so far as to recommend that rulers punish revolutionaries, who for the most part, are motivated by a desire for power (or treat them if they are insane). (Mugaddimah, 205).

Second, Ibn Khaldun’s reading of history undermines the idealist aspects of both the philosophers and the theorists of the shari`ah-state such as Ibn Taymiyyah. Both of these approaches envision a just and virtuous regime that is based on the ideational convictions and commitments of the rulers. But as Ibn Khaldun has shown, the agency of the rulers is limited by the stage in which they appear in the life of the dynasty. Ideational convictions are therefore insufficient, on their own, to establish justice outside of certain moments in the life of the state. `Asabiyya is prior to the state, and is the means through which a state is established. A just ruler may apply the shari`ah at the beginning of the state (or, we may add, attempt to install the virtuous laws of the philosophers). But as Ibn Khaldun has shown, kingship, by nature, transforms the state into tyranny in the later stages. Even if a
relational ruler arises during the later stages of the state, he will be limited in his ability to rule according to idealistic considerations by the very natures of kingship and state power.

We may use Ibn Khaldun’s application of his theory of history to the first Umayyad Caliph Mu‘awiyah to illustrate this point. Mu‘awiyah came to power following the death of the last of the four Rightly Guided Caliphs `Ali (with whom Mu‘awiyah was engaged in a civil war). The reasons for the civil war, according to Ibn Khaldun, were religious, and both sides were justified in their positions. Given the nature of Arab society, the war was fought along tribal lines, as determined by `asabiyya. The stronger `asabiyya, that of the clan of Umayya to which Mu‘awiyah belonged, had the upper hand, and established the Umayyad caliphate. The nature of `asabiyya and rulership forced Mu‘awiyah, regardless of his own convictions, to transform the caliphate, mixing it with elements of kingship. Unlike the first four caliphs, who were appointed by election or designated by predecessors based on merit and ability, Mu‘awiyah was forced to transform the caliphate into a dynastic institution by designating his son as his successor (as did his descendents after him, and as was the custom among the `Abbasids later):

He passed over the superior person in favor of the inferior one, because he desired to preserve agreement and harmony, which is the more important thing in the opinion of the Lawgiver (Muhammad) (Muqaddimah, 261).

To do otherwise was to risk alienating his `asabiyya prematurely. Had he appointed someone from outside the clan of Umayya he would have risked the rebellion of his own group and the loss of his power.71

71 The position of the validity of the claims of both parties to the civil war (through which the Shiite-Sunni schism developed) reflects the general Sunni compromise as it had been developed
The Umayyad and 'Abbasid caliphates were therefore mixed forms of both caliphate and kingship. They were caliphates to the extent that that they attempted to enshrine the shari`ah. They were formally kingships, their actions having been dictated by the considerations of power and royal authority. In Ibn Khaldun’s reading, the true caliphate was only possible when the Arabs were still inspired by religion and their closeness to Prophet. The true caliphate, therefore, could only last while the first generation still held to their religious convictions. It was possible for that generation to elect caliphs based on merit. As the religious commitment of the Arabs faded over time, their government returned to following the natural cycle of states. Ibn Khaldun supports this assertion by reciting the Prophet’s prediction that the caliphate after him lasts only thirty years, after which it will transform into kingship (this saying of the Prophet was recounted in a different form in earlier times, stating that the caliphate transforms into kingship after thirty years, but then returns to caliphate again). When “the Arabs forgot the religion”, Ibn Khaldun asserts, they lost their “connection with political leadership”, and eventually lost power altogether. (Mugaddimah, 198).

by the 10th century (Hogson 1974). It is not peculiar to Ibn Khaldun. The significance of Ibn Khaldun’s analysis of Mu`awiyah’s reign, which is presented in a favorable light by Ibn Khaldun, is that it allows him to justify Mu`awiyah’s actions in light of the possibilities available to him. As has been described in Chapter 2, the Mu`tazila perceived Mu`awiyah’s transformation of the caliphate into a hereditary institution as tantamount to betraying Islamic ideals (the Shiites considered it a usurpation of the true caliphate that should belong to the descendants of `Ali). For Ibn Khaldun, Mu`awiyah’s actions were dictated by the necessities of political and military government.
Conclusion

This aspect of Ibn Khaldun’s reading of history raises important questions for the relation of religion to politics in the contemporary debate. Ibn Taymiyyah’s vision of the *shari`ah*-state fails to account for the manner in which a religious state that abides by the example of the first generation may be emulated by a generation in a different context. As Ibn Khaldun has shown, the foundational era was governed, at least in his reading, by religious considerations that transcended the actual and realist calculus of power. The *shari`ah* in itself, as a set of legal commandments regarding punishments and taxes, is insufficient for establishing the structures of a medieval (or a modern) state that would be able to enshrine justice and preserve it from the transgressions of the powerful over a long period of time. The *shari`ah* cannot, in itself, transform the reality of the nature of power, kingship, and humanity as they were ordered by the Creator.

Ibn Khaldun’s response bordered on the fatalist, as some commentators have noted. The state by its very nature, born of domination, will turn to injustice. Even the early Muslims quickly abandoned the ways of religion and succumbed to the processes of history and calculations of power. A normative theory of the state is itself impossible, given Ibn Khaldun’s investigation, based on the *shari`ah* alone. Ibn Khaldun did not imagine a period when humanity would order its affairs in a manner different to how it had always been, and he read this fatalism into the revelation. The scriptures, he explained, were filled with legal commandments and proscriptions against transgressions and sins. Still more, it was filled with condemnations of injustice and warnings to the powerful not to commit injustice. But the revelation does not specify punishments for injustice, because the very definition of injustice, according to Ibn Khaldun, is the
transgression that is committed by the powerful where there is no room to resist it. The thief or the bandit commits a transgression, but they do not commit injustice, because the victim has recourse to his own strength to resist them. But when the source of the transgression is the ruler, the victim has little choice but to succumb to it. The revelation, therefore, warns the powerful of injustice in the hopes that they will abide by justice, but does not specify punishments for the powerful. This assumption about the political order of human life is indeed fatalist, and until very recently, shaped the experience of the majority of humanity.

Ibn Khaldun presents us with a challenge for modern Islamic political theory. The history of the Muslims in Ibn Khaldun’s reading leads us necessarily to the impossibility of a normative political theory based on the ideational commitments of the rulers. In opposition to the theologians and Ibn Taymiyyah, Ibn Khaldun started from rational premises, and interpreted revelation and history in line with his theory. His aim was not to justify history, as was the aim of the theologians, nor was it to develop a normative theory of the state, as did Ibn Taymiyyah. Ibn Khaldun is best read as a historian who synthesized the insights of his predecessors in a new science of history that aimed at uncovering the causes behind the movement of history apart from partisan commitments. Just as he incorporated the debate on the caliphate, so did he incorporate ideas, as Fakhri (ed. Atiyeh and Oweiss 1988) has also noted, from Plato and Ibn Rushd regarding the material and psychological pressures which underlie the transformation of states. His understanding of history prevented him from articulating a normative theory
of politics, and he chose instead to offer the history to any statesman who would read it and learn its lessons (reminiscent to an extent of Machiavelli).  

Ibn Khaldun shows how human agency is limited by the material and social facts of its historical era. Ibn Khaldun offered his history to any ruler who would be wise enough to arm himself with the knowledge it contained, and who would understand and accept the limits of possibility within his own time and place. The lesson for us moderns is that the vision of the contemporary advocates of the shari`ah state face a formidable challenge by Ibn Khaldun that has yet to be answered. We have ample evidence of modern states that claim to be based on the shari`ah, and we find that Ibn Khaldun’s reading remains relevant. The most apparent commonality among those states, as will be discussed in the following chapter, is that religion has become the servant of the rulers. Far from guaranteeing justice, the application of the shari`ah has guaranteed only that human rights as we have come to understand them suffer, and all the more in the case of women. Kingship has not changed since Ibn Khaldun’s writing. What has changed are the possibilities at hand for a decent and just state based on a transformation not of the rulers, but of humanity’s conceptions of itself and its nature. It is a transformation Ibn Khaldun could not foresee. The fatalism of Ibn Khaldun’s work would not be challenged until the 19th century, when Muslim thinkers turned to the ideals of the

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72 The closest Ibn Khaldun comes to a normative position is his peculiarly positive presentation of Tamerlane. Tamerlane, the Tatar Mongol, was nominally a Muslim. As Fromherz (2010) has noted, Ibn Khaldun, while critical of the destruction wrought by Tamerlane, may have been hopeful that the Tatar `asabiyya might be able to unite the Muslims. Ibn Khaldun’s judgment of Tamerlane might seem peculiar, but it is grounded in his historical understanding of the limited possibilities through which states are formed.
European Enlightenment regarding political participation and representation. This is the subject matter of the following chapter.
Chapter 5: The Triumph of Reason

The previous chapter ended with Ibn Khaldun’s dire judgment of the nature of politics. Ruling dynasties were fated to a cycle of life and death, falling from power to weakness, prosperity to poverty, and from justice to injustice. Given the nature of humanity, this life-cycle could not be halted. Only during the reign of the true caliphate or during the early years of a dynasty, when the rulers choose to be bound by the shari‘ah, could justice arise. But even these just governments would succumb to the natural processes of history. Ibn Khaldun’s words remained without a serious challenge for generations. Hourani (1962) notes that in the 18th century Ibn Khaldun’s *Muqaddimah* was translated into Ottoman Turkish in what may have been part of an effort to halt the setting in of internal decline.73

A hopeful response to Ibn Khaldun’s analysis, based on his theory of the state, was presented by another Tunisian historian and high government official in the latter half of the 19th century. Ahmad Bin Abi Diyaf was born four centuries after Ibn

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73 In 1453, half a century after Ibn Khaldun's death, the Ottomans conquered Constantinople, marking the birth of the Ottoman Empire. The Ottomans combined the essential qualities Ibn Khaldun had noted were the foundations of just states: tribal solidarity and religious feeling. The early reign of the Ottomans was marked by its general tolerance of their religiously and ethnically diverse subjects, and soon after by their advanced bureaucratic administration. With the shift of the center of Islam to Istanbul came a shift in the tradition of political writing in Islam, with a new focus on the administrative arts (Black 2001). By the 18th century the Ottomans were in decline, and were challenged by a modernizing Europe and by uprisings among their subjects.
Khaldun’s death (1806-1874). He wrote a history of his native Tunis and forwarded it with a brief theoretical introduction in which he accepted much of Ibn Khaldun’s theories of government and history. Quoting at length from Ibn Khaldun, Bin Diyaf accepted that political society occurred by nature, government was the natural restraint (wazi’) that made society possible, and that justice was the cause of prosperity (Brown 2005). He also accepted Ibn Khaldun’s division of governments into three types, the tyrannical rule of a single person, the rational government of laws, and the caliphate. While he agreed with Ibn Khaldun that the caliphate was the best form of government, he argued that in its absence rational governments offered more promise than Ibn Khaldun had allowed.

For Bin Diyaf, the modern European experience in constitutional, parliamentary government offered a possibility of halting the cycle of decline. The essence of caliphal justice was the Islamic Law, the shari`ah. When rulers abided by the shari`ah, justice and prosperity followed. This was an echo of the arguments that first appeared in Ibn Taymiyyah and Ibn Khaldun (Chapter 4) that justified the caliphate by its function in implementing the shari`ah, as opposed to Ghazali’s position that held that the caliphate was a divine command (a point of contention with the Mu’tazila (Chapter 2)). Given that all government arose from domination, the very structures of Muslim government allowed psychological and social factors (the factors elaborated by Ibn Khaldun based on Plato and Ibn Rushd) to transform the government into tyranny and injustice. The modern European experience, Bin Diyaf argued, could respond to the tension between justice and domination. A constitution would establish the laws which the government had to follow.

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and a parliament would hold the government accountable to that law. While this appeared to be a novel European experience, Bin Diyaf argued that it was thoroughly Islamic, institutionally different, but functionally similar, to the classical theory of the caliphate.

The classical theory of the caliphate (Chapter 1), held that the caliphate was divinely commanded, and established the practice of the first four caliphs as the legal grounds upon which later generations should ideally conduct their political affairs. The classical theory of the caliphate held that the ideal procedures for electing a caliph, based on the tradition of the first four caliphs, was through the consensus of the leaders of the community, the *ahl al-hal wal `aqd*, literally, the people who loosen and bind. The people of *hal wal `aqd* were the leaders of the most powerful groups in the community, whose agreement was necessary to keep the community united. The *ahl al hal wal `aqd* had the authority among their own groups to bind them to their decision. Once this group of influential men had agreed on a new caliph, the community would declare a public oath of allegiance, a *bay`a*. The caliphs followed the Quranic injunction that directed the Muslims to make their affairs follow *shura*, or consultation, where the caliphs would consult the knowledgeable men of the community in all decisions. As shown in Chapter 2, and as was accepted by Ibn Khaldun and Bin Diyaf, the historical experience differed significantly from this ideal. The classical theorists of the caliphate created as many exceptions in their theory as were needed to justify historical deviations from the ideal procedures.

For Bin Diyaf, constitutional, parliamentary government was as close as possible to the ideal version of the theory of the caliphate. Parliaments were consultative (*shura*) bodies that aided the ruler in drafting policies. Parliaments held governments
accountable to the constitution. Bin Diyaf argued that these were the original duties of the people of hal wal `aqd. The historical record showed that the first four caliphs consulted the men of hal wal `aqd in major decisions (the duty of shura). The historical record also contained reports of the caliphs demanding that the community correct them if they erred. Bin Diyaf took this to indicate that in addition to consultation (shura), the men of hal wal `aqd had the duty of holding the ruler accountable to their laws (the Quran and example of the Prophet). The Quran would be the modern constitution for the Muslims. Finally, Bin Diyaf subtly transformed the meaning of bay`a, the oath of allegiance. The bay`a was not only the oath of allegiance of the community to the caliph. It was also the oath of the caliph himself to abide by the law of the community. The oath, therefore, was made by two parties, making it a pact. The people would allege their obedience to a ruler, but only as long as he served them and ruled for their benefit. This was the model of the early, glorious Islamic caliphate according to Bin Diyaf. It was given an institutional form in European constitutional, parliamentary democracy. This was his answer to Ibn Khaldun, based on a novel development that occurred outside of Islam.

Unlike Ibn Khaldun, Bin Diyaf was not a lone voice. He was a member of a generation of 19th century Muslim and Arab reformers who were responding to the developments they witnessed in modern Europe. While modern European military supremacy threatened Muslim lands, parliamentary and constitutional forms of European government, along with their philosophical underpinnings in the European Enlightenment, appealed to Muslim intellectuals and government administrators. The history of the 19th century in the Middle East is the history of this bivalent relationship.
Modern Europe was the home of advanced science, art, medicine, industry, and democracy. It was also the source of continued military, colonial threats.

This chapter will examine the fourth moment in the development of Islamic political thought. It examines the process through which European Enlightenment ideals entered Muslim political discourse in the 19th century. Like Bin Diyaf, Muslim modernizers and reformers throughout the Middle East took to the task of reconciling Enlightenment ideals with Islamic terms and symbols. They presented their contemporaries with arguments for parliamentary, constitutional government by providing Islamic foundations for democracy from within the classical record. This chapter will argue that the acceptance of the democratic ideals of the Enlightenment by Muslims hides a subtle, yet profound transformation in the tradition of Islamic thought. The movement of Enlightenment ideals into the Islamic political discourse reveals a tacit acceptance of the Enlightenment's conceptions about human freedom, government, and what counts as a good life for humans that marks a decided break with the classical legacy.

What has occurred since the 19th century, as this chapter will show, is the development of a new political discourse in Islam that has accepted as its point of reference in defining justice a tradition of thought that is rationalist, and that is external to the classical, orthodox tradition. This has resulted in a new approach to the scriptures that has contextualized it according to this modern conception of justice. As this chapter will show, the Muslim position on slavery and just war, both of which had widespread classical consensus, were also transformed according to the modern conception of justice. This new approach that accepted Enlightenment rationalism without acknowledging it as
a rationalist tradition of thought is referred to here as a 'masked' rationalism. It is rationalist because it has accepted the judgments of Enlightenment rationalism regarding human freedom, government, and international relations. It is masked, however, because it continues to justify itself through traditionalist/literalist forms of reasoning without acknowledging the rationalist source of its new ideals, and without acknowledging its break with the classical legacy.

As has been the argument of this work, the political debate in Islam moved through a debate between traditionalist/literalist and rationalist approaches. The rationalist approach was advanced through a rationally conceived notion of justice through which the revelation was contextualized. The modern traditionalist approach, starting in the 19th century and continuing today, has adopted this approach, but has yet to acknowledge it. Instead, it continues to rely on traditionalist juristic reasoning in justifying its position. As will be argued below, this has led to anachronism, contradiction, and a failure to advance the political debate beyond narrow limits. The danger of not acknowledging the source of the modern conception of justice is twofold. First, the insistence on traditionalist/literalist juristic reasoning (which seeks precedents in the events of the foundational era or the classical texts) prevents open debate and innovation, and privileges those persons who are (or who appear to be) versed in the classical literature. The second, more significant danger, arises from extremist challenge. Traditionalist/literalist reasoning, which resorts to anachronism, is easily refuted by extremists who need but cite the classical texts. This has ensured that the debate is carried out on grounds that favor the extremists. Extreme literalists, as will be shown, including militants, have been able to mount an effective criticism of moderate
political positions by referring to the classical legacy. This is most apparent in the debates over the nature of just war in Islam, as will be argued below. Together, these limitations have kept the debate within a narrow conceptual limit, ensuring that it remains conservative and reactive.

This chapter argues, instead, for approaching the transformation in Islamic political thought in the 19th century as a fulfillment, not of traditionalist/literalist reasoning (which it is clearly not), but of the classical rationalist tradition of thought in Islam. The classical rationalist position, as noted above, referred to a conception of justice that was developed outside of the text, through which the revelation was then contextualized (this will be seen to be the case in the modern discourse regarding democracy, slavery, and just war). This form of classical rationalist reasoning, when applied to political and social life, resulted in several substantive critiques of classical orthodoxy. The Mu’tazila notion of justice was expressed in their writings as a rejection of tyranny and blind obedience, and as the right to hold the ruler accountable (sanctioning revolution when necessary). Ibn Rushd advanced a notion of justice that enabled him to recognize the failure of the shari`ah to establish justice on its own, and to argue for the need for secular laws. Ibn Khaldun, similarly, recognized the insufficiency of the shari`ah as well as the failure of ideational commitments of rulers to establish justice.

The modern calls for democracy from within Islam are admissions of the truth of the insights of these classical rationalists. The argument for an Islamic democracy is a tacit admission that the shari`ah, in its classical form (and including the theory of the caliphate), is insufficient for governing a modern nation state. What are the democratic structures of representation and accountability but secular laws intended to ensure that the
government governs on behalf of the people. As for the rejection of slavery, it will be shown below that Muslims have come to accept that there are objective moral criteria through which the revelation must be contextualized (since the revelation was read for a millennium as sanctioning slavery). A similar argument will be made in the case of recognizing the evil of offensive war. As the following pages will show, Muslims have come to accept positions that cannot be reconciled with the classical orthodox legacy without resorting to anachronism and obfuscation. The rationalist methods of reasoning that were investigated in the previous chapters, it will be shown, provide moderate Muslims with a solid ground from which to develop an articulation of Islam that reconciles modern concerns with the classical legacy, and which opens up the debate to a new form of reasoning that once again contextualizes the revelation in accordance with our historically expanding knowledge of justice.

Historical Context: Muslim Receptions of the Enlightenment

By the late 18\textsuperscript{th} century, Ottoman sultans had understood the significance of European military advances. The sultans endeavored to develop a modern military that could respond to European threats. Despite opposition from the old military elites (the Janissaries) and their allies among the men of religion (Brown 2005), the sultans were able to establish military colleges in Turkey by the early 19\textsuperscript{th} century (Hourani 1962). The new colleges employed European instructors, particularly from France, and textbooks on naval science, geography, history, and mathematics were translated from European languages (Hourani 1962). By 1826, Sultan Mahmud II had the support of a new generation of military officers who succeeded in massacring the Janissaries and
ending centuries of their influence (Hourani 1962). In Egypt, the center of Arab life under
the Ottomans, European military supremacy was experienced somewhat more
resoundingly. Napoleon’s invasion in 1798 had decimated the Mamluks, and caused a
dislocation among the ruling elites that allowed the adventurer Muhammad `Ali to
capture the throne. Muhammad `Ali ended the reign of the Mamluks in a famous
massacre in 1811, and embarked on a process of military modernization. Tunisia
experienced a similar development, although the Tunisian rulers, the Beys, were able to
curb the influence of the old military elites in a less dramatic fashion (Brown 2005).
The success of the military reforms allowed the rulers, particularly in Cairo and Istanbul,
to pursue a wider policy of reform and modernization. As Hourani (1962) notes, both the
Ottoman sultans and Muhammad `Ali embarked on the wider processes of
modernization, not from any ideological commitments, but as corollaries of military
modernization. Europe was seen to have developed new, more efficient and secure
methods of government administration and economic production. In Istanbul, the
Ottoman sultans initiated a policy of government restructuring, known as the period of
the Tanzimat (Reorganization), between 1839 and 1876, that attempted to modernize the
whole system of administration and law by borrowing from European models.
In Egypt, Muhammad `Ali established military and technical colleges staffed by
European instructors, and brought in European experts to help modernize agricultural and
industrial production. He eventually chose French as the language of instruction, and by
1826, Egyptian students were regularly sent to France for study. But as noted above,
Muhammad `Ali was not motivated by ideological convictions, and had established a

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75 See Chapter 4 for a brief history of Mamluk rule.
system of surveillance to keep his students from observing too much of life in France.

(Hourani 1962)

As Hourani (1962) notes in his seminal study of 19th century Arab thought, the contact with Europe had unintended and enduring effects on Islamic political discourse. The adoption of French brought with it the writings of Voltaire, Montesquieu and Rousseau. Muslim students and diplomats experienced for themselves in Europe, or learned through contact with Europeans and European writings about the developments in Europe that extended beyond the scientific and industrial to the social and political. These developments were viewed positively by the educated Muslim elites. The reactions and writings of these early observers of Europe established the manner in which a Muslim, Arab modernity would be imagined in relation to Europe for the following century.

Among the earliest, and at its time influential, written accounts of Europe in Arabic was a text authored by an Egyptian sent to France by Muhammad `Ali’s administration. The text, titled Takhlis al-Ibriz fi Talkhis Paris (The Extraction of Gold in the Summary of Paris) (1831), was authored by a traditionally-trained Muslim cleric, Rifa’a al-Tahtawi (1801-1873). He was sent to France between the years 1826-1831 to accompany the Egyptian student delegation and attend to their religious needs. Even though he was not sent as a student, Tahtawi learned French, and read Voltaire, Rousseau and Montesquieu (Hourani 1962). Upon his return to Egypt, he published his observations on life in France. Hourani (1962) notes that through him French Enlightenment entered Egyptian thought. His work was widely read and well-received, and was translated into Ottoman Turkish. Tahtawi described what he observed of the
advanced state of science, industry, journalism, education, and medicine in France, which he attributed squarely to the liberty of the French. He compared social customs among the French to those among his countrymen, and was generally as positive about much of French society as he was about French science and industry.

As for the political situation in France, Tahtawi commented at length on the form of government and the French Constitution. He weaved together his observations of Parisian life and government with quotes and proverbs from Arab poets and classical philosophers, showing how their insights had come to life in Paris. French laws, he observed, were established in the Charter set by King Louis XVIII which we will report for you, even though most of what it is in is not in the Quran or the Sunna of the Prophet peace be upon him, so that you might know how their reason judged that justice and fairness are causes of the prosperity of kingdoms and the ease of the people, and how the rulers and subjects were led to it until their countries were built up, and their knowledge increased, and their riches accumulated, and their hearts were put at ease, so that you never hear among them the complaint of one who has suffered injustice, and that justice is the cause of civilization (Talkhis, 105).76

His most important political observation was his explanation of how the French had established justice. What the French call liberty, he noted, is exactly what we call justice and fairness, because the meaning of governing with liberty is to establish equality in the laws and rules, so that the ruler cannot transgress against a person, and the laws are what govern (Talkhis, 113-114).

The king in France is not an absolute ruler, he observed, but must rule according to the established laws. The laws are themselves approved by the chambers of Parliament, with the Chamber of Peers acting in support of the king and the Chamber of Deputies defending the subjects. He commented on each article of the Charter, emphasizing how they established justice. Article I, for instance, established equality before the law, from

76 Translation mine.
the highest nobility to the lowliest subject, meaning that even the King could be taken to court. Article II established taxation on property according to ability, which Tahtawi noted had a corollary in Islamic Law. If the Muslims adopted such a tax law, he argued, it would bring prosperity and happiness to their lands. Article IX was the essence of justice, establishing property rights which restrict the powerful from transgressing against the property of the subjects.

Tahtawi evinces the general themes which would come to dominate the manner in which 19th century reformers approached European advances in science and government. Most importantly, he saw French advances in all spheres as positive and desirable human advances that were not specific to a religion, race, or culture, and that needed to be understood and adopted by his fellow Egyptians and Muslims. Further, the advances in Europe in science and government, he opined, had bases in Islamic law and historical experience. He used words like shura and bay’a to refer to parliaments and elections. He argued that Muslim jurists should be versed in the rational sciences in order to expand and adapt the shari‘ah to the needs of the modern world. There was also no shame in learning from Europeans, he noted, because the Europeans had once learned from the Muslims.

Throughout his life, Tahtawi occupied influential positions in education and publishing, and continued to advocate for learning from Europe. He personally translated works on history and philosophy and supervised the translation of the French Civil Code into Arabic (Amara 1984). As head of the School of Languages and its attached publishing house, he was responsible for the translation and publication of legal, technical, and scientific works from Europe (Amara 1984). He used his position to get
works by Montesquieu and Voltaire translated and published, and later published Ibn Khaldun’s *Muqaddimah* (Hourani 1962). He authored several books about modernity and reform, calling for the education of women (*al-Murshid*) and the adoption of the means of modernizing Egypt. He argued for the separation of the legislative, executive, and judicial functions of government (all under the sovereignty of the monarch), the centralized and efficient administration of Egypt through a central bureaucracy, and the development of Egypt’s productive resources (*al-Minhaj*). He is widely referred to in 20th century literature, both Egyptian and Arab, as the father or pioneer of the Arab Awakening or Enlightenment (Amara 1984).

The political argument made by Tahtawi was given a more solid Islamic defense in a work that appeared in 1867, authored by a Tunisian government official, Khayr al-Din al-Tunisi (d. 1890). Khayr el-Din was a Tunisian subject, possibly from a slave background (Hourani 1962). Khayr al-Din served the Bey of Tunis in the military and as a diplomat, and later as the Grand Vizier (Prime Minister). Later in life he was appointed by the Ottoman Sultan for a brief period as the Grand Vizier of the entire Empire. His diplomatic work took him to Paris for several years. Like Tahtawi, whose work he cites in his own writing, he was a keen observer. He worked for the reform of Tunis and the Ottoman Empire following models of European government and administration.

Tunis in the 19th century had followed on the paths of the Ottomans and the Egyptians, attempting early modernization of the military, followed by a modernization of the administration and economic production (Brown 2005). Tunis
experienced the first constitutional government in the Arab world in 1860\textsuperscript{77}, intended by the Bey, in part, to stem a possible French invasion. Bin Diyaf (above) participated in authoring the new constitution, while Khayr al-Din served as the head of the first consultative assembly.

His famous text, *Aqwam al-Masalik fi Ma`rifat Ahwal al-Mamaliq* (*The Surest Path to the Knowledge of the Conditions of Kingdoms*) (1867), was a comparative history of European governments. Khayr el-Din introduced it with his defense of the reform efforts both in Tunis and in the Ottoman Empire (the *Tanzimat*). Like Tahtawi, Khayr al-Din held that European modernity was a sign of human progress that would benefit Muslims if they understood and utilized it. The antagonists of reform, he argued, were either misguided or were acting to protect their own unjust privileges. There were those among both groups who argued that the reforms were a form of innovation borrowed from non-Muslims and were therefore opposed to Islam. It is to the latter that the bulk of his argument is directed.

The causes of European modernity and civilization, he argued, were freedom and justice. Similar to Ibn Khaldun, Khayr al-Din argued that the intention of the divine revelation and the Prophetic message was justice. And while the Muslims had

\textsuperscript{77} Tunis experienced the first constitutional experiment in the Arab lands between 1860-63. As Brown (2005) recounts, the Bey of Tunis had hoped this would appeal to the European powers, particularly Napoleon III, who now ruled over neighboring French-occupied Algeria. The Bey established a short-lived constitution and consultative assembly (the Supreme Council) whose members he assigned. Bin Diyaf was one of the authors of the Constitution. Khayr al-Din was the first president of the assembly. Abun-Nasr (1987) describes how the constitution was quickly defeated by a rebellion in the countryside which brought together the discontented power-holders in the traditional arrangements, supported by the French who rejected the limits the new constitution had set on their ability to exact concessions in Tunis through the bribery of government officials.
once established justice, their institutions had been corrupted. The Europeans had now established those institutions which ensure justice and freedom, which are the cause of their advance over the Muslims in science, knowledge, and production. It is therefore acceptable for the Muslims to learn from Europe, because European advances resulted from its institutions and not from anything particular to Europeans \textit{qua} Europeans. It could not be European climate, as some had argued, since that climate existed elsewhere where the inhabitants were not as advanced. It could not be their religion, since they had endured long periods of darkness following the collapse of the Roman Empire. Europe only advanced and prospered when it developed the political institutions that established justice and liberty. Furthermore, justice and liberty were of the essence of the Islamic religion, and Muslims were not only permitted, but obliged, to adopt the institutions that established them, regardless of their source.

The institutions that established justice and liberty in Europe were the parliament, the government of ministers, and a free press. All three had precursors, according to Khayr el-Din, among the Muslims. Parliaments were forms of shura (consultation), which the Quran commanded, and an example of which we find in a famous tale of the second Caliph `Umar. `Umar had demanded that the Muslims correct him if he erred, to which some Muslims had responded that they would correct `Umar with their swords – to which `Umar reacted positively by thanking God that there existed among the Muslims those who would not allow him to err. This meant that shura was not only consultative, but also set limits on the ruler. The government of ministers was allowed by the classical jurist al-Mawardi (d. 1058) (see Chapter 1), who permitted the caliph to delegate a vizier. The government of the ministers in Europe is accountable to
the parliament. The parliament is the Muslim equivalent of the *ahl al-hal wal `aqd*, the people who loosen and bind, although they were not elected in the Muslim tradition. The best form of government was the one that relied on the people of *hal wal `aqd*, not only to hold the government accountable, but to participate in establishing the universal laws (the constitution). Khayr al-Din noted how John Stuart Mill had observed that the best government Britain had enjoyed occurred during the madness of King George, when the people of *hal wal `aqd* were free to occupy the positions of ministers and parliament without his interference. All this had a precursor among the Muslims, when caliph `Umar appointed six men to deliberate and decide on his successor, and commanded the Muslims to side with the majority of them.

The generation that followed Tahtawi, Khayr el-Din, and Bin Diyaf had to contend with a different situation. For the latter three, the internal decline of the Muslims, compounded by the comparison with modern Europe, made it necessary for Muslims to adopt some aspects of European modernity. In addition to political, educational, and economic reforms, they recognized the need for some expansion of the *shari`ah* to accommodate the needs of the modern world (Hourani 1962). The next generation of Muslim reformers to take up the cause of modernization, however, made a more anxious appeal. Not only could the Muslims benefit from European advances, the Muslims would perish if modernization did not reach into the very depths of society.

The ideas of this generation are exemplified in the lives and works of its two most famous individuals, Jamal al-Din al-Afghani and Muhammad `Abdu. For

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78 Jamal al-Din al-Afghani (d.1897) was of either Afghan or Persian descent, and advocated throughout his adult life for the unity of Muslims and for adopting from Europe those sciences
Afghani and 'Abdu the limited modernization efforts of the rulers in Istanbul and Cairo, while generally laudable, had failed to produce real change. Despots ensured that political reforms were frustrated. Modern schools established along European lines had produced, according to 'Abdu, a generation of Egyptians who were neither modern nor Muslim, mindlessly emulating European customs while failing to understand what it was about Europeans that contributed to the cause of progress (Abdu 1905). For the next generation of reformers, what was needed was a total transformation of the Muslim individual that would create a modern, Muslim society. And this could not proceed without a reform of the religion itself, wrestling it back from the jumud (ossification) it had fallen into, and from the confines of taqlid (the rigid emulation of the classical jurists), allowing reason to once again play its divinely assigned role (Abdu 1905).

The extensiveness of the reforms, for Afghani and 'Abdu, was necessitated further by the changed relationship with Europe. The latter part of the 19th century was the era of European colonialism. France had already occupied Algeria in 1830, and by 1881 had occupied Tunis. Britain occupied Egypt in 1882 after coming in on the side of the monarch to crush the 'Urabi Revolution, the first Arab revolution to raise the banner of constitutional democracy.\(^79\) Political and military domination of the

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\(^79\) By the 1860s European powers had been exacting legal and trade privileges for their subjects in Muslim lands. The rulers in Tunis and Egypt were relying on European loans at exorbitant interest rates to cover the costs of their modernization projects. Debt crises in both countries allowed the French and British to establish oversight over the government budgets, which led to
East brought with it the discursive justifications of this new relationship. European domination was justified by the supposed superiority of Europe’s civilization. French and British Orientalists penned studies of the East, blaming the backwardness of the Muslims, sometimes on race, but more often on Islam.

In this changed relationship, the discourse about the relation to Europe changed. Afghani and ‘Abdu had to contend with European political and military domination and Orientalist attacks on Islam, while also making the case for adopting European science and forms of government. The discourse that developed in their writings, particularly those of ‘Abdu, would continue to shape moderate Muslim approaches to religion for the following century, as will be seen below.

For Afghani and ‘Abdu, as they often argued in their journal articles and in their defense of Islam against European Orientalists, Muslims had once been far more advanced than Europeans (Abdu 1905). Europeans had in fact learned from the Muslims.

increased involvement in other affairs of government through the 1870s. By 1881 Tunis had been occupied by the French and ruled as a protectorate. In Egypt the financial difficulty had been compounded by the extravagant spending of Khedive Ismail, who had established an elected, non-legislative Consultative (Shura) assembly in 1866 in the hopes of garnering support for his financial policies. (Hourani 1962)
The influx of Europeans, which had started with Muhammad ‘Ali’s modernization efforts, increased in pace with the British oversight of the government. European ‘experts’ were brought in and received legal privileges and salaries that were several magnitudes higher than those paid to native Egyptians. Native Egyptians were barred from the highest positions in the government, and were already barred from the highest positions in the military, a policy initiated by Muhammad ‘Ali. By 1880, however, the middle ranks of the military were occupied by native Egyptians, and the situation reached a head in the reign of Ismail’s successor. Led by Colonel ‘Urabi, mid-rank officers joined with members of the legislative council, intellectuals, ‘ulama’, and urban poor, demanding equality for Egyptians, the curbing of European influence, and a constitutional democracy based on elections. The British, fearing ‘Urabi would not service the debt or would change the arrangement in the Suez Canal (owned by European shareholders but built by Egyptian corvee labor), sided with the Khedive, defeated the revolution, occupied Egypt, and exiled ‘Urabi. (Cole 2001)

80 See Said (1979)
The cause of Muslim advance, they held, was that Muslims had allowed reason to reign free. Ernst Renan, in a lecture at the Sorbonne in 1883 attacked religion, particularly Islam, as irrational and opposed to freedom of thought and progress (Khasht 1998). In a famous response Afghani argued that perhaps Christian theocratic authority had established limits on reason and the freedom of thought, but Islam was the religion of reason. In a debate with the Arab Christian Farah Antoun, and furthering Afghani’s reply to Renan, `Abdu (1905) argued in his defense of Islam that the cause of contemporary backwardness was politics, not religion. Early Muslim schools of thought, he argued, had approached the revelation with reason, and did not set limits on the freedom of reason. This allowed different schools of thought to arise and co-exist. The darkness and ossification started when Muslim rulers, particularly during the reign of the nominally-Muslim Turkic and Mongol tribes, used the differences to their advantage. Muslim rulers used the idea of predestination to justify their injustices (see Chapter 2). They gave their support to different groups to cause division, and supported doctrines that preached obedience, even to unjust rulers. They oppressed free thinkers, extinguishing the light of reason and freedom, and left the Muslims steeped in superstitions. The worst enemy of the Muslims was taqlid ( emulation), the mistaken belief that the gates of ijtihad (free reasoning in legal matters) was closed by the third Islamic century (10th century CE). Taqlid, for `Abdu, meant that contemporary Muslims jurists were wasting their lives between the pages of ancient writings that were composed in distant, removed contexts that were no longer relevant.

The road to Muslim progress was through the light of reason. Muslims needed to return to the purity of the religion, the religion of the first generation, the Salaf.
or pious predecessors, before the corruption of politics. This would mean breaking with
the discursive priority of classical jurisprudence in favor of a new, direct approach to the
scriptures, armed with reason and scientific knowledge (Abdu 1905). To this end, ‘Abdu
turned to the legacy of the Mu’tazila. He authored an introductory work to classical
speculative theology that downplayed the differences among the original schools, and
which bears the unmistakable marks of Mu'tazila thought. In his famous Risalat al-
Tawhid (Theology of Unity), based on his lectures delivered in exile in Beirut in 1886, he
argued, like the Mu'tazila and Ibn Rushd, that revelation appealed to reason, so that the
revelation cannot contradict reason (Abdu 1993). Where the literal or apparent meaning
of the text of the scriptures appeared to contradict reason, the Muslims should interpret
the revelation metaphorically, abiding by the rules of the Arabic language. He argued
further that humans have free will, and that good and evil were rationally knowable
through their consequences. He noted that Islam “declares openly that man was not
created to be led by a halter, but that it is his nature to be guided by science and by signs
of the universe and the indications of events” and blamed the ‘ulama’ (Muslims jurists)
for having “infected” the people with the “disease” of taqlid.81

Islam was therefore a rational religion that not only was open to reason but
that commanded it, and commanded further the scientific inquiry of the world. Reason
was commanded by the revelation and was the basis of civilization. Courage was needed
to ensure that reason was not barred from any aspect of life. And tolerance, of both other
Muslim sects and other religions was necessary for all humanity because life is a shared
endeavor that all people contribute to and learn from (Abdu 1993).

81 Excerpt translated by Adams (1933, 130-1)
Both men agreed that the road to Muslim progress was through the rational and moral development of the individual through the proper modern and religious education (Hourani). But while Afghani was a revolutionary, `Abdu adopted a more gradualist position, believing that a violent confrontation with the British and the Khedive (the Egyptian monarch) could not triumph. Political change had to be preceded by religious and educational change. The `Urabi revolution, however, appears to have transformed `Abdu’s opinion. As `Amara (1988) has argued, `Abdu was caught up in the spirit of the revolution after the iconic demonstration outside the Palace of Abdin (September 1881). The demonstration included Egyptians from all walks of life who united with the military officers in their calls for equality and reform. The result was a series of journal articles in which Afghani and `Abdu, under `Abdu’s name, made their most impassioned appeal for constitutional democracy.

In two articles entitled *al-Shura* and *al-Shura wal Qanun* (*Consultation and Consultation and the Law*), published in December 1881 (Badawi ed. 2005) `Abdu once again appealed to the argument that the Caliph `Umar had established a consultative government. The modern form of *shura* was parliamentary government, and was superior to the ancient *shura* of Caliph `Umar given the needs of this age. The essence of *shura* was *al-ra’i a-`am*, literally translated public opinion, but which appears to be `Abdu’s loose adaptation of Rousseau’s general will. When people are divided by competing interests, a tyrant will arise to rule them. The rule of a tyrant causes the people to become corrupt, lethargic, and accustomed to humiliation (an argument made by Ibn Khaldun). However, as the people continue to suffer, the news of other nations might reach them, and they remember that they too can have the rights that establish prosperity. When the
people reach a level of enlightenment and awareness that allows them to set aside their competing particular interests and agree that they must adapt a course that will raise their country, they would have developed a general will. It this general will which transcends the particular, narrow interests of the people and unites them. Only the laws that issue from the general will are just laws. The just laws are in turn encoded through free consultation (shura) by the men elected to represent the general will of the people. And a free press links the people to their representatives. Only such a free consultation could lead to just laws. As Hourani notes, `Abdu carried further a process we have already seen at work in the thought of Tahtawi, Khayr al-Din, and al-Afghani: that of identifying certain traditional concepts of Islamic thought with the dominant ideas of modern Europe. In this line of thought, maslaha gradually turns into utility, shura into parliamentary democracy, ijma` [consensus] into public opinion; Islam itself becomes identical with civilization and activity, the norms of nineteenth-century social thought (Hourani 1962, 144).

The `Urabi revolution was crushed, and `Abdu and Afghani were exiled. They continued to influence Egyptian and Arab public opinion through their journal, al-`Urwa al-Wuthqa, which they published in France and smuggled into Egypt (Hourani 1962). `Abdu was later allowed to return to Egypt, where he once again took up his gradualist position. He worked for the reform of education and religious law. He reached positions of authority later in life, including the head of al-Azhar, the most prestigious institution of Sunni Islamic learning, and was assigned as Grand Mufti, the highest position in religious legal administration. His influence continued into the 20th century through his students, many of whom occupied influential positions in politics, education, and journalism.
The Intellectual Legacy of the Nineteenth Century

‘Abdu’s most important legacy, however, was his interpretive approach to the scriptures. The scriptures had to be understood not only in reference to modern needs, but also with regards to modern knowledge. ‘Abdu’s approach to juristic issues according to modern needs, based on the juristic notion of maslaha, or the benefit of the community, has been more widely recognized. For instance, he allowed Muslims to save in interest bearing banks, or to wear western dress (Adams 1933). Together with Qasim Amin, he argued for the liberation and education of women and a rethinking of polygamy (Badawi ed. 2005). While ‘Abdu was not without his detractors from among traditionalist circles, many of his religious edicts were widely accepted, and some continued to influence the manner in which the Egyptian civil code was secularized.

The latter aspect of his legacy, however, has received less attention. ‘Abdu exemplified the approach that will be referred to here as a 'masked' rationalist approach to the interpretation of scripture. It is a modern approach, distinguished from the rationalism of the classical thinkers. The classical rationalists, particularly the Mu’tazila and the philosophers, delineated clearly their rationalist epistemology and established its validity in the interpretation of scriptures. The modern rationalists, like their classical counterparts, referred to the rationalist interpretation of scripture and the priority of reason over revelation, but did not articulate their rationalist epistemologies. Their rationalist approach, for the most part, tacitly accepted the ideals of the European Enlightenment. As Hourani notes, by the time ‘Abdu was writing, the ideas of the French Enlightenment had become
the commonplaces of thought among the younger generation; the knowledge of French was widespread, Montesquieu and Voltaire had been translated. The ideas of positivism, in their original or distorted form, were widespread (Hourani 1962, 138).

The task for the modern rationalists, then, was to reconcile Islam with the ideals of European Enlightenment. The rationality of European Enlightenment, of men like Voltaire, Montesquieu, and Rousseau, was the standard of reason. This aspect of modernist Islamic thought reveals a subtle epistemological shift of profound significance that is yet to be acknowledged, both by Muslims and in the field of Islamic studies. The history of Islamic political thought, as has been shown in the previous chapters, is the history of the debate between rationalists and traditionalists. The rationalists, from the Mu'tazila onwards, gave priority to rationally conceived notions of justice. They then imagined the political structures that might advance justice as they understood it. The rationalists turned to the scriptures or the life of the Prophet and his companions for support, reading their notions of justice into the scriptures and the historical record. For the traditionalists, priority was supposedly given to the literal application of the text or to the emulation of the example of the pious figures of the foundational period. But as the previous chapters have shown, even the most literal interpreters of the Quran and the example of the Prophet and his companions were influenced by historical contexts. Nevertheless, the traditionalists attempted, while allowing deviations for political expediencies, to follow the literal interpretation of the texts and the examples of the founding figures. For many traditionalists, from the Ashʿarites, through Ghazali and Ibn Taymiyyah, justice, having no objective epistemological or ontological status other than what God had ordained, would follow from the literal application of His word.
The 19th century thinkers like `Abdu and the others introduced above revived the rationalist paradigm of political thought in Islam, and their ideas continue to shape Islamic political thought well into the 20th and early 21st centuries (punctuated by a period of traditionalist, literalist reaction as will be recounted below). Like the classical rationalists, their generation developed their notions of political justice in reference to extra-scriptural sources, and then read their ideas back into Islamic symbols and terms. In the process they transformed the very meaning of those terms and symbols. For instance, *shura*, as noted above, did not exert a binding influence in Islamic history. In fact, *shura* appeared as a secondary concept in the classical political writings (see Chapter 1). *Shura* was understood as a recommendation to rulers, caliphs in Ghazali’s case, and princes in Ibn Taymiyyah’s case, to consult the men of religion or the men of relevant knowledge. *Shura* was never understood to be binding or as a form of legislation. `Umar’s words requesting that he be corrected if he erred, while remarkably humble in their context, were seldom repeated for a whole millennium. The classical jurists, in fact, condemned rebellion, even against an unjust ruler, and this was among the differentiating aspects of political thought between the early rationalists and traditionalists. The prohibition of rebellion against an unjust ruler, on which Ghazali, Mawardi, Ibn Taymiyyah, and even Ibn Khaldun agreed, is difficult to square with the 19th century ideal of *shura* as binding.

Similarly the *ahl al-hal wal `aqd*, as seen in Chapters 1 and 2, were not understood as the representatives of an abstract community of equal members. The term referred to the powerful, mostly military, leaders, whose acceptance of a choice of caliph was necessary to prevent military strife. In fact, the men of *hal wal `aqd* were generally associated with the households of the caliphs themselves. Classical jurists even differed on the number of...
men of *hal wal `aqd* that were necessary to legitimately declare a caliph, with some arguing that a single person was enough to declare *bay`a* (allegiance) and install a new caliph. The *bay`a*, as noted above, meant the oath of allegiance of the population to the caliph, and not a pact.

Like the classical rationalists, the modernists developed their ideal of justice extra-scripturally, then read it back into the scriptures. In the 19th century, the notion of justice that inspired the writers above was that of European Enlightenment. The political ideals of European Enlightenment, particularly representation, the rule of law, opposition to despotism, and the equality of all subjects before the law, became the common references for Muslims, and hence were articulated as the common references of Islamic political thought. What the Muslim political thinkers of this era did, therefore, was to accept European Enlightenment ideals, with some variation, as valid human ideals that had the force of objective truth. Justice, conceived in the European experience, and expressed in the writings of the *philosophes* as liberty, *was* justice. The rationalism of this generation of Muslim thinkers, however, merits the description of a masked rationalism, because the epistemological aspect of this development remained largely unarticulated. The process through which Enlightenment ideals entered Islamic discourse was a subtle one. As the writings of Bin Diyaf, Khayr el-Din, Tahtawi, Afghani, and `Abdu reveal, the developments in modern Europe appealed to more than their sense of justice. Europe’s success in science, industry, economic production, and government pointed to the truth of the philosophical foundations of Europe’s advance as understood by this class of reformers.
It was in the arguments of this generation of reformers for adopting European knowledge and forms of government, as well as in its responses to Orientalist denigrations of Islam, that European ideals regarding the very nature of humanity came to occupy the position of valid, objective truth. In order to understand the significance of this shift in Islamic political thought, this chapter will turn next to the transformation in the ideas of just war and slavery that occurred in the 19th century. The discursive shift in the understanding of just war and slavery developed by the 19th century reformers clarifies the extent to which classical Islamic concepts were rethought during the modern age, with an enduring effect that extended beyond the political. The transformation of the religious meaning of just war and slavery reveals that the acceptance of European Enlightenment ideals was a deeper process than simply noting the similarity of modern European democracy to the spirit of classical Islamic political thought. The following section will briefly compare the classical notions of jihad (war) and slavery to the 19th century apologies of Muslim reformers. Jihad and slavery reveal, even more than the idea of shura, how far Islamic concepts were removed from their classical origins once Enlightenment ideals had entered Islamic political thought.

**Jihad and Just War**

Jihad, from the root *jhd*, to strive, may refer to several aspects of striving in the way God, including striving against the baser instincts of the self. Its most common usage in classical Islam was in reference to striving militarily in the way of God, the jihad of the sword. The Prophet and early Muslims fought numerous wars in Arabia. Verses such as 8:39, a so-called ‘sword verse’, appear to command unlimited war in the name of
religion (“And fight them until there is no fitnah [dissension] and [until] the religion, all of it, is for Allah. And if they cease - then indeed, Allah is Seeing of what they do”)

The early record, however, has shown some geographical divergence in the understanding of jihad (Mottahedeh and al-Sayyid 2001). Some of the Arabian jurists, opposed to the Umayyad caliphate based in Syria, were reluctant to condone Umayyad offensive wars. The Syrian jurists under the patronage of the Umayyads, possibly motivated by the war along the Byzantine border, argued that jihad was offensive, intended to ‘raise the word of God’ or ‘make all religion for God’. By the 8th century, the Syrian notion of offensive jihad was widely accepted, and continued to dominate the understanding of jihad for the next millennium.

The reason that Muslims could disagree on the meaning of the term arises from the very manner in which the Quran was revealed and recorded (see Chapter 1). The Quran was revealed in verses over two decades. Many verses were revealed in direct response to certain events in the life of the early Muslims. When the verses were collected, they were not collected in a strictly thematic or chronological order. Neither were the contexts which occasioned the revelation of certain verses recorded. To compound matters further, numerous verses appear to have contradictory messages. As Firestone (1999) notes in his study of the early development of the doctrine of jihad,

the Qur’ān appears to contain a great deal of seemingly contradictory material. In the case of warring, for example, does Islamic Scripture prescribe avoidance of

82 All English translations of the verses from the Quran are taken from the Sahih International Edition.
violence in propagating and defending the faith (16:125)\textsuperscript{83}, defensive wars only (22:39-40)\textsuperscript{84}, or unrestricted warfare (9:5)\textsuperscript{85}? (Firestone 1999, 49).

The contradictions between the verses led to the exegetical methods of abrogation (\textit{naskh}) and the ‘occasions of revelation’ (\textit{asbab al-nuzul}) literature in the centuries following the Prophet’s death. These methods attempted to collect the chronology of the verses and the contexts in which they were revealed in order to determine which verses superseded other contradictory ones, as well as to determine the contexts in which the verses applied. The challenge, however, is that by the time this literature developed, there was little consensus on the chronology and the contexts of many of the important verses (Firestone 1999). Which doctrines, and hence which verses, would be emphasized would be determined, as will be shown below, by extra-scriptural considerations.

The ethics of jihad that would dominate Muslim understanding of offensive jihad for the following centuries are exemplified in the record of the 10\textsuperscript{th} century historian and exegete al-Tabari (d. 923) (Tabari 1970). The first major battle

\textsuperscript{83} 16:125 \textit{Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best. Indeed, your Lord is most knowing of who has strayed from His way, and He is most knowing of who is [rightly] guided.}

\textsuperscript{84} 22:39-40 \textit{Permission [to fight] has been given to those who are being fought, because they were wronged. And indeed, Allah is competent to give them victory. [They are] those who have been evicted from their homes without right - only because they say, "Our Lord is Allah." And were it not that Allah checks the people, some by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned. And Allah will surely support those who support Him. Indeed, Allah is Powerful and Exalted in Might.}

\textsuperscript{85} 9:5 \textit{And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.}
outside of Arabia, which would mark the beginning of the expansion of the Muslim rule that would stretch within a century from Spain to India, was led by the famous general Khaled ibn al-Walid. Tabari reports that the Caliph Abu Bakr gave the order to the general Khalid to march on Hira, a city in modern day Iraq that was part of the Persian Empire (See Chapter 1). At Hira, Khalid is reported to have offered the rulers three choices. The people of Hira could convert and join the Muslims, enjoying their rights and performing their duties. They could submit to the Muslims and pay the jizya (a poll tax) and keep their religion. Or they would have to prepare for war. Tabari’s reports indicate that these choices were a recurring feature of the early conquests. Later jurists would determine the course of legal jihad based on these three choices, particularly the importance of having called a people to Islam before declaring war on them.

The offensive doctrine of jihad continued to be widely accepted throughout classical Islam. The major jurists and theologians of classical Islam directed far more attention to the details of jihad, such as who is obligated to fight or who may call a jihad, than to a defense of the concept itself, revealing that that the early questions over the nature and intention of jihad had been settled. For instance, Ghazali argued that jihad was intended to raise the word of God (i`la’ kalimat Allah) and to raise Islam and strike fear in others (Wasit). This idea of jihad was echoed later on by Ibn Taymiyyah. Ibn Taymiyyah (Siyasa) used the sword verse 8:39 (above) as the explanation of jihad. Jihad was the shar`i (religious legal) punishment that is applied to a group as opposed to individuals for disobeying God. A people who have heard the message of Muhammad but have rejected it must be fought. The goal is that religion be God’s and God’s word be the highest, and whoever prevents that must be fought. Ibn Hazm (Nasikh) (see Chapter 2)
argued that a single sword verse (9:5 above) commanded endless warfare with the non-believers. This one verse abrogated dozens of verses, which he recounted in detail, which commanded tolerance and the peaceful propagation of the faith. The orthodox understanding of jihad for a millennia, as evidenced in the writings of these classical authors, (and as is supported by contemporary studies (see Bonner (2006), Sharif (2008)), is that jihad was intended to make Islam supreme, at least politically, since forced conversions were not allowed.

In the 19th century, the record of Islamic conquests and the concept of jihad were used by Orientalists as an indication of the barbarity of the Islamic faith. `Abdu and Afghani wrote several articles responding to these accusations. Significantly, they accepted the ethical judgments to which the European Orientalists were referring. Offensive war was recognized as aggression, and was condemned for its slaughter of humans and waste of human life. That judgment, they argued, simply did not describe the true nature of jihad. The early conquests were defensive wars, `Abdu argued, aimed at defending Muslim lands from the encroachments of the Persians and Byzantines, and at fighting the tyranny and injustice of their rule (Sharif 2008). Hence the wars were justified because they were defending against the aggression of an unjust regime. Verses in the Quran that commanded tolerance and the peaceful propagation of the faith, coupled with the Islamic prohibition on forced conversion, meant that offensive jihad (aggression) could not be declared in the name of religion. Sword verses were directed at the Prophet alone, who was fighting defensive wars against the Arab polytheists. The Muslims collected a small poll tax (jizya) from non-Muslims, but this was used to offset the costs of protecting the non-Muslim subjects. Turning the tables on the colonialists, Abdu
argued that the *jizya* was in stark contrast to the native wealth that European colonialists had stolen, expressing how Europeans who condemned historical Muslim aggression as unjust and barbaric were in fact themselves the aggressors. Later offensive wars, he argued, were part of natural state-craft, and many such wars did not conform to the message of Islam.

`Abdu’s anachronistic arguments would continue to shape 20\textsuperscript{th} century doctrines of jihad among the majority of Arab Muslim writers. The Tunisian Tha’alibi (d.1944) referred to the verse 29:46,

\begin{quote}

*And do not argue with the People of the Scripture except in a way that is best, except for those who commit injustice among them, and say, ‘We believe in that which has been revealed to us and revealed to you. And our God and your God is one; and we are Muslims [in submission] to Him* to indicate that Islam was tolerant. He argued that there were 125 verses that commanded tolerance in the Quran. The narrow and intolerant understandings of the religion resulted from mistaken interpretations. Sword verses referred only to the Prophet in his wars with the polytheists of Arabia who had persecuted him and the Muslims. The Prophet’s wars were therefore always defensive. (Sharif 2008)

`Abdu’s most famous and influential student, the Syrian born Muhammad Rashid Rida, argued that the greater jihad was the jihad of the self, and the lesser was the one of the sword. He pointed to verse 2:190 (“*Fight in the way of Allah those who fight you but do not transgress. Indeed. Allah does not like transgressors*”) to argue that Muslims could not start wars and were limited to defensive wars. The relation of Muslims to non-Muslims who did not fight them was therefore peace. The *jizya* (poll tax) had been the form of political relation the Persians had established with their subject
peoples. The Arabs simply followed an earlier custom, and did not intend to humiliate or bring anyone low. (Sharif 2008)

What is of significance is that this anachronistic reading of history has, outside of certain quarters, become the mainstream of Islamic apologetics. These same arguments continue to be advanced today, not in response to Orientalist attacks, but for committed Muslims. For instance, the popular and influential preacher al-Qaradawi (see Chapter 1) makes a similar argument. Qaradawi, whose show on Al-Jazeera satellite network reaches Muslims throughout the Arab world and beyond, is adamant in his calls for defensive jihad, particularly against the US-led occupation of Iraq. His understanding of jihad, however, echoes `Abdu. The early conquests, he argues on his website, were intended to liberate the subjects of the Persians and Byzantines from their tyrannical rule86. They were aimed at breaking the structures of the tyrannical rule that prohibited the Muslims from preaching their religion peacefully. In a book directed at the militants, he argued that militants who had attacked Muslim and Western civilians were misguided (Qaradawi 2009). They had taken the absurd position that a handful of sword verses in the Quran could abrogate over one hundred verses that commanded tolerance of other religions and the peaceful propagation of the faith. Jihad, for Qaradawi, is a mostly defensive doctrine, although it may be initiated in cases where religious freedom is denied (as was the case, supposedly, with the ancient Persians and Byzantines). But since Muslims enjoy freedom throughout the world, jihad cannot be declared against those who have not invaded Muslim lands.

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Qaradawi is only one example of this modern concept of jihad. Numerous iterations of this approach to jihad appeared in the 20th century. Haykal (1996) counted over twenty Islamic authors of note who argued that jihad was defensive. This understanding of jihad continues to be propounded in Islamic writings, from dissertations to the writings of the heads of al-Azhar (Shaltut 1982). As will be seen below, the doctrine of offensive jihad returned in force in 1970s, the implications of which will be examined in the following section.

**Slavery and Abolition**

A similar development occurred with the issue of slavery. Islam came upon a historical tradition of widespread slavery inside and outside of Arabia. Within pre-Islam Arabia, slavery had an established tradition that followed the customs of the wider Mediterranean: slaves could be obtained from raids on other tribes, from the capture of individuals, and from non-payment of debts. Slaves could be put to work domestically, in tending herds or in fields, and as prostitutes (Brunschwig 1999). The offspring of slaves were slaves, and the children of a free man and a slave woman were also slaves unless the father elected to emancipate them.

During the early years of the Prophet’s message he appealed to both slave and free with a message of equality. Several slaves were among his earliest and most loyal companions, some of whom were purchased and emancipated by the wealthier converts. Revolutionary in the context of 7th century Arabia, Islam regulated the institution in favor of the slave. As opposed to the myriad sources of slavery in pre-Islam Arabia, Islam forbade the capture of free persons or the enslavement of debtors.
(Clarence-Smith 2005). It preached the spiritual equality of Muslim slaves, and recommended their manumission as acts of piety and for the expiation of certain sins. It also forbade setting them to work as prostitutes (Clarence-Smith 2005). Muslim slaves were elevated to the position of brethren and numerous sayings of the Prophet commanded that slaves be treated well and with dignity, not worked too hard, and be allowed to purchase their freedom if they requested it (Clarence-Smith 2005). Muslim men were encouraged to marry and free their slave girls. As Clarence-Smith notes, Muslims were early on forbidden from taking ‘People of the Book’ captives, including Jews, Christians, Muslims, and later Zoroastrians. Slaves were granted certain legal rights, particularly to life and freedom from bodily harm, and the right to appeal to the ruler if they felt their condition had been too harsh.

The attitude of early Islam in the 7th century may have been revolutionary in its context. However, slaves remained the property of their owners, and complete abolition was not preached. In fact, by regulating the institution, Islam appeared to tacitly approve it. As Brunschwig (1999) notes, certain verses in the Quran may be understood to indicate that the institution was “in accordance with the divinely established order of things.” He points to verse 16:71 for instance, which reads

And Allah has favored some of you over others in provision. But those who were favored would not hand over their provision to those whom their right hands possess [i.e. their slaves] so they would be equal to them therein. Then is it the favor of Allah they reject?

The sources by which new slaves could be acquired were limited to two, the first being the offspring of existing slaves. The second, which as Clarence-Smith (2005) notes is the only source of new slaves mentioned in the Quran, is from among combatants captured in war. For instance, verse 47:4 reads
So when you meet those who disbelieve [in battle], strike [their] necks until, when you have inflicted slaughter upon them, then secure their bonds, and either [confer] favor afterwards or ransom [them] until the war lays down its burdens. That [is the command].

While Islam’s attitude towards slavery may have been more progressive than Greek or Roman laws, Islam did not preach complete abolition (Brunschwig 1999). In fact, the regulations it set on the custom shaped the Muslim discourse on slavery for the next 13 centuries. Following the death of the Prophet, who had himself taken slaves in his wars in Arabia, the Muslim attitude towards slavery was one of acceptance and regulation. Clarence-Smith shows how verses such as 47:4 that appear to command the Prophet to take captives and then allow them to be ransomed (an Arabian custom) or to show them kindness, could be abrogated by later scholars. Sword verses like 8:39 (above) could be taken to command perpetual war against the unbelievers, “with enslavement then presented as a merciful substitute for death” (Clarence-Smith 2005, 26).

The writings of the seminal figures of classical Islam mentioned in this work, among whom are the founders of Sunni orthodoxy, exhibit this bivalent attitude. They may be credited with articulating the Islamic position that the natural condition of humanity is freedom, (al asl huwa al-hurriya, the basic principle is liberty) (Brunshwig 1999). This is particularly evident in their prohibition of enslaving foundlings, who were presumed to have been born free. As Clarence-Smith notes in his extensive study of the history of slavery in Islam, the jurists did not make “exceptions for foundlings, debtors, or criminals,” none of whom could be legally enslaved (2005, 22). The institution itself, however, was seldom questioned. For instance, Ghazali treated in detail the ethics of treating slaves, recommending the mild treatment of slaves, their manumission, and the
sale of the slave if the master and slave did not get along. But he did not offer a justification of the institution (Clarence-Smith 2005).

More importantly, the Quranic verse which allowed the enslaving of combatants was given a more extensive meaning by some jurists. Ibn Taymiyyah, perhaps reflecting his troubled times, argued that jihad, being the punishment for unbelief, extends to everyone outside of Islam and outside of those non-Muslims who had a covenant of peace with the Muslims (*Fatawa*). Jihad, in his telling, is punishment for those unbelievers who are at war with Islam (*al-kufr bishart al-muharaba*, unbelief with the condition of war). But all unbelief, he argued, by definition puts the unbeliever in a state of war with the Muslims (*al kufr ma` al muharaba muwjud fee kul kafir*, disbelief with war is in every person who disbelieves). Any non-Muslim who is not in a covenant of peace with the Muslims may therefore be fought and enslaved. He extended this rule to include the civilians outside of the actual battlefield, including the offspring and women of the fighters. He even allowed the purchase of debt-slaves from non-Muslims (Clarence-Smith 2005). In the 15th century the Ottomans required all slaves to have been legally obtained in religious wars. The documentary evidence, however, was issued by the authorities themselves, the documents “in effect becoming an import duty” (Clarence-Smith 2005, 33). The Ottomans also levied tribute in slaves on non-Muslim (and some Muslim) subjects. And while declaring jihad was the prerogative of the caliph, after the demise of the caliphate, local rulers, particularly in Africa, could rely on jurists to declare jihad for them in order to obtain slaves from among non-Muslim Africans (Clarence-Smith 2005).
In Clarence-Smith’s words, where the *sharia*, the holy law of Islam, predominated, the definition of slavery was simple and precise. Slaves were chattels, similar to livestock in many respects, and yet they possessed certain carefully circumscribed rights, arising from their undeniable humanity. They were not slaves because they were ‘outsiders’, although many happened to be in that category, but because they were born as slaves, or had been rightfully enslaved (Clarence-Smith 2005, 2).

And while the number of slaves in Islamic history is in dispute, it was no doubt staggering. Slavery continued well into the 19th and early 20th century in Ottoman lands. In Arabia slave markets were seen as late as the 1920s (Clarence-Smith 2005), and slavery was not officially and practically abolished in Saudi Arabia until the 1960s.

The drive for abolition among Muslims did not begin in earnest until the 19th century. As noted above, with European contact came exposure to European Enlightenment ideals, Orientalist attacks on Islam, and pressure from dominant European powers. In the case of the Ottoman Empire, as Toledano (1998) has shown, British pressure to end the traffic in slaves, particularly African slaves, led to several state policies aimed at curbing slavery. Similarly in Egypt, British authorities had a role in indirectly, and later directly, abolishing the slave trade. Enlightenment ideals also appealed to reformist Muslims who adapted the language of abolition and began to articulate Islamic foundations for abolition. Some Muslims also engaged in a defense of Islam against the Orientalist attacks on the religion, thereby articulating apologies for Muslim slavery from within the Islamic discursive tradition, in the process expanding Islamic ideals of liberty and freedom.

The study of the history of abolition of slavery in Islam has not received extensive study. Toledano (1998) and Clarence-Smith (2005) offer two of the most
comprehensive accounts. Both scholars show how a combination of external political pressures, coupled with Muslim apologies and the activism of Muslim abolitionists contributed to the legitimization of prohibiting what had been considered a divinely sanctioned institution. As Clarence-Smith notes,

Islamic abolitionists may have played little part in ensuring the passage of laws against slavery, but they played a vital role in turning the shadow of legislation into a lived reality. As long as significant numbers of Muslims believed that servitude was legitimate, suppression proved to be a labour of Sisyphus. Slavery continued to function after secular laws had declared the institution to be defunct, with qadis [judges] or private arbitrators interpreting the holy law in private. (2005, 19).

It was only after abolition received an articulation from within Islam that abolition was widely accepted. In Clarence-Smith’s words, Muslim rejection of slavery was no simple response to Western pressure. It is impossible to know whether there would ever have emerged a powerful current of abolitionism without the Western challenge, but the Islamic debate was clearly rooted in arguments that stretched back to the origins of the faith. The foundations of slavery in the original texts were weak, exacerbating a permanent tension between religious belief and social reality. These internal contradictions facilitated the crafting of Islamic arguments for abolition (2005, 19).

Toledano (1998) has shown how Islamic arguments for abolition began to appear among the Ottoman Turks in the 19th century. Among the Arab subjects of the Ottomans, a similar argument developed among the modernizers and reformers. Reformers such as Tahtawi and `Abdu had developed the conceptual framework through which the Islamic past was to be reconciled with the modern age. The most powerful and widely read argument came from an Egyptian Ottoman who wrote in French in response to an attack by the French Cardinal Lavigerie on Islam for its sanction of slavery. In a lecture given in Paris in 1888, the Cardinal attacked Islamic law, the shari`ah, as the cause of the African slave trade (Clarence-Smith 2005). Ahmad Bek Shafiq, an associate of Rida,
‘Abdu’s student, responded to the Cardinal in a series of lectures in French that were later collected in Arabic translation under the title *Slavery in Islam (al-Riq fee al-Islam)* (1892). Shafiq, himself the son of a Circassian concubine, attempted to exonerate Islam of the Cardinal’s accusations, and in the process created the Islamic apology for slavery that would dominate the discourse on the topic for the next century.

Shafiq argued that Islam had always intended to abolish slavery. It had started by regulating the institution of slavery in favor of the slaves. He compared the rights of slaves in Islam to the harsh treatment of slaves in Europe, recounting forms of the institution in Europe from the Romans to the European colonies in the Americas. But the rules that Islam established in regulating slavery were not only intended to ameliorate the condition of slaves, it also intended to gradually “dry up the sources of slavery” (*indab manba`ih*) (Shafiq 1892, 55). By limiting the sources of new slaves to just wars and the offspring of slaves, and by commanding the manumission of slaves as acts of piety and for the expiation of sins, Islam would have gradually dried up the sources of slavery.

Islam opted for gradual abolition, he argued, because the extensiveness of the custom made immediate abolition impossible. Shafiq further recommended the immediate abolition of slavery among Muslims. Existing slaves among the Muslims, he argued, could not be shown to have been captured in a just jihad. The legality of their enslavement was therefore suspect, and the proper course of action is to abolish slavery completely, finally bringing the gradualist aim of Islam to fruition.

Shafiq’s gradualist argument became the dominant Muslim apology for slavery for the next century. ‘Abdu’s student Rida made a similar argument (see Chapter 2) in the early 20th century. Rida noted how immediate abolition in the United States had
left the slaves impoverished, forcing them to fall back on the mercy of their old masters. At the time of Rida’s writing, slavery continued to exist in Saudi Arabia and Yemen, making Rida’s argument not only apologetic, but abolitionist. In the 1960s the gradualist argument received a further refinement from a surprising source. Sayyed Qutb, as will be discussed below, was among the founders of the militant ideology of jihad in the latter half of the 20th century. His position on slavery, however, echoed that of Shafiq and Rida. Islam had always intended to abolish slavery, he argued, but was limited by the nature of international relations (Qutb 1978). The custom in medieval war was to enslave captured enemies. The Muslims could not abolish slavery because abolition would tie the hands of Muslim rulers in negotiations over the fate of Muslim captives. This is why a verse like 47:4 (above) allowed the Muslim ruler the option of freeing or enslaving captives on the battlefield, in order to secure the release of Muslim captives. Once the international system itself had changed and there were treaties that regulated the imprisonment of captives, Muslims could no longer legitimately enslave war captives and slavery had to be abolished.

Variations of the gradualist argument for slavery continue to dominate discussions of the topic today. But like the apologies for the defensive nature of the early conquests, the transformation was built on an anachronistic reading of history. The writings of the orthodox jurists leave no doubt that they had accepted slavery as divinely sanctioned, like they had understood offensive jihad as intended to expand Islam’s domain. The modern jurists and preachers fail to present any support from the historical record or the writings of the classical jurists for their modern apologies. The argument that the early conquests were aimed at liberating the subjects of the Persians and
Byzantines, for instance, is difficult to square with the historical accounts of the sacking and enslavement of the subjects of rulers who refused to convert or pay jizya (as recounted in Tabari’s history (above)). Similarly, they have not advanced any support from the classical jurists for their argument for gradualist abolition.

**Reason and Anachronism**

The difficulty for the moderns is compounded by their failure to articulate their ethical epistemology, and in their insistence on avoiding the appearance of having broken with the classical jurists. Their positions on slavery and jihad, when taken to their logical conclusion, would indicate that the classical jurists did not understand their religion, and that a whole millennium of Islamic history was simply the history of the misapplication of the religion, both of which are positions the modern jurists and scholars are loathe to accept.

The anachronism of the 19th century apologists reveals the tacit acceptance of the ethical values of European Enlightenment that were then read back into the scriptures and the historical record. And while the scholarship involved in the anachronistic reading of history is far from objective and careful, it reveals the extent to which Enlightenment ideals had been accepted by Muslims. The very conception among Muslims of the nature of humanity and its inherent freedom had been transformed, along with the Muslim conception of international relations. The modern authors responded to the widespread acceptance of the ideals of European Enlightenment among their populations by reinterpreting verses like 47:4 to argue for abolition, and have given priority to verses that command tolerance over the sword verses. But this manner of
argument also reveals an important weakness in the masked rationalist approach to
religion. As the following section will show, by the latter half of the 20th century a
traditionalist backlash was taking shape that would exploit the anachronisms of the
rationalist approach to full effect. The following section examines the transformation in
the 20th century of the discourse of political Islam from one dominated by calls for reform
to ones characterized by traditionalist literalism and calls for an Islamic state.

Political Islam in the 20th Century

`Abdu’s generation established the discursive bases of how many Arabs
and Muslims would continue to view the West – as a model of modernization and
progress that needed to be understood and learned from, as well as a source of colonial
threat and domination. After the First World War the latter aspect of Europe’s relation to
Muslims became dominant in the writings of both nationalists and Islamists. The First
World War ended with the majority of the Arab world occupied or administered by
Europeans, mostly the French and the British, but including Spanish and Italian enclaves.
Local and Arab nationalisms, whose seeds may be found in the writings of Tahtawi and
`Abdu, came to dominate the political rhetoric.

During the interwar period the most influential Islamic political group in
the Arab world was founded. Hasan al-Banna established the Muslim Brotherhood in
1928 in Egypt. Al-Banna had been an associate of Rida, `Abdu’s student. He developed
the mix of proselytizing, charity work, and political activism that has made the Muslim
Brotherhood the most successful Islamic group of the 20th and early 21st centuries
throughout the Arab world. But opposed to `Abdu and the early Rida, the burning issue
was no longer the manner in which to learn from European modernity. The adoption of European ways for Banna had gone too far in all aspects of life. More importantly, the Ottoman caliphate had been abolished by the Turks in 1924, leaving the Muslims for the first time in history without even a nominal caliphate.

Politically, Banna accepted democracy as a form of Islamic *shura*. His experience was marked by Egypt’s political life in the interwar years, during which the British authorities and the monarchy established a toothless constitution, and allowed entrenched aristocratic powers to combat liberal and nationalist political parties (Botman 2008). The answer to the chaos and ineffectual governments of this period, according to Banna, was to return to Islam and the full application of the *shari`ah* (Abu Faris 1999). This would be accomplished by banning the divisive political parties, and replacing the parliament with a legislative body through an electoral process that ensured that only the people of *hal wal `aqd* could be elected – they would include religious scholars, leaders of neighborhoods and tribes, and technical experts – and bringing the constitution in line with Islam (Abu Faris 1999). This marked the beginning of a political program that aimed at establishing an ‘Islamic state’ – differentiated from other states by its application of the *shari`ah*. For Banna this would only be achieved if the society itself was transformed and brought back to Islam, cleansing it of European influences and customs (Abu Faris 1999). The transformation of society would therefore require a mix of proselytizing and activism, leading to the gradual reform of the Muslim population before Islamic governments could be established. Once Islamic states had been established in each country, a united Islamic body would naturally arise.
While the Muslim Brotherhood spread quickly throughout Egypt, and later in many Arab countries, Islamist political discourse in this period had to share the discursive space with other ideological articulations of Arab hopes and grievances. Nationalist, socialist, and to a lesser extent fascist ideologies gave powerful expression to the grievances of the Arab populations with colonial domination and the alliances of local aristocracies with the colonial powers. Following independence from European colonialism during the 1950s and 1960s, the post-colonial Arab experience was marked by a quick succession of military coups that replaced the local aristocracies with the republican governments of military officers. The military officers came to power, in a trend similar to the experience of Latin America during these years, with populist promises of socialism, full independence from Western domination, and quick modernization. The new rulers quickened the pace of secularization of the state and society, minimizing the role of religion in education and the courts, granting more rights to women, and establishing European legal codes.

By the 1970s, however, the military governments had failed to deliver on most of their promises, and differed little from the surviving Arab monarchies. In some cases, the republican governments had established oppressive structures that surpassed the latter in their brutality and corruption. By the 1990s, presidents of putatively socialist and ‘democratic’ Arab republics were endeavoring to have their sons inherit their presidencies, supported in most cases by military and business elites.

From the prisons of the republican governments a new, more combative and militant political Islam arose. A new leader of the once gradualist Muslim Brotherhood, Sayyed Qutb (d.1966), took the argument for an Islamic state to a new
extreme. Banna had divided governments into Islamic and un-Islamic, the difference being the application of the shari`ah. But Banna, for the most part, was open to contesting elections under an un-Islamic constitution, with the aim of gradually moving the state into full adherence to the shari`ah. Qutb (1990 (1964)), however, took the division of Islamic and un-Islamic to apply not only to law, but to society itself. There were two societies, differentiated by their adherence to Islam. Societies that lived according to Islamic law were Muslim, whereas societies that lived according to non-Islamic laws were living in a new jahiliyah. Jahiliyah in Islamic discourse refers to the life of the Arabs before the revelation of Islam, marked by barbarity and ignorance. For Qutb, modern societies ruled by laws developed outside of Islam were all living in jahiliyah, and this included Western societies as well as Muslim societies living under secular governments.

For Qutb, all ideologies of the day, capitalist or communist, were forms of slavery of man to man (hakimiyyat al-bashar, rulership of humanity) (1990). Both systems enshrined materialism, and were facades for the government of the few over the many. And this case could not be reformed or changed, according to Qutb, because all systems based on human reason were necessarily flawed. Human reason was incapable, by its own limitations, from developing a just political system that would free man from slavery to man. Only through divine revelation could such a system be established. Islam, he argued, echoing Ibn Taymiyyah (Chapter 4), was that revelation, and human reason, by giving priority to the text of the revelation, could establish a just state which would apply the shari`ah that was intended by God to free humanity from bondage to one another. Secular governments, and the societies that supported them or did not actively
fight them, were all living in *jahiliyah*, un-Islamic barbarity and ignorance. It was the role of the vanguard of the Muslims to wage jihad on both those states and societies that supported them in order to bring the world under the rulership of God and the true freedom from the bondage of man to man (Qutb 1990).

Qutb was executed by Nasser’s regime in 1966, but his writings inspired a new generation of Islamists. From the 1970s to the 1990s, jihadist groups battled secular Arab governments with the goal of establishing an Islamic state. They also directed their attacks at the symbols of the westernization of their own societies, targeting secular intellectuals, artists, and entertainers for assassination. In most cases, the jihadists could not garner more than marginal support among Muslim populations.

Some of the support for Qutbist jihadist groups would come from an extreme literalist articulation of contemporary Islam, generally referred to as Salafism. To call oneself a Salafist (Chapter 1) is to declare the strict adherence to the Islam of the pious predecessors (*salaf*) over the interpretations of the *khalaf* (later generations) (al-Sili 1993). Salafism refers to an approach to Islam that gives priority to the literal text of the revelation over rational or metaphorical interpretation, and gives priority to the interpretations of the pious predecessors, including the founders of the classical schools of Islamic jurisprudence (Hilmi 1991). Salafism is a general approach, defined above all by its strict literalism, with many individuals and groups operating independently. Since the 1970s, Salafist proselytizing organizations have gained popularity throughout the Muslim world, preaching a return to the literal interpretation of the scriptures, and the strict adherence to an imagined model of the life of the first generation of Muslims in all aspects of one’s personal life. Politically, many Salafists were quietists. Some groups
justified their position as the classical notion of obedience, even to an unjust ruler. Others rejected democracy and elections as foreign innovations that lend legitimacy to un-Islamic secular governments. A minority of Salafists, however, would form the backbone of Qutb-inspired jihadist groups.

Salafists trace their intellectual origins, with some variety, to Ahmad ibn Hanbal, the champion of literalism against the Mu'tazila (Chapter 2) and Ibn Taymiyyah (Chapter 4), who rejected rationalist epistemology in favor of literalism and the emulation of the previous generations. Contemporary Salafists are therefore more keenly aware of the moderate Muslim break with the classical legacy, particularly on matters relating to war, the rights of women, and government, and have been able to mount an effective criticism of moderate Islam. Increasingly since the 1980s, Salafists cite Muhammad Ibn ’Abdel-Wahhab as an intellectual influence (Abou el Fadl 2007).

’Abdel-Wahhab, the founder of what would become the Wahhabist movement in Saudi Arabia, was an 18th century Arabian activist. Abdel-Wahhab developed his ideas in his bid to combat Islamic mysticism and the cults of saints in his native Arabia. His mature approach was characterized by literal adherence to the text of the scriptures, and the violent intolerance of different Islamic sects, particularly Shiites. His early preaching was met with resistance from among established jurists for his intolerance of other Muslim sects and for the brutality with which his supporters would punish even the slightest doctrinal deviations from his literalist understanding of Islam (Abou el Fadl 2007). He achieved wider success only after allying himself with the tribe of Saud. The Saudis gave the force of arms to the ideas of Ibn Abdel-Wahhab, and he in turn provided religious sanction to their raids on other Muslim tribes and cities, initiating a symbiotic
relationship that continues today between Wahhabist preachers and the Saudi Arabian monarchy. By the early 20th century, the continuing alliance between the Saudis and Wahhabist preachers, coupled with the support of the British (motivated in part by a desire to protect their holdings in the Arabian Gulf), would come to dominate most of Arabia, including the holy cities of Mecca and Medina, resulting in the modern kingdom of Saudi Arabia.

As Abou el-Fadl (2007) notes, the combination of oil wealth with the legitimacy gained by Wahhabist control of Mecca and Medina helped Wahhabist Salafism infiltrate, and to a large extent dominate, Salafism throughout the Muslim world. This explains the contemporary addition, mentioned above, of Abdel-Wahhab to the likes of Ibn Hanbal and Ibn Taymiyyah. The latter were accomplished jurists who advanced literalist approaches to the scriptures after providing complex internal critiques of rationalist systems of thought. Abdel-Wahhab was not an accomplished jurist, and as Abou el Fadl (2007) notes, advanced the simple Bedouin Islam practiced in his native Najd in Arabia as the single and universal Islam, which he combined with a violent intolerance of rationalism, philosophy, Sufism, Shiism, and other Sunni groups. Wahhabist proselytizing funded by state oil-wealth allowed the Wahhabists to co-opt the majority of Arab Salafist groups, until by the 1980s the two were almost indistinguishable (Abou el Fadl 2007). Politically, Saudi Arabian Wahhabism is quietist in its own country, preaches obedience to the rulers, and the application of the shari`ah.

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87 As Abou el Fadl (2007) observes, Wahhabist oil money has had a direct and profound influence on salafism in a region steeped in poverty. For instance, Saudi-Wahhabist money has a determining influence on which salafist groups and preachers receive funding, whose works get published, and which individuals might receive employment in Saudi Arabian educational institutions.
Disaffected Saudi Arabian Wahhabists, however, would join with other jihadists from throughout the Arab world, first in Afghanistan, and then in their native countries, to battle Arab governments. By the 1990s most of the jihadists were defeated in the Arab lands. Life was breathed into the groups through the alliance of al-Qa`ida, itself an example of the alliance of Saudi Arabian Wahhabists with other Arab jihadists, with the Taliban in Afghanistan and the terrorist attacks of 9/11 in the U.S. The result has been a rebirth of many jihadist groups on the fringes of the Arab world, particularly in Yemen, the Sahara, and in Iraq following the US led invasion in 2003.

Since the 1970s, the jihadists and other Muslim groups have battled numerous Arab governments, without success. The bloodiest encounters took place in Syria and Egypt in the late 1970s and early 1980s, and again in Egypt and Algeria in the 1990s, with limited terrorist attacks in other Arab states. In all cases, not only were the jihadists ineffectual in overthrowing or seriously threatening existing governments, their more important goal, that of inspiring a mass movement, did not transpire. The success of the Iranian revolution in 1979 has been cited as having an inspirational influence on the combativeness of militant and political Islamic groups. But throughout the Arab world, not a single Islamic group was able to weaken secular Arab states through violent confrontation. To the contrary, the militants were reviled by their populations, particularly in Egypt and Algeria, for their brutality, giving further legitimacy to the oppressive secular governments who could present themselves as the defenders of moderate Islam.
Alongside the dramatic developments in political Islam, a more subtle shift was transpiring, starting in the 1970s and 1980s, and gaining widespread consensus by the 1990s. A new generation of Islamic thinkers, many of whom are members of the Muslim Brotherhood or have been associated with it, started to reintroduce the 19th century arguments for Islamic democracy. Following the execution of Qutb, the leadership of the Muslim Brotherhood distanced itself from some of his extreme writings, returning to the argument for gradual change developed by the founder of their group. Islamic writers, including scholars, traditionally trained jurists, lawyers, and judges, began to re-capture the arguments of `Abdu and his generation. Where Qutb and the Salafists rejected democracy as legislation by the people that was opposed to the legislation by God, the new generation argued that democracy could be Islamic if the constitution established that the state was Islamic. Like the Salafists and Qutbists, the moderates argued that an Islamic state was one that applied the shari`ah. But unlike the Salafists, they accepted democracy as a system that provided the best means of producing such a government by making it accountable to its people (Tamimi 2007). And unlike the Qutbists, they rejected the dichotomy he had created that declared states and societies that abided by non-Islamic laws as apostates. Instead, the new writers acknowledged that the Muslims had gone through long periods of Western domination and indigenous secularization, and that the road back to Islam needed to be gradual, peaceful, and focused on raising awareness.

To this end, a new generation of Islamic writers began a process of rearticulating their support for democratic politics. Their writings echo those of `Abdu
and his generation. By the early 1990s, these ‘New Islamists’, to use Baker’s (2003) idiom, were arguing for an Islamic democracy that would establish democratic governments that differed from Western forms of democracy by the enshrinement of the *shari`ah* in the constitution. Their arguments for Islamic democracy, as shown in the studies of Baker (2003) and Arjomand (2007), and in the electoral programs of the Muslim Brotherhood (Rutherford 2006), echo the 19th century arguments for Islamic democracy. Terms such as *shura* and *ahl al-hal wal `aqd* were once again used to legitimate democratic government.

The contemporary Islamic argument for democracy, Tamimi (2007) has argued, arose in reaction to the rejection of violent confrontation with the secular states. But more importantly, the new Islamists, including preachers like Qaradawi, judges, lawyers, and journalists (Baker 2003), were responding to a new consensus among their own populations. We have ample evidence from surveys of public opinion in the Arab world for support for democracy. We have more resounding evidence, however, in the Arab Spring. Like the ‘Urabi Revolution over a century ago, but succeeding where it had failed, the Arab Spring raised the banner of constitutional, democratic government. The revolutionaries in the Arab Spring were motivated by a desire to live in free, just societies. They did not declare their desire for a modern Islamic government of clerics, nor did they opt for a return to traditional forms of government.

The process through which democratic ideals entered Islamic discourse has been referred to by some commentators on the Middle East as a process of secularization. Arkoun (1996), for instance, has noted that the modern Islamists, whether traditionalist Salafists

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or reformists, had all embarked on a process of secularization once they entered politics within the structures of the modern state. Hashemi (2009) has argued that in populations where the primary marker of identity is religious, secularization, understood as the independence of the government from the oversight of religious powers, will be articulated in religious terms. He further notes that the puritan strain, referred to here as the traditionalist backlash in the late 20th century, was a reaction to modernity that had parallels in the European experience in the 16th century. Both commentators are correct. They leave open the question, more so in Arkoun’s case, as to why Muslims are increasingly calling for democracy.

The Triumph of Reason

One possible answer lies hidden in the observation made in the previous sections regarding the masked rationalism of the 19th century reformers. It also answers the question, raised infinitely in Western academic studies of the Middle East of the ‘compatibility’ of Islam with democracy. Muslims were not forced to abandon their classical notions of offensive jihad or, outside of Saudi Arabia, the institution of slavery, especially after the end of colonialism. Instead, Muslims were quick, like the majority of people around the globe, to recognize that slavery was unjust, international relations should be established on a basis of peace, and governments should be accountable to their people. These ideals that were given their most powerful expression in the modern age in the European Enlightenment are not European inventions. They have been accepted by both Europeans and Muslims because they are true. They do not reflect a desire among
Muslims, as extremists contend, to emulate the West. They are accepted because they are objectively valid.

Literalist circles continue to denigrate some of the transformations in Islamic thought (and Europeans supported Fascism not along ago). For instance, jihadist groups continue to argue, supported by the classical jurists, that jihad is offensive and is intended to establish Islam’s worldly supremacy. One influential Saudi Arabian jurist, al-Fawzan (2004) (see Chapter 2) declared Sayyid Qutb an apostate because he argued for the abolition of slavery: If the Quran allows it and the pious predecessors practiced it, then slavery is permitted by God and to abolish it is an act of apostasy.

Fortunately, however, the jihadists are a marginal, although by no means harmless group, and no Muslim of note has taken Fawzan’s absurd demand for the return of slavery seriously (just as European fascism has receded to the margins of society). The vast majority of Muslims have rejected slavery, based not simply on Western pressures, but on an articulation of the abolitionist position from within Islamic discourse. What this reveals, as noted above, is that there are objective truths about human nature and about the nature of good and evil that the Muslims have accepted because they are true, regardless of who may have expressed them. To put it more provocatively, the Mu’tazila had won, a thousand years after their demise.

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89 A short polemical work appeared in the late 1970s and early 1980s, entitled *Al-Farida al-Gha’iba (The Absent Obligation)* (Chapter 1) authored by the Egyptian militant Abdel-Salam Faraj (executed in 1982 for his role in the assassination of President Sadat). Faraj (2000) extended Qutb’s call to jihad against secular rulers. He attacked moderate Muslims for their defensive notions of jihad, and argued that true jihad was intended to bring the whole world to Islam, by force if necessary. He supported his argument by referring to the classical jurists’ definitions of jihad. His work continues to be disseminated by militant groups.
What has occurred, then, is that certain notions of human nature, the status of good and evil, and what constitutes a good life for humans, have been shown to have an objective, ontological status that is knowable to reason. To argue otherwise would be to accept the denigrations of the literalists, who criticize moderate Muslims for emulating the West. As long as Muslims reject slavery, an institution sanctioned by the Quran and practiced by the Prophet, or reject offensive jihad as unjust, they will be open to the criticism of the extremists. In the field of debate, the moderates are advancing. But their failure to answer this important criticism leaves them open to effective attack by extremists.

Towards a New Islamic Political Theory

One possible response is to accept that the Mu’tazila had captured a notion of truth. Justice does indeed have an ontological status, and good and evil are knowable through reason. The history of rationalist Muslim thought reveals a continuing search for the foundations of that justice. The Mu’tazila argued for the ontological status of justice and the rational epistemology of good and evil, as did the philosophers. In the political sphere, the Mu’tazila argued that the caliphate should therefore be accountable to the people, and that revolution was an inherent right of the community to remove an unjust caliph. Ibn Rushd noted how the shari`ah had failed to establish enduring just states. Just states, he argued, require secular laws that enshrine justice. The abilities of women for Ibn Rushd were not knowable through the scriptures, but through reason, through a process of induction that revealed that women were equal to men in all aspects. Ibn Khaldun showed how the history of Islam was the history of domination, and that
ideational commitments of the rulers to shari`ah do not suffice to establish just states. When we compare the political thought of the 19th century reformers, or the more orthodox ‘new Islamists’ to the classical rationalists, we find that the classical rationalist political arguments have been vindicated.

This does not deny, of course, that even in the traditionalist literature there existed notions of a common good. Ghazali's five objectives of the revelation (Chapter 4), the protection of life, property, offspring, intellect, and the religion are such an example (as is the largely similar enumeration by Ibn Taymiyyah of the rights of humanity (Chapter 4)). Traditionalist Islamic political thought, in its classical articulation, was an articulation of a vision of a common good. The insistence on obedience to unjust rulers, for instance, points to one vision of the common good that prefers one evil (tyranny) to another (civil war). The prohibition against the enslaving of monotheists, or the limitation of slavery to combatants in war were also recognitions that slavery is not part of a good life for humans. All the debates presented in this work are debates between competing visions of what constitutes a common good or a good life for humans. The argument of this work, however, is that the traditionalist/literalist forms of reasoning have failed to advance our knowledge of the truth of human nature, and thus its implications in how we understand what is a good life for humans or how we determine a common good, and will continue to fail in the future.

By recognizing and recapturing the insights of the classical rationalists, we are presented with two important contributions to the political debate in Islam today. First, the classical rationalists, as committed Muslims, reveal that the transformations in the 19th century in central Islamic concepts were not simply an emulation of the West as
the extremists contend. The notions of political justice that were advanced in the 19th century had already been formulated, albeit incompletely, by the classical rationalists. The 19th century arguments for democracy, abolition, and just war were refinements of older ideas, based on empirical, historical developments, all within a single field of investigation. Second, and more importantly, it allows us to theorize the epistemological transformation in the ethical foundations of modern Islamic political thought without having to rely on anachronistic readings of Muslim history.

This manner of argument echoes that of Gilbert (1990). Gilbert has argued that the history of political thought in the Western tradition moved through a series of refinements based on the empirical discoveries of underlying, objective truths about human nature. Aristotle, for instance, had argued that it was unjust to enslave Greeks males because Greek males were rational, with a capacity for freedom and moral personality. Hence to enslave them would be to commit an injustice. He did, however, allow the enslavement of those non-Greeks whom he deemed as insufficiently rational. Aggression against free regimes, according to Aristotle, was an injustice because it put ordinary people to death. Defensive wars against aggression were just because they were waged in the defense of human life. Given these two premises, he recognized the evil of aggressive war against free regimes and the just of defensive wars, but he allowed slave-hunting of those less than fully human as a form of just war. Aristotle also outlined the first human experiment in democratic, deliberative rule, which marked the first regime that was based on a notion of the common good. Gilbert therefore argues that this “registers the initial moral discovery that humans have an equally sufficient rationality, empathy, and sympathy to participate in political life (democracy) and to have rights and
duties (the law)” (Gilbert 1990, 2). The initial ethical discovery occurred in ancient Athens, while the “modern ruling out of slavery registers the dramatic empirical extension of this discovery about human potentials to those wrongly deemed deficiently human” (Gilbert 1990, 2). The argument of the philosophes against slavery following the rise of non-slave based regimes marked the empirical claim that given what we know about human nature and the universal capacity for moral personality, we may rule out ancient justifications of slavery. We now know that there are no deficiently-human humans, which rules out slavery as a just institution or slave-hunting as a just form of war.

The human capacity for freedom stands in a causal relation to the emergence of free regimes. It is because humans have a capacity for freedom that free regimes have emerged in history, and why political theorists, inside Islam and from other traditions have penned defenses of a vision of a good life, a common good, and just war. The recognition of universal human capacity for freedom is part of the explanation of why slave regimes have perished. It captures something objectively existing in humans. Regimes early in human history were despotic, and oppressed humanity had to struggle for its freedom, thereby revealing its capacity for moral personality. This has continued through history, down to the Arab Spring.

As noted above, then, the classical rationalists had uncovered certain truths about human nature, including free will, and the human ability for rational inquiry into the ontological status of justice and ethical judgments. But the Mu’tazila, however, did not reject slavery, and Ibn Rushd accepted offensive jihad. Gilbert’s answer is that our very criteria for rationality unfold historically. We learn about the underlying nature
of humanity through experience. The Muslim reformers in the 19th century accepted the validity of European philosophical ideals, as noted above, not simply for their appeal to their sense of justice, but because they saw that the philosophical underpinnings of European civilization had the marks of success in science, industry and government. In other words, the successes of Europeans marked some underlying truth in their theories about the world. In Gilbert’s idiom, this is a form of moral realism, which is akin to scientific realism. Just as scientific realism posits the existence of sense-independent objects in the world, moral realism posits the objective, ontological status of moral qualities. Science succeeds when our theories about the world capture an element of the true qualities of existing objects, even those that are not open to sensory observation. Similarly, moral realism posits that our theories about human nature are informed by the empirical evidence we gain through the process of history. It is the very success of European Enlightenment ideals in establishing liberal democracy that appealed to Muslim reformers, and that continues today to inspire Arab and Muslim democrats.

By accepting the ontological existence of human moral qualities that are knowable through a historically unfolding reason, moderate Muslims may escape the criticism of traditionalists: Muslim democrats are not emulating Europeans. They are simply recognizing the truth of a human discovery. And this is the very position that the 19th century reformers and the new Muslim democrats claim to have chosen. This situation is even more evident in the manner in which European scientific discoveries bear on the interpretation of scripture.

We may consider, for instance, the verse 36:38, noted by Afghani (2002 (1893)). The verse reads “And the sun runs [on course] toward its stopping point. That is
the determination of the Exalted in Might, the Knowing”. The classical texts interpreted the verse in its literal sense, that the sun moves, presumably around the Earth, a position accepted by Ibn Rushd with some metaphysical implications (Chapter 3). The discovery that the Earth revolves around the sun, as Afghani noted, meant that Muslims cannot but interpret the verse metaphorically. Contemporary tafasir (commentaries on the Quran), even those penned by Salafists, all contend with this verse by metaphorically interpreting it. Some argue that the verse refers to the appearance of the sun moving. Others follow a variation of Afghani’s interpretation. Afghani noted that the words of the verse in Arabic (al-shams tajri li-mustaqarrin laha) may also be understood to indicate that the sun rotates in its place. The word for ‘runs’, according to Afghani, could also be taken to indicate rotation, and the words ‘to its stopping point’ may be understood as indicating a stable point. When understood in this manner, the verse would not contradict science. All modern commentaries on the Quran allow science to bear on their understanding of this verse, with none abiding by the classical (mistaken) interpretation.

It is the argument of this work that this approach to the scriptures has not been, and should not be, limited to the overt cases of scientific discoveries, which even the most extreme Salafists accept as valid. The modern interpretations of the verses regarding slavery and jihad evidence a rationalist approach to the scriptures, albeit one that has not been acknowledged. Moderate Muslims, the overwhelming majority of Muslims, consent to the rationalist interpretation of these verses in accordance with modern ethical values. In fact, by opening the scriptures to this manner of interpretation more consciously, Muslims would find that the denigrations of Orientalists and literalists would no longer apply. The argument that the Quran intended to abolish slavery
gradually, which is even accepted by many Salafists, would receive a firmer ground than the anachronistic reading of history. This understanding of slavery envisions a teleological role for the Quran. Should Muslims approach the Quran as a living book with a teleological goal of emancipation, as they do in the case of slavery, they would find that the Quran lends itself quite readily to a progressive interpretation. Verses which appear to indicate the lower status of women, for instance, would be understood in this contextual manner, an issue of real importance considering that the Islamic political groups in power are arguing for the enshrinement of the shari`ah in the constitution. The Quran, we may argue, established women’s rights, like those of slaves, in a manner that was revolutionary and progressive in its context (Chapter 2). It is up to Muslims, as their reason and knowledge increases through time, and as they learn from the experience of other people, to bring that seed of emancipation to fruition. The Quran, in this reading, would become truly miraculous, as many Muslims like to argue. Instead of bending the scriptures to show how some scientific discovery in the West is mentioned in the Quran, Muslims would find that their scriptures contained the ethical and moral foundations of a just society that cannot be understood, as the Quran commands, and as the Mu’tazila and philosophers continually reminded their contemporaries, without the exercise of reason and the study of the marvels of the world around us.

How, then, might the rationalist form of reasoning of the classical authors work in a modern setting? Consider, for instance, the insistence of the Muslim Brotherhood in Egypt, fresh off their overwhelming success in the first free elections in decades, and supported by the newly formed Salafist Al-Nur party, to add language to the new Constitution that not only refers all laws to the rulings of the shari`ah, but refers
questions regarding the proper interpretation of the shari`ah to Al-Azhar university (Chapter 1). Consider, for instance, how one of the most controversial verses in the Quran, verse 4:34, would inhibit laws affecting women's rights:

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand. (Saheeh International Translation)

The appearance that God would allow men to 'strike' their wives grates on any decent reader. We may also include verse 2:282 which commands that in financial dealings, a single man may act as a witness, or if not, then two women. Or verse 4:11, which commands that sons inherit double the amount that daughters inherit. For literalist salafists, the verses are unproblematic: they are an indication of women's inferiority, whether in ability or status, and indicate that women stand in a dependent relation to men. This gives easy expression to misogynist prejudices. Ghazali, for instance, cites verse 2:282 in the Ihya' in the section on marriage to argue that even though the Prophet was known to be kind and lighthearted with his wives, men should not be too playful as to allow women to lose respect and take control. And even though the Prophet did not restrict women from leaving the house or attending prayers at the mosque, this situation was corrected after his death, according to Ghazali, and women should not leave the house except in emergencies. Marriage, according to Ghazali, is a form of ownership, and women's duties arise from this relationship (Ihya'). In Saudi Arabia (ignoring the even more extreme Taliban), women are restricted from driving, leaving the house without a male guardian, or traveling over a set distance without express permission from a male
guardian. Even moderate Muslims must contend with such verses. Amara (1995), a noted moderate who has written extensively on Islam and human rights, rejects that women are inferior, and notes numerous verses that indicate equality\(^{90}\). Like Ibn Hazm (Chapter 2), however, he argues that we must accept the divine commandments. Women are 'honored', in Amara's telling, by having been given an extra load which they will be rewarded for. A constitution that refers all laws to the *shari`ah* would undermine all the achievements of women in Egyptian (or other Muslim) societies, should the verse be taken literally. If the Salafists, for instance, capture Al-Azhar, existing laws against domestic abuse would be found unconstitutional.

How, then, could we contend with such a verse, armed with the insights of the classical rationalists? The Mu`tazila have provided us with tools through which we may interpret the verses in accordance with God's justice. Ibn Rushd, likewise, developed the ground through which the revelation may be reconciled with external reality. Ibn Rushd noted further that contradictions within the text point to a hidden, deeper meaning that is known only after much learning. In the case of these verses, we start by accepting that God is just. We also know from empirical evidence, like Ibn Rushd once noted, that women are equal to men in status and ability. Additionally, the Quran has numerous verses that indicate that men and women are equal in status, duties, and rewards and punishments. Apart from a limited set of verses, the Quran does not appear to favor men over women. Such a contradiction must, at the very least, problematize the Salafist acceptance of the dependency of women on men.

\(^{90}\) Amara cites verses 4:1, 7:189, 16:97, 30:21, 33:35.
Examining the verse in this way emphasizes the historically specific and conditional language of the verse. Men are "in charge" because of what they have been given and what they spend. This verse may now be historically contextualized, just as Muslims contextualize the verses on slavery. Once women, after numerous struggles, achieved their independence from men, the verse no longer applied. In fact, as Mernissi (1991) has shown, at the time of the revelation Arabian customs did not specify an inheritance for women and trade was the domain of men. The revelation regulated women's lot in a manner that was progressive in its context, and even this incomplete legal status was received by the community with much resistance (Mernissi 1991). There are, of course, numerous ways in which the verse may be interpreted metaphorically or in its historical context. The point of this discussion is only to emphasize that where the revelation appears to defy what we now know of humanity's inherent freedom, equality, and universal capacity for moral personality, the interpretations of the previous generations can no longer serve as the basis through which we understand social reality. This relation must be inverted. The revelation must be viewed in accordance with what now know of the nature of justice, and judge the classical legacy according to its own historical context. The *shari`ah*, as developed and collected by the classical jurists, cannot serve as the foundation of a modern state.

**Conclusion: A Democratic Approach to *Shari`ah* Interpretation**

To this end, this work has argued for a new approach to thinking about the relation of Islam to politics that recognizes the complexity of the historical record. This work has revealed several cases where traditionalist/literalist reasoning has failed to
account for its own modern ethical judgments, particularly in the cases of political justice, slavery, and just war. The classical legacy should no longer form the discursive basis of Muslim approaches to the revelation. This is not a call to the devaluation of the classical legacy, but a call to recognize its historicity. This call is less controversial than it may appear. As this chapter has shown, Muslims have for over a century been engaging in such a process.

This work made two arguments. First, the classical orthodox record was shown to fail to offer a sufficient ground for thinking about politics in the modern world. The classical record's presentation by Islamists as unified, monolithic, and continuous was challenged by examining four moments in its historical development that uncovered significant moments of discontinuity in its record. These moments reveal important historically-specific innovations by classical Muslim figures, the same figures who are used today by Islamists to limit innovation.

This work has also focused on Islamic arguments, arguments developed from within the Muslim tradition, for the insufficiency of the *shari`ah* for establishing justice. This insufficiency that was first acknowledged by Ibn Rushd and Ibn Khaldun is today acknowledged by all Islamists groups who agitate for an 'Islamic' democracy. Groups like the Muslim Brotherhood who continue to call for the application of the *shari`ah* through the constitutional-legal structures of the state have in fact accepted the very failure of the *shari`ah* for political government, regardless of anachronistic arguments of democracy in Islam. They have dropped the central concern of classical orthodoxy with the caliphate, and rejected blind obedience to the ruler. They are, in fact, closer to the Mu`tazila than they are to Ghazali, Mawardi, or Ibn Taymiyyah.
Moderate Muslims are today faced with three options. The first two
options result from a continued privileging of the traditionalist/literalist approach to
reasoning, supported by political groups like the Muslim Brotherhood or Salafists. Such
groups, as seen throughout this work, lack a clear political project other than 'Islamizing'
the state and society. The first group, represented in this work by Qaradawi, are
committed to democracy, even if it is an illiberal democracy. They have tacitly accepted
their inability to present an 'authentic' Islamic political project. Instead, they will be
limited to providing the appearance of authenticity of an Islamic state, largely through the
restriction of certain freedoms. This will continue to empower the extreme
traditionalist/literalist groups, represented in this work by Tu`aymeh. Their political
project is apparent for anyone to see. The Saudi Arabian monarchy is an authentic
implementation of Salafist Islam that is committed to literalism and literalist reasoning,
with its corollaries in obedience to a despotic ruler, who governs for life, without
accountability, and where the shari`ah is made the servant of the rulers, where the wealth
of the city, in Ibn Rushd's idiom, is acquired by the ruler as domestic wealth.

Muslims have a third option. They could recognize the process that they
have already initiated in the 19th century, which reflects their own complex tradition of
approaching the revelation through the discoveries of reason, and which approach the
shari`ah as an open instead of a closed text. This was the project of the classical
rationalists. The Mu`tazila and Ibn Rushd elaborated complex theological arguments,
from within Islam and as committed Muslims, through which reason and revelation may
be reconciled, and through which justice may be enshrined at the heart of our
understanding of the divine. Instead of establishing the shari`ah in modern constitutions,
thereby granting one group or institution custodianship over the meaning of the divine, the relationship of religion to the state, in the words of Ghalyun (2007) should be navigated democratically, opening it to reform and change in accordance with human knowledge and discoveries.

Of equal importance is the failure of the political project of a *shari`ah* state to offer anything beyond a restrictive criteria that will judge laws based on their compliance with the Islamic laws. The Muslim political experience will thereby be limited to cautious emulation of circumscribed or excised legal institutions and doctrines established in advanced economies. A conception of truly just laws that are aimed to empower, such as Khan's (2011, 2012) argument for 'deep democracy' where the social, political, and economic conditions exist for the empowerment of individual freedom cannot arise in such a setting because the discursive field has been limited to emulation, either of the previous generations, or of the wealthy, and hence successful 'West'. We see evidence of this in the Muslim Brotherhood adherence to formal democracy in a setting where the Muslim Brotherhood is guaranteed a solid electoral majority. The undemocratic behavior of the Brotherhood in Egypt, for instance, particularly its draft constitution in 2012, is ample evidence of the absence of any substantive commitment to democracy as a free political and social system, or to ascribe to it any economic egalitarian dimension.

Recapturing the insights of the classical rationalists has uncovered the movement of political thought in Islam, a movement that defies easy categorizations of Islam as based upon a unified, coherent body of knowledge. This has undermined the central premise of the contemporary fundamentalists, who argue, in a resounding
simplification, that the *shari`ah* contains the answer to modern ills and that a modern state may be governed in accordance with it. Instead, this work has shown that the recent history of Islamic political thought is better understood as reflecting the project of the classical rationalists, who made justice the central concern of Islamic political thought. The insights of the classical rationalists provide Muslims with ample tools for reconciling their commitments as Muslims with their modern conceptions of humanity as made up of free and equal citizens, living in states that are free of the despotism of both secular dictators and the custody of men of religion.
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