Islamic law is the epitome of the Islamic spirit, the most typical manifestation of the Islamic way of life, the kernel of Islam itself. For the majority of Muslims, the law has always been and still is of much greater practical importance than the dogma.  

The community of scholars and holy men were the ones who truly carried on the legacy of the Prophet…. In this tradition, the realm of Islamic authenticity lies within the soul of the individual and in the relations of individuals to each other within small communities. This is the Islam that sees holiness and religion as incompatible with state power. Politics are expected to be violent and corrupt…. This renunciation of political utopianism may help explain some cases of acquiescence to patrimonial regimes and the relative weakness of democratic or other secular utopian movements in the present-day Middle East.  

Two observations about Islamic civilization have been commonplace, shared by Western as well as, often, Muslim observers. The first is the success and predominance of law in Islam; Islam is seen as “nomocratic and nomocentric.”  

The second is the failure of Islamic politics or the Muslim political enterprise to enact coherent and stable political institutions and of Islamic normative political thought to provide realistic guidance.
Introduction

to governments or avert cycles of tyranny, violence, and rebellion. This failure has been attributed, on the one hand, to the high-minded idealism of the ulama, for governments insufficiently legitimated in terms of the normative apparatus of the society remained prone to continual rebellions. On the other hand, the ulama have also been held responsible for expediently lowering criteria for legitimacy and justifying any usurper, which has encouraged military aspirants to power. Some revisionists question the idea of the failure of medieval Islamic political institutions but concede that normative Islamic political thought has been too impractical, idealistic, or otherwise deficient. Others argue that whereas Muslim political reality indeed belied Islamic ideals, the ulama had in fact adjusted to a secular reality while paying lip service to the early golden age. And whereas the politics failed, the law, “[a]s a moral force, and without the coercive tool of a state … stood supreme for over a millennium.”

Yet, Islam is perhaps unique among world’s religions in that it began with a resounding “political” triumph that was fueled by not just the religious zeal but also the political genius of its vanguard. The Prophet of Islam was seen by his followers as a role model in political wisdom and leadership as much as in matters of spiritual guidance, social relationships, and otherworldly asceticism. Traditional accounts of the Prophet and his companions portray them as political leaders, not jurists. A judge

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4 One scholar observes: “Western scholars have long pointed to political instability as a besetting weakness of the Islamic tradition. The usual line has been that Muslims did not think government religiously indifferent but rather expected it to follow clear religious guidelines; that actual governments have never found it possible to live entirely by these guidelines” (C. Melchert, review of Religion and Politics under the Early Abbasids by M. Q. Zaman, ILS 6.2 [1999]: 272).


7 W. Hallaq, Shari’a (Cambridge University Press, 2009), 125.

8 C. Robinson, “Prophecy and Holy Men in Islam,” in The Cult of Saints in Late Antiquity and the Middle Ages, eds. J. Howard-Johnston and P. A. Hayward (Oxford University Press, 1999), writes, “Whatever role the Prophet played in the genesis of Islamic law, there can be no question that the earliest stages of the tradition charted his career not so much as a law maker, but as a reforming monotheist battling the polytheist of the Peninsula; thus recording his maghāzī (‘raids’) appears to have all but monopolized the writing of Prophetic biography until well into the eight century” (250). F. Donner, Early Islamic Conquests (Princeton University Press, 1981) argues the early Islamic conquests were well planned and executed, that they were part of a state policy wherein the state was run by a group that was able to achieve an “organizational breakthrough of proportions unparalleled in the history of Arabian society,” and that “the conquests were truly an Islamic movement. For it was Islam – the set of religious beliefs preached by Muhammad, with its social and political ramifications – that ultimately sparked the whole integration process and hence was the ultimate cause of the conquests’ success” (269).
in his community the Prophet certainly was – the final judge of all matters indeed⁹ – but not one who was known to have invested much time in constructing a formal system of law.¹⁰ Similarly, his successors, the “Rightly Guided” (Rāshidūn) Caliphs, were rulers, statesmen, and ascetics. Men of legal or theological speculation they were not. Following the way of God mattered to them eminently, the tradition has no qualms about that, but they did not care to systematize law.

However, during much of the classical or early medieval period (fourth–seventh/tenth–thirteenth century),¹¹ the ulama – the “heirs of prophets”¹² – were, first and foremost, jurists (fiqhā‘), practitioners of a growing body of fiqh¹³ and the sole guardians of the Shāri‘a.¹⁴ They were not statesmen, political thinkers, military commanders, popular leaders, missionaries, or even primarily theologians or mystics: They were jurists,

⁹ The Qur’an states: “Nay [O Prophet], by your Lord, they have no faith until they make you in all disputes between them the [final] judge, and find in their selves no resistance against your decisions, and submit fully” (4:65).

¹⁰ My point is not, as Schacht thought, that “in the time of the Prophet, law as such fell outside of the sphere of religion, and as far as there were not religious or moral objections to specific transactions or modes of behavior, the technical aspects of the law were a matter of indifference to the Muslims” (idem., An Introduction to Islamic Law [Clarendon Press, 1962], 19). Given the fair number of Qur’anic legal commandments, such a view cannot be sustained; my point is only about the relative significance of systemizing law.

¹¹ The term “medieval” has been used to designate the period following the decline of the High Abbasid Caliphate until the rise of the Ottoman Empire (fourth–tenth/tenth–sixteenth centuries). This period was interrupted by the Mongol onslaught in 656/1258; hence divided between the “early medieval” period, also called the “classical” period (fourth–seventh/tenth–thirteenth centuries) and the post-Mongol “late medieval” period (seventh–tenth/thirteenth–sixteenth centuries). This periodization resembles Marshall Hodgson’s “high Middle Ages” and “late Middle Ages,” although I do not endorse his judgment on the earlier period as being more creative or productive than the latter. M. Hodgson, Rethinking World History, ed. E. Burke III (Cambridge University Press, 1993), 178–81.

¹² This is a widely held concept that appears in a longer hadith graded by traditional critics variously as sahih (sound), hasan (acceptable), or da‘if (weak). See A. Wensinck, Concordance, IV:321.

¹³ The term fiqh (literally, understanding) is variously translated into English as “jurisprudence,” or “law,” or “positive law” (as opposed to theoretical jurisprudence, which is called usul al-fiqh). In early Islam, as in Q. 9:122, it seems to have referred to a practical and acquired understanding of the religion associated most immediately with practical knowledge, piety, and religious exhortation and admonition. Since the classical age, Johansen informs us, it has come to mean “a system of rules and methods whose authors consider it to be the normative interpretation of the revelation, the application of its principles and commands to the field of human acts. It classifies and sanctions human acts, gives ethical and legal guidance to the believers” [B. Johansen, Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh [Brill, 1998], 1].

¹⁴ See Chapter 1.
Introduction

concerned with standardizing and formalizing the law as their principal obligation. Islam had now become primarily encoded in the law that they interpreted.\textsuperscript{15} Furthermore, in the mutually reinforcing spiritual and intellectual milieus, the dominant mode of medieval religiosity saw political engagement as corrupt and corrupting. In medieval spiritual discourses of the ulama and the Sufis, a frequent theme is advice against associating with the rulers. “The worst of the ulama are those who seek after the rulers, and the best of the rulers are those who seek after the ulama,”\textsuperscript{16} goes a popular adage. This adage expresses the predominant ideal (albeit not reality) of the classical relationship between politics and piety more truly than the formal theories of government. This was the ideal of the pious fleeing the world, and rulers chasing after them for their blessing but, so long as they remained engaged in worldly politics, unable to attain it. The social historian Ira Lapidus puts this perhaps too starkly: “Despite the origins of Islam and its own teachings about the relationship between religious and political life, Islamic society has evolved in un-Islamic ways.”\textsuperscript{17}

Explaining this transformation in his study of the fourth/tenth- and fifth/eleventh-century Islamic societies, when the Abbasid Caliphate had become reduced to a mere symbol of continuity for the emerging Sunni community and actual power had fallen into the hands of military adventurers like the Buyids in Iraq, Roy Mottahedeh observes that “the weakness of government threw society back on its own resources.”\textsuperscript{18} Mottahedeh

\textsuperscript{15} Many scholars have noted this near-complete legalization of Islam. R. Bulliet writes, “Law was now enshrined as the central concern of Muslim scholars from the very beginning. Although the law schools took shape well after the lifetimes of the Prophet, his immediate successors, and even the schools’ namesakes, Islam now came to be considered almost synonymous with Shari’a” (idem., “Islamic Reform or ‘Big Crunch’?” Harvard Middle East and Islamic Review 8 [2009]: 10–11). Hallaq notes even more starkly that it was jurists and no one else, not even theologians or mystics, who were the sole carriers of Islamic legal authority and indeed “the custodians of Muslim societies” and “spiritual and practical guides of the umma” who controlled, in addition to the legal system, “the entire infra- and super-structures of legal education; they ran what we might term municipal affairs.” Briefly, “[t]he legal profession, with the jurists at its head, was therefore at once a religious, moral, social, and legal force” (idem., “Jurisprudence vs. State Power: The Legal Crisis of Modern Islam,” Journal of Law and Religion 19.2 [2003–4]: 246).

\textsuperscript{16} \textit{Ihya‘}, 2:179–80. Notably, there is no category of nonoppressive rulers in this discourse; it is taken for granted that the rulers are oppressive and this-worldly.


goes on to conclude that “[b]y disengaging itself from government and the moral burdens of government, and at the same time giving enormous power to government, Islamic society of the Buyid period freed itself to maintain a community of duties and obligations in levels of life below government.” This community “took over many of the functions of government” while allowing its members to maintain “the fiction of a universal Islamic caliphate.” The relationships and institutions that developed in this milieu proved resilient enough to “withstand repeated changes of central government.” In fact, this adaptation to life without politics was so successful that this community “has never entirely disappeared.”

While it brings to the fore the adaptive genius of classical Islamic society and the social and cultural processes by which collective life could go on without politics and its moral burdens, Mottahedeh’s obituary of the “political” in Muslim societies is silent about the causes and mechanisms of this disengagement and sanguine about its consequences.

Legal historians too have noted versions of the same paradox. Through his study of the structure of rights and obligations in the classical Hanafi fiqh, Baber Johansen asks why it was that “Muslim scholars throughout Islamic history acknowledged the fact that, in order to survive, the Muslim community needed a strong military and political force whose prerogatives they described as absolute, while at the same time deploring the injustices of the rulers and declaring that being among the retinue of the sultan constitutes a religious blemish[.]”

The traditional Sunni response to this bewilderment would have been that the ideal of Islam is rule by a righteous caliph who unites the entire Community, like the first four “Rightly Guided” Caliphs, and decides its affairs through shūrā (consultation). But after the caliphate has been lost and kings (muluk or sultans) have come to power, the Community lives in a state of emergency, guided instead by the ulama, awaiting the return of the true caliphate. The ideal caliphate would now be theorized by the ulama and form the cornerstone of Islamic political thought.

To maintain order, however, one had to deal with the ruling sultans just as, in Ghazāl’s words, one is forced, in the absence of wholesome food, to eat carrion in order to save life.

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19 Ibid., 190.
20 Johansen, Contingency, 189.
21 In the words of E. I. J. Rosenthal, Islamic “[p]olitical thought at first centers around the caliphate and is, in fact, a theory of the caliphate, its origins and purpose” (Political Thought in Medieval Islam [Cambridge University Press, 1962], 3).
22 Iqtiṣād, 130.
Modern observers, impatient with this premodern attitude of life-inwaiting and messianic hopes, complain of the dysfunctional, utopian nature of classical Muslim political models that neither reflects their own reality nor serves to guide the modern one.\textsuperscript{23} Notwithstanding a broad brush, Malcolm Kerr’s following statement is a fine example of the disenchanted evaluation of the caliphate ideal:

The failure of the constitutional theory of the Caliphate to provide a sufficiently positive allocation of procedural sovereignty disqualified it from serving as a practical constitutional instrument. It can perhaps be better understood as an apologia for the cumulative historical record of the institution and a defense of Sunnite practice against Shiite criticism, than as a reliable expression of what its exponents actually believed was the structure of rights, duties, procedures, and functions that they could normally expect to be observed.\textsuperscript{24}

And:

As the doctrine of necessity came to be invoked on a massive scale, suspension of legal requirements and bowing to the inevitable was not a matter of prudence in exceptional circumstances, but a resigned admission of powerlessness, with no comfort save the thought that times of evil and misfortune were the will of God. And in place of the essentially civic function of the caliph as law-enforcing executive, emphasis was put on the fanciful spiritual aura of his office and the assumption that while the sultan had been delegated effective civil authority, the caliph retained his symbolic religious prestige.\textsuperscript{25}

But these accounts, both the traditional apologia and its modern critique miss something important about the nature of medieval Muslim societies. Ideals and realities have a strange way of adjusting to each other, and Muslims indeed did not just live in a waiting room eating carrion. As this society learned to live without government, there emerged an entire panoply of sociolegal institutions that provided another ideal to live by. This was the ideal of the otherworldly ulama and the pious living a life bound by law innocent of power and its machinations. This was just an ideal, of course, or perhaps a soothing myth.\textsuperscript{26} In reality, the ulama – by no means a monolithic or static group – historically often remained involved

\textsuperscript{24} Ibid.
\textsuperscript{25} Ibid., 26.
\textsuperscript{26} It should be emphasized that my observation pertains a persistent, if not the dominant, classical ideal, not the reality. A glimpse of this ideal can be found in a tenth-/sixteenth-century compilation of \textit{sundry hadith} reports that circulated as early as the second/eighth and third/ninth centuries: Jalāl al-Dīn al-Suyūtī (d. 911/1505), \textit{Mā rāwāḥu al-asāṭīn fī ‘ādī ṣalāṭīn} (What the Masters have Narrated in Prohibition of Visiting Kings) (ed., Majdī Fāṭḥī al-Sayyid, Dār al-Ṣāḥība li ’l-Turāth, 1411/1991).
in power as resisters, critics, advisors, collaborators, or exploiters. The two ideals, nonetheless, coexisted; given the sheer sanctity of the first missionary ideal enshrined in the Qur’an, the Sunna and the founding history, which required active engagement with the world, the second ideal, which made bearable the medieval reality of the ubiquitous illegitimacy of power, remained ever reverent of the first, hence was rarely articulated. It persisted in pietistic tropes and romantic selectivity toward early history, while in fact ordering life such as to make the first ideal ever more impossible to imagine.\(^{27}\) The legalistic and apolitical, if not antipolitical, tempo of classical Islam became inscribed in the cannons of law, theology, and spirituality that continued to animate much of Muslim traditional vision of life until the onset of the modern age. The spread of modernity in the Muslim world has challenged this attitude and revitalized and sharpened the tension between ideals and realities.

In this study, I investigate the complex interplay of the two ideals of political life in Islam: the explicit ideal of a unified and vibrant religio-political life under a righteous caliph, and the alternate ideal of religious and spiritual life innocent of politics. In particular, my interest is to shed light on the transformation that led to the disappearance of the “political sphere” in the classical period. I begin by delineating the conceptual domain of the “political” in Islamic history and trace the history of intellectual attitudes and often silent presumptions underpinning political life, focusing in particular on a moment when the political ideas and attitudes of classical Islam were thoroughly questioned. This moment is the intervention in Islamic history of the well-known, controversial, and prodigious Ibn Taymiyya (d. 728/1328)\(^ {28}\) who, I contend, attempted to revive aspects of the early ideal of Islam partly by reconciling the two ideals and partly by critiquing and rejecting some key classical developments. Contextualized in the larger trajectory of Islamic thought, Ibn Taymiyya’s critique of the theological, legal, and political traditions of the classical age allows us to better understand

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\(^{27}\) Among the attempts to capture this duality of ideals, notable are Lapidus, “The Golden Age,” and Kerr, Islamic Reform. Kerr describes this as a “pessimistic consciousness of the tension between ideal and actuality” that underlies “the Islamic tradition of social thought,” which led the medieval ulama to elaborate “their conceptions of the ideal,” leaving the actual society to “cope with actualities by evolving its own practical, but largely unacknowledged, psychological and social mechanisms” (1).

\(^{28}\) Taqi al-Din Abū al-Abbās ʾĀḥmad b. ʿAbd al-Halim b. ʿAbd al-Ṣalām b. Taymiyya al-Harrānī, born in Harrān (Iraq, present-day Turkey) in 661/1263, and died at the age of sixty-eight in 728/1263. He lived in the era of the Bahri Mamluks in Damascus with long stays in Cairo during his adult life.
the nature and relationship of the two ideals and leads us to see Islamic political thought in a new light.

Standard accounts of Islamic political thought typically end with classical authors such as Ghazâlî, whereas later thinkers are treated at best as insipid continuation of the essential doctrines that had already been articulated in the classical period. In particular, the conventional view of late medieval political thought in the Mamluk world has been quite dismal.29 Marshall Hodgson, for instance, writes: “Unless future research discloses unsuspected highlights, we must feel that precisely in the Late Middle Ages politics became as irrelevant as they ever have been in any civilized society. Such a state of affairs is reflected by the political thought of the period, which apparently abandoned all hope of forming political life according to its norms.”30

Ulrich Haarmann asserts even more directly the relative “paucity of political writing in Mamluk Egypt and Syria,” particularly compared to post-Mongol Persia, where some Muslim thinkers postulated “the concentration of spiritual guidance and executive power in the one and single hand of the imam-sultan.” Mamluk Egypt and Syria, he writes, were rather barren in political thought during this time, because, he reasons, “[t]he consciousness of having been spared the pagan yoke of the vile Mongol foe produced a sentiment of rigorous fealty to the traditional social and legal norms in their Arab and orthodox garb! – thus one may well formulate the doctrine not only of Ibn Taymiyya, the great religious thinker of early Mamluk times, but of social and legal thought in the Mamluk period at large.”31 The failure of the political thought of this period owed to [t]he retrograde orientation of Mamluk society [which] impeded the contemporary observers in perceiving the inevitable institutional changes. The de facto disappearance of the caliphate was not made the starting point for a new theory of government. The old fiction of al-Ghazzâlî’s time was dragged along …. The radical changes the Mamluk system of government introduced were kept out of systematic speculation, huge as the number of jurists in this very period was. This silence refers both to the nature of the Mamluk ruling caste (were there limits to their political, military and economic power?), and to the consequential

29 For a comprehensive bibliography of Mamluk studies, which lacks any recent works on the political thought of the period, see http://www.lib.uchicago.edu/e/su/mideast/mamluk/ (accessed October 25, 2006.)
30 Hodgson, Rethinking, 182–3.
Introduction

relationship between the Mamluk elite, the nāṣ, and the local population, to whom they, the ulama, themselves belonged.\(^{32}\)

To the contrary, I show in this study that the disappearance of the caliphate in the post-Mongol world was indeed made the starting point for what we may call a new theory of government, one that was made up of elements from the early political model as well as classical institutions. Indeed, despite the range and depth of his engagements and polemics, Ibn Taymiyya’s reformist endeavors can be best understood as a political project, namely one fundamentally concerned with the revival of the political sphere in Islam that had vanished in the classical age. To anyone familiar with the staggering scope of Ibn Taymiyya’s writings, most of which fall in the realms of scriptural hermeneutics, theology, and jurisprudence, this claim would appear to be unwarranted or exaggerated. Unless, that is, “political” is freed from its common usage as relating to self-interested and even hypocritical action and is restored to its pride of place as relating to the highest activity of envisioning and enabling the collective pursuit of the good of the community. The word “political,” of course, is a modifier, applicable to a wide range of nouns: thought, practice, community, agency, and so on, all of which, when so modified, are straddled by a mode of reasoning. If one is to excavate Islamic history for political ideas, one must carefully understand that mode of reasoning.

I therefore explore Islamic political thought by examining a large array of writings, some already familiar to modern scholars, others not; some on political subjects, others not hitherto seen as relevant. This way of reading Islamic political thought, to reiterate, is based on two methodological contentions. Firstly, it questions and then remaps how the very category “political” has been constructed in the studies on the subject. Drawing on developments in recent political theory, I argue that the political domain of thinking in any thought-world is grounded in its fundamental commitments and often silent presuppositions. Modern scholars have often understood Islamic political thought through the study of classical treatises on the caliphate, but have largely ignored the theoretical underpinnings of political life in epistemology, theology, and legal theory. Political mode of thinking is like one piece of a complex, interlocked edifice; singling it out of its natural conceptual setting for analysis and comparing it with its look-alike in another tradition is bound to find it anomalous.

\(^{32}\) Ibid., 62. Haarman refers to “the polarization between ulama and umara” (66) as being Ibn Taymiyya’s social model, a conclusion directly opposed by many other recent studies, including the present one.
Introduction

This is not to suggest that Islamic political thought cannot be examined outside of its original habitat, so to say, or by an adherent of another tradition; indeed, the recognition of these dependencies and sensibilities is likely to make for a more illuminating comparison and even judgment.

The task imposed by the first methodological orientation gives rise to the second: to examine and evaluate Islamic political thought as being part of Islamic discursive tradition – that is, by recognizing the centuries-long dialogues in which Islamic political writers consciously participated. This study, therefore, is conceived not primarily as one of Ibn Taymiyya’s political thought per se, but of conversations on political ideas in which he participated. A third way in which the present study departs from conventional studies on the subject is its emphasis on a conservative figure, a Ḥanbalī traditionalist of the Mamluk period. Until recently, he had been seen as a literalist, anti-rationalist, and traditionalist (each of these amorphous terms is taken to imply each other); at best, scarcely original,