Al-Mawardi's Theory of State: Some Ignored Dimensions

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Abstract

A manuscript of Al-Mawardi's important political work *Tashil al-Nadar* (Facilitating -Administration) has recently been published. Examining this work, it appears that beyond the stereotype, conformist, Abbasid-patronized writer, there is another Mawardi. Hence, an attempt is made in this article to show that some of Al-Mawardi's major ideas in political theory have not been seriously studied by any of the modern scholars who write on Islamic medieval political thought – most of whom have not even seen al-Mawardi's *Tashil al-Nadar*. I will argue, moreover, that what has been left out of al-Mawardi's works is probably more relevant to political theory, and that some conclusions arrived at in works that have become classics in the field are not well founded.

In a recently published research paper on "Sources of the Islamic Political Heritage,"[1] the writer has concluded that all material known and studied by scholars and academicians specializing in Islamic medieval political thought doesn't constitute more than 18% of the material that is still deposited as manuscripts in different parts of the world. This does not imply that all former scholarly studies in the field of Islamic political thought – some of which have become classics – are necessarily unfounded. What is implied, however, is that some judgments and conclusions have to be revised, modified, or even rejected whenever

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these scattered manuscripts are retrieved and published. By way of demonstrating this assumption, an attempt is made in this article to show that most of the academic research on al-Mawardi's political ideas has, indeed, been based on his *al-Ahkam al-Sultaniyy* (the Ordinances of Government), to the exclusion of his four other works, namely, *Adab al-Dunya wa al-Din*, *Qawanin al-Wizara*, *Tashil al-Nadhar wa Ta'jil al-Dafar* and *Nasihat al-Muluk*[2] – works that are probably more important and relevant to political thought than his *al-Ahkam al-Sultaniyya*. We shall attempt, secondly, to let al-Mawardi speak for himself, though only through a few selected and translated pieces of his work .

To begin with, we assume that *al-Ahkam* is a work too well known among scholars and students of Medieval Islam to require an introduction. Briefly, it is a treatise on the Islamic constitutional system, which al-Mawardi wrote in the mid 5th Hijri century in response both to the demand of the Abbasid caliph and to the emerging political situation.[3] Ever since, that treatise has occupied a distinguished status in the history of Islamic public law. Muslim jurists and scholars have kept referring to it repeatedly and the Europeans were quick , in their efforts to understand the Muslim communities that came under their control, to see to it that al-Mawardi's work be put into French, Dutch and English by the turn of the 20th century.[4] But instead of remaining as al-Mawardi's best "known" work it has become his best work, without this necessary qualification .

H. A. R. Gibb was probably the first western Scholar who forcefully brought al-Mawardi's work to the attention of the academic community when he published in 1937 an article on Al-Mawardi's theory of the Khilafa. In that article, Professor Gibb tried to cull the entire assumed Maward's theory of *Khilafa* out of his *al-Ahkam al-Sultaniyya*, which, in Gibb's opinion, "has become generally accepted as the most authoritative exposition of the Sunni Islamic political theory, and indeed the existence of other works on the subject is frequently ignored."[5] Two points here are too striking to be glossed over: the suggestion that the work is on political theory, and the confession that other works in the field are ignored. It is common knowledge that the greater parts of *al-Ahkam al-Sultaniyya* – as the title indicates, and a glance at the treatise contents show – are on public works, criminal law, bureaucracy, tax collection and market organization rather than on proper political theory. A few ideas related to political theory are certainly there, but they are limited to practical Islamic constitutional arrangements rather than to political philosophy.

Assuming that al-Mawardi had a theory would definitely oblige us to go beyond *al-Ahkam* and look for, not ignore, other works by the author in which he might have directly addressed political theory.

Nevertheless, Gibb's study of al-Mawardi is perhaps the most serious one to date and he was of course aware – through the published work of I. Brockelmann[6] – of the list of al-Mawardi's surviving works that show him "to have taken an interest in matters of political conduct,"[7] but obviously Gibb did not have the chance to see these works. He was even complaining about the Cairo editions of *al-Ahkam* itself, and described them as disfigured by serious misprint and omissions so as to be totally unintelligible.[8] That being the case, it is understandable then and even justifiable that Gibb, in absence of material, confined himself exclusively to *al-Ahkam* and never made a reference to any of al-Mawardi's other political works, though at least one of them had been published since 1898 and a second one was translated into German and published a few years prior to the publication of Gibb's work.[9] What is inexcusable, however, is that the material that was not accessible to Gibb has remained excluded and ignored by almost all others, as we shall immediately show.

Two decades after Gibb's article on al-Mawardi's theory of *Khilafa*, Professor E. Rosenthal wrote his *Political Thought in Medieval Islam*, a section of which is on al-Mawardi's theory of khilafat. Therein, al-Mawardi is criticized, among other jurists, as having "no sense or power to criticize their sources," and that "they were not political philosophers," and that their theories, particularly al-Mawardi's theory, "were made to suit existing political emergencies which can only be terminated by legalizing usurpation."[10] Seeing this harsh criticism and these strong opinions, one would normally expect to find an intensive survey of al-Mawrdi's works and a thorough documentation of his ideas, but unfortunately Rosenthal does not make a single reference to any of al-Mawardi's other works that might support these sweeping generalizations. Twenty years later, Professor Ann Lambton also published her *State and Government in Medieval Islam,* and she devoted a whole chapter to al-Mawardi's ideas on *wizra* and *imara*. As usual, the entire analysis is based on *al-Ahkam*; or to be more precise, on the few sections of it that were selected and translated by Professor Gibb to illustrate his own points. In one place a reference is made to *Adab al-Qadi*, but apart from that Professor Lambton's major source is Gibb's article[11] though by then almost all of al-Mawardi's works were published.

A detailed comparison (in terms of subject-matter) between *al-Ahkam* and al-Mawardi's other works is not attempted as yet, but some remarkable differences that distinguish *al-Ahkam* from other works have to be pointed out. In *al-Ahkam*, al-Mawardi was not intending (nor was he in a position) to impose his entire philosophy on the Abbasid *Khalifa* of the day. Rather, he was trying to extract and discern, out of a wide range of literature, the most relevant material on Islamic public administration and constitutional system; to give a balanced and non-partisan survey of various jurists' opinions; and to make it accessible to the *Khalifa* to do, in a form of a simplified constitutional handbook – as he was instructed or requested. But reflecting on his work at a later stage, al-Mawardi probably felt – out of his own personal preferences this time – the need for situating that constitutional skeleton within a broader social philosophy; hence he wrote his *Tashil al-Nadar wa Ta'jil al-Dafar* (Facilitating Administration and Accelerating Victory). Being so immersed in social and political theory, that work was not meant to be a daily administrative manual for government officials. Nor was it an attempt to justify current political emergency, or to lend support to the *Khalif* in his struggle with the *Buwaihid* amirs. It was an attempt to formulate a politico-religious theory that focuses not only on how an Imam comes to power but on how political systems – in general – are instituted, maintained; how and why they decline, and how they are overthrown and replaced by others. Professor Gibb and some other writers once declared that: "what al-Mawardi set out to do was to describe the ideal state, a sort of Islamic counterpart to Plato's Republic or More's Utopia, but speculatively derived from the basic principles of Islam."[12] But Gibb stated, subsequently, that al-Mawardi was not a philosopher, and that legal speculation plays but a small part in his work.[13] As far as he is talking about al-Mawardi of *al-Ahkam*, of course Gibb is partially right. Al-Mawardi, the speculative philosopher and social analyst, does not appear there, but what is also true is that al-Mawardi never said that his job had been done by writing *al-Ahkam*. As Plato insists that "the legislator has not really done his work when he has merely enunciated an enactment and provided it with a sanction in a form of a penalty for non-observance,"[14] so does al-Mawardi. To enlist the sympathies of the citizens on the side of the law, Plato composed the Laws to serve as a preamble that explains the aims of the legislation and "the reasons why its enactments are what they are, and why the penalties for transgression are what they are."[15] In the same way al-Mawardi, reflecting on his *al-Ahkam*, might have felt a need to compose

a fuller exposition of the philosophy behind the law, and that is exactly what he did in his *Tashil al-Nadar*. If this view is accepted, it might help to absolve al-Mawardi from many charges brought against him due to incomplete readings of his works.

A manuscript of the *Tashil* was found in Gotha, in Germany, and a second one was found in Iran. In 1975 the two copies were brought together and edited, but the publication was delayed to as late as 1981.[16] The date of composing the work can not be precisely fixed, and no one could ascertain whether it was written before or after *al-Ahkam*. What is certain, however, is that it offers a wider philosophical and analytical scope within which the formal constitutional arrangements of *al-Ahkam* may be understood and justified.

So, relying on this missed or ignored work, we attempt to show in this article that some of al-Mawardi's major ideas in political theory have not been seriously studied by any of the scholars who have written on medieval Islamic political thought.

On the State Formation

Right from the beginning of his *Tashil*, the author is keen to give a survey of the different ways through which a state – Islamic or non-Islamic – is formed. These are said to be three: religion, force and money. "Rule is based on two things," he says, "institutionalization and administration. Institutionalization of rule can be divided into three categories: religion, force and wealth."[17] He, however, prefers the type of rule which is based on religion. He assumes that it is the firmest in root, durable in time, and that citizens' commitment to it is the purest. Religion here is not necessarily Islam; it is indeed the religious belief, *per se*, that al-Mawardi is concerned about,[18] and he is, once more, concerned about religion not as a legal code or a constitutional device, but as a psychological force that leads to social cohesion. In his view, the *nafs* (human soul) is an arena of contending irrational desires that need to be restrained. This restraining force is either reason, religion, ruler or natural incapability. In his view, religion is the most effective one; hence he sees it as the strongest foundation on which a social and political system could be erected. This recognition of the social dimension of religion was made by al-Mawardi almost three centuries before Ibn Khadun, but it seems that Ibn Khaldun has turned al-Mawardi's ideas upside down in the same way that Carl Marx did with Hegel's idealism. Religion, in al-Mawardi's view, is the major element that leads to social cohesion, which, in turn, leads to political

power; whereas religion in Ibn Khaldun's view, (as it may be understood from his writings), is only an additional force that is needed to buttress the 'asabiyya (clan solidarity).[19] The obvious implication of this view is that politics can stand without religion; it becomes a sort of a semi-secular science that follows the laws of imran (civilization) more than following the divine laws. This is exactly the point which al-Mawardi seeks to undermine. Though recognizing and stressing the political importance of religion, al-Mawardi does not, however, call for the manipulation of religion for the good of the state – as Machiavelli does. State and religion should be mutually supportive; that is, religion is important for the state in the same way that the state is important for religion. It is no wonder then that al-Mawardi envisages the rise of the 'asabiyya and the laxity in religious commitment as signs of social decadence that lead ultimately to political disintegration. However, by bringing religious norms into politics, al-Mawardi does not entertain in any way a theory of divine rights of kings. In his view, the ruler is needed to protect religion, but he is not a God-appointed person. He has to be chosen by the people, and he is only their mandub (deputy). In his analysis of al-Mawardi's theory, Professor Lambton translates the Arabic verb nadab as "ordained,"[20] but obviously nadab, in al-Mawardi's usage, does not mean "ordained," – as Lambton wants us to understand. It simply means "recommended," – as any one who is familiar with Arabic and juristic terms would agree. In the introductory section of al-Ahkam, al-Mawardi wants to express the view that having a ruler is a necessity that God had always recommended for the well-being of communities. From this it cannot be inferred that "authority is delegated to him by God, and he alone has authority to delegate this to others,"[21] – a proposition that might have been borrowed from the European-medieval culture of the divine rights of kings. And in this regard, it is also not true that al-Mawardi's ideas are different from that of al-Baqillani's concept of wakil, as Lambton also suggests. If al-Baqillani is praised for seeing the khalifa as a wakil (representative), al-Mawardi sees him as an amin (trustee), and the two terms are, of course, nearly identical. Both concepts: wakil and amin, convey a sense of accountability and limited powers of rulers – not their divine right over people.

Power Politics: Instituting Rule by Force

When power becomes the ultimate reality of politics; that is, when moral and religious principles and values are relegated to the dark corners of

private life, we are then left with what is called power politics. In al-Mawardi's exposition, this is possible only at a time when a ruling group ignores religious norms, or fails to put them into practice. In this way it alienates itself from the ideological basis on which it stands, as well as from the religious masses, on whose consent it remains in power. Such an alienation will only pave the way for power seekers who would naturally be encouraged by the vulnerability of the regime, and the reluctance of its supporters. Hence, al-Mawardi declares:

> this (instituting rule by force) happens when the system of rule disintegrates, either due to negligence and incompetence, or due to injustice and aggression. In such a case, those who have strength and those who are well-off will start jockeying for political power – either looking for succeeding a declining rule, or revolting against a prolonged injustice. This will be possible only for an army which has acquired three attributes: superiority in numbers, courage and a leadership of a commander who is superior to them either in terms of lineage and paternal attitude, or due to advanced intellectual capacity and courage. If they jump into power due to their numbers, and they attained the rule by force, this would be the rule of coercion. But if they behave in a just way with the people, and conduct public affairs soundly, that will become a rule of delegation and obedience, then it will gain strength and continue. But if they transgress, theirs will be no more than a short-lived jump into power, and a state of coercion that will be undermined by its injustice and removed by its own aggression – but at a price of killing (innocent) citizens and destroying the land.[22]

In this exposition, al-Mawardi appears as a proper empirically-minded social scientist who wants to discern the social and economic bases of political power, rather than a jurist who seeks to deduce his ideas out of a set of theological basic principles. He is not interested, for instance, in those legalistic discussions pertaining to the *bai'a* (vow of allegiance) to the Imam or his forfeiture, as he was in *al-Ahkam*. No mention, for instance, is made of the Imam's loss of probity, infirmity of mind or curtailment. Instead, he focuses on the social, economic and political factors that precipitate the decline of rule and lead to its destruction. A political system does not stand or fall only due to the personal attributes of a single person – be it the *Imam* or the *wazir*. It is the policy, the administration and the philosophy behind them that matter.

It is interesting to note here that even when an opportunity presents itself for power seekers, and their accession to power becomes eminent, al-Mawardi thinks that they have to meet certain conditions, (e.g., number of troops, and their courage), that are still necessary even in power politics. But apart from their numbers and courage, power seekers have to have a strong leadership, but a leadership that is not based on religion can only be based, in al-Mawardi's view, on tribal lineage; that is to say, on *'asabiyya* – a concept that would be borrowed by Ibn Khaludun three centuries later and popularized beyond recognition, as we mentioned earlier.

In terms of normative evaluation, al-Mawardi does not hesitate to call this type of rule *mulku qahrin* (rule of coercion), but he does not hesitate at the same time to declare that even the rule of coercion can transform itself, through justice and good conduct of public affairs, into a rule of law; thus attaining the confidence and consent of the people. In the eyes of al-Mawardi's critics, this is a direct act of legalizing usurpation, recognizing an established fact, and jeopardizing the theoretical ideal.[23] Be it what it may, al-Mawardi is of course too realistic to overlook the fact that such local dynasties as, for instance, the *Tahirids*, the *Safarids*, the *Samandis* and the *Ghaznavids* that emerged towards the end of the Abbasid's rule were there to stay; and, as a matter of fact, they used to maintain their autonomy by making formal acknowledgement of the supremacy of the Abbasid *Khalifa*. Rather than rejecting these realities and sticking blindly to the ideals, al-Mawardi attempts to study them as a new political phenomenon, trying to relate them to his broader hypothesis; that is, a disintegrating political system invites the agents of its own destruction. On the other hand, it cannot be denied that during the Abbasid's rule al-Mawardi was involved in the practical politics of the day – at least as a grand *qadi* and a political adviser – and it is not a secret that he was then seeking ways of co-opting dissident groups into the system rather than calling for the use of force to quiet them. This direct involvement must not, however, be separated from the theory he tries to develop: that, firstly, the ascendancy of the usurpers is not a phenomenon that comes out of thin air; it is a result of mismanagement, injustice, inefficiency and corruption that take place within the ranks of the existing, legitimate ruling group. If such a corrupt ruling group is knocked out of power and replaced by another one which proves to be fair and just in running public affairs, why should one oppose it? Secondly, no political system could establish itself relying on sheer power. Power has always to be transferred into authority. So, if a

usurper can be allured into transforming himself and his regime into authority, isn't that far better than stirring up against him a revolution the course of which is unknown?

It is also important to note that when al-Mawardi coined, in his *al-Ahkam*, the concept of *imarat al-istila* (emirate by seizure), and analyzed its significance, he was not considering it as a *coup d'etat* against the central authority of the day; nor was it so in reality. He was, in fact, discussing the phenomenon of regional secession; that is, the seizure of power in the outlying regions by provincial governors who had somehow managed to become powerful and succeeded in establishing autonomous dynasties. After deep thinking and reflection on Islamic law and history, al-Mawardi concludes, grudgingly, that such forceful regional autonomy may be acceptable under seven conditions that he has carefully worked out in his book.[24] Most of his critics have inferred that since he has justified the emirate by seizure, then he must have necessarily justified usurpation of power, justified self-appointed regimes, and he is necessarily a conformist and an apologist. None of them, however, appears to have known that al-Mawardi's personal position on the larger issue of why and how a legitimate central rule is be overthrown is not expounded in the *Ahkam* but in the *Tashil* – the work that those critics have not seen.

In the *Tashil* we find a different Mawardi. Far from justifying the actions of the Abbasids, he is blaming and criticizing them. "Rulers," he says, "are like the sea out of which small rivers flow; if the water of the sea is sweet, rivers will also be sweet, and if the water of the sea is salty then rivers will also become salty."[25] He goes on to declare that the ruler has to start by purifying and restraining himself before instructing others to do so; for reform can hardly be effected by someone who himself is not in the right set up - or, to put it in his own words: "*ba'idun an yahdutha assalahu 'amman laisa fihi salah.*"[26] Nor was al-Mawardi at that time unaware of the palace politics, and of the huge influence that the *Khalifa*'s inner circle of advisors, spies, entertainers, poets and story-tellers had on him. Far from turning a blind eye on that, al-Mawardi has exposed it and has identified it as a source of danger. This army of hypocrites, he believes, capitalizes on the *Khalifa*'s weakness towards flattery, and manages to alienate him from sincere advisers and true supporters.[27] Such penetrating analysis and comments can hardly be made by a writer who seeks to appease his patron.

What is new here is not only the remarks he makes about the corrupt ruler and his entourage; it is the "gab of mistrust" between the *Khalifa*

and his sincere subjects that al-Mawardi is keen to highlight. Being so central in his theory, he devotes a whole section in his book to giving a full exposition of the case of "a ruler whose public behavior has become corrupt, whereas the public behavior of his subjects remains good." "In such a case," al-Mawardi says, "he has to maintain his rule by way of mending his ways and correcting his policies; otherwise his subjects – relying on their moral superiority – will start to challenge him. If they succeed in forcing him to mend his ways, he would then be reduced to the position of one who is instructed, instead of his former position of one who rules (but if they fail to do that) his subjects may cross over to someone else, make him a ruler over them, and become his supporters and his helpers. Thus, he (the former ruler) undermines his own rule and brings about his own destruction by his misbehavior."[28]

It is clear that al-Mawardi is contemplating a kind of public moral disapproval, civil disobedience, or passive resistance whereby a corrupt ruler gradually loses his respect and ultimately loses his rule. Naturally the passive resistance can develop into a shift of loyalty where a substitute ruler is sought and raised to power. This is not like the emirate by seizure, or like the mutiny of a strong provincial governor. This is an *umma*-based initiative where al-Mawardi does not only ascribe to the Muslim community a strong role, but he raises this community to a position much higher than that of the *Khalifa*. With this emphasis on the direct role of the *umma*, one could hardly agree with Professor Ann Lambton that "In his insistence upon the supremacy of the Imam," Al-Mawardi "had tended to lose sight of the community."[29] This claim is at variance with all available evidence, and had Professor Lambton gone a little bit beyond the *al-Ahkam* she could have seen that.

Money Politics

"Under the reign of the first Abbasid caliphs," says E.Ashtor "a new class of Moslem bourgeois began to play a great role in the economic, political and cultural life of the Near East." ... "People belonging to the upper classes possessed great sums of gold dinars and silver dirhams, payments were made in cash and there was a lively trade in bullion. These phenomena are characteristic of any money economy."[30]

We may not readily agree with the writer in the way he recasts the Abbasid history into alien concepts that have been developed within the later social and cultural history of other nations; though, in essence, his

statement is quite in line with what al-Mawardi thinks about in his *Tashil al-Nadar*. Describing methods of instituting political power, al-Mawardi mentions a third method; that is, the institution of rule by way of money and wealth. He declares:

> That will take place when a group of people becomes very rich, and their ensuing high aspirations make them look for power. But this occurs only to one who has affiliations with the ruling group, or with the ruler's lieutenants. In this way he can stir up the desires of obedience in those who are yearning for his wealth and make them put public affairs under his leadership. But this is very remote, and may happen only at a time when the system of rule becomes weak, and its men and chiefs become corrupt. It has been mentioned in ancient wisdom that money might make a master of someone who does not deserve to be a master, and empower someone who is powerless. Hence, if rule is obtained through money it would be the weakest form of rule (in terms of power base), and its duration would be the shortest ... it remains only if it is linked up with an additional thing that causes the consolidation of rule, otherwise it would shortly be removed and transferred (to others).[31]

Al-Mawardi here presents a hypothetical situation when wealthy people (businessmen, landlords, professionals, etc.,) associate themselves with a declining central administration, and – by so doing – become an influential political group. They may alley themselves with the ruler's lieutenants, or they may directly buy their way up and wrest a state for themselves. This is of course the rule by the few rich, "the oligarchy" that both Plato and Aristotle describe in their works.[32] Writing at the heyday of the Arabization of the major Greek works, Al-Mawardi was not unaware of Plato's and Aristotle's ideas. He was, probably, trying to disconnect those philosophical concepts from their Greek context and to relate them to the phenomenon of the new rich that emerged and developed during his own times.

The Cyclical Conception of State

> And know that the (formation of the) state starts with roughness of manners and brutality that prompt people to be quick in showing obedience. Then an intermediate stage of lenience and rectitude – due to the ensuing stabilization of rule and to the attainment of (material)

comfort – will follow. Then it (the state) ends up with the proliferation of injustice and weakness caused by looseness in public affairs and lack of resolution. It is according to these three situations that rulers' opinions and manners would be shaped. Our predecessors used to see the state in an analogy with a fruit that appears good when it is touched, bitter when it is tasted, then when it is ripe it becomes soft and edible, then when it becomes too ripe it becomes closer to corruption and dissolution. As the state begins with force, it ends up in weakness. It starts with fidelity, but it ends up with dishonesty and treachery – for fidelity is constructive, unlike infidelity and treachery, which are terrifying.[33]

It is worth mentioning that this cyclical concept of the state, which is usually ascribed to Ibn Khaldun, has this remarkable place in al-Mawardi's work. "Know that "he says, "the formation of the state begins with roughness of manners." Was this a reference to the invasions of the warlike highland tribes against sedentary populations in the lands of the fertile crescent and elsewhere? For it was due to the attacks of those tribesmen and warriors that many dynasties and principalities were established within the Muslim world during the ninth and tenth centuries (CE). Or was al-Mawardi looking to the earlier years of the Abbasid rule, where power was used excessively and then a period of pacification would follow? Whichever the case might have been, it is obvious that al-Mawardi is describing a phenomenon by way of situating it within a broader and general perspective; i.e., within a theoretical framework.

Agricultural Economy

In his *al-Ahkam*, al-Mawardi devotes at least four sections for topics that are related to what we now know as political economy. These sections take the following heads: the *kharag* (land tax), the uncultivated lands and the provision of waters, the *iqta'* and the treasury. In all of these sections he is concerned mainly with the legal dimension of land use, types of irrigation system and amounts of taxes to be levied. It is only in his other work, *Tashil al-Nadar,* that he has started to seriously examine the role of agricultural economy and to relate it to the broader issues of development; be it economic, political or both. "Countries are two types," he says:

agricultural and urban. Agricultural regions are the material foundation upon which rule is based, and through which the interests of the citizens are met. Hence, keeping these lands in the right set up leads

to fertility and affluence, disusing or misusing them leads to draught and desertification. (These lands) are the deposited mines and the unceasing resource of wealth, and any country that owns abundant fruits and farms would be economically independent and its wealth might overflow to others. As a result, money will flow to it (from abroad) and its food stuff will be in demand. But that course of things will reverse when such agricultural products decrease or their flow is disrupted.[34]

From this exposition it is clear that al-Mawardi pays great attention to agriculture. He considers it as the backbone of the community's economy and sees its up-keeping as a major duty of the central government. Though he is not against the new self-made sort of entrepreneurs, obviously he doesn't conceal his fears that such wealthy individuals might manage, by way of digging canals or building reservoirs, to monopolize the sources of water.[35] In that way, the wealth of those capitalists or landlords will steadily increase, and ultimately they will have control over food production; a control that will transform them into local commercial despots. A clash of interest will ensue for, in al-Mawardi's view: In order to increase his own wealth, he (the despot) starts to restrict the wealth of others, and to shake them down for his own interests. By this, does al-Mawardi want to say that water resources and major industries should not be in the hands of a few wealthy individuals? And that the state should intervene to protect the small farmer and businessman?

Al-Mawrdi is also very keen about stability and order in remote agricultural areas. Farmers, he says, have to be protected from *uli assalatah* (reckless intruders). Here he is possibly referring to another type of clash: the clash between the cattle-raising Bedouins and the sedentary population; a phenomenon that was not uncommon in Iraq and other parts of the Islamic world during the time he was writing. He alludes to it when he analyzes the "rough" beginning of the institutionalization of rule, which may again indicate that the Bedouins were the mainstay in the military forces that were used in the political struggles at the center.

But however important it may be, agriculture is but a single sector that cannot function properly without wider economic interrelated institutions and activities. Being aware of that, al-Mawardi brings in separate sections on fiscal issues, e.g., balancing of the national budget and coinage. "The ruler has to keep an eye on currency," he says, "and to protect it against fraud, debasement and devaluation. He must also keep an eye on the

infrastructure – the highways and all sorts of communication – because a country's economy cannot be in a good shape if that country is cut off, or the roads that lead to it are not secure."[36]

Concluding Remarks

From what we have seen so far, it appears clearly that what al-Mawardi has put in the *al-Ahkam* does not constitute more than a small part of his political theory – a full exposition of which is given in his *Tashil al-Nadar*. In this work al-Mawardi is more forthcoming and analytic than he appears to be in the *al-Ahkam*. In light of our re-reading of the two works, we can safely conclude that the *al-Ahkam* does not represent the final and definite exposition of al-Mawardi's theory; let alone the Ash'rite or the Sunni political thought, as some scholars claim. Had the *Tashil* been read seriously, al-Mawardi would not have remained seen as a mere Shafi'i jurist who seeks, by way of deduction from theological premises, to justify the legitimacy of the Abbasid rule. Indeed, the *Tashil* shows that al-Mawardi is neither attached to formal deduction, as a political theorist, nor is he blindly attached, as a political activist, to the Abbasid *Khalifate*. He bases his research on a variety of sources the like of which is rarely met in other works. Apart from Qur'anic verses and prophetic traditions, to which all jurists refer, it is amazing to know that al-Mawardi refers to 378 *hikma* (ancient saying of wise men); 114 verses from Arabic poetry; 14 quotations related to the Prophet's companions; 13 quotations related to the Companion's successors, and 3 proverbs.[37] This emphasis on reciting extra-Qur'anic sources shows how keen he is to incorporate human experience and make it a part of his epistemology, and how keen he is to see the political phenomenon as it really exists outside the text.

It is also interesting to note that in the absence of al-Mawardi's works, most of the academic research and praise has become directed to Ibn-Khaldun, the renowned Islamic figure whom the "European scholars discovered only in the last century and ascribed to him most novel insights in Muslim political thought."[38] Reading al-Mawardi's *Tashil* carefully, one can hardly agree with Professor Rosenthal's conclusion that "Ibn Khaldun was the first medieval thinker to see the importance of economics for politics and for the whole life of any society organized in a state."[39] This is simply not true. Three centuries prior to Ibn Khaldun, al-Mawardi wrote intensively about these very ideas that Ibn Khaldun, undeniably, reproduced in a better form. Seeing that some of Al-Mawardi's ideas have

been blurred by way of exaggerating Ibn Khaldun's originality, again it is Professor Gibb who has brought a passage from Ibn Taimiyya' work (d.728/1328) – suggesting that if that passage is compared with "the introduction to book i, section i, of the *Muqaddima*, or such a restatement as book iii, chapter 23, or the still more illuminating passage in book v, chapter 6, it will be seen that Ibn Khaldun does little more than expand these ideas and gave them greater precision by introducing his conception of *'asabiyya'*."[40] Notwithstanding this significant comparison and valid argument, Gibb himself has not gone far beyond Ibn Taimiyya and al-Mawardi's *Ahkam* – had he done so he might have seen clearly that both Ibn Khaldun and Ibn Taimmiyya have relied intensively on al-Mawardi's *Tashil*, and they have done little more than put his condensed ideas in longer and expanded statements.[41]

Notes

1. See Dr.Nassr Mohammed 'Arif, *Fi Masadir al-Turath al-Siyasi al-Islami*, (Herndon,VA: The International Institute of Islamic Though, 1994), 58; Dr.'Arif also has found that out of this 18%, only 6% is really consulted; and hence it clearly appears that most of the modern writings on Islamic medieval political thought are – indeed – based on a very thin research foundation.

2. All of these works are now published; the first of them was published as early as 1898 (Cairo: Mustafa al-Halabi), the second was published in 1929 (Cairo: Maktabat al-Khanji) and the other two were published in 1981 and 1986 successively; see Arif, 137-39, and see Hanna Mikhail, *Politics and Revelation: Mawardi and After* (Edinburgh: Edinburgh University Press, 1995), 89 – where he gives an informative selected bibliography; and see of course C.Brockelmann's article on al-Mawardi in *The Encyclopedia of Islam*, 4 : 869, the New Ed., (Leiden: E. J. Brill,1991).

3. In his introduction al-Mawardi refers indirectly to the Abbasid *Khalifa* and on that reference A. Gibb bases his whole argument; see his article reproduced in Stanford J. Shaw and William R. Poll.,eds. *Studies on the Civilization of Islam* (Boston: Beacon Press, 1962), 152. This article was originally published in *Islamic Culture*, xi, no.3, (Hyderabad: 1937). Mention may also be made here of Gibb's two other articles where he has discussed al-Mawardi's ideas: "Some Considerations on the Sunni Theory of the Khaliphate," "The Islamic Background of Ibn Khaldun Political Theory," – both of them are reproduced in studies to which we have just referred.

4. See Hanna Mikhail, *Mawardi*, 89.

5. Hamilton A. R.Gibb, *Studies*, 151.
6. C. Brockelmann, *Mawardi*, 869.
7. Hamilton A. R. Gibb, *Studies*, 151.
8. Ibid., p.164, see footnote No. 1.
9. The reference here is to *Das Kitab Adab ed-Dunja wa'ddin,* translated by Oscar Rescher (Stuttgart, 1932). But leaving the earlier western scholars aside, Arab and Muslim writers have also been 'prisoners' of the *al-Ahkam* for a long time – as one of them (Sa'id Bensa'id) put it, see his *Dawlat al-Khilafa: Dirasa fi al-Tafkir al-Siyasi 'ind al-Mawardi* (al-Dar al-Beida, Morocco: Muta'at Dar al-Nashr al-Maghribiyya,n.d.), 11. The only two exceptions in this regard are the works of Hanna Mihkail, *Politics and Revelation: Mawardi and After* (Edinburgh: Edinburgh University Press, 1995) and Ridwan al-Sayyid who edited *Qawanin al-Wizara* and added to it a lengthy introduction about al-Mawardi's life and works, see Abu al-Hassan al-Mawardi, *Qawanin al-Wizara* (Beirut: Dar al-Tali'a,1979 1st. ed.).
10. E. I. J. Rosenthal, *Political Thought in Medieval Islam,* (Cambridge: Cambridge University Press, 1962), 30-31.
11. Ann K. S. Lambton, *State and Government in Medieval Islam,* (Oxford: Oxford University Press, 1981), 83-102.
12. H.A.R.Gibb, *Studies,*153.
13. Ibid., 153.
14. A. E. Taylor, *Plato: the Man and His Work* (New York: Meridian Books, 1956), 464.
15. Ibid., 465.
16. It was Muhyi al-Din Hilal al-Sarhan who collected and edited this work (Beirut: Dar al-Nahda al-Arabiyya, 1981).
17. Al-Mawardi, *Tashil al-Nadar,* 152-155. It should be remembered that we are confining ourselves only to part two of the book.
18. Ibid., 184.
19. It must be confessed that Ibn Khaldun's ideas on the relationships between the *'asabiyya* and religion are somewhat confusing. "Religious propaganda," he says, "gives a dynasty at its beginning 'another' power in addition to that of the group feeling it possessed as the result of number of its supporters." *The Muqaddimah*, vol. i, 320. Religious propaganda on the other hand cannot materialize, he says, without group feeling, ibid., vol. i, 322. Hence, it could be argued that he gives priority to the force of *'assabiyya* over that of religion.
20. Ann K. S. Lambton, State, 85.
21. Ibid., 85.

22. Al-Mawardi, the *Tashil*, 155.

23. See Rosenthal, *Political Thought*, 33.

24. Al-Mawardi, *al-Ahkam al-Sultaniyya* (Beirut: Dar al-Kutub, n.d.), 39-40.

25. Al-Mawardi, *Tashil,* 45.

26. Ibid., 47.

27. Ibid., 55.

28. Ibid., 224.

29. Ann K.S.Lambton, *State and Government*, 112.

30. E. Ashtor, *Social and Economic History of the Near East in the Middle Ages* (Berkeley and Los Angeles, California: University of California Press, 1976), 134.

31. Al-Mawardi, *Tashil,* 156.

32. See for instance Brian R.Nelson, *Western Political Thought* (New Jersey: Prentice Hall,1996), 61. No one, of course, can deny al-Mawardi's possible contacts with the Greek political thought, but looking into his works it is obvious that his reliance on Persian sources is greater than the Romans or Greeks. This was so, according to Abdul Rahman Badawi, because it was believed at the time of the Abbasids that politics is a Persian art; see Abdul Rahman Badawi, *al-Usul al-Yunaniyya lil Nadariyyat al-Siyasiyya fi al-Islam:* part 1 (Cairo :Maktabat al-Nahda al-Misriyya , 1954), 7.

33. Al-Mawardi, *Tashil,* 157.

34. Ibid.,159.

35. E. Ashtor presents convincing evidence in this regard. Many canals were dug from the Euphrates and Tigris and "the lands which would be cultivated by the water supplied by these canals were mostly *katias* granted to those rich people who undertook the digging. One reads in Arabic sources that Khalid al-Kasri had from the estates lying by the canals he had dug a yearly income of 5 m dirhams." E. Ashtor, *Social and Economic History of the Near East in the Middle Ages,* 46.

36. Al-Mawardi, *Tashil,* 258.

37. Muhiy Hilal al-Sarhan, ed. *Tashil,* 34-35.

38. Rosenthal, *Political Thought,* 105.

39. Rosenthal, *Political Thought,* 90.

40. A. R. Gibb, *Studies,* 169 – but, in all fairness, it should be mentioned that Ibn Khaldun refers to al-Mawardi's *Ahkam* explicitly in many places in his *Muqaddimah*, see Ibn Khaldun: *The Muqaddimah: An Introduction to History,* translated from Arabic by Franz Rosenthal, 3 vols. (Princeton, New York: Princeton University Press, 1958), vol. 1, 450, vol. 2, 6. No mention, however, is made of any of al-Mawardi's other works.

41. Similar to the admirers of Ibn Khaldun, some writers who admire Ibn Taimiyya tend also to ignore his indebtedness to al-Mawardi, or to cover that up by trying to show how he sometimes throws al-Mawardi's ideas 'into the waste-paper basket with scorn' – see for instance Qamaruddin Khan, *The Political Thought of Ibn Taymiyah,* (Islamabad, Pakistan: Islamic Research Institute, 1973), 133. The fact that some of Ibn Taimiyya's basic ideas on political theory are based on al-Mawardi's work is simply ignored.