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The ultimate source of authority is God. It is only the good that God com-
mands and only the evil that He forbids. The principal difference between the
Sunni and later Shi'a perceptions is the Sunni doctrine that the last and
final revelation is the Qur'an, and Muhammad is the last human being to be
enrowned with revealed knowledge of right and wrong. The successors of Muhammad may only know the Qur'an by reference to the Qur'an,
and, moreover, these sources are not explicit and the consensus of Muslims—or indeed by reference to analogous judgment. Thus,
the proximate sources of authority are the Qur'an, the Sunnah, the hadith
and ijma'.

The immediate source of authority is somewhat more difficult to ascertain.
Learning, or 'ilm, is necessary for the discovery of what the Qur'an is, and
this qualification is the title 'ulama'. The Sunni 'ulama' are distinguished from others by their acknowledgment of the "canonical"
sources of the Shafi'i. However, since there is no priesthood in Islam, the 'ulama' form an undefined and unwieldy body. The business of discovering the law is at times very much like legislation, but the non-officialized body of the
'ulama' tend to convert their function to that of a huge, unwieldy body of
court justices. Obviously such action as might be undertaken by such a
group can come after the political fact, and because of the nature of the
institution the time-lapse between deed and decision might be generations.
It would be wrong to deny the 'ulama' any authority at all, for the 'Abbasid
dynasty went to great lengths to secure the support of the 'ulama' and to
display respect for their judgments. The pattern of political behaviour thus
established was carried on by subsequent Islamic rulers. Nevertheless, it was
characteristic of the Caliphs to claim the more remote authority for their
government.

In a sense the Muslim community, because of its intimate connection with
the principles of ijma', may be reckoned a source of authority. However,
since ijma' is a source of the Shafi'i, and since it is a process rather than an
situation, it cannot satisfy the requirement of an immediate source of authority.
As a source of the Shafi'i it is theoretically anterior to it, and, thus, a more
remote source of authority. In any case it is still subject to "discovery" and
interpretation by the 'ulama'. As a process it legislatively efficacity is similar

The structure of political authority in Islam is by no means as simple as it
seems at first glance. In the legalistic theory of the Caliphate expounded
by the Sunni jurists the 'ulama' is quite obviously the source of all authority,
including political authority as well. As a body of more or less concrete law,
the 'ulama' itself must be authorized from some source, which is presumably
qualified to judge right from wrong. Theoretically, the 'ulama' is changeable
from time to time, i.e., from prophet to prophet, but the Shafi'i a prophet

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to that of custom in Roman and Canon Law, so the time-scope is necessarily great. The Muslim community is not only the Islamic Church, but it is also the personal sphere of validity of Islamic government. Membership in the community is the result of belief, and belief is the basis of obedience to the Shari'ah. The purpose of Islamic government is to see to it that the Shari'ah is obeyed. In other words, the part the community plays in political affairs is primarily passive, although Islamic government is clearly established for the benefit of the Muslims.

Regardless of the degree and kind of authority attributed to the 'ulama' and the community, neither group ever wielded real political power to transform their political function to that of an institution authorization the day-to-day acts of government. Theoretically, the Muslim system all but disregards the question of power; practically, it is another question. Ibn Khaldun is the most outstanding Islamic theorist of those few who dealt with the problem of power. He asserts that power and authority were joined in the Orthodox Caliphate. Ideally, of course, power should reside with the immediate source of authority in the community.

The relation of the Caliphate to the Shari'ah is more difficult to define than that of the 'ulama' or the community. During the whole of the Umayyad and the early part of the 'Abbasid Caliphate, the Caliph is much more the exponent of power than of authority. In the last centuries of the 'Abbasid Caliphate the Caliph could hardly be considered the exponent of power either. Was he then the most immediate representative of authority? With the exception of the Qur'anic Law, the Caliphate and the Shari'ah developed pari passu. The Sunnah of the Prophet did not become constitutive until treated as such by the successors of the Prophet. Hadith and qiyas are certainly later accretions. This historical fact has tended to complicate the relationship of the Caliph and the Shari'ah. In the main the Caliph is the executor of the Shari'ah, the commander-in-chief of the Muslim army, and the leader in formal religious observances prescribed by the Shari'ah. Above all, the Caliph is the head of the religious institution in Islam, only of the formalized part of it. Since religion was an all-inclusive concept, he was also the political institution. The subordination of the Caliph to the Shari'ah was most clearly expressed as a by-product of early political controversy in the attacks on the petty and personal behavior of the Umayyad Caliphs. That the political behavior of the Caliph must be in accordance with the Shari'ah, was implicit in 'Abbasid religious policy. The theoretical implications of this policy were limited only to the function of the Caliph once appointed and as a consequence fail to define the authority for the appointment of a particular Caliph, or the authority for the institution itself.

1 Ibn Khaldun, Muqaddimah, Beirut, 1960, pp. 203 ff.
2 Goldhammer has set forth the arguments of the early political factions in Volume II of his Mohammediennes Studien.

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The circumstantial authority arising out of the contention that the Caliphs were properly executing the function of the Caliphate did not exhaust the "Abbasid theory. Their personal claim to the office itself was based both on a genealogical descent from the Prophet and the action of divine Providence. This theory of constitutive authority was never denied by Sunni theorists, but it was certainly omitted in the heavy casuistical overlay which attempted to camouflage the fact of dynastic succession. In time the Sunni theory of the constitutional process came to be a composite of the actual circumstances of the historical appointment of various Caliphs. These various circumstances were codified in detail, and with some juridical expansion by al-Mawardi,2 but the Shari'ah nature of the constitutional process had already been established. Thus, the Shari'ah was recognized as authority for the acts of the Caliph and for the manner of appointment of a particular Caliph, but there remains the problem of the authority for the institution itself. Al-Baghda'di's answer that the Caliphate is required because there are certain explicit Shari'ah duties incumbent upon the Caliph merely begs the question.2 We must be satisfied then with the conclusion that the authority of the Caliph is primarily circumstantial, i.e., he has authority for what he does rather than for what he is.

What the Caliph depends rather upon historical events, and this is not surprising since the institution developed along with the Shari'ah. History has a legislative character in Sunni Islam, and the Caliphate is the prime example of the legislative efficacity of history. On the other hand, the effect of historical legislation is primarily retrospective. As a result we are told what the Caliph says and what he should now be. Clearly, Sunni theories of the Caliphate are not slavish descriptions of the obtaining conditions; but in so far as they deviate from the merely descriptive, they also concentrate on the function rather than the institution of the Caliphate.

So long as sufficient measure of power was attached to the Caliphate, this question did not agitate Muslim theorists. We might say the institution of the Caliphate was almost taken for granted. However, when the Caliphs lost control of affairs, circumstantial authority no longer applied to the Caliphate. Al-Mawardi is very much aware of this problem, but his treatment of it is entirely inadequate. He insists on the legitimacy of the Caliph who is constrained by one of his military aides, even though he expressly states that the "obligatory" character of the Caliphate is derived from the Caliph's duties as executor of the Shari'ah.4 Nevertheless, al-Mawardi has not necessarily contradicted himself—he has simply failed to state explicitly the source of Caliphal authority. It was this omission which permitted theorists of the post-"Abbasid period to apply the criteria of circumstantial authority to the actual but "unconstitutional" holders of power. The inevitable corollary was the establishment of power as the constitutive authority of the Caliph.

3 Al-Mawardi, Al-Ahldn al-Sudul'miyah, Cairo, 1909, Chapter I.
5 Al-Mawardi, op. cit., p. 16.
new elements. First, he states that the Caliphate does indeed have utility, but he traces the proof of the Shari'ā obligation of appointing an Imam first to ijmāʿ and, secondly and more importantly, to the deduced will of the Prophet. He contends that the will of the Prophet was the source of the consensus of the community. His argument is that the Prophet's purpose was the formal establishment of the religion of Islam. To secure this end both life and livelihood must be protected. The appointment of an Imam is therefore obligatory. He also indicates that only through the performance of formal religious observances may the bliss of the hereafter be achieved.

We have found the usual Sunni insistence upon the Shari'ā's character of the Caliphate inadequate for the definition of the institutional authority of that office. In supporting this view the Sunni theorists point to no specific provisions of the Shari'ā. Instead they reason from the prescribed duties, deducing the executive institution. The weakness of their argument is manifest, for as we have seen, the Caliphate existed in fact before any of its duties were defined. By the addition of new elements to this argument, al-Ghazālī goes much farther in towards a definition of the institutional authority of the Caliphate. The most important innovation is his reference to the consensus of the community, which is no less than the historical practice of the community. Evidently, this is historical legislation.

Technically, the consensus by which the community has authorized the institution of the Caliphate has reference to the consent of the Companions of the Prophet to the establishment of the Orthodox Caliphate. The phrase "consensus of the community" is sufficiently vague to include the consensus of other generations as well. However, the consensus of the community is not actually a legislative process, but merely evidence of the fact that what has been approved by the community is actually provided for in the Shari'ā. Despite this legal detail, we must conclude that the authority for the institution of the Caliphate is derived from the community of the Muslims. By the time al-Ghazālī wrote, the consensus of the community had become a source of the Shari'ā in its own right. The community at large has been endowed by the grace of God with a special character, summed up in the words of the Prophet, "My community will never agree in error." The important thing to note is that consensus implies unanimity, or very nearly that. The community as a source of authority is then considered collectively. Ijmāʿ is, as has been said, primarily a conservative principle, tending to approve and perpetuate existing phenomena. But it is constitutionally a dynamic principle, expressing in a way the historical continuity of the Islamic community. The institution of the Caliphate is intimately bound up with the collective unity of the community, as well as with its historical continuity.

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Caliph; we only know that the function of the Sultanate is an essential element of the authorized Caliphate.

In a later argument al-Ghazālī opposes those who deny the obligatory character of the Caliphate altogether. Here we get into some confusion of terms. The contention of al-Ghazālī’s opponents is that the Caliphate has lapsed because there is no qualified person to serve in that capacity. ¹² The implication of their statement is that the Caliphate is not, therefore, a rigid requirement of the Shari‘ah. At least this is in some measure the way in which al-Ghazālī chooses to understand their argument. In his own approach al-Ghazālī definitely confuses the terms obligatory (moral) and necessary (natural).

The argument is simply: there ought to be a Caliph; therefore there must be a Caliph; therefore there is a Caliph. From this we are probably justified in deducing that the opposing argument runs: there is no Caliph, therefore there need not be a Caliph, therefore there is no obligation to appoint a Caliph.

Al-Ghazālī’s final argument on this question is his asking what would become of all those religious, social, economic, and political phenomena which are regulated by the Shari‘ah if there were no Caliph. He contends that without the existence of the Caliphate no judgment of a Qādi, no contract, no testament would be valid. In other words, the power of all Qādis and government officials is derived from the Caliph. In theory, Islamic government is perfectly centralized. The authority which any individual Qādi has is completely derived from the Caliph, and not from the task he performs, as is the case of the Caliph’s own authority. It is inconsistent, but there is no circumstance under which subordinate officials; their authority is only constitutive (derived from the manner in which they were appointed). Thus, the absence of the Caliphate would turn every normal human relationship into sin, and lead to disorder and strife. He does not say what effect such social disintegration might have on the chances of the individual Muslim for salvation; but from other indications we may conclude that they would be considerably reduced.

We are now much clearer on the nature of the Caliphate in al-Ghazālī’s theory: (a) The Caliphate comprehends the necessary power to accomplish the maintenance of order. (b) It represents or symbolizes the collective unity of the Muslim community and its historical continuity. (c) Deriving its functional and institutional authority from the Shari‘ah, it is the only legitimate form of government in Islam. The legitimacy of the Caliphal form of government validates all acts of a legal and political nature, and establishes the Caliphate as the focal point of the Shari‘ah in the community as well as the symbol of the divine guidance of the Sunni community by virtue of its obedience to the Shari‘ah. It is not coincidental that these three aspects of the Caliphate correspond to al-Ghazālī’s three sources for the obligatory character of the Caliphate: (a) utility, (b) ijma‘, and (c) the objective of the Prophet.

¹² Ibid., p. 107.
¹⁴ Ibid.
So much for the Caliphate, but what about the Caliph himself? Al-Ghazālī joins the earlier theorists in giving a long list of qualifications required for the office. Ideally, al-Ghazālī’s qualifications are the same as those of al-Mawardi. The Caliph must be without physical as well as mental defects. He must be honourable, courageous, wise, and so on. It must not be thought that these qualifications are mere words. They do not represent abstract qualities, but rather their concrete equivalents. Thus, he must be able to defend the Muslims against their enemies and maintain internal order. He must be able to make judgments in accordance with the Shari‘ah. He must be able to administer the affairs of the State. Finally, he must be of Quraishite descent. Al-Ghazālī adds that he must be an ‘Abbasid.¹⁸

These requirements are very great, and it is not surprising that they were in reality never completely fulfilled. The only stipulation which had been fulfilled was that of Quraishite lineage, and for three hundred and more years before al-Ghazālī the Quraishite Caliph had been an ‘Abbasid. This fact more than anything else represented the unity and historical continuity of the Sunni community.

The inconstancy in al-Mawardi’s theory stems from the fact that he insisted upon these qualifications in the Caliph, while permitting the Caliph to be inactive. On the Caliph’s inactivity he clearly contradicts his own words. At one point al-Mawardi insists on the personal activity of the Caliph, while at another he validates his being constrained by one of his military aides. The reasons which might have justified al-Mawardi’s equivocation were no longer effective in al-Ghazālī’s time. We find al-Ghazālī facing the problem of the inactivity of the Caliph, and the related problem of his qualifications.¹⁹

To understand al-Ghazālī’s treatment of this problem we must bear in mind his insistence upon the obligatory, even necessary, character of the Imāmāte. We are not concerned with “an irresistible force” and an “immovable object.” Al-Ghazālī tells us frankly that the necessity of having an Imām is so great that it compels the allocation of the qualifications when there is no other way out.²⁰ The licence of dures had, indeed, been applied previously by al-Mawardi to validate the rule of “Amir by Conquest.”²¹ But he does not seem to have been able to bring himself to do the same for the constrainer of the Caliph. At any rate, al-Mawardi did not permit, even in a case of dures, the lowering of the qualifications of the Imāmāte. Perhaps al-Mustashriq was obviously unqualified, or it might be that al-Ghazālī was more honest than al-Mawardi, anyway al-Ghazālī is willing to concede many of the qualifications in order to maintain the Caliphate. About the only concrete thing that he

¹⁹ See Cohn’s, Schriften der Ghazali gegen die Bahümiya-Sekte, Leinzig, 1916, pp. 80 ff., for analysis and pp. 58 ff. text for al-Ghazālī’s early, detailed views, referred to in both Iḥiyyat and the much later Iḥyā‘.
²⁰ Iḥiyyat, p. 105; Iḥyā‘, loc. cit.

Al-Ghazālī insists upon it that the Caliph be of Quraishite lineage. As a result, the personal qualifications of the Caliph are hardly applicable to the nature of the Caliphate. On the other hand, the symbolic character of the Caliph could not be more sharply drawn. In other words, the Caliph himself represents only one of the three major aspects of the Caliphate.

The qualifications of the Caliph are probably the most well-developed part of the constitutive process in the hands of Islamic theorists. But they are very vague in their description of the constitutive power. Al-Ghazālī says there are three ways in which one of those who is qualified for the Caliphate may be chosen: by designation of the Prophet, by designation of the ruling Caliph, or by designation of the holder of actual power. Al-Ghazālī tells us that only the last alternative applies to his time.²² Designation alone is not sufficient for appointment, for there must be the ‘Isā/ as well. The ‘Isa/ must be performed by the great men and the people of “loosening and binding” (al-ba‘l al-ba‘l u-al-‘ajā‘).²³ It is not easy to ascertain who these people are, but we take the great men to be those with some measure of power; and the people of loosening and binding to be the ‘ulama‘; in concrete terms this means that the most powerful Saljūq leader appoints the Caliph, then the appointee is recognized by the lesser Saljūq lords, and the chiefs of the bureaucracy; and finally the appointment receives the consent of the ‘ulama‘. There is probably a fourth stage in which the appointment is announced in the mosques, and the people accept the decision handed down from above. In view of al-Ghazālī’s statement to the effect we must look upon the holder of power, or the Sultan, as the constitutive power. The whole of the constitutive process beyond the bar ae fact of appointment by the Sultan is a formality.

Al-Ghazālī’s treatment of the constitutive process by no means contravenes the accepted requirements of the ‘Isā/ in this matter. It is true that al-Mawardi sets up special qualifications for those who choose the Caliph, as well as for the Caliph himself. But, generally speaking, the Sunni theorists are sufficiently vague about the question of selectors to allow al-Ghazālī’s theory to meet their standards, particularly since some of them at least insist that there need not be more than one selector. On the other hand, it is quite possible that he belittles the importance of the ‘Isa/ of the ‘ulama‘ too much. His reason for this is probably that the important question for him was whether or not the Sultan would choose anyone at all. But, of course, the Sultan’s primary concern was that his choice should be acceptable to the ‘ulama‘ and the people. Were he not concerned with the attitude of these groups, and perhaps his own salvation, the Sultan might dispense with choosing a Caliph

²² Ḥiyā‘, loc. cit.
²³ Ḥiyā‘, p. 107. The ‘Isa/ is important, even essential, but not constitutive. Thus, according to al-Ghazālī, if a qualified Quraishite is an actual holder of power, he may appoint himself as Imam. (This is denied by al-Ghazālī, at Ta‘kīd, p. 180, and so may not be taken as a generally accepted Sunni theory.) Nevertheless, the ‘Isa/ remains necessary, having only a declarative effect.
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The fact that al-Ghazali accepts this compromise sheds some light on the political objectives of Sunni theorists. The total achievement of this arrangement is the recognition by the holder of power that the Sharī'ah is the organizing principle of the Sunni community, and in more concrete fashion, the establishment of Sunni Islam. The element of compromise enters when al-Ghazali argues for the legitimacy of this arrangement, even though the Sultan actually ignores many provisions of the Sharī'ah. Recognition of the Sharī'ah by the Sultan without obedience to its provisions is form without content. This leads us to the second objective of the Sunni theorists, that is, the establishment of order and the maintenance of discipline. The governmental scope of the Sultanate included very few of the interests which concern modern governments. By the establishment of order and the maintenance of discipline the Sultanate merely provided a favourable field for the activity of the established Islamic institution. Al-Ghazali, therefore, felt justified in validating the government of such a Sultan. He was willing to make concessions regarding a limited number of Sharī'ah regulations in order to preserve the religious life of the community.

Just as the Caliphate comprehends the function of the Sultan, so does it also comprehend the religious and legal duties imposed by the Sharī'ah. As we have said, the Caliphate is a religious as well as a political institution of Islam and we have also seen that al-Ghazali does not insist upon the qualifications which the Caliph must have in order to carry out his religious duties. If necessary, the Caliph may enlist the aid of the most outstanding learned people of the day.28 The principal political function of the ‘ulamā‘ is the interpretation of the Sharī'ah in terms of the problems facing the community. In short, by their approval of the Sultan’s choice of the Caliph (ba‘i‘ah) and by their fatāwa, the ‘ulamā‘ express the functional authority of the Sharī'ah.

The term Caliphate stands for the whole of Islamic government. Although al-Ghazali seems to follow the traditional prejudices in favour of autocracy, it is obvious that his is a multilateral conception of the Caliphate. In it there are three main elements: the Caliph, the Sultan, and the ‘ulamā‘, each corresponding to some aspect of the authority behind Islamic government, and each performing a function required by that authority. The greatest virtue of al-Ghazali’s theory is its political realism, and yet he has maintained the essentials of the traditional theory. Each of the parts of the Caliphate represents not only an aspect of authority and a function of Islamic government, but also one of the major elements of political power in the Sunni community.

Was al-Ghazali’s theory an accurate description of the government of his time? Such a development of the Caliphate was the result of many diverse and fortuitous events. Nevertheless, the roots of this development may be traced back to the calculated policy of the early ‘Abbasids. The early ‘Abbasids based their government upon the power of troops imported from Khaursan.

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18 ‘Ihya', loc. cit.
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and not upon local Iraqi levies. They asserted their own legitimacy upon the circumstantial fact that they were ruling in accordance with the Shāfi‘ī. They went out of their way to honour the ‘ulama‘ and give them a place at Court.

Ultimately, the success of the system depended upon the maintenance of a delicate balance of power, and upon the continued co-operation of those forces. The fact of the matter was that when the relative power of each element of the government changed it was not supported by the others. Al-Ghazālī argued for the independence of the ‘ulama‘ and he urged them to resist the blandishments of the Sultān. When the Sultān was powerful he interfered with the succession to the Caliphate in a manner calculated to lower the influence and prestige of that office. When the Sultān grew somewhat weaker, the Caliph was eager to exercise local power himself. Al-Ghazālī’s theory notwithstanding, the existence of the Caliph alongside the Caliphate was an ever-present temptation to re-establish the old order.

The multilateral conception of the Caliphate was not opposed to al-Mawardi’s ideal construction. Al-Ghazālī did not reject the traditional Sunni theory. In fact, al-Ghazālī sought only to explain the political conditions of his own time in terms acceptable to traditional Sunni thought. If he ground any axe at all, it was for the Sunni ‘ulama‘, who were certainly a most conservative body. Nevertheless, once the Caliphate could be resolved into its component parts, it became possible for the rest of the parts to hobble along without the Caliph himself. In this sense al-Ghazālī paved the way for the post-Abbasid development of the Sunni political theory.

The original inspiration for al-Ghazālī’s theory of the Caliphate seems to have come from his early interest in Hellenistic thought. We find an interesting statement of the same principle in no less an exponent of the opposing ‘philosopher-king’ theory than Naṣr al-Dīn al-Tūsī. Al-Tūsī says that the second possible variation of the supreme government of the Virtuous City arises when all the qualities required of a philosopher-king do not exist in one man, but are produced in several men collectively. More significant than the parallel passage in Aḥmad i Nāṣirī in the reflection of al-Ghazālī’s theory in the writings of Ibn Taimiyah. If anything, Ibn Taimiyah was more enamoured of the past than al-Mawardi, but by the time he wrote the ‘Abbkād Caliphate was no more. Ibn Taimiyah argued that legitimate Islamic government in his days was composed of the Amir and the ‘ulama‘ acting in co-operation with one another. Ibn Taimiyah’s principle of “co-operation” leads him to reject al-Ghazālī’s theory of divided authority in accordance with the qualifications of various persons in opposition to the theory which accorded complete authority to the ruling war-lord.

The origin and development of this principle present many difficulties, but

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Laouste tells us that Ibn Taimiyah was influenced rather by the Arab Neo-Platonists, such as Ibn ‘Arabī, than by al-Ghazālī. It is unlikely that the idea itself originated with al-Ghazālī who was himself deeply influenced in his youth by the Hellenistic movement in Islam. Nevertheless, his application of it to the Sunni Caliphate was certainly an innovation, and all the more noteworthy for its reappearance two centuries later in the works of Ibn Taimiyah. It need hardly be added that the ‘ulama‘ did in fact assume a special position of political authority as well as a part of the “original” Caliphal function in the Ottoman State, and to a lesser extent, perhaps, in the Mughal Empire in India.

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Ibid., p. 100, note 1.