

AL-GHAZĀLĪ'S THEORY OF ISLAMIC GOVERNMENT

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 Sunnī jurists the Shari'ah is quite obviously the source of all authority, and political authority as well. As a body of more or less concrete law the Shari'ah itself must be authorized from some source, which is presumably qualified to judge right from wrong. Theoretically the Shari'ah is pre-existing and eternal; it represents the absolute good. Human beings may not change these laws; they may only know them or not know them, obey them or disobey them. The prerequisite for knowledge of the Shari'ah is acknowledgement of the established sources of the Shari'ah, i.e. "uṣūl al-dīn." The prerequisite for obedience is belief.

The ultimate source of authority is God; the good is that which God commands, and the evil is that which He forbids. The principal difference between the Sunnī and later Shi'ite persuasions is the Sunnī doctrine that the last and definitive revelation was the Qur'ān, and that Muḥammad was the last human being to be endowed with a special knowledge of right and wrong. The successors of Muḥammad may only know the Shari'ah by reference to the Qur'ān, to the behavior of Muḥammad, and wherever these sources are not explicit to the consensus of Muslims—or indeed by reference to analogous judgements. Thus the proximate sources of authority are the Qur'ān, the Sunna, Ijmā' and Qiyās.

The immediate source of authority is somewhat more difficult to ascertain. Learning, or *ilm*, is necessary for the discovery of what the Shari'ah is, and this qualification is the source of the title *'ulamā'*. The Sunnī *'ulamā'* are distinguished from others by their acknowledgement of the "canonical" sources of the Shari'ah. However since Islam recognizes no ecclesiastical hierarchy, and since its doctrinal tendency is catholic, the *'ulamā'* form an undefined and unwieldy body. The business of discovering the law is at times very much like legislation, but the disorganized character of the *'ulamā'* tended to convert their function to that of a huge, unwieldy board of judicial review. Obviously such action as might be undertaken by such a group must 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 *'ulamā'* any authority at all, for the *'Abbāsīd* dynasty went to great lengths to secure the support of the *'ulamā'* and to display respect for their judgements. The pattern of political behavior 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 Islamic community, because of its intimate connection with the principle of *ijmā'*, may be reckoned a source of authority.

However, since *ijmā'* is a source of the *Shari'ah*, and since it is a process rather than an institution, it cannot satisfy the requirement of an immediate source of authority. As a source of the *Shari'ah* 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 'ulamā'. As a process its legislative efficacy is similar to that of custom in Roman and Canon law, so the time-lapse is necessarily great. The Islamic 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 amount and kind of authority attributed to the 'ulamā' and the Community, neither group ever wielded sufficient real political power to transform their political function to that of an institution authorizing the day to day acts of government. Theoretically the Muslim system all but disregards the question of power; practically it was another question. Ibn Khaldūn 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.¹ 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 'ulamā' or the Community. During the whole of the Umayyad Caliphate and the early part of the 'Abbāsid Caliph is much more the exponent of power than of authority. In the last centuries of the 'Abbāsid Caliphate the Caliph could hardly be considered the exponent of power; was he then the most immediate representation of authority?

With the exception of Quranic law, the Caliphate and the *Shari'ah* developed *pari passu*. The Sunna of the Prophet did not become constitutive until treated as such by the successors of the Prophet. *Ijmā'* and *qiyās* are certainly later accretions. This historical fact has tended to complicate the relationship of Caliph and *Shari'ah*. In the main the Caliph is the executive 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, and the only 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 piety and personal behavior of the Umayyad Caliphs.² That the political behavior of the Caliph must be in accordance with the *Shari'ah* was implicit in 'Abbāsid 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.

The circumstantial authority arising out of the contention that they were properly executing the function of the Caliphate did not exhaust 'Abbāsid theory. Their personal claim to the office itself was based both on agnate descent from the Prophet and the action of divine Providence. This theory of constitutive authority was never denied by Sunnī theorists, but it was certainly omitted in the heavy casuistical overlay which attempted to camouflage the fact of dynastic succession. In time Sunnī 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-Māwardī,³ but the *Shar'ī* 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-Baghdādī's answer that the Caliphate is required because there are certain explicit *Shar'ī* duties incumbent upon the Caliph merely begs the question.⁴ 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 is 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 Sunnī Islam, and the Caliphate is the prime example of the legislative efficacy of history. On the other hand the effect of historical legislation is primarily retrospective. As a result we are told what the Caliph was and not what he should be. Of course, Sunnī theories of the Caliphate are not slavish descriptions of obtaining conditions; but insofar as they deviate from the 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 Caliph lost control of affairs, circumstantial authority no longer applied to the Caliphate. Al-Māwardī is very much aware of this

² Goldziher has set forth the arguments of the early political factions in Volume II of his *Muhammedanische Studien*.

³ Al-Māwardī, *Al-Ahkām al-Sulṭāniyya*, chapter I.

⁴ 'Abd al-Qāhir ibn Tāhir al-Baghdādī, *Uṣūl al-Dīn*, Istanbul, 1928, p. 272.

¹ Ibn Khaldūn, *Muqaddima*, Beirut, 1900, p. 203 ff.

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.⁵ 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-Abbāsid 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. Regarding the theory of al-Māwardī, our inference is that he considered the constrained Caliph legitimate because of the validity of the constitutional process by which he was appointed. The resulting situation is pure anomaly: the authority of the Caliph is his "constitutionality," while the authority of his constrictor is circumstantial (derived from his ruling in accordance with the Shari'ah); and the sum total is legitimate government.

Al-Ghazālī's attempt to solve this problem is much more serious than that of preceding theorists. In many respects his theory departs importantly from the well established pattern of Sunnī theory. On the other hand, these divergences are carefully couched in terms calculated to maintain the essentials of traditional Sunnī theory. While remembering that the classification of authority as functional, constitutional and institutional is only an analytical construction, which finds no place in Islamic theory, we may find this classification helpful in analyzing al-Ghazālī's theory.⁶

In referring to Islamic government al-Ghazālī uses the same term as his predecessors. However, it is almost immediately clear that he has something else in mind, and not the traditional Caliphate of even al-Māwardī. He follows the prejudice in favor of one-man-government, but his implication is clearly that of a multilateral rather than a unitary government. Most important of all is his association of the Caliph with the Sultan. We shall return to this problem, but it is necessary to realize that he assumes the co-operation of the Caliph and the actual holder of power in his discussion of the obligatory character of the Caliphate.

In keeping with the then traditional treatment of the question of the obligatory character of the Caliphate, al-Ghazālī first directs his argu-

⁵ Māwardī, *op. cit.*, Cairo, 1909, p. 16.

⁶ Functional authority is that which authorizes each separate act of the Caliph, without regard to the manner of his appointment. Institutional authority is that which provides that there shall be such an institution as the Caliphate. Logically, institutional authority must precede functional authority; though the office and its duties are conceptually joined. Constitutional authority provides for the manner in which a Caliph should be appointed. It will usually be found that the question of legitimacy in Islamic political theory relates to the constitutive process, while functional lapses are regarded as disqualifying and not illegitimizing.

ment against those who deny the Sharī character of the Caliphate, and then against those who deny its obligation altogether.⁷ The first argument is a positive one, and concerns the institutional authority for the Caliphate. The second is a negative argument, and sheds light on the nature of the Caliphate and the duties attached thereto. After dealing with these two arguments we shall discuss his treatment of the constitutive process with special reference to the qualifications of the Caliph and the constituent power.

The Mu'tazila asserted that the obligatory character of the Caliphate was based on "reason" and not upon the Shari'ah. The Sunnī jurists insisted upon the Shari'ah as the basis of the Caliphate. Al-Ghazālī follows the accepted Sunnī line, but he develops his argument in a more logical fashion, adding new elements. First he states that the Caliphate does indeed have utility, but he rests the proof of the Sharī obligation of appointing an Imām first on ijma' and second and more importantly, upon 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 Imām 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 Sunnī insistence upon the Sharī character of the Caliphate an inadequate definition of the institutional authority of that office. In supporting this view the Sunnī theorists point to no specific provisions of the Shari'ah. Instead they reason from the prescribed duties, deducing the executive institution.⁸ 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 further toward 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. This, of course, 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'ah. Despite this legal

⁷ Al-Ghazālī, *Al-Iqtisād fī-Isṭiqād*, Cairo, n.d. pp. 104-109.

⁸ Al-Baghādī, *loc. cit.*, Al-Māwardī, *op. cit.*, p. 3, see also al-Bāqillānī, *al-Tamhīd*, Cairo, 1947, pp. 185, 6 "Concerning the Purpose for which the Imām is Established."

detail we must conclude that the authority for the institution of the Caliphate is derived from the Community of Muslims. By the time al-Ghazālī writes the consensus of the Community had become a source of the Shari'ah 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. *Ijmā'* is, as has been said, primarily a conservative principle, tending to approve and perpetuate existing phenomena. But it is correlatively a dynamic principle, expressing in a way the historical continuity of the Islamic Community. The institution of the Caliphate is intimately bound up with both the collective unity of the Community, as well as with its historical continuity.

Al-Ghazālī's logical bent of mind will not allow him to be satisfied with the mere evidential fact of *ijmā'*. Clearly, *ijmā'* itself contains no logic, while al-Ghazālī's intention is to frame the requirements of the Shari'ah in a manner best calculated to convince the protagonists of reason. Therefore he goes back to the source of the *ijmā'* which is, he says, the intention of the Prophet to organize the establishment of Islam.⁹ Primarily he is referring to the establishment of external observances of the religion such as prayer, fasting, and pilgrimage; and the execution of the *hudūd* punishments for such transgressions as drinking and adultery; the maintenance of Shari'ah law in such matters as marriage and inheritance; and the administration of Islamic justice by means of the *Qādis*. Under these headings come the collection of taxes and the government administration, for these are included either directly or indirectly in the Shari' requirements concerning them. Muḥammad may have desired to accomplish other, less concrete things as well, but here the main point is his purpose of organizing the administration of the (Sunni) religion. Although it is here presented in slightly different terms, this is the same old argument leading to the functional or circumstantial authority of the Caliphate. Al-Ghazālī's argument goes on to show that the requirements of the Shari'ah imply the requirement of an institution of some sort to execute them. That institution, the form of which has been authorized by the consensus of the Community, is the Caliphate.

Though he rejected the argument of the Mu'tazila that the obligatory character of the Caliphate is based upon reason, al-Ghazālī agrees with them that it does have utility. Utility is a concept with a minimum of religious connotation. We have seen that the Shari'ah contains very many material provisions, but none of these could be classified by a Muslim as merely utilitarian. Obviously al-Ghazālī is referring to governmental functions common to all centralized coercive orders,

⁹ Al-Ghazālī, *op. cit.*, p. 105.

such as the maintenance of order and the security of life and property. This utility can only exist where power is present.

The subject of utilitarian power comes into al-Ghazālī's argument again when he attempts to prove that the Imamate is necessary for the realization of the Prophet's goal. It enters when he says that material security is a prerequisite for the carrying out of the Shari'ah.¹⁰ The concrete character of so many of the Shari'ah provisions necessitates, in the establishment of the Shari'ah, the setting up of a civic-religious institution. Obviously this implies the existence of a favorably disposed political power. This is provided by the Sultanate. His conclusion is that the Caliphate (execution of the Shari'ah) because of its relationship with the Sultanate (coercive power) is required as a result of the objective of the Prophet (the establishment and institutionalization of the Shari'ah). In the progress of this argument the Sultanate is brought in without any explanation of the relationship of the bearer of power to the 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.¹¹ 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 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.¹² He contends that without the existence of the Caliphate no judgement of a *qāḍī*, no contract, no testament would be valid. In other words, the power of all *qāḍīs* and government officials is derived from the Caliph. In theory, Islamic government is perfectly centralized. The authority which any individual *qāḍī* 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 circumstantial authority for subordinate officials; their authority is only constitutive.

¹⁰ *Ibid.*,

¹¹ *Ibid.*, p. 107.

¹² *Ibid.*, p. 107.

(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 Caliphate form of government validates all acts of a legal and political nature, and it 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 Sunnī 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) *ijmā'*, c) and the objective of the Prophet.

So much for the Caliphate, but what about the Caliph himself? Al-Ghazālī joins the earlier theorists in giving a long list of qualifications for the job. Ideally, al-Ghazālī's qualifications are the same as those of al-Māwardī. The Caliph must be without physical defect, nor mental defect. He must be honorable, 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 judgements in accordance with the Shari'ah. He must be able to administer the affairs of state. Finally, he must be of Quraishite descent. Al-Ghazālī adds that he must be an 'Abbāsīd.¹³

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 'Abbāsīd. This fact more than anything else represented the unity and historical continuity of the Sunnī Community.

The inconsistency in al-Māwardī'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-Māwardī 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

¹³ Al-Ghazālī, *Ihya' 'Ulūm al-Dīn*, Vol. II, "al-Ḥaram wal-Ḥalāl", p. 124.

justified al-Māwardī's equivocation no longer were effective in al-Ghazālī's time. We find al-Ghazālī facing up to the problems of the inactivity of the Caliph, and the related problem of his qualifications.¹⁴

To understand al-Ghazālī's treatment of this problem we must bear in mind his insistence upon the obligatory, even necessary character of the Imamate. 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 alteration of the qualifications when there is no other way out.¹⁵ The license of duress had, indeed, been applied previously by al-Māwardī to validate the rule of "Amirs by Conquest,"¹⁶ but he does not seem to have been able to bring himself to do the same for the constrictor of the Caliph. At any rate al-Māwardī did not permit, even in a case of duress, the lowering of the qualifications of the Imamate. Perhaps al-Mustazhir was obviously unqualified, or it might be that al-Ghazālī was more honest than al-Māwardī, anyway al-Ghazālī is willing to concede many of the qualifications in order to maintain the Caliphate. About the only concrete thing that he insists upon is that he 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 constituent 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 in his day.¹⁷ Designation alone is not sufficient for appointment, for there must be the *bay'ā* as well. The *bay'ā* must be performed by the great men and the people of loosing and binding.¹⁸ 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 loosing and binding to be the 'ulamā'. In concrete terms this means that the most powerful Seljuq leader appoints the Caliph, then the

¹⁴ See Goldziher, *Streitschrift des Ghazālī gegen die Batiniyya-Sekte*, Leiden, 1916, p. 80 ff. analysis and p. 58 ff. text, for al-Ghazālī's early, detailed views, referred to in both *Iqtisād* and the much later *Ihyā*.

¹⁵ *Iqtisād*, p. 107, *Ihyā*, loc. cit.

¹⁶ Al-Māwardī, *op. cit.*, chapter III, p. 27, 8.

¹⁷ *Ihyā*, loc. cit.

¹⁸ *Iqtisād*, p. 107. The *bay'ā* is important, even essential, but not constitutive. Thus if a qualified Quraishite is an actual holder of power he may appoint himself as Imām according to al-Ghazālī. (This is denied by al-Bāqillānī, *Al-Tamhīd* p. 180, and so may not be taken as generally accepted Sunnī theory.) Nevertheless the *bay'ā* remains necessary, having only a declarative effect.

appointee is recognized by the lesser Seljuqs, local princes, and the chiefs of the bureaucracy; and finally the appointment receives the consent of the 'ulamā'. 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 that effect we must look upon the holder of power, or the Sultan, as the constituent power. All of the constitutive process beyond the bare fact of appointment by the Sultan is formality.

Al-Ghazālī's treatment of the constitutive process by no means contravenes the accepted requirements of the Sharī'ah in this matter. It is true that al-Māwardī sets up special qualifications for those who choose the Caliph, as well as for the Caliph himself. But generally speaking, the Sunnī theorists are sufficiently vague about the question of selectors to allow al-Ghazālī's theory to meet their standards; particularly since they all 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 *bay'ā* of the 'ulamā' 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 was primarily concerned that his choice should be acceptable to the 'ulamā' 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 altogether. Having chosen a Caliph, he has gone so far toward preserving law and order and the "establishment of Islam" that al-Ghazālī cannot conceive of the repudiation of his choice by the 'ulamā' or the people.

The constitutive process is then, loosely speaking, a Sharī' process; but the constituent power is the Sultan. The limitations upon the Sultan's choice are real, as is the importance of the general *bay'ā*, but since these have much greater reference to the functional and institutional authority of the Caliphate we shall do no more than make a mental note of them here. Our conclusion is that the constituent power for the appointment of the Caliph is the Sultan.

There is no contradiction between this conclusion and our previous statement that the source of all authority in Islam is the Sharī'ah, for the Sharī'ah has a tendency to recognize existing power in the constitutive process. Besides, so long as the Caliph had no power to do anything, the most important aspect of Sharī'ah authority, i.e. functional authority, does not become operative. As a result the constituent authority of the Sultan is the critical political factor. One might argue that the Sultan derives this authority from the Sharī'ah, but that would not be what al-Ghazālī himself has argued.

From the foregoing we see that the Caliph is different from the Caliphate, and that the authority for one differs from the authority for the other. We must now examine the relationship of the Caliph to the Caliphate, and of the Sultan to them both.

If the Caliph does not satisfy all the requirements of the Caliphate in himself, it is at least clear that he is the principal personal representative of the Caliphate. We have already established that the Caliph himself has a special connection with the authoritative source of *ijmā'*. On the other hand we know that he cannot possibly be the personal subject of functional authority, since he has no power. Contrarily, no governmental act unless performed directly or indirectly by the Caliph has any validity.

We have already seen that the Sultan is in some measure the authority for the Caliphate. However, the actual government of Islam is carried out by the Sultan. Circumstantial authority is not considered sufficient to legitimize the government of the Sultan. Al-Ghazālī goes even further, for he validates the government of the Sultan even if it is not in conformity with the Sharī'ah.¹⁹ The only way in which the government of the Sultan is valid and authorized is through its recognition of the Caliph. As we have already stated, no government other than that of the Caliph is valid under the Sharī'ah, and subordinate officials have only delegated authority, and not functional authority. Thus the validity of the government of the Sultan is established only upon the Sultan's oath of allegiance to the Caliph, and the Caliph's appointment of the Sultan. By his exercise of the constitutive authority, the Sultan recognizes in fact the institutional authority of the Caliphate, which rests primarily in the Islamic Sunnī Community, and in theory the functional authority which rests with the Sharī'ah proper.

The fact that al-Ghazālī accepts this compromise sheds some light on the political objectives of Sunnī 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 Sunnī Community; and, in more concrete fashion, the establishment of Sunnī Islam. The element of compromise enters when al-Ghazālī 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 Sunnī theorists, and 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 favorable field for the activity of the established Islamic institution. Al-Ghazālī 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.

¹⁹ *Ihyā', loc. cit.*

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 the religious institution as well as the political institution of Islam. We have also seen that al-Ghazālī 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.²⁰ 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 Caliph (*bay'at*) and by their fatwas, the 'ulamā' express the functional authority of the Sharī'ah.

The term Caliphate stands for the whole of Islamic government. Although al-Ghazālī seems to follow the traditional prejudices in favor 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-Ghazālī's theory is in its political realism; and yet he has maintained the essentials of the traditional theory. Each of the parts of the Caliphate represent 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-Ghazālī'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 'Abbāsids. The early 'Abbāsids based their government upon the power of troops imported from Khorassan, and not upon local Iraqi levies. They asserted their own legitimacy upon the circumstantial fact that they were ruling in accordance with the Sharī'ah. They went out of their way to honor the 'ulamā' 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 'ulamā', and he urged them to resist the blandishments of the Sultan. When the Sultan 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 Sultan 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.

²⁰ *Iqtisād*, p. 107 l. 11, see note 14 above.

The multilateral conception of the Caliphate was not opposed to al-Māwardī'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 'ulamā', 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-'Abbāsīd development of 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 Naṣīr al-Dīn al-Ṭūsī. Al-Ṭūsī says that the second possible variation of the supreme government of the Virtuous City is wherein all the qualities required of a philosopher-king do not exist in one man, but are produced in several men collectively.²¹

More significant than the parallel passage in Akhlāqī-Nāṣirī is the reflection of al-Ghazālī's theory in the writings of Ibn Taimiyya. If anything, Ibn Taimiyya was more enamored of the past than al-Māwardī, but by the time he wrote the 'Abbāsīd Caliphate was no more. Ibn Taimiyya argued that legitimate Islamic government in his day was composed of the Amirs and the 'ulamā' acting in co-operation with one another. Ibn Taimiyya's principle of "co-operation" leads him to repeat 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 warlord.²²

The origin and development of this principle presents many difficulties, but Laoust tells us that Ibn Taimiyya was influenced rather by the Arab neo-Platonists, such as the Ikhwān al-Ṣafā, than by al-Ghazālī.²³ 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 Taimiyya. It hardly need be added that the 'ulamā' 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 Mughul Empire in India.

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²¹ Naṣīr al-Dīn al-Ṭūsī, *Akhlāqī-Nāṣirī*, Treatise III, Chapter III, p. 309.

²² Henri Laoust, *Essai sur les Doctrines Sociales et Politiques de Taki-D-Din ibn Taimiyya*, Le Caire, 1939, pp. 282, 294, 307, 315, 317.

²³ *Ibid.*, p. 100, note 1.