

Of caliphs and kings

How can the ruler of a theocracy be effectively held accountable by those whom he rules? There need not have been so many mundane mechanisms offered if scripture had already supplied the perfect one; and so many mechanisms need not have been offered if any of them were any good. This short book, on a central anxiety in Islam, is based on an unrevised version of a doctoral thesis by the late Ilanna Mikhail. A Christian Palestinian activist, his Quaker thought and ideals are introduced in Edward Said's moving preface.

Mikhail's treatise, based on primary sources, examines the relationships between politics and the revelation in the thought of the 11th-century judge, jurist, and theologian al-Mawardi of Baghdad. (All his extant works are listed in an appendix.) By Mawardi's time, the caliphate had become a kind of constitutional monarchy sanctioned by revelation. Mawardi's book *The Statutes Of Government* was compiled at the request of the Abbasid caliph to defend the supremacy of the caliphal office. Mawardi places the caliphate within the Shariah (Islamic law) by showing how legitimate power is sanctioned by God. The caliph has the sole authority to delegate power to his representatives. Mikhail rightly rejects the view that Mawardi's book is merely an apologetic tract by an agent of the Abbasid caliphate.

Having won the right to be sole

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MAWARDI AND AFTER

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(PREFACE BY EDWARD SAID)

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custodians of the Shariah, the clergy kept out of government affairs. Mawardi, however, introduced a standard of political justice for assessing the behaviour of rulers. Rulers must provide security, respect religion, charge moderate taxes, and offer limited public services. Mawardi reconciled the caliph to the powerful princes and the rival princes to one another while insisting on the primacy of the caliphate. Both prince and caliph coveted the title "king of kings", normally reserved for God. Mawardi was one of the few jurists unwilling to authorise a transfer of the title to a human ruler. But Mawardi himself accepted the accolade "judge of judges" despite protests from fellow judges.

Mikhail establishes that Mawardi failed to impose any independent criterion of justice on the sacred law. Muslim jurists endorsed the authority of a tyrant who upheld the Shariah law so long as he verbally accepted their right to be the sole custodians of that law. Mawardi may have regarded such rulers as unjust but he gave no procedure for deposing them. In practice, tyrants controlled clerical

opinion through threat and favour. Except in Shiite Iran Muslim clerics gave their blessing to whatever their rulers did.

Mikhail correctly identifies the weakness in Mawardi's thought: in the absence of accountability procedures, even a virtuous ruler may abuse his power. But he does not note its deepest defect. Mawardi confuses the moral virtue of justice with the formal performance of the duties entailed by justice. In administering justice, the moral agent must change in the process and develop the disposition to be just. Otherwise, all remains ritual pomp and formality signifying little.

Mikhail concludes by comparing the imperial Muslim tradition with the medieval Christian West. In both, the just ruler is like God: he considers his subjects' true interests, not their wishes. Eventually the west came to see the political community as autonomous; not all law is divine law. Notions such as human rights, political consent and participation, rival parties and popular elections, representative bodies and free assemblies were gradually institutionalised in secular democratic structures. Muslims, however, resisted secularity. Instead of rejecting the theocratic ideal, they continue to spill blood over the more innocent problem of the divergence between that ideal and Muslim practice.

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