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The Grand Critic of Ibn Khaldūn

Ibn al-Azraq and His Ideal Sultanate

Elena Şahin

BRILL

The Grand Critic of Ibn Khaldūn

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Acknowledgments

The idea to embark on a PhD thesis on Ibn al-Azraq's *Badāʾiʿ al-Silk fī Ṭabāʾiʿ al-Mulk* began in 2013 at the Orient Institut in Beirut as a journey with an unknown destination. Several institutions and numerous individuals supported me on this journey, without whom it could not have reached its destination at the Martin-Luther University Halle-Wittenberg in 2019.

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Introduction

In the past two decades, Western scholars working in the field of the history of Islamic political thought have contributed an increasing number of monographs and collections analysing pre-modern political thought in the Islamic world from various points of view.[1] Yet despite this large number of recent

1 For a general overview and introduction, see Erwin Rosenthal's *Political Thought in Medieval Islam: An Introductory Outline*, Cambridge: Cambridge University Press, first published in 1958. In 1968, W. Montgomery Watt first published *Islamic Political Thought*, Edinburgh: Edinburgh University Press. Other classical introductory works are Tilman Nagel's *Staat und Glaubensgemeinschaft im Islam: Geschichte der politischen Ordnungsvorstellungen der Muslime*, München: Artemis, 1981; Ann K.S. Lambton's *State and Government in Medieval Islam*, Oxford: Oxford University Press, 1981, as well as Patricia Crone's *God's Rule: Government and Islam*, Nex York: Columbia University Press, 2004, and Anthony Black's *The History of Islamic Political Thought: from the Prophet to the Present*, Edinburgh: University Press, 2001. Charles E. Butterworth's *The Political Aspects of Islamic Philosophy*, Harvard: Harvard University Press, 1992, is a collection of articles that addresses aspects of political thought in the Arabic philosophical tradition, and in *Mélanges—The Greek Strand in Islamic Political Thought*, Beirut: Université Saint-Joseph—Dar El-Mashreq, vol. lvii, 2004, Maroun Aouad (et al.) published a number of articles dealing with the Greek heritage in Islamic political thought. In his recent work *Islam et Politique à l'Âge Classique*, Paris: Presses universitaires de France, 2009, Makram Abbès traces secular ideas of order in the political literature from the seventh to the fifteenth century. Abdullah Saeed's *Islamic Political Thought and Governance*, London: Routledge, 2011, collects well-received articles covering aspects of the evolution of political thought up to the Abbasid period. In 2013, Gerhard Böwering and Patricia Crone published *The Princeton Encyclopedia of Islamic Political Thought*, Princeton: Princeton University Press, a survey work that provides short introductions to many scholars, ideas and theories in the field of Islamic political thought. In *A History of Social Justice and Political Power in the Middle East: The Circle of Justice from Mesopotamia to Globalization*, London: Routledge, 2013, Linda T. Darling traces the historical development of Persian elements in Islamic political thought, particularly the Circle of Justice. Likewise, *Mirror for the Muslim Prince: Islam and the Theory of Statecraft*, Syracuse: Syracuse University Press, 2013, edited by Mehrzad Boroujerdi, studies Persian authors and their theories on good governance in the mirrors for princes genre. Carool Kersten's three-volume reference work *The Caliphate and Islamic Statehood*, Berlin: Gerlach Press, 2015, gathers articles that track the history of the caliphate as a political institution from the early Islamic mission to the highly contested attempts to revive it at the beginning of the twenty-first century. Also in 2015, Neguin Yavari and Regula Forster collect studies on works of advice literature from a variety of historical contexts and lineages of political thought in *Global Medieval: Mirrors for Princes Revisited*, Harvard: Harvard University Press, 2015. Most recently, *Medieval Muslim Mirrors for Princes—An Anthology of Arabic, Persian and Turkish Political Advice*, Cambridge: Cambridge University Press, 2023, edited and translated by Louise Marlow, presents selections from the mirrors for princes literature produced in the Islamic Early Middle Period (roughly the tenth to twelfth centuries CE), newly translated from the original Arabic and Persian, as well as a previously translated Turkish example.

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publications, the material known to and studied by scholars in this area still constitutes only a small portion of the political treatises composed during the pre-modern period, much of which remains in manuscript form in various libraries throughout the world.

One such late medieval work that has not yet received the attention it deserves is Ibn al-Azraq's (d. 896/1491)[2] *Badāʾiʿ al-Silk fī Ṭabāʾiʿ al-Mulk* (*Unprecedented Lines* (sg.) *about the Nature* (pl.) *of Political Rule*, or henceforth *BS*).[3] Ibn al-Azraq was an Andalusian jurist (*faqīh*) and statesman who lived during the final period of the Nasrid emirate of Granada. He assumed the office of judge (*qāḍī*) in several Andalusian cities and held the office of supreme judge (*qāḍī al-jamāʿa*) in Granada until 1487 and, subsequently, that of Mālikī judge (*qāḍī al-quḍāt*) in Jerusalem, where he died in 1491, only a few months after assuming office.

In *BS*, Ibn al-Azraq formulates a comprehensive theory of state and statecraft based on Islamic normativity (*sharʿ*).[4] It comprises four major components. First, it contains a theory of the rise and decay of dynastic states and second, a differentiation into several categories of political rule. The categories that Ibn al-Azraq distinguishes are *mulk* (institutional rule), *khilāfa* (caliphate), which describes the particular kind of rule initiated by God through the Prophet Muhammad, and *riʾāsa* (segmental rule). In addition, *BS* contains a depiction of the ideal institutional configuration of political rule (*arkān al-mulk*) and finally, an extensive elaboration on statecraft (*siyāsa*). The broader hypothesis running through Ibn al-Azraq's entire work is that the disintegration of a dynastic state is the result of the failure of the supreme authority (*sulṭān*) to enforce administrative justice (*ʿadl*) through his governmental apparatus. A dynastic state could thrive, and its potential disintegration could be halted or reversed, through supervision of the institutions and effective administrative practice according to the terms of Islamic normativity.[5]

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2 All dates of death are given in the Islamic calendar (AH) and Common Era (CE).

3 Less literal, but more accurate in terms of meaning: "The red thread (sg.) through the various shapes (pl.) of political rule." Darling translates the title as "*Marvellous Lines on the Nature of Authority*." See *A History of Social Justice and Political Power in the Middle East*, p. 120.

4 The expression "Islamic normativity" is here used as coined by Baber Johansen, especially in "The Muslim *fiqh* as a Sacred Law: Religion, Law, and Ethics in a Normative System," *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*, Leiden: Brill, 1999. As an adjective, "Islamic normative" is used as a translation of "schariatisch" as coined by Christian Müller who builds on Baber Johansen's research, especially in "Recht I: vormodern," *Islam: Einheit und Vielfalt einer Weltreligion*, Rainer Brunner (ed.), Stuttgart: Verlag W. Kohlhammer, 2016, pp. 237–257.

5 Ibn al-Azraq, *Badāʾiʿ al-Silk fī Ṭabāʾiʿ al-Mulk*, Muḥammad Ibn ʿAbd al-Karīm (ed.), Tunis: al-Dār al-ʿArabiyya li-l-Kitāb, 1977, 2 vols.; cf. especially vol. 1, pp. 211–239.

In Ibn al-Azraq's political thought, the term *mulk* as a specific category of political rule signifies a socio-political association with functional and other internal differentiations. Within the framework of these differentiations, the supreme authority cooperates in procedural matters with a group of selected subjects (government and military officials, religious authorities), with the aim of enforcing his rule in a given territory. *Mulk* thus has connotations of statehood and refers to polities in the early modern Islamic context that can be equated with terms such as monarchies or principalities (in the Islamic context, sultanates and emirates). Consequently, this book renders *mulk* in English as "institutional rule." Sometimes, Ibn al-Azraq uses the term *dawla* synonymously with *mulk*. I render *dawla* as "dynastic state," because it additionally implies the dynastic aspect of early modern polities in the Islamic realm. Modern perceptions, or concepts, of state, or statehood, are not implied, however, as I want to emphasise the level of abstraction and the connotation of statehood that Ibn al-Azraq's notion of *mulk* and *dawla* implies.

Badā'iʿ al-Silk is a voluminous work of around 1000 pages in the versions of the existing two modern editions.[6] Muḥammad Ibn ʿAbd al-Karīm published *Badā'iʿ al-Silk fī Ṭabā'iʿ al-Mulk* in two volumes in 1977 in Tunis. And almost at the same time, ʿAlī Sāmī al-Nashshār published a different two-volume edition in the years 1977/8 in Baghdad. The variety of sources and traditions that Ibn al-Azraq brings together throughout the pages is indeed remarkable. In addition to Quranic verses, Prophetic traditions (*ḥadīth*), traditions of the Prophet's companions and literature on the sources and methodology of norm derivation (*uṣūl al-fiqh*), he abundantly evokes themes and motifs, verses of poetry, metaphors and historical or quasi-historical anecdotes that recur with considerable regularity in Islamic advice literature.

The most outstanding aspect of his political thought, however, is that this late-Nasrid supreme judge builds his political theory upon a reception of Ibn Khaldūn's (d. 808/1406) social theory. Ibn Khaldūn was a fourteenth-century historiographer, administrator and judge who formulated a social theory (*ʿilm al-ʿumrān*) in his principal work, known to modern scholarship as the *Muqaddima*, which presented the introduction to his Universal History (*Kitāb al-ʿIbar*). He famously describes an antagonistic relationship between Bedouin social associations (*al-ʿumrān al-badawī*) and urban social associations (*al-*

6 Ibid. And Ibn al-Azraq, *Badā'iʿ al-Silk fī Ṭabā'iʿ al-Mulk*, ʿAlī Sāmī al-Nashshār (ed.), Baghdad: vol. 1, Manshūrāt Wizārat al-Iʿlām fī al-Jumhūriyya al-ʿIrāqiyya, Silsilat Kutub al-Turāth 53, Wizārat al-Thaqāfa wa-l-Funūn, 1977; vol. 2, Manshūrāt Wizārat al-Iʿlām fī al-Jumhūriyya al-ʿIrāqiyya, Silsilat Kutub al-Turāth 53, Dār al-Ḥuriyya, 1978. The edition of ʿAlī Sāmī al-Nashshār was reprinted in Baghdad: al-Dār al-ʿArabiyya li-l-Mawsūʿāt, 2006.

ʿumrān al-ḥaḍarī), with social cohesion (*ʿaṣabiyya*) being the most important cause of this antagonism.[7] Ibn Khaldūn even explains the formation and disintegration of dynastic states as a result of this Bedouin-urban antagonism. His analysis points to a deterministic historical cycle of the rise and decline of dynastic states.[8]

The importance of Ibn Khaldūn's social theory to Ibn al-Azraq's political thought cannot be overemphasised. A comparative reading of the *Muqaddima* with *BS* shows that at least 60 % of the content[9] of the latter consists of material from the *Muqaddima* by way of direct citation or summaries, indirect references, and faithful or distorted paraphrases. Scholarship has already observed that two other major fifteenth-century intellectuals of the Mamluk era, Taqī al-Dīn Aḥmad Ibn ʿAlī al-Maqrīzī (d. 845/1442) and his student Jamāl al-Dīn Yūsuf Ibn Taghrībirdī (d. 874/1470), were acquainted with Khaldūnian thought.[10] Yet, although these two intellectuals demonstrate a familiarity with some Khaldūnian notions, none of their works contain citations, paraphrases or summaries from the *Muqaddima*. Thus, to this day, *BS* remains the only thorough reception in Arabic of Ibn Khaldūn's *Muqaddima* dating from the late medieval period.

Another outstanding aspect is that Ibn al-Azraq reverts to concepts of the theory of *maqāṣid al-sharīʿa* (purposes of the sacred law) by the Andalusian jurist al-Shāṭibī (d. 790/1388) as espoused in his major work *al-Muwāfaqāt fī Uṣūl al-Sharīʿa* (*The Reconciliation of the Fundamentals of the Sacred Law*). Addressing questions pertaining to rulership in *BS*, Ibn al-Azraq combines Ibn Khaldūn's analysis of the socio-economic and socio-political basis of political rule with Islamic normative (*sharʿ*) assessments through al-Shāṭibī's understandings of *qaṣd* (objective) or *maṣlaḥa* (welfare, social welfare, common good) from the revealed sources. In this twofold approach, it is Islamic normativity that constitutes the epistemic framework for his theorising of political rule. By way of establishing a close relationship between *mulk* and the sacred law

7 Erwin I.J. Rosenthal, *Political Thought in Medieval Islam: An Introductory Outline*, Cambridge: Cambridge University Press, 1962, pp. 84–90.

8 Syed Farid Alatas, *Applying Ibn Khaldūn: The Recovery of a Lost Tradition in Sociology*, Abingdon: Routledge, 2014, pp. 25–26.

9 Ahmed Abdesselem estimates that almost half of the text of the *BS* is based on citations from the *Muqaddima*. See Ahmed Abdesselem, *Ibn Khaldun et ses lecteurs*, Paris: Presses universitaires de France, 1983, p. 30.

10 Anne F. Broadbrigde, "Royal Authority, Justice, and Order in Society: The Influence of Ibn Khaldūn on the Writings of al-Maqrīzī and Ibn Taghrībirdī," *Mamluk Studies Review*, vol. 7/2, 2003, pp. 231–245; here p. 233.

through al-Shāṭibī's *maqāṣid* theory, Ibn al-Azraq anchors his entire theory of state and statecraft in a legal-ethical notion of social welfare.

Al-Shāṭibī lived in Andalusia approximately two generations before Ibn al-Azraq and spent his life in the city of Granada where he served as a preacher (*khaṭīb*) at one of the city's mosques, taught at a local college (*madrasa*) and issued *fatāwā* as a jurisconsult.[11] Research has long maintained that al-Shāṭibī developed a theory of *maqāṣid al-sharīʿa* that led to disputes with the political and religious authorities of his day, and that his *al-Muwāfaqāt* subsequently fell largely into oblivion.[12] Ibn al-Azraq's *BS* provides ample evidence that al-Shāṭibī made a large scale impact on subsequent generations of legal scholars, and consequently the modern research narrative on the pre-modern al-Shāṭibī reception needs revision.

Ibn al-Azraq's *BS* should be regarded as part of a larger conversation amongst various traditions. Bringing together al-Shāṭibī's theory of *maqāṣid al-sharīʿa* and Ibn Khaldūn's *ʿilm al-ʿumrān* in a theory of state and statecraft makes *BS* so far unique in the history of medieval Islamic political writing. But it does not remain without major ramifications for Ibn Khaldūn's theses. While staying close to the text of the *Muqaddima* in a literal sense, Ibn al-Azraq develops a contrary understanding of political rule and political theory in opposition to that of Ibn Khaldūn. Therefore, I argue that, with its outlook and its contrary political theory, Ibn al-Azraq's *BS* presents a critique of Ibn Khaldūn's *Muqaddima*. Considering the degree to which Ibn al-Azraq conceptualises Khaldūnian theses on state formation and other social processes according to the terms of Islamic normativity, one may even speak of a "shariatisation" of Ibn Khaldūn's socio-political analysis of the basis of rulership. In the final analysis, ethics constitutes the foundation of political intention in *BS* and Islamic normativity is supposed to shape the administration of the political system. Proposing such an understanding, Ibn al-Azraq diametrically opposes Ibn Khaldūn's

11 Felicitas Opwis, *Maṣlaḥa and the Purpose of the Law: Islamic Discourse on Legal Change from the 4th/10th to 8th/14th Century*, Leiden: Brill, 2010, p. 247. For a detailed account of al-Shāṭibī's biography and a study that brings to life the historical environment in which he articulated his theory of *maṣlaḥa*, see Muhammad Khalid Masud, *Islamic Legal Philosophy: A Study of Abū Isḥāq al-Shāṭibī's Life and Thought*, Delhi: International Islamic Publishing, 1989, pp. 95–105, and Muhammad Khalid Masud, *Shāṭibī's Philosophy of Islamic Law*, Delhi: Adam Publishers and Distributors, 1997, pp. 26–105.

12 This opinion continues to be reproduced in publications on al-Shāṭibī. See recently: Muhammet Sait Duran, *Zur Theorie einer teleologischen Methode in der islamischen Normenlehre: Aš-Šāṭibīs (gest. 790/1388) Konzept der Absichten der Scharia (maqāṣid aš-šarīʿa)*, Berlin: EB-Verlag, 2015, pp. 110–111.

theorising of political rule which abstracted the question of *mulk* from political ethics, especially its institutional configuration, and attributed it instead to the logic of *ʿaṣabiyya*.

Inspired by the precepts of the Cambridge School of Intellectual History,[13] the present work approaches Ibn al-Azraq as a political theorist in his own right and asks how Ibn al-Azraq creatively engages with his sources for the purpose of constructing his own political theory and his understanding of an ideal sultanate. Approaching Ibn al-Azraq from this angle, this study will carve out in a detailed analysis how the Andalusian supreme judge was able to bring together Khaldūnian thought with advice literature traditions as well as Islamic normative assessments, by way of interpretative modifications, and by reverting to the concepts and methods offered by the Islamic normative discourse of his time.

The translation practice in this book was influenced by the linguistic pragmatics approach that underlies the Cambridge School's method. Meanings are ascribed to terms or expressions depending on their usage and context in particular passages in *BS*, whereby the relevant context is taken to be the argumentative context in which a term is embedded. Depending on the context of a particular passage, the term *mulk* is thus sometimes rendered as "political rule" and other times as "institutional rule." Another example is the term *riʾāsa* which either signifies "leadership" in general or, in other passages, a particular category of political rule, namely "segmental rule." Besides this, the term *siyāsa* may signify "course" or "direction," "good governance," or "statecraft," and finally, again depending on context, the term *sulṭān* can signify either the "supreme authority" or the "ruler".

The current book is structured into three chapters. Chapter one introduces the political and historical circumstances of Ibn al-Azraq's lifetime, his educational background, professional functions and works. This is followed by an introduction of *BS* as a piece of literary production, examining its structure and also providing an introductory account of the content. Chapter one then continues to offer an analysis of how Ibn al-Azraq engages with Ibn Khaldūn's *Muqaddima* as well as a careful examination of major aspects of how Ibn Khaldūn is understood in *BS*. Chapter two maps out the cornerstones of Ibn al-Azraq's political theory. It examines his theory of state formation and disintegration as well as his distinction of three categories of political rule. Furthermore, it presents major aspects of Ibn al-Azraq's understanding of an ideal sultanate and investigates the roles he ascribes to the government and military

13 See paragraph "The Precepts of Intellectual History: a Major Source of Inspiration" below for more details.

officials, as well as the religious authorities, in the dynastic state regarding the continuance of the state polity. Chapter three examines the relation between Islamic normativity and political rule in Ibn al-Azraq's political thought. The role that al-Shāṭibī's theory of *maqāṣid al-sharīʿa* plays in that regard is especially highlighted. Finally, this chapter asks about the ramifications of Ibn al-Azraq's hermeneutical endeavour of bringing together al-Shāṭibī's *maqāṣid* theory with Ibn Khaldūn's *ʿilm al-ʿumrān* in *BS*.

Analysing Ibn al-Azraq's political thought, correlated hermeneutical aspects that foster each other will be separated analytically in the above-mentioned three chapters so as to present their ramifications in detail. I therefore ask the readers to bear with the many cross-references in the elaborations of these hermeneutical aspects.

This book invites its readers to immerse themselves in the intellectual genius of the remarkable Nasrid political theorist Ibn al-Azraq, and throws new light on the legacies of two other prolific scholars of the premodern Islamic world, Ibn Khaldūn and al-Shāṭibī. Before embarking on this journey, however, I will conclude this introduction by presenting the current state of research on Ibn al-Azraq's *BS*, as well as examining the two modern editions and extant manuscripts. I will also discuss whether *BS* belongs to the genre of advice literature, make some remarks on the labyrinth of Ibn Khaldūn research, and elaborate on the research method applied in this study: that of the Cambridge School. Finally, I will briefly discuss methods applied to studying non-Western political thought, concluding with some technical clarifications.

The Current State of Research on Ibn al-Azraq's *Badāʾiʿ al-Silk*

Even though Ibn Khaldūn is probably one of the most studied scholars of premodern Arabic writing, only a small number of publications by modern-day scholars have been devoted to *BS*, the only known late medieval reception of his work in Arabic. In general, Ibn al-Azraq is better known in Arabic-language scholarly circles, where he is sometimes counted among the most important intellectuals in the Islamic tradition.[14] The current state of research presents a contradictory picture of *BS* and challenges the student of Ibn al-Azraq with conflicting assertions. There is disagreement about how best to describe Ibn al-

14 ʿAlī Sāmī al-Nashshār, "Introduction," in Ibn al-Azraq, *Badāʾiʿ al-Silk fī Ṭabāʾiʿ al-Mulk*, ʿAlī Sāmī al-Nashshār (ed.), Baghdad: al-Dār al-ʿArabiyya li-l-Mawsūʿāt, 2006, in 2 vols.; here vol. 1, p. 5.

Azraq's work as a whole. Moreover, most of the scholarly attention is confined to the Ibn Khaldūn references in *BS*, while, at the same time, disagreement exists as to how to evaluate the reception of the *Muqaddima*.

In the earliest article published on Ibn al-Azraq in 1973, *"Naẓariyyat al-ʿAṣabiyya ʿinda Ibn Khaldūn wa-Ibn al-Azraq"* ("The Theory of Group Feeling in Ibn Khaldūn and Ibn al-Azraq"), al-Ḥasan al-Sāyiḥ describes *BS* as an "analysis (*taḥlīl*) and commentary (*sharḥ*) on Ibn Khaldūn's philosophy (*falsafa*), and an explanation (*tawḍīḥ*) of some of his theories."[15] He briefly compares the theories of group feeling in Ibn Khaldūn's *Muqaddima* and Ibn al-Azraq's *BS* and concludes that Ibn al-Azraq has summarized and rearranged some chapters of the *Muqaddima* that treat *ʿaṣabiyya*.[16] One year later, in the article "Maʿa Ibn al-Azraq fī Makhṭūṭatihi *Badāʾiʿ al-Sulūk fī Ṭabāʾiʿ al-Mulūk* wa-Ḥadīthuhu ʿan al-Safāra wa-l-Sufarā'" (With Ibn al-Azraq in his Manuscript *Unprecedented Lines* (pl.) *about the Nature* (pl.) *of Political Rule* and his Account of the Embassy and Emissaries), ʿAbd al-Hādī al-Tāzī characterises *BS* as a summary of the *Muqaddima* with a lot of additions.[17] This brief paper sheds light on Ibn al-Azraq's life and career and presents valuable introductory accounts of the structure and content of Ibn al-Azraq's treatise. It appeared prior to the publication of the modern editions of *BS* and gave—for the time—precious details about four manuscripts in the General Library of Rabat (renamed the "Bibliothèque nationale du Royaume du Maroc" in 2003).

Nāṣīf Naṣṣār, too, belongs to those scholars who characterise *BS* as summary or commentary on the *Muqaddima*. In his *"Ṣafḥa Jadīda min Tārīkh Falsafat al-Qahr"*[18] ("A New Page in the History of the Philosophy of Coercion"), he presents a conceptual analysis of some political terms found in *BS*. For example, he examines Ibn al-Azraq's understanding of *mulk* and *riʾāsa* and also addresses Ibn al-Azraq's differentiation of variants of *mulk*.[19] Naṣṣār concludes that Ibn al-Azraq treats the matters of "group feeling and rule, group feeling and superiority, group feeling and the development of dynastical states [....] according

15 al-Ḥasan al-Sāyiḥ, "Naẓariyyat al-ʿAṣabiyya ʿinda Ibn Khaldūn wa-Ibn al-Azraq," in *al-Aṣāla*, no. 14, Algiers, 1973, p. 123.

16 Ibid. pp. 123–124.

17 ʿAbd al-Hādī al-Tāzī, "Maʿa Ibn al-Azraq fī Makhṭūṭatihi *Badāʾiʿ al-Sulūk fī Ṭabāʾiʿ al-Mulūk* wa-Ḥadīthuhu ʿan al-Safāra wa-l-Sufarā'," *Majallat Majmaʿ al-Lugha al-ʿArabiyya bi-Dimashq*, 1975, pp. 116–142; here p. 125. This article had first been published in 1974 in the journal *Daʿwat al-Ḥaqq*.

18 Nāṣīf Naṣṣār, "Ṣafḥa Jadīda min Tārīkh Falsafat al-Qahr," *Muṭāraḥāt li-l-ʿAql al-Multazim*, Beirut: Dār al-Ṭaliʿa, 1986, pp. 40–72. First published in *Majallat Āfāq ʿArabiyya*, no. 9, Baghdad, 1981.

19 Ibid. pp. 49–50 and pp. 59–64.

to the lines of Ibn Khaldūn and his text."[20] In a later contribution, Nāṣīf Naṣṣār dedicated a brief chapter in his *Mafhūm al-Umma bayn al-Dīn wa-l-Tārīkh* (The Notion of Community between Religion and History) to comparing the concept of *umma* in the *Muqaddima* and in *BS*. He argues that the passages in which Ibn al-Azraq uses the term *umma* are passages taken from Ibn Khaldūn's *Muqaddima* and asserts that Ibn al-Azraq and Ibn Khaldūn use the term *umma* in just the same way, namely in a socio-historical sense and only in rare cases in its religious meaning.[21]

However, other scholars highlight that Ibn al-Azraq followed a more distinct approach to the question of political rule than Ibn Khaldūn. Barakāt Muḥammad Murād, for example, concludes in his *Ibn al-Azraq bayna Badā'iʿ al-Silk fī Ṭabā'iʿ al-Mulk wa-Rawḍat al-Iʿlām* (Ibn al-Azraq between *BS* and *Rawḍat al-Iʿlām*) that Ibn al-Azraq attempts an amalgamation of Ibn Khaldūn's *Muqaddima* with political ethics. He asserts that Ibn al-Azraq disagrees with the cyclical nature of dynastic states and human social organisation. According to Murād, Ibn al-Azraq argues instead that the perpetuation of a dynastic state is possible as long as it is governed on the basis of justice.[22] Likewise, in a recently published paper, Shirin Mohammed al-Yousef concludes that Ibn al-Azraq, unlike Ibn Khaldūn, offers a solution to save the state from collapse, in the first place by returning to morality.[23] In *Ibn Khaldūn et ses lecteurs*, too, Ahmed Abdesselem comments that *BS* presents a religio-ethical reading of the *Muqaddima*, without, however, specifying further and without drawing any conclusions regarding the Ibn Khaldūn reception. Over the course of twenty pages, Abdesselem presents an introductory account of *BS's* content and structure. An important contribution of Abdesselem's analysis is that he accentuates the role of Islamic normativity in Ibn al-Azraq's political thought.[24]

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20 Ibid. p. 57.

21 Nāṣīf Naṣṣār, *Mafhūm al-Umma bayna al-Dīn wa-l-Tārīkh*, Beirut: Dār al-Ṭalīʿa li-l-Ṭabāʿa wa-l-Nashr, 1983, pp. 141–145; here p. 143.

22 Barakāt Muḥammad Murād, "Ibn al-Azraq bayna *Badā'iʿ al-Silk fī Ṭabā'iʿ al-Mulk* wa-*Rawḍat al-Iʿlām*—Dirāsa wa-Taḥlīl Naqdī," *al-ʿArabī*, vol. 520, Kuwait: Kuwait Ministry of Information, 2002, pp. 60–66. *Rawḍat al-Iʿlām* (RI) is another work written by Ibn al-Azraq which remains in manuscript form to this day. See chapter 1.1. for more details on this work.

23 Shirin Mohammed Al-Yousef, "Ibn Alazraq and Ibn Khaldun: A Comparative Study in Human Ethics Within the Political System," *Proceedings of The 7th International Conference on Contemporary Education, Social Sciences and Humanities* (*Philosophy of Being Human as the Core of Interdisciplinary Research*) (*ICCESSH 2022*), O. Chistyakova et al. (eds.), ASSEHR 694, 2023, pp. 51–56, here p. 55; online: https://www.atlantis-press.com/proceedings/iccessh-22/125979024#AFF1 (last opened on 10.03.2024).

24 Ahmed Abdesselem, *Ibn Khaldūn et ses lecteurs*, pp. 17–37.

Other scholars refer to *BS* as a piece of advice literature for rulers, such as ʿIzz al-Dīn al-ʿAllām, the Moroccan scholar of Islamic medieval political thought, in his *al-Ādāb al-Sulṭāniyya* (Sultanic Manners).[25] The first scholar to discuss Ibn al-Azraq in a Western language, Aziz al-Azmeh, too, classified *BS* as a work of advice for rulers. In his opinion, the "historical merit of Ibn al-Azraq lies in his having stripped away the incongruous and paradigmatically impossible garb with which political subjects were clothed in the *Muqaddima*."[26] Later, in *Muslim Kingship*, al-Azmeh again briefly refers to the Andalusian supreme judge, stating: "the work of Ibn al-Azraq [...] was designed along lines of propositional consequence in imitation of Ibn Khaldūn, but which, despite its formal schematism, follows the aggregative rules of the *Fürstenspiegel* genre."[27] Some scholars express scepticism with regards to Ibn al-Azraq's approach to bringing together Khaldūnian thought with advice literature elements in *BS*. The Moroccan ʿAbdallāh al-ʿArawī, for example, argues that Ibn al-Azraq "summarises the *Muqaddima* and corrects it according to the propositions of al-Ṭurṭūshī and al-Ghazālī, as if a conflation was possible."[28] He thereby refers in this citation to al-Ṭurṭūshī (d. 451/1126) and al-Ghazālī (d. 505/1111) as authors of advice literature. ʿĀbid al-Jābirī, too, is sceptical and briefly comments that in his opinion, Ibn al-Azraq's amalgamation of Ibn Khaldūn's *Muqaddima* and advice literature traditions represents a setback, because "[Ibn al-Azraq] read[s] [*the Muqaddima*] with a kind of thought that existed prior to Ibn Khaldūn, which is from the point of view of mingling politics with ethics and accomplishing realities through admonition and guidance."[29]

Some scholars, such as Majid Khadduri, have analysed single concepts or themes that occur in Ibn al-Azraq's *BS*. On two pages of *The Islamic Conception of Justice*, Khadduri briefly introduces Ibn al-Azraq's understanding of the same concept.[30] In several of her publications, Linda T. Darling touches upon Ibn al-Azraq's understanding of justice, too, and hints at the fact that Ibn al-Azraq quoted the Circle of Justice (a saying that summarised and idealised a set of interdependent political relationships).[31] In *Die Zeitgenössische Diskus-*

25 ʿIzz al-Dīn al-ʿAllām, *al-Ādāb al-Sulṭāniyya*, Kuwait: ʿIlm al-Maʿrifa, 2006, pp. 108–109.

26 Aziz al-Azmeh, *Ibn Khaldūn: An Essay in Reinterpretation*, London: Frank Cass & Co. Ltd, 1982, p. 158.

27 Aziz al-Azmeh, *Muslim Kingship: Power and the Sacred in Muslim, Christian and Pagan Polities*, London: L.B. Tauris, 1997, pp. 95–96.

28 ʿAbd Allāh al-ʿArawī, *Mafhūm al-ʿAql*, Beirut: al-Markaz al-Thaqāfī al-ʿArabī, 2012, p. 318.

29 ʿĀbid al-Jābirī, *Naḥnu wa-l-Turāth*, Beirut: al-Markaz al-Thaqāfī al-ʿArabī, 1993, p. 315.

30 Majid Khadduri, *The Islamic Conception of Justice*, Baltimore: Johns Hopkins University Press, 1984, pp. 190–191.

31 Darling, *A History of Social Justice and Political Power in the Middle East*, p. 120. Linda

sion um den islamischen Beratungsgedanken, Roswitha Badry provides crucial insights into Ibn al-Azraq's concept of consultation compared to that of other medieval scholars.[32] Najāḥ Muḥsin, in his monograph *Falāsifat al-Ḥukm wa-l-Idāra fī al-ʿAṣr al-Islāmī al-Wasīṭ: al-Jāḥiẓ, al-Thaʿālibī, Niẓām al-Mulk al-Ṭūsī, Ibn Jamāʿa, Ibn al-Azraq* (Political Philosophers in the Islamic Medieval Age: al-Jāḥiẓ, al-Thaʿālibī, Niẓām al-Mulk al-Ṭūsī, Ibn Jamāʿa, Ibn al-Azraq), elaborates on the relationship between the ruler and the ruled in Ibn al-Azraq's thought.[33] Another monograph that addresses a single theme is ʿAbd al-Amīr Shams al-Dīn's *al-Fikr al-Tarbawī ʿinda Ibn Khaldūn wa-Ibn al-Azraq* (The Educational Theories of Ibn Khaldūn and Ibn al-Azraq).[34] In it, the author explores the educational theories of Ibn Khaldūn and presents a short comparison with the views of Ibn al-Azraq, as does ʿAlī Zayʿūr in *al-Falsafa al-ʿAmaliyya ʿinda Ibn Khaldūn wa-Ibn al-Azraq fī al-Tayyār al-Ijtimāʿī al-Tārīkhī* (The Pragmatism of Ibn Khaldūn and Ibn al-Azraq in the Socio-Historical School of Thought).[35] The latter author also reads the texts of Ibn Khaldūn and Ibn al-Azraq for pedagogical content and analyses the educational aspects of the ideas of these medieval intellectuals.

The most recent publication on the reception of Khaldūnian thought, Syed Faris Alatas' *Applying Ibn Khaldūn—The Recovery of a Lost Tradition*, devotes a mere three pages to *bs*. He describes Ibn al-Azraq as "a student and commentator of Ibn Khaldūn, [but] his approach is generally un-Khaldūnian in the sense that it is more normative and descriptive than positive and empirical;"[36] and he concludes: "despite the references to Ibn Khaldūn, al-Azraq's work belongs

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T. Darling, "Social Cohesion ('Asabiyya') and Justice in the Late Medieval Middle East," *Comparative Studies in Society and History*, vol. 49, no. 2, 2007, pp. 329–357; see p. 351. Linda T. Darling, "Medieval Egyptian Society and the Concept of the Circle of Justice," *Mamluk Studies Review*, vol. 10, no. 2, 2006, pp. 1–17; see p. 8. Linda T. Darling, "Political Change and Political Discourse in the Early Modern Mediterranean World," *The Journal of Interdisciplinary History*, vol. 38, no. 4, 2008, pp. 505–531; see pp. 511–512.

32 Roswitha Badry, *Die zeitgenössische Diskussion um den islamischen Beratungsgedanken (šūrā) unter dem besonderen Aspekt ideengeschichtlicher Kontinuitäten und Diskontinuitäten*, Stuttgart: Franz Steiner Verlag, 1998. Her references to Ibn al-Azraq are found throughout the first part of her work that concern the pre-modern concept of consultation in the Islamic tradition, pp. 53–191.

33 Najāḥ Muḥsin, *Falāsifat al-Ḥukm wa-l-Idāra fī al-ʿAṣr al-Islāmī al-Wasīṭ: al-Jāḥiẓ, al-Thaʿālibī, Niẓām al-Mulk al-Ṭūsī, Ibn Jamāʿa, Ibn al-Azraq*, Cairo: al-Hayʾa al-Miṣriyya al-ʿĀmma li-l-Kitāb, 2013, pp. 217–266.

34 ʿAbd al-Amīr Shams al-Dīn, *al-Fikr al-Tarbawī ʿinda Ibn Khaldūn wa-Ibn al-Azraq*, Beirut: *Dār Iqraʾ li-l-Nashr wa-l-Tawzīʿ wa-l-Ṭibāʿa*, 1984.

35 ʿAlī Zayʿūr, *al-Falsafa al-ʿAmaliyya ʿinda Ibn Khaldūn wa-Ibn al-Azraq fī al-Tayyar al-Ijtimāʿī al-Tārīkhī*, Beirut: *Muʾassasat ʿIzz al-Dīn li-l-Ṭibāʿa wa-l-Nashr*, 1993.

36 Syed Farid Alatas, *Applying Ibn Khaldūn*, pp. 64–68; here p. 65.

more to the genre of *naṣīḥat al-mulūk* or advice to rulers."[37] His conclusion regarding *BS* is not very appreciative of Ibn al-Azraq: "the lack of originality of al-Azraq's *Badāʾiʿ al-Silk* only serves to highlight the innovative character of Khaldūnian thought."[38]

Prior to this book, two monographs dedicated to Ibn al-Azraq's *BS* had been written, one in Arabic and one in English. The former was presented by Nāhiḍ Qudayḥ as an unpublished PhD thesis at the Saint Joseph University of Beirut and is entitled *al-Madhhab al-Ijtimāʿī ʿinda Ibn al-Azraq* (The Sociological School according to Ibn al-Azraq). Qudayḥ provides a lengthy chapter on the historical background and socio-political context of Ibn al-Azraq's life, and explores a wide range of aspects of his political theories, such as "society and power in Ibn al-Azraq" or "the tasks of the head of the dynastic state."[39] Even though he aspires to work out the major differences between the political theories of Ibn al-Azraq and Ibn Khaldūn, Qudayḥ becomes "absorbed" by the Ibn Khaldūn reception in *BS*. When treating group feeling, for example, he concludes that Ibn al-Azraq uses this concept in just the same way as Ibn Khaldūn before him.[40] The second monograph is Aldila Isahak's *Ibn al-Azraq's Political Thought—A study of Badaʾiʿ al-Silk fi Tabaʾiʿ al-Mulk*.[41] Isahak examines three aspects of Ibn al-Azraq's political thought, namely his views on "Civilisation and Muslim Polity," "Governance," and "Defence and Wealth,"[42] confining herself to presenting these aspects in a descriptive manner. For Isahak, "Tabaʾiʿ al-Mulk is essentially an advisory book for rulers of Muslim polities."[43] Regarding the reception of Ibn Khaldūn in *BS*, she argues that "Ibn al-Azraq had fully utilised the theory of *ʿasabiyya* and its relationship with the Bedouin and the urbanites as propounded by Ibn Khaldūn."[44]

The authors presented above have made important contributions, elucidating Ibn al-Azraq's life and presenting valuable introductory accounts of aspects of *BS*.[45] Several publications provided the present work with crucial starting

37 Ibid. p. 67.
38 Ibid. p. 68.
39 Nāhiḍ Qudayḥ, *al-Madhhab al-Ijtimāʿī ʿinda Ibn al-Azraq*, unpublished PhD thesis, University of Saint Joseph, Beirut, 1982.
40 Ibid. p. 62.
41 Aldila Isahak, *Ibn al-Azraq's Political Thought—A study of Badaʾiʿ al-Silk fi Tabaʾiʿ al-Mulk*, Saarbrücken: VDM Verlag Dr. Müller, 2010.
42 Ibid. pp. 5–6.
43 Ibid. p. 38.
44 Ibid. p. 39.
45 There exists an unpublished M.A. thesis which I was not able to access: Ismāʿīl Zarūkhī, *al-Fikr al-Siyāsī ʿinda Ibn Khaldūn wa-Ibn al-Azraq*, Unpublished M.A. thesis, University of Algiers, Algeria, 1989.

points regarding Ibn al-Azraq's political thought, for example Murād's conclusion that Ibn al-Azraq disagreed with Ibn Khaldūn's cyclical determinism. Yet many other assertions are challenged here, such as the widespread view that Ibn al-Azraq's and Ibn Khaldūn's understanding of a state polity or of group feeling are congruent. The current book goes beyond previous treatments of *BS* in that it offers an extensive examination of the reception of Ibn Khaldūn and scrutinises the relation between Islamic normativity and political rule in Ibn al-Azraq's political thought. This last aspect of his political theory has not been previously studied.

The Two Modern Editions and Extant Manuscripts of *Badāʾiʿ al-Silk*

As mentioned earlier, *BS* is accessible to the modern reader in two editions.[46] Each edition provides an extensive introduction with biographical information on Ibn al-Azraq and a brief analysis of the contents of *BS*. However, the two editions differ in some aspects. For one thing, they follow different editorial methods. Ibn ʿAbd al-Karīm applies the more common technique of copy-text editing. Al-Nashshār, on the other hand, applies the eclectic method. Besides, both editors base their editions on a different set of manuscripts and the auxiliary information provided in the footnotes varies too. Sāmī al-Nashshār's edition is remarkable for its extensive list of Ibn al-Azraq's sources at the end of the second volume.[47]

For his edition, Ibn ʿAbd al-Karīm reverts to a corpus of four manuscripts. The oldest of these—according to its colophon an apograph of Ibn al-Azraq's autograph, i.e. a direct copy of his composition—constitutes the base text of Ibn ʿAbd al-Karīm's edition. This manuscript dates to 1589 and is held in the Bibliothèque nationale du Royaume du Maroc in Rabat.[48] The variants of two other manuscripts, one dating to 1699 and the other of unknown date, are indicated in the critical apparatus. The fourth manuscript of the corpus, dating to

46 In addition to these two editions, there exist reprints of selected parts of these: Muḥammad Jāsim al-Ḥadīthī, *Badāʾiʿ al-Silk fī Ṭabāʾiʿ al-Mulk: al-Siyāsa wa-l-Idāra li-Abī ʿAbd Allāh Ibn al-Azraq—Taṣnīf wa-Tabwīb Muḥammad Jāsim al-Ḥadīthī*, Baghdad: Bayt al-Ḥikma, 2000. Also Nihād Nūr al-Dīn Jard, *Min Badāʾiʿ al-Silk fī Ṭabāʾiʿ al-Mulk—Ikhtiyār wa-Taqdīm Nihād Nūr al-Dīn Jard*, Damascus: Wizārat al-Thaqāfa, Mudīriyyat Iḥyāʾ wa-Nashr al-Turāth al-ʿArabī, 2005.

47 ʿAlī Sāmī al-Nashshār, "Appendix," in Ibn al-Azraq, *Badāʾiʿ al-Silk*, Sāmī al-Nashshār (ed.), vol. 2, pp. 489–512.

48 Muḥammad Ibn ʿAbd al-Karīm, "Introduction," in Ibn al-Azraq, *Badāʾiʿ al-Silk*, Muḥammad Ibn ʿAbd al-Karīm (ed.), vol. 1, p. 44.

1752, is held in *al-Maktaba al-Waṭaniyya* (the National Library) of Algiers and carries a different title: *al-Ibrīz al-Masbūk fī Kayfiyyat Sayr Adab al-Mulūk*. This manuscript is not complete, but its contents are identical with corresponding parts of manuscripts that are complete and that carry the title *Badā'iʿ al-Silk*. It plays but a minor role in Ibn ʿAbd al-Karīm's edition and the editor relies on it only where, for instance, there is a gap in all three other manuscripts.[49] Al-Nashshār bases his edition on a corpus of nine manuscripts.[50]

The fact that the copy located in Algiers carries a different title has sparked debate among scholars. Ibn al-Azraq is sometimes presented as the author of a work entitled *al-Ibrīz al-Masbūk fī Kayfiyyat Sayr Adab al-Mulūk*. The two Arab scholars ʿAbd al-Hādi al-Tāzī and Muḥammad ʿInān, for example, express this view.[51] However, comparing the content of *Ibrīz al-Masbūk* with other manuscripts of *BS*, editor Ibn ʿAbd al-Karīm concludes that *Ibrīz al-Masbūk* contains approximately a quarter of the whole work. He argues that Ibn al-Azraq, having finished the first draft of his work entitled *Ibrīz al-Masbūk*, most probably made some additions and decided to change its title to *Badā'iʿ al-Silk*.[52]

In the two editions of *BS*, editors introduce ten manuscripts in total. Eight of these are held in Morocco in the Royal Library (*al-Maktaba al-Malakiyya*) and the Bibliothèque nationale du Royaume du Maroc in Rabat. The remaining two manuscripts are kept in the National Library of Algiers and in the archive of *Dār al-Kutub al-Qawmiyya* (the National Library) in Tunis. The oldest manuscript referred to by the two editors is the apograph of Ibn al-Azraq's

49 Ibid. pp. 45–46.

50 al-Nashshār, "Introduction," pp. 29–32.

51 see al-Tāzī, "Maʿa Ibn al-Azraq fī Makhṭūṭatihi," p. 124. Also see Muḥammad ʿAbd Allāh ʿInān, "Kutub ta'aththarat bi-*Muqaddimat* Ibn Khaldūn," *al-Arabiyya*, no. 182, 1973, p. 189; and Muḥammad ʿAbd Allāh ʿInān, *Ibn Khaldūn: Ḥayātuhu wa-Turāthuhu al-Fikrī*, Cairo, Mu'assasat Mukhtār li-l-Nashr wa-l-Tawzīʿ, 1991, p. 145. In the *Biblioteca de al-Andalus*, the *al-Ibrīz al-Masbūk* is listed as another possible work of Ibn al-Azraq's, though it states that the manuscript entitled *al-Ibrīz al-Masbūk* most probably only contains parts of *BS*, see María Mercedes Delgado Pérez, "Ibn al-Azraq, Abū Abd Allāh," *Biblioteca de al-Andalus*, Jorge Lirola Delgado (dir. and ed.), Almería: Fundación Ibn Tufayl de Estudios Árabes, 2009, vol. 2, entry no. 368, pp. 486–490; see p. 489.

52 Muḥammad Ibn ʿAbd al-Karīm, "Introduction," vol. 1, pp. 45–46. According to Ibn ʿAbd al-Karīm, this manuscript begins in the middle of the fourth act of rule (*rukn*) of the second chapter of *BS* and continues to the seventeenth. Before finishing the seventeenth act of rule, it jumps to the twentieth, and before completing the twentieth, it jumps within the second chapter to the virtues that the sultan ought to fulfil (*qawāʿid*), listing nineteen of them and leaving out the last, the twentieth. Finally, the manuscript jumps to the epilogue.

autograph, dating to 1589. According to Ibn ʿAbd al-Karīm, it is in good condition.[53] In the previously mentioned article, *"Maʿa Ibn al-Azraq fī Makhṭūṭatihi"*, ʿAbd al-Hādi al-Tāzī presents two further manuscripts held in the Bibliothèque nationale du Royaume du Maroc in Rabat, which the two editors do not include in their manuscript corpora. Both of these are relatively recent, dating to 1847 and 1852.[54] Taking the two editions together with al-Tāzī's article, twelve manuscripts of *BS* are known, all of which are located in the Maghreb.

I established through personal correspondence with researchers working in Spanish and Turkish libraries that further manuscripts of *BS* are held in the Escorial Library in Madrid and the Süleymaniye Library in Istanbul. The manuscript located in Istanbul is quite recent, having been copied in 1855.[55] It is likely that a systematic search would bring to light further manuscript copies outside the Maghreb, for example in Spain, Turkey, Egypt or Jerusalem. However, an extensive search is beyond the scope of the current work, even though finding such would be indispensable for an evaluation of the impact of Ibn al-Azraq's political treatise and help research his place in the reception history of the *Muqaddima*.

Is *Badāʾiʿ al-Silk* a Piece of Advice Literature?

Ever since Aziz al-Azmeh declared that *BS* belonged to the genre of advice literature, this view has been adopted and reproduced in scholarly circles. But can *BS* adequately be described as a piece of advice literature? I argue to the contrary, because the main characteristics commonly associated with mirrors for princes literature do not apply. In modern scholarly discourse, Islamic advice literature primarily denotes works of counsel for rulers and members of the political and cultural elites written in Arabic, Persian and Turkish. Sometimes, such compositions are referred to as "mirrors for princes" (*Fürstenspiegel*), and scholars often use both terms interchangeably—as will I in the current book. In the most comprehensive sense, medieval Islamic advice literature refers to a number of explicitly didactic modes of writing, including legal and theological compositions, philosophical treatises, epistles, and more extended prose works as well as panegyric poetry, whereas "mirror" is an imported term

53 Ibid. p. 44.

54 ʿAbd al-Hādī al-Tāzī, "Maʿa Ibn al-Azraq fī Makhṭūṭatihi," pp. 126–129.

55 These pieces of information were provided by scholars doing research in libraries in Madrid and Istanbul. Personal correspondence was aided by Prof. Maroun Aouad and gratefully received.

that scholars applied somewhat variously to a more restricted group of literary medieval prose works.[56] Hence, the body of advice literature encompasses writings that differ markedly from each other in genre, style and content and even, to some extent, in function, which in some cases makes it very difficult to decide whether or not a work belongs to the genre.[57]

Even though Ibn al-Azraq's *BS* contains an abundance of themes and motifs, verses of poetry, metaphors, and historical or quasi-historical anecdotes that recur in advice literature with considerable regularity, his work does not fulfil the major characteristics associated with the genre. For one thing, Mühleisen and Stammen state that for the advice literature type, the reference to reality is constitutive.[58] Yet, in *BS* Ibn al-Azraq never refers directly to the social and political reality of his time.

Another feature of the mirror for princes genre is that its works often carry a dedication to an eminent political figure, generally addressing a superordinate recipient, and try to win over the recipient to follow the kind of conduct proposed in the work.[59] This, however, does not apply to *BS* either. On the contrary, a passage in its introduction suggests that Ibn al-Azraq intended to reach out to a wide audience, the rulers as well as the ruled: "I (Ibn al-Azraq) present with [*BS*] the one who was longing for this goal [...] be it the ruler (*amīr*) whose desire is true and evident, or the ruled (*maʾmūr*)."[60]

Moreover, Mühleisen and Stammen explain that in principle, mirrors for princes have no academic or scientific aspirations.[61] Ibn al-Azraq, however, designed his work along the lines of propositional consequence: he opens *BS* with two introductions in which he establishes twenty preliminaries and pos-

56 Louise Marlow, "The Way of Viziers and the Lamp of Commanders (Minhāj al-wuzarāʾ wa-sirāj al-ʾumarāʾ) of Aḥmad al-Iṣfahbadhī and the Literary and Political Culture of Early Fourteen-Century Iran," *Writers and Rulers: Perspectives on their Relationship from Abbasid to Safavid Times*, Beatrice Gruendler and Louise Marlow (eds.), Wiesbaden: Reichert, 2004, pp. 169–193; here p. 169.

57 Stefan Leder, "Aspekte arabischer und persischer Fürstenspiegel: Legitimation, Fürstenethik, politische Vernunft," *Specula principum*, Angela De Benedictis (ed.), Frankfurt: Vittorio Klostermann, 1999, pp. 21–50; here pp. 22–23.

58 Hans-Otto Mühleisen und Theo Stammen, "Politische Ethik und politische Erziehung: Fürstenspiegel der Frühen Neuzeit," *Fürstenspiegel der Frühen Neuzeit*, Hans-Otto Mühleisen, Theo Stammen, Michael Phillipp (eds.), Frankfurt: Insel-Verlag, 1997, p. 21.

59 Stefan Leder, "Speculum Principum," *Enzyklopädie des Märchens*, Rolf Wilhelm Brednic (ed. et al.), 12,3, Berlin: De Gruyter, 2007, pp. 974–981; here p. 975.

60 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 59.

61 Hans-Otto Mühleisen and Theo Stammen, "Einleitung," *Politische Tugendlehre und Regierungskunst: Studien zum Fürstenspiegel der Frühen Neuzeit*, Hans-Otto Mühleisen and Theo Stammen (eds.), Tübingen: Niemeyer, 1990, p. 6.

tulates each.[62] These preliminaries and postulates present the foundation of Ibn al-Azraq's elaborations in subsequent chapters. Such a propositional design was a major characteristic of the post-Avicennan Islamic systematic treatment of a topic according to the principles of the philosophers.[63] Ibn al-Azraq employs technical language and uses philosophical and legal terminology in his elaborations.[64] His approach to questions of rulership is primarily theoretical and he frequently refers to theological and legal discourses. His reflections operate at a high level of abstraction and, in most cases, his lines of argumentation are so refined that he is obviously addressing the well-educated and those who are experts in theology, philosophy and Islamic law.[65] Moreover, Ibn al-Azraq composed *BS* in a literary form that immediately evokes legal-scholarly associations. The structure of the work, the *masā'il* (thematic units) format, complies with the conventions of literary production in the field of sources and the methodology of norm derivation (*uṣūl al-fiqh*).[66] I have looked at numerous works of medieval Islamic advice literature without finding a single one structured in the *masā'il* format.

I argue instead that Ibn al-Azraq rather appears to have composed a scholarly-academic treatise on political rule and statecraft. The prevalence of *BS*'s theoretical perspective and structure over elements typical of advice literature rules out the possibility that *BS* is a mirror for princes with major theoretical elements. In order to highlight the scholarly-academic character of this treatise, I refer to it as a *theory* of state and statecraft, without implying any modern notions of "theory." It is also referred to as such because Ibn al-Azraq theorises the growth and decay of dynastic states, presents a detailed depiction of the ideal configuration of institutional rule (*arkān al-mulk*), and elaborates on the principles of good governance (*siyāsa*), as will be presented later. Finally, *BS* is referred to as a theory of state and statecraft based on *Islamic normativity* because in Ibn al-Azraq's political thought, Islamic normativity constitutes the epistemic framework according to which he discusses political rule and statecraft.

62 Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 1, pp. 71–104.

63 See Heidrun Eichner, "Die Avicenna-Rezeption. Das Phänomen der enzyklopädischen Darstellungen," *Islamische Philosophie im Mittelalter. Ein Handbuch*, Heidrun Eichner (ed. et al.), Darmstadt: WBG, 2013, pp. 50–66; here pp. 51–53.

64 See especially chapter three on Ibn al-Azraq's understanding of Islamic normativity.

65 See, for example, Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 1, pp. 91–93.

66 See chapter 1.2. for the extensive treatment of the *masā'il* format of *BS*.

The Labyrinth of Ibn Khaldūn Research

Ibn Khaldūn is probably one of the most studied intellectuals worldwide of the premodern Islamic era. Yet, in the attention that modern scholarship has paid to Ibn Khaldūn and the *Muqaddima*,[67] there "seem to be as many Ibn Khaldūns as interpreters,"[68] as Stefan Leder remarks, and an account of the scholarship on Ibn Khaldūn and the *Muqaddima* would require a separate book, as one finds oneself in the labyrinth of Ibn Khaldūn research.[69] For the argument presented later in my work, an introduction of Ibn Khaldūn and a clarification of my interpretation of Ibn Khaldūn's epistemic framework and methodology is therefore necessary.

Born in Tunis in 1332, Ibn Khaldūn's family was originally from Seville, where they lived prior to the conquest of that city by the Castilian crown as part of a grander scheme later known as the Reconquista. Ibn Khaldūn's life is well-documented because he wrote an autobiography.[70] He was educated for a potential scholar-official career in Tunis and was trained in the religious sciences, the philosophic sciences, and Islamic law. Ibn Khaldūn began his education under the tutelage of his father, and he continued his studies throughout his life. His teachers included several locally prominent North African scholars, Ibrāhīm al-Ābilī (d. 757/1356) among them, as well as Andalusian émigrés, many

67 Only a few monographs devoted to the study of Ibn Khaldūn will be mentioned here. A recently published monograph on Ibn Khaldūn is Robert Irwin's intellectual biography *Ibn Khaldūn: An Intellectual Biography*, Princeton: Princeton University Press, 2018. There is Stephen Frederic Dale's study *The Orange Trees of Marrakesh*. Sociologist Syed Farid Alatas has written a brief but insightful study simply entitled *Ibn Khaldūn*, New Delhi: Oxford University Press, 2013. Though intended as an introduction for a broad audience, this book contains a sophisticated analysis of Ibn Khaldūn's argument and includes a valuable annotated bibliography. The Moroccan Ibn Khaldūn scholar Abdesselam Cheddadi provided an impressive critical analysis in his *Ibn Khaldûn L'homme et le théoricien de la civilisation*, Paris: Gallimard, 2006. Claude Horrut's *Ibn Khaldūn, un islam des "Lumières?"*, Brussels: Éd. Complexe, 2006, includes valuable notes and an extensive bibliography of French-language studies on Ibn Khaldūn. Muhsin Mahdi's pioneering intellectual history *Ibn Khaldūn's Philosophy of History*, Chicago: The University of Chicago Press, 1964, first published in 1957, is the most fundamental study in the field of research on Ibn Khaldūn to date. Mahdi reads Ibn Khaldūn's philosophy of history as a "hidden" philosophy, thus following the interpretative paradigm of the Leo-Strauss school.

68 Stefan Leder, "The Arabs of Ibn Khaldūn," *Al-Abhath*, vol. 57, 2009, pp. 47–64; here p. 47.

69 As Robert Simon describes it in his monograph *Ibn Khaldūn: History as Science and the Patrimonial Empire*, Budapest: Akadémiai Kiadó, 2002, p. 11.

70 See Ibn Khaldūn, *Al-Taʿrīf bi-Ibn Khaldūn wa-riḥlatihi Ġarban wa-Sharqan*, Muḥammad Ibn Tawīt al-Ṭanjī (ed.), Cairo: Maṭbaʿat Lajnat al-Taʾlīf wa-l-Tarjama wa-l-Nashr, 1951. Also Ibn Khaldûn, *Autobiographie. Ouvrage prés., traduit et annoté par Abdesselam Cheddadi*, Algiers: CNRPH, 2008.

of whom, like Ibn Khaldūn's family, had taken refuge in Tunis or other North African towns as the Spanish crown reduced the boundaries of Andalusia to the sliver of territory held by the Nasrid rulers of Granada in southeastern Iberia. His initial period of schooling ended when both his parents tragically died of the plague in 1348–1349. In 1351 Ibn Khaldūn began a career as a government magistrate and *maẓālim*-judge[71] for North African and Andalusian courts, took refuge with several Berber tribes from "intrigues" against him, and was eventually appointed Mālikī supreme judge in Cairo (1384) after arriving there in 1382.[72]

Ibn Khaldūn's principal work, the *Muqaddima* (Prolegomenon), forms a part of his Universal History (*Kitāb al-ʿIbar*). In it, Ibn Khaldūn formulates a social theory which he presents as an explanation of the underlying causes and "inner meaning"[73] of the history he wrote in the *Kitāb al-ʿIbar*. In his social theory, he establishes that human beings need to come together in order to collectively satisfy their needs in matters of food and defence, thus securing the survival of mankind. Once they come together in a human social association (*ijtimāʿ/ʿumrān*), a restraining force (*wāziʿ*) is necessary for the mediation of conflicts. This force imposed order which materialised through *ʿaṣabiyya*, a type of social cohesion or group feeling. Based on their different modes of making a living, Ibn Khaldūn distinguishes between Bedouin, essentially pastoral nomadic, human associations (*al-ʿumrān al-badawī*) and urban human associations (*al-ʿumrān al-ḥaḍarī*). He describes an antagonistic relationship between these two types of human association, with social cohesion the most important concept driving the antagonism.[74]

Ibn Khaldūn's political theory is part of his social theory. He explains the formation of new dynastical states as the result of the urban-Bedouin antagonism. Bedouin population groups with strong group feeling have the prerequisites for establishing state polities because they could dominate urban groups with weak group feeling. However, the establishment of a polity and dynasty by a particular Bedouin group and its subsequent settlement and urbanisation result in the erosion of its group feeling, leaving the group susceptible to attack

71 This is a judge in a structure through which the temporal authorities took direct responsibility for dispensing justice. See J.S. Nielsen, "Maẓālim," *Encyclopaedia of Islam, Second Edition*, P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs (eds.).

72 Stephen Frederic Dale, *The Orange Trees of Marrakesh. Ibn Khaldūn and the Science of Man*, London: Harvard University Press, 2015, pp. 74–78, 119–120, 144.

73 Ibn Khaldūn, *Muqaddima*, Ibrāhīm Shabbūḥ (ed.), Tunis: al-Qayrawān li-l-Nashr, 2006, 2 vols; here vol. 1, p. 2.

74 Rosenthal, *Political Thought in Medieval Islam*, pp. 84–85.

and defeat by other Bedouin groups. Consequently, Ibn Khaldūn's political theory of the rise and decline of dynastic states is a theory of strong and weak social cohersion. His explanation of the growth and decay of dynastic states ends in a deterministic historical cycle.[75]

A group of scholars, Muhsin Mahdi most prominently among them, put forward the argument that Ibn Khaldūn's epistemic assumptions and methodology were deeply rooted in the Arabic philosophic tradition.[76] In one of the two most recent monographs on Ibn Khaldūn and the *Muqaddima* published as intellectual biographies, Stephen Frederic Dale in *The Orange Trees of Marrakesh* takes up Muhsin Mahdi's main assertion and emphasises the philosophical import of Ibn Khaldūn's vocabulary, assumptions, principles and concepts.[77] He builds on Miklós Maróth who argues that Ibn Khaldūn's *ʿilm al-ʿumrān* is an extension of, and subservient to, an Avicenna—(Ibn Sīnā, d. 428/1037) informed tradition of natural philosophy.[78] The current book subscribes in its reading of the *Muqaddima* to Muhsin Mahdi's interpretation and that of the scholars following him who read Ibn Khaldūn's epistemic framework and methodology as deeply rooted in the post-Avicennan Arabic philosophic tradition. Their reading of Ibn Khaldūn's approach seems consistent and convincing.

Other scholars who analysed Ibn Khaldūn's epistemic assumptions and methodology offer contrasting interpretations. Abdesselam Cheddadi, for ex-

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75 Alatas, *Applying Ibn Khaldūn*, pp. 25–26.

76 Mahdi, *Ibn Khaldūn's Philosophy of History*, especially pp. 71–72, 124–125, 160–162, 172–187. For scholars who have taken up Mahdi's argument that Ibn Khaldūn's approach is mainly based on the philosophical tradition and have elaborated on it: see Miklós Maróth, "Aristoteles und Ibn Khaldūn. Zur Entstehung einer Aristotelischen Geschichtsphilosophie," *Aristoteles Werk und Wirkung*, Jürgen Wiesner (ed.), Berlin: De Gruyter, vol. 2, 1987, pp. 390–408; Zaid Ahmad, *The Epistemology of Ibn Khaldūn*, London: Routledge Curzon, 2003; Ḥamīd Khalaf ʿAlī al-Saʿīdī, *Al-Ishārāt wa-l-Masālik: min Īwān Ibn Rushd ilā Riḥāb al-ʿIlmānīyya—Athar al-Fārābī fī Falsafat Ibn Khaldūn. Dirāsa Taḥlīlīyya Muqārana li-l-Uṣūl wa-l-Muʾaththirāt al-Falsafiyya al-Fārābiyya fī al-Fikr al-Khaldūnī*, Beirut: Dār al-Hādī, 2006; Abu Yaareb al-Marzouki, *Ibn Khaldūn's Epistemological and Axiological Paradoxes*, Tunis: Maison Arabe du Livre, 2006; Muḥammad ʿĀbid al-Jābirī, *Fikr Ibn Khaldūn*, Beirut: Markaz Dirāsāt al-Waḥda al-ʿArabīya, 1992. This last work was first published in 1971, Casablanca: Dār al-Thaqāfa, and is the published version of the Moroccan philosopher's dissertation *Falsafat al-Tārīkh ʿinda Ibn Khaldūn*, Morocco: Rabat, 1970. See also chapter 5 of ʿĀbid al-Jābirī's essay *Arab-Islamic Philosophy: A Contemporary Critique*, trans. Aziz Abbasi, Austin, Texas: Center for Middle Eastern Studies, 1999.

77 Dale, *The Orange Trees of Marrakesh*, pp. 151–174. Also Dale, "Ibn Khaldun: The Last Greek and the First Annaliste Historian," *International Journal of Middle East Studies*, vol. 38, no. 3, 2006, pp. 431–451.

78 Maróth, "Aristoteles und Ibn Khaldūn," pp. 402–408.

ample, maintains that an emphasis on the philosophic import would be a reductionist reading of Ibn Khaldūn's methodology:

> Tout d'abord la vaste culture d'Ibn Khaldūn révèle dans la *Muqaddima* n'est pas seulement philosophique, elle est aussi, plus fondamentalement, historique mais aussi juridique, théologique, et littéraire. Ces diverses dimensions, en particulier les deux dimensions historique et juridique, évidentes au niveau des matériaux dont se nourrit la réflexion d'Ibn Khaldūn, se manifestent également—souvent avec une grande force—à celui de la terminologie et des methods de raisonnement et d'exposition.[79]

In *Ibn Khaldūn—An Intellectual Biography*, Robert Irwin argues along the lines of Cheddadi and holds that the methodology and epistemology of the *Muqaddima* is underpinned by philosophy as well as by theology and Māliki jurisprudence.[80] While agreeing that theological, Islamic normative and even linguistic concepts and notions are undoubtedly subsumed in Ibn Khaldūn's thought, they do not in my reading constitute his epistemic framework. The present study subscribes to Mahdi Muhsin, and the scholars who built on his theses, in their interpretation of Ibn Khaldūn's assumptions and methodology.

The Precepts of Intellectual History: A Major Source of Inspiration

Intellectual History, according to the Cambridge School,[81] is one of today's three predominant research paradigms on political thought. Like the other two, namely *Begriffsgeschichte* (conceptual history) as practised by the Bielefeld School, centred around Reinhart Koselleck and Werner Conze, and different variations of discourse analysis, mainly inspired by the writings of Michel Foucault, the methods of the Cambridge School emerged in the late 1960s.[82]

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79 Abdesselam Cheddadi, "La tradition philosophique et scientifique gréco-arabe dans la Muqaddima," *Mélanges*, vol. LVII, pp. 469–497; here 470.

80 Irwin, *Ibn Khaldūn*, pp. 65–83.

81 Peter Gordon, "What is Intellectual History? A Frankly Partisan Introduction to a Frequently Misunderstood Field," 2012. This essay offers introductory remarks about intellectual history. It was delivered in the framework of the Harvard Colloquium and is available online at: https://projects.iq.harvard.edu/files/history/files/what_is_intell_history_pgordon_mar2012.pdf (last accessed 10.04.2024).

82 Harald Bluhm, "Politische Ideengeschichte im 20. Jahrhundert: Einleitung," *Politische Ideengeschichte im 20. Jahrhundert: Konzepte und Kritik*, Harald Bluhm/Jürgen Gebhardt (eds.), Baden-Baden: Nomos, 2006, pp. 9–30; here p. 10.

All three approaches were developed in response to, at that time, traditional approaches to the history of ideas (*Ideengeschichte*) which were being subjected to severe and fundamental criticism.[83] Dietrich Busse subsumes all three approaches under the epithet "Historische Semantik" (historical semantics).[84]

In order to understand fully the "historical meaning" of a text written in the past, Quentin Skinner, who became the most prominent figure associated with the Cambridge School as his methodological writings attracted most debate,[85] argued that it was necessary to understand what the author was doing in writing, that is, to reconstruct the "point" or "force" of their argument.[86] In his own words:

> … the nerve of my argument is that, if we want a history of philosophy written in a genuinely historical spirit, we need to make it one of our prin-

83 In Germany, *Begriffsgeschichte* emerged as a research programme, and much less obviously as a distinct method, and developed into a method identified with the Bielefeld school around Reinhart Koselleck. Quentin Skinner and Michel Foucault both published their programmatic writings in 1969: Skinner his article "Meaning and Understanding in the History of Ideas," *History and Theory*, Wiley: Wesleyan University, vol. 8, no. 1, 1969, pp. 3–53, and Foucault his lecture "*What is an Author*?" and his methodological and historiographical treatise *The Archeology of Knowledge* (L'archéologie du savoir), Paris: Gallimard, 1969.

84 Dietrich Busse, *Historische Semantik: Analyse eines Programms*, Stuttgart: Klett-Cotta, 1987. Marcus Llanque comments critically on the multitude of methods being applied in the field of intellectual history that they give, as a whole, the impression of wild growth (see Marcus Llanque, "Alte und neue Wege der politischen Ideengeschichte," *Neue Politische Literatur*, no. 1, 2004, pp. 34–51; here p. 34.)

85 Skinner's programmatic article "Meaning and understanding in the history of ideas" was republished in a revised version in Quentin Skinner, *Visions of Politics. Volume 1: Regarding Method*, Cambridge: Cambridge University Press, 2010, pp. 57–89. Almost thirty years after the publication of Skinner's "Meaning and Understanding," a commemorative volume by A.S. Brett and J. Tully (eds.), *Rethinking the Foundations of Modern Political Thought*, Cambridge: Cambridge University Press, 2006, examines in a number of contributions the impact of Skinners' article. Meanwhile, James Tully, one of Skinner's students, edited a collection entitled *Meaning and Context: Quentin Skinner and His Critics*, Princeton: Princeton University Press, 1988, which included five of Skinner's most important methodological papers as well as critical essays by Martin Hollis, Charles Taylor et al., and Skinner's reply to his critics. Skinner's major historical study is *The Foundations of Modern Political Thought*, Cambridge: Cambridge University Press, 2 vols., 1978. Republished in 2010.

86 Quentin Skinner, "'Social Meaning' and the Explanation of Social Action," *Meaning and Context: Quentin Skinner and his Critics*, James Tully (ed.), Princeton: Princeton University Press, 1988, pp. 79–96; here pp. 83–86.

cipal tasks to situate the texts we study within such intellectual contexts as enable us to make sense of what their authors were doing in writing them.[87]

The precepts of the Cambridge School direct the attention of intellectual historians in their analysis of political ideas towards the strategic ability of the historical figures to construct meaningful theoretical perspectives out of a rich linguistic conventional context.[88] The term linguistic conventional context refers to relevant linguistic commonplaces uniting a number of texts: shared vocabulary, principles, assumptions, criteria for testing knowledge claims, problems, conceptual distinctions and etc.[89] By reading a text in light of the context, the historian can understand "how far" authors "were accepting and endorsing, or questioning and repudiating, or perhaps even polemically ignoring, the pre-

87 Quentin Skinner, "Introduction: Seeing Things Their Way," *Visions of Politics—Regarding Method*, Cambridge: Cambridge University Press, vol. 1, 2010, p. 3.

88 In contrast, the major claim of discourse analysis is that discourse structures knowledge and the self-understanding of a society. It does not aim to study the ideas and concepts themselves, but the discourse behind them, based on a large corpus of texts (see Busse, *Historische Semantik*, pp. 222–223). Likewise, *Begriffsgeschichte* (conceptual history) as envisaged by Koselleck studies the changing understanding of concepts with the specific aim of investigating historical change. Thus, *Begriffsgeschichte* explicitly cares about non-linguistic contexts: in particular, it looks at historical change and, in that regard only, engages with discourses and languages (see Reinhart Koselleck, *Begriffsgeschichten—Studien zur Semantik und Pragmatik der politischen und sozialen Sprache*, Frankfurt: Suhrkamp Verlag, 2006, pp. 45–46).

89 James Tully, "The Pen is a Mighty Sword: Quentin Skinner's Analysis of Politics," in *Meaning and Context: Quentin Skinner and his Critics*, James Tully (ed.), Princeton: Princeton University Press, 1988, pp. 7–25.; here pp. 7–9. The conceptual assumptions that underlie Skinner's approach have been controversial since they were first articulated. No full account of the critique of Skinner's method is intended here but only an overview of major objections. Critics pointed out that there are problems and ambiguities in his theorising of texts in terms of speech acts, see for example: Michael Goodhart, "Theory in Practice: Quentin Skinner's Hobbes, Reconsidered," *The Review of Politics*, vol. 62, no. 3, 2000, pp. 531–561. Skinner's understanding of context was subjected to severe criticism, too, see for example: Daniel Kuchler, "Bedingt Analytischer Textzentrismus. Eine Kritik an Skinners Kontextualismus," *Ansätze und Methoden zur Erforschung politischen Denkens*, Andreas Busen/Alexander Weiß (eds.), Baden-Baden: Nomos, 2013, pp. 163–184. Besides critiquing some of the conceptual assumptions underlying Skinner's method, critics have pointed out the extreme historicist assumptions that underlie his research programme, see, for example: Joseph V. Femia, "An Historicist Critique of 'Revisionist' Methods for Studying the History of Ideas," *History and Theory*, Wiley: Wesleyan University, vol. 20, no. 2, 1981, pp. 113–134.

vailing assumptions and conventions of political debate."[90] This step enables the intellectual historian to ascertain precisely the originality—in the sense of non-conventionality—of the text being studied. Such an understanding of a text is unavailable to those who practise an exclusively textualist approach or to contextualists who ignore the linguistic context.[91]

The present book views the Cambridge School's writings as a philosophical reconstruction of what takes place, or should take place, in performing interpretations of a historical text, and not strictly as a handbook for a methodological procedure.[92]

Studying Non-Western Political Thought

In the past three decades, a considerable amount of research and collaborative projects emerged that aimed at making research on political theory more global and less Western in focus.[93] The project of engaging with political ideas

90 Skinner, *The Foundations of Modern Political Thought*, Cambridge: Cambridge University Press, vol. 1, 2010, p. xiii.

91 Tully, "The Pen is a Mighty Sword," pp. 9–10, and Quentin Skinner, "Some Problems in the Analysis of Political Thought and Action," in *Meaning and Context: Quentin Skinner and his Critics*, James Tully (ed.), Princeton: Princeton University Press, 1988, pp. 97–118; here p. 106. And see Quentin Skinner, "Interpretation and the Understanding of Speech Acts," *Visions of Politics—Regarding Method*, Cambridge: Cambridge University Press, vol. 1, 2010, pp. 103–127; here pp. 124–125.

92 Some critics, denying that Skinner sets out a method at all, claim that he provides a prescription for successful understanding. See John G. Gunnell, *Political Theory: Tradition and Interpretation*, Cambridge, MA.: Winthrop Publishers, 1979, pp. 102, 122, and also Charles D. Tarlton, "Historicity, Meaning, and Revisionism in the Study of Political Thought," *History and Theory*, 12, 1973, pp. 307–328; here p. 312.

93 In 1997, there was even an explicit call "to inaugurate or help launch a field of inquiry" which Fred Dallmayr called "comparative political theory," or "comparative political philosophy" in Fred Dallmayr, "Introduction: Toward a Comparative Political Theory," *The Review of Politics*, vol. 59, no. 3, 1997, pp. 421–427; here p. 421. This research agenda has been advanced by a number of scholars and has led to a series of publications, see for example: Gerald Larson and Eliot Deutsch, *Interpreting across Boundaries: New Essays in Comparative Philosophy*, Princeton: Princeton University Press, 1988; Anthony Parel and Ronald C. Keith (eds.), *Comparative Political Philosophy: Studies under the Upas Tree*, New Delhi and Newbury Park: Sage Publications, 1992; Roxanne Euben, "Comparative Political Theory: An Islamic Fundamentalist Critique of Rationalism," *The Journal of Politics*, vol. 59, no. 1, 1997, pp. 28–58; Euben, "Premodern, Antimodern or Postmodern? Islamic and Western Critiques of Modernity," *The Review of Politics* 49, no. 3, 1997, pp. 429–459; Euben, *Enemy in the Mirror*, Princeton: Princeton University Press, 1999; Euben, "Contingent Borders, Syncretic Perspectives: Globalization, Political Theory, and Islamizing

in the global arena has produced its own remarkable debate on method.[94] The present work adopts the perspective of scholars who argue convincingly against the epistemic claim that non-Western texts and traditions need to be approached with a distinct methodology because they are steeped in a different culture and perceived as "alien." Especially in intellectual history, where the intellectual historian is dealing with long-deceased authors, a writer situated in specific discourses in ancient Greece or Renaissance Florence should be no less alien than, say, al-Māwardī (d. 450/1058), al-Ghazālī or Ibn Khaldūn.[95] Instead, I adopt the perspective of a constructivist concept of culture (*konstruktivistischer Kulturbegriff*) in my investigation of Ibn al-Azraq's political thought. Such a concept of culture only permits a low degree of "cultural otherness," because it devalues the notion of culture as a central category. It allows one to understand the culturalist dimension of political theories not as a "fact," but rather as the framework to which the historical author refers. The attention of the intellectual historian in analysing political ideas shifts

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Knowledge," *International Studies Review*, vol. 4, no. 1, 2002, pp. 23–48; Euben, "Killing (for) Politics: Jihad, Martyrdom, and Political Action," *Political Theory*, vol. 30, no. 1, 2002, pp. 4–35; Euben, *Journeys to the Other Shore: Muslim and Western Travelers in Search of Knowledge*, Princeton: Princeton University Press, 2006; Dallmayr, *Border Crossings: Toward a Comparative Political Theory*, Lanham, MD: Lexington Books, 1999; Dallmayr, "Beyond Monologue: For a Comparative Political Theory," *Perspectives on Politics*, vol. 2, no. 2, 2004, pp. 249–257; Brooke A. Ackerly, "Is Liberalism the Only Way Toward Democracy? Confucianism and Democracy," *Political Theory*, vol. 33, no. 4, 2005, pp. 547–557; Farah Godrej, "Nonviolence and Gandhi's Truth: A Method for Moral and Political Arbitration," *The Review of Politics*, vol. 68, no. 2, 2006, pp. 287–317; Godrej, "Towards a Cosmopolitan Political Thought: The Hermeneutics of Interpreting the Other," *Polity*, vol. 41, 2009, pp. 135–165; and Leigh Jenco, "'What Does Heaven Ever Say?' A Methods-Centered Approach to Cross-Cultural Engagement," *American Political Science Review*, vol. 101, no. 4, 2007, pp. 741–755. See also the special issue of *The Review of Politics*, vol. 70, no. 1, Winter 2008, on comparative political theory with articles by Jürgen Gebhardt, Antony Black, Anthony Parel, Richard Bernstein and Takashi Shogimen. And intellectually diverse book series also emerged: *Global Encounters: Studies in Comparative Political Theory*, ed. by Fred Dallmayr and publ. by Lexington Books.

94 Holger Zapf, "Kultur als Konstrukt? Methoden einer transkulturell orientierten Politischen Theorie," *Ansätze und Methoden zur Erforschung politischen Denkens*, Andreas Busen/Alexander Weiß (eds.), Baden-Baden: Nomos, 2013, pp. 299–319. Zapf roughly distinguishes three approaches (pp. 301–311): first, the dialogue approach between Western and non-Western perspectives as proposed by Fred Dallmayr in "Introduction: Toward a Comparative Political Theory,"; second, the cosmopolitan approach as proposed by Godrej, "Towards a Cosmopolitan Political Thought;" and third, the comparative-analytical approach as proposed by Andrew F. March, "What Is Comparative Political Theory?," *The Review of Politics*, vol. 71, 2009, pp. 531–565.

95 Cf. March, "What Is Comparative Political Theory?," p. 548.

from the cultural specificity of these political theories to the strategic ability of their authors to construct meaningful theoretical perspectives out of a rich and polyphonic cultural context. From this perspective, cultural elements of non-Western political theories appear as selective and contingent components of these theories. Thereby, however, any assessment of the historical author's claim to authenticity on the part of the intellectual historian is prohibited if the intellectual historian aims to avoid the reproduction of culturalist attributions.[96]

Technical Clarifications

In *BS*, Ibn al-Azraq states his sources very often and therefore, the names of historical, or quasi-historical, figures and works feature abundantly. Sometimes in the present study, names or titles occur in citations from *BS*. Information on these historical figures is only provided where further details on these figures or works were of significance in an analysis of Ibn al-Azraq's usage of concepts or his engagement with the sources. In all other cases, no information is given in either the running text or the footnotes. This study of Ibn al-Azraq's political thought is rather concerned with analysing how he is reverting to certain concepts and sources, and how he is applying them for his theory-constructing purposes.

No translation of Ibn al-Azraq's *BS* exists and all passages cited in this study are my own translations[97] based on Ibn ʿAbd al-Karīm's edition of *BS*. However, Franz Rosenthal's English translation of the *Muqaddima*[98] was consulted, as was Mathias Pätzold's German translation of parts of the *Muqaddima*[99] in those passages of *BS* which are Khaldūnian paraphrases. The translations of Khaldūnian paraphrases in *BS* in the present study are therefore influenced to a certain extent by the translations of Rosenthal and Pätzold.[100] Translated passages from Ibn Khaldūn's *Muqaddima* are likewise my own, with the aim of accentuating the philosophical import of his language which is lost in many

96 Zapf, "Kultur als Konstrukt?," pp. 300, 313, 317.

97 I owe special thanks to Nikola Dukas Sardelis, who has edited my own English translations of the Arabic sources and, in some places, also helped me with the Arabic translations.

98 Franz Rosenthal, *The Muqaddimah: An Introduction to History*, London: Routledge & Paul, 1978.

99 Mathias Pätzold, *Ibn Khaldun—Buch der Beispiele*, Leipzig: Reclam-Verlag, 1992.

100 In rare cases of serious ambiguity, Abdesselam Cheddadi's French translation *Le Livre des Examples*, Paris: Gallimard, 2002, and Alma Giese's German translation *Die Muqaddima: Betrachtungen zur Weltgeschichte*, München: C.H. Beck, 2011, were also consulted.

editions and translations, especially in Rosenthal's. That said, both Rosenthal's English translation and Pätzold's German translation served as a base for my own. Arberry's translation of the Quran is used when citing Quranic verses.[101]

The *IJMES* (*International Journal of Middle East Studies*) transliteration system and its transliteration guidelines have been applied in the transliteration of Arabic terms.

In translated passages, transliterations of Arabic terms or expressions are put in parenthesis. My own comments or additions to translations are put in square brackets. Arabic transliteration is put in parenthesis in the running text.

All translations and references to *BS* in this study are based on Ibn ʿAbd al-Karīm's edition, unless otherwise stated. At the same time, al-Nashshār's edition has frequently been consulted in cases of lexical ambiguities and also because of its valuable *Muqaddima* cross-references. Hence, both editions have been used in a complementary fashion in order to facilitate a better understanding of Ibn al-Azraq's political thought and arguments. All references to the *Muqaddima* are based on Ibrāhīm Shabbūḥ's edition.

101 Arthur J. Arberry, *The Koran Interpreted*, London: Oxford University Press, 1964.

CHAPTER 1

Ibn al-Azraq's *Badāʾiʿ al-Silk* and Its Reception of the *Muqaddima*

1.1 Ibn al-Azraq in the Context of His Time

Many classical Arabic bio-bibliographic sources record some details of Ibn al-Azraq's life, the most important of which are al-Sakhāwī's (d. 902/1497) *al-Ḍawʾ al-Lāmiʿ*,[1] and some of them even highlighted his references to Ibn Khaldūn, for example al-Maqqarī (d. 1041/1632) in *Nafḥ al-Ṭīb*.[2] But these accounts provide us only with outlines. His full name was Abū ʿAbd Allāh Muḥammad bin ʿAlī bin Muḥammad bin ʿAlī bin Qāṣim bin Masʿūd al-Ḥimayrī al-Aṣbaḥī al-Mālaqī al-Wādī Āshī al-Gharnāṭī.[3] During his lifetime and ever after, he was known by the *laqab* (honorific name) Ibn al-Azraq.[4] His date of birth is unknown, but he is recorded as having reached the age of 65 and to have died in 896/1491,[5] thus the year 831/1428, or possibly 1427, is assumed to be the year of his birth. Not much is known about Ibn al-Azraq's background or his family's standing in the emirate of Granada, though they seem to have been an old Andalusian family of Arabic origin, probably with ties to the North African city of Fez.[6]

1 Shams al-Dīn Muḥammad bin ʿAbd al-Raḥmān al-Sakhāwī, al-*Ḍawʾ al-Lāmiʿ li-Ahl al-Qarn al-Tāsiʿ*, Beirut: Dār al-Jīl, 1992, in 12 vols.; here vol. 9, entry no. 56, pp. 20–21.

2 Aḥmad bin Muḥammad al-Maqqarī, *Nafḥ al-Ṭīb min Ghuṣn al-Andalus al-Raṭīb*, Iḥsān ʿAbbās (ed.), Beirut: Dār Sāḍir, 1968, in 8 vols.; here vol. 2, entry no. 307, pp. 699–704. An account of the outlines of Ibn al-Azraq's life can also be found in al-Maqqarī's *Azhār al-Riyāḍ fī Akhbār al-ʿIyāḍ*, Muṣṭafā al-Saqā (ed. et al.), Cairo: Lajnat al-Taʾlīf wa-l-Tarjama wa-l-Nashr, 1939–1942, 5 vols.; vol. 1, here p. 71 and vol. 3, pp. 317–322. Ibn al-Azraq is furthermore listed in Ibn al-Qāḍī, *Durrat al-Ḥijāl fī Asmāʾ al-Rijjāl*, Muḥammad al-Aḥmadī Abū al-Nūr (ed.), Cairo: Dār al-Turāth (et al.), 1971, in 3 vols.; here vol. 2, entry no. 834, p. 297.

3 María Mercedes Delgado Pérez, "Ibn al-Azraq, Abū Abd Allāh," p. 486.

4 Among the few pre-modern authors, he is known under the *laqab* Shams al-Dīn or Qāḍī al-Quḍāt (major judge). The *kunya* under which he is known is Abū ʿAbd Allāh (see Ibn al-Azraq, *Badāʾiʿ al-Silk*, Muḥammad Ibn ʿAbd al-Karīm (ed.), vol. 1, p. 10).

5 Ibn ʿAbd al-Karīm, "Introduction," p. 30. Makhlūf records 1489 (895 AH) as the year of his death in Muḥammad bin Muḥammad bin ʿUmar bin Qāsim Makhlūf, *Shajarat al-Nūr al-Zakiyya fī Ṭabaqat ʿUlamāʾ al-Mālikiyya*, 11 Vols., Beirut: Dār al-Kutub al-ʿIlmiyya, 2003; vol. 1. p. 378.

6 al-Nashshār, "Introduction," vol. 1, p. 7. Al-Nashshār gives Ibn al-Azraq's date of birth as 832/1427.

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Little is known about Ibn al-Azraq's early life, too. He is recorded to have been born in Malaga. There, as well as in many other cities in and outside Andalusia such as Granada, Fez, Tlemcen and Tunis, he was educated by numerous scholars. He was trained in Arabic literature (*adab*), grammar (*naḥw*), Quranic recitation, Islamic law (*fiqh*), applied law (*farāʾiḍ*), the sources and methodology of norm derivation (*uṣūl*), creed (*ʿaqāʾid*), logic (*manṭiq*), accountancy (*ḥisāb*), and others. In his studies, Fez, Tlemcen and Tunis were particularly frequent destinations for Ibn al-Azraq,[7] since large numbers of Andalusian scholars fleeing the Castilian advances sought refuge there.

Among his teachers were the most distinguished scholars of his time, for example Ibn Fattūḥ (d. 867/1463), mufti of Granada, who taught Ibn al-Azraq Islamic law, the sources and the methodology of norm derivation (*uṣūl al-fiqh*), creed and logic. Ibn al-Azraq cites him several times in *BS*. Ibn Fattūḥ may be considered Ibn al-Azraq's main mentor in matters of science. Political figures, however, were also among his mentors, such as the supreme judge (*qāḍī al-jamāʿa*) and chief minister (*wazīr*) of the Nasrid emirate Abū Yaḥyā Muḥammad bin ʿĀṣim (d. 860/1456) who was appointed *wazīr* by the Nasrid emir Muḥammad VII (r. 1392–1408).[8]

The political and historical circumstances of Ibn al-Azraq's time were marked by turmoil that foreshadowed the fall of the Nasrid emirate of Granada. Hugh Kennedy describes the world in which Ibn al-Azraq lived and worked as follows:

> The politics of Granada in the fieenth century were dominated by the violent feuds of a small number of families who sought to have their candidates imposed as rulers. Relations with Castile, increasingly the only foreign policy issue that mattered, were dominated by questions of truce and tribute: rulers who failed to secure truces or, alternatively, paid too much for them were liable to become the objects of popular wrath and to lose their thrones.[9]

One of the main feuds that had an impact on Nasrid internal affairs seems to have been between the family of the Banū Sarrāj and their enemies. The Banū

7 al-Sakhāwī, *Al-Ḍawʾ al-Lāmiʿ*, vol. 9, pp. 20–21. And cf. al-Nashshār, "Introduction," vol. 1, pp. 7–8.

8 Ibn ʿAbd al-Karīm, "Introduction," pp. 12–13. See appointment of Abū Yaḥyā Muḥammad bin ʿĀṣim by sultan Muḥammad VII in Hugh Kennedy, *Muslim Spain and Portugal: A Political History of al-Andalus*, London: Longman, 1996, p. 293.

9 Kennedy, *Muslim Spain*, p. 295.

Sarrāj appear to have been a family of Andalusian origin who served as military commanders in the cities of Guadix (*Wādī Āsh*) and Illora.[10] Amidst these feuds, Ibn al-Azraq was obviously able to establish himself very well in religious and political circles since he became an active high-ranking statesman in the political affairs of the emirate of Granada and a practising judge as well as mufti. His *fatwas* (opinions on a point of Islamic normativity) appear in later *fatwa* compilations, for example in al-Wansharīsī's (d. 914/1508) vast compilation of Andalusian and North African *fatwas* from the ninth to the fifteenth centuries, the *Miʿyār al-Muʿrib wa-l-Jāmiʿ al-Mughrib ʿan Fatāwī ʿUlamāʾ Ifrīqiya wa-l-Andalus wa-l-Maghrib*.[11] This *fatwa* compilation was the principal work of al-Wansharīsī, a Mālikī jurist and mufti, born possibly in the Ouarsenis, Algeria.[12]

Ibn al-Azraq was appointed judge for the first time in the western part of Malaga (*Gharbī Mālaqa*) during the reign of the emir Abū Naṣr Saʿd (r. 1454–1464).[13] The Banū Sarrāj caused Abū Naṣr Saʿd to be proclaimed emir in 1454. In an altogether unexpected twist, Abū Naṣr Saʿd was deposed by his own son Abū al-Ḥasan ʿAlī (r. 1464–1482) in 1464. From 1470 the city of Malaga was the capital of a region set up by Abū al-Ḥasan ʿAlī's brother Abū ʿAbd Allah Muḥammad XIII, known as al-Zaghal (the Brave, r. 1485–1487). Eventually, however, Abū al-Ḥasan ʿAlī managed to reimpose his authority in these parts.[14]

Most probably it was al-Zaghal who appointed Ibn al-Azraq judge in Malaga the second time. The third time he was appointed judge by emir Abū al-Ḥasan ʿAlī in Guadix, who later transferred Ibn al-Azraq as judge to Malaga yet again. It was also emir Abū al-Ḥasan ʿAlī who finally appointed Ibn al-Azraq supreme judge (*qāḍī al-jamāʿa*) in Granada where he remained in office until 1487.[15] Ibn al-Azraq supposedly became secretary (*kātib*) in the service of emir Abū al-Ḥasan ʿAlī. The date on which he assumed this office is unknown. Ibn al-Azraq was probably counted among the highly influential statesmen during Abū al-

10 Ibid.

11 Aḥmad bin Yaḥyā al-Wansharīsī, *Kitāb Miʿyār al-Muʿrib wa-l-Jāmiʿ al-Mughrib ʿan Fatāwī ʿUlamāʾ Ifrīqiya wa-l-Andalus wa-l-Maghrib*, Muḥammad Ḥajjī (ed. et als.), Wizārat al-Awqāf wa-l-Shuʾūn al-Islāmiyya li-l-Mamlaka al-Maghribiyya, 1981, vol. 11, pp. 111–112 and 148–150.

12 See V. Lagardère, "al-Wansharīsī", *Encyclopaedia of Islam, Second Edition*, P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs (eds.).

13 al-Sakhāwī, *Al-Ḍawʾ al-Lāmiʿ*, vol. 9, p. 21.

14 L.P. Harvey, *Islamic Spain 1250–1500*, Chicago and London: The University of Chicago Press, 1992, pp. 265–266.

15 al-Sakhāwī, *Al-Ḍawʾ al-Lāmiʿ*, vol. 9, p. 21.

Ḥasan ʿAlī's reign, becoming a close confidant of the emir's. Allegedly, when asked by a judge named Abū al-Qāsim to reveal the secrets of the emir, Ibn al-Azraq responded with a poem, writing that if a secretary revealed the secrets of his emir, it was as if judges passed judgement wrongly.[16]

During Ibn al-Azraq's days as legal scholar, supreme judge and high-ranking statesman, the emirate of Granada continued to be riven with internal family feuds and shaken by intensifying Castilian campaigns. In 1482 emir Abū al-Ḥasan ʿAlī along with his *wazīr* Abū al-Qāsim Venegas was driven out of Granada by a *coup* led by his son Abū ʿAbd Allāh Muḥammad XII, also known as Boabdil, and the Banū Sarrāj and other Granadan nobles. Abū al-Ḥasan ʿAlī and his brother al-Zaghal fled to Malaga. The internal dissention worsened when, in an attempt to acquire a military reputation to establish his position, Muḥammad XII tried to take the town of Lucena from the Castilians in 1483 and found himself captured.[17] While Muḥammad XII was being detained, Ferdinand of Aragon undertook a large-scale incursion in 1483. After attacks on several fortified cities, Ferdinand advanced to Alhendín, a mere ten kilometres from Granada. Close to the city, he appears to have negotiated with Abū al-Ḥasan ʿAlī's faction. After making the most humiliating concessions to his captors, including leaving the sons of most of his principal supporters as hostages, Muḥammad XII was eventually released. The response of public opinion to this arrangement within Granada was overwhelmingly hostile. A *fatwa* survives that aligns almost all the leading jurists of the city including supreme judge Ibn al-Azraq, denouncing Muḥammad XII as a rebel against God. All declared that there could be no justification for any departure from the loyalty owed to Abū al-Ḥasan ʿAlī or for the proclamation of Muḥammad XII. Anybody who gave support to the latter was in rebellion against God and his Prophet.[18] Faced with this hostility, Muḥammad XII retired to establish himself in Guadix. Forces opposed to him gained strength.[19]

In early 1485 emir Abū al-Ḥasan ʿAlī, increasingly enfeebled by illness, resigned from power in favour of his brother al-Zaghal who became the mainstay of the resistance against the Castilian advances. In March 1486 Muḥammad XII, who had taken refuge in Castilian territory, reappeared on the scene and resumed the civil war against his uncle emir al-Zaghal. On 29 April 1487 Muḥam-

16 al-Tāzī, "Maʿa Ibn al-Azraq fī Makhṭūṭatihi," p. 118.

17 Kennedy, *Muslim Spain*, p. 301.

18 The *fatwa* is preserved in al-Wansharīsī's *Kitāb Miʿyār*, vol. 11, pp. 148–150.

19 Harvey, *Islamic Spain*, pp. 282–285. See also Fernando de la Granja, "Condena de Boabdil por los alfaquies de Granada," in *Al-Andalus*, vol. 36, 1971, pp. 145–176.

mad XII finally triumphed and took the Alhambra, executing the warriors who had opposed him.[20]

Al-Zaghal was driven out of Granada to Guadix where he installed himself and to where Ibn al-Azraq followed him. In Guadix, al-Zaghal appointed Ibn al-Azraq as an emissary and sent him on a mission to Tunis where he was supposed to request military support from the Hafsid caliph Abū ʿAmr ʿUthmān bin Muḥammad ibn Abī Fāris (r. 1435–1487).[21] However, the caliph passed away before Ibn al-Azraq could put forward his request. Ibn al-Azraq continued on his mission to Tlemcen and, finally, to Egypt, asking for support from the Mamluk sultan Qait Bey (r. 1468–1496). Whether or not al-Zaghal ordered the continuation of the mission to Egypt remains unclear. The mission of Ibn al-Azraq was described in proverbial terms as seeking "the eggs of a vulture" (*bayḍ al-anūq*).[22] Obviously, Ibn al-Azraq's attempt to secure aid for the restoration of Granada was considered as a "nearly impossible" mission.

The Mamluk sultan Qait Bey in Cairo reacted to Ibn al-Azraq's attempt in 1487 to raise support at his court by dispatching two friars from the Church of the Holy Sepulchre in Jerusalem, then under Mamluk rule, with a letter appealing to the Catholic kings to spare Granada. The emissaries were received with honour and Ferdinand of Aragon replied in a letter to the effect that the civil and religious rights of the Muslims would be respected if they surrendered. No further letters were exchanged. Eventually, the fall of Granada was aided by the absence of any effective support from the rest of the Muslim world. The sovereigns of North Africa were too feeble to intervene, and they had in any case been effectively neutralised by the diplomacy of the Catholic kings.[23]

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20 Kennedy, *Muslim Spain*, p. 302.

21 Ibn ʿAbd al-Karīm, "Introduction," pp. 14–15. Al-Tāzī argues that Ibn al-Azraq had been an emissary already in the service of emir Abū al-Ḥasan ʿAlī (r. 1464–1485), see al-Tāzī, "Maʿa Ibn al-Azraq fī Makhṭūṭatihi," p. 118. However, Ibn ʿAbd al-Karīm argues that Ibn al-Azraq was appointed emissary much later in 1487, during the reign of al-Zaghal.

22 al-Maqqarī, *Nafḥ al-Ṭīb*, vol. 2, p. 702.

23 Kennedy, *Muslim Spain*, pp. 301–302. L.P. Harvey reads things differently, arguing that from the response the Castilian crown felt obliged to make, one could better gauge how effective Ibn al-Azraq's mission must have been. Cf. L.P. Harvey, "The Political, Social and Cultural History of the Moriscos," *The Legacy of Muslim Spain*, Salma Khadra Jayyusi (ed.), Leiden: Brill, 1994, in 2 vols.; here vol. 1, p. 205. See also L.P. Harvey, *Islamic Spain*, p. 267, where he argues that the Granadan diplomatic mission worried Isabella and Ferdinand a great deal. They sent one of the best diplomats of their court, Peter Martyr of Anghiera, to negotiate with the Mamlukes directly.

After his mission to Egypt, Ibn al-Azraq went on a pilgrimage to Mecca and Medina where he stayed several months. On his way back, sixty-one days before his death, Mamluk sultan Qait Bey appointed Ibn al-Azraq Mālikī judge (*qāḍī al-quḍāt*) in Jerusalem where he died 896/1491, one year before the fall of Granada to the Castilian crown.[24]

Next to his activities as legal scholar and a statesman, Ibn al-Azraq was also teaching and mentoring students in the Nasrid emirate of Granada, three of whom are known to us. The first, Muḥammad bin Aḥmad Ibn al-Ḥaddād al-Wādī Āshī, mentions several times in his writings that he was a student of Ibn al-Azraq. The second, Aḥmad bin ʿAlī bin Aḥmad bin Dāwūd al-Balawī al-Gharnāṭī al-Andalusī, is mentioned by al-Maqqarī as another student. The third is Sharaf al-Dīn Yaḥyā bin Muḥammad al-Anṣārī al-Maghribī al-Andalusī al-Mālikī.[25]

Ibn al-Azraq is known to have authored three works. His political treatise *BS* has received some attention in modern scholarship and is the focus of this book. Most probably, Ibn al-Azraq finished writing it in the year 1478.[26] Apart from *BS*, Ibn al-Azraq composed *Rawḍat al-Iʿlām bi-Manzilat al-ʿArabiyya min ʿUlūm al-Islām* (The Meadow of Apprising the Rank of the Arabic Language among the Islamic Sciences, or henceforth *RI*), a work on the Arabic language. Ibn al-Azraq mentions *RI* in *BS*, which suggests that he had composed *RI* before he had finished *BS*.[27] This work remains in manuscript form until today. The third work authored by Ibn al-Azraq is the *Shifāʾ al-Ghalīl fī Sharḥ Mukhtaṣar Khalīl*, a commentary on the epitome (*mukhtaṣar*) of the Egyptian jurist Khalīl (d. 767/1366). Such juridical epitomes were composed up until the 14th century and contained sanctionable *sharīʿa* norms (*aḥkām*) which were considered school doctrine and excluded non-consensual minority opinions within the school. These handbook-like collections were widely distributed and, in the following years, were explained and interpreted in countless comments and glosses. In the Mālikī school of law, the epitome of Khalīl became the unsurpassed standard work which over the following centuries was frequently commented on. The success of Khalīl's epitome was based on the fact that it met the demands of his time for inclusion of only those legal provisions that were recognised by the entire Mālikī school of law.[28] It is not known whether Ibn al-

24 Ibn ʿAbd al-Karīm, "Introduction," pp. 14 and 19.

25 Ibid. pp. 22–23. Despite extensive research, no further information on his students could be uncovered.

26 Ibid. p. 19.

27 al-Nashshār, "Introduction," pp. 18–19.

28 Christian Müller, "Islamisches Recht als evolutive Tradition," *Rationalität im Prozess kul-*

Azraq ever finished writing his commentary on Khalīl's epitome. Al-Maqqarī reports that he saw three parts of Ibn al-Azraq's epitome in Tlemcen and that he considers this commentary to be outstanding.[29]

Ibn al-Azraq also composed poems and recited these on political occasions, for example during an event honouring the chief minister of Granada and his own mentor, Abū Yaḥyā Muḥammad bin ʿĀṣim.[30] Ibn ʿAbd al-Karīm has printed some of Ibn al-Azraq's poems in his edition of *BS*.[31]

1.2 *Badāʾiʿ al-Silk*—A Theory of State and Statecraft Based on Islamic Normativity (*Sharʿ*)

Ibn al-Azraq divides *BS* into an author's introduction, two introductions (*muqaddima*) to his treatise, four books (*kitāb*) and an epilogue (*khātima*). Each book comprises two chapters (*bāb*), just as the epilogue itself is arranged in two parts. The author's introduction is composed in rhymed prose (*sajʿ*) and starts by giving thanks to God and the Prophet. Ibn al-Arzaq explains that the subject matter of his treatise is political rule (*mulk*) and that the purpose of composing *BS* was to present the *summa*—in the sense of a quintessence—of the political philosophy of good rule in the Islamic tradition up to his time.[32] His introduction closes with a table of contents in which he reproduces the headlines of his chapters and subchapters in order to provide the reader with an overview of the subjects he treats.[33]

The first introduction of *BS* is entitled "what leads to the reflection (*naẓar*) on political rule on rational grounds (*ʿaqlan*)."[34] In it, Ibn al-Azraq lays down twenty preliminaries (*sābiqa*) which consist entirely of Khaldūnian paraphrases. He establishes that men are bound to live in social associations (*ijtimāʿ*) in order to satisfy collectively their needs in matters of food and defence. He distinguishes between two kinds of human social associations, namely Bedouin (*badawī*) and urban (*ḥaḍarī*). In the remainder of the introduction, Ibn al-Azraq continues to describe the two forms of social association more

tureller Evolution, Hansjörn Siegenthaler (ed.), Tübingen: Mohr Siebeck, 2005, pp. 296–319; here p. 313.

29 al-Maqqarī, *Nafḥ al-Ṭīb*, vol. 2, pp. 701–702.

30 Ibn ʿAbd al-Karīm, "Introduction," p. 28.

31 Ibid. pp. 25–30.

32 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 59.

33 Ibid. pp. 57–69.

34 Ibid. pp. 71–90.

closely, establishing theses such as "Bedouins are closer to being good than urban people"[35] or "the reliance of urban people upon ordinances (*aḥkām*) destroys their fortitude and power of resistance"[36] and formulates an antagonistic relationship between them.

The second introduction is entitled "introducing the principles (*uṣūl*) from the discourse (*kalām*) on political rule according to Islamic normativity (*sharʿan*)."[37] It consists of twenty *fātiḥas* (postulates) in which Ibn al-Azraq establishes that political rule is a function of divine providence (*ʿināya*) and that it is to be considered a welfare (*maṣlaḥa*) for human social organisation.[38] Furthermore, he discusses the preconditions that the candidate for the office of the supreme authority (*shurūṭ al-imāma*) needs to fulfil.[39] Unlike in the first introduction, he here draws on a variety of sources, such as al-Māwardī's *al-Aḥkām al-Sulṭāniyya* (*Ordinances of Government*), al-Ghazālī's *Mustaẓharī* (*the Mustaẓhirte*), al-Shāṭibī's *al-Muwāfaqāt*, al-Ṭurṭūshī's *Sirāj al-Mulūk* (*Lamp for Kings*), and also on Ibn Khaldūn's *Muqaddima*.

Based on these preliminaries and postulates, Ibn al-Azraq develops a theory of the rise and decline of dynastic states (*dawla*) in the first book and in parts of the second book of *BS*.[40] The first book also contains a discussion of the distinct categories of political rule. Ibn al-Azraq distinguishes between three categories, namely institutional rule (*mulk*), caliphate (*khilāfa*) which describes the particular kind of rule initiated by God through the Prophet Muhammad, and segmental rule (*riʾāsa*). He defines the true nature (*ḥaqīqa*) of each of these categories, explains their differences, lists their sub-forms where they exist, discusses the reasons for the existence (*sabab wujūd*) of these different categories of order and brings to light the preconditions for their existence (*sharṭ wujūd*).[41]

In the second book of *BS*, Ibn al-Azraq depicts an ideal configuration of institutional rule.[42] According to it, the ruler, i.e. the supreme authority (*sulṭān*), performs—in theory, at least—acts of rule (*rukn*, pl. *arkān*)[43] through which

35 Ibid. p. 73.
36 Ibid. p. 74.
37 Ibid. pp. 91–104.
38 Ibid. pp. 91–92. See chapters 1.3.3.2. and 3.1.2.1. for a more extensive treatment of this.
39 Ibid. pp. 94–98. See chapter 2.2.1. for a more extensive treatment of this.
40 His theory of state formation will be elaborated on in the second chapter.
41 For a more detailed account, see chapter 2.2.
42 For a more detailed account, see chapter 2.3.
43 See chapter 2.3. for why I translate the term *rukn* in English with the expression "act of rule."

institutional rule materialises. These acts of rule portray an idealised form of institutional rule, presenting it as a socio-political association with functional and other internal differentiations. Along the lines of these functional and other internal differentations, the supreme authority cooperates in procedural manners with government and military officials, as well as religious authorities, with the aim of enforcing his rule in a given territory. Acts of rule also describe the functions, entitlements and competences of the supreme authority or other government officials, religious dignitaries and military leaders.[44]

In the third book of *Bs*, Ibn al-Azraq offers a detailed theory of statecraft (*siyāsa*) in which he distinguishes between different kinds of governance, depending on the person or level to which they were applied. He elaborates in detail on how the ruler successfully governs his subjects (*siyāsat al-raʿiyya*),[45] deals with issues that may arise (*siyāsat al-umūr al-ʿāriḍa*) such as warfare or a military campaign (*safar*),[46] and how the sultan leads his chief minister (*siyāsat al-wazīr*)[47] or his entourage (*khawāṣṣ al-sulṭān*) and governmental officials (*arbāb al-dawla*).[48] He furthermore identifies duties (*wājib*) in terms of governance which the ruler must carry out in order to fulfil his contractual obligations (*ʿuhda*). Among these are the safeguarding of the principles of religion (*ḥifẓ uṣūl al-dīn*), the issuing of ordinances (*tanfīdh al-aḥkām*) and the administering of *ḥudūd* punishments (*iqāmat al-ḥudūd*).[49]

In the fourth book, Ibn al-Azraq gives an account of issues that obstruct (*ʿawā'iq*) the performance of rule[50] and presents a detailed description of the characteristics of institutional rule. He describes the different ways of making a living (*iktisāb al-maʿāsh*) and gaining knowledge (*iktisāb al-ʿulūm*) that develop in a society that is organised along the lines of institutional rule.[51]

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44 Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 1, pp. 183–397.

45 Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 2, pp. 557–569.

46 Ibid. pp. 570–602.

47 Ibid. pp. 603–615.

48 Ibid. pp. 616–632.

49 Ibid. pp. 633–698. *Ḥudūd* punishments are punishments of certain acts which are forbidden or subject to punishment in the Quran and have thus become crimes against religion. These are: unlawful intercourse (*zinā*); false accusation of unlawful intercourse (*qadhf*); drinking wine (*khamr*); theft (*sārīq*); and highway robbery (*qaṭʿ al-ṭarīq*). See Carra de Vaux, B., Schacht, J. and Goichon, A.-M., "Ḥadd", *Encyclopaedia of Islam, Second Edition*, Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs (eds.).

50 Ibid. pp. 699–720.

51 Ibid. pp. 721–842.

The late-Nasrid supreme judge closes his treatise with an epilogue in which he emphasises the importance of good governance with regard to livelihood and subjects (*siyāsat al-maʿīsha wa-l-nās*)[52] and concludes with contemplations on the biography of the Prophet (*sīrat al-nabī*).[53]

1.2.1 *Ibn al-Azraq's Vast Variety of Sources in Light of His Twofold Approach to Questions of Rulership*

Ibn al-Azraq brings together a wide range of works and genres. Naṣṣār's description of *BS* as "encyclopedic without being an encyclopedia strictly speaking (…) and accumulative without being a compilation"[54] describes it appropriately with regard to its sources. At the end of the second volume, Al-Nashshār's edition of *BS* presents an extensive list of Ibn al-Azraq's sources totalling 23 pages.[55] In general, Ibn al-Azraq is candid concerning his sources. He often gives the name of the scholars he quotes and sometimes even mentions the title of the specific work he cites. Having said that, there are also passages in which he cites other sources directly, without marking them as citations.

The late-Nasrid supreme judge engages with his sources given the fact that he develops a twofold approach to questions of rulership and statecraft, characterised by a combination of rational reflection (*ʿaql*) and Islamic normative (*sharʿ*) assessment. His twofold approach finds expression in the design of *BS* as he dedicates an introduction to rational reflection on questions of rulership as well as to their Islamic normative assessment. In the remainder of *BS*, he sometimes explicitly distinguishes between the two approaches in that he treats the issue in question first from a rational point of view and then from an Islamic normative perspective. This is the case, for example, in the ninth *rukn*, "Supervision of Good Governance" (*riʿāyat al-siyāsa*), where Ibn al-Azraq writes that one may reflect on this matter in two ways (*wa-li-l-naẓar fīhā manhajān*) and presents each way separately. The first way discusses rationally what is known about supervision of good governance (*bi-ḥasab al-muʿtaqad minhā ʿaqlan*), the second reflects on the issue from the perspective of Islamic normativity (*min jihat al-muʿtabar minhā sharʿan*).[56]

For the most part, however, Ibn al-Azraq does not treat the rational perspective and the Islamic normative assessment separately. Instead, he enlists rational and Islamic normative considerations one after the other, such as in

52 Ibid. pp. 843–915.
53 Ibid. pp. 916–926.
54 Naṣṣār, "Ṣafḥa Jadīda," p. 43.
55 al-Nashshār, "Appendix," vol. 2, pp. 489–512.
56 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 285.

the tenth *rukn*, "Consulting People of Opinion and Experience" (*mashwarat dhī al-raʾy wa-l-tajriba*). Here, in the first premise (*muqaddima*), he presents the rational explanation for the importance of consultation: "it belongs to the issues that the philosophers (*ḥukamāʾ*) count among the fundamentals of a kingdom (*asās al-mamlaka*) and the foundations of a sultanate (*qawāʿid al-salṭana*)."[57] In the premise that follows, he provides proof that consultation is based on Islamic normativity (*mashrūʿiyya*) by providing textual evidence in terms of two Quranic verses: "their affair being counsel between them," and "take counsel with them in the affair."[58]

Ibn al-Azraq's sources can be divided into three types of literature. The first type of literature is religious, theological and legal. This field comprises the texts of the revelation, such as Quranic verses, Prophetic traditions (*ḥadīth*) and traditions of the Prophet's companions. But it also includes exegetical literature, legal literature, works from the field of constitutional law such as al-Māwardī's *al-Aḥkām al-Sulṭāniyya*, theological literature like al-Ghazālī's *al-Mustaẓhirī* and works from the field of the sources and methodology of norm derivation such as al-Shāṭibī's *al-Muwāfaqāt fī Uṣūl al-Sharīʿa*. Unsurprisingly, Ibn al-Azraq reverts to this field of literature in cases where he wants to provide the Islamic normative assessment of a question of rulership or when he wants to base questions of rulership on Islamic normativity (*sharʿ*).

The second type of literature distinguished here is Ibn Khaldūn's *Muqaddima*. For the most part, Ibn al-Azraq presents Ibn Khaldūn's analyses of the socio-political and socio-economic basis of rulership as a rational (*ʿaql*) approach to political rule. He sometimes uses the expression "from the point of view of the nature of political rule" (*min ḥayth ṭabīʿat al-mulk*)[59] when referring to Khaldūnian, i.e. rational, explications.

The third type is the Islamic advice literature tradition which is sometimes called—in its Arabic equivalent—*al-ādāb al-sulṭāniyya* (the rules of the conduct of political power) or *naṣīḥat al-mulūk* (advice to kings) by modern scholarship. This genre of advice literature is represented by numerous treatises on the art of governing, often authored by state officials and primarily addressed to men in power in the form of advice. These writings contain a major expression

57 Ibid. p. 294.

58 Ibid. pp. 294–295. The first Quranic verse is from the *sūra* (the designation used for the 114 independent units of the Quran, often translated as "chapter") entitled "*shūrā*" (counsel), verse 38; the second from the *sūra 'Āl 'Imrān*' (the House of Imran), verse 153.

59 Ibid. pp. 211. The section that follows pp. 211–218 is almost entirely based on Khaldūnian paraphrases.

of political thought in the premodern Islamic realm as they reveal their authors' desire to theorise the art of governing and to describe political science.[60] The genre was formed by the use of heterogeneous and disparate elements: maxims and quotations attributed to the scholars of antiquity and Islamic tradition; accounts of the wars, tricks and ploys of great rulers; descriptions of political institutions and state offices (ministries, chancelleries, taxes, diplomacy, etc.); instructions on court etiquette and administrative or diplomatic protocols that must be observed; assertive developments on the virtues of the perfect ruler (justice, prudence, resolution, deliberation, magnanimity, liberality, etc.); considerations regarding the relationship between the ruler and his subjects, and the respective duties and rights each party fulfills or enjoys; definitions of the fundamental concepts of government and leadership as well as of power or empire.[61] The tools used in the mirror for princes literature to instill values and transfer knowledge to the men in power are primarily comprised of maxims and stories. Maxims aimed to provide a rule to follow when confronting an enemy, preserving the state, fighting corruption or choosing assistants; as for stories, these were drawn from actions taken by the founders of the empire and from politicians who were elevated as models of intelligence, justice and wisdom. While maxims condensed ideas into just a few words, stories illustrated them in detail, sending a prince's imagination into the lives of great rulers.[62]

As argued earlier, *BS* contains abundant maxims and stories, aphoristic wisdom traditions and other elements that recur in the advice literature genre with considerable regularity. But *BS* as a whole does not share the major characteristics associated with the advice literature genre, which is why I do not read it as a piece of advice literature.[63] Citations from al-Ṭurṭūshī's *Sirāj al-Mulūk*, a piece of literature composed in early eleventh-century Andalusia, for example, figure abundantly in *BS*. Ibn al-Azraq also quotes the *Sirr al-Asrār* (*Secretum Secretorum*), a pseudo-Aristotelian work that flourished in a number of versions in Arabic-speaking environments throughout the medieval period. The subjects treated in the *Sirr* vary from one version to another, but overall the collection deals with matters considered relevant to rulership, such as the functions and treatment of viziers, secretaries, ambassadors, governors and

60 Abbès, Makram, "The Arabic Mirrors for Princes as Witnesses to the Evolution of Political Thought," *A Critical Companion to the 'Mirrors for Princes' Literature*, Noëlle-Laetitia Perret and Stéphane Péquignot (eds.), Leiden: Brill, 2022, pp. 314–342; here 319 and 339.

61 Ibid. p. 320.

62 Ibid. p. 329.

63 See section "Is *Badāʾiʿ al-Silk* a Piece of Advice Literature?" in the introduction.

generals as well as, in some versions, physiognomy, talismans and hygiene.[64] Additionally, quotations from the *ʿAhd Ardashīr* (*Testament of Ardashīr*) figure abundantly. The *Testament* is a Sāsānian work that was translated from Pahlavi into Arabic. It became incorporated in its entirety into several Arabic histories and anthologies and was cited extensively in works of advice literature. Ardashīr, founder of the Sāsānian dynasty, addresses the *Testament* to his successors or sons and offers a lengthy presentation of the principles and practical aspects of political rule.[65] Two other works of advice literature which Ibn al-Azraq frequently cites are the pseudo-Platonic testaments as recorded in the *Kitāb al-Siyāsa li-Aflāṭūn* (Plato's *Republica*) of Aḥmad b. Yūsuf Ibn al-Dāya (d. 340/ 951) and al-Māwardī's *Adab al-Dunyā wa-l-Dīn* (*About the Right Conduct in Practical and Religious Matters*) in which the author sought to indicate the manners appropriate to the realms of religion and the world.[66]

Ibn al-Azraq's engagement with advice literature is more complex than his engagement with the first two types of literature described above. On the one hand, quotations from works of advice literature serve as a rational approach to a particular question of rulership in *BS* and are, for example, presented so as to encapsulate the rationale that underlies a certain issue. On the other hand, advice literature traditions can serve to convey the religio-ethical dimension of a question of rulership, too. This complexity in Ibn al-Azraq's usage of advice literature is best exemplified by the way he cites al-Ṭurṭūshī's *Sirāj al-Mulūk*. He quotes al-Ṭurṭūshī in the second introduction, which is entitled *sharʿī* (Islamic normative) so as to illustrate the reciprocal relationship between the conduct of the ruler and the ruled.[67] At the same time, he quotes the *Sirāj al-Mulūk* in the parts of *BS* that are entitled *ʿaqlī* (rational). He explains, for example, that an unbelieving ruler (*al-sulṭān al-kāfir*) who complies with the rules of good governance lasts longer and is stronger than one who is a believer (*al-sulṭān al-muʾmin*) but only pleases himself and does not govern according to

64 Lousie Marlow, "Advice and Advice literature," *Encyclopaedia of Islam, THREE*, Kate Fleet, Gudrun Krämer, Denis Matringe, John Nawas, Everett Rowson (ed.). Further studies: Regula Forster, *Das Geheimnis der Geheimnisse: die arabischen und deutschen Fassungen des pseudo-aristotelischen Sirr al-asrār/Secretum secretorum*, Wiesbaden: Reichert, 2006. W.F. Ryan and Charles B. Schmitt (eds.), *Pseudo-Aristotle: The Secret of Secrets: Sources and Influences*, London: Warburg Institute, 1982. Mahmoud Manzalaoui, "The pseudo-Aristotelian Kitāb *sirr al-asrār*," *Oriens* vol. 23, no. 4, 1974, pp. 147–257.

65 Ibid. See *ʿAhd Ardashīr*, Iḥsān ʿAbbās (ed.), Beirut: Dār Ṣādir, 1967.

66 See al-Māwardī, *Kitāb Adab al-Dunyā wa-l-Dīn*, Muḥammad Jāsim al-Ḥadīthī, Baghdad: al-Majmaʿ al-ʿIlmī, vol. 1, 2008, vol. 2, 2011.

67 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 100–101.

religious ordinances.[68] Thus, in his engagement with, and interpretation of, his advice literature sources, Ibn al-Azraq leaves himself a wide margin. He quarries advice literature for quotations that endorse or express his positions, be they a rational explication or a religio-ethical aspect of the matter in question.

This work interprets Ibn al-Azraq's integration of elements of mirrors for princes into his treatise as proof that he considers the advice literature tradition a relevant one encapsulating essential knowledge about the conduct of political affairs. Rendering advice literature viable for a political theory that is largely built on an Ibn Khaldūn reception presents a remarkable hermeneutical achievement. This is particularly true since Ibn Khaldūn himself was reserved of the exhortatory style he recognised in the mirrors for princes, being critical concerning the effects of political counsel.[69]

1.2.2 *The Literary Form and Structure of* Badāʾiʿ al-Silk*: The* Masāʾil *Format and the* Qultu (*'I say'*) *Passages*

The literary form and structure of *BS* is strictly systematic. Ibn al-Azraq applies a stringent organisational structure which divides *BS* into books (*kitāb*, pl. *kutub*), chapters (*bāb*, pl. *abwāb*), paragraphs (*faṣl*, pl. *fuṣūl*), objects of investigation (*naẓar*, pl. *anẓār*), aspects (*ṭaraf*, pl. *aṭrāf*), addenda (*tatimma*, pl. *tatimmāt*) and many other subdivisions. Certain parts of *BS* are so painstakingly divided into subdivisions and yet further subdivisions that one loses sight of the overarching issue or argument.

However, most subdivisions in *BS* consist of a series of *masāʾil* (pl. of *masʾala*). The *masāʾil* (thematic units) are not confined to one category of subdivision; almost the entire text of *BS* is based on a structure of *masāʾil*.

We encounter the *masʾala* format in the writings of various literary traditions of the pre-modern Islamic world. It has its roots in the question-and-answer pattern of early eristic literature (*jadal* or *khilāf*) that had developed among early theologians and jurists. In that context, a *masʾala* referred to a well-defined question, problem or issue arising from a history of debate and that, given willing adversaries, may still be debated. In his categorisation of *masāʾil wa-ajwiba* (question-and-answer pattern) literature, Hans Daiber distinguishes between works that follow a didactic purpose, those of a dialectical character and those of the Greco-Arabic tradition of the Problemata physica (*al-masāʾil*

68 Ibid. p. 286.

69 Stefan Leder, "Sultanic Rule in the Mirror of Medieval Political Literature," *Global Medieval: Mirrors for Princes Revisited,* Neguin Yavari and Regula Forster (eds.), Harvard: Harvard University Press, 2015, pp. 93–111; here p. 99.

al-ṭabīʿiyya). The question-and-answer pattern may have sprung from similarly-structured works of Byzantine patristic origin or may have been influenced by Aristotelian-Peripatetic methodology.[70]

In the post-classical period of the Islamic world, the *masāʾil* pattern was turned into a technique of scholarly research or presentation in the fields of medicine, philosophy, logic, physics and the sources and methods of norm derivation (*uṣūl al-fiqh*). The art of research had its own body of rules and procedures as developed by the medieval scholars. These rules were spelled out in a separate genre of literature which culminated in the rise of a highly developed theory called *ādāb al-baḥth* (the art of argumentation). The first major works in this field were composed by Shams al-Dīn al-Samarqandī (fl. 675/1276),[71] who defines *masāʾil* as follows:

> … [*masāʾil*] are statements (*qaḍāyā*) that are in need of some form of proof (*dalīl*) since otherwise they would not be subject to investigation (*baḥth*).[72]

The *masāʾil* in *BS* are a complex matter because various traditions merge in Ibn al-Azraq's conception of *masʾala*. In *BS*, the *masāʾil* are the smallest textual units treating a thematic section. In that regard, they resemble the conception of *masʾala* known from compendia on sources and methods of norm derivation. These works organise their discussion as divided into *masāʾil* that begin with a proposition that is followed by a series of arguments for and against (usually held by different authorities or schools of law, *madhhab*) and sometimes also multi-layered sets of additional arguments and refutations.[73] In *BS*,

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70 Hans Daiber, "Masāʾil wa-Adjwiba," *Encyclopaedia of Islam, Second Edition*, P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs (eds.).

71 Larry Benjamin Miller, *Islamic Disputation Theory: A Study of the Development of Dialectic in Islam from the Tenth through Fourteenth Centuries*, Michigan: UMI Diss. Services, 1985, pp. 196. For the relevance of the *masāʾil* structure in the field of apologetic and didactical writings, see Anna Akasoy, *Philosophie und Mystik in der späten Almohadenzeit: die Sizilianischen Fragen des Ibn-Sabʿīn*, Leiden: Brill, 2006, p. 115. For the relevance of the *masāʾil* structure in the field of legal theory, see Bernard G. Weiss, *The Search for God's Law: Islamic Jurisprudence in the Writings of Sayf al-Dīn al-Āmidī*, Salt Lake City: University of Utah Press, 1992, pp. 21–22 and 26–28. The genre of *masāʾil* is missing in Gutas' portrayal of different literary aspects of logical works, see Dimitri Gutas, "Aspects of Literary Form and Genre in Arabic Logical Works," *Glosses and Commentaries on Aristotelian Logical Texts: the Syriac, Arabic and Medieval Latin Traditions*, Charles Brunett (ed.), London: Warburg Institute, 1993, pp. 29–76.

72 Miller, *Islamic Disputation Theory*, p. 210.

73 Bernard Weiss, *The Search for God's Law*, pp. 46–49.

however, the *masāʾil* are not made up of a series of arguments for and against. Rather, they appear to be rubrics under which to expound a given principle in a declarative mode, which is then followed by some sort of proof or by a comment of Ibn al-Azraq's.

Thus, from an organisational point of view, Ibn al-Azraq's concept of *masʾala* does indeed resemble the *masāʾil* known from the literary conventions of *uṣūl al-fiqh* compendia, in so far as they constitute the smallest textual units treating a thematic section. In this regard, the *masāʾil* structure serves as a technique of legal-scholarly presentation. From the point of view of content and how Ibn al-Azraq applies the *masāʾil* to his sources, however, his concept of *masʾala* rather resembles that of the philosophic traditions and theology (*kalām*) that go back to the commentaries of Fakhr al-Dīn al-Rāzī (d. 606/1210) on the Avicennan corpus. This interpretative approach aims at identifying sets of well-defined questions in the discussion of the philosophical texts which underlie Fakhr al-Dīn al-Rāzī's commentaries. In his *Sharḥ al-Ishārāt* (Commentary on the Pointers), for example, al-Rāzī divided and structured the entire text of Ibn Sīnā's *Ishārāt wa-l-Tanbīhāt* (The Pointers and Reminders) in light of how it comprises a sequence of propositions that themselves serve as points (*masāʾil*) of further investigation, a task begun by Sharaf al-Dīn al-Masʿūdī (d. *taq* 600/1204) in *al-Mabāḥith wa-l-Shukūk ʿalā l-Ishārāt* (Investigations and Objections on the Pointers).[74] By way of superimposing a structure of *masāʾil* on Ibn Sīnā's *Ishārāt* and other sources, al-Rāzī created a unified matrix of interpretation for the texts he commented on; one that served as a template followed by most subsequent Ibn Sīnā commentators, such as al-Āmidī (d. 631/1233), al-Ṭūsī (d. 672/1274) and al-Urmawī (d. 682/1284).[75] From an organisational point of view, however, al-Rāzī's *masāʾil* are for the most part not the smallest textual units because they comprise several subordinate points (*fuṣūl*).

The majority of Ibn al-Azraq's thematic units (*masāʾil*) are summarised Khaldūnian passages or main propositions distilled from Khaldūnian chapters or distorted Khaldūnian paraphrases. In the course of transferring Khaldūnian

74 Robert Wisnovsky, "Towards a Genealogy of Avicennism," *Oriens*, vol. 42, 2014, pp. 323–363; here pp. 337–338.

75 Heidrun Eichner, *The Post-Avicennian Philosophical Tradition and Islamic Orthodoxy: Philosophical and Theological Summae in Context*, 2009, unpublished habilitation thesis, pp. 61–62. Thanks to Prof. Dr. Eichner for providing a copy. Wisnovsky, "Towards a Genealogy of Avicennism," p. 343. In Robert Wisnovsky, "Avicennas Islamic Reception," *Interpreting Avicenna: Critical Essays*, Peter Adamson (ed.), Cambridge: Cambridge University Press, 2013, pp. 190–213, Wisnovsky gives a comprehensive list of philosophers and theologians who commented on Ibn Sīnā's *Ishārāt* and the *Shifāʾ*, see p. 194.

passages into *masā'il*, Ibn al-Azraq rearranges these into an order which he considers apt. He provides additional titles and chapter headings for these thematic units which result in a new layout for the organisation of the underlying Khaldūnian text.[76] But the *Muqaddima* is not the only source that Ibn al-Azraq transfers into thematic units. In the same fashion, he transfers all his other sources into shorter thematic units, for example parts of al-Ṭurṭūshī's *Sirāj al-Mulūk* or legal and theological literature. Thus, the *masā'il* in Ibn al-Azraq's compilation are neither exclusively Islamic normative, nor Khaldūnian, nor advice literature, but rather a combination of all of these.

The *masā'il* format that Ibn al-Azraq applies to his various sources serves as a new analytical framework for sources stemming from different traditions. This procedure of transferring his sources into *masā'il* allows him to disregard the terminological conventions of the distinct traditions of his sources when he brings them together. Thus, by way of superimposing a *masā'il* structure on them, he creates a new analytical framework for traditions and texts which stem from heterogeneous backgrounds prior to Ibn al-Azraq. The way Ibn al-Azraq applies the *masā'il* to his sources resembles the practice of commentators of philosophy, such as al-Rāzī and other Muslim philosophers and theologians who commented on Ibn Sīnā's *Ishārāt* as described above.

This work interprets Ibn al-Azraq's merging of various concepts of *masā'il* as the result of his pursuit of manifold purposes in composing *BS*. First, by way of structuring his treatise according to the literary conventions of *uṣūl al-fiqh* works, he deliberately aimed at evoking associations with legal literature apparently. He did not confine himself to formulating a theory of state and statecraft that is based on Islamic normativity but rather intended to express the significance of *shar'* concerning matters of political order in the literary form of his work and thus chose to compose *BS* in a way that complies with the literary conventions of *uṣūl al-fiqh* literature.

Second, applying the *masā'il* to his sources in a way similar to the activities of commentators of philosophy best serves his interpretative intentions. By transferring text passages from their original sources into *masā'il*, Ibn al-Azraq removes them from their original argumentative contexts and sets them in a new, coherent matrix of his own interpretation. In juxtaposing, for example, a *mas'ala* that contains a Khaldūnian paraphrase with one containing a wise saying from advice literature, Ibn al-Azraq creates a hermeneutical momentum in which the reader understands the Khaldūnian paraphrase in light of the wise saying, and vice versa.[77] Thus, by applying the *masā'il* format in a way similar

76 See chapter 1.3.2. for a more elaborate account.

77 See Ibn al-Azraq, *Badā'i' al-Silk*, vol. 1, pp. 285–286.

to the commentators of philosophy mentioned above, he is able to effect interpretative modifications.

While the analytical framework provided by the *masāʾil* format serves Ibn al-Azraq's interpretative endeavour as an implicit tool in BS as described above, the *qultu* ('I say') passages serve as the explicit tool for interpretative interventions. A number of *masāʾil* contain such *qultu* passages and Ibn al-Azraq employs them to add comments on principles established and elaborated on in a *masʾala*. A closer look at the *qultu* passages shows that they contain two different kinds of *qultu* comments.

First, the less complex *qultu* comments aim at establishing cross-references. In this kind of *qultu* comment, Ibn al-Azraq mentions that he has treated a certain issue or aspect previously, or that he is going to treat a certain matter in more depth in a later chapter.[78] These passages serve as reference points to highlight logical relations between principles and assertions, or to emphasise interdependences between parts of his political theory as when, to take one example, he draws attention to the dependences between the ruling acts of "increasing economic activity" (*takthīr al-ʿimāra*) and the "safeguarding of assets" (*ḥifẓ al-māl*).[79] They underpin one major characteristic of Ibn al-Azraq's thought, namely its propositional consequence and the interdependence of several elements of his political theory.

The second kind of *qultu* comment is more complex and serves Ibn al-Azraq's interpretative intentions. One example that illustrates this is found in his list of ten points that guarantee the preservation of the army. According to the sixth point, the ruler ought to

> … put together [his army] out of different peoples (*ajnās mukhtalifa*). They say: it is recommendable to the sultan that his army is put together from divergent peoples and disparate tribes so that they cannot adopt a uniform course of action (lit. united view, *raʾy wāḥid*) [against the sultan] in times of disagreement and enmity. Indeed, these two matters [can] together come back to harm [the sultan].
>
> I say (*qultu*): this [should be carried out] only after the consolidation of the dynastic state (*istiqrār al-dawla*), when [the state] is able to do without cohesive group feeling (*al-ʿaṣabiyya al-multaḥima*) by means of [the army].[80]

78 See the *qultu* passages in ibid. pp. 234 and 237.
79 Ibid. p. 223.
80 Ibid. p. 205.

Here, Ibn al-Azraq first explains that the army should be composed of different peoples, so that they might not unite against the sultan. To this statement, which is an element of the repertoire of advice literature, he adds a comment in which he clarifies that this ought to be done only after the consolidation of the dynastic state. The reason for Ibn al-Azraq to add this comment is that he had discussed the role of group feeling in the processes of state formation in earlier passages. There, he had explained that only a population group united by common descent possessed a group feeling strong enough to enable them to establish a dynastic state, which, obviously, are Khaldūnian assertions. Therefore, this recommendation of Ibn al-Azraq's that the army should be composed of different peoples seems to contradict his previous assertion that common descent and group feeling are prerequisites for the establishment of a dynastic state. In the *qultu* comment, he clarifies that the army should be put together of different peoples only after the stabilisation of the dynastic state when one is able to do without the cohesive effect of group feeling. In this phase, the army eventually supplants the role of group feeling. Thus, in the above passage, the *qultu* comment serves as a tool with which Ibn al-Azraq is able to offer a harmonious interpretation of a Khaldūnian assertion and an advice literature element which otherwise would be contradictory. Needless to say, Ibn al-Azraq's offering of a harmonious interpretation implies major modifications of Ibn Khaldūn's original understanding of group feeling, thus making the *qultu* comments an explicit tool for his interpretative interferences.[81]

Another example in which the importance of the *qultu* comments to Ibn al-Azraq's interpretative interventions becomes apparent may be found in his description of the various phases of the transformation of the caliphate (*inqilāb al-khilāfa*) into institutional rule. He describes the third state of the transformation as follows:

> It is the total transformation (*al-inqilāb al-kullī*) into outright [institutional] rule (*al-mulk al-baḥt*). That [came about] with the disappearance of [all] the characteristic traits of the caliphate (*maʿānī al-khilāfa*), except for its name. And domination (*taghallub*) ran the course of its nature until [it reached its natural] limit, when it was employed [by the ruler] for purposes such as for the exercise of coercion (*qahr*) and arbitrary rule (*taḥakkum*) in order [to achieve] the gratification of desires and pleasures.

81 For a detailed analysis of Ibn al-Azraq's modifications of Ibn Khaldūn's theses, specifically of his understanding of group feeling, see chapters 1.3.3.2. and 1.3.3.3.

> I say (*qultu*): the [following] *ḥadīth* proves [the above]: verily, this matter (*amr*) began as prophecy, and a mercy [for mankind], and caliphate, [after which] it became a harsh [form of] rule (*mulk ʿuḍūḍ*), and [ultimately one characterised by] ferocity, coercion and corruption (*fasād*) in the [Muslim] community (*umma*).[82]

In the *qultu* comment, Ibn al-Azraq cites a *ḥadīth* attributed to the Prophet Muhammad[83] that allegedly provides Islamic normativity to the transformation of the caliphate into institutional rule, which he had taken from Ibn Khaldūn's *Muqaddima*. By way of the *qultu* comment and the Prophetic *ḥadīth* he cites in it, Ibn al-Azraq introduces Islamic normativity to Ibn Khaldūn's elaborations on the transformation of the caliphate into *mulk*, which is not the case in the original argumentative context in the *Muqaddima*. In this passage, the *qultu* comment functions as the explicit locus for hermeneutical connections between various traditions, interpreting a Khaldūnian thesis in harmony with Islamic normativity.

Another example is provided by Ibn al-Azraq's recommendation that the ruler should serve his soldiers food and drink during feasts and special events, because "this is a grand way to honour them, and to show your affections to them."[84] To this recommendation, which is an element from the repertoire of advice literature, Ibn al-Azraq adds in a *qultu* comment that the precondition for serving food and drink is that it complies with the Islamic normative dietary rules.[85] Hence also in this example, the *qultu* comment serves as a locus for introducing the Islamic normative assessment of an issue that Ibn al-Azraq had taken up from the advice literature tradition.

It is important to highlight, however, that the *qultu* comments serve Ibn al-Azraq's interpretative endeavour in many ways. The examples above illustrate

82 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 115.

83 This *ḥadīth* exists in several versions in *ḥadīth* literature, even though it is not widespread. It does not appear in either version in the two *ṣaḥīḥ* collections by al-Bukhārī and Muslim that emerged as epitomes of *ḥadīth* authenticity towards the end of the fifth/eleventh century. For more details on *ḥadīth* literature and the six-book canon, see Pavel Pavlovitch, "ḥadīth", *Encyclopaedia of Islam, THREE*, Kate Fleet, Gudrun Krämer, Denis Matringe, John Nawas, Everett Rowson (eds.). Research in the online database *Maktaba Shamela* indicates that versions of the *ḥadīth* that come closer to that of Ibn al-Azraq's version rather appear in literature on creed (*ʿaqīda*). Precisely the same version that Ibn al-Azraq cited could not be found, and consequently, the precise source of this specific version could not be identified.

84 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 206.

85 Ibid.

how the *qultu* comment adds an Islamic normative assessment to Khaldūnian theses or to advice literature elements. But it also provides a locus for the sociological assessment (in Ibn Khaldūn's sense) of Islamic normative points of views. An example of this may be found in the eleventh postulate of the second introduction where Ibn al-Azraq discusses whether the precondition of a single supreme authority in the whole of the Islamic realm needs to be fulfilled:

> The precondition of one single imam (*waḥdat al-imām*), whereby there is no other [imam] than he, is not enforced (*lā yulzam*) in cases where this is not possible. [Thus,] according to Ibn al-Abiyy, Ibn ʿArafa says: If the seat of the *imām* is so far away that he cannot enforce his rule in certain remote regions, it is permissible to establish another [imam] in those regions. According to al-Ḥasanī, a scholar of our era from the Egyptian lands, this is permissible [in situations dictated] by necessity (*yajūz dhālika li-l-ḍarūra*). [Ibn al-Abiyy also] transmitted this [exception to the singleness of the imam] on behalf of other [scholars].
>
> I say (*qultu*): we have already discussed the inability of group feeling (*ʿaṣabiyya*) to achieve all-out domination (*ghalaba*) nowadays. So, if the demand for the singleness [of the imam] is not outwardly apparent (*lā yaẓhar fī al-khārij*), then the excuse [for not enforcing this precondition] is stronger, which is obvious from various points of view. This does not remain unknown to a person with deep insight. But God knows best.[86]

In this passage, Ibn al-Azraq evaluates the *sharīʿa* norm of the singleness of the imam according to Ibn Khaldūn's sociological assertions on group feeling and the social context of his time. He concludes that since the *ʿaṣabiyya* of the Muslim community in his day was not strong enough to establish one single universal imamate, it was unreasonable to insist on the Islamic normative precondition of one single imammate and to discard localised, non-universal forms of political rule.

To sum up, the *masāʾil* format in *BS* serves as a coherent analytical framework to merge texts that, before Ibn al-Azraq's time, came from different traditions. It thus serves as an implicit tool for his interpretative interferences. The *qultu* passages, for their part, are either loci for establishing cross-references in *BS* or serve as loci for explicit interpretative interferences.

86 Ibid. p. 98.

1.3 From Ibn Khaldūn's *Muqaddima* to Ibn al-Azraq's *Badāʾiʿ al-Silk*

The prevalence of text material from the *Muqaddima* in *BS* is so obvious that the reader at first sight might believe that *BS* is a summary, or a rearrangement, of Khaldūnian theses—this is a widespread reading of *BS* in scholarship.[87] And indeed, Ibn al-Azraq's characterisation of Bedouin (*badawī*) and urban (*ḥaḍarī*) population groups (*ijtimāʿ*), and the relationship between them, for example, are based on material from Ibn Khaldūn's *Muqaddima*. From this shared starting point, however, Ibn al-Azraq develops a distinct political theory as regards state formation and the question of the longevity of a dynastic state. More than that, *BS* and the *Muqaddima* are two distinct kinds of works with two different perspectives and applying two distinct methods. The current section offers a careful examination of crucial aspects of the Ibn Khaldūn reception in *BS* and demonstrates how Ibn al-Azraq manages to develop a distinct political theory from the model of the *Muqaddima* in practical terms.

1.3.1 *Two Distinct Kinds of Works Proposing Two Distinct Political Theories*

Ibn al-Azraq most probably encountered the *Muqaddima* during his studies in the Maghreb where one of his teachers in Fez, Tlemcen or Tunis may have directed his attention to the study of Ibn Khaldūn's oeuvre. It is known that Ibn Khaldūn had sent a copy of the *Muqaddima* to the Marinid sultan Abū Fāris ʿAbd al-ʿAzīz II (r. 1393–1396), and the *Muqaddima* may already have been circulating in North Africa in Ibn al-Azraq's day.[88]

Ibn Khaldūn's explicitly stated purpose in writing the *Muqaddima* is to establish a "novel science," his so-called *ʿilm al-ʿumrān*, which purports to be a "safe" method for distinguishing between right and wrong historical reports in historiographical resesearch:

> … the method (*qānūn*) for distinguishing right from wrong in [historical] reports by [evaluating] the possibility or absurdity [of those reports], is that we reflect on (*nanẓur fī*) human social association (*al-ijtimāʿ al-basharī*), which is *al-ʿumrān*, and distinguish between the modes (*aḥwāl*) attached to the essence (*dhāt*) [of society] according to its nature (*ṭabʿ*), and that which is an insignificant accident (*ʿāriḍan lā yuʿtadd bihi*), and

87 See paragraph on the state of research on Ibn al-Azraq in the introduction.

88 al-Nashshār, "Introduction," pp. 8–9.

> [accidents] that cannot possibly arise in it. If we do that, we shall have a method (*qānūn*) for distinguishing right from wrong and truth from falsehood in [historical] reports by means of demonstration (*wajh burhānī*) in which there can be no doubt [...]. This is the purpose of this first book of our composition [the *Muqaddima*]. Since it [*ʿilm al-ʿumrān*] is a self-sufficient and independent science (*ʿilm mustaqill bi-nafsihi*), it thus has its [own] subject matter (*mawḍūʿ*), which is human society (*al-ʿumrān al-basharī*) and human social organisation (*al-ijtimāʿ al-insānī*). [This science therefore also] has its own questions (*masāʾil*), which are an exposition (*bayān*) of the accidents (*ʿawāriḍ*) and modes (*aḥwāl*) attached to the essence (*dhāt*) of [social organisation] one after another. This is the case with all sciences, whether they be revealed (*waḍʿiyyan*) or rational (*ʿaqliyyan*).[89]

Thus, the science that Ibn Khaldūn expounds identifies the essential accidents[90] (*al-ʿawāriḍ al-dhātiyya*, sg. *ʿāriḍ*) of human social association. In modern scholarship, either there is little attention paid to the importance of the concept of "essential accidents" in Ibn Khaldūn's novel science, or else there is much confusion as to their meaning. Charles E. Butterworth, for example, devotes an article to exploring Ibn Khaldūn's usage of the term "essential accidents," and he writes: "[h]ow can something ephemeral and incidental, like an accident, be essential? Elusive as it is, the term is nowhere nearly so difficult to seize as the title of the larger work for which the *Muqaddima* prepares us—the *Kitāb al-ʿIbar*."[91] Butterworth concludes by stating that "[Ibn Khaldūn's] new science is thus a philosophic science,"[92] but he does not explicitly identify the "essential accidents" as a commonly used technical term in medieval Arabic philosophy.

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89 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 60.

90 "Accident" (sg. *ʿāriḍ*, pl. *ʿawāriḍ, aʿrāḍ*) was a notion with a philosophical import according to the Aristotelian distinction between essential and accidental properties of a thing. Muhsin Mahdi had hinted at the fact that Ibn Khaldūn uses *aḥwāl* synonymously with *ʿawāriḍ/aʿrāḍ* and that both refer to the philosophical concept of accident. See Mahdi, *Ibn Khaldūn's Philosophy of History*, p. 257, ftn. 1 and 2.

91 Charles E. Butterworth, "The Essential Accidents of Human Social Organization in the *Muqaddima* of Ibn Khaldūn," *Mélanges—The Greek Strand in Islamic Political Thought*, Maroun Aouad (et al.), Beirut: Université Saint-Joseph—Dar El-Mashreq, vol. LVII, 2004, pp. 443–468; here p. 445.

92 Ibid. p. 467.

In the Aristotelian categories that were incorporated into the Arabic philosophical tradition,[93] "accidents" are defined as concomitants of a thing's essence (*dhāt*, *jawhar*, *ḥaqīqa*), that is a feature that necessarily characterise a thing without being part of its essence and that attached itself to its essence.[94] Ibn Sīnā, whose philosophy dominated and penetrated Islamic intellectual life during the three centuries following his death,[95] defines the role of essential accidents in a science in *Physics of the Healing* as follows:

> Since you have learned that each science has a subject matter (*mawḍūʿ*), the subject matter of [physics] is the sensible body insofar as it is subject to change. What is investigated is the necessary accidents (*al-aʿrāḍ al-lāzima*) belonging to [the body subject to change] as such—that is, the accidents that are termed *essential* (*al-aʿrāḍ al-latī tusammā dhātiyya*).[96]

Considering now the Khaldūnian citation above, it becomes apparent that Ibn Khaldūn conceptualises his *ʿilm al-ʿumrān* according to an Avicenna-informed understanding of science that distinguishes between a subject matter and its essential accidents.[97] Ibn Khaldūn also explains why an independent science should be devoted to human society:

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93 See the Arabic translation of Porphyry's *Isagoge*. It belongs to the first texts from among Aristotle's lecture courses translated into Arabic by Syrian monastic schools and by Greek patristic writers. *Mantiq Aristū*, ʿAbd al-Raḥmān al-Badawī (ed.), Dirāsāt Islāmiyya 7, Beirut: Dār al-Qalam (et als.), 1980, vol. 1, pp. 1057–1104, especially pp. 1086–1087.

94 Silvia Di Vincenzo, "Avicenna's reworking of Porphyry's 'common accident' in the light of Aristotle's *Categories*," in *Documenti e studi sulla tradizione filosofica medieval*, vol. 27, 2016, pp. 163–194; here pp. 163–164.

95 Dimitri Gutas, "The Heritage of Avicenna: The Golden Age of Arabic Philosophy, 1000–ca. 1350," *Avicenna and his Heritage: Acts of the International Colloquium, Leuven–Louvain-la-Neuve, September 8–11, 1999*, Jules L. Janssens (ed. et al.), Leuven: Leuven University Press, 2002, pp. 81–98: here p. 89. On the reception of Aristotle's *Metaphysics* in the masterpiece on metaphysics by Avicenna, see Amos Bertolacci, *The Reception of Aristotle's Metaphysics in Avicenna's Kitāb al-Šifāʾ—A Milestone of Western Metaphysical Thought*, Leiden: Brill, 2006.

96 Avicenna, *The Physics of the Healing: A Parallel English-Arabic Text*, translated, introduced and annotated by Jon McGinnis, Provo, Utah: Brigham Young University Press, 2 vols., 2009; here vol. 1, p. 3. The plural *aʿrāḍ* which Avicenna uses need not confuse nor distract. Ibn Khaldūn occasionally also uses the plural *aʿrāḍ*. The Arabic transliteration in this citation is mine in order to highlight the Arabic vocabulary.

97 On the constitution of the sciences in Avicenna, see Andreas Lammer, *The Elements of Avicenna's Physics—Greek Sources and Arabic Innovations*, Berlin, Boston: De Gruyter, 2018, pp. 95–109. The influence of the Avicennan conception of science on Ibn Khaldūn's science of society has been observed in scholarship, see Eichner, "Die Avicenna-

> If it is possible to investigate the accidents (*ʿawāriḍ*) that attach themselves to the essence (*dhāt*) of every natural reality [manifest] in the intellect (*ḥaqīqa mutaʿaqqala ṭabīʿiyya*), then in respect of that [fact] each such concept (*mafhūm*) or nature (*ḥaqīqa*) has to have a particular science which deals with it.[98]

Ibn al-Azraq's *BS*, on the contrary, is a wholly different kind of work with an entirely different quest. In it, the Andalusian supreme judge does not establish a science but rather composes a theory on state and statecraft[99] based on the literature on political rule of Islamic tradition, as mentioned earlier:

> I aimed at extracting the gist (*talkhīṣ*) of what people wrote about rule (*mulk*), authority (*imāra*) and governance (*siyāsa*).[100]

The second difference between the *Muqaddima* and *BS* concerns the objects of their reflection and thus their respective outlooks and perspectives. The object of reflection in Ibn Khaldūn's novel science is human society, and his political theory is part of his study of human social association.[101] Ibn Khaldūn's deterministic model of the growth and decay of dynastic states is treated from the perspective of the development of human society. Political rule, authority and other aspects of rulership are presented as essential accidents that attach themselves to human social association: "the first book [which is the *Muqaddima*] is on human society (*ʿumrān*) and deals with the essential accidents (*al-ʿawāriḍ al-dhātiyya*) that appear in it."[102]

In contrast, Ibn al-Azraq's object of reflection is political rule itself. This is evident in the title of his work *Badāʾiʿ al-Silk fī Ṭabāʾiʿ al-Mulk* (*Unprecedented Lines* (sg.) *about the Nature* (pl.) *of Political Rule*). While Ibn Khaldūn studies the nature of *ʿumrān* and its essential accidents, Ibn al-Azraq elaborates on the nature of *mulk*. The Andalusian supreme judge treats issues such as *sulṭān*, *khilāfa*, *riʾāsa* and *siyāsa* from the perspective of the nature of rule, because he

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Rezeption," pp. 61–62; and Maróth, *Die Araber und die antike Wissenschaftstheorie*, Leiden: Brill, 1994, pp. 245–246; and Maróth, "Das System der Wissenschaften bei Ibn Sina," *Avicenna–Ibn Sina. 980–1036*, Burchard Brentjes (ed.), Halle: Universität Halle-Wittenberg, 1980, vol. 2: *Wissenschaftsgeschichte*, pp. 27–34; here pp. 33–34.

98 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 61.

99 For *BS* as a theory of state and statecraft, see introduction.

100 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 59.

101 Rosenthal, *Political Thought in Medieval Islam*, p. 84.

102 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 6.

is concerned with the accidents that attach themselves to political rule (*ʿawāriḍ al-mulk min ḥayth huwa*).[103]

Considering now the reception of the *Muqaddima* in BS, one may describe one major aspect of it as following: Ibn al-Azraq thus managed to transpose major premises and lines of argumentation from Ibn Khaldūn's science of society in their outlook as well as perspective into major premises and lines of argumentation within his own theory of state and statecraft.

Another difference between the two works concerns their authors' distinct approaches to their objects of reflection. As mentioned earlier, Muhsin Mahdi argues that Ibn Khaldūn's epistemic assumptions and methodology in the *Muqaddima* is rooted in the Arabic philosophical tradition. Miklós Maróth has taken Mahdi's reference to Ibn Khaldūn's philosophical heritage one step further as he reads Ibn Khaldūn's *ʿilm al-ʿumrān* as an extension of, and subordinate to, an Avicenna-informed tradition of natural philosophy.[104] Maróth furthermore attributes Ibn Khaldūn's particular style of logical argument to Galen (129–216 CE), arguing that the medical science advanced by the Greek physician and philosopher constituted the methodological model according to which Ibn Khaldūn constructed his science of human social association. Galen proposed a system of medicine that combined rationalism and empirical testing so as to achieve a proper diagnosis of medical conditions. Likewise, Ibn Khaldūn proposes a combination of rational investigation and analytical observation (that includes a strong notion of empiricism) of the nature of human social associations in order to evaluate historical reports.[105]

In the *Muqaddima*, Ibn Khaldūn explicitly states that he confines himself to a rational investigation based on analytical observation on the nature of human social associations:

> However, when we discuss ruling and governing positions (*waẓāʾif al-mulk wa-l-sulṭān*) and its ranks, [we discuss] it as required because of (*bi-muqtaḍā*) the nature of social association (*ṭabīʿat al-ʿumrān*) and human existence, and not under the aspect of sharia norms (*aḥkām al-sharʿ*). This, one knows, is not our intention in this book. There is no need to go into detail with regard to the religious laws [governing these positions]

103 The title of chapter four of BS, for example, is is "On the Hindrances of Political Rule and its Accidents" (*fī ʿawāʾiq al-mulk wa-ʿawāriḍihi*), see Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 2, pp. 699–926.

104 Maróth, "Aristoteles und Ibn Khaldūn," p. 402.

105 Ibid. pp. 396–399.

> even though they have been exhaustively treated in the books on constitutional law (*kutub al-aḥkām al-sulṭāniyya*), such as the work [of that title] by the judge Abū al-Ḥasan al-Māwardī and other distinguished jurists. So, if you want to comprehensively understand these [sharia norms], you have to look them up [in these books]. We have indeed discussed the caliphal positions (*al-waẓā'if al-khilāfiyya*) and outlined them individually only in order to clearly differentiate between these and the governmental positions (*al-waẓā'if al-sulṭāniyya*), and not in order to investigate their normative Islamic status. For this is not the purpose of our book. Indeed, we shall discuss those matters insofar [rule] is required by the nature of society (*ṭabī'at al-'umrān*) in human existence (*al-wujūd al-insānī*). But [in reality it is only] God who brings success.[106]

Ibn al-Azraq appropriates major theses, arguments and knowledge claims about Ibn Khaldūn's human social associations and political rule. For the most part, he presents them as a rational approach (*'aql*) to questions of rulership. Yet, he does not confine himself to this rational approach. Instead, he combines it with Islamic normative discourse (*shar'*). Thus, his approach to questions pertaining to rulership and statecraft is characterised by a twofold approach of rational investigation and Islamic normative assessment. This is most evident in the two introductions with which *BS* opens, the first of which is dedicated to a rational reflection on political rule, the second introducing principles concerning political rule from the viewpoint of Islamic normativity.[107] As regards the epistemological relationship between *'aql* and *shar'* in Ibn al-Azraq's approach, Islamic normativity constitutes the epistemic framework within which rational considerations of rulership and statecraft proceed.[108]

The final difference between the *Muqaddima* and *BS* concerns the political theories. Ibn Khaldūn proposes a political theory in the framework of a philosophically-informed science of human social association and ascribes a metaphysical prevalence to the social processes he describes.[109] This metaphysical prevalence results in a deterministic historical cycle regarding the life

106 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 409.

107 Ibn al-Azraq, *Badā'i' al-Silk*, vol. 1, pp. 71–104.

108 See chapter three for a detailed elaboration of this.

109 Mahdi, *Ibn Khaldūn's Philosophy of History*, pp. 124–125, 225–227. Stephen Frederic Dale even argues that Ibn Khaldūn developed what modern scholars would identify as a structuralist methodology. See Dale, "Ibn Khaldūn: The Last Greek and the First Annaliste Historian," p. 432.

span of dynastic states. Ibn Khaldūn expresses this cycle in terms of the four dynastic generations of an average dynastic state and the five stages of birth, growth, maturity, stasis and decline. The social processes, which ultimately are driven by the strength or weakness of social cohesion in a given population group, govern the fate of a dynastic state. Ibn Khaldūn thus abstracts the question of the persistence of a state polity from its institutional formulation and ascribes it to the course of social processes.[110]

Ibn al-Azraq appropriates Ibn Khaldūn's concept of a historical cycle governing the life of dynastic states without, however, becoming deterministic. He adopts many of Ibn Khaldūn's theses concerning the socio-economic and socio-political basis of rulership and likewise holds that social processes have to be considered regarding the question of the persistence of a dynastic state. However—and this is the crucial difference—in Ibn al-Azraq's political thought social processes govern the fate of a state polity only to a certain extent. Ibn al-Azraq re-establishes the sovereignty of the supreme authority over the question of the fate of his state polity, maintaining that his rule does not necessarily have to come to an end if he surveils the institutions and enforces just administrative practice according to the terms of Islamic normativity. Thus, while Ibn al-Azraq appropriates Ibn Khaldūn's analysis of the socio-economic and socio-political basis of political rule, he does not *entirely* abstract the question of the persistence of a state polity from its institutional configuration. He actually proposes a political theory opposed to that of Ibn Khaldūn.

1.3.2 *Ibn al-Azraq's Engagement with the* Muqaddima

How did Ibn al-Azraq, in practical terms, develop his own theory as distinct from his major source, the *Muqaddima*, while staying close to it textually? The answer is provided by Ibn al-Azraq's "independent-minded transferring" of Khaldūnian theses into *masāʾil* (thematic units) which resulted in major modifications.

More or less the entire text of *BS* is based on a structure of *masāʾil* (thematic units).[111] Many of these thematic units are summarised Khaldūnian subchapters or main propositions distilled from Khaldūnian subchapters. In the course of transferring Khaldūnian chapters into *masāʾil*, Ibn al-Azraq either produces Khaldūnian thematic units which contain paraphrases without any shift in argumentative focus, or he alters formulations and thereby produces distorted paraphrases of Khaldūnian theses.

110 Alatas, *Applying Ibn Khaldūn*, pp. 25–26.

111 For a discussion of the the *masāʾil* format of *BS*, see chapter 1.2.2.

Moreover, in the course of transferring Khaldūnian chapters into *masā'il*, Ibn al-Azraq divides Ibn Khaldūn's complex sociological arguments into a series of isolated subissues removed from the context of Ibn Khaldūn's overarching sociological arguments. Ibn al-Azraq then brings together his Khaldūnian thematic units in distinct argumentative arrangements that serve to construct his theory. In these two ways, the transferring of Khaldūnian chapters into *masā'il* is instrumental for Ibn al-Azraq in modifying Ibn Khaldūn's basic epistemic and conceptual assumptions.

The procedure of transferring large parts of the *Muqaddima* into argumentatively isolated *masā'il* serves a further end as it enables Ibn al-Azraq to merge Khaldūnian theses with *masā'il* that stem from other traditions. As mentioned earlier, the *Muqaddima* is not the only source on which Ibn al-Azraq imposes a *masā'il* structure. Likewise, he transfers much advice literature, the main vessel of political ethics in the pre-modern Islamic tradition, into shorter thematic units (*masā'il*). In the ninth act of rule (*rukn*), for example, the first *mas'ala*, a Khaldūnian paraphrase, is followed by the second *mas'ala* which is a citation from a work of advice literature. Ibn al-Azraq thus creates a hermeneutical momentum in which the reader understands the Khaldūnian paraphrase in light of the advice literature citation, and vice versa. The result is a moralistic reading of the Khaldūnian paraphrase in the first *mas'ala*.[112] In the same fashion, Ibn al-Azraq introduces Islamic normative discourse in his treatment of questions of rulership. This merging of Khaldūnian *masā'il* with *masā'il* that stem from other traditions enabled him to accomplish interpretative modifications of Khaldūnian theses. In doing so, Ibn al-Azraq was able to develop his own discourse based on the model of the *Muqaddima* and, eventually, to construct a different political theory on the basis of the Ibn Khaldūn reception.

While many of the thematic units of *BS* are summarised Khaldūnian subchapters or main propositions distilled from them, Ibn al-Azraq simultaneously establishes his own agenda of issues. Sometimes, he follows the sequence of subchapters in the *Muqaddima*; other times he rearranges or restructures them or even leaves out entire chapters. As a result, Ibn al-Azraq creates a new sequential structure for large parts of the *Muqaddima*, defining which sections are relevant to his discussion and in what kind of arrangement.

This is exemplified by the following. Ibn al-Azraq's first introduction consists of twenty preliminaries (*sābiqa*) which are—as stated in the title—the premises that lead to the reflection on political rule on rational grounds. Except for the first two, all of these preliminaries are summaries and/or paraphrases of

112 Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 1, pp. 285–286.

the subchapters of book two of the *Muqaddima*. The first *sābiqa* is a brief paraphrase of Ibn Khaldūn's first axiom in the first book of the *Muqaddima*, and the second *sābiqa* is a reformulation of two passages found in the foreword to the *Muqaddima*. The remaining *sābiqas*, arranged in groups, follow the sequence of Ibn Khaldūn's treatment of issues in the subchapters of the second book of the *Muqaddima*.[113]

Sābiqas four to nine, for example, follow the sequence of Khaldūnian subchapters three to eight, and *sābiqas* ten to fourteen follow the sequence eleven to fifteen. However, Ibn al-Azraq also leaves out some Khaldūnian subchapters altogether, such as subchapter ten, or he changes their position, such as the second Khaldūnian subchapter, a paraphrase of which he places as the last *sābiqa*. Thus, while Ibn al-Azraq adopts the Khaldūnian sequence at times, he still engages with the Khaldūnian chapters independently in the sense that he either leaves some of them out completely or changes their positions compared to their sequence in the *Muqaddima*.

The chapter "On the Precondition for the Existence of Institutional Rule" in *BS* provides another example. This chapter consists of twenty *masāʾil* which are all Khaldūnian paraphrases taken from the subchapters of the second and third books of the *Muqaddima*, except for the eleventh *masʾala* which is a paraphrase from the fourth book.

At the beginning of the chapter, Ibn al-Azraq follows Ibn Khaldūn's treatment of the issues of book three with its subchapters one to five, interspersing, however, paraphrases from subchapters of the second book of the *Muqaddima*. Thus, Ibn al-Azraq jumps between books two and three and he rearranges some of their subchapters according to an agenda which he deems proper for the treatment of these issues. This further implies that he also disregards large parts of the *Muqaddima*, either because he deems them irrelevant for constructing his theory, or he neglected them because he was critical of them.

Considered as a whole, *BS* depends on the *Muqaddima* to varying degrees concerning its sequential structure. In the *BS* chapter "On the True Nature of the Caliphate", for example, a sequential dependence exists between the *Muqaddima* and *BS*, albeit a very loose one. Overall, it can be said that the first introduction and the first, third and fourth books of *BS* do structurally depend on different parts of the *Muqaddima*, though to various degrees. Yet other parts of *BS*, such as the second introduction and the second book, are, sequentially speaking, an entirely independent composition, although they still include Khaldūnian elements and references.

113 See table 1 and table 2 in the following pages. The Khaldūnian chapter headings provided in these tables are my own translations based on Rosenthal's English translation.

TABLE 1 The content of the first introduction of *BS* and its thematic equivalents in Ibn Khaldūn's *Muqaddima*

First introduction in *BS*	Chapters in Ibn Khaldūn's *Muqaddima* (according to the sequence of subchapters in Franz Rosenthal's translation)
1. *Sābiqa*	First Prefatory Discussion: Human social organisation is a necessity. The philosophers expressed this fact by saying: "man is 'communal' by nature" (p. 45 in Rosenthal).
2. *Sābiqa* reformulation of two passages in from the *Muqaddima*	Passage from the Foreword (p. 8 in Rosenthal): The first book deals with human social organisation and its essential accidents, namely political rule, authority, gainful occupations, ways of making a living, crafts and sciences. And the title of book one of the *Kitāb al-ʿIbar* (p. 33 in Rosenthal): The Nature of Human Social Association. Bedouin and Urban Life, Achieving Domination, Gainful Occupations, Ways of Making a Living, Sciences, Crafts and All Other Things that Attach Themselves to [Social Organisation].
3. *Sābiqa*	2.1. Both Bedouin and Urban Human Social Organisations are Natural Groups
4. *Sābiqa*	2.3. Bedouins are Prior to Urban Human Social Organisations. The Bedouin Lands are the Basis and Reservoir of Civilisation and Cities
5. *Sābiqa*	2.4. Bedouins are More Inclined to Good than Urban People
6. *Sābiqa*	2.5. Bedouins are More Disposed to Courage than Urban People
7. *Sābiqa*	2.6. The Reliance of Urban People upon Laws Destroys their Fortitude and Power of Resistance
8. *Sābiqa*	2.7. Only Tribes Held Together by Group Feeling Can Live in the Outskirts
9. *Sābiqa*	2.8. Group Feeling Results Only from Blood Relationships or Something Corresponding to it
10. *Sābiqa*	2.11. Leadership Over People who Share a Given Group Feeling cannot be Vested in those not of the Same Descent
11. *Sābiqa*	2.12. Only those who Share the Group Feeling of a Group can have a Royal Family (lit. "house") and Noble Status in the Basic Sense and in Reality, while Others Have It Only in a Metaphorical Sense
12. *Sābiqa*	2.13. Royal Family (lit. "house") and Noble Status Come to Clients and Followers only through their Domination and not through their Own Descent
13. *Sābiqa*	2.14. Prestige Lasts at Best for Gour Generations in One Lineage
14. *Sābiqa*	2.15. Savage Peoples are Better Able to Achieve Domination than Others
15. *Sābiqa*	2.24. Arabs can Gain Control only over Flat Territory
16. *Sābiqa*	2.25. Places that Succumb to Arabs are Quickly Ruined
17. *Sābiqa*	2.28. Bedouin Tribes and Groups are Dominated by the Urban Population
18. *Sābiqa*	2.9. Purity of Lineage is Found Only among the Savage Arabs of the Desert and Other Such People
19. *Sābiqa*	2.10. How Lineages Become Confused
20. *Sābiqa*	2.2. The Arabs are a Natural Group in the World

TABLE 2 The content of the chapter "On the Precondition for the Existence of Institutional Rule" and its thematic equivalents in Ibn Khaldūn's *Muqaddima*

***BS*, the second aspect: the pre-condition for the existence of political rule (*mulk*)**	**Chapters from Ibn Khaldūn's *Muqaddima* (according to the sequence of subchapters in Franz Rosenthal's translation)**
1. mas'ala	3.1. Political Rule and Large Dynastic States are Attained Only through a Group and Group Feeling
2. mas'ala	2.16. The Goal to which Group Feeling Leads is Political Rule
3. mas'ala	3.2. When a Dynastic State is Firmy Established, it can Dispense with Group Feeling
4. mas'ala	3.3. Members of a Ruling Family may be Able to Found a Dynastic State that Can Dispense with Group Feeling
5. mas'ala	2.20. While a People is sSavage, its Political Rule Extends Farther
6. mas'ala	3.4. Dynastic States of Wide Power and Large Political Rule Have Their Origin in Religion Based Either on Prophecy or on a Truthful Mission
7. mas'ala	3.5. A Religious Mission Gives a Dynastic State at Its Beginning another Power in Addition to that of the Group Feeling it Possessed as the Result of the Number of its Supporters
8. mas'ala	2.26. Arabs can Obtain Political Rule only by Making Use of Some Religious Colouring, such as Prophecy or Sainthood or Some Great Religious Event in General
9. mas'ala	3.6. A Religious Mission cannot Materialise without Group Feeling
10. mas'ala	2.21. As lLong as a Community Retains its Group Feeling, Political Rule that Disappears in One Branch Will, of Necessity, Pass to Some Other Branch of the Same Community
11. mas'ala	4.21. The Existence of Group Feeling in the Cities and the Superiority of Some of the Inhabitants Over Others
12. mas'ala	2.19. A Sign of the Qualification of an Individual for Political Rule is his Eager Desire to Acquire Praiseworthy Qualities, and Vice Versa
13. mas'ala	3.47. How a New Dynastic State Originates
14. mas'ala	3.48. A New Dynastic State Gains Domination over the Ruling Dynasty through Perservance and not through Sudden Action
15. mas'ala	3.7. Each Dynastic State has only a Certain Amount of Provinces and Lands
16. mas'ala	3.8. The Greatness of a Dynastic State, the Extent of its Territory and its Duration Depend on the Numerical Strength of its Supporters
17. mas'ala	3.9. A Dynastic State Rarely Establishes itself Firmly in Lands with Many Different Tribes and Groups
18. mas'ala	2.27. Arabs of All Peoples are Most Remote from Administering Political Rule
19. mas'ala	3.51. The Mahdi - the Opinions of the People about Him; the Truth about the Matter
20. mas'ala	3.52. Forecasting the Future of Dynastic States and Communities Including a Discussion of Predictions (*malāḥim*) and an Exposition of the Subject Called "Divination" (*jafr*)

In addition to establishing his own agenda of thematic units, Ibn al-Azraq provides additional titles and chapter headings. These supplementary titles and chapter headings result in a new layout for the underlying Khaldūnian text material. At times, the Khaldūnian text material that Ibn al-Azraq reproduces is treated in the *Muqaddima* under the same chapter headings or rubrics; in other instances, he presents a Khaldūnian paraphrase under an entirely different chapter heading. This is exemplified by Ibn al-Azraq's chapter on segmental rule (*riʾāsa*) where he distinguishes between two subforms of segmental rule, namely *riʾāsa sharʿiyya* (segmental rule based on a revelation) and *riʾāsa ghayr sharʿiyya* (segmental rule not based on a revelation).[114] The Khaldūnian text material that Ibn al-Azraq treats under the epithet *riʾāsa sharʿiyya* is found in the *Muqaddima* in the chapter "Remarks on the Words 'Pope' and 'Patriarch' in the Christian Religion and on the Word 'Kohen' used by the Jews."[115] Ibn Khaldūn did not discuss the Christian and Jewish religious hierarchical structures as examples of *riʾāsa sharʿiyya*, nor did he treat them from the point of view of discussing segmental rule. Thus, Ibn al-Azraq conceptionalises Ibn Khaldūn's account of the Christian and Jewish religious hierarchical structures in terms of a certain category of political rule, namely segmental rule, even though this was not intended in the *Muqaddima*.[116]

I interpret Ibn al-Azraq's thorough engagement with the *Muqaddima* as an expression of his high appreciation of this work and the detailed account on social mechanisms it contains. He took up large parts of Ibn Khaldūn's analysis of the socio-economical and socio-political basis of rulership and built his theory of state and statecraft upon a reception of Ibn Khaldūn's social mechanisms. Moreover, Ibn al-Azraq's thorough engagement with the *Muqaddima* is here interpreted as an indication that this work was well received in the scholarly generations following Ibn Khaldūn.

1.3.3 *Conceptual Differences*

The previous section mapped out how from his main source, the *Muqaddima*, Ibn al-Azraq develops his own theory on political rule by way of transferring Khaldūnian passages into thematic units and merging them with *masāʾil* that stem from other sources. Now, the present section will show that this transposition resulted in profound conceptual differences in Ibn Khaldūn's and Ibn al-Azraq's political theories or understandings of political rule.

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114 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 116–125.

115 Rosenthal, *The Muqaddimah*, pp. 183–188.

116 See chapter 2.2.3. for an elaboration of Ibn al-Azraq's understanding of segmental rule as a category of political rule.

1.3.3.1 The Essential Accidents of Human Social Organisation

In the *Muqaddima*, Ibn Khaldūn investigates rationally the occurrence of the essential accidents (*al-ʿawāriḍ al-dhātiyya*) of human social association and expounds the sort of causality on which their occurrence depends. He explicitly names a number of properties of human social association as essential accidents:

> I have put together [my universal history] as an introduction and in three books. […] The first book [which is the *Muqaddima*] is on human society (*al-ʿumrān*) and deals with the essential accidents (*al-ʿawāriḍ al-dhātiyya*) that appear in it, like rule (*mulk*), authority (*sulṭān*), gainful occupations (*kasb*), ways of making a living (*maʿāsh*), crafts (*ṣanāʾiʿ*) and the sciences (*ʿulūm*), as well as the causes and reasons (*al-ʿilal wa-l-asbāb*) [underlying these essential accidents of human society].[117]

In another passage, he writes:

> On the nature of society (*ṭabīʿat al-ʿumrān*) in the created world (*al-khalīqa*), and what attaches itself to it, from the Bedouin [way of life] (*al-badū*), the urban [way of life] (*ḥaḍar*), domination (*taghallub*), gainful occupations (*kasb*), ways of making a living (*maʿāsh*), crafts (*ṣanāʾiʿ*), sciences (*ʿulūm*) and similar things, and also on the causes and reasons thereof.
>
> Know that the definition of writing history (*tārīkh*) is that it is a report (*khabar*) concerning human social association (*al-ijtimāʿ al-insānī*), which is [the same thing as] world society (*ʿumrān al-ʿālam*). [It deals] with such accidents (*aḥwāl*) linked to the nature of society such as savagery (*tawaḥḥush*) and civilisation (*taʾannus*), [different forms of] group feeling (*ʿaṣabiyyāt*) and [the different] types of domination (*taghallubāt*) that men exercise over one another. [It also deals] with what results from all [these things], such as political rule (*mulk*), dynastic states (*duwal*) and their various ranks (*marātib*). [The book is also concerned] with the different kinds of gainful occupations and ways of earning a living, with the sciences and crafts that human beings pursue as part of their activities and efforts, [as well as] with all the other accidents that originate (*yaḥduth*) in [human] social association due to its very nature (*bi-ṭabīʿatihi*).[118]

117 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 6.
118 Ibid. p. 55.

Ibn al-Azraq also speaks of accidents that attach themselves to human social association. However, while Ibn Khaldūn conceives of a large number of properties as such accidents that could be explained due to the sort of causality upon which their occurrence depends, Ibn al-Azraq limits their number to five in the second preliminary of the first introduction in *BS*:

> This social association (*ijtimāʿ*) has five natural accidents (*al-ʿawāriḍ al-ṭabīʿiyya*):[119]
> [1] [the accident of] the Bedouin way of life (*badawī*), which [prevails] in the countryside, mountains, staging post encampments in deserts and on the edges of sand [dunes].
> [2] [the accident of] domination (*taghallub*). The goal of [domination] is rule (*mulk*) by means of coercive group feeling (*al-ʿaṣabiyya al-qāhira*).
> [3] [the accident of] the urban way of life (*ḥaḍarī*), which is established in the cities, towns, villages and hamlets, [which serve] as a means of protection and strength.
> [4] [the accident of] ways of earning a living (*maʿāsh*), through which [men] aim to obtain [their] sustenance through profit (*kasban*) or making [things] (*ṣināʿatan*).
> [5] [the accident of] the acquisition [of knowledge] in the sciences (*iktisāb al-ʿulūm*), through teaching and learning (*taʿlīman wa-taḥṣīlan*).
> Since *mulk* is preceded by the Bedouin [way of life] and is the [basic] principle (*mabdaʾ*) of domination, all other [accidents] follow [*mulk*], while those [accidents] that precede [it] are primary in accordance with nature (*ṭabʿan*).[120]

This second preliminary is a careful reinterpretation of the two Khaldūnian passages cited above. In it, Ibn al-Azraq limits the number of accidents to five properties, thus disassociating the terms *mulk, sulṭān*, dynastic state and group feeling from the concept of accidents. Nowhere in the remainder of *BS* does he call these terms an accident of human social association. I interpret Ibn al-Azraq's disassociation of the terms *mulk*, *sulṭān* and *dawla* from the epithet "accidents" as separating himself from the philosophical tradition in the treatment of these questions. He rejects a conceptualisation of aspects of political rulership in terms of philosophic accidents, because this would imply a

119 Literally "among the natural accidents of this social association are five matters."
120 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 71–72. Numbers in brackets [1]–[5] inserted by me.

rationally explicable coming-into-being and disappearance. Instead, Ibn al-Azraq conceptualises the terms political rule and authority as a function of divine providence (*ʿināya*), referring to God's established normative order in the world, which will be treated in depth in the next section.

1.3.3.2 The Understanding of Political Rule (*Mulk*) in Both Works

In the *Muqaddima*, Ibn Khaldūn deduces the necessity for political rule (*mulk*) from the necessity for human social association (*al-ijtimāʿ al-insānī*). He begins his argument that human association exists necessarily (*ḍarūrī*) in order to satisfy collective needs in matters of food and defence, thus securing mankind's survival. Where cooperation (*taʿāwun*) exists in matters of securing food and producing weapons for defence, God's wise plan (*ḥikma*) that mankind should subsist and the human species be preserved is fulfilled. Ibn Khaldūn explains that the philosophers (*ḥukamāʾ*) expressed this fact with the phrase "man is communal (*madanī*) by nature (*bi-l-ṭabʿ*)"[121] and that *madaniyya* (communality) was the philosophers' equivalent technical term for what Ibn Khaldūn understood by *ijtimāʿ* or *ʿumrān*, human social association. The concept that man is "communal by nature" goes back to al-Fārābī (d. 339/950) in the Arabic philosophical tradition. In "The Meaning of *madanī* in al-Fārābī's 'Political' Philosophy," Dimitri Gutas argues that the translation of the Arabic term *madanī* into English as "political" does not reflect the spirit in which al-Fārābī used the term in his writings which were influenced by Arabic translations of a corpus of works by Aristotle. Al-Fārābī was influenced by the very literal and mundane Arabic rendering of the term *politikos* as *madanī*, "of the city." He understood the term in the biological sense in Aristotle's writings, which the analogy with bees and ants used in some instances makes abundantly clear, namely that man, like the ants and the bees, is biologically programmed to communal living in order to survive. The term *madanī, politikos*, as applied to humans in al-Fārābī's writings, means a "city" animal, in the sense of city as a community that ensures man's survival rather than a "political" animal.[122]

Ibn Khaldūn continues his argument that once mankind accomplished social association, a restraining force (*wāziʿ*) was necessary to mediate conflicts, because aggressiveness (*ʿudwān*) and injustice (*ẓulm*) are part of the animal-like nature of mankind.[123] The restraining force must be a fellow human being

121 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 69.

122 Gutas, "The Meaning of *madanī* in al-Fārābī's 'Political' Philosophy," *Mélanges—The Greek Strand in Islamic Political Thought*, Maroun Aouad (et al.), Beirut: Université Saint-Joseph—Dar El-Mashreq, vol. LVII, 2004, pp. 259–282; here pp. 266–268, 276.

123 Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 69–71.

who dominates the others (*ghalaba*) and who has authority (*sulṭān*) and a coercive hand over them (*yad qāhira*), so that no one can attack another through aggressiveness. This, Ibn Khaldūn stipulates, "is the meaning of [the term] *mulk*. It has thus become clear to you that mankind has a distinguishing feature (*khāṣṣa ṭabīʿiyya*) which is absolutely necessary to [mankind]."[124]

Ibn Khaldūn presents the necessity of human social organisation and the need for political rule in one and the same argument and in the same text passage. He establishes an inner causality between the notion of human association and that of political rule: his understanding of political rule is an integral notion of his understanding of social association. The close conceptual connection between human social association and political rule that Ibn Khaldūn establishes is reinforced in several passages in the *Muqaddima*, such as in "On the nature (*ḥaqīqa*) of rule and its different kinds." Here, Ibn Khaldūn brings together the notions *mulk* and *ijtimāʿ* in a causal clause:

> Rule (*mulk*) is a natural institution[125] (*manṣib ṭabīʿī*) [belonging] to man, because—as already shown—human beings can only live and exist by joining (*ijtimāʿ*) and working together (*taʿāwun*) to obtain their sustenance and [other] necessities.[126]

The conceptual connection is so strong that in some passages, the term *mulk* even comes to signify *ijtimāʿ*:

> … the true nature of rule (*ḥaqīqat al-mulk*) is that it is social association which is necessary for mankind. The requirements [of this social association] are domination (*taghallub*) and coercion (*qahr*), which are both outcomes (lit. effects, *āthār*) of the wrath (*ghaḍab*) and the animal-like (*ḥaywāniyya*) [nature of mankind].[127]

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124 Ibid. pp. 71–72.

125 Rosenthal renders the Arabic term *manṣib* into English as "institution" (p. 151); Cheddadi translates: "Le pouvoir est une fonction naturelle à l'homme" (*Le Livre des Examples*, p. 465) and comments "Mansib, au sens de "charge," "dignité," "poste," "fonction," "rang" (ibid. p. 1330). Alma Giese renders *manṣib* into German with "Würde" (*Die Muqaddima: Betrachtungen zur Weltgeschichte*, p. 207) and Pätzold translates: "[d]as Königtum ist ein Stand, der für den Menschen natürlich ist" (*Ibn Khaldun—Buch der Beispiele*, p. 134).

126 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 328.

127 Ibid. p. 332. Pätzold's German translation of this passage reads: "Das eigentliche Wesen des Königtums besteht darin, daß es einen für die Menschen notwendigen Zusammenschluß darstellt und Obmacht und Gewalt, die beide sichtbarer Ausdruck des Zornes und der Tierähnlichkeit (der menschlichen Natur) sind, bedingt," *Ibn Khaldūn—Buch der Beispiele*, p. 139.

As a result of Ibn Khaldūn's concern for the study of human social association and thus the perspective and ultimate outlook of his theories on the subject, in the *Muqaddima* the term *mulk* signifies a social-theoretical concept.

Ibn al-Azraq's argument for the necessity of political rule builds on the textual blueprint of the Khaldūnian argument above. However, Ibn al-Azraq splits up Ibn Khaldūn's argument for the necessity of political rule in human social associations and treats independently the explications of the necessity for human social association and the necessity of political rule. The first part of the argument is paraphrased by Ibn al-Azraq in the first preliminary (*sābiqa*) of *BS*'s first introduction "Introducing what Leads to the Reflection on *Mulk* on Rational Grounds (*ʿAqlan*)" without any shift in focus or leaving out any aspect:

> Human social association (*al-ijtimāʿ al-insānī*), which is the [flourishing of] society in the world (*ʿumrān al-ʿālam*), is necessary (*ḍarūrī*). This is why the philosophers (*ḥukamāʾ*) say: 'Mankind is communal (*madanī*) by nature (*bi-l-ṭabʿ*).' This means that [mankind] cannot do without social association (*ijtimāʿ*)—which according to [the philosophers] is [termed] 'communality' (*madaniyya*). [Mankind comes together in social associations] in order to preserve its existence (*wujūd*) and the continuation of its species (*baqāʾ nawʿihi*). This is because individually and without the support of other human beings people cannot attain the means to subsist and prepare what [they need to] defend themselves. [They are] therefore compelled to [join in] a social association [with each other] (*ijtimāʿ*), which guarantees [them] the easiest method [of survival and defence], so as to bring to perfection the wisdom (*ḥikma*) [underlying] the creation [of mankind] and the ultimate aim for which he was created.[128]

Ibn al-Azraq does not only discuss the issue of the necessity of political rule independently of the question of the necessity of human social association, but he also creates a physical distance. He reproduces the second part of Ibn Khaldūn's argument in the first postulate (*fātiḥa*) of the second introduction entitled "On Introducing Principles from the Discourse on *Mulk* according to Islamic Normativity (*Sharʿan*)." He thus treats the argument for the necessity of *mulk* within the framework of the Islamic normative discourse and refers in his own argument for the necessity of rule to the divine:

128 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 71.

> As mentioned previously, the necessity of natural social association (*al-ijtimāʿ al-ṭabīʿī*) to the human species [is what] leads to social interaction, and [helps people meet] the need (*iqtiḍāʾ*) for their necessities and [other] requirements in life. An inevitable outcome of this is the rise of conflicts centred on what each [person] is able to possess, because injustice (*ẓulm*) and aggression (*ʿudwān*) are part of [mankind's] animal-like nature (*al-ṭabīʿa al-ḥaywāniyya*) due to the fury (*ghaḍab*) and the defiance of human powers. This [nature] leads [people] to fight [each other], which results in bloodshed and death. All of this foreshadows the destruction of the [human] species and the fragmentation of social unity. [However,] the wisdom of [divine] providence (*ḥikmat al-ʿināya*) requires that [mankind] guard against (*maḥdhūr*) that [outcome] by [appointing] a restrainer (*wāziʿ*), because the survival [of humankind] is impossible—even with the implementation of sacred laws (*sharāʾiʿ*) and consensual political processes (*al-siyāsiyyāt al-muṣṭalaḥ ʿalayhā*), unless [a restrainer] is established. This [restrainer] is the authority that prevents (*al-sulṭān al-māniʿ*) [wrongdoing] through [having] a coercive, dominating hand (*bi-qahr yadihi al-ghāliba*), which leads to [him] guarding against [wrongdoing]. It is therefore apparent that *mulk* is a distinguishing, natural feature (*min al-khawāṣṣ al-ṭabīʿiyya*) that belongs to mankind.[129]

The immediate argumentative context of Ibn al-Azraq's explanation of the necessity of political rule is a pessimistic anthropology: injustice and aggressiveness are part of the animal-like nature of men and make a normative authority necessary. Mankind needs to guard against such natural evil by way of a restraining force. This is sufficient reason (*sabab kāfin*) for the existence (*wujūd*) of political rule (*mulk*).[130] Ibn al-Azraq adopts this anthropological explanation and pessimism from Ibn Khaldūn but it may be traced back to scholars such as Ibn Taymiyya (d. 728/1328).[131] Unlike Ibn Khaldūn, however, Ibn al-Azraq's argument for the necessity of political rule ultimately derives from divine providence (*ʿināya*) and God's will for the good and just ordering of creation. Divine providence ordained that men instituted hierarchies and installed a restraining force who imposed order, resolved conflicts and whom all others followed. Even if sacred laws were set up or courses agreed, the sur-

129 Ibid. p. 91.

130 Ibid. p. 126.

131 H.A.R. Gibb, "The Islamic Background of Ibn Khaldūn's Political Theory," *Bulletin of the School of Oriental and African Studies*, vol. 59, no. 1, 1997, pp. 23–31; here pp. 26–27.

vival of humankind without a restraining force to impose them was impossible. Ibn al-Azraq's argument also reflects the view that there exists a symbiotic relationship between sacred laws or political courses, and political rule. On the one hand, the notion of a divinely-ordained order provides the religious explanation for the necessity of political rule. On the other, political rule is a necessary and indispensable premise for the functioning of any legal and religious order. This view may be traced back to scholars like Ibn Taymiyya who insisted, albeit in different Islamic normative terms, that strong political power was the condition of all religious order and that the exercise of power should be conceived of as a religious duty.[132]

Since Ibn al-Azraq treats the argument for the necessity of political rule independently of that for the necessity of human association, the strong conceptual association that Ibn Khaldūn establishes between *mulk* and *ijtimāʿ* basically disappears in *BS*. In splitting Ibn Khaldūn's argument, Ibn al-Azraq shifts the focus—concerning his understanding of *mulk*—from *ijtimāʿ* to *wāziʿ*. As a consequence, Ibn al-Azraq's concept of *mulk* primarily refers to the restraining force and is transformed from a socio-theoretical concept into a concept of order:

> It has been [mentioned] previously that in human social association (*al-ijtimāʿ al-insānī*) there has to be [a man who] restrains (*wāziʿ*) the aggression (*ʿudwān*) that takes place in it and is a result of human nature (*al-ṭabīʿa al-basharīyya*), [which he restrains] by the power (*saṭwa*) of his authority (*sulṭān*) and coercion (*qahrihi*). This peculiar characteristic (*khuṣūṣiyya*) that occurs in [mankind]—because it is a natural institution (*manṣib ṭabīʿī*) to men as has been elaborated previously—is rule (*mulk*), as it is commonly understood.[133]

This study interprets Ibn al-Azraq's splitting of Ibn Khaldūn's argument as a rejection of the latter's understanding of rulership on purely rational grounds derived from the necessity of human social association. Ibn al-Azraq refuses to conceive of rulership without any reference to the divine. He introduces the notion of divine providence and thus provides a shariatic explanation for the necessity of political rule, thereby introducing the Islamic normative discourse on the question of the necessity of political rule.

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132 Baber Johansen, "A Perfect Law in an Imperfect Society: Ibn Taymiyya's Concept of 'Governance in the Name of the Sacred Law'," *The Law Applied: Contextualizing the Islamic Sharoʿa. A Volume in Honour of Frank E. Vogel*, Bernard G. Weiss (ed. et al.), London: Tauris, 2008, pp. 259–294; here p. 276.

133 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 107.

But Ibn al-Azraq does not only divide the Khaldūnian argument above, he also drops the last step in which Ibn Khaldūn argues that political rule only materialises through group feeling:

> It is impossible therefore [for people] to survive in a state of disorder (*fawḍā*) without a ruler (*ḥākim*) who restrains them from [attacking] each other. They therefore require someone [who can] restrain [them] (*wāziʿ*) from doing [just] that, and he is the one who rules over them (*al-ḥākim ʿalayhim*). As necessitated by human nature (*al-ṭabīʿa al-bashariyya*), this [person] is the ruler [who possesses] coercion. [To achieve] that, 'group feeling' (*ʿaṣabiyya*) is necessary, for as we have stated before, all enterprises pressing for claims (*muṭālabāt*) and all defensive enterprises (*mudāfaʿāt*) can only succeed with the help of group feeling.[134]

According to Ibn Khaldūn, group feeling was necessary in any form of enterprise pressing for claims or defensive enterprises in every human social association. Even the chief (*raʾīs*) bases his ability to command obedience on group feeling, for without group feeling, he would not be followed.[135]

In Ibn al-Azraq's understanding of *mulk*, by contrast, social cohesion did not constitute the basis on which political rule materialised. Instead, he disassociated the notion of *mulk* from the notion of group feeling and formulated anew the relationship between *mulk* and *ʿaṣabiyya*, which will be treated in depth in what follows.

1.3.3.3 The Concept of Group Feeling (*ʿAṣabiyya*)

Ibn al-Azraq's characterisation of Bedouin and urban population groups, and the relationship between them are entirely based on material from Ibn Khaldūn's *Muqaddima*. Just like Ibn Khaldūn, Ibn al-Azraq distinguishes between two forms of human social associations, namely urban and Bedouin social associations, according to their distinct modes of making a living. Bedouin social associations endure hard living conditions and, in their pursuit (*maqṣad*) of cooperation (*taʿāwun*), they confine their livelihood to the necessary (*ḍarūrī*). They live on the outskirts, in the mountains, in places of pasture in the desert and in the surroundings of wastelands, and they may be nomadic. Urban social associations, on the other hand, go beyond mere necessity in their pursuit of a livelihood and they seek convenience (*ḥājī*) and luxury (*takmīlī*). As a result

134 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 329.
135 Ibid. p. 244.

of this surplus, towns and cities are constructed and urban population groups live a more comfortable and luxurious lifestyle, practising various refined handcrafts, trade and sciences.[136]

Due to their hazardous living conditions, Bedouin population groups possess a stronger *ʿaṣabiyya*, a type of social cohesion or group feeling, than urban population groups. Group feeling results from close attachment through common descent (*nasab*) or from client relationships and alliances. If there is common descent, a group feeling exists because the natural blood ties result in mutual affection among relatives put by God in their hearts with the demand that neither harm nor destruction ought to befall them. When common descent was close and a relationship of close attachment existed, it led to the highest degrees of mutual assistance. In cases in which the relationship was more distant, a person would help his relative only so as to escape the shame that otherwise would befall their common descent. If, however, client relationships and alliances exist, affection is rooted in the shame that would befall a person if their neighbour, relative, or a blood relation in any degree of kinship was harmed.[137]

For one thing, group feeling is essential to Bedouin social associations because only tribes held together by *ʿaṣabiyya* could live in wasteland areas. Bedouin social associations defend their hamlets against outside enemies with a tribal militia and the courageous youths of the tribe. All this could not be successful unless they had a shared *ʿaṣabiyya* and were of common descent. Their stamina is strengthened and makes them feared because of the compassion and affection they have for their blood relations and relatives. Those, however, who do not share a common lineage rarely feel affection for their fellows on the day of battle because affection appears only among those who share blood relations. Consequently, they cannot live on the outskirts where they would fall prey to others. This was equally true with regard to every other matter concerning human beings, such as prophecy, establishing political rule or any other mission. The reason for this was that the goal of such matters could not be achieved except through fighting. It lies in the nature of man to offer resistance, and in fighting, one could not dispense with group feeling. According to Ibn al-Azraq, leadership (*riʾāsa*)[138] over people who shared a group feeling could only be vested in those who were of the same descent because leader-

136 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 71–72.

137 Ibid. pp. 76–77. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 229–230.

138 In this passage, Ibn al-Azraq is not talking about *riʾāsa* (leadership) as a category of political rule but rather about the leadership of a ruling class in a polity that evolves to become *mulk*.

ship could only be imposed through domination. Domination, in turn, could only materialise through group feeling for which the prerequisite was common descent. The group feeling of the leaders had to dominate over all other group feelings in the rest of the population group in order to make the group surrender. A person who does not share common descent does not fulfil the necessary requirements for leadership.[139]

Bedouin people tended to be more courageous than urban people as the latter got used to having governors and militias on whom they relied for defence of life and property, while they themselves enjoyed their well-being. Bedouin people provided their own defence trusting in their own courage and fortitude, since they lived remote from governmental protection.[140] By contrast, the subordination of urban population groups to ordinances destroyed their fortitude and powers of resistance. This applied to the vast majority of urban people because most lived under somebody else's command and those in authority were few. But despite the lack of courage of urban people, they dominated desert tribes and groups until the Bedouins achieved domination or political rule over them. This was because Bedouin population groups needed urban population groups, first, for things they themselves did not possess but which they needed for a living. The most important of these were crafts such as carpentry and metalwork that provided the materials for agriculture with which Bedouin population groups made their living. Second, the yields produced by Bedouin people like harvested grains or animal products were valued objects for which urban people paid with dirhams or dinars. Thus, Bedouin people needed the cities for the necessities of life whereas city dwellers needed the Bedouin population for conveniences and luxuries.[141]

From this shared starting point with the *Muqaddima*, however, Ibn al-Azraq develops a distinct political theory as regards state formation and the question of the longevity of a dynastic state. The significant point of departure concerns the role that the authors ascribe to group feeling in these processes. This becomes evident in the second preliminary of the first introduction in *Bs*, cited and translated above. In that passage, Ibn al-Azraq identifies five accidents of human social association, namely *badawī, taghallub, ḥaḍarī, maʿāsh* and *iktisāb al-ʿulūm* and argues that these occur in a particular chronological sequence. He defines rule as the goal of domination. This is a significant reformulation of Ibn Khaldūn's thesis that *mulk* is the natural goal of group feel-

139 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 77. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 233–235.
140 Ibid. pp. 82–83. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 223–224.
141 Ibid. p. 86. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 224–226.

ing.[142] With this reforumulation, Ibn al-Azraq places the notion of *taghallub* at the centre of the question of the development of a human social association from Bedouin to urban population groups. In Ibn al-Azraq's *BS*, the notion of group feeling becomes a necessary auxiliary factor without which domination cannot materialise. However, it is the desire of the head of a group sharing in group feeling to achieve increasing domination and coercion that was the accelerating factor carrying Bedouin population groups towards attaining *mulk* and becoming urban. As *mulk* presents "the perfection (*kamāl*) of coercion and domination."[143] In Ibn al-Azraq's theory of state formation, contrary to that of Ibn Khaldūn, group feeling loses its role as the accelerating force *per se* that leads Bedouin social associations towards rule and urban lifestyle.

In addition to the above, Ibn al-Azraq reinterpreted group feeling as a precondition (*sharṭ*) for attaining and establishing institutional rule[144] and thus construed the Khaldūnian concept of *ʿaṣabiyya* more as a state-building element. As described above, *ʿaṣabiyya* was necessary in the process of state formation, as it was a decisive auxiliary factor for domination to materialise.[145] The desire for increasing domination eventually propelled a group to greater power, until they finally attained *mulk* and established a dynastic state. At a later stage, however, once the dynastic state is firmly established and stabilised, the sultan can dispense with the cohesive effect of group feeling and, instead, is able to maintain hold over the state polity by means of the army—including its own organisation and discipline—as it served as an equivalent for *ʿaṣabiyya*.[146]

Ibn al-Azraq's shift in attention away from *ʿaṣabiyya* to *taghallub* as the central notion accelerating the antagonism between Bedouin and urban population groups and his reinterpretation of group feeling as a precondition for establishing a dynastic state had far-reaching conceptual ramifications. Placing the notion of domination at the centre, Ibn al-Azraq presents the question of state formation in terms of power struggles. While the issues of state formation and state disintegration appeared in the *Muqaddima* as governed by *ʿaṣabiyya*, and hence as the result of strong or weak social cohesion, it was presented in *BS* as governed by *taghallub*, hence as the result of power struggles in the sense of

142 See Ibn Khaldūn, *Muqaddima*, vol. 1, p. 244. Ibn Khaldūn devotes an entire chapter to this thesis, the title of which Rosenthal translates as: "The Goal to which Group Feeling Leads is Royal Authority," see Rosenthal, *The Muqaddimah*, p. 107.

143 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 133.

144 Ibid. pp. 132 and 203.

145 Ibid. pp. 71–72.

146 Ibid. p. 132.

"who gains domination over whom and why." These ramifications at this conceptual level mean that Ibn al-Azraq transposes Ibn Khaldūn's analysis of the social processes into an analysis of power struggles that result in the growth and decay of dynastic states. This makes Ibn al-Azraq in every respect a political power theorist. Ibn Khaldūn, in contrast, is primarily a sociologist who conceives of these questions as social processes.

Ibn al-Azraq's rejection of an understanding of rule that materialises only by way of social cohesion results in a political theory that differs substantially from that of Ibn Khaldūn. For the latter, *mulk* is governed by *ʿaṣabiyya* and hence would ultimately decline, because of the inevitable erosion of the social cohesion of a Bedouin population group that becomes urban. Ibn al-Azraq appropriates Ibn Khaldūn's analysis of the erosion of social cohesion in urban population groups. However, he uncouples the notions of *mulk* and *ʿaṣabiyya* in order to uncouple the question of the persistence of institutional rule from that of the erosion and decline of group feeling after the establishment of the dynastic state. Ibn al-Azraq construes *ʿaṣabiyya* as the precondition for attaining *mulk*; the persstence of *mulk*, however, is determined by the enforcement of administrative justice (*ʿadl*) through the sultan's governmental apparatus and through supervision of the institutions and effective administrative practice according to the terms of Islamic normativity (*sharʿ*).[147]

1.3.3.4 The Different Categories of Political Rule: *Mulk*, *Khilāfa* and *Riʾāsa*

In *BS*, Ibn al-Azraq distinguishes three categories of political rule, namely *mulk* (institutional rule), *khilāfa* (caliphate, i.e. a divinely-instituted form of rule) and *riʾāsa* (segmental rule).[148] This distinction had been laid out in rudimentary form in the *Muqaddima*. Ibn al-Azraq takes up this distinction, separates the various categories more clearly from one another, differentiates them into subforms and discusses the conditions under which they exist. Ibn al-Azraq's understanding of institutional rule and segmental rule differs from that of Ibn Khaldūn, even though he bases them on the latter's text.

Ibn Khaldūn explains the difference between *riʾāsa* and *mulk* as follows:

> We have also mentioned before that in accordance with their nature, human beings in every social association (*ijtimāʿ*) require [one who] restrains (*wāziʿ*) [people] from [attacking] one another and rules [over

147 Ibid. pp. 211–239. See chapters 2.2. and 2.3. for a detailed elaboration.

148 He touches upon all three categories in the two introductions of *BS* and discusses them extensively in the first chapter. See Ibid. pp. 71–104, 105–182. And see chapter 2.2. for a more extensive treatment of this.

> them] (*ḥākim*). [That restrainer] must [be able to] dominate them by means of this group feeling. Otherwise, his capacity (*qudratuhu*) to [dominate them] will not materialise. This [capacity to] dominate (*taghallub*) [one's subjects] is [itself] rule (*mulk*), which is something that exceeds (*amr zāʾid*) [the mere ability of] leadership (*riʾāsa*). [This is] because [such] leadership is merely chieftaincy (*suʾdad*), and the chief is [no more than] followed (*matbūʿ*) [by his followers], but he does not dispose of effective coercion over them to [execute] his rulings (*laysa lahu ʿalayhim qahr fī aḥkāmihi*). As for [actual] rule, however, it is the [capacity to] dominate and rule (*ḥukm*) through coercion (*bi-l-qahr*).[149]

Thus, Ibn Khaldūn places to the fore the relationship between the restraining force and the restrained. The type of relationship that exists becomes the distinguishing feature according to which he differentiates between *mulk* and *riʾāsa*. *Mulk* signifies that the restraining ruler implements his ordinances by way of coercion. In *riʾāsa*, on the other hand, the chief is followed, but he does not implement his ordinances through coercion.

For Ibn al-Azraq, too, the two notions of coercion and domination are the elements that define institutional rule. According to him, *mulk* signifies the restraint of people "with a coercive dominating hand (*bi-qahr yadihi al-ghāliba*)."[150] In his political thought, it is not the type of relationship between restraining force and restrained that marks the difference between *mulk* and *riʾāsa*. Instead, the distinguishing feature depends on whether group feeling exists or not. Segmental rule lacks group feeling, the precondition for establishing *mulk*, which I treated in the previous section.

Apart from this, there is a difference in the two authors' conceptualisation of the three forms of political rule. Due to Ibn Khaldūn's concern with the study of human social association, *mulk*, *riʾāsa* and *khilāfa* appear as socio-anthropological notions. Ibn Khaldūn is interested in showing how civilisation functions and in explaining how social associations develop. He elucidates the distinct forms of human social association and political rule that develop and how they rise to a certain level of complexity before they decline again. He is not concerned with identifying which forms are better or worse. In the final analysis, Ibn Khaldūn argues that all forms of human social association and political rule wax and wane, following much the same rules as natural organisms.[151] No matter how highly revered by the community of Muslims

149 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 244.
150 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 91.
151 Dale, *The Orange Trees of Marrakesh*, pp. 174–206.

and despite its divine inspiration, even the caliphate in Ibn Khaldūn's portrait of it necessarily falls prey to the logic of group feeling, i.e. social processes; it grows old and disappears.[152] Miklós Maróth's description of Khaldūnian thought summarises this brilliantly when he explains that in the teachings of Ibn Khaldūn everything moves, as in a film. In his thought system one can deduce everything from the emergence of the state to its decline. Even the central concept, *ʿaṣabiyya*, apears in variations, as it is the cause of movement at the same time.[153]

Ibn al-Azraq's exposition of the distinct forms of political rule, on the other hand, rather resembles that of a "photograph" of distinct forms of political rule. He takes up Ibn Khaldūn's account of the various forms of social association in the reality of human social associations; however, he portrays the distinct categories of political rule that he distinguishes as static systems, and he contrasts them with each other with the aim of praising one specific form of political rule. Ultimately, he presents institutional rule that follows Islam's normative principles (*mulk dīnī*) as the unchallenged ideal, because—according to him—it does not only provide earthly happiness but also leads to otherworldly bliss, thus fulfilling God's purpose in his creation.[154]

1.3.3.5 Breaking through Ibn Khaldūn's Cyclical Model

Ibn Khaldūn describes an antagonism between Bedouin population groups with strong group feeling and urban population groups with weak group feeling and explains the rise and fall of dynasties based on the erosion of group feeling among urban population groups. This account leads to a deterministic cycle of the rise and fall of dynastic states. Ibn Khaldūn sees the decline and disintegration of the *dawla* as inevitable:

> We have previously mentioned the accidents that reflect signs of decline (*al-ʿawāriḍ al-muʾdhina bi-l-haram*) and have individually [enumerated] the causes [of that decline]. We have explained that these [accidents] appear in the dynastic state (*dawla*) naturally (*bi-l-ṭabʿ*) and that they all are natural aspects (*umūr ṭabīʿiyya*) of it. If decline [is something that] happens to the state by nature (*idhā kāna al-haram ṭabīʿiyyan fī al-dawla*), then it inevitably occurs in the same way as natural things, just like [phys-

152 Cf. Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 354–365. These pages refer to his chapter on the transformation of the caliphate into rule.

153 Maróth, "Aristoteles und Ibn Khaldūn," p. 406.

154 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 199.

> ical] decline affects the temper of living beings. Decline is a terminal disease that cannot be cured or reversed, because it is [something] natural, and natural things cannot change (*al-umūr al-ṭabīʿiyya lā tatabaddal*).[155]

Ibn al-Azraq appropriates Ibn Khaldūn's concept of a historical cycle governing the life of dynastic states. However, he rejects the latter's determinism and maintains instead that the state polity could persist if institutions are kept under supervision and just administrative practice according to Islamic normativity is enforced. Ibn al-Azraq gets out of the deterministic cycle by moralising Ibn Khaldūn's theses, turning the socio-economic mechanisms that the latter described as beyond the control of man into instructive explications of the consequences of good or poor administration, thereby breaking through Ibn Khaldūn's determinism.

This is exemplified by how Ibn al-Azraq reproduces Khaldūnian theses in his act of rule (*rukn*) titled, "Safeguarding Assets".[156] This *rukn* contains large portions of paraphrases from several Khaldūnian chapters, namely the one on "Taxation and the Reason for Low and High Tax Revenues,"[157] and the chapters titled "In the Later Years of Dynasties, Customs Duties are Levied,"[158] "Commercial Activity on the Part of the Ruler is Harmful to his Subjects and Ruinous to the Tax Revenue,"[159] and "Curtailment of the Allowances Given by the Ruler Implies Curtailment of the Tax Revenue."[160] The nucleus of Ibn Khaldūn's accounts is that at some point in the history of a state polity, the governing authorities inevitably increase the level of economic exploitation of their subjects in order to maintain their own lifestyle which, in turn, leads to the ruin of the civilisation. This he describes as a socio-economic mechanism beyond the control of man and which necessarily must come into effect. Reproducing these, however, Ibn al-Azraq interprets the Khaldūnian theses morally by way of presenting the latter's analysis of the reasons why assets decrease as evils (*āfa*) that occur once the sultan fails to retain a just administrative apparatus.[161] Ibn al-Azraq achieves this moral interpretation by providing additional titles and introductory phrases, such as "poor administration" (*sūʾ tadbīr*) or

155 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 503.
156 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 211–222.
157 See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 479–481. Rosenthal, *The Muqaddimah*, pp. 230–231.
158 See ibid. pp. 481–482. Rosenthal, *The Muqaddimah*, pp. 231–232.
159 See ibid. pp. 482–485. Rosenthal, *The Muqaddimah*, pp. 232–234.
160 See ibid. pp. 490–491. Rosenthal, *The Muqaddimah*, pp. 237–238.
161 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 212–217.

"warning" (*taḥdhīr*),[162] which result in a new evaluating layout of the underlying Khaldūnian text material.[163] This hermeneutical feat allows Ibn al-Azraq to integrate Ibn Khaldūn's detailed analysis of the socio-economic and socio-political basis of rulership into his own political theory and to render it viable for his Islamic normative prescription of how the supreme authority may prevent a decrease of assets in the state polity. He conveys his opinion that a dynastic state need not decline if its fiscal administration is practised in a just way.[164]

Another example of how Ibn al-Azraq applies this method is the *rukn* called "Increasing Economic Activity". Here, too, the *rukn* is largely built on Khaldūnian text material, but Ibn al-Azraq moralises Ibn Khaldūn's analysis.[165] In so doing, Ibn al-Azraq makes Ibn Khaldūn's thinking fit into his own overarching argument, and turns it into an instructive explication of the consequences of good or poor administration.

In light of the discussion presented above, I interpret Ibn al-Azraq's *BS* as a critique of Ibn Khaldūn's *Muqaddima*. While staying close to the text of his major literary source, the *Muqaddima*, Ibn al-Azraq proposes a contrary understanding of political rule and a contrary political theory. The historical circumstances of his time, a period marked by political turmoil that foreshadowed the fall of the Nasrid emirate of Granada, may have appeared to confirm Ibn Khaldūn's thesis of the inevitable disintegration of any state polity. Against this background, *BS* appears like a pamphlet deliberately set against the doomsday scenario concerning dynastic states which Ibn Khaldūn predicted in the *Muqaddima*.

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162 Ibid. pp. 212, 215 respectively.

163 See chapter 1.3.2. which treats Ibn al-Azraq's engagement with Khaldūnian text material and chapter 2.3.4.2. for a discussion of this *rukn*.

164 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 212–218.

165 See chapter 2.3.4.3. for a discussion of this *rukn*.

CHAPTER 2

Cornerstones of Ibn al-Azraq's Political Theory

Badāʾiʿ al-Silk is a voluminous work, as Ibn al-Azraq's self-proclaimed goal is to present a *summa*—in the sense of a quintessence—of the political philosophy of good rule in the Islamic tradition up to his time.[1] Over the course of approximately a thousand pages in the versions of the modern editions, Ibn al-Azraq addresses a vast range of questions pertaining to rulership. The current chapter directs its attention to the cornerstones of Ibn al-Azraq's political theory. It maps out his theory of state formation and state disintegration as well as his distinction of three categories of political rule. Furthermore, it examines major aspects of his ideal configuration of institutional rule (*arkān al-mulk*) and sheds light on the roles he ascribes to the government and military officals, as well as religious auhtorities, as participants in political leadership in the dynastic state regarding the continuance of the state polity.

2.1 State Formation and State Disintegration in Ibn al-Azraq's Political Thought

In the formation of dynastic states as explained by Ibn al-Azraq, *taghallub* (domination) is the central notion that accelerates the antagonism between Bedouin and urban population groups. The reader may be reminded that Bedouin population groups who shared group feeling wished to achieve increasing domination and coercion (*qahr*), which led them towards institutional rule and becoming urban, for *mulk* presented "the perfection (*kamāl*) of coercion and domination."[2] In this endeavour, group feeling (*ʿaṣabiyya*) is a necessary auxiliary factor without which a Bedouin social association does not achieve *mulk*.[3]

At a later stage, especially once the Bedouin population group achieved its goal and the polity was firmly established, the dynastic state could dispense with this group feeling because the army (*jund*) served as an equivalent and was sufficient to maintain a hold:

1 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 59.
2 Ibid. p. 133.
3 Ibid. pp. 71–72.

 | DOI:10.1163/9789004525047_004

> … *mulk* and large dynasties are only achieved through group feeling and vigour. [Group feeling] is expressed by the army (*jund*), where it serves as its equivalent. This is because achieving *mulk* is—first of all—based on gaining domination over [rule] through the coercion (*bi-qahr*) of the one who competes for it, because of the noble character of [its] rank (*manṣib*), and because it combines all the pleasures of the body and the soul. As it is said: *mulk* after [the rule of] Abū Laylā shall belong to the one who is victorious. Domination (*taghallub*) in itself is based on group feeling, because it induces mutual affection which leads to support and assistance. First of all, therefore, achieving *mulk* is absolutely and necessarily based on group feeling, because every matter to which people are mobilised does not succeed except through the sword and the spear, because it is in [people's] nature to disobey and resist leadership (lit. difficulty to submit), as has already been mentioned.[4]

Over time, the cost of the luxurious urban life of the ruling and governing authorities increases. Consequently, they increase financial pressure on their subjects in the form of taxes or through interferences in the market so as to support their own lifestyle. This may cause the state to disintegrate. Ibn al-Azraq explains the decline (*haram*) of a dynastic state as the result of the supreme authority's (*sulṭān*) failure to enforce administrative justice (*ʿadl*) through his governmental apparatus. But he also maintains that the dynastic state does not necessarily have to decline and that the disintegration could be halted, or reversed, through surveillance of the institutions and just administrative practice according to the terms of Islamic normativity (*sharʿ*).[5]

Ibn Khaldūn's *Muqaddima* is the main source for Ibn al-Azraq's account of the disintegraton of dynastical states. He takes up the theory of state disintegration as presented in the *Muqaddima* without major alterations. Thus, in *BS*, the emergence of new dynastic states once decline (*haram*) befalls an already existing dynastic state can take place in two ways. First, governors gain control over remote regions in which the dynastic state can no longer impose its rule. Each governor founds a new *mulk* which he hopes to pass on to his children or clients. However, a struggle for power erupts and lasts until the strongest gains the upper hand and takes away what the founder of the new *mulk* had initiated. This way of forming a new political entity does not lead to war, because the new rulers do not want to dominate the entire dynastic state. The dynastic state, in

4 Ibid. p. 132.

5 Ibid. pp. 211–239.

turn, is affected by decline and can no longer reach them. Second, some rebels revolt against the dynastic state, motivated either by a mission (*daʿwa*) for a particular cause or because they possess great force, with which they gain control of a dynastic state that is unable to defend itself as it is afflicted by decline. They keep attacking it until it is defeated.[6]

A new dynastic state usually overpowers a ruling one by perseverance rather than by sudden action. One reason is that the strength of each side is similar to that of the other which results in repeated wars with alternating success until the newly emerging dynastic state gains domination through perseverance. Another reason why the newly emerging polity requires persistence in overpowering an already established dynastic state is that obedience to the declining dynastic state is a necessity in the minds of the subjects. Such obedience is an obstacle to the claim of the founder of the new polity that discourages most of his followers. He has to fall back on patience and perseverance until they are victorious in their purpose. Moreover, the ruling dynastic state does everything to frighten its enemies. The subjects of the newly emerging polity are afraid to do battle against the ruling empire and thus are compelled to persevere, until the decline of the ruling dynastic state takes hold of its group feeling and fiscal matters. At that point, the newly emerging polity seizes the opportunity to overpower the ruling one.[7]

An existing dynastic state is stronger at its centre than in its border regions. When it reaches its furthest expansion, it becomes weak and unable to go any further. Once decline sets in, it begins to crumble in its border regions while its centre remains intact until God permits the destruction of the entire state, and the centre too is destroyed. But when a dynastic state is overrun from the centre, it is of no avail if the outlying areas remain intact; the centre is like the heart from which the spirit spreads.[8]

2.2 Ibn al-Azraq's Different Categories of Political Rule

The Andalusian supreme judge distinguishes three categories of political rule, namely *mulk* (institutional rule), *khilāfa* (caliphate, i.e. a divinely-instituted form of rule initiated by God through the Prophet Muhammad) and *riʾāsa* (segmental or local rule). The notion of a restraining force (*wāziʿ*) lies at the heart of each of these categories and signifies a normative authority that establishes

6 Ibid. pp. 145–147. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 510–511.

7 Ibid. p. 146. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 511–517.

8 Ibid. pp. 148–149. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 282–283.

order. In Bedouin social associations, the restraining force were the elders and leaders of tribes because of the great respect people had and the veneration they felt for them in their hearts. In urban social associations, the *wāziʿ* is the coercive authority (*sulṭān qāhir*) who exercises rule through a dominating dynastic state apparatus (*dawla ghāliba*).[9]

As described earlier, a rudimentary division into three categories was already to be found in Ibn Khaldūn's *Muqaddima*. Ibn al-Azraq takes up what existed rudimentarily in the *Muqaddima* and separates the various forms more clearly from one another, differentiating them further into sub-forms and discussing the conditions under which they exist.

2.2.1 *Institutional Rule* (Mulk)

In Ibn al-Azraq's argument for the necessity of political rule presented previously,[10] the term *mulk* is used in its primary meaning which may be rendered into English as "political rule." Another example of such usage is the phrase "*al-ṣulṭān al-ʿāṣim bi-qahr mulkihi*" (the supreme authority who protects through the coercion of his political rule).[11] In other instances, however, Ibn al-Azraq's usage of the term *mulk* goes further and connotes notions of statehood, or a state polity, especially when he uses *mulk* to signify a specific category of political rule opposed to others such as *khilāfa*. In order to retain the connotation of statehood, or state polity, this use of the term *mulk* is here rendered as "institutional rule."

The reader may remember that *ʿaṣabiyya* is the necessary precondition for a state polity to be called *mulk*. The restraining force (*wāziʿ*) in institutional rule is the coercive supreme authority (*sulṭān qāhir*). His domination over his subjects materialises through group feeling.[12] According to Ibn al-Azraq, institutional rule realises its true nature under the following conditions only:

> The [true] nature (*ḥaqīqa*) of this institution (*manṣib*) is only achieved by one who gains with his coercive hand—above which there appear no traces [of the hand of someone else than he]—enough power to dominate the subjects (*istiʿbād al-raʿiyya*), collect taxes (*jabāyāt al-amwāl*), send out [military or diplomatic] expeditions (*baʿth al-buʿūth*) and protect the frontier regions (*ḥimāyat al-thughūr*). [Any form of rule that] falls short of this is defective *mulk* (*nāqiṣ al-mulk*) in proportion to the degree of its failure [to carry out] these. In actual fact, there are two forms (*ṣūratān*):

9 Ibid. p. 75.
10 See chapter 1.3.3.
11 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 126.
12 Ibid. p. 75.

> The first of the two [is]: the failure [to accomplish] some of what has been mentioned. And this *mulk* is [deficient in the sense that it is] premature, not fully fledged (*ghayr tāmm*). […]
>
> The second [kind of deficiency]: the failure to beat the other [contenders for political rule] (lit. chopping off, *ḍarb*, the other hands), because group feeling is not strong enough to overcome all the other group feelings, and [as a consequence] there exists another hand (*yad*) above his own hand. Because of that, *mulk's* deficiency to realise its full nature becomes apparent. [Ibn Khaldūn] says: 'and these are like the emirs of distant provinces and tribal chiefs of [far-flung] regions who are [only] held together by a unified dynastic state (*dawla wāḥida*).'[13]

Thus, institutional rule achieves its true nature only when the supreme authority gains full domination in his realm over the four areas of subjects, taxation, expeditions and frontier protection. The first two describe internal political affairs while the latter two describe external political affairs of a polity. Institutional rule, however, could be defective in two ways. The present study interprets the first form of deficient institutional rule as Ibn al-Azraq's description of state polities in which the supreme authority is not the sovereign with regard to the internal and external affairs of his polity. As regards the second form, the present study interprets it as Ibn al-Azraq's description of vassal states or semi-autonomous regions within empires.

Ibn al-Azraq distinguishes three kinds of institutional rule and describes them in two passages, namely *mulk ṭabīʿī* (natural), *mulk siyāsī* (political) and *mulk dīnī* (follows Islam's normative principles):

> … and similarly neither is natural [institutional] rule (*al-mulk al-ṭabīʿī*), which is leading the subjects according to inclination and desire, because of [the supreme authority's] deviation and aggression in that [regard], and [his] leading [the subjects] to hasty destruction. […] Nor is political [institutional] rule (*al-mulk al-siyāsī*) like this, since this is leading the subjects according to rational reflection (*al-naẓar al-ʿaqlī*) for the sake of worldy interests (*maṣāliḥ*) and to ward off wrongdoing and harm (*mafāsid*), because it neglects to care for the matters of religion, and because it is vision lacking the divine light.[14]

13 Ibid. pp. 107–108. See Ibn Khaldūn, *Muqaddima*, vol. 1, p. 329.

14 Ibid. p. 93. Ibn al-Azraq took this differentiation from Ibn Khaldūn, who discusses the issue likewise, making the same distinctions. The difference between the two authors lies at a

Also:

> It was also mentioned that religious [institutional] rule (*al-mulk al-dīnī*) is classified (*mundaraj*) as *khilāfa* which is the deputyship of the Lawgiver to preserve religion and administer worldly [affairs] according to its terms (*al-niyāba ʿan al-shāriʿ fī ḥirāsat al-dīn wa-siyāsat al-dunyā bihi*).[15]

Ibn al-Azraq presents institutional rule that follows Islam's normative principles (*mulk dīnī*) as the unchallenged ideal from within the different kinds of institutional rule, because—according to him—it does not only provide earthly happiness but also leads to otherworldly bliss, thus fulfilling God's purpose in his creation.[16]

In Ibn al-Azraq's political thought, It is a legal obligation (*wājib*) to appoint a supreme authority.[17] The nature (*ḥaqīqa*) of this legal obligation is referred to the deputyship on behalf of the Lawgiver (meaning God, whether directly in the Quran or indirectly through the traditions and practices of the Prophet Muhammad, known as the *sunna*) to preserve religion and administer the world according to its terms. The reason for this was that God's purpose in creation was not only the world but also religion. In the framework of this deputyship, leading the subjects under his rule in this world and also taking care of their spiritual needs are the essential tasks of the coercive authority and central among the functions of his rule.[18]

As regards the preconditions for the office of the supreme authority, Ibn al-Azraq argues unequivocally that he must be male, free, adult, reasonable, display courage, be competent, and have physical and sensory integrity. Furthermore, a supreme authority must be able to enforce rule and should not be imprisoned or confused. It was permissible to accept a usurper whose behaviour was praiseworthy if he had been put under tutelage, without disobedience or disagreement. However, if the usurper was not praiseworthy, the original supreme authority must be supported against him until he finally regained independence, becoming the sole sovereign in his realm. Supporting the original *sulṭān* was only permissible if it did not lead to greater harm.[19] Thus,

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conceptual level; see chapter 1.3.3. of this book. And see Ibn Khaldūn, *Muqaddima*, vol. 1, p. 334.

15 Ibid. p. 199.

16 Ibid. p. 93.

17 Ibid. pp. 92–93.

18 Ibid. p. 93.

19 Ibid. pp. 94–95.

even the unpraiseworthy usurper could be acknowledged if supporting the original *sulṭān* endangered the existence of institutional rule as such.

Ibn al-Azraq's argument for the acceptance of an unpraiseworthy usurper reflects his view that the existence of *mulk*, i.e. the imposition of order, was to be exercised in every circumstance. This view becomes even more obvious in the remainder of his discussion of the preconditions for the office of the supreme authority. Essentially, he argues that all other preconditions voiced in the traditional discourse on the preconditions of the imamate could be dropped if they were impossible to fulfil. In just this fashion, Ibn al-Azraq argues that the *sulṭān* does not have to possess religious knowledge (*ʿilm*), because he could seek the advice of religious scholars in cases of serious problems. Likewise, the precondition of righteousness (*ʿadāla*) did not have to be fulfilled, because its lack was a lesser harm than the abolition of institutional rule.[20] Nor did the supreme authority necessarily have to be of Qurashite descent.[21] Regarding the last precondition discussed, Ibn al-Azraq argues that a single state polity covering the whole of the Islamic realm (*waḥdat al-imāma*) is not essential if it is impossible to realise. It is permissible to instal another ruler if the seat of the first ruler is too far away for his rule to be effective in remote areas.[22]

In his discussion of the preconditions for the office of the supreme authority, Ibn al-Azraq is more liberal than Ibn Khaldūn, who in his discussion of the preconditions argues that the four conditions of religious knowledge—righteousness, competence, physical integrity, and sensory integrity—must all be fulfilled. Ibn al-Azraq and Ibn Khaldūn both agree, however, that the precondition of Qurashite descent is not necessary.[23] Ibn al-Azraq's stance can be read as a plea for legal realism. Due to the reality of dynastic succession in his own lifetime, he might have accepted an individual supreme authority as a given in the political system and not a subject for serious discussion. Or he considered the appointment of a supreme authority and the preservation of the sultanate a higher priority than insisting on specific personal qualities in the ruler, given the political climate marked by turmoil in which he found himself.

Ibn al-Azraq applies terminology familiar from the traditional discourse on the preconditions of the imamate (*shurūṭ al-imāma*) such as *khalīfa*, *imām*,

20 Ibid. pp. 95–96.

21 Ibid. pp. 96–98. See chapter 3.1. for an elaboration on how Ibn al-Azraq discusses the preconditions of religious knowledge, righteousness and Qurashite descent by way of taking recourse to Islamic normative concepts.

22 Ibid. p. 98.

23 See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 339 and 343–344.

khilāfa and *imāma*.[24] This was a characteristic of Islamic political thought once the concept of sovereign local rule gradually took shape from the eleventh century onwards. Even though the Islamic normative ideal of a political authority invested in the caliph lost significance in favour of local rule as an independent institution of governance, the ideological significance of the caliphate survived and "the two paradigms of sultanate and caliphate were not neatly separated."[25] The distinction between sultanate and imamate could be erased by individual authors according to their prospects,[26] just as Ibn al-Azraq assigns the discourse on the preconditions of the imam—with its expressions imam, caliphate and imamate—to the office of the sultans, or the emirate, of his time.

2.2.2 *Caliphate* (Khilāfa)

In the pre-modern Islamic tradition, the term *mulk* is sometimes employed as a generic concept, according to which all monarchs—pre-Islamic, Islamic, and non-Islamic—are legitimate rulers on God's earth and belong to a single category regardless of their religious affiliation.[27] In Ibn al-Azraq's political thought, the caliphate appears as a historical specification of the generic concept of political rule. The caliphate existed at one time, but even though it is the idealised form of political rule in the Islamic community, it was transformed back into *mulk* over the course of time and is not the only form of rule that can serve mankind, as will be shown in this section.

According to the Andalusian supreme judge, the caliph is appointed as the deputy of the Lawgiver (*al-khalīfa nā'iban ʿan ṣāḥib al-sharʿ*) and therefore, in consideration of this deputyship, this category of political rule is called caliphate and imamate (*khilāfa wa-imāma*). The nature (*ḥāqiqa*) of the caliphate refers to the deputyship on behalf of the Prophet in preserving religion and administering the world according to its terms (*al-niyāba ʿan al-shāriʿ fī ḥifẓ al-dīn wa-siyāsat al-dunyā bihi*). Ibn al-Azraq argues that God intended not merely worldly life but religion, too, for his creation. Under the caliph, the subjects are led in this world, as well as to otherworldly bliss, which fulfils God's intention in his creation.[28]

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24 Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 1, pp. 92–98.

25 Stefan Leder, "Sultanic Rule," p. 98.

26 Ibid.

27 For an introductory study to the term "*mulk*" as a generic concept in the pre-Modern Islamic tradition, see Almut Höfert, "Königtum und imperiale Legitimation. Die facettenreiche Beziehung zwischen mulk und Kalifat," *Macht und Herrschaft transkulturell: Vormoderne Konfigurationen und Perspektiven der Forschung*, Matthias Becher, Stephan Conermann, Linda Dohmen (eds.), Bonn: Bonn University Press, 2018, pp. 163–198.

28 Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 1, p. 93. Cf. Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 334–335.

From among the scholars of *uṣūl al-fiqh* who tried to define the caliphate, according to Ibn al-Azraq the jurist al-Āmidī (d. 631/1233) provided the most correct definition:

> And he [al-Āmidī] settled [the scholars'] debates on the term (*lafẓ*) *imāma* [as follows]: It is the succession (*khilāfa*) of a person to the Prophet of God—may peace and salutations be upon him—in enforcing the sacred law (*sharʿ*) and preserving the [Muslim] community (*ḥifẓ al-milla*) in a way that obliges all people to follow him (*ʿalā wajh yūjib ittibāʿuhu jamīʿ al-nās*).[29]

In a subsequent *qultu* passage, he clarifies that subjects are obliged to obey the caliph even if he is unjust, because his injustice does not abolish the subject's obligation to submit.[30] Elsewhere, Ibn al-Azraq further specifies the obligation of obedience to the caliph when he writes that subjects are to follow the caliph as long as he, in turn, is not disobedient to God (*maʿṣiyat Allāh*).[31]

The distinguishing feature between the caliphate and institutional rule, in particular religious institutional rule (*mulk dīnī*), is the kind of restraining force that exists in them respectively. In the caliphate, religion, which is present in everyone, works as the restraining force.[32] In *mulk*, on the other hand, religion weakens as a restraining force and the need for other deterrents grows. Eventually, it becomes necessary for the supreme authority to exercise restraint through methods such as coercion and domination over desires and pleasures.[33]

The caliphate was initiated by divine intervention and existed at the beginning of the Islamic mission. Institutional rule had existed prior to the caliphate, and in Umayyad times, the caliphate began to revert gradually to institutional rule due to the nature of existence.[34] This transformation, however, does not violate God's purpose in initiating the caliphate:

> … that the caliphate (*khilāfa*) transformed (*inqilāb*) into *mulk*, the exposition of which we shall recount if God wills. [This transformation]

29 Ibid. p. 110.
30 Ibid.
31 Ibid. pp. 99–100.
32 Ibn Khaldūn argues similarly. See Ibn Khaldūn, *Muqaddima*, vol. 1, p. 364.
33 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 94, 115.
34 Ibid. pp. 114–116. This is a Khaldūnian thesis. Ibn Khaldūn, however, explains this transformation differently, cf. Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 354–355.

> occurred in accordance with the nature of existence (*bi-ḥasab ṭabīʿat al-wujūd*), [and so] does not violate the general intention (lit. what was intended, *quṣida*) of [the *caliphate*]. Rather, the need (*ḥāja*) for *mulk* derives from the highest levels of reflection on [rule] (*arfaʿ marātib al-iʿtibār bihi*).[35]

Here, Ibn al-Azraq argues that *mulk* fulfils the same purpose as the caliphate, namely the imposition of order and the administration of the world according to the terms of Islamic normativity. Hence, the transformation from the caliphate to *mulk* does not violate the divinely ordained order.[36] His line of argumentation reveals that the necessity to impose order is a priority over the institutional form within which political rule is exercised.

The view that the caliphate was not the obligatory form of Muslim rule and that there was no prescribed legal form for political rule in Islam had been developed in many different ways in Islamic law since the eleventh century. There existed, for example, a body of jurists who provided Islamic normative legitimacy for localised, non-universal forms of political rule.[37] Ibn al-Azraq builds on this tradition, reverting, however, to al-Shāṭibī's *maqāṣid* theory in combination with the concept of *iʿtibār* (sharia-sanctioned rational reflection on existing things), as will be shown in chapter three of this book.

In the transformation from *khilāfa* into *mulk*, Ibn al-Azraq distinguishes three stages. The first stage marks the period when the caliphate existed without rule (*wujūd al-khilāfa bi-dūn al-mulk*). At this stage, which basically describes the time of the four rightly-guided caliphs, the caliphate was free of *mulk* and refrained from the way of *mulk*. The caliphate could dispense with *mulk*, first, because of the predilection for the "truth" of the religion which people felt, and second, because the Bedouin traits of the community members were still fresh and supportive of the Islamic mission.[38] The second stage marks the period when the caliphate and *mulk* were mingled. This was when the Bedouin traits of the community members gradually disappeared and the nature of *mulk* emerged. At this stage, *mulk* finally gained superiority over the caliphate and prevailed, though still maintaining traits characteristic of the caliphate, such as upholding religion. This stage basically describes the period from the Umayyad caliph Muʿāwiya to the Umayyad caliph ʿAbd al-Malik. The

35 Ibid, p. 94.
36 For an extensive treatment of this passage, see chapter 3.2.2.
37 See for example Johansen, "A perfect law in an Imperfect Society", p. 276.
38 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 114.

third stage marks the period of complete transformation into pure *mulk*. The characteristic traits of the caliphate disappeared and only its name remained. Domination reached its uppermost limits and was employed by the ruler for vain purposes such as for the use of coercion and the arbitrary gratification of desires and pleasures. This stage began with the sons of the Umayyad caliph ʿAbd al-Malik. Subsequent caliphs remained caliphs in name, because the Arab group feeling continued to exist. Once the caliphate lost its characteristic, it simply became *mulk*. This was the case, for instance, with the non-Arab rulers in the East. They showed obedience to the caliph in order to enjoy the blessings involved in so doing, but *mulk* with all its titles and attributes belonged to the local rulers. The caliph had no share in them. The same happened with the local rulers in the West and East.[39]

Ibn Khaldūn's *Muqaddima* is the main source for Ibn al-Azraq's account of the transformation of the caliphate into *mulk*.[40] However, the latter divides the process described by Ibn Khaldūn into "three stages," and he provides definitions and section-headings. Thus, Ibn al-Azraq's account is much more static than Ibn Khaldūn's exposition of the transformation. Besides, Ibn al-Azraq provides *ḥadīth* sayings in the second and third stage as "proof" of the existence of the stages. In other words, he aims at describing the "factual occurrence" of the transformation in Islamic normative terms. This shows his concern for providing Islamic normative legitimacy for the alleged transformation in its gradual development. In contrast, Ibn Khaldūn describes the transformation according to his social theory, disregarding Islamic normative discourse.

2.2.3 *Segmental Rule* (Riʾāsa)

Segmental rule (*riʾāsa*) is the third category of political rule that Ibn al-Azraq distinguishes:

> … human social association necessarily requires a course (*siyāsa*) according to which its affairs are organised. As previously mentioned, a restraining force (*wāziʿ*) in [human society] is necessary, whether it be restraining people in accordance with a *siyāsa* that is based on revelation (*sharʿiyya*) or [a *siyāsa*] based on rational considerations (*ʿaqliyya*). In this case, his [segmental] rule (*riʾāsatihi*) is based on that, since it does not end in true [institutional] rule (*al-mulk al-ḥaqīqī*) due to not fulfilling its pre-

39 Ibid. pp. 115–116.

40 Cf. Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 354–365.

> condition. [Segmental] rule is therefore no less than [someone] who has command over a direction (*tamshiya*) according to which he guides those who are under his [segmental] rule. And, thus, he is called a chief (*raʾīs*).[41]

The reader may remember that according to Ibn al-Azraq, the precondition for political rule to be categorised as *mulk* and the distinguishing criterion between *mulk* and *riʾāsa* is that group feeling exists. If this is not the case, then rule is merely segmental rule. The text passage upon which Ibn al-Azraq develops his understanding of segmental rule is a strongly modified paraphrase of a text passage from Ibn Khaldūn's *Muqaddima*. The original Khaldūnian text appears in the chapter "Human civilization requires political leadership for its organization," which is an entirely different argumentative context, and is not treated from the point of view of discussing *riʾāsa* at all.[42] Thus Ibn al-Azraq conceptionalises a particular Khaldūnian passage in terms of segmental rule and titles it as such, contrary to what was intended in the *Muqaddima*.

As apparent in the above-cited passage, the notion of *siyāsa* is an essential element of Ibn al-Azraq's understanding of segmental rule. His usage of the term may be rendered into English most aptly by the words "course" or "direction." It refers to a framework of considerations, moral values, ethical norms, ordinances etc. within which political decision-making is practised.[43] The chief organises the affairs of those who are subject to his rule according to the terms of a certain *siyāsa*. This course could be based either on a revelation or on rational considerations. This kind of course presents for Ibn al-Azraq a distinguishing feature between two types of segmental rule, namely *riʾāsa sharʿiyya* (segmental rule in accordance with a revelation) and *riʾāsa ghayr sharʿiyya* (segmental rule not based on a revelation). This is how he defines the former:

> The first type: [segmental] rule based on revelation (*al-riʾāsa al-sharʿiyya*). It is commonly known that there exist two kinds of [segmental] rules of this [type]—as summarised based on Ibn Khaldūn's account (*kalām*). The first belongs to the Jews which is the *riʾāsa* [under] the Kohen, and the second [belongs] to the Christians, which is *riʾāsa* [under] the Pope.[44]

41 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 116.
42 Rosenthal, *The Muqaddimah*, pp. 256–257. See Ibn Ibn Khaldūn, *Muqaddima*, vol. 1, p. 519.
43 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 285–286.
44 Ibid. p. 117.

Ibn al-Azraq presents the Christian church hierarchies and the Jewish Kohen (early Jewish priests) structures as examples of segmental rule in accordance with a revelation. Subsequent to this passage, he provides a summary of church history and a brief history of the Jewish Kohen structures as examples of the sub-category of *riʾāsa sharʿiyya*. These, too, are modified text paraphrases from the *Muqaddima*; the original passages may be found in the Khaldūnian chapter whose title Rosenthal translates as "Remarks on the Words 'Pope' and 'Patriarch' in the Christian Religion and on the Word 'Kohen' Used by the Jews."[45] Yet, in the *Muqaddima*, Ibn Khaldūn does not conceive of these religious hierarchical structures as examples of *riʾāsa sharʿiyya*, nor does he conceive of these same structures among the Jews and the Christians in terms of segmental rule. Thus, conceptionalising Ibn Khaldūn's account of the Christians and the Jews in terms of *riʾāsa sharʿiyya* marks a hermeneutical endeavour on Ibn al-Azraq's part.

Ibn al-Azraq describes segmental rule that is not based on a revelation as follows:

> The second type: [segmental] rule that is not based on a revelation (*al-riʾāsa ghayr al-sharʿiyya*). Either, because of the lack of a religious [basis] (*ʿadam al-tadayyun*) in [such a kind of rule] as such, or because [such non-religion based forms of rule] are naturally established out of some need, without any consideration for whether they are in agreement or disagreement with the Lawgiver's intention, even if they do happen to conform with revelation [unintentionally]. It is evident that the imposition of this *riʾāsa* is short of *mulk*, as previously outlined. There are in actual fact numerous forms (*ṣuwar ʿadīda*) of this imposition [of *riʾāsa*]; but it is sufficient to confine [ourselves] to two:
>
> The first form (*al-ṣūra al-ūlā*) is when one man [rules] independently according to a course (*siyāsa*), due to some kind of domination (*taghallub*). [This rule is exercised] over those whom he has gained domination over, in order to organise their social association through guarding it by means of pushing and shoving. The existence [of this kind of rule] is evident in olden times and in the present.
>
> The second form is the setting up of a group from among the [tribal] elders who are [themselves] under the rule [of another man]. [This is done] in order to improve the administration of their affairs and the

45 See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 400–407. Rosenthal, *The Muqaddimah*, pp. 183–188.

> implementation of their welfare (*iqāmat maṣāliḥihim*). And this [kind of rule] existed with the Israelites (*Banū Isrāʾīl*) before the existence of *ʿaṣabiyya* which led them to domination—the goal of which is *mulk*, which they achieved later on. There are plenty of examples [like that of the Israelites] among other peoples. And God is All-Knowing and Most Wise.[46]

According to Ibn al-Azraq, many more forms of this second type of segmental rule exist than of the first. The examples that Ibn al-Azraq provides for the sub-category of *riʾāsa ghayr sharʿiyya* are not based on Khaldūnian text. This study interprets the first form he presents as describing some sort of rebel activity. It reminds one of al-Fārābī's imperfect constitutions, namely *madīnat al-taghallub* (city of domination).[47] However, its similarity is not based on a parallel wording in Ibn al-Azraq's and al-Fārābī's texts but on a similarity of concept or idea. Considering this similarity, Ibn al-Azraq's statement that in human social associations many forms of segmental rule exist that are not based on a religious law may be read as a reference to al-Fārābī's numerous imperfect constitutions. This, however, would require further investigation and must remain speculation for the time being. As regards the second form of *riʾāsa ghayr sharʿiyya*, this study interprets it as a description of tribal structures.

Ibn al-Azraq's notions of *riʾāsa sharʿiyya* and *riʾāsa ghayr sharʿiyya* are not found in Ibn Khaldūn's *Muqaddima*, nor are there conceptual equivalents for either form in the *Muqaddima*. I am not aware that the notion of *riʾāsa ghayr sharʿiyya* appears prior to Ibn al-Azraq. It is most likely that the Andalusian supreme judge developed this notion for the sake of theoretical completeness and, in his theorising of distinct types of segmental rule, he was most probably inspired by hitherto unidentified sources.

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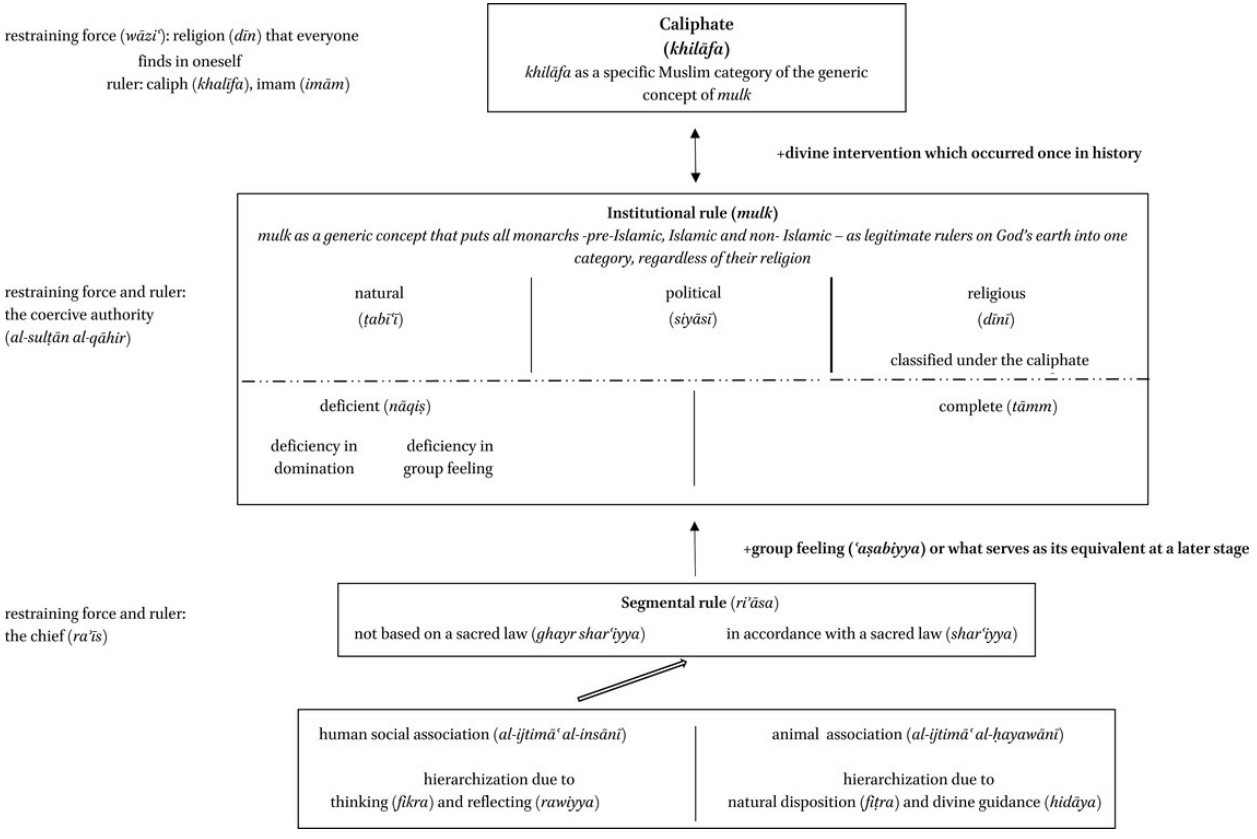
46 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 124–125.

47 Patricia Crone, "Al-Fārābī's Imperfect Constitutions," *Mélanges—The Greek Strand in Islamic Political Thought*, Maroun Aouad (et al.), Beirut: Université Saint-Joseph—Dar El-Mashreq, vol. LVII, 2004, pp. 191–228; here pp. 195 and 203–204.



The different categories of political rule in *Badāʾiʿ al-Silk* represented graphically

2.3 The Pillars of Institutional Rule (*Arkān al-Mulk*): The Government Officials, Religious Dignitaries, and Military Leaders as the Guardians of Continuity

The heart of Ibn al-Azraq's political theory is his depiction of an ideal configuration of institutional rule, and he devotes the largest portion of his voluminous treatise to it.[48] He describes functional and other internal differentiations of the state polity according to pillars (*rukn*, *arkān*). Within the framework of these differentiations, the supreme authority (*sulṭān*) cooperates in procedural manners, in theory at least, with a group of "stakeholders" of government and military officials, as well as religious dignitaries, with the aim of enforcing his rule in a given territory for a long time. The broader hypothesis running through the *arkān al-mulk* is that the dynastic state will continue as long as the supreme authority enforces administrative justice (*ʿadl*) through his governmental apparatus.

According to Ibn al-Azraq, the ruler, i.e. the supreme authority, performs acts (*afʿāl*) through which the institutional shaping (*ṣūra*, lit. form) of rule and its existence (*wujūd*) materialise.[49] He calls these acts the pillars of rule which describe the above-mentioned functional and other internal differentiations of the state polity. The Andalusian supreme judge distinguishes twenty pillars. I render his usage of *rukn* in that context as "acts of rule," aiming to retain the notion that these *arkān* signify acts:

TABLE 3 The twenty acts of rule according to Ibn al-Azraq

1. Appointing a Vizier (*naṣb al-wazīr*)
2. Implementing Islamic Normativity (*iqāmat al-sharīʿa*)
3. Keeping an Army (*iʿdād al-jund*)
4. Safeguarding Assets (*ḥifẓ al-māl*)
5. Increasing Economic Activity (*takthīr al-ʿimāra*)
6. Enforcing Justice (*iqāmat al-ʿadl*)
7. Filling Religious Positions (*tawliyat al-khiṭaṭ al-dīniyya*)
8. Filling Government Positions (*tartīb al-marātib al-sulṭāniyya*)
9. Supervision of the Political Course (*riʿāyat al-siyāsa*)
10. Consulting Knowledgeable and Experienced People (*mashwarat dhī al-raʾy wa-l-tajruba*)

48 See Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 183–497, continued in vol. 2, pp. 515–538.

49 Ibid. vol. 1, p. 185.

TABLE 3 The twenty acts of rule according to Ibn al-Azraq (*cont.*)

11. Offering Advice (*badhl al-naṣīḥa*)
12. Precepts of Government (*aḥkām al-tadbīr*)
13. Appointing Governors and Officials (*taqdīm al-wulāt wa-l-ʿummāl*)
14. Choosing the Inner Circle/Entourage and [other] Courtiers (*ittikhādh al-biṭāna wa-ahl al-bisāṭ*)
15. Organising the Council and its Etiquette (*tanẓīm al-majlis wa-ʿawā'idihi*)
16. Deciding when to Appear [to the crowd and the entourage] and when to Retire (*taqrīr al-ẓuhūr wa-l-iḥtijāb*)
17. Custody of the Elites and the Entourage (*riʿāyat al-khāṣṣa wa-l-biṭāna*)
18. Taking Care of Those Entitled to it or of Those Who are of Use [to the sultan] (*ẓuhūr al-ʿināya bi-man lahu ḥaqq aw fīhi manfaʿa*)
19. Compensation of Those Who were of Service [to the ruler] (*mukāfa'āt dhawī al-sawābiq*)
20. Eternalisation of the Glorious Deeds of the Ruler and his Memorable Achievements (*takhlīd mafākhir al-malik wa-ma'āthirihi*)

Ibn al-Azraq describes some acts of rule as essential (*ḍarūriyya*) and others as complementary (*kamāliyya*),[50] though without telling the reader explicitly which ones he considers essential and which complementary. However, he often indicates this indirectly, such as in the sixth act of rule, "Enforcing Justice": "it [enforcing justice] is the basis of all the acts of rule that preceded, and the foundation of their edifice."[51] In other instances, it is the force of the argument that indicates that Ibn al-Azraq considered an act of rule essential, such as in "Appointing a Vizier": "the authority—without doubt—needs the participation (*mushāraka*) of an aide (*muʿīn*) through which his sovereignty (*istiqlāluhu*) becomes complete."[52] Why he did not tell the reader explicitly which acts of rule he considered essential is a question that is difficult to answer. I interpret his silence on this point as further evidence of his concern for considerations of political reality and social change: to some extent, he leaves this question to his readers in their social contexts.

As will be discussed in chapter three, the terminology of "essential" and "complementary" is rooted in al-Shāṭibī's legal hermeneutics of *maqāṣid al-sharīʿa* (the aims of the sacred law). Al-Shāṭibī claims that the dependency of

50 Ibid.
51 Ibid. p. 232.
52 Ibid. p. 185.

these layers goes in one direction only: the preservation of necessities receives priority over complementaries.[53] This study interprets Ibn al-Azraq's employment of al-Shāṭibī's terminology when distinguishing the acts of rule as a means of formulating hierarchisation as well as the interconnectedness of the acts of rule. At the same time, flexibility is implied, as complementary acts of rule do not have to be carried out at the expense of "necessary" acts of rule.

The acts of rule differ strongly in terms of textuall structure and sources. While some acts of rule begin with introductions or premises (*muqaddimāt*) and continue with an enumeration of thematic units (*masā'il*), others are organised according to *maṭālib* (postulations) only, and others still are made up of an enumeration of *masā'il*.

The acts of rule differ not only in terms of their design but also regarding the sources which Ibn al-Azraq brings together in their treatment. While, for example, the fifth *rukn* titled "Increasing Economic Activity" is based almost entirely on Khaldūnian paraphrases, other acts of rule, such as "Appointing a Vizier," contain but few or marginal, indirect Khaldūnian references. Instead, the *rukn* titled "Appointing a Vizier" as well as the *rukn* "Keeping an Army" are largely built on the tradition of advice literature, Quranic verses, *ḥadīth* traditions and catalogues of ethical virtues. Ibn al-Azraq thus had eclectic recourse to his sources in theorising each act of rule.

In Ibn al-Azraq's political thought, the quality of implementing acts of rule derives from the character traits (*ṣifāt*) of the supreme authority.[54] He distinguishes twenty character traits from which the acts of rule of the supreme authority derive in the best way possible, with reasonableness (*'aql*) being the first and most important.[55] What stands out in Ibn al-Azraq's political thought, however, is that the character traits of the *sulṭān* are not defined as preconditions that need to be fulfilled and thus are not presented as significant factors in determining the question of the continuity of institutional rule.[56] He con-

53 See chapter 3.1. for a more elaborate discussion.

54 Ibn al-Azraq, *Badā'i' al-Silk*, vol. 1, p. 185.

55 Ibid. p. 401. *'aql* is followed by knowledge (*'ilm*), courage (*shajā'a*), continence (*'iffa*), generosity (*sakhā'*, *jūd*), clemency (*ḥilm*), controlling anger (*kaẓm al-ghayẓ*), forgiveness (*'afw*), friendliness (*rifq*), softness (*līn*), caution (*tathabbut*), keeping promises and agreement (*al-wafā' bi-l-wa'd wa-l-'ahd*), sincerity (*ṣidq*), not revealing secrets (*katm al-sirr*), determination (*ḥazm*), smartness and indifference (*dahā'*, *taghāful*), modesty (*tawāḍu'*), purity of heart from disdain and envy (*salāmat al-ṣadr min al-ḥaqr wa-l-ḥasad*), patience (*ṣabr*) and gratitude (*shukr*). See Ibn al-Azraq, *Badā'i' al-Silk*, vol. 1, pp. 398–497 and vol. 2, pp. 515–538.

56 For a different reading, see Isahak's *Ibn al-Azraq's Political Thought*. For Isahak, these are criteria that the ruler must possess, see pp. 68–76.

sidered the appointment of a supreme authority a legal obligation (*wājib*),[57] but his discussion of the preconditions for the candidate to the office of the supreme authority (*shurūṭ al-imāma*) gives priority to the existence of the sultanate and, hence, the imposition of order rather than particular ethical qualities.[58] His long elaboration of the character traits of the supreme authority in *BS* from which the quality of implementing acts of rule derives, appears as a rhetorical means to motivate ethical conduct on the part of the supreme authority.

Yet, while Ibn al-Azraq does not define ethical qualities as preconditions for the office of the supreme authority, he attaches high importance to the ethical qualities of the administrative and military apparatus and the procedural character of its practice. The ruler has to make considered choices when he fills the position of the vizierate and other positions in the army. Lists of preconditions and ethical qualities that the candidates for positions ought to fulfil serve as guidelines for the ruler in making a considered choice. Ibn al-Azraq's view connects political processes and individual spheres and implies that political leadership depends on the individual self-direction of the governmental and military officials: the one who leads himself in a moderate way is able to lead the masses in the same way. This could only be accomplished by those who had disciplined their human powers. Hence, in the final analysis, ethics constitutes the foundation of political intention and shapes the administration of the political system. By adhering to such an understanding of political rule, Ibn al-Azraq firmly belongs to a tradition that was widespread in medieval political Islamic thought, namely the continuation of the Platonic tradition, especially that of al-Fārābī and his students, which held that the state was led by a virtuous philosopher. This understanding of leadership entered various genres, most prominently Islamic advice literature,[59] or was conveyed in *uṣūl al-fiqh* literature traditions.

In his political thought, Ibn al-Azraq puts the government and military officials as well as religious dignitaries into a position in which mainly their ethical qualities, administrative practice and political conduct affect the fate of the dynastic state, especially in the later phases. It thus appears that he especially presents the government and military officials as the guardians of the continuity of the political system.

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57 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 92–93.

58 See chapter 2.2.1.

59 Georges Tamer, "Politisches Denken in pseudoplatonischen arabischen Schriften," *Mélanges—The Greek Strand in Islamic Political Thought*, Maroun Aouad (et al.), Beirut: Université Saint-Joseph—Dar El-Mashreq, vol. LVII, 2004, pp. 303–336; here pp. 323, 326.

Based on this, I read *BS* as a pamphlet in which Ibn al-Azraq expresses a critique of the political class of his time and its administrative practice. The Andalusian chief judge lived during the final period of the Nasrid emirate of Granada, a period marked by dramatic turmoil, family feuds, and frequent depositions and murders of rulers. The political climate in which Ibn al-Azraq found himself may have been the reason why he composed a political theory that presents in detail the relationship between just Islamic normative administrative practice and the continuity of a political system, and especially the role that the government officials, religious dignitaries and military leaders played in that regard. Yet, considering his commitment as a statesman and diplomat who, until his death, lobbied rulers in North Africa and Egypt for political and financial support to restore Andalusia,[60] I do not read *BS* as a desperate or cynical critique of the Granadan political class. Instead, I read it as a critique that aims to convey hope and provide a solution: if the ruling and governing officials just turned to the *sharīʿa* for guidance and allowed its regulative function to pervade political decision-making, and if the officials acted according to its tasks in relation to the common good and justice, Granada would not have to fall.[61] This might be the reason why he dedicates his treatise to rulers as well as to the ruled, as cited previously:

> I [Ibn al-Azraq] present with [*BS*] the one who was longing for this goal [...] be it the ruler (*amīr*) whose desire is true and evident, or the ruled (*maʾmūr*).[62]

With the term "ruled" (*maʾmūr*), Ibn al-Azraq does not address the subjects in the sense of farmers, artisans or merchants. Rather, he means the government officials, and the religious authorities and military leaders in a state polity, referring to the working classes mostly with the general term "flock" (*raʿiyya*). In his political thought, they do not play any role with regard to the question of the longevity of the political system, as Najāḥ Muḥsin observed in *Falāsifat al-Ḥukm wa-l-Idāra fī al-ʿAṣr al-Islāmī al-Wasīṭ*.[63]

Finally, before elaborating on major aspects of Ibn al-Azraq's ideal configuration of institutional rule in depth, I wish to address the question of which idea of history is implied by his critique, especially when compared to that of

60 On the historical context and on Ibn al-Azraq's professional functions, see chapter 1.1.

61 See chapter 3 for how Ibn al-Azraq anchors his political theory in a legal-ethical notion of common good.

62 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 59.

63 Muḥsin, *Falāsifat al-Ḥukm wa-l-Idāra*, pp. 217–266.

Ibn Khaldūn. The author of the *Muqaddima* proposed a cyclical idea of history, which was the reason for his determinism with regard to the rise and fall of dynastic states. In Ibn al-Azraq's *BS*, in contrast, history becomes an area of projection for the presentation of general principles pertaining to political rule. "Historical information" that Ibn al-Azraq reproduces from Ibn Khaldūn's *Muqaddima* conveys examples of exemplary and non-exemplary administration and government conduct. Thus, history illustrates examples of concepts and ideals of rulership. In this regard, Ibn al-Azraq firmly stands in the tradition of authors of advice literature and their conceptualisation of history.[64] With the role that Ibn al-Azraq ascribes to the political and military officials, as well as religious dignitaries, as the guardians of the continuity of institutional rule, especially in the later phases of a dynastic state, he implies that they are the ones whose political and governing conduct significantly shapes the course of history.[65] Ibn al-Azraq's idea of history is thus of a political history and a history of government, and not of a social history as it is in the *Muqaddima*.

2.3.1 *Forming an Administrative Apparatus*

The forming of an administrative apparatus presents a necessary act of rule. The term that Ibn al-Azraq uses to express the organisational and administrative aspects of political rule is *tadbīr*. This study renders Ibn al-Azraq's usage of *tadbīr* as "administration," which differs from his usage of the term *siyāsa*. In *BS*, *siyāsa* refers to a framework of considerations, moral values, ethical norms, legal ordinances, etc. within which political decision-making was practised.[66] Ibn al-Azraq's usage of *siyāsa* is here rendered as "course" or "direction."

According to Ibn al-Azraq, *tadbīr* presents the prop (*qiwām*) of institutional rule and preserves its existence. It is of such crucial importance to institutional rule (*mulk*) that it was futile to imagine one could dispense with an administration, even when things were going well.[67] The Andalusian supreme judge treats the formation of an administrative apparatus in three acts of rule. While he

64 See Marlow, "Advice and Advice literature," *Encyclopaedia of Islam, THREE*.

65 For a study that touches on this question regarding the *Muqaddima*, see Ursula Woköck, "Wer macht Geschichte nach Ibn Ḫaldūns Modell der Geschichtsschreibung?," *Der Islam. Zeitschrift für Geschichte und Kultur des islamischen Orients*, vol. 76 no. 2, 1999, pp. 253–284. Woköck observes that Ibn Khaldūn held that, especially in the later phases of a dynastic state, men in governmental positions are the ones who actually wield power rather than the ruler himself, see p. 278. However, Ibn Khaldūn does not go so far as to argue that this fact might actually change the course of history.

66 See Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 285–293.

67 Ibid. p. 322.

addresses the appointment of officials to religious positions in the seventh act of rule, he treats the appointment of officials to government positions in a distinct act, namely the eighth. Even though Ibn al-Azraq counts the appointment of a chief minister among the tasks of appointing officials to government positions, he treats it independently of the first act of rule because of the importance he ascribes to this position.

Ibn al-Azraq derives the necessity of appointing religious as well as government officials from the nature of the caliphate (*ḥaqīqat al-khilāfa*) which is the deputyship (*niyāba*) on behalf of the Lawgiver in preserving religion (*ḥifẓ al-dīn*) and directing the world according to its terms (*siyāsat al-dunyā bihi*).[68] He argues that in the Islamic community, *mulk* is classified (*mundaraj*) under the caliphate.[69] Since institutional rule follows the same objectives as the caliphate (*maqāṣid al-khilāfa*), it only fully materialises once officials are assigned to positions (*khiṭaṭ*) that enable them to carry out these objectives, each position relating to a particular function.[70] This argument implies that in terms of political administration, institutional rule is identical with the caliphate.

The sultan has to fill religious positions because it is impossible for the sultan to carry out the tasks related to these positions directly himself.[71] Confining himself to the religious posts still left in his time, he considers the most important ones to be: leading the prayer (*imāmat al-ṣalāt*), the office of mufti (*fatyā*), the office of religious teaching (*tadrīs*), the office of the judge (*qaḍā'*), the position of official witness (*'adāla*) as well as market supervision (*ḥisba*) and that of the mint (*sikka*). Ibn al-Azraq explains that some religious posts existed that disappeared when their tasks ceased to be relevant to the state polity. Yet other posts, originally counted among the religious ones, came to be included among the government posts, such as the emirate (*imāra*), the vizierate (*wizāra*), warfare (*ḥarb*), taxation (*kharāj*) and internal security (*shurṭa*).[72]

The supreme authority is supposed to appoint officials to government positions because he needs support from others (*al-isti'āna bi-ghayrihi*) in carrying the heavy load (*amr thaqīl*) of directing (*siyāsa*) those created by God and the servants He has entrusted the sultan to guard. The need to seek support is even more urgent because it implies the difficult task of "bearing hearts": "Bearing

68 Ibid p. 240.

69 For an introductory study of the term "*mulk*" in the pre-Modern Islamic tradition as an inherent element of the caliphate that also implies administrative and military-technical responsibilities, see Höfert, "Königtum und imperiale Legitimation", pp. 188–190.

70 Ibn al-Azraq, *Badā'i' al-Silk*, vol. 1, p. 240.

71 Ibid.

72 Ibid. pp. 240–265.

the moving away of mountains from their places is easier than bearing the hearts of men."[73]

Ibn al-Azraq distinguishes the support with which the government positions provide the sultan according to four criteria: opinion (*raʾy*), sword (*sayf*), pen (*qalam*) and keeping people from crowding the ruler (*ḥijāba*). All regnal and government posts are based on one of these four "instruments." To the highest ranks belong those officials who provide comprehensive support. Support in particular questions is considered the work of lower ranks, such as the military leadership of a border region or the administration of some special tax. The five most important government posts in the Islamic East, according to Ibn al-Azraq, are: the office of the doorkeeper (*ḥijāba*), the office of correspondence and writing (*kitāba*), the ministry of financial operations and taxation (*dīwān al-ʿamal wa-l-jibāna*), and inner security (*shurṭa*). The vizierate (*wizāra*), which Ibn al-Azraq treated independently in the first act of rule, is the fifth and most important government post.[74]

The vizierate as a government post represents the head of the administrative apparatus in Ibn al-Azraq's depiction of the ideal configuration of institutional rule. His argument for the necessity of appointing a vizier, in common with other government officials, is linked to the notion of supporting the sultan in carrying the burden of his reign. But the competences and functions of the vizierate extend further than those of other government posts: the vizier was supposed to participate (*mushāraka*) in ruling, because otherwise the sovereignty (*istiqlāl*) of the sultan could not be guaranteed.[75]

Ibn al-Azraq was keen to build the argument for the necessity of a vizier on a strong foundation, underpinning it with a Quranic verse: "Appoint for me of my folk a familiar (*wazīr*), Aaron, my brother; by him confirm my strength, and associate him with me in my task,"[76] as well as a *ḥadīth* that is attributed to the Prophet: "Verily in heaven I have two viziers and on earth two viziers; as regards to those in heaven, they are the angels Gabriel and Michael, and as to those on earth, they are Abū Bakr and ʿUmar."[77] He supplements the religious textual

73 Ibid. p. 266.

74 Ibid, p. 267.

75 Ibid. p. 185.

76 Quranic chapter *Ta Ha*, verse 29–32.

77 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 185–186. The *ḥadīth* that Ibn al-Azraq cites does not appear in the two *ṣaḥīḥ*-collections by al-Bukhārī and Muslim that emerged as epitomes of *ḥadīth* authenticity towards the end of the fifth/eleventh century, nor does it appear in the remainder of the six canonical *ḥadīth* collections. Ibn al-Azraq states that he cites the *ḥadīth* from al-Ḥakīm al-Tirmidhī's (d. 320/930) *Nawādir al-Uṣūl fī Maʿrifat Aḥādīth al-Rasūl* (The Unique Principles that emerge from the Knowledge of the Traditions of the

evidence with evidence from logic: it was simply impossible to imagine being able to dispense with participation because one could not obstruct what was natural.[78] In addition, Ibn al-Azraq supports his argument for the necessity of appointing a vizier with an argument from history. He gives the etymology of the term "vizier" and an institutional history of this office from several Islamic empires which he takes from Ibn Khaldūn's *Muqaddima*,[79] thereby conveying that the vizierate has a long and honourable tradition in Islamic empires.

Ibn al-Azraq places the office of the vizierate into a catalogue of necessary (*ḍarūriyya*) and complementary (*mukammila*)[80] ethical virtues (*faḍā'il nafsiyya*),[81] physical perfections (*kamālāt badaniyya*),[82] and appearance requirements (*sa'ādāt khārijiyya*).[83] These represent the ideal personality of a vizier, connecting the political and private spheres in his professional function. At the foundation of this ideal lay the Platonic understanding of leadership which argues that a leader derives his political intention, in accordance with which he fulfils his functions, from his ethical qualities and personal conduct (eudaimonia). As outlined earlier, this view of political leadership was widespread in medieval Islamic political thinking, especially in advice literature, and was conveyed in *uṣūl al-fiqh* literature traditions.

Messenger). Research in the online database *Maktaba Shamela* indicates that this *ḥadīth* was not widespread but appears in *tafsīr* (exegetical) literature or in advice literature.

78 Ibid. p. 186.

79 See ibid. pp. 189–191.

80 Ibn al-Azraq did not indicate which ones he considered necessary and which complementary.

81 He presented fifteen of these, namely (1) knowledge (*'ilm*) about the living environments of the subjects, the biographies of kings, the administration of leadership (*siyāsat al-ri'āsa*), the etiquettes of serving as well as knowledge about calligraphy, writing and accounting; (2) a high degree of discernment; (3) intelligence and cleverness; (4) great ability to memorise; (5) knowledge about taxation issues; (6) being mature in judgment and having experience; (7) patience in bearing what comes from his Sulṭān; (8) firm will to do what is necessary; (9) loving righteousness and hating injustice; (10) being compassionate in his treatment of his subjects; (11) continence; (12) purity of heart from wickedness; (13) good treatment in forgiving the subjects; (14) generosity; and finally, (15) tranquillity in temper and deeds. See Ibn al-Azraq, *Badā'i' al-Silk*, vol. 1, pp. 191–194.

82 He presented seven of these, namely (1) integrity of limbs; (2) a splendid face; (3) truthfulness of the tongue; (4) excellence in expression; (5) silence of the tongue; (6) heroism; and finally, (7) continence as to food and sexual activities. See ibid. p. 194.

83 He presented five of these, namely (1) being of honourable origin and noble family; (2) trustworthiness of his entourage; (3) pleasant clothing; (4) the disclosure of his dwelling to those with interests and needs so as to enable the vizier to listen to them and to feel their desolation and be patient with them even if he feels treated disrespectfully; (5) spending his days as well as his nights with beautiful thoughts and the prudent administration of governmental responsibilities. See ibid. pp. 194–195.

In the medieval political thought of the Islamic tradition, the meaning of the professional functions of an office was traditionally expressed in metaphors, especially when the question of power was implied. Ibn al-Azraq stands firmly in this tradition as he describes the functions and the several competences that the vizier holds with aphoristic wisdom sayings from advice literature. According to his description, the vizier as the head of the administrative apparatus embodies governance: "the vizier is support (*ʿawn*) in all matters, a companion (*sharīk*) in administration (*tadbīr*), a backbone in direction (*ẓahr ʿalā al-siyāsa*)."[84]

The vizierate guarantees the running of the state polity under any circumstances because it continues the tasks of rule even when "the sultan takes a rest from the pains of tiredness."[85] Besides, it enables the sultan to interact with his surroundings: "the vizier is to the ruler like his hearing, his sight, his tongue, and his heart,"[86] and occupies an intermediary function in that it relates the condition of the state polity to the ruler: "the vizier is to the kingdom (*mamlaka*) like the mirror for sight. Just as the one who does not look into the mirror cannot see the beauty of his face or its deficiencies, the sultan, if he does not have a vizier, can neither see the beauty of his empire (*dawla*), nor its deficiencies."[87]

In various metaphors, Ibn al-Azraq expresses that the vizierate supports the representation of power.[88] However, to put the professional functions of the vizierate into effect, Ibn al-Azraq argues, the vizierate has to be reinforced by a culture of veneration and the right choice of person.[89] This facilitates the building of the authority of the vizierate, thereby strengthening the ability of the government apparatus to carry out and implement its tasks. An inefficient or even corrupt vizier has wide-ranging consequences for the entire state polity since contrary mediation (*al-wasāṭa bi-naqīḍihā*) between the sultan and the subjects undermines the administration and brings about destruction:

> The sultan is like the physician, and the subjects are like the patients, while the vizier is like the emissary [who travels] between the physicians and the patients. Consequently, if the emissary lies, [the sultan's] administration (*tadbīr*) is ineffective. Likewise, if the emissary wants to kill one of the patients, he gives a description of the antidote to the physician

84 Ibid. p. 196.
85 Ibid.
86 Ibid. p. 195.
87 Ibid.
88 Ibid pp. 195–197.
89 Ibid. p. 186.

> [that is] opposite [to the one required]. Then, when the physician gives [the antidote to the patient], according to the description [provided by] the emissary, the sick [person] dies. Likewise, if the vizier tells the ruler what is not the case regarding [a particular] man, [the ruler] will kill [that man].[90]

Ibn al-Azraq presents the right choice of person for the vizierate as an issue of great importance also in other terms. On the one hand, it has an impact on the political credibility of the sultan as it reflects his decision-making abilities and, ultimately, the sultan's authority over his subjects.[91] On the other hand, it sets an example in terms of moral standards; not individual values, but a general political culture that seeps through the whole administrative apparatus:

> ... the righteousness (*ṣalāḥ*) of the vizier [derives] by necessity from the righteousness of his entourage and his aides, since the righteousness of everyone who has an entourage is based on [the latter's] righteousness [...]. Al-Ṭurṭūshī says: The evil of the emirs [comes about from those] who have evil viziers, an evil entourage and evil aides.[92]

The morality of the vizier also touches the subjects and determines the condition of the state polity as a whole:

> The righteousness and depravity (*fasāduhu*) of the sultan are necessary concomitants of the righteousness and depravity of the vizier. [On this, scholars] have said: The position of the vizier in relation to the ruler (*malik*) is the same as the position of the latter with regards to his subjects. Similarly, therefore, if the sultan acts righteously (*ṣalaḥa*), the subjects [also] act righteously, while if the sultan is depraved (*fasada*), [his subjects] will [also] be depraved. Likewise with the vizier: if he acts righteously, the ruler will act righteously, while if he is depraved, the ruler will [also] be depraved. [Thus,] I say: if the righteousness of the subjects depends on the righteousness of the sultan, and the righteousness of the sultan depends on the righteousness of the vizier, then of necessity the righteousness of the subjects depends on the righteousness of the vizier. The same applies vice versa. Consequently, Plato said: the obedience

90 Ibid. p. 189.
91 Ibid. p. 187.
92 Ibid. p. 188.

(*ṭāʿa*) of the subjects depends on the virtue of the ministers (*sadād al-wuzarāʾ*).[93]

The most important duty of the vizier is giving sincere advice (*khulūṣ al-naṣīḥa*). He defines advice giving as an act of righteousness (*fiʿl mā fīhi al-ṣalāḥ*) within a framework in which the vizier does his utmost and the best of which he is capable.[94] In Ibn al-Azraq's political thought, the vizier's advice giving serves as a channel through which political decision-making should pass because it fulfils corrective and controlling functions: "the truths behind things become clearer [to the sultan] through advice"[95] and because it provides an illuminating function by increasing "the supreme authority's reasonableness (*ʿaql*) and awareness (*idrāk*) of matters."[96]

The vizier is assigned to agree, or to disagree, with the interest of the sultan: "No one gives advice to the ruler in the utmost interest of the kingdom except his vizier, because he shows him the consequences, and opposes him in issues that go against the right [direction]."[97] Ibn al-Azraq puts the advice giving of the vizier on a strong foundation. First, he clarifies that consulting his vizier is not left to the goodwill of the sultan. Rather, the vizier is assigned to be consulted and gives advice by virtue of the office of vizierate.[98] Second, Ibn al-Azraq argues that the vizier is entitled to be supported in implementing his political will, because opposing the vizier means missing out on the benefit of his opinion and destroying the goal of the vizierate. Working against the vizier means serious wrongdoing (*fasād kabīr*).[99]

At the same time, Ibn al-Azraq points out that the advice giving position of the vizier creates prerogatives and opportunities for exerting influence on the supreme authority: "And since the bridles of the rulers are in the hands of the viziers, it is said: do not get spurred on by the friendship of the emir, if the vizier deceives you. And if the vizier loves you, do not fear the emir."[100] He adds: "Verily, the sultan is like the house and the vizier its door. The one who approaches the house through the door enters it. And the one who does not approach the house through the door disturbs it."[101]

93 Ibid. pp. 187–188.
94 Ibid. p. 188.
95 Ibid. p. 196.
96 Ibid. p. 197.
97 Ibid. pp. 196–197.
98 Ibid. p. 197.
99 Ibid.
100 Ibid. p. 189.
101 Ibid.

The sultan should test the mind of his adviser through consultation.[102] Yet he should remain on good terms with him, because hearts become more conversant through consultation.[103] This notion of using consultation primarily for the purpose of harmony is a widespread theme in medieval Islamic *tafsīr*-literature.[104]

This portrayal of Ibn al-Azraq's notion of the vizierate shows that Ibn al-Azraq explicitly ascribes total power to the supreme authority in the *arkān al-mulk* in exercising rule over officials and subjects. But tacitly, the *rukn* "Appointing a Vizier" describes a relationship of mutual dependence between the sultan and the vizier as the head of the administrative apparatus, without whom the sovereignty of the sultan does not manifest. He presents this *rukn* as a counterbalance to the power of the sultan that narrows the margin of authoritarian sultanic decision making. On the other hand, the role he ascribes to the vizierate as the head of the administrative apparatus in his ideal configuration of institutional rule creates prerogatives and opportunities for exerting influence on the supreme authority. Therefore, the vizierate, in turn, has to be reined in by a friendly but sceptically distanced relationship between the supreme authority and the vizierate as the head of the administrative apparatus. In that regard, the supreme authority and the administrative apparatus present some sort of "checks and balances" for each other, and in this relationship of mutual dependence, consultation represents the tool for mutual control.

2.3.2 *Consultation* (Mashwara) *and Advice Giving* (Naṣīḥa)*: Regulative Habitual Institutions*

Advice giving is not only the most important professional function of the vizierate. Ibn al-Azraq reminds the reader of *BS* repeatedly that other government and military officials, as well as religious authorities, are assigned so as to be consulted and give advice. In the Andalusian supreme judge's political thought, consultation (*mashwara*) and advice giving (*naṣīḥa*) represent some sort of participative leadership structures on which he elaborates in two acts of rule, namely the *rukns* titled "Consulting Knowledgeable and Experienced People" (*mashwarat dhawī al-raʾy wa-l-tajruba*)[105] and "Offering Advice" (*badhl al-naṣīḥa*).[106]

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102 Ibid. p. 198.
103 Ibid.
104 Badry, *Die zeitgenössische Diskussion um den islamischen Beratungsgedanken*, pp. 68–81.
105 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 294–312.
106 Ibid. pp. 313–321.

In medieval Islamic literature, the terms *mashwara*/*istishāra* and *naṣīḥa*/*nuṣḥ* were linked to two different connotations. While the first pair of terms tended to emphasise the politico-pragmatic or professional ethical aspect, i.e. advice in the sense of an expert opinion or guidance in making decisions, the second emphasised the religio-moral aspect, i.e. advice in the sense of a reminder or solicitation. The differentiation between the two terms was most noticeable in relatively late authors, such as al-Ṭurṭūshī and Ibn al-Azraq,[107] who devotes an independent act of rule to each notion.

Roswitha Badry distinguishes two main tendencies with regard to the concept of giving counsel in medieval Islamic literature. First, there is a concept that gives priority to religious law as the framework for consultation and religious scholars as advisers. Here, advice primarily becomes a tool for implementing the sacred law. The most prominent advocate of such a concept of consultation is Ibn Taymiyya. From the perspective of his all-embracing concern to implement sacred law, he argues that the ruler was responsible for following only the advice of advisers that was based on sacred law. The second concept of consultation is more pragmatic, in that it assigns more weight to the notion of debate among experts. *Mashwara* is primarily seen as a decision-making tool in implementing regulations. *Realpolitik* and pragmatism are in accordance with normative and religio-legal regulations. Badry counts Ibn al-Azraq's understanding of giving counsel as belonging to the second kind,[108] a reading this study shares.

Ibn al-Azraq singles out the significance of consultation in any state polity by referring to the philosophers who count it among "the bases of a kingdom and the foundations of a sultanate. Rulers (*ra'īs*) as well as the ruled (*mar'ūs*) were in need of it."[109] Citing Ibn al-ʿArabī (d. 638/1240), Ibn al-Azraq provides an additional definition of consultation that emphasises its status in religion and presents advice giving as a tool for testing the minds of the consultants:

> Ibn al-ʿArabī said: consultation (*al-mushāwara*) is the foundation of the [Muslim] faith (*aṣl al-dīn*) and God's normative practice (*sunnat Allāh*), [which is established by His Prophet] in the worlds. [This normative practice] is a claim (*ḥaqq*) that is incumbent upon every person [from God's] creation [to follow], from the Messenger [Muhammad] to the lowliest person after him, in accordance with his rank. [Consultation] is the join-

107 Badry, *Die zeitgenössische Diskussion um den islamischen Beratungsgedanken*, pp. 55, 66.
108 Ibid. p. 186.
109 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 294.

> ing together [in dealing with] a matter (*ijtimāʿ ʿalā amr*) in order to consult each person regarding his view [on this matter]. […] In my view, the [true] nature (*ḥaqīqa*) [of consultation] is to test each person's opinion and to extract (*al-istikhrāj*) everyone's [virtues].[110]

Ibn al-Azraq further argues that consultation is based on Islamic normativity (*mashrūʿiyya*) and he provides textual evidence for his point of view in terms of Quranic verses "their affair being counsel between them," and "take counsel with them in the affair."[111] In order to put his argument on a firm foundation, Ibn al-Azraq provides underlying reasons (*ḥikma*) why consultation is in conformity with Islamic normativity. These reasons describe a set of functional aspects: for example, the advice-seeker is saved from regretting having acted independently on an opinion which subsequently turns out to be erroneous.[112] Consultation also helps to decide the right course and increases the level of reasonableness.[113] It is a means of seeking support in administration at times when the task of governing is insufficiently executed. Moreover, it grants compassion and blessings and is the proof of divine guidance and appropriateness.[114] Ibn al-Azraq's account of the functional aspects highlights the strategic functions of counsel and presents it as a tool for skilled and considered decision-making. Besides, his account emphasises that consultation ultimately aims at double-checking and containing a sultan's despotic behaviour. Such lists of the functional aspects of consultation were a common element of the repertoire of works of advice literature.[115] Ibn al-Azraq, however, performed a hermeneutical feat that construed these functional aspects as underlying reasons for the conformity of consultation with Islamic normativity.

Various genres of medieval Islamic literature discussed the precise Islamic normative status of a sultan seeking consultation—namely whether it was obligatory or merely recommended.[116] Ibn al-Azraq does not engage with this question. The reason why he does not specify the status of a sultan seeking consultation is probably that he assumes the existence of the sultanate to be a top priority.[117] He avoids providing arguments that could have been used to

110 Ibid.

111 Ibid. pp. 294–295. The first Quranic verse is from the *sūra* titled "*Shūrā*" (Counsel), verse 38; the second from "*Āl ʿImrān*" (the House of Imran), verse 153.

112 Ibid. p. 295.

113 Ibid.

114 Ibid p. 296.

115 Badry, *Die zeitgenössische Diskussion um den islamischen Beratungsgedanken*, pp. 83, 88.

116 Ibid. pp. 91–104.

117 See chapter 2.2.1. for further elaboration.

delegitimise rulers as, for example, al-Qurṭubī (d. 671/1272) had done. In his commentary on the Quran, the latter quoted the Granadan jurist and Quran commentator Ibn ʿAṭiyya (d. 542/1147–1148) who counted consultation among the principles of the sacred law and the revealed ordinances. He thus held that the deposition of a ruler who did not consult experts was obligatory.[118] Ibn al-Azraq, however, holds that seeking counsel is not an individual duty but a collective one: if some performed it, others had no need to.[119]

While Ibn al-Azraq refrains from specifying the legal status of a supreme authority seeking consultation, he strongly argues for the binding character of consultation: it is the task (*waẓīfa*) of the consultation seeker to accept (*qubūl*) the counsel.[120] That Ibn al-Azraq regards the result of the consultation as binding, Badry argues, is particularly noteworthy, since in advice literature, in theory, the decision-making structures result from the non-binding character of the advice that is given.[121]

Ibn al-Azraq argues that a demand for consultation exists in all population groups but consultation is more pressing for the ruling and governing authorities such as the sultan, the judge or others who are in charge of the matters of their subjects.[122] Unlike many works of advice literature, Ibn al-Azraq does not specify the time and place of consultation. Besides, the areas in which seeking and receiving counsel may be practised are, even in advice literature, sometimes confined to, for example, military matters or religious worship.[123] Ibn al-Azraq, on the contrary, holds that consultation can be practised in any worldly or religious matter.[124]

As regards the modus operandi of consultation, Ibn al-Azraq presents it as a procedural pattern of behaviour and action.[125] He painstakingly describes the details of the procedure, distinguishing between the duties (*waẓīfa*) that

118 Badry, *Die zeitgenössische Diskussion um den islamischen Beratungsgedanken*, pp. 91–92.

119 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 297.

120 Ibid. p. 307.

121 See Badry, *Die zeitgenössische Diskussion um den islamischen Beratungsgedanken*, p. 185.

122 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 297–298.

123 See Badry, *Die zeitgenössische Diskussion um den islamischen Beratungsgedanken*, pp. 104–138.

124 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 306–307.

125 The following exposition refers to the *rukn* titled "Consulting Knowledgeable and Experienced People" (*mashwarat dhawī al-raʾy wa-l-tajruba*). But it also applies to the act of rule "Offering Advice" (*badhl al-naṣīḥa*), where, likewise, advice giving is presented as procedural pattern of behaviour and action. The content of both *rukns* overlaps. In order to avoid repetition, the account of the procedure of consultation only as described in "Consulting Knowledgeable and Experienced People" has been treated. However, the findings equally apply to the *rukn* "Offering Advice."

the advice-seeker (*mustashīr*) had to accept, the preconditions that the adviser (*mustashār*) had to fulfil, the number of participants, the issues on which one could practice consultation, and the duties that resulted from consultation. He even distinguishes the procedural differences that existed for rulers (*ra'īs*) who sought advice and the ruled (*mar'ūs*).[126] Due to its strictly procedural character, Ibn al-Azraq's notion of consultation refers to a "regulative habitual institution."[127]

Ibn al-Azraq defines the advice-seeker as someone who aims at an objective that concerns him.[128] In general, the advice-seeker is supposed to be sincere and not conceal anything about his intention. He is not to leave out anything regarding the issue for which he is seeking advice, be it a benefit or a harm. Furthermore, he should not request permission from the person of whom he asks advice, as requesting permission contains the risk of passions becoming mingled. He should also approach more than one person in order to be able to trust the opinion received. And, finally, the advice-seeker is asked to behave modestly, without appearing superior to the adviser. Insight comes to him only if he humbles himself in seeking guidance, even if he is the great sultan himself.[129]

In the case of the sultan, the most important point is that he should choose appropriate people as advisers who have expertise in the issue in question.[130] Ibn al-Azraq states that a large number of advisers from among the government apparatus are available to the sultan and emphasises that they were specifically assigned to be consulted, and thus function as advisers by virtue of their offices. If the sultan encounters a problem, he is supposed to consult his companions and the generals of his army who are experienced in giving advice. He should consult them in matters of war and its strategy, and not rely on the opinion of one person only. Finally, he should reveal which opinion he chooses after consultation and act accordingly.[131] However, he is obliged to be cautious not to act on the opinions of those who are not expert on a given issue.[132]

The adviser is supposed to give elaborate advice and use his mind in presenting the kernel of his advice.[133] Ibn al-Azraq anchors the profession of advisers

126 Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 1, pp. 297–312.
127 This expression was coined by Stefan Leder; see "Sultanic Rule," pp. 94–95.
128 Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 1, p. 297.
129 Ibid. p. 298.
130 Ibid. p. 299.
131 Ibid.
132 Ibid. p. 300.
133 Ibid. p. 304.

in a catalogue of preconditions and duties. While his list of the twelve qualities that advisers are supposed to have is largely based on al-Māwardī's *Adab al-Dunyā wa-l-Dīn*, a work of advice literature, Ibn al-Azraq expanded it.[134] The adviser is supposed to have the following qualities: (1) great discernment through long-standing experience, cleverness and intelligence, (2) religion and fear of God, (3) love that leads to sincere advice, (4) integrity of mind from troubles in which he might find himself, and (5) freedom from worries regarding the issue on which advice is sought, and without any vested interests that could influence his advice. He should also (6) combine knowledge and practical experience of the issue on which advice is sought, (7) be of the same status as the advice-seeker, (8) conceal secrets which he has heard, (9) not be envious, (10) not feel committed to giving advice that would harm him or a person dear to him, (11) be free of vices such as greed, cowardice and avarice, and finally, (12) choose the middle way between good fortune and bad luck. The following traits, on the other hand, do not prevent someone from becoming a competent adviser, namely (1) lethargy and baseness, and (2) youth, because he may surpass the middle-aged and the elder in his understanding of what is correct.[135] In advice literature, there is a vast range of opinions about the involvement of young people.[136]

The five duties incumbent upon the advice-giver are: (1) to do his utmost to provide guidance, (2) to do his utmost to prevent error, (3) not to sink into emotions that might affect his judgement, (4) to advise amicably on the issue and not advise to impose a punishing obligation, and finally (5) to give advice only if the ruler asks for it so that he will be prepared to accept it.[137]

The process of consultation should be reinforced by a culture of committing to its binding character on the part of both participants, and also by acknowledging the flawed nature of all human decision making.[138] The advice-seeker should not become overbearing towards those whose opinion proved to be wrong. The adviser who advised correctly, in turn, is supposed to be humble and acknowledge God's grace and guidance. Displaying arrogant behaviour towards the advice-seeker is committing a wrong.[139] Most importantly, both sides are supposed to commit to the binding character of consultation and to implement the decisions that are its result; otherwise, the process of consultation

134 Badry, *Die zeitgenössische Diskussion um den islamischen Beratungsgedanken*, pp. 138–139.
135 Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 1, pp. 300–303.
136 Badry, *Die zeitgenössische Diskussion um den islamischen Beratungsgedanken*, pp. 138–139.
137 Ibn al-Azraq, *Badā'iʿ al-Silk*, vol. 1, pp. 304–305.
138 Ibid. pp. 307–308.
139 Ibid. p. 306.

is undermined. At the same time, rather than putting actions into effect prematurely, they should be deliberate and resolute. After the consultation, the advice-seeker should not turn towards speculation, such as astrology or fortune telling, both of which Ibn al-Azraq condemns.[140]

Ibn al-Azraq's notion of consultation as a "regulative habitual institution" presents a counterbalance to the power of the ruler, limiting the extent of authoritarian rule and the risk of wayward action on the ruler's part through a political culture of responsiveness and inclusiveness. In order for consultation to fulfil its role as a tool for correcting and controlling political decision making, Ibn al-Azraq promotes a strictly procedural character. The procedural details that Ibn al-Azraq describes serve to increase the efficiency of consultation by way of detaching it from emotionality and creating clearness. Moreover, consultation minimises the risk of flawed decision making and allows for the incorporation of expert knowledge.

2.3.3 *Implementing Islamic Normativity* (Iqāmat al-Sharīʿa)

Ibn al-Azraq establishes the necessity of implementing Islamic normativity in institutional rule in a twofold manner. First, he argues that God intended not only simple worldly existence in his creation but also religion, leading human beings to otherworldly bliss.[141] The sacred laws (*sharāʾiʿ*) remind people of the return of souls to the upper world, even in the natural rule (*mulk ṭabīʿī*) of human social associations. Second, the necessity of implementing Islamic normativity derives from the legacy of the caliphate. Institutional rule that follows Islam's normative principles (*mulk dīnī*) is classified as *khilāfa* and the responsibility of the caliphate is to protect religion (*ḥirāsat al-dīn*) and direct the world in accordance with its terms (*siyāsat al-dunyā bihi*).[142] With this view, Ibn al-Azraq stands firmly with the essentials of the jurists' discourse on political rule in the late medieval Islamic tradition, holding that rulers act as guardians of Islamic normativity, just as the caliphs had done earlier; this is the foundation of the religious legitimacy of sultanic rulers.[143]

In the act of rule titled "Implementing Islamic Normativity," Ibn al-Azraq does not address questions of religious law nor the structures of religious institutional hierarchies. Instead, in this *rukn* he elaborates on the socio-political effects of implementing Islamic normativity on the state polity. The hypothesis

140 Ibid. pp. 307–312.

141 Ibid. p. 199.

142 Ibid. p. 199.

143 For the essentials of the jusrists' discourse on political rule, see Wael Hallaq, Sharīʿa: *Theory, Practice, Transformations*, Cambridge: Cambridge University Press, 2009, pp. 198–200.

is that the religious authorities implement sacred law with its sociological function of regulating and stabilising certain interhuman relations and prohibiting transgressions. They thus support the continuity of institutional rule. Ibn al-Azraq discusses these sociological functions in terms of three categories of incentives (*uṣūl*), namely encouragements (*targhīb*), threats (*tarhīb*) and the five major legal assets (*kulliyyāt*). He expresses the first two incentives in terms of the traditions of advice literature, arguing for example that Islamic normativity "satisfies the subjects (*irḍā' al-khalq*) and arbitrates aggressions (*inzāl al-sākhiṭ minhum manzilata al-rāḍī*)."[144] However, if Islamic normativity is not implemented, iniquity spreads among all population groups.[145] Implementing Islamic normativity was proof that the sultan truly deserved to be leader, because the desire to acquire praiseworthy qualities is among the signs for the qualification of leadership and rule: "Any ruler who makes his rule serve religion deserves leadership. And any ruler who makes religion serve his rule is despising its law (*nāmūs*) and whoever despises the law will be killed by it."[146]

In his elaboration of the third incentive, Ibn al-Azraq turns from a rather functional understanding of the sociological effects of Islamic normativity to a legal hermeneutical conceptualisation of them. He explains that Islamic normativity protects the five major legal assets (*kulliyyāt*) which, in turn, strengthen the foundation of political rule. These are the five necessary legal assets (*ḍarūriyyāt khams*) of religion (*dīn*), soul (*nafs*), intellect (*ʿaql*), progeny (*nasl*) and property (*māl*). All sacred laws agree to supervise these five precepts. Ibn al-Azraq comments that some legal scholars add honour (*ʿirḍ*) to these five.[147] Chapter three of this study discusses at great length the influence of the Andalusian jurist al-Shāṭibī on Ibn al-Azraq. It will suffice here to hint that his influence shows in this passage, too. It was al-Shāṭibī who proposed that Muslims as well as other religious communities agreed that all sacred laws were laid down for the preservation of the five *ḍarūriyyāt* mentioned above.[148] In his own account, Ibn al-Azraq takes up al-Shāṭibī's line of argument by claiming that if the necessities were abandoned, from the perspective

144 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 200.

145 Ibid.

146 Ibid. pp. 199–200.

147 Ibid. pp. 201–202.

148 In the *al-Muwāfaqāt*, al-Shāṭibī writes that in all religious communities (*fī kull milla*), the five above-mentioned necessities are being safeguarded (see Ibrāhīm bin Mūsā al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharīʿa*, Ibrāhīm Ramaḍān (ed.), Beirut: Dār al-Maʿrifa, 4 vols., 2010; vol. 1, p. 326). Since Ibn al-Azraq basically argues likewise, this passage may be read as a reference to al-Shāṭibī's argument and the term *sharāʾiʿ* as signifying "the sacred laws," thus referring to a multitude of sacred laws.

of the legally obligated human being (*insān mukallaf*) the world would not exist, nor would there be an existence hereafter. If religion vanished, rewards and punishments would vanish; if man (*insān*) vanished, those who obeyed God would vanish; if the intellect (*ʿaql*) vanished, direction (*tadbīr*) would disappear; if progeny (*nasl*) vanished, humankind could not be preserved; and if assets (*māl*) vanished, human livelihood could not be sustained.[149] Al-Shāṭibī's concept of the necessities argued that the sacred law preserved them in two ways, namely by safeguarding their existence (*wujūd*), and by preserving them from non-existence (*ʿadam*).[150] Ibn al-Azraq takes up al-Shāṭibī's concept and turns it into two duties (*waẓīfatān*) for the sultan. First, the sultan has to preserve the existence of the five necessities and their complementaries (*mukammilāt*), and second, he has to preserve them from non-existence.[151]

2.3.4 *Circle of Justice and the Longevity of the State Polity*

Apart from the ambivalent relationship of dependence described in the previous sections that aims to narrow the margin of wayward sultanic action, Ibn al-Azraq embeds the conduct of the sultan—and the governmental officials, religious authorities, and military leaders—in socio-political and socio-economic processes that come into force as Ibn Khaldūn described in his *Muqaddima*. One of the aspects that stands out in Ibn al-Azraq's political thought is that he mingles the progress of the processes as described by Ibn Khaldūn with the concept of the "Circle of Justice" that was widespread in advice literature, as will be shown in this section.

The epithet Circle of Justice was coined by the sixteenth-century Ottoman writer Kınālızāde Ali Çelebi (d. 979/1572) and refers to a political aphorism often presented in the form of a circle that summarised and idealised a set of interdependent political relationships. In several versions, the Circle began with the notion that no political authority could exist without an army; the army, for its part, could not be sustained without financial resources. These resources could be raised only if the economic productivity of the land cultivators, artisans and merchants was high enough to sustain taxable assets. A

149 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 201. See al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, p. 332.

150 Muhammet Sait Duran, *Zur Theorie einer teleologischen Methode in der islamischen Normenlehre*, p. 220. Al-Shāṭibī's concept of the necessities was in principle no different from the divisions proposed by scholars such as al-Ghazālī, al-Rāzī and al-Qarāfī (d. 684/1285). However, he contributed to the legal hermeneutical discussion on necessities by arguing that the sacred law preserved them in the above mentioned two ways.

151 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 201–202. See al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, p. 325.

high level of economic productivity could only be maintained as long as justice was enforced. First quoted in its standardized form in the ninth century by Ibn Qutayba (d. 276/889) in *Kitāb ʿUyūn al-Akhbār* (Book of Choice Narratives), this saying existed in many versions and translations and was cited and referred to in a variety of literary genres of the medieval Islamic world. Especially in advice literature, but also in other genres of Islamic literary production, the Circle of Justice was presented to reflect the *modus operandi*, if not *modus vivendi*, of political rule.[152]

Ibn al-Azraq cited a version of the Circle of Justice in its complete form for the first time in the sixth act of rule, "Enforcing Justice":

> The world is a garden, the fence of which is the dynastic state (*dawla*); dynastic state is an authority (*sulṭān*) through which life is given to proper behaviour (*sunna*); proper behaviour is direction (*siyāsa*), governed by rule (*mulk*); rule is order (*niẓām*), supported by the soldiers (*jund*); the soldiers are helpers, maintained by assets (*māl*); assets are sustenance, gathered by the flock (*raʿīya*); the flock are servants, protected by justice (*ʿadl*); and justice is well known, through it the world persists.[153]

He had, however, used individual lines from the Circle of Justice in previous acts of rule. The first time Ibn al-Azraq introduces a line from the Circle of Justice is in the act of rule titled "Keeping an Army."[154] In each subsequent *rukn*, he adds another line from the Circle of Justice, until he completes it in the sixth *rukn,* "Enforcing Justice." In one sense, Ibn al-Azraq employs the Circle of Justice as a literary bond that holds together acts of rule three to six. And second, the Circle of Justice functions as a baseline that expresses the interconnectedness of these acts of rule in terms of argument and conveys that—from the *rukn* titled "Keeping an Army" onwards—they are ultimately rooted in the enforcement of justice.

In different parts of *BS*, Ibn al-Azraq quotes the complete Circle of Justice in two versions: in the version of the cautionary tale of Bahrām and the owls, as first told by ʿAlī Ibn al-Ḥusayn al-Masʿūdī (d. 345/956),[155] and in the eight-sentence version attributed to Aristotle.[156] Ibn Khaldūn also quotes the Circle of Justice in these two versions. In fact, Ibn al-Azraq's versions are based on

152 Darling, *A History of Social Justice and Political Power in the Middle East*, pp. 2–3 and 60.
153 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 232.
154 Ibid. p. 203.
155 Ibid. pp, 226–227.
156 Ibid. p. 232.

the *Muqaddima*.[157] Ibn Khaldūn credited historians and authors of advice literature, especially al-Ṭurṭūshī, who had cited the Circle of Justice, but he expressed his disapproval of these writers for not supporting its crucial statement with proofs or by pursuing its historical implications.[158] For Ibn Khaldūn, the Circle of Justice does not merely present a literary gem or a piece of good advice; rather, it encapsulates the essential social processes in its nuggets of wisdom which summarise the true nature of the development of human associations.[159] Ibn al-Azraq, on the other hand, saw the Circle of Justice as an aphorism that appraised the conduct of men in high offices. In so doing, he stood closer to the authors of advice literature in his use and understanding of the Circle of Justice than to Ibn Khaldūn in the *Muqaddima*.

By combining the socio-economic and socio-political processes described by Ibn Khaldūn with the concept of the Circle of Justice that was widespread in advice literature, Ibn al-Azraq develops an argument that will be shown in detail in the following sections: institutional rule lasts the longest if the administrative regulatory framework is shaped in such a way as to create incentives which increase economic activity, thereby generating rich assets; these return to the state polity as high tax revenues that help to maintain the army, the whole of the state polity, and the common good. The ruler's control over economic activity and fiscal allocation ought to be confined to providing a just administrative regulatory framework within which the economic activities of farmers, artisans and merchants can strive. In particular, he is supposed to refrain from getting directly involved in economic activities, because this might have destabilising socio-economic consequences. Since Islamic normativity serves as a normative reference for a universally valid system of justice and promises otherworldly bliss, the administrative and fiscal regulatory frame must be shaped according to its terms. Due to his power, it is incumbent upon the ruler to observe the enforcement of administrative justice according to Islamic normativity throughout his government apparatus.

2.3.4.1 Keeping an Army (*I'dād al-Jund*)

Taking up a topos from advice literature, Ibn al-Azraq describes the importance of keeping an army in any institutional rule in metaphorical terms as:

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157 Cf. Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 63–64, 492–493.

158 Mohsen Zakeri, "'Mirrors for Princes' as sources of Ibn Khaldūn's Political Theory." Unpublished paper. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 63–66.

159 Linda T. Darling, "Medieval Egyptian Society and the Concept of the Circle of Justice," pp. 9–11.

> ... rule is a building (*al-mulk binā'*) and the army is its foundation (*wa-l-jund asāsuhu*). If the foundation is strong, the edifice is complete, and if the foundation is weak, the edifice gets destroyed. Thus, there is no sultan without an army.[160]

In theory, at least, the hierarchical order is clear: the army submits to the authority and the command of the sultan. The sultan, in turn, establishes his authority over the army by maintaining it in good condition. In order to achieve this, Ibn al-Azraq distinguishes four "areas of supervision" (*'ināyāt*) which encompass the consideration of economic aspects, personnel policy, discipline, and social order. He expresses these in metaphors that were common in the repertoire of advice literature, as he had already done in his elaboration on the office of the vizierate.[161]

The most important economic obligation related to the army is to provide continuous financial sustenance:

> ... treating the recipients (*arbāb*) of [government] salaries justly and without delay is one of the most important matters [...], since there is no escaping [the fact] that the payments have to be made. Paying [these salaries] promptly is the best [conduct], because delaying [payment] forces [the recipients who are entitled to receive the payment] to fall into debt, which weakens them, and also diminishes the value of the payment [itself].[162]

And this is because "the one who loses his army in times of peace will not find it again in times of war, nor will the payment be of use in times of necessity. Verily, they know [that such men are] moved by money."[163]

The amount of maintenance that the sultan provides should be a mean value:

> ... do not be overly generous [in paying] your army, because they will [eventually] have no need of you. But [on the other hand] do not be overly frugal [in paying your soldiers] (lit. do not tighten them), because they will be displeased with you. Pay [your soldiers sufficiently but] with deliberation and restrain them in moderation (lit. nicely). Be generous with

160 Ibn al-Azraq, *Badā'i' al-Silk*, vol. 1, p. 203.
161 See chapter 2.3.1.
162 Ibn al-Azraq, *Badā'i' al-Silk*, vol. 1, p. 204.
163 Ibid. p. 208.

> them in [times of economic] plenty, but do not be extravagant when paying them.[164]

The sultan is supposed to prevent the army from getting engaged in trade and the acquisition of luxury items, because this deprives his subjects of their livelihood and destroys the state polity. The soldiers should maintain their livelihood exclusively by defending their sultanate and invading the territory of enemies: "They are like predatory birds whom it harms and hurts if you feed them what they have not hunted."[165]

For the sake of social order, the sultan should keep a balanced relationship between the army and his subjects, because otherwise the whole state polity is destroyed. The ruler should never give the army power to exercise violence over his subjects or treat his subjects unjustly, because this would endanger his rule.[166]

Personnel policy was another important way in which the sultan maintained the army in good condition. The choice of the right commanders and heads was central: "The most important issue is to choose the best commanders and the election of emirs and generals of the brigades. [...] The head [of the soldiers] ought to be the best of them, and the one who possesses eminence among them."[167] Ibn al-Azraq presents a catalogue of character traits as preconditions to be considered in the choice of the commanders, among them bravery, firmness, good leadership qualities and generosity. Moreover, the sultan should appoint knowledgeable and morally irreproachable secretaries to the army. These fulfilled administrative and documentation functions and, by so doing, promoted the cultivation of knighthood and refined culture in the army.[168] This study interprets Ibn al-Azraq's presentation of an ethical programme as essential for the heads of the army as a strategy to ensure that the supreme authority could count on his soldiers. Obviously, he holds that strong-willed, brave, experienced and well-disposed generals—as opposed to unskilled and morally reproachable ones—were more likely to be successful in establishing discipline and authority over their soldiers, keeping them in order and maintaining their loyalty.

Another essential aspect of personnel policy, according to Ibn al-Azraq, is that the supreme authority should create an army of men of a variety of ethnic

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164 Ibid. p. 206.
165 Ibid. p. 207.
166 Ibid.
167 Ibid. p. 209.
168 Ibid. p. 210.

backgrounds and various tribes, as this made it impossible to "adopt a uniform course of action (lit. united view, *raʾy wāḥid*) [against the sultan] in times of disagreement and enmity."[169] The ruler, however, should put this into practice only once the state polity is firmly established and the ruler could dispense with the effects of cohesive group feeling.[170]

In general, the supreme authority should encourage soldiers who cooperate and eliminate those who are troublemakers.[171] He is also supposed to convey his appreciation of his soldiers through tokens that generate close attachment: the ruler should possess the hearts of the soldiers by treating them well; and he should foster their loyalty through friendliness, modesty, kind exchanges, returning greetings, granting dues, and keeping promises.[172] Furthermore, he should conduct an ongoing dialogue about the military achievements of his soldiers and the goals that he pursues with his army:

> It has been said: the sultan has to know the true [acts of] bravery of every single one of [his fighters] and should not forget his praiseworthy deeds [in battle]. He should inform [his troops] about the goal towards which they [are all] moving through their [military] service, and of his appreciation [for their service] by [showing] his generosity [to the troops]. If [the sultan] does not let [his troops] know [these things] with his tongue, he should do so through his acts.[173]

At the same time, the army is supposed to have the highest respect for the supreme authority, which he achieves through exerting his authority and instilling fear in the hearts of the soldiers.[174] Disciplinary methods through physical practices are the final central aspect through which the sultan maintains the army in a good condition and establishes his authority over it.[175]

In Ibn al-Azraq's act of rule called *"Iʿdād al-Jund,"* the military apparatus protects the state polity from external enemies and thereby helps to maintain a hold over it. The supreme authority, in turn, is supposed to observe closely the discipline, loyalty and financial condition of the army in order to establish his authority over it.

169 Ibid. p. 205.
170 Ibid.
171 Ibid. p. 204.
172 Ibid.
173 Ibid. p. 205.
174 Ibid. pp. 205.
175 Ibid, p. 207.

2.3.4.2 Safeguarding Assets (*Ḥifẓ al-Māl*)

In Ibn al-Azraq's political thought, the act of rule titled "Safeguarding Assets" constitutes the foundational basis of institutional rule.[176] He argues that the supreme authority retains a large amount of assets in the state polity as long as he provides a just fiscal regulatory framework by way of considerate budgeting and spending for economic activity.[177] Ibn al-Azraq's understanding of a "just" fiscal regulatory framework means that the administrative apparatus does not misuse its power to exploit subjects economically[178] and that its regulations are based on Islamic normativity.[179]

According to Ibn al-Azraq, the reason for an increase of assets in a young dynastic state is that taxation yields large revenue from small assessments. Due to the Bedouin attitude that is still prevalent in the dynastic state at its beginning, the state polity avoids the property of the subjects and imposes low assessments. In these circumstances, belief in enterprises grows, and by this means wealth increases which, in turn, helps to increase tax revenues. During the final years of a state polity, however, the opposite is true as taxes stipulated by religious law have fixed limits and their assessments cannot be widened.[180] A decrease of assets, on the other hand, is caused by a deviation from justice. Ibn al-Azraq describes this injustice in terms of four natural evils (*āfāt ṭabīʿiyya*), arguing that one of them is sufficient to lead to a decrease of assets, though the result is worse when all four come together.[181]

The first evil is the increase of individual imposts after the disappearance of the Bedouin attitude within the state polity. A period of luxury for tyrannical rule follows and the simple character traits of Bedouin culture transform into those of urban life, expanding on what lies beyond mere necessities. The amount of individual imposts continues to increase in accordance with the gradual increase in habits of luxury and the expenditures required in connection with such a lifestyle, until they weigh heavily upon the subjects and taxes overburden them. When comparing their expenditures and taxes with their income and gain, the subjects' incentive for economic enterprise disappears, because it does not yield any gain. As a consequence, they refrain from economic activity and the total tax revenue diminishes. Yet, it would be bad administration (*sūʾ tadbīr*) to consider

176 Ibid. p. 211.
177 Ibid. pp. 211–222.
178 Ibid. p. 228.
179 Ibid. pp. 219–222.
180 Ibid. p. 211. See Ibn Khaldūn, *Muqaddima*, vol. 1, p. 479.
181 Ibid. p. 212.

> ... increasing the amounts of individual imposts when the shortfall [in their number] is noticed; some [rulers] believe that this is a means of compensating for the decrease until they reach a limit for which there is no benefit to increase [the imposts], owing to the high expense, the excessively heavy taxes, and the [anticipated] profits failing to materialise. Thus, the total [amount of] revenue continues to decrease, while the amounts of individual imposts and assessments continue to increase, until prosperity decreases, because the incentive for economic activity is gone. The one who suffers from this situation is the dynastic state, because it receives the profits [from economic activity].[182]

The second evil is the levying of customs duties in the later years of dynastic states. In most instances, rulers levy these following the weakening of the individual imposts because all sorts of expenses increase: the expenses related to the luxurious lifestyle of the ruler and his entourage, the expenses of sustaining the army or other common welfare goods, and the expenses required to maintain government officials who are accustomed—just like their sultan—to luxury. In addition, rulers levied customs duties because the guards who collected taxes from remote areas are less effective when the dynastic state goes into decline.[183] Thus, new kinds of customs duties are introduced which are imposed on commerce in the markets and the various imported goods at the city gates:

> ... [this heavy taxation] might increase excessively in the later [periods] of dynastic states. The markets stagnate [in their trade], because all hopes of profit are destroyed, foreshadowing the dissolution of wealth, which becomes more and more aggravated, to the point that the dynastic state disintegrates.[184]

The third evil is commercial activity (*tijāra*) on the part of the supreme authority. This is the biggest evil as it harms his subjects and ruins the tax revenue. When the tax revenue is insufficient to pay for expenditures, the supreme authority might feel compelled to engage in commerce purchasing goods and acquiring livestock and fields in order to cultivate them for profit. While he

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182 Ibid. p. 212. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 480–481.

183 Ibid. pp. 212–213. In the edition, Ibn ʿAbd al-Karīm reads *al-qāḍiya*. This study reads *al-qāṣiya* in accordance with the passage in Ibn Khaldūn, *Muqaddima*, vol. 1, p. 481.

184 Ibid. p. 213. In Ibn ʿAbd al-Karīm's edition, it reads: *amwāl*. This study reads *ʾāmāl* in accordance with the passage in Ibn Khaldūn, *Muqaddima*, vol. 1, p. 482.

believes that he may compensate the decreasing tax revenue and generate high profits in this way, he exposes himself to the fluctuations of the market and causes all kinds of harm to his subjects. Farmers and merchants would find it difficult to purchase livestock and merchandise, because the supreme authority has far more capital than they have. The subjects would become worried, which would weaken their hopes for gain.[185]

Moreover, the supreme authority might manipulate the market as he is able to appropriate by force much of the agricultural produce and the available merchandise, or by way of buying things at the lowest possible price because he can force the seller to lower his price. However, the supreme authority cannot wait for a favourable price when he wants to sell agricultural products or goods of any kind, because he has to take care of government expenditure. Consequently, he forces the merchants or farmers to buy his products at the highest price. The merchants and farmers, on the other hand, exhaust their liquid assets in such transactions. The merchandise they thus acquire remains a mere unprofitable commodity. Also, the farmers and merchants might need more liquid assets in such situations, and so they may sell the goods they were forced to buy from the ruler at the lowest price during a slump in the market. Often, the merchant or farmer has to do the same thing over and over again, until he exhausts his capital, and this affects tax revenues in a way that diminishes and ruins them. Most of the tax revenues come from the farmers and merchants, especially once customs duties have been introduced and the tax revenue has been thus augmented. Hence, when the farmers give up agriculture and merchants go out of business, tax revenue becomes dangerously low or vanishes altogether. If the ruler simply compared tax revenue without his engagement in trade with the small profits reaped from engaging in trade, he would find the latter negligible compared to the former; yet it is astonishing how ignorant some rulers were of the consequences of their engagement in trade. Besides, even if the ruler's trading was profitable, it would still deprive him of a good deal of his tax revenue in so far as customs duties are levied on transactions. If the supreme authority refrains from trade, the same buying-and-selling transactions were made by others, yielding transactional revenues.[186]

Ibn al-Azraq bases his account on Islamic normativity and quotes a saying by ʿUmar ʿAbd al-ʿAziz, who supposedly wrote to some of his officials: "The commercial activities of governors (*tijārat al-wulāt*) are ruining themselves and des-

185 Ibid. pp. 213–214.
186 Ibid. p. 214.

troying the subjects. So, you ought to restrain yourself and your representatives from such [activities]."[187] Besides, Ibn al-Azraq hints at the fact that the sultan's engagement in commercial activities also has two religious consequences. First, it means that he deserves to be cursed, which was the biggest of all religious threats (*waʿīd*), and second, it was an indication of a tremendous trespass that brought about the end of time: "from among the signs of the end of time is the commercial activity of the ruler (*tijārat al-sulṭān*)."[188]

According to Ibn al-Azraq, the ruin of the state polity was accelerated when emirs and other men in power bought agricultural products and goods at fixed prices from the subjects and at agreed times. In such a scenario, the ruler is often influenced by merchants and farmers who are interested in their own profit and in gaining wealth quickly, without having to pay high customs duties. These people do not understand the damage caused to the ruler by each decrease in tax revenue. The supreme authority, therefore, has to guard against such people and not pay attention to suggestions that harm his tax revenues and the realm of his authority.[189]

The fourth evil that leads to a decrease in assets is the curtailment of allowances given by the sultan. This harms tax revenues, because the state polity serves as the realm's greatest marketplace. If the ruler holds on to assets, or if they are lost, then the assets in the possession of the ruler's governors diminish and, in turn, they reduce the allowances of their entourage. As a consequence, the expenditure that constitutes the greatest amount of trade decreases. All this causes business to slump and commercial profits to decline and, consequently, tax revenue declines, affecting the dynastic state. Besides, assets are supposed to circulate between the subjects and the ruler: it is their purpose to move back and forth between them. Hence, if the ruler keeps assets for himself, they are not available to the subjects.[190]

Ibn al-Azraq distinguishes between two kinds of state income. The first is income according to the stipulations of the *sharīʿa* (*madākhil sharʿiyya*). He defines it as income the use of which is not determined by the *sharīʿa*. In this category are, for example, the property of an inheritance for which there was no heir (*amwāl al-tarakāt*), the head tax on non-Muslims under Muslim rule (*jizya*), the land tax (*kharāj al-arḍīn*), and the fifth part of booty.[191]

187 Ibid. p. 215.
188 Ibid.
189 Ibid. p. 215. See Ibn Khaldūn, *Muqaddima*, vol. 1, p. 485.
190 Ibid. p. 217. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 490–491.
191 Ibid. p. 219.

The second kind is political income (*madākhil siyāsiyya*), which is considered legitimate according to the terms of Islamic normativity.[192] Referring to al-Ghazālī and Ibn al-ʿArabī, Ibn al-Azraq defines this kind of income as assets that originate from what was imposed on property out of necessity in times of an empty treasury to the amount needed to sustain the common good within a state polity which—if ruined—would destroy the whole order. Ibn al-Azraq cites al-Ghazālī:

> This has not been transmitted about the first [Muslims], because the treasury was overflowing in their times. [Al-Ghazālī] said: It is something [that we can] deduce from the objective[s] of the sacred law (*al-maqṣūd al-sharʿī*) by scrutinising the [textual] evidence (*al-naẓar fī al-shawāhid*).[193]

Citing al-Shāṭibī, Ibn al-Azraq adds that the precondition to generating political income is the righteousness of the ruler (*ʿadālat al-imām*) and that the collecting of the money and its distribution is carried out according to the terms of Islamic normativity.[194] Yet, in Ibn al-Azraq's normative assessment of this matter, just as in his discussion of the preconditions for the office of the imamate, his primary concern—that the sultanate exists—dominates.[195] He argues that, if it is impossible, the precondition for righteousness does not necessarily have to be fulfilled. The harm of not safeguarding the common good within a state polity is greater than the lack of righteousness in carrying out the collection of assets.[196]

Ibn al-Azraq identifies those parts of the state polity that have to be sustained by the state's income. For one, he lists "general expenditures" which comprise the alimonies of the military mercenaries: "there is no doubt about their entitlement to assets, because it is their sustenance;"[197] and the alimonies of religious scholars and jurists, "because they are the guardians of religion using proof and demonstration, just as the army is [religion's] guardian using sword and spear."[198] Ibn al-Azraq counts among this group the teach-

192 Ibid. p. 220. In the edition, the editor Ibn ʿAbd al-Karīm reads *fī mudākhalat al-siyāsa*. However, this study reads *fī madākhilihi al-siyāsiyya* in analogy to *fī madākhilihi al-sharʿiyya* in the previous section before (p. 219).

193 Ibid.

194 Ibid.

195 See ibid. p. 95, and chapter 2.2.1. for further elaboration.

196 Ibid. p. 220.

197 Ibid.

198 Ibid.

ers, muezzins and students of sciences that benefit religion, "because if they cannot sustain themselves, they have no mastery over the need [of guarding religion]."[199] Moreover, the state polity should provide for those in need among the subjects who are held back from earning enough to sustain them. Finally, all other common goods (*maṣāliḥ ʿāmma*) have to be sustained through general expenditure, such as the administrative apparatus, by providing the livings of governors, judges, officials and accountants; also the payment for the harbour, the building of bridges, mosques and educational facilities, and the like.[200]

As to stipulating the amount of expenditure, Ibn al-Azraq maintains that alimonies have to be paid in well-considered amounts. He argues that the generals of the army should receive an amount sufficient to sustain them without having to resort to behaviour that would cut them off from receiving alimony. Soldiers should be considered in the same way.[201] Generally, three factors must be considered when stipulating the amount of alimonies: "the number of children and servants that have to be sustained, the pack animals that are connected to him [and have to be maintained] and the place in which he lives, regardless of it being expensive or cheap."[202] In all other caes, the amount of alimony should depend on the recipient's situation. For those not in receipt of any alimony, their salaries should be enough to cover their needs. The amount might be higher, depending on the circumstances.[203]

Both wasting assets or holding them back are objectionable. The former leads to the ruin of the state polity, and the latter means that the supreme authority does not fulfil his duties. In addition, the ruler becomes associated with the disgrace of stinginess. Good administration (*ḥusn al-tadbīr*), on the other hand, is the middle way between spending abundantly and spending too little. Generally, the supreme authority has to consider the outflow of assets together with their inflow. And finally, he ought to safeguard the common good in things on which assets were spent.[204]

2.3.4.3 Increasing Economic Activity (*Takthīr al-ʿImāra*)

According to Ibn al-Azraq, the community of legal scholars counted the issue of increasing economic activity among the foundations of institutional rule (*mabānī al-mulk*) and the preconditions of human social association. Citing Ibn Ḥazm, Ibn al-Azraq defines it as follows:

199 Ibid.
200 Ibid.
201 Ibid. p. 221.
202 Ibid.
203 Ibid.
204 Ibid. pp. 221–222.

> Ibn Ḥazm said: The ruler brings commerce and productive agriculture to the people, grants them fiefs from barren lands, and grants everyone [land] ownership [of lands] he has cultivated. He supports everyone to achieve this in order to lower prices, so that men and animal are able to live, income increases, the [number of] wealthy [people] rises, and [thereby] what is required for the alms tax [also increases].[205]

He underpins the judgement of the legal scholars with a rational explanation of the importance to the state polity of increasing economic activity:

> … the dynastic state and [institutional] rule have the same relationship to economic activity (*ʿumrān*) as form (*ṣūra*) to matter (*mādda*). [Form] is the shape that sustains [matter's] existence. It is not possible to separate [form and matter] from each other, as has been established in philosophy (*ḥikma*). Hence, the dynastic state is inconceivable without economic activity, and the latter is impossible without [the state], as previously mentioned. Consequently, the disintegration of one of them necessitates the disintegration of the other, just as the non-existence [of one of them] entails (lit. affects, *muʾaththir*) the nonexistence of the other.[206]

The text that Ibn al-Azraq reproduces in this rational explanation is taken from Ibn Khaldūn's *Muqaddima*, namely the chapter "Cities that are the Seats of Royal Authority Fall into Ruins when the Ruling Dynasty Falls into Ruins and Crumbles."[207] The original context of this modified Khaldūnian passage is the elaboration of the consequences of transferring the seat of a dynastic state from one city to another. Ibn al-Azraq reproduces this passage as the rational explanation for the importance of increasing economic activity in a state polity. With the help of an interpretative intervention, he is able to render this Khaldūnian passage viable for a discussion on increasing economic activity. He construes the term *ʿimāra* (economic activity) as congruent with the Khaldūnian term *ʿumrān* (civilisation), thereby offering a primarily economic reading of the Khaldūnian concept. Though Ibn Khaldūn's concept of *ʿumrān* does imply this economic aspect, too, Ibn Khaldūn goes beyond that in suggesting a sociological concept that primarily conveys the notion of civilisation.[208]

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205 Ibid. p. 223.

206 Ibid. See Ibn Khaldūn, *Muqaddima*, vol. 2, p. 64.

207 See Ibn Khaldūn, *Muqaddima*, vol. 2, pp. 61–65.

208 See Muhsin Mahdi, *Ibn Khaldūn's Philosophy of History*, pp. 171–224.

Ibn al-Azraq argues that economic activity can be sustained only by enforcing justice, "on which the heavens and the earth are founded [...] and kingdoms are based."[209] Justice appears in this *rukn* as an administrative concept. It signifies the provision of a fiscal and legal regulatory framework that stimulates the subjects' incentive for economic activity. Though, generally, this applies to all subjects, it is especially aimed at cultivators of the land: "act favourably towards the peasants; you will be fat as long as they are."[210]

In Ibn al-Azraq's opinion, the strongest incentive for economic activity is the greatest lowering possible of the amounts of individual imposts levied upon persons capable of undertaking economic enterprises. Given such circumstances, people are disposed to undertake them because they anticipate profits.[211] Injustice (*ẓulm*), on the other hand, leads to the ruin of economic activity. Attacks on people's property curb the incentive to acquire and gain property which return to the state polity the benefit of profits. Subjects are led to believe that the ultimate consequence of acquiring assets is that the governing authorities appropriates them and, as a result, economic activity that generated prosperity slumps. Eventually, the state polity as well as the authority of the ruler disintegrate.[212]

In Ibn al-Azraq's political thought, injustice, like justice, is an administrative concept that denotes a government official's ability to misuse his administrative authority with the aim of economically exploiting the subjects of the state. Injustice does not merely mean the confiscation of assets or other property without purpose or compensation, as it was commonly understood, Ibn al-Azraq argues.[213] He clarifies that injustice is a broader notion:

> ... whoever takes someone [else's] property, uses [someone] as forced labour, demands something [from someone] to which he is not entitled or imposes upon [someone] a duty not stipulated by the sacred law, he [thereby] commits an injustice to that person.[214]

He argues that not all people are able to commit an injustice, because he understands injustice as leading to complete ruin. Thus, only people who cannot be touched, i.e. people who have power (*qudra*) or authority and who do not

209 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 226.
210 Ibid.
211 Ibid. See Ibn Khaldūn, *Muqaddima*, vol. 1, p. 479.
212 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 227. See Ibn Khaldūn, *Muqaddima*, vol. 1, p. 491.
213 Ibid. p. 229. See Ibn Khaldūn, *Muqaddima*, vol. 1, p. 494.
214 Ibid.

have any rivals, have the ability to commit an injustice.[215] In this regard, Islamic normativity functions as an agency of ethical restraint. The Quran and *sunna* strongly censure the committing of an injustice and utter repeated threats against it, with the aim that people able to commit an injustice would find a restraint (*wāziʿ*) in themselves.[216] Ultimately, though, it was up to the ruler to enforce administrative justice, because of the power he wielded over his administrative apparatus.

Ibn al-Azraq distinguishes two forms of administrative injustice. The first form leads to sudden disintegration and the swift destruction of the state polity. This occurs when people's property is simply taken and when hostile acts extend to affect their wives, their lives, their bodies, and their honour. The second form leads to gradual destruction. Injustice may occur among the population of the great cities of a state polity without ruining it. Due to the large size of a city and its thriving economic activity, the infringements of justice do not leave major traces. The loss becomes gradually visible only after some time. In rare cases, the state polity that commits the injustice may have been replaced even before the city is ruined and the new dynastic state may restore its economic activity.[217]

Ibn al-Azraq identifies three manifestations of administrative injustice that result in the gradual destruction of a state polity. The first are pretexts for appropriating people's property, such as invalid taxes and illegal customs duties. These are among the most unjust and aggressive measures. The second are the unjustified imposition of duties and the use of the subjects for forced labour, because labour means capital which, in turn, sustains a living. If subjects are used for forced labour unrelated to their ordinary ways of making a living, they no longer yield a profit and thus are deprived of the reward of their labour. If this occurs repeatedly, all incentive for economic activity is destroyed, and the subjets cease to make any effort. The third and worst expression of administrative injustice is the appropriation of people's property by buying their possessions as cheaply as possible and then reselling the merchandise to them by means of forced sales at the highest possible price. The subjects often have to accept high prices with delayed payment. They console themselves for the loss they suffer with the hope that the market will fluctuate in favour of the merchandise sold. But suddenly, subjects may be required to make payment

215 Ibn al-Azraq examines who was capable of committing an injustice in terms of the legal discussion of whether the crimes of the highway robber constituted an injustice (see p. 229). He takes up this discussion from Ibn Khaldūn, see *Muqaddima*, pp. 494–495.

216 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 228. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 494–495.

217 Ibid. p. 228–229.

at once, and they are forced to sell the merchandise at the lowest possible price again. The loss involved in the two transactions affects their capital.[218] This dwindling of capital funds affects everybody: the merchants who are resident in the town as well as those who import merchandise from elsewhere; it also affects the shopkeepers and craftsmen who, eventually, all go out of business. Under such circumstances, their livelihood is lost and the tax revenue decreases, or deteriorates, which leads to the dissolution of the state polity and the ruin of the town's prosperity.[219]

The intention of committing injustice suffices to diminish the blessings of economic activity:

> … when a governor upholds (lit. is concerned with, *hamma bi-*) justice, God spreads His blessing among the inhabitants of his kingdom when it comes to the economy (lit. marketplaces, *aswāq*) and [people's] livelihoods (*arzāq*). But when the governor upholds injustice (*jawr*), God spreads a deficit [of wealth] in his kingdom.[220]

Ibn al-Azraq's act of rule "Increasing Economic Activity" is largely based on Ibn Khaldūn's socio-economic analysis pertaining to the question of the growth or decline of a society. Ibn Khaldūn presents this analysis in a chapter of the *Muqaddima* entitled "Injustice (*ẓulm*) Brings About the Ruin of Civilisation (*'umrān*)."[221] In it, Ibn Khaldūn explains how at some point in the history of a state polity, the governing authorities inevitably increase the level of economic exploitation of their subjects in order to maintain their lifestyle which, in turn, ruins the civilisation. Ibn Khaldūn's theses on the growth or decline of a civilisation are explained through factors that have influence on the increase or decrease of economic activity, which eventually lead back to the question of justice or, rather, injustice. Ibn al-Azraq also argues that the intensity of economic activity in a state polity depends on the enforcement of justice. But, as described by Ibn Khaldūn in the *Muqaddima*, and especially in the chapter referred to above, justice appears as a sociological concept that is intrinsic to the social processes that come into effect at a certain point in the development of human social associations, and which are beyond the control of man. In *BS*, in contrast, justice appears as an administrative concept. The notion that

218 Ibid. pp. 229–230. See Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 495–496.
219 Ibid. p. 230. See Ibn Khaldūn, *Muqaddima*, vol. 1, p. 496.
220 Ibid. p. 230.
221 Ibn Khaldūn, *Muqaddima*, vol. 1, pp. 491–497. Rosenthal, *The Muqaddimah*, pp. 238–242.

underlies it is that the subjects feel the ruler's justice or injustice most directly in the allocation and administration of taxes. Therefore, Ibn al-Azraq's overarching argument states that the question of economic activity depends on the taxation policies of the governing authorities and on legal security. In this context, enforcing justice means controlling the excesses of greedy government officials who might misuse their power to exploit their subjects and thereby establish social harmony. He advocates an administrative understanding of justice based on the qualities of the virtues of the ruling class. It was the responsibility of the ruler to provide a fiscal and legal framework in his realm that stimulated the subjects' incentive to acquire gains, without fearing that the wealth they accumulated would be appropriated by others.[222]

Developing the above-described notion of justice as an administrative concept, Ibn al-Azraq stays much closer to concepts of justice as conveyed in Islamic advice literature.[223] Thus, he is closer to the tradition of advice literature than to Ibn Khaldūn's notion of justice, even though Ibn al-Azraq's act of rule "Increasing Economic Activity" is largely based on Khaldūnian text material.

2.3.4.4 Enforcing Justice (*Iqāmat al-ʿAdl*)

Enforcing justice represents the cornerstone of Ibn al-Azraq's depiction of the ideal configuration of institutional rule: "It is the basis (*asās*) of the preceding ruling acts (*arkān*) and the groundwork of their foundations (*qāʿidat mabnāhā*)."[224] While Ibn al-Azraq provides a definition of injustice in the *rukn* "Increasing Economic Activity," he does not define justice either in the *rukn* "Enforcing Justice", even though this is dedicated to the question of justice. Instead, he develops a notion of justice throughout his entire work, expressing it in terms of ethical qualities and Islamic normative provisions which, taken together, aim at the continuity of institutional rule at several levels of the political system. The notion of justice appears, for example, as an administrative concept in the sense of just fiscal and legal regulations that stimulated the subjects' incentive for economic activity.[225] Or it appears as a concept of political decision-making in the sense of shaping a just political course (*siyāsa ʿādila*).[226] Thus, in Ibn al-Azraq's political thought, the notion of justice is

222 See previous chapter.

223 See an account of administrative concepts of justice in Wael Hallaq, *Sharīʿa: Theory, Practice, Transformations*, pp. 199–200.

224 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 232.

225 See previous chapter.

226 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 287–289.

employed in order to moralise the conduct of men in ruling and governmental offices. He does not present the highest virtues for the purpose of the refinement of character of men but for the justification of ulterior purposes which, in *BS*, is ultimately the continuity of the state polity. Majid Khadduri calls such a notion of justice not ethical justice, but an "ethical justification" for ulterior motives.[227] He distinguishes between two sets of writers who present such a notion of justice: firstly, those who seek to justify their own behaviour on ethical grounds, and secondly, authors of advice literature who write elaborate manuals providing an ethical rationale for the conduct of rulers and men in high office.[228] In his employment of the notion of justice, Ibn al-Azraq resembles the authors of advice literature.

Ibn al-Azraq's *rukn* "Enforcing Justice" primarily concerns the conduct of the supreme authority. It subsumes the socio-political and personal consequences of not espousing justice in the state polity. These consequences are expressed in terms of religious (*fawā'id dīniyya*) and worldly benefits (*maṣāliḥ dunyawiyya*) as well as religious menaces (*wa'īd dīnī*) and worldly harms (*mafāsid dunyawiyya*).[229]

The religious benefits are that it guarantees entry to paradise. In addition, the just ruler gains the love of God in preparation for the Day of Judgement; he deserves to be among the first over whom God casts His shadow on that day, and to be elevated on a pulpit of light at the right side of the Merciful. Finally, God also responds to the prayers of the just ruler during his worldly existence.[230]

Enforcing justice brings worldly benefits too, as it is a sign of the predominance of reasonableness and of immense blessings.[231] Rulers win the hearts of their subjects through enforcing justice which, most importantly, brings about long-lasting rule:

> … the people most worthy of long-lasting rule (*dawām al-mulk*), authority (*sulṭān*) and continuing loyalty (*ittiṣāl al-wilāya*) are those who act most justly towards [their] subjects.[232]

and

227 Khadduri, *The Islamic Conception of Justice*, p. 126.
228 Ibid.
229 Ibn al-Azraq, *Badā'i' al-Silk*, vol. 1, pp. 232–239.
230 Ibid. pp. 232–233.
231 Ibid. p. 234.
232 Ibid.

> … whoever acts with justice many times over, his appointed time [in this world] is thereby prolonged.[233]

Committing injustice, on the other hand, results in religious menaces and worldly harms. On the Day of Judgement, the unjust ruler is subjected to severe torment and tumbles from the *ṣirāṭ* bridge which every human must cross to enter Paradise,[234] because of a tremendous shaking. Committing injustice is a sin that will be punished by God clasping His hand around the neck of the sinner. Furthermore, the unjust ruler is exposed to God's curse and deprived of the intercession of the Prophet.[235] Worldly harms also result from committing injustice, as the love and obedience of the subjects wane. It causes honour to fade away and become obsolete. Most importantly, committing an injustice shortens the period of rule and authority, and the unjust ruler greatly fears those whom he has done wrong. And finally, injustice causes blessings on land and sea to fade away. Ibn al-Azraq proposes that the mere intention of committing an injustice is enough to lift a blessing, even more so when injustice was actually carried out.[236] Ibn al-Azraq adds that a ruler may have in himself the potential for both justice and injustice. In general, the ruler has the chance to remedy unjust acts through just deeds as long as the former do not exceed certain limits.[237]

At the end of this *rukn*, Ibn al-Azraq establishes a contractual relationship between justly governing authorities and the loyalty of the subjects. He reminds his readers that the injustice of the sultan and his governors is the result of the subjects' unjust deeds, adding a *ḥadīth* attributed to the Prophet: "You are governed according to the way you are."[238] Thus, Ibn al-Azraq's concept of justice entails the notion of reciprocal obligations, though considering the whole of the *rukn* "Enforcing Justice," this amounts only to a detail. Ibn al-Azraq clearly held that the responsibility to act justly lay with the men in high offices, and especially the supreme authority.

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233 Ibid.

234 See G. Monnot, "*Ṣirāṭ*", *Encyclopaedia of Islam, Second Edition*, Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs (eds.).

235 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 235–236.

236 Ibid. pp. 236–237.

237 Ibid. p. 238.

238 Ibid. This *ḥadīth* neither appears in the two *ṣaḥīḥ* collections by al-Bukhārī and Muslim, nor in the remainder of the six canonical *ḥadīth* collections. Research in the online database *Maktaba Shamela* indicated this *ḥadīth* was not quite widespread in *ḥadīth* literature generally. However, it recurs with considerable regularity in other genres of literature, such as advice literature.

CHAPTER 3

The Relation between Islamic Normativity (*Sharʿ*) and Political Rule in Ibn al-Azraq's Political Thought

In the medieval *fiqh* (Islamic law) tradition, the relationship between those in power and the sacred law that justifies their offices and competences is not necessarily established through individual *sharīʿa* norms. The principle of *maṣlaḥa* (pl. *maṣāliḥ*; depending on the context, "a source or cause of well-being and good," "welfare," "public interest," or "social good") served from the second Islamic century as a political and social organisational legitimising concept, even when the term was not explicity invoked.[1] Since the twelfth century, the relationship between political rule and *sharʿ* (sacred law, Islamic normativity, or divinely-ordained order) has often been defined within the framework of the broad general principles referred to as "the purposes of the sacred law" (*maqāṣid al-sharīʿa*), and has appeared in many different forms.[2]

In the twelfth century, during a discussion with a Shāfiʿī scholar, who held "that there is no valid government except that which agrees with the revealed law," Ibn ʿAqīl (d. 513/1119), a senior Ḥanbalī scholar of his time in Baghdad and the head of his legal guild,[3] defines the relation between governance and the sacred law with a clear reference to social welfare:

> Government is that activity whereby people are enabled to tend towards good and away from evil, even if the Apostle [Muḥammad] had not instituted it, or if it had not been the object of a revealed law. Now if by your statement 'except that which agrees with the revealed law,' you mean an administration that does not contradict the revealed law, then that would be right; but if you mean that there is no valid administration except that which is stated explicity in the revealed law, that would be wrong. Moreover, it would put the Prophet's Companions in the wrong; for the executions and exemplary punishments ordered by the Rightly Guided

1 Opwis, *Maṣlaḥa and the Purpose of the Law*, pp. 1–2 and 14–15.

2 Johansen, "A Perfect Law in an Imperfect Society", p. 269. See Opwis for a conceptual history of *maṣlaḥa* in the legal tradition: *Maṣlaḥa and the Purpose of the Law*.

3 See Makdisi, *Ibn ʿAqil: Religion and Culture in Classical Islam*, Edinburgh: Edinburgh University Press, 1997, p. 46.

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> Caliphs [...] are such as not to be denied by anyone who knows the Traditions, even if this involved only the burning of the copies of the Qurʾan—a judgement they based on the welfare of the Community—and the burning of the heretics in the trenches by caliph ʿAlī [...], who said: When I witness something reprehensible, I light a fire [to burn the heretic] and call for a celebration.[4]

Already two centuries later, one of the strongest and clearest articulation of *maṣlaḥa* as the main reason for establishing political rule can be found in Ibn Taymiyya's concept of *al-siyāsa al-sharʿiyya* (governance according to the sacred law), Asma Afsaruddin argues. There, *maṣlaḥa* appears as a political concept according to which pragmatic, mundane considerations of public benefit and communal welfare took priority over idealised notions of leadership.[5]

The present chapter examines the conceptual relationship between *sharʿ* and political rule in Ibn al-Azraq's political thought. It will be shown that he is deeply rooted in the tradition of defining this relationship referring to the principle of *maṣlaḥa*, and also that it is the Andalusian Malikite jurist al-Shāṭibī's theory of *maqāṣid al-sharīʿa*, coined in his work *al-Muwāfaqāt fī Uṣūl al-Sharīʿa* (*The Reconciliation of the Fundamentals of the Sacred Law*), that Ibn al-Azraq specifically reverts to. Ibn al-Azraq also has recourse to Islamic normative authoritative sources other than al-Shāṭibī's theory of *maqāṣid*, such as the consensus of the community as represented by the legal scholars (*ijmāʿ*).[6] But these are not the primary means by which Ibn al-Azraq develops an all-encompassing notion of *sharʿ* with regard to political rule. Rather, it is al-Shāṭibī's theory of *maqāṣid* that is instrumental in that regard, and this study will confine itself to this aspect.

This chapter also examines how Ibn al-Azraq manages to uphold an all-encompassing notion of Islamic normativity with regards to political rule and statecraft in the face of Ibn Khaldūn's social theory (*ʿilm al-ʿumrān*). Ibn al-Azraq's hermeneutical exercise of bringing together al-Shāṭibī's theory of *maqāṣid al-sharīʿa* and Ibn Khaldūn's *ʿilm al-ʿumrān* in his theory of state and statecraft does not remain without major ramifications for Ibn Khaldūn's theses, as will be shown.

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4 Ibid. p. 160 where Makdisi translates the Arabic term *siyāsa* both as "government" and as "administration."

5 Asma Afsaruddin, "*Maslaha* as a Political Concept," *Mirror for the Muslim Prince*, Mehrzad Boroujerdi (ed.), Syracuse: Syracuse University Press, 2013, pp. 16–44; here pp. 36–38, 44.

6 see Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 93.

In the sections that follow, correlated hermeneutical procedures that foster each other will be separated analytically so as to present their ramifications in detail. No chronological order is implied nor any significance in the sequence of the elaborations of these hermeneutical procedures.

3.1 Ibn al-Azraq's All-Encompassing Notion of *Sharʿ* with regard to Political Rule and Statecraft

3.1.1 *Al-Shāṭibī and His Theory of* Maqāṣid

In the *uṣūl al-fiqh* tradition (the sources and the methodology of norm derivation), *maqāṣid al-sharīʿa* theories were developed in order to address the question of the relationship between *fiqh* and ethics. Jurists espoused various *maqāṣid* theories from the eleventh century onwards as a result of discussions with theologians about the role of ethical value judgements (good and bad) in the process of norm derivation. The *maqāṣid* theories determine the ethico-religious framework of the activity of the jurist and provide a point of reference for the ethico-religious assessment of *sharīʿa* norms.[7] The *maqāṣid* theories espoused after the theologian and jurist al-Ghazālī divided all *sharīʿa* norms into three categories according to the purposes they served. These categories are called the necessities (*ḍarūriyyāt*), the needs (*ḥājiyyāt*), and the improvements (*taḥsīniyyāt*) of human existence. The *sharīʿa* norms that are subsumed in the category of the necessities, for example, all serve the purpose of protecting the five legal assets of religion (*dīn*), life (*nafs*), intellect (*ʿaql*), progeny (*nasl*), and property (*māl*).[8]

The formalisation and systematisation of the *maqāṣid* theories find their culmination in the Andalusian jurist al-Shāṭibī's work entitled *al-Muwāfaqāt fī Uṣūl al-Sharīʿa*.[9] Al-Shāṭibī spent his life in the city of Granada where he served as a preacher (*khaṭīb*) at one of the city's mosques, taught at a local college (*madrasa*), and issued *fatwas* as a jurisconsult, even though it is unclear whether he was officially appointed to this position. In his major work *al-Muwāfaqāt*, al-Shāṭibī developed a theory of *maqāṣid al-sharīʿa* that led to disputes with the political and religious authorities in Granada, as his views on Islamic law led to accusations of innovation.[10]

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7 Mohammed Nekroumi, *Tugend und Gemeinwohl: Grundzüge hermeneutischen Denkens in der postklassischen koranischen Ethik am Beispiel der maqāṣid-Theorie von aš-Šāṭibī*, Wiesbaden: Harrassowitz Verlag, 2018, pp. 11–13.

8 Rüdiger Lohlker, *Islamisches Recht*, Wien: Facultas wuv, 2012, p. 175.

9 Nekroumi, *Tugend und Gemeinwohl*, p. 18.

10 Opwis, *Maṣlaḥa and the Purpose of the Law*, p. 247.

The salient feature of Shāṭibī's *maqāṣid* theory is that he defines the above-mentioned three categories in such a way that they constitute the reasons for the existence of the whole of the *sharīʿa*. He thereby rereads the concept of the *sharīʿa* in its comprehensiveness as being anchored in theological ethics. Nekroumi emphasises that jurists before his time discussed the question of the relationship between ethics and *fiqh* without, however, arriving at a scientific systematisation of the relationship between a *sharīʿa* norm and an ethical principle. The pioneering and innovative nature of Shāṭibī's work on this issue can be seen in his ideas on the cause and scope of the *sharīʿa*. He systematised and hierarchically established the relationship between ethical orientation, as embodied in the *maqāṣid*, and *sharīʿa* norms, as embodied in the *aḥkām*, in a way that hardly any other approach to legal theory had done before him.[11]

In his interpretation of the revealed texts, al-Shāṭibī does not distinguish between *sharīʿa* norms and purpose, thereby introducing an ethico-discursive relationship between reason and revelation, which emphasises the hermeneutical character of the *uṣūl al-fiqh*. Al-Shāṭibī's approach not only helped to design, on the basis of a predominantly normative science, a comprehensive theory of ethics capable of legally grasping social and worldly reality, but its intentional approach also created a concept of ethics that promoted an ethical reform based on a mutual relationship between philosophical concepts and the revealed ordinances in view of an overall concept of social welfare.[12]

In his *maqāṣid* theory, al-Shāṭibī construes Islamic normativity as a system[13] of *sharīʿa* norms and rules without any internal contradiction, which guarantees the foundational identity of all its parts through their dependence on the primacy of the Quran. At the basis of his understanding lies the assumption that, as a text, the Quran is an integral whole. In this, he is closer to an understanding of the Quran as fostered among Muslim exegetes rather than *fiqh* scholars.[14]

Besides, al-Shāṭibī construes the whole of the *sharīʿa* as having been laid down for the *maṣlaḥas* of humanity in all their mundane and otherworldly affairs. He interprets *maṣlaḥa* as the embodiment of the purposes of the law that permeates all aspects of Islamic normativity, and not limited in its applica-

11 Nekroumi, *Tugend und Gemeinwohl*, pp. 18–19.

12 Ibid. p. 27.

13 In Lahbib el-Mallouki, *Zweckrationales Denken in der Islamischen Literatur: al-Maqāṣid als systemhermeneutisches Denkparadigma*, Frankfurt am Main: Lang, 2013. El-Mallouki treats al-Shāṭibī's *maqāṣid* theory particularly from the perspective of its systematic character.

14 Wael Hallaq, "The Primacy of the Qur'ān in Shāṭibī's Legal Theory," *Islamic Studies Presented to Charles J. Adams*, Leiden: Brill, 1991, pp. 69–90; here pp. 71–72 and 75.

tion to particular areas. In order to establish a strong link between the divinely-ordained interest of the believer and the *sharīʿa* as a whole, al-Shāṭibī argues that *maṣlaḥa* is the cause or *ratio legis* (*ʿilla*) in all *sharīʿa* norms, and understands the *ratio legis* of any *sharīʿa* norm in terms of its underlying reasons (*ḥikma*, pl. *ḥikam*) and *maṣlaḥas*. Moreover, the *ratio legis* of any *sharīʿa* norm reflects the intention (*qaṣd*) of the Lawgiver (God, whether directly in the Quran or indirectly through the traditions and practices of the Prophet Muhammad) that people attain *maṣlaḥa*; consequently, the *rationes legis* express the Lawgiver's intentions in *sharīʿa* norms.[15] For al-Shāṭibī, the Lawgiver's intention (*qaṣd*), *maṣlaḥa* and the *ratio legis*, though analytically separate, are identical in their meaning.[16] And since all *sharīʿa* norms ultimately express the Lawgiver's intention, command and prohibition in Islamic normativity aim at preserving *maslaḥas* while containing their opposite, *mafsadas* (*mafsada*, pl. *mafāsid*; harm).[17] Al-Shāṭibī develops an all-encompassing notion of Islamic normativity permeated by the Lawgiver's intention to maintain the *maṣlaḥa* of the believers.

3.1.2 Maqāṣid al-Sharīʿa *as a Methodological Source in* Badāʾiʿ al-Silk

3.1.2.1 Ibn al-Azraq's Employment of al-Shāṭibī's Concept of Mixed *Maṣlaḥa*

In the framework of his *maqāṣid* theory, al-Shāṭibī takes a closer look at how the Lawgiver's intention manifests in the world. He observes that divinely ordained welfare as well as its opposite, harm, appear in one and the same *sharīʿa* norm, and that consequently, *sharīʿa* norms do not exist as pure *maṣlaḥas* or pure *mafsadas*. Rather, *maṣlaḥas* are mixed with discomfort while *mafsadas* are mixed with comfort. Whether a *sharīʿa* norm is known in this world as a *maṣlaḥa* or a *mafsada* depends on its predominant aspect. For example, customarily a matter is considered a *maṣlaḥa* if the aspect of *maṣlaḥa* dominates. The human intellect is able to evaluate *maṣlaḥa* and *mafsada* in worldly matters by assessing the customary predominant aspect of a *sharīʿa* norm.[18]

Al-Shāṭibī tries to explain the existence of *maṣlaḥa* and *mafsada* in one and the same *sharīʿa* norm by distinguishing between two divine intentions. He distinguishes between God's legislative intention (*al-qaṣd al-tashrīʿī*) and his intention of creation (*al-qaṣd al-khalqī al-takwīnī*), and looks at the existence of *maṣlaḥa* and *mafsada* in one and the same *sharīʿa* norm, insisting that only

15 Opwis, *Maṣlaḥa and the Purpose of the Law*, pp. 257–258.
16 Ibid.
17 Hallaq, "The Primacy of the Qurʾān in Shāṭibī's Legal Theory," pp. 88–89.
18 al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, pp. 339–342.

the predominant aspect of *maṣlaḥa* is the object of the Lawgiver's intention. The mundane aspect of *mafsada* that results from attaining the *maṣlaḥa* of a *sharīʿa* norm is legally not intended, but inevitable in the reality of human action.[19]

Ibn al-Azraq employs al-Shāṭibī's concept of mixed *maṣlaḥas* and *mafsadas* in his discussion of the establishment of a coercive authority:

> The welfare (*maṣlaḥa*) [that results from] appointing (*naṣb*) a restraining authority (*al-sulṭān al-wāziʿ*) is not undermined by the harm (*mafāsid*) that is concomitant with its coercion (*qahrihi*) and domination (*ghalabatihi*). [This is] because when [welfare] exceeds this harm, [this] is the object of [the Lawgiver's] intention (*al-muʿtabara*).
>
> [...]
>
> I say (*qultu*): it should not be understood from the [previous] statement [that] it is [the same statement] uttered by the philosophers—namely that evil (*sharr*) resulting from a good (*khayr*) that is superior in weight is unintended (*ghayr maqṣūd*) in its essence (*bi-l-dhāt*)—, because [their argument] is from the standpoint of the objective [behind] creation and generation (*al-qaṣd al-khalqī al-takwīnī*). The [argument] intended by the religious scholars, [on the other hand,] is [to be understood as being] from the standpoint of the objective [behind] legislation (*al-qaṣd al-tashrīʿī*).[20]

Ibn al-Azraq addresses the problem that the *sharīʿa* norm of appointing a supreme authority does subject those under his rule to experience coercion (*qahr*) and domination (*ghalaba*). He couches his argument in al-Shāṭibī's concept of mixed *maṣlaḥas* and *mafsadas*. Since the *maṣlaḥa* of appointing a restraining authority excels its *mafsada*—the coercion and domination that results from it—Ibn al-Azraq concludes that the *maṣlaḥa* is the object of the Lawgiver's intention rather than the *mafsada*. Thus, he bases the notion of a restraining authority on Islamic normativity for it to be considered a *maṣlaḥa*, a common good. He thereby also creates a conceptual association between the notions of *maṣlaḥa* and *al-sulṭān al-wāziʿ*.

In the *qultu* passage quoted above, Ibn al-Azraq takes up al-Shāṭibī's explanation of why *mafsada* occurs despite the Lawgiver's intention regarding the *maṣlaḥa* of a *sharīʿa* norm.[21] He clarifies that his position is not that of the philo-

19 Opwis, *Maṣlaḥa and the Purpose of the Law*, pp. 265–266. See al-Shāṭibī, *al-Muwāfaqāt*, pp. 342–343.

20 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 91–92.

21 See al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, pp. 342–343.

sophers who explain the occurrence of good (*khayr*) and evil (*sharr*) in one and the same phenomenon from the perspective of the divine intention of creation (*al-qaṣd al-khalqī al-takwīnī*) and who argue in terms of essences (*dhāt*). Instead, he approaches this question of why *mafsada* results from the appointing of a restraining authority in terms of legislative intention (*al-qaṣd al-tashrīʿī*). He thus borrows the distinction that al-Shāṭibī makes in *al-Muwāfaqāt* between two intentions of God and disassociates himself from the philosophers. This is highly significant for Ibn al-Azraq's political thought, because he thereby positions himself in the legal rather than the philosophical tradition in approching the effects that result from political rule.

In a later passage, Ibn al-Azraq elaborates on what the specfic *maṣlaḥa* is that results from the *sharīʿa* norm of establishing a restraining authority:

> … there are two consequences (*tawābiʿ*) of political rule (*mulk*).
>
> The first of them [is]: the welfare (*maṣlaḥa*) [entailed by] implementing [the requirements of] religion (*iqāmat al-dīn*) and [administering the affairs of] the world (*wa-l-dunyā*) according to its terms. This is evident when one reflects [on rule] (*bi-iʿtibārihi*) from this standpoint by rational means (*ʿaqlan*). It requires [Muslim] religious obligation (*wujūb al-taklīf*) [to establish rule] according to revelation (*sharʿan*).
>
> The second [consequence is]: the harm (*mafsada*) [that is caused by] having command over [rule], such as coercion (*qahr*) and the suppression of [peoples' natural] desires. The blame occurring in [the exercise of rule] is only from this aspect. Hence, [rule] is not blameworthy in itself (*lā yudhamm li-dhātihi*), because [the harm] that is a concomitant of it is excelled by the welfare [that one understands through] reflecting on [rule], as already outlined in the postulates (*muqaddimāt*).[22]

In the passage cited above, Ibn al-Azraq stresses that since political rule is a *maṣlaḥa*, there exists a divinely imposed obligation (*taklīf*) to fulfil this *sharīʿa* norm. Ever since the early Islamic period, Muslim scholars had discussed the extent of this obligation on believers (*mukallaf*) to fulfil these ethical and legal norms.[23] The notion of *taklīf* recognises the necessity of taking the human condition into account, and is based on an understanding that God did not impose impossible burdens on humankind. Therefore, before any obligation could take

22 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 108.

23 Norbert Oberauer, *Religiöse Verpflichtung im Islam: Ein ethischer Grundbegriff und seine theologische, rechtliche und sozialgeschichtliche Dimension*, Würzburg: Ergon Verlag, 2004, pp. 27–30.

effect, the capacity of the believer to fulfil God's commands is taken into consideration in assessing the extent of the divinely imposed obligation.[24]

Ibn al-Azraq's treatment of the issue also reveals that he conceives of hierarchisation as a problem *per se*: all men belong to humankind and are therefore equal. Their hierarchical organisation creates coercion and the suppression of desires. But he solves this problem by reverting to Shāṭibīan legal hermeneutical concepts of mixed *maṣlaḥas* and *mafsadas*; since *mulk* was identified as a *maṣlaḥa* for the community, there exists a legal obligation to institute it. It is thus only the religious character of the political and social hierarchies—the fact that they implemented religion, its *maṣlaḥa*—that makes hierarchisation acceptable.

3.1.2.2 Ibn al-Azraq's Employment of al-Shāṭibī's Interconnected Categories of *Sharīʿa* Norms and Their Additional Layers

In his *maqāṣid* theory, al-Shāṭibī divides all *sharīʿa* norms into three categories, namely the necessities (*ḍarūriyyāt*), needs (*ḥājiyyāt*), and improvements (*taḥsīniyyāt*) of human existence. In his opinion, it is the purpose of the *sharīʿa* to preserve all of these. Felicitas Opwis explains that in principle this is no different from the divisions of *sharīʿa* norms as proposed by other scholars and jurists in their *maqāṣid* theories, al-Ghazālī, al-Rāzī and al-Qarāfī (d. 684/1285) among them. However, al-Shāṭibī envisions an additional layer for each of these categories, one that perfects and complements them (*takmīlāt*). For example, that equality is stipulated with regard to retaliation is a *sharīʿa* norm complementary to a necessary norm. However, complementarity cannot not be established if it were to invalidate the basic *sharīʿa* norms, be they necessities, needs or improvements, as the basic norms always have priority.[25]

In his *maqāṣid* theory, al-Shāṭibī additionally construes the three categories of *sharīʿa* norms themselves to constitute interconnected additional layers. The category of necessities forms the core, protected and complemented by the norms related to need and improvement. Yet here, too, the dependency of the three categories as complementary goes in one direction only.[26] In legal considerations, the preservation of necessities receives priority over needs, which in turn receives priority over improvements. On account of their interdependency, the invalidation of a *sharīʿa* norm of lesser weight poses a risk to the preservation of one more weighty and, thus, could lead to its inadequacy.

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24 See ibid. pp. 66–67.

25 Opwis, *Maṣlaḥa and the Purpose of the Law*, pp. 259–261. See al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, pp. 329–331.

26 Ibid. pp. 261–264.

Therefore, the less weighty *sharīʿa* norms ought to be preserved for the sake of the higher level, even if they are only adversely affected after reaching a certain threshold.[27]

Ibn al-Azraq employs al-Shāṭibī's conceptual division of different categories of *sharīʿa* norms and their additional layers in his discussion of the preconditions that the candidate for the office of the supreme authority must fulfil in order to qualify for the position of head of state (*shurūṭ al-imāma*). He argues that:

> ... the righteousness (*ʿadāla*) of the supreme authority belongs to the complementing [commands] (*mukammilāt*) of his attributes. When [the command to] observe [righteousness] infringes the purpose (*ḥikma*) of [the command to] establish [that supreme authority], taking [the command of righteousness] into consideration must be abolished, just as in the case of [religious] knowledge. This is the case with every complementing [command] (*takmila*) with regards to [the command that] it complements (*mukammila*).[28]

Couching his discussion in al-Shāṭibī's concepts of basic and complementary *sharīʿa* norms, Ibn al-Azraq concludes that the sultan does not need to fulfil the preconditions of righteousness and religious knowledge. He renders these two preconditions as complementing *sharīʿa* norms which, if unfulfilled, need not lead to the invalidation of their basic *sharīʿa* norm, namely the appointment of a supreme authority. In other words, a necessary *sharīʿa* norm, such as the appointment of a supreme authority, is not invalidated if a complementary norm is not fulfilled.

This gives Ibn al-Azraq an argumentative excuse for basing the appointment of a ruler on Islamic normativity, even if he does not fulfil these two preconditions. As mentioned earlier, his stance can be read as a plea for legal realism. He may have accepted an individual supreme authority as a given in a political system due to the reality of dynastic succession in his lifetime. Alternatively, in the chaotic and despotic political climate in which he found himself, he might have considered the appointment of a supreme authority and the preservation of the sultanate a higher priority than insisting on specific personal qualities in the ruler.[29]

27 Ibid. p. 264.
28 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 96.
29 See chapter 2.2.

This study holds that in this discussion, Ibn al-Azraq was inspired by an example that al-Shāṭibī himself put forward in *al-Muwāfaqāt*. Al-Shāṭibī argues that *jihād* (war) and its guardian (*wālī*), i.e. the political leader who initiates and leads the *jihād*, is a necessity, whereas the characteristic that the guardian of the *jihād* be righteous belongs to the complementaries. Consequently, even if a political leader is not righteous, his *jihād* remains valid and necessary.[30]

Ibn al-Azraq also employs al-Shāṭibī's notion of a system of Islamic normativity in which different categories of *sharīʿa* norms form interconnected additional layers in another respect. Thoughout the whole of his political treatise, *BS*, this presents the main conceptual basis for the formulation of his political theory. Applying al-Shāṭibī's notions of interdependent basic and complementary layers, Ibn al-Azraq establishes a hierarchical categorisation of principles pertaining to political rule and statecraft. For example, in his depiction of the ideal configuration of institutional rule (*arkān al-mulk*), Ibn al-Azraq distinguishes between necessary (*ḍarūrī*) and complementary (*kamālī*) acts of rule.[31] Likewise, he formulates necessary and complementary preconditions which the candidate for the vizierate ought to fulfil (*fī shurūṭihi al-ḍarūriyya wa-l-mukammila*).[32] Furthermore, al-Shāṭibī's notion of a system of interconnected necessary and complementary layers finds expression in the formal structure of *BS*. Throughout the work, Ibn al-Azraq introduces principles of priority first and then describes matters of secondary significance with the term "complementing" (*takmila*/*takmīl*).[33] Employing al-Shāṭibī's notions of a system of interconnected necessary and complementary layers, he conveys the notion that in political action and decision making, the preservation of necessary principles has to be prioritised over complementary principles while also conveying that the neglect of complementary principles, on account of their interdependency, poses a hazard to the preservation of any necessary ones. Ibn al-Azraq thus accentuates the complexity and the interdependence of questions pertaining to rulership.

3.1.2.3 Ibn al-Azraq's Employment of al-Shāṭibī's Substantive Rationality

Wael Hallaq explains that in valid deductive inferences the conclusion of an argument must follow from the premises and not go beyond them. But reasoning cannot be confined exclusively to deductive modes of argument, as the

30 Cf. al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, p. 330.
31 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 185.
32 Ibid. p. 191.
33 Ibid. pp. 121, 238, 289.

need often arises to draw a general conclusion from a limited body of evidence. Arguments proceeding from a certain number of particulars to a general conclusion constitute a perception of relations that are not wholly subject to the rules of rational, deductive validity. In such inductive inferences the evidence does not entail the conclusion but lends it some sort of support or corroboration.[34]

The notion of inductive corroboration played a major role in the elaboration of a number of central concepts in the *uṣūl al-fiqh* tradition. The evidence that may be utilised in proving the certainty of legal principles may not be confined to the formal verbal expression contained in the *ḥadīth* literature and the Quran. Rather some principles may derive from the meaning which may be found, by means of induction, to permeate the entirety of *sharʿī* material. Hallaq points out that al-Shāṭibī anchors his entire theory of *maqāṣid al-sharīʿa* in inductive corroboration. Al-Shāṭibī practises thematic induction (*istiqrāʾ maʿnawī*) and utilises it in order to extract a set of principles of universal validity from the entirety of the revealed sources. For al-Shāṭibī, the certainty of these principles resulted from the cumulative and recurrent corroboration of statements and indications found in passages and contexts of the revealed texts.[35]

Thematic recurrence and induction promote a tendency towards substantive rationality. Inductive reasoning shifts the focus of a jurist's investigation away from concrete pieces of evidence and strict rules of logical entailment towards the meaning and import of specific norms. This results in a substantive approach towards the sacred law which evaluates the validity of norms according to their purpose and outcome, which is the case in al-Shāṭibī's theory of *maqāṣid*.[36]

In *BS*, the reader encounters a markedly substantive approach throughout in the assessment of *sharīʿa* norms. Considering his thorough engagement with al-Shāṭibī's theory of *maqāṣid*, I hold that Ibn al-Azraq's substantive approach is due to al-Shāṭibī's influence. This approach is exemplified in the eleventh postulate (*fātiḥa*) of *BS*'s second introduction which will be cited yet again due to its importance. Here he discusses whether the precondition of a single supreme authority in the whole of the Islamic realm needs to be fulfilled:

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34 Wael Hallaq, "On Inductive Corroboration, Probability and Certainty in Sunnī Legal Thought," *Islamic Law and Jurisprudence*, Nicholas Heer (ed.), Seattle: University of Washington Press, 1990, pp. 3–31; here p. 3.

35 Ibid. pp. 6–8, 25–26.

36 Opwis, *Maṣlaḥa and the Purpose of the Law*, pp. 249–252.

> The precondition of a single imam (*waḥdat al-imām*), whereby there is no other [imam] than he, is not enforced in cases where this is not possible. [Thus,] according to Ibn al-Abiyy, Ibn ʿArafa says: If the seat of the *imām* is so far away that he cannot enforce his rule in certain remote regions, it is permissible to establish another [imam] in those regions. According to al-Ḥasanī, a scholar of our era from the Egyptian lands, this is permissible [in situations dictated by] necessity. [Ibn al-Abiyy also] transmitted this [exception to the singleness of the imam] on behalf of other [scholars].
>
> I say (*qultu*): we have already discussed the inability of group feeling (*ʿaṣabiyya*) to achieve all-out domination nowadays. So, if the demand for the singleness [of the imam] is not outwardly apparent, then the excuse [for not enforcing this precondition] is stronger, which is obvious from various points of views. This does not remain unknown to a person with deep insight. But God knows best.[37]

In this passage, Ibn al-Azraq employs the Khaldūnian concept of group feeling and argues that the *ʿaṣabiyya* of the Muslim community of his day is not strong enough to gain overall domination in the Islamic realm. Thus, the excuse not to act upon the *sharīʿa* norm of one single imam is even more obvious than explicated by that of other, earlier jurists. In this way, Ibn al-Azraq voices socio-political considerations and evaluates the validity of the *sharīʿa* norm of one single imam according to its purpose and outcome. He advocates taking into consideration the social mechanisms that underlie state-forming processes in the evaluation of *sharīʿa* norms, and, applying a substantive approach, he is able to offer an explanation for the existence of several state polities in the Islamic realm that is based on Islamic normativity.

I interpret Ibn al-Azraq's substantive rational approach to this question as a plea for coming to terms with the Khaldūnian "observation" that political rule belongs to those who possess the strongest group feeling, and with the fact that the Muslim community was unable to establish a single state polity in the whole of the Islamic realm. Considering the political reality of a multitude of state polities in Ibn al-Azraq's time, he may have deemed it out of reach to insist on any idealised notions of universal rulership and to question this multitude in the Islamic realm as a whole. Obviously, the imposition of order—in whatever institutional form—was in Ibn al-Azraq's political thought a higher priority than insisting on the *sharīʿa* norm of a single polity in the entire Islamic realm.

37 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 98.

3.1.3 *Al-Shāṭibī's All-Encompassing Notion of* Shar' *as the Basis for the Relationship between Islamic Normativity and Political Rule in* Badā'i' al-Silk

The previous section showed how Ibn al-Azraq employs major concepts and principles from al-Shāṭibī's theory of *maqāṣid al-sharī'a* as a methodological source. In this part, this study presents in detail how Ibn al-Azraq employs—more abstractly—al-Shāṭibī's understanding of Islamic normativity as an all-encompassing system permeated by the Lawgiver's intention to attain the *maṣlaḥa* of the believers in order to base questions pertaining to rulership on Islamic normativity.

The most explicit expression of this is found in the tenth postulate (*fātiḥa*) of his second introduction entitled "Introducing the Principles from the Discourse on Rule (*mulk*) According to Islamic Normativity (*shar'an*)."[38] Discussing the *sharī'a* norm of Qurashite descent as a precondition for the office of the supreme authority, Ibn al-Azraq argues:

> The judge Abū Bakr [al-Bāqillānī] and a group [of scholars] from different [schools of thought] hold an extreme position, [for] they say: If a Qurashī and a Nabaṭī were equal in [fulfilling] the preconditions for the imamate, then preference should be given to the Nabaṭī, since he is more likely (lit. closer, *qurbihi*) not to [act with] injustice and oppression.
>
> That is [also] the position of Ibn Khaldūn—despite the divergent doctrine of the majority [of scholars]—according to his conclusion, [where he says]: The intention of the Lawgiver (*qaṣd al-shāri'*) in making [Qurashī descent] a precondition [for the caliphate] is not only because of the blessing it holds—even though that [blessing] is [definitely] gained. But [the precondition] was [imposed] so as to avert conflicts, because of the group feeling (*'aṣabiyya*) and domination (*ghalaba*) of the Quraysh. The intention [of the Lawgiver] behind this was not restricted to [just] a single generation or period. For when group feeling appeared within the ones in charge of the affairs of the Muslims (*al-qā'im bi-amr al-muslimīn*), [this group feeling] was the overall reason (*al-'illa al-mushtamila*) for making Qurashi [descent a precondition for the caliphate]. [This is] especially [the case] since nowadays [Qurashi] group feeling has dwindled [throughout] the east and the west [of the Islamic lands], and [so] that [remaining group feeling] is not [enough for the Muslims to achieve domination] in all areas and regions, as was the case when the Quraysh were [able] to [achieve] that [domination] because of their strength at the time

38 Ibid. p. 91.

> [of early Islam]. Rather, nowadays this [ability to achieve domination over the Muslims] is restricted in each [particular] region to those who possess supreme group feeling. [Ibn Khaldūn then goes on] to say: if you consider God's secret [intention] in [establishing] the caliphate, nothing more needs to be said regarding this, because [God] Most High made the caliph His deputy [on earth] to establish the affairs of His servants, addressing [the caliphs] to [undertake] that [duty], since [God] would not have addressed [someone] to [undertake] a matter for which he lacks the capacity (*qudra*). Ibn Khaldūn continues: [The facts of] existence (*wujūd*) prove that, since only the one who achieves domination over a community or generation becomes the one in charge of their affairs. There is rarely a *sharʿ*-based matter (*al-amr al-sharʿī*) that contradicts a fact of existence (*al-amr al-wujūdī*).
>
> I say (*qultu*): This argument is of the utmost excellence, highly skilled, and precise. But [Ibn Khaldūn's] statement [that] there is rarely a *sharʿ*-based matter that contradicts a fact of existence, is absolutely not the case. The fundamental [point] (*qāʿida*) is that every principle of knowledge (*aṣl ʿilmī*) adopted as a guide (*imām*) in any act is conditional on its conforming to how customs operate in similar cases, otherwise that principle is invalid. Evidence (*shāhid*) for that is what Sheikh Abū Isḥāq al-Shāṭibī—may God have mercy on him—has established.[39]

In agreement with Ibn Khaldūn, Ibn al-Azraq argues that by Ibn Khaldūn's and Ibn al-Azraq's time, the group feeling of Quraysh had been destroyed and they lacked the capacity to gain domination. Thus, it would be improper to impose such an obligation on one of their members. Rather, it was the regional rulers who had sufficient group feeling to impose order in their regions.

Ibn al-Azraq holds that a *sharʿ*-based matter was never in opposition to a fact of existence and forcefully advocates that facts of existence are indeed captured by Islamic normativity. He introduces a fundamental point (*qāʿida*) into the discussion in order to base on Islamic normativity the Khaldūnian "actual fact" that political rule belonged to those with the strongest group feeling. This *qāʿida* purports that any principle of knowledge may serve as a standard for deriving a *sharīʿa* norm on action (not ritual) as long as it does not contravene a stipulation for action in other similar practices. The background of this fundamental point is a paraphrase of al-Shāṭibī's thirteenth *muqaddima* (postulate) as laid down in *al-Muwāfaqāt*.[40] Al-Shāṭibī postulates that a principle

39 Ibid. pp. 96–97.

40 Al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, p. 88. Since the principle that Ibn al-Azraq cited is a para-

of knowledge refers to a normative practice that is based on what is customarily understood to validate normative matters. Such a principle of knowledge would, for example, accept contracts between two people. This principle would only be valid in the case of marriage contracts if it adhered to the stipulation that witnesses have to be present when the marriage contract is made. A principle upon which one derives a norm is valid if it does not contravene the generally accepted elements and stipulations that go with this action. It would, however, be invalid, for example, to pronounce as a principle of knowledge that all marriage contracts are valid no matter how they are entered into, because this goes against the custom (*ʿādāt*) of having witnesses. Based on this principle of knowledge, all other types of contracts may be considered valid even if there is no *hadīth* or Quranic verse specifically sanctioning a particular type. It also means that a jurist does not have to resort to analogy (*qiyās*) and construct elaborate justifications of a common *ratio legis* (*ʿilla*) for a new type of contractual agreement, but only needs to make sure that this contract proceeds according to the overall characteristics of contracts (witnesses, offer and acceptance, etc.).

In the passage cited above, Ibn al-Azraq construes Ibn Khaldūn's observation—namely that only those who have sufficient group feeling gain domination over a people—as "a principle of knowledge". This principle, in turn, serves him as a standard for deriving the norm that those who possess the strongest group feeling become the rulers of Muslim subjects. Ibn al-Azraq uses a paraphrase of al-Shāṭibī's thirteenth postulate in order to base the actual fact of non-Qurashite regional rulers ruling over Muslim subjects—on the basis of their stronger group feeling—on Islamic normativity. This enables him to formulate a harmonious interpretation between Islamic normativity and the actual fact of non-Qurashite regional rulers. He thus develops a notion of Islamic normativity as an all-encompassing system that is able to integrate actual facts with regard to questions pertaining to political rule.

Another example of how Ibn al-Azraq employs—more abstractly—al-Shāṭibī's notion of Islamic normativity as an all-encompassing system that was permeated by the Lawgiver's intention regarding the welfare of the believers in order to base questions pertaining to rulership on Islamic normativity is found

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phrase and not a verbatim citation of al-Shāṭibī's thirteenth postulate, it is theoretically possible that the principle he cites stems from another source, perhaps from another *qawāʿid* work. Since, however, extensive research in other primary sources did not yield any results for Ibn al-Azraq's version of the postulate, I assume that it is indeed his paraphrase of al-Shāṭibī's postulate. Besides, Ibn al-Azraq himself refers to al-Shāṭibī as his source, see passage cited above.

in the sixth postulate of *BS*'s second introduction. Here, Ibn al-Azraq discusses the transformation (*inqilāb*) of the caliphate into rule (*mulk*):

> … that the caliphate (*khilāfa*) was transformed (*inqilāb*) into *mulk*, the exposition of which we shall recount, if God wills. [This transformation] occurred in accordance with the nature of existence (*bi-ḥasab ṭabīʿat al-wujūd*) [and so] does not violate the general objective (lit. what was intended, *quṣida*) of [the caliphate]. Rather, the need (*ḥāja*) for *mulk* derives from the highest levels of reflection on [rule] (*arfaʿ marātib al-iʿtibār bihi*).[41]

Ibn al-Azraq argues that *mulk*—i.e. localised, non-universal forms of political rule—and *khilāfa* fulfil the same purpose; the transformation from the caliphate into *mulk* does not violate the *sharʿ*. In a later passage, he clarifies that this common purpose is the *maṣlaḥa* of establishing order and enforcing Islamic normativity.[42] By employing al-Shāṭibī's *maqāṣid* theory he is able to offer a harmonious interpretation of the actual fact that the caliphate was superseded by localised, non-universal forms of political rule and Islamic normativity. He presents *sharʿ* as an all-encompassing notion that could integrate even the transformation of the caliphate into *mulk*.

Ibn al-Azraq's discussion of the supreme authority's supervision of a political course (*riʿāyat al-siyāsa*) may serve as a final example. After discussing *riʿāyat al-siyāsa* from a rational perspective, he approaches this question from the point of view of what is valid according to Islamic normativity. He distinguishes between an unjust political course (*siyāsa ẓālima*), which Islamic normativity forbids, and a just political course (*siyāsa ʿādila*) through which the state polity persists.[43] Ibn al-Azraq holds that supervising a just political course is legally valid. He argues that to consider *siyāsa ʿādila* incompatible with the principles of Islamic normativity would mean to refuse the evidence that the revelation provided (*mā shahida lahu al-sharʿ*) in this matter through reasoning on the divinely-ordained interests of the believers (*iʿtibār*).[44] He supports his stance by quoting Ibn Farḥūn (d. 799/1397):

> Ibn Farḥūn said: this [considering *siyāsa ʿādila* incompatible with the principles of the sacred law] is to refuse [to accept] the texts of revela-

41 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 94.
42 Ibid. p. 108.
43 Ibid. p. 287.
44 Ibid. For an extensive discussion of the term *iʿtibār*, see next chapter.

> tion (*nuṣūṣ al-sharīʿa*) and to accuse the Rightly Guided Caliphs of [being in] error. But one cannot neglect to depend on [the sacred law] in that matter under the illusion that the sacred law (*sharīʿa*) falls short (*qāṣira*) of [dealing with the matter] of [divine] supervision over creation (*riʿāyat al-khalq*). This would [be tantamount to] perpetrating a crime against the sacred law and accusing it of being deficient [....]. [So] Ibn Farḥūn said: [The argument that *siyāsa ʿādila* is contrary to the *sharīʿa* is therefore tantamount to] ignorance (*jahl*) and is an abominable error (*ghalaṭ fāḥish*).[45]

Ibn al-Azraq then provides proof (*dalīl*) that *siyāsa ʿādila* is based on Islamic normativity (*mashrūʿiyya*). According to him, Islamic normativity already encompasses (*ishtimāl*) the provisions (*aḥkām*) of just political courses. These are implied in the Lawgiver's care for the supervision (*ʿināyat al-shāriʿ*) of the servants' interests (*riʿāyat maṣāliḥ al-ʿibād*).[46] Thus, also in this example, the basic assumption implicit in Ibn al-Azraq's line of argument is al-Shāṭibī's notion of Islamic normativity as an all-encompassing system permeated by the Lawgiver's intention for the welfare of the believers. Following such an understanding, Ibn al-Azraq bases the notion of supervising a just political course on Islamic normativity.

3.2 Construing an All-Encompassing Notion of *Sharʿ* with regard to Political Rule in Relation to Ibn Khaldūn's Social Theory

Born one generation later, as a political theorist Ibn al-Azraq was faced with Ibn Khaldūn's political theory that was part of his social theory (*ʿilm al-ʿumrān*). The way Ibn al-Azraq engages with his major source, the *Muqaddima*, leaves no doubt about his high appreciation of Ibn Khaldūn's socio-political and socio-economic analysis of the basis of rulership.[47] At the same time, he holds on to conceive of political rule within the framework of Islamic normativity. The current section shows how Ibn al-Azraq manages to uphold an all-encompassing notion of *sharʿ* with regard to political rule particularly in relation to Ibn Khaldūn's *ʿilm al-ʿumrān*. The research undertaken to shed light on this question uncovered that the concept of *iʿtibār* (sharia-sanctioned rational reflec-

45 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 287–288.
46 Ibid, p. 288.
47 See chapter 1.3.2.

tion on existence in combination with legal reasoning) is instrumental in that regard. In drawing on a tradition of *iʿtibār* that combines reason and revelation, Ibn al-Azraq takes up the general thrust of Ibn Khaldūn's sociological-empirical approach and establishes an interplay between Khaldūnian and Islamic normative assessments, retaining, however, Islamic normativity as the superordinate epistemic framework in his political thought. The analysis below is preceded by an introduction to the concept of *iʿtibār* so as to give an overview of its usage in various medieval Arabic writing traditions.

3.2.1 *The Notion of* I'tibār *in Premodern Arabic Literature*

The term *iʿtibār*[48] as a *terminus technicus* is widespread in various traditions of premodern Arabic language literature that takes on different meanings in different genres. ʿAbd al-Karīm ʿAkkīwī's *Naẓariyyat al-Iʿtibār fī l-ʿUlūm al-Islāmiyya* (The Theory of *Iʿtibār* in the Islamic Sciences)[49] is the only study that aims to give an overview of the various usages of *iʿtibār* in different traditions of premodern and, partly, modern literary traditions.

In the philosophical writings of thinkers such as al-Fārābī, the Ikhwān al-Ṣafāʾ (Brethren of Purity, fl. 360/970) and Ibn Sīnā, *iʿtibār* appears as a logical term that denotes induction.[50] In theological, philosophical and hermeneutic sources as well as in some early mystic (Sufi) literature, the term *iʿtibār* denotes contemplation upon creation and its multiple phenomena in order to witness God's wisdom.[51] An early and well-known exposition of *iʿtibār* in this sense can

48 In his classical Arabic lexicon, British lexicographer E.W. Lane defines the verb *iʿtabara* as "he became admonished or reminded; he took warning or example by what passed" and "he took, or regarded, what he witnessed, or saw, or beheld, as an indication, or evidence, of what was concealed from him: he compared what was unapparent with what was apparent; […] or: he considered the essential properties of things, and their modes of indication, in order that, by the consideration thereof, another thing, of their kind, might become known." See E.W. Lane, *Arabic-English Lexicon*, Cambridge: The Islamic Texts Society, vol. 2, 1984, p. 1987, central column.

49 ʿAbd al-Karīm ʿAkkīwī, *Naẓariyyat al-Iʿtibār fī al-ʿUlūm al-Islāmiyya*, Herndon: The International Institute of Islamic Thought, 2008. Due to its wide range, ʿAkkīwī's book presents an invaluable resource for scholars who seek an overview of historical figures who employed the term *iʿtibār* and traditions in which it actually appeared. However, it lacks an in-depth analysis as well as a critical assessment of the term's reception in different traditions. Another scholar who treated the term *iʿtibār* is Muḥammad ʿĀbid al-Jābirī. In *Bunyat al-ʿAql al-ʿArabiyy*, Beirut: Markaz Dirāsāt al-Waḥda al-ʿArabiyya, 2009, pp. 143–144.

50 Soheil M. Afnan, *A Philosophical Lexicon in Persian and Arabic*, Beirut: Dār al-Mashriq Publ., 1969, p. 169.

51 Sarah Stroumsa and Sara Sviri, "The Beginnings of Mystical Philosophy in al-Andalus: Ibn Masarra and his Epistle on Contemplation," *JSAI*, vol. 36, 2009, p. 205.

be found in *The Book of Proofs and Reflection regarding Creation and Divine Governance* (*Kitāb al-Dalā'il wa-l-I'tibār ʿalā al-Khalq wa-l-Tadbīr*) that is attributed to the ninth-century author al-Jāḥiẓ (d. 255/869). The *Kitāb al-Dalā'il* is a polemical work directed against so-called dualists and atheists who allegedly denied the existence of one, transcendent Cause who designed the universe. In this work, *i'tibār* as denoting contemplation upon creation is part of the argument from design,[52] or so-called teleological argument, which reasons from manifestations of order in the world back to God who produced them. Also in Islamic legal literature, the notion of *i'tibār* appears from the tenth century. In early debates, *i'tibār* sometimes denotes the reflection on the *ratio legis* of a *sharīʿa* norm. When discussing legal analogy (*qiyās*), the Muʿtazilī theologian and Ḥanafī jurist Abū Bakr Aḥmad b. ʿAlī al-Rāzī al-Jaṣṣāṣ (d. 370/981), for example, argues in *Uṣūl al-Fiqh* that the *ratio legis* (*ʿilla*) was something that the jurist initially uncovered, or came to know, through a mental operation which he sometimes termed *naẓar* (mental investigation) and other times *i'tibār* (reflection). In order to

> establish a juridical judgement through analogy, what is required is some kind of mental investigation (*naẓar*), mental inspection of (*i'tibār*), and meditation over (*ta'ammul*) the state of the derivative case (*farʿ*).[53]

Muḥammad Kamāl Ibrahim Jaʿfar highlights the prevalence of the notion of *i'tibār* in Andalusia.[54] In *Risālat al-I'tibār* (*The Epistle on Contemplation*), Andalusian philosopher and mystic Ibn Masarra (d. 319/931), for example, offers an original elaboration of the concept of *i'tibār* in a neoplatonic framework. He constructs a hierarchical system of existence in which contemplation as a mental practice leads the contemplator in an ascending order through the different levels of existence to the uppermost levels of knowledge and to an encounter with his Creator.[55] Another example is the Andalusian mystic (Sufi) Ibn al-ʿArabī. In his magnum opus *al-Futūḥāt al-Makkiyya* (The Meccan Revelations), he employs the notion of *i'tibār* in order to construct a mystical concept

52 Ayman Shihadeh, "The Existence of God," *The Cambridge Companion to Classical Islamic Theology*, T. Winter (ed.), Cambridge: Cambridge University Press, 2008, pp. 197–217; here pp. 201–202.

53 Nabil Shehaby, "'Illa and Qiyās in Early Islamic Legal Theory," *Journal of the American Oriental Society*, vol. 102, no. 1, 1982, pp. 27–46; here p. 44.

54 Muḥammad Kamāl Ibrāhīm Jaʿfar, *Min Qaḍāyā al-Fikr al-Islāmī*, 1978, Cairo: Maktabat Dār al-ʿUlūm, pp. 307–360.

55 Stroumsa and Sviri, "The beginnings of Mystical Philosophy in al-Andalus," p. 207.

of *ijtihād* (expenditure of effort).[56] The notion of *iʿtibār* as a reflection on creation is not confined to Muslim thinkers. In Judeo-Arabic writings of Andalusia such as *Duties of the Heart* by Baḥya ibn Paqūda, who lived in the fifth century, it takes on mystical elements, too, and is turned into a meditation upon creation as gratitude for God's grace.[57]

The famous Andalusian philosopher and jurist Averroes (Ibn Rushd, d. 595/1198) offers an exposition of *iʿtibār* that yields insights for this book's analysis of Ibn al-Azraq's concept of *iʿtibār*, and it is therefore treated at some length. In *Faṣl al-Maqāl* (The Decisive Treatise), a *fatwa*, he answers the question whether the "activity of philosophy" was allowed according to *sharīʿa* as follows:

> If the activity of 'philosophy' is nothing more than a study of existing beings (min *al-naẓar fī-l-mawjūdāt*) and a reflection on them as indications of the Artisan (*wa-iʿtibārihā min jihat dalālatihā ʿalā al-ṣāniʿ*), i.e. inasmuch as they are products of art (for beings only indicate the Artisan through our knowledge of the art in them, and the more perfect this knowledge is, the more perfect the knowledge of the Artisan becomes), and if the Law has encouraged and urged reflection on beings (*iʿtibār al-mawjūdāt*), then it is clear that what this name signifies is either obligatory or recommended by the Law.
>
> That the Law summons to reflection on beings (*iʿtibār al-mawjūdāt bi-l-ʿaql*), and the pursuit of knowledge about them, by the intellect is clear from several verses of the Book of God, Blessed and Exalted, such as the saying of the Exalted, 'Reflect, you who have vision:' (*fa-ʿtabirū yā ūlī al-abṣār*) this is textual authority for the obligation to use intellectual reasoning, or a combination of intellectual and legal reasoning (*istiʿmāl al-qiyās al-ʿaqlī aw al-ʿaqlī wa-l-sharʿī maʿan*).
>
> [....]
>
> Since it has now been established that the Law has rendered obligatory the study of beings by the intellect (*al-naẓar fī al-mawjūdāt*), and reflection on them (*wa-iʿtibārihā*), and since reflection (*iʿtibār*) is nothing

56 Samer M.K. Dajani, *Ibn ʿArabī's Conception of Ijtihād: its Origins and Later Reception*. PhD Thesis, SOAS, University of London, 2015, pp. 68–74. Eric Winkel translated Ibn al-ʿArabī's usage of *iʿtibār* with "the thing crossed over, in the Greek sense of metaphor" (i.e. from outwardness to inwardness), see Winkel, *Islam and the Living Law: The Ibn al-Arabi Approach*, Karachi: Oxford University Press, 1997, p. 42.

57 Diana Lobel, *A Sufi-Jewish Dialogue: Philosophy and Mysticism in Baḥya Ibn Paqūda's Duties of the Heart*, Philadelphia: University of Pennsylvania Press, 2007, pp. 120–124.

> more than inference and drawing out of the unknown from the known (*istinbāṭ al-majhūl min al-maʿlūm wa-istikhrājuhu minhu*), and since this is reasoning (*qiyās*) or at any rate done by reasoning (*aw bi-l-qiyās*), therefore we are under an obligation to carry on our study of beings by intellectual reasoning (*najʿal naẓaranā fī al-mawjūdāt bi-l-qiyās al-ʿaqlī*).[58]

In these passages, Ibn Rushd construes philosophical contemplation (*iʿtibār*) on God's creation as an Islamic normative obligation. He argues that God enjoins human beings to *iʿtibār al-mawjūdāt bi-l-ʿaql* (the reflection on existing things by way of reason) the same way philosophy does. This was obligatory, because the study (*naẓar*) of existing things and the reflection on them (*iʿtibārihā*) was indicative of the existence and nature of God. Such a study might consist of the theoretical science of natural philosophy in the form of physics and cosmology and the manner in which both point to God, the immaterial cause of all.[59]

From among the Quranic verses that Ibn Rushd cites as textual evidence for his argument, it was especially 59:2: "Reflect (*fa-ʿtabirū*), you who have vision,"[60] that allowed him to put the obligatory character of *iʿtibār* on a firm base. First, the grammatical form of an imperative indicates a strong obligation. Second, and more importantly, this verse was also employed in legal debates, with the aim of basing the practice of *qiyās*, legal analogy, on a textual foundation; thus, it acquired a legal connotation.[61] Since the epistemological validity of legal analogy (*qiyās*) was contested among early jurists, proponents of *qiyās* referred to the Quranic injunction and present it as textual evidence for the practice of *qiyās*. Interestingly, this Quranic verse is found *verbatim* in *Guide of the Perplexed* by Jewish philosopher and jurist Maimonides, who also argues for the religious obligation of philosophical contemplation.[62] In the remainder of

58 George F. Hourani, *On the Harmony of Religion and Philosophy: A Translation with Introduction and Notes of Ibn Rushd's Kitāb Faṣl al-Maqāl*, London: Luzac, 1961, pp. 44–45. The Arabic transliteration in this citation is mine in order to highlight the Arabic vocabulary.

59 Richard C. Taylor, "Ibn Rushd/Averroes and 'Islamic' Rationalism," *Medieval Encounters*, vol. 15, 2009, pp. 225–235; here p. 229.

60 This is the only instance where this study does not follow Arberry's English translation of the Quran. Arberry translates this verse as "take heed, you who have eyes," whereas this study remains close to Hourani's translation of the verse in this context, with the only modification of adding 'who'.

61 Ziad Bou Akl, "La Philosophie comme pratique: erreur et droit à l'erreur dans la pensée d'Averroès," Les *Études philosophiques*, no. 162, 2016–2012, pp. 269–282; here pp. 271–272.

62 Warren Zev Harvey, "Averroes and Maimonides on the Obligation of Philosophical Con-

the text of *Faṣl al-Maqāl*, Ibn Rushd uses verse 59:2 as a *ratio legis* to switch from one mental operation, namely legal analogy, to another, namely demonstrative syllogism.[63]

Ibn Rushd's exposition of *iʿtibār*, which signifies the *sharīʿa*-sanctioned reflection on existence and combines two mental operations, deserves greater scholarly attention in the study of the *uṣūl al-fiqh* tradition. Interestingly, *iʿtibār*, signifying both legal hermeneutical reasoning and rational reflection, is also found in al-Shāṭibī's *al-Muwāfaqāt*. Here, *iʿtibār* encompasses two meanings. On the one hand, it signifies a legal hermeneutical notion and means the "reasoning on the *ratio legis* in the sense of *maṣlaḥa* or *qaṣd* (divinely-ordained interest or aim) of a *sharīʿa* norm." One encounters this meaning in passages such as "the sacred law is built upon the reasoning on the God-willed interests" (*al-sharīʿa mabniyya ʿalā ʿtibār al-maṣāliḥ*)[64] or "the Lawgiver laid down the sacred law upon the reasoning on the interests in coherence" (*al-shāriʿ waḍaʿa al-sharīʿa ʿalā ʿtibār al-maṣāliḥ bi-ittifāq*).[65] Other examples of al-Shāṭibī's usage of *iʿtibār* in this first sense are "it appears correct upon reasoning [on its purpose]" (*wa-huwa ṣaḥīḥ fī al-iʿtibār*)[66] and "it does not qualify as norm derivation on the premise of reasoning on the interests upon which the sacred law was built"[67] (*iʿtibār al-maṣāliḥ wa-huwa al-ladhī inbanat al-sharīʿa ʿalayhi*). On the other hand, the term *iʿtibār* in *al-Muwāfaqāt* can also signify a form of rational contemplation, meaning "reflection on existence." Examples of such usage are given in phrases such as "and these refer to non-Quranic reflection, which is reflection on existence" (*al-iʿtibār ghayr al-qurʾānī wa-huwa al-wujūdī*),[68] or "[they belong to those] who do not distinguish between Quranic reflection (*al-iʿtibār al-qurʾānī*) and reflection on existence" (*al-iʿtibār al-wujūdī*).[69]

Regarding the relationship between legal hermeneutical reasoning and rational reflection, al-Shāṭibī argues that applying reason (*ʿaql*) is sanctioned by Islamic normativity as long as the latter constitutes the epistemic framework within which rational reflection proceeds. He establishes this hierarchical

templation (*iʿtibār*)," *Tarbiz: A Quarterly for Jewish Studies*, vol. 58, no. 1, 1988, pp. 75–83; here pp. 77–79.

63 Ziad Bou Akl, "La Philosophie comme pratique," p. 272.

64 Al-Shāṭibī, *al-Muwāfaqāt*, vol. 2, p. 477.

65 Al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, p. 121.

66 Ibid. p. 73.

67 Ibid. p. 579.

68 Al-Shāṭibī, *al-Muwāfaqāt*, vol. 2, p. 367.

69 Ibid. p. 368.

relationship in two postulates (*muqaddima*) in *al-Muwāfaqāt*: in the third postulate, he lays down that rational proofs (*adilla ʿaqliyya*) are only to be used in connection with proofs based on revealed sources (*adilla samʿiyya*), or that they can be an aid, but are never to be applied independently; arguing that the reasoning upon proofs based on revealed sources is a form of reasoning that aims at norm derivation. Yet, reason by itself is unable to establish normativity.[70] And in the tenth postulate, al-Shāṭibī specifies further that

> if reason (*ʿaql*) and revelation (*naql*) support another in Islamic normative questions (*al-masāʾil al-sharʿiyya*), it is on the condition that revelation will be given precedence, in the sense it is being followed (*matbūʿan*), and reason follows, in the sense it is subsequent (*tābiʿan*). Thus, reason is not to proceed in investigation (*naẓar*), except to the extent which revelation allows [reason] to proceed.[71]

3.2.2 I'tibār *in* Badā'iʿ al-Silk

The notion of *iʿtibār* as a technical term figures abundantly throughout *BS*, and this section will now examine Ibn al-Azraq's usage of it. It will show that Ibn al-Azraq draws on a tradition of *iʿtibār* that combines two mental operations. As outlined above, this tradition goes back to philosopher and jurist Ibn Rushd's *Faṣl al-Maqāl*, and is also found in al-Shāṭibī's *al-Muwāfaqāt*. On the one hand, *iʿtibār* in *BS* signifies a form of rational contemplation, meaning the "investigative observation on creation by means of reason." On the other, it indicates a legal hermeneutical notion and means "reasoning on the purpose of a *sharīʿa* norm." Most tellingly, the two meanings of *iʿtibār* can be explicated in detail by looking at the two introductions of *BS* separately.

The first introduction of *BS* is entitled "Introducing what Leads to the Reflection on *Mulk* on Rational Grounds," and in it, Ibn al-Azraq establishes twenty preliminaries (*sābiqa*) which are text units that consist entirely of Khaldūnian summaries or paraphrases. They do not follow a fixed format, but quite obviously, Ibn al-Azraq had an approximate model in mind when formulating the *sābiqa* text units. This model may be described as follows: Ibn al-Azraq first lays down a principle, such as "Bedouin people are closer to being good than urban people" or "Bedouin people are more disposed to courage than urban people;" then he briefly elaborates on the principle and finally gives proofs, demonstrations or clarifications of these principles.[72]

70 al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, p. 34.
71 Ibid. p. 78.
72 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 73–74.

In some of these *sābiqa* text units, Ibn al-Azraq introduces an Ibn Khaldūn citation using the term *iʿtibār*. In the twelfth *sābiqa*, for example, he first lays down "that royal family (*bayt*, lit. house) and noble status (*sharaf*) come to clients and followers only through their masters and not through their own descent." He then briefly elaborates on this principle and adds in conclusion:

> … *iʿtibār*: Ibn Khaldūn says: This is the case with the clients (*mawālī*) and servants. They ennoble themselves by being firmly attached by [their] client relationship (*walāʾ*) and service to the dynastic state (*dawla*), and by having a large number of ancestors [who were also] clients of it. [This was the case with] the Turkish clients of the Abbasid state, the Barmecides, and the Banū Nawbakht. They achieved royal family and noble [status] and built up glory and strength of character by [their] firm attachment to their client relationship to the dynastic state (*dawla*), rather than because of the nobility of their birth, which diminishes [over time] and becomes an irrelevant consideration. Consequently, dependence on [nobility of birth rather than loyalty to the state] deludes defiant [men] and has no [basis in] reality (*ḥaqīqa*). [Ibn Khaldūn therefore] says: [The facts of] existence (*wujūd*) prove (*shāhid*) this.[73]

Likewise, in the fourteenth *sābiqa*, Ibn al-Azraq first lays down that "savage peoples are better able to achieve domination (*taghallub*)." He then briefly elaborates on this principle and finally adds:

> … *iʿtibār* [evident] in [God's] creation (*bi-l-khalīqa*): Ibn Khaldūn says: observe that (*iʿtabir dhālika*) in dumb animals, such as gazelles, wild donkeys and domesticated cows. When they cease to be wild by interacting with human beings, and when they have a life of abundance, their vigour and violence and even their movements and the beauty of their coat undergo change. The same applies to the savage human being when he becomes sociable and friendly.[74]

Thus, Ibn al-Azraq introduces Khaldūnian accounts from the *Muqaddima* using the term *iʿtibār*. These Khaldūnian *iʿtibār* citations are observations about creation or social practices that function as a sort of proof for the principles laid down at the beginning of the *sābiqa* text unit. The term *iʿtibār* in Ibn al-Azraq's

73 Ibid. p. 80.
74 Ibid. p. 83.

first introduction could be rendered into English as "investigative observation on creation," and it signifies a mental operation that refers to a reflection on existence by means of reason in the sense of recognising factual data that result from observation (which includes a strong notion of empiricism).

Ibn al-Azraq's usage of the term *iʿtibār* as described so far is not confined to the first introduction. Throughout the whole of *BS*, he uses the term abundantly when introducing Ibn Khaldūn citations. Consequently, this study concludes that Ibn al-Azraq views Ibn Khaldūn's account of the socio-political and socio-economic processes in a given population group as the exercise of *iʿtibār*, i.e. as the investigative observation of the social nature of human beings by means of reason. The fact that neither every *sābiqa* nor every Ibn Khaldūn citation in the remainder of *BS* is introduced by the term *iʿtibār* is not in conflict with this study's assertion that Ibn al-Azraq conceptionalises Ibn Khaldūn's analysis of social processes as the exercise of *iʿtibār* in general. In the remainder of *BS*, one finds passages in which Ibn al-Azraq introduces an Ibn Khaldūn citation using the expression "opposite observation (*iʿtibār bi-ʿaks*)"[75] without calling the foregoing citation *iʿtibār* or, in another instance, using the expression "further observation (*muzīd iʿtibār*),"[76] again without describing the foregoing citations as *iʿtibār*. This implies that he does not always call Ibn Khaldūn's elaborations on human social nature *iʿtibār* explicitly, even though he conceptualises them as such. Moreover, the opposite can be shown: whenever Ibn al-Azraq introduces a citation with the term *iʿtibār* in the sense of "investigative observation on creation," it is always a more or less direct citation from the *Muqaddima*.[77]

The second introduction of *BS* is entitled "Introducing Principles from the Discourse on Rule (*Mulk*) According to Islamic Normativity (*Sharʿan*)." It consists of twenty postulates which Ibn al-Azraq calls *fātiḥas*. Here, as described above, the term *iʿtibār* takes on another meaning, and we encounter it for the first time in the fourth postulate:

75 Ibid. p. 138.

76 Ibid. p. 149.

77 There is a single exception, namely Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 210, where he argues that a great commander (*qāʾid*) of the army ought to possess ten traits from among those of animals, such as the generosity of a cock, the affection of a hen or the bravery of a lion. Ibn al-Azraq introduces his account with the expression *iʿtibār bi-l-khalīqa* (reflection upon the created world). This passage is of the utmost interest, because it is the only instance in which the term *iʿtibār* is not followed by an Ibn Khaldūn citation. Furthermore, this passage is an indication that the term *iʿtibār* in *BS* denotes observations, or reflections, on the natural world.

> Knowing the obligation (*wujūb*) [on Muslims to] appoint [a ruler] is, in the view of the religious scholars, [based on] revelation (*sharʿī*), not on reason (*lā ʿaqlī*). They have established it from two standpoints:
>
> The first is [that of rational] reflection (*iʿtibārī*). It means that the wisdom (*ḥikma*) to appointing [a ruler]—as will be explained, if God wills—fully entails—in accordance with reflection on [the wisdom to appoint a ruler] (*bi-ḥasab iʿtibārihā sharʿan*)—the God-imposed obligation [to appoint a ruler] (*wujūb al-taklīf bihi*).
>
> The second [standpoint is on the basis of] scholarly consensus (*ijmāʿī*): Ibn al-Tilimsānī said: This is what the religious scholars of the Sunnis (*ahl al-sunna*) depend on unequivocally, and it was established on the basis of what has been transmitted by the pious predecessors (*salaf*) and their [immediate] successors (*khalaf*), which is that it is impossible that the world be without an *imām* to implement God's command.[78]

In this postulate, Ibn al-Azraq argues that the Islamic normative obligation to appoint a ruler can be established in two ways. The first way, *iʿtibārī*, is based on the reasoning on the *ḥikma* (underlying reason) of a *sharīʿa* norm. The term *ḥikma* in this passage refers to the purpose (*qaṣd*) of a divine command as espoused by al-Shāṭibī in his theory of *maqāṣid al-sharīʿa*. And the reasoning on the purpose of appointing a ruler fully entails the divinely imposed obligation (*taklīf*) to appoint a supreme authority, Ibn al-Azraq argues. In a later passage, he clarifies that the purpose of appointing a supreme authority is the *maṣlaḥa* of establishing order and the enforcing of Islamic normativity. Thus, the term *iʿtibār* expresses a legal methodological notion meaning the "reasoning on the divinely-ordained purpose of a *sharīʿa* norm" as espoused in al-Shāṭibī's *maqāṣid* theory. Even if Ibn al-Azraq comments that the religious scholars tend to rely on the consensus of the first three generations and the following generations of the Muslim community in order to establish the Islamic normative obligation to appoint a ruler, juxtaposing *iʿtibār* and consensus, he identifies *iʿtibār* as a legal methodological source.

Another example of his usage of *iʿtibār* in this second meaning may be found in the sixth postulate which will be cited yet again due to its importance:

> ... that the caliphate was transformed (*inqilāb*) into *mulk*, the exposition of which we shall recount, if God wills. [This transformation] occurred in accordance with the nature of existence (*bi-ḥasab ṭabīʿat al-wujūd*)

78 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 92–93.

> [and so] does not violate the general objective (lit. what was intended, *quṣida*) of [the caliphate]. Rather, the need (*ḥāja*) for *mulk* derives from the highest levels of reflection on [rule] (*arfaʿ marātib al-iʿtibār bihi*).[79]

In this passage, Ibn al-Azraq argues that the need for rule derives from the highest levels of reasoning (*iʿtibār*) on the divinely ordained purpose of establishing the caliphate. He maintains that *mulk*, i.e. localised, non-universal forms of political rule, fulfil the same purpose as the caliphate. In a later passage, he clarifies that this common purpose is the *maṣlaḥa* of establishing order and the enforcing of Islamic normativity.[80] Since *mulk* and *khilāfa* fulfil the same purpose, the transformation from the caliphate into *mulk* does not violate the *sharʿ*, and one reaches this insight through *iʿtibār*.

This passage is of particular interest because here, Ibn al-Azraq refers to a Khaldūnian thesis, namely that the transformation of the caliphate into rule was a necessity of existence (*ḍarūrat al-wujūd*).[81] Ibn Khaldūn's approach to the transformation problem, however, differs from that of Ibn al-Azraq as the former argues that *mulk* was the natural goal (*ghāya ṭabīʿiyya*) of group feeling. Thus, the group feeling that exists necessarily in an early Muslim community drove it from the caliphate towards *mulk*, because such is the natural goal of *ʿaṣabiyya*.[82] Ibn al-Azraq, too, argues that group feeling necessarily existed in the early caliphate, for example to carry out the Islamic mission and establish religious laws and practices, and that the natural goal of this group feeling was *mulk*. *Khilāfa* therefore necessarily transformed into institutional rule.[83] However, Ibn al-Azraq assesses the problem of the transformation of the caliphate into institutional rule from an Islamic normative point of view, too, and applies the reasoning on the divinely ordained purpose of a *sharīʿa* norm as espoused in al-Shāṭibī's *maqāṣid* theory. Thus, he is able to construe a harmonious interpretation between the factual reality that the caliphate was superseded by localised forms of political rule and Islamic normativity.

To conclude, Ibn al-Azraq's concept of *iʿtibār* indicates two mental operations. It combines the notion of "investigative observation on the created world by means of reason", which are Khaldūnian theses, with the notion of Islamic normative "reasoning on the God-willed purpose of a *sharīʿa* norm" as discussed in al-Shāṭibī's *maqāṣid* theory.

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79 Ibid. p. 94. This passage was quoted previously when this study tried to show how Ibn al-Azraq employs al-Shāṭibī's understanding of *sharʿ*. See chapter 3.1.3.

80 Ibid. p. 108.

81 Ibn Khaldūn, *Muqaddima*, vol. 1, p. 354.

82 Ibid. pp. 354–356.

83 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, pp. 113–114.

Based on its findings, this study concludes that Ibn al-Azraq draws on a tradition of *iʿtibār* that combines *ʿaql* and *sharʿ* in order to uphold an all-encompassing notion of *sharʿ* with regard to political rule in light of Ibn Khaldūn's social theory. Ibn al-Azraq conceptualises Ibn Khaldūn's analysis of the socio-political and socio-economic basis of political rule as an exercise of *iʿtibār*, i.e. as the investigative observation of the social nature of man by means of reason that is sanctioned by sacred law. This rational reflection is combined with a second mental operation, namely the reasoning on the divinely ordained purpose as conceived by al-Shāṭibī. Since the investigative observation of the social nature of man designates a form of rational reflection sanctioned by sacred law, Ibn al-Azraq's concept of *iʿtibār* retains Islamic normativity as the superordinate epistemological framework. These assumptions correspond to the postulates with regard to the relationship between reason (*ʿaql*) and Islamic normativity (*sharʿ*) as established by al-Shāṭibī in *al-Muwāfaqāt*.

Applying a concept of *iʿtibār* that combines rational reflection with Islamic normative assessments, Ibn al-Azraq is able to integrate Ibn Khaldūn's theses on the socio-economic and socio-political basis of rulership, albeit modified, into an all-encompassing notion of Islamic normativity. Thus, for Ibn al-Azraq, the concept of *iʿtibār* is instrumental in upholding an all-encompassing notion of *sharʿ* with regard to political rule in light of Ibn Khaldūn's theses.

3.3 Conclusions: Ibn al-Azraq's *Badāʾiʿ al-Silk*—Bringing Together al-Shāṭibī's Theory of *Maqāṣid al-Sharīʿa* and Ibn Khaldūn's *ʿIlm al-ʿUmrān* in a Theory of State and Statecraft

As shown in the previous sections, Ibn al-Azraq employs al-Shāṭibī's *maqāṣid* theory in order to develop an all-encompassing notion of Islamic normativity with regard to political rule and statecraft. By applying the latter's theory, Ibn al-Azraq is able to integrate a vast range of questions pertaining to a sociologically-embedded notion of rulership into the *qaṣds* or the *maṣlaḥas* from al-Shāṭibī's *maqāṣid* theory, thereby basing them on Islamic normativity. The expression "sociologically embedded" notion of political rule is here taken to mean an understanding of political rule which takes into account Ibn Khaldūn's socio-political and socio-economic theses about the basis of rulership. To this end, Ibn al-Azraq either applies specific concepts or principles from al-Shāṭibī's *maqāṣid* theory which he uses as a methodological source, or he applies—more abstractly—al-Shāṭibī's understanding of an all-encompassing notion of Islamic normativity permeated by the Lawgiver's intention regarding the attainment of the *maṣlaḥa* of the believers.

The implications for Ibn al-Azraq's political theory are far-reaching. By way of establishing a close relationship between political rule and the sacred law through al-Shāṭibī's *maqāṣid* theory, Ibn al-Azraq anchors his entire theory of state and statecraft in a legal-ethical notion of social welfare.

Moreover, in his political thought Ibn al-Azraq construes the revealed sources of the law and the way in which Islamic normativity can be established through al-Shāṭibī's *maqāṣid* theory as a complete and self-sustaining system, independent of philosophy, and other extra-legal approaches. Defined as an all-encompassing notion with regard to political rule, *sharʿ* leaves a wide margin on which to base questions pertaining to rulership in Islamic normativity and to produce larger visions with regard to political rule and statecraft within the perspective of Islamic normativity.

I interpret Ibn al-Azraq's formulation of a theory of state and statecraft based on an inclusive relationship between political rule and Islamic normativity, and his construction of *sharʿ* as a complete and self-sustaining system with regard to questions of rulership, as the demonstration of the claim of Islamic normativity to be comprehensive, i.e. to regulate any type of administrative practice and political conduct. At one point in *Bs*, Ibn al-Azraq even expresses this claim explicitly. He explains that it is the task of the jurist to concern himself with all aspects of the behaviour (*afʿāl*) of the legally accountable human being (*mukallaf*). From a legal point of view, there is no difference between sultanic (*sulṭāniyya*) positions and caliphal (*khilāfiyya*) positions. Therefore, the jurist is concerned with sultanic and caliphal positions as well as the preconditions under which these positions are assumed (*shurūṭ taqlīdihā*) and with the validity of their courses (*ṣiḥḥat al-siyāsa*).[84]

Besides, I interpret his formulation of an encompassing relationship between political rule and Islamic normativity as a demonstration of the latter's claim to supremacy. Discussing the competences of the sultan and the institutional configuration of political rule and statecraft according to the terms of Islamic normativity, Ibn al-Azraq implicitly affirms the supremacy of the latter over political institutions, and this independently of historical reality. Islamic normativity alone constitutes the basis for the identity of the Muslim state polity and it provides the religious legitimacy of its political order. Whether or not Ibn al-Azraq's views on the relationship between political rule and Islamic normativity presented the legal mainstream of his time needs to remain unanswered for the time being.[85]

84 Ibn al-Azraq, *Badāʾiʿ al-Silk*, vol. 1, p. 266. See Ibn Khaldūn, *Muqaddima*, vol. 1, p. 409.

85 An answer would have to be based on a large-scale study of legal thought during the final Nasrid period of Andalusia which is well beyond the scope of the present study.

In light of the last two aspects, the question arises whether Ibn al-Azraq establishes some sort of "rule of law" as an essential part of political decision-making.[86] The answer has to be in the affirmative if one looks at the degree to which, according to Ibn al-Azraq, the whole institutional configuration of rule and the process of political decision making should be directed by Islamic normativity. If, on the other hand, one understands the notion of "rule of law" in a modern sense as a guarantee for the protection of individuals and groups in their conflicts with political authorities and the judiciary, its presence in Ibn al-Azraq's political thought has rather to be doubted.

Apart from this, I interpret the role that Ibn al-Azraq ascribes to Islamic normativity as a critique of Ibn Khaldūn's notion of *ʿaṣabiyya*. As shown in chapter one, Ibn al-Azraq and Ibn Khaldūn have different understandings of group feeling. In Ibn Khaldūn's analysis of the basis of rulership, socio-political and socio-economic processes govern the political order. The restraining force of political rule could only materialise through group feeling. Thus, social cohesion presents the elementary factor for enforcing order in human social association.[87] Ibn al-Azraq, on the other hand, does not propose an unserstanding of political order as governed by social processes. Instead, he conceptualises political rule according to the terms of Islamic normativity. In place of *ʿaṣabiyya*, Ibn al-Azraq considers Islamic normativity with its sociological function of regulating and stabilising interhuman relations and sanctioning transgressions the essential factor for enforcing social order and the continuity of institutional rule. He even expresses the binding force of Islamic normativity in the literary form of *BS* as he composes his treatise according to the literary conventions of *uṣūl al-fiqh* works.[88] It appears that Ibn al-Azraq couches his political theory in the conventions of *uṣūl al-fiqh* literature in order to demonstrate the binding force of Islamic normativity in a state polity in the literary form of his theory of state and statecraft, too.

The Andalusian supreme judge does not only formulate an inclusive relationship between Islamic normativity and a vast range of questions pertaining to political rule through al-Shāṭibī's *maqāṣid* theory. He also formulates an inclusive relationship between Islamic normativity and Ibn Khaldūn's *ʿilm al-ʿumrān*. Ibn al-Azraq employs the concept of *iʿtibār* (*sharīʿa*-sanctioned reflection on existence) in order to integrate Ibn Khaldūn's analysis of the socio-

86 This question was inspired by Baber Johansen's "A Perfect Law in an Imperfect Society" with regard to Ibn Taymiyya's concept of governance in accordance with the sacred law. See pp. 285–286.

87 See chapter 1.3.3.

88 See chapter 1.2. for a more extensive elaboration of the literary form of *BS*.

economic and socio-political basis of political rule into an all-encompassing understanding of Islamic normativity. This allows him to render Khaldūnian theses viable for his political theory, which is based on Islamic normativity.

This hermeneutical exercise of bringing together al-Shāṭibī's theory of *maqāṣid al-sharīʿa* and Ibn Khaldūn's *ʿilm al-ʿumrān* in his theory of state and statecraft does not remain without major ramifications for Ibn Khaldūn's theses. As argued in chapter one, Ibn Khaldūn's epistemic premises and methodology are rooted in the Arabic philosophical tradition. By using a purely rational methodology, Ibn Khaldūn ascribes metaphysical prevalence to the social processess he describes. But by applying *iʿtibār* to Ibn Khaldūn's account, Ibn al-Azraq construes Ibn Khaldūn's theses (which include a strong notion of empiricism) as normative principles. He thereby discards the metaphysical structure of Ibn Khaldūn's account and with it, the epistemological foundations of his social theory. However, Ibn al-Azraq retains Ibn Khaldūn's rational methodology. Aziz al-Azmeh belongs to those who perceive this as an accomplishment. He holds that the "historical merit of Ibn al-Azraq lies in his having stripped away the incongruous and paradigmatically impossible garb with which political subjects were clothed in the *Muqaddima*."[89] But one may also read *BS* as an obliteration of Ibn Khaldūn's *ʿilm al-ʿumrān*.

Do these elaborations mean that Ibn al-Azraq provides a "shariatisation" of Ibn Khaldūn's socio-political analysis of the basis of rulership in *BS*? The answer has to be in the affirmative if one considers the degree to which Ibn al-Azraq conceptualises Khaldūnian theses on state formation and other socio-political and socio-economical processes according to the terms of Islamic normativity. Within the framework of *sharʿ*, Ibn Khaldūn's descriptive account of human civilisation represents a normative Ibn Khaldūn reception with major modifications in *BS*. In drawing on a tradition of *iʿtibār* that combines reason (*ʿaql*) and revelation (*sharʿ*), Ibn al-Azraq takes up the general thrust of Ibn Khaldūn's sociological-empirical approach and establishes an interplay between Khaldūnian and Islamic normative assessments, retaining, however, Islamic normativity as the superordinate epistemic framework in his political thought. The interplay between reason and revelation that Ibn al-Azraq constructs leaves much room for the inner logics of social processess and their rational explications such as those described by Ibn Khaldūn. He provides in *BS* not only a "shariatisation" of Khaldūnian theses, but also a "rationalisation" (in the sense of sociological-empirical) of Islamic normative assessments of questions per-

89 Aziz al-Azmeh, *Ibn Khaldūn: An Essay in Reinterpretation*, p. 158.

taining to political rulership. In his hermeneutical endeavour, Ibn al-Azraq illustrates the compatibility of al-Shāṭibī's theory of *maqāṣid al-sharīʿa* and Ibn Khaldūn's *ʿilm al-ʿumrān*, i.e. the Islamic normative discourse of his time with sociological-empirical approaches.

Summary and Outlook

The study of the intellectual history of late medieval/early modern Islamic political thought is still in its infancy. This book contributes to this hitherto little-studied field of research. It presents a study of major aspects of Ibn al-Azraq's political thought as laid down in his *Badāʾiʿ al-Silk fī Ṭabāʾiʿ al-Mulk* (*Unprecedented Lines* (sg.) *about the Nature* (pl.) *of Political Rule*). The Andalusian jurist, judge, supreme judge and statesman lived during the final period of the Nasrid emirate of Granada. In *BS*, Ibn al-Azraq formulates a systematic theory of state and statecraft based on Islamic normativity (*sharʿ*). One of the outstanding aspects of his political thought is that he builds his theory of state and statecraft on a reception of Ibn Khaldūn's social theory (*ʿilm al-ʿumrān*) as expressed in the *Muqaddima*. Yet, while Ibn Khaldūn is probably one of the most studied scholars of the pre-modern Arabic-writing realm, *Badāʾiʿ al-Silk*, the only known thorough reception of his thought in the Arabic language dating to the late-medieval/early modern period, has remained insufficiently studied.

Inspired by the precepts of the Intellectual History according to the Cambridge School, this study presents in detail how the Andalusian supreme judge reverts creatively to various traditions, sources, and concepts for the purpose of constructing his own political theory. And, especially, it shows how Ibn al-Azraq develops from his major source, the *Muqaddima*, his own distinct theory on questions of localised, non-universal forms of political rule (*mulk*). On the one hand, he achieves this by transposing Khaldūnian theses into *masāʾil* (thematic units). He divides Ibn Khaldūn's complex sociological arguments into a series of isolated sub-issues removed from their context. He then brings together his Khaldūnian thematic units in distinct argumentative arrangements that serve his own theory-constructing purposes. In the course of transposing Khaldūnian theses into *masāʾil*, Ibn al-Azraq creates a new sequential structure of Khaldūnian thematic units and inserts additional titles and chapter-headings which result in a distinct layout for—and thus a distinct reading of—the underlying Khaldūnian text material. On the other hand, by mingling Khaldūnian thematic units with *masāʾil* that stem from other sources or traditions, Ibn al-Azraq introduces into his treatment of questions pertaining to rulership both Islamic normative assessments and politico-ethical maxims via the traditions of advice literature.

The most crucial conceptual difference between the two scholars concerns their respective epistemological assumptions and approaches. Islamic normativity provides the epistemic framework for Ibn al-Azraq's theorising of ques-

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tions of political rule. At the same time, however, he is inspired by Ibn Khaldūn's sociological-empirical approach to its socio-political and socio-economic basis. He takes up the thrust of the latter's approach and establishes an interplay between Khaldūnian and Islamic normative assessments, retaining, however, Islamic normativity as the superordinate epistemic framework in his political thought.

Ibn al-Azraq develops an all-encompassing notion of *sharʿ* with regard to political rule and statecraft by applying in his theorising major concepts of the Andalusian jurist al-Shāṭibī's theory of *maqāṣid al-sharīʿa* (purposes of the sacred law). He integrates questions pertaining to political rule into the *qaṣds* (objectives) or the *maṣlaḥas* (welfares, common goods) from the revealed sources, thus basing them on Islamic normativity. He thereby anchors his entire theory of state and statecraft on a legal-ethical notion of social welfare. Yet, the Andalusian supreme judge does not only formulate an inclusive relationship between Islamic normativity and a vast range of questions pertaining to political rule through al-Shāṭibī's *maqāṣid* theory. He also formulates an inclusive relationship between Islamic normativity and Ibn Khaldūn's *ʿilm al-ʿumrān*. He draws on the concept of *iʿtibār* (sharia-sanctioned rational reflection on existing things) in order to integrate Ibn Khaldūn's analysis of the socio-economic and socio-political basis of political rule-albeit modified-into this all-encompassing understanding of Islamic normativity. In this way, he renders Khaldūnian theses viable for his political theory that is based on Islamic normativity. This hermeneutical exercise of bringing together al-Shāṭibī's theory of *maqāṣid al-sharīʿa* and Ibn Khaldūn's *ʿilm al-ʿumrān* in his theory of state and statecraft does not remain without major ramifications. He provides in *BS* a "shariatisation" of Khaldūnian theses as well as a "rationalisation" (in the sense of sociological-empirical) of Islamic normative assessments of questions pertaining to rulership.

The outcome of Ibn al-Azraq developing his own theory regarding questions of political rule is that he proposes a political theory opposed to that of Ibn Khaldūn. He appropriates many of Ibn Khaldūn's theses concerning the socio-economic and socio-political basis of political rule as well as the latter's concept of a historical cyclism governing the life of dynastic states. However, Ibn al-Azraq does not become deterministic. He does not abstract the question of the continuity of a political system from the question of how it is ruled or from its institutional configuration and social processes, which only decide the fate of a state polity to a certain extent. In the final analysis, Ibn al-Azraq re-establishes the sovereignty of the supreme authority over the question of the fate of the sultanate, maintaining that his rule does not necessarily have to come to an end if he surveils the institutions and enforces just administrative

practice according to the terms of Islamic normativity. Thus, while Ibn al-Azraq appropriates Ibn Khaldūn's analysis of the socio-economic and socio-political basis of political rule, he does not *entirely* abstract the question of the persistence of a state polity from political conduct.

Other crucial differences relate to Ibn al-Azraq's theory of state formation and the role of group feeling or social cohesion (*ʿaṣabiyya*) therein. He explains the growth of dynastic states on the basis of an antagonistic relationship that he describes between urban (*ḥaḍarī*) and Bedouin (*badawī*) human social associations. Bedouin social associations settle in their purpose for cooperation for what is necessary and they provide for their livelihood through agriculture. Urban social associations, in their purpose for cooperation, go beyond mere necessity and provide for their livelihood with handicrafts and trade. Due to harsh living conditions, stronger social cohesion exists between members of Bedouin social associations, whereas in urban social associations *ʿaṣabiyya* diminishes. The notion of domination (*taghallub*) is the reference point in Ibn al-Azraq's explanation of the process of state formation: the desire to gain increasing domination and achieve political rule propels a Bedouin population group towards conquering urban social associations and acquiring an urban lifestyle for themselves. Ibn al-Azraq displays this process in terms of power struggles in the sense of "who gains domination over whom and why." Social cohesion constitutes a decisive auxiliary factor through which domination materialises and provides the precondition for the existence of *mulk*. Thus, *ʿaṣabiyya* presents an essential element in the process of state formation. At a later stage of the development of a dynastic state, however, the army (*jund*) serves as an equivalent for *ʿaṣabiyya* as it is sufficient to maintain a hold over the dynastic states. Ibn al-Azraq uncouples the notions of *mulk* and *ʿaṣabiyya* in order to uncouple the question of the persistence of institutional rule from that of the erosion and decline of group feeling after the establishment of the dynastic state. This makes Ibn al-Azraq in every respect a political power theorist. Ibn Khaldūn, in contrast, is a sociologist who conceives of these questions primarily as social processes driven by *ʿaṣabiyya*.

Ibn al-Azraq distinguishes three distinct categories of political rule, namely *mulk* (institutional rule), *khilāfa* (caliphate, i.e. a divinely-instituted form of rule) and *riʾāsa* (segmental rule). According to Ibn al-Azraq, *mulk* is realised in its true nature (*ḥaqīqa*) only when the supreme authority gains total domination over the four domains of subjects, taxation, expeditions and border protection in his realm. He furthermore distinguishes between three subforms of institutional rule. In natural institutional rule (*mulk ṭabīʿī*), the supreme authority rules according to his natural inclination and desire which, however, leads to the destruction of his subjects. In political institutional rule (*mulk*

siyāsī), on the other hand, the supreme authority leads according to rational deliberations, with the aim of bringing about welfare (*maṣāliḥ*) in this world and preventing harm (*mafāsid*). In this kind of institutional rule, however, the supreme authority neglects religious matters which deprives his subjects of otherworldly bliss. In institutional rule that follows Islam's normative principles (*mulk dīnī*), finally, the supreme authority implements the requirements of religion, thus leading his subjects in this world and providing the conditions for achieving otherworldly bliss. The latter is the preferred kind of institutional rule, because it fulfils God's purpose in his creation. Therefore, it is categorised under the caliphate.

The nature of the caliphate refers to deputyship on behalf of the Prophet in preserving religion and administering the world according to its terms. The distinguishing feature between the category of *khilāfa* and *mulk* is the kind of restraint (*wāziʿ*) that exists in each category of political rule. In the caliphate, religion (*dīn*) which everyone finds in himself, works as a restraining force. In *mulk*, however, religion as a restraining force weakens and the need for deterrents grows. Eventually, it becomes necessary for the supreme authority to exercise restraint through deterrents such as coercion and domination over his subjects' desires and pleasures.

The third category, *riʾāsa* (segmental rule), signifies the restrainer's mastery over a course (*siyāsa*) according to which he guides those who are under his rule. Such a restrainer is called the chief (*raʾīs*). For Ibn al-Azraq, group feeling marks the distinguishing criterion between *mulk* and *riʾasa*. He subdivides the category of *riʾasa* into *riʾāsa sharʿiyya* (segmental rule in accordance with a sacred law) and *riʾāsa ghayr sharʿiyya* (segmental rule not based on a sacred law).

Ibn al-Azraq portrays these three distinct categories of political rule as static systems, and he contrasts them with each other with the aim of praising one specific form of political rule. Thereby, Ibn al-Azraq follows the line of the Platonic tradition, especially that of al-Fārābī and his students. He presents institutional rule that follows Islam's normative principles as the unchallenged ideal, because it does not only provide earthly happiness but also leads to otherworldly bliss which fulfils God's purpose in His creation.

Since in his political theory the continuity of a state polity depends on the supervision over the institutions and the enforcement of just administrative practice according to the terms of Islamic normativity, Ibn al-Azraq dedicates the largest portion of his political treatise to portraying an ideal configuration of institutional rule in terms of acts of rule (*arkān*). These acts of rule describe functional and other internal differentiations of institutional rule and shape the configuration of the state polity. The supreme authority cooperates, in theory at least, in procedural manners withn a group of "stakeholders" of

government officials, military leaders and religious dignitaries with the aim of enforcing his rule in a given territory for a long time. In his *arkān al-mulk*, Ibn al-Azraq explicitly ascribes total power to the supreme authority. Yet tacitly, each act of rule describes a relationship of mutual dependence between the ruler and, for example, the administrative apparatus, or the ruler and his advisers. On the one hand, the religious authorities implement the sacred law with its sociological function to regulate and stabilise certain interhuman relations and to sanction transgressions. They thus support the continuity of institutional rule. The government officials implement administrative regulations, thereby preserving the social order. And yet, the military apparatus protects the state polity from external enemies and thereby helps to maintain a hold over it. The supreme authority, in turn, is supposed to observe closely the discipline, loyalty and financial condition of the army in order to establish his authority over it. Religious dignitaries as well as the government and military officials are involved in political decision-making by means of consultation (*mashwara*). In Ibn al-Azraq's political thought, consultation represents participative leadership structures, and he reminds the reader of *BS* repeatedly that government and other officials are assigned so as to be consulted and give advice by virtue of their office. Besides, he argues for its binding character once the supreme authority decides to engage in consultation. Ibn al-Azraq thus presents the *arkān* as a counterbalance to the power of the ruler, limiting the extent of authoritarian political decision-making and the risk of wayward action on the ruler's part through a political culture of responsiveness and inclusiveness.

On the other hand, the role he ascribes to participative leadership structures in his ideal configuration of institutional rule creates prerogatives and opportunities for exerting influence on the supreme authority which might go against the ulterior interest of the continuity of the state polity. Therefore, participative leadership structures, in turn, have to be reined in by a friendly but sceptically-distanced relationship between the supreme authority and the administrative apparatus or the army. In that regard, the supreme authority and the functional entities of the state polity present some sort of "checks and balances" for each other, and in this relationship of mutual dependence, consultation represents the tool for mutual control.

In order for consultation to fulfil its role, Ibn al-Azraq promotes the notion of consultation as a "regulative habitual institution" with a strictly procedural character through which political decision making has to be channelled. The procedural details that Ibn al-Azraq describes serve to increase its efficiency by way of detaching it from emotionality and by creating clearness. Moreover, consultation minimises the risk of wrong decision making and allows for incorporating expert knowledge.

Apart from the ambivalent relationship of dependence that aims to narrow the margin of wayward sultanic action, Ibn al-Azraq embeds the conduct of the government officials, religious dignitaries and military leaders in social porocesses as described by Ibn Khaldūn. Institutional rule lasts the longest if the administrative regulatory framework is shaped in such a way as to create incentives which increase economic activity thereby generating high assets which return to the state polity as high tax revenues that help to maintain the army and the common good. The ruler's control over economic activity and fiscal allocation ought to be confined to providing a just administrative regulatory framework within which the economic activities of land cultivators, artisans and traders can strive. In particular, he is supposed to refrain from getting involved directly in economic activities, because this might have destabilising socio-economic consequences. Since Islamic normativity serves as a normative reference for a universally valid system of justice and promises otherworldly bliss, the administrative and fiscal regulatory frame must be shaped according to its terms. Due to his power, it is upon the ruler to observe the enforcement of justice according to Islamic normativity throughout his government apparatus. Ibn al-Azraq employs the Circle of Justice to expresses the interconnectedness of political relationsships which are ultimately rooted in the enforcement of justice, seeing the Circle of Justice as an aphorism that appraised the conduct of men in high offices. In so doing, he stood closer to the authors of advice literature in his use and understanding of it than to Ibn Khaldūn in the *Muqaddima*. Likewise, Ibn al-Azraq advocates an administrative understanding of justice and thereby stays much closer to concepts of justice as conveyed in Islamic advice literature than to Ibn Khaldūn's understanding of justice.

In Ibn al-Azraq's political thought, political processes and individual spheres are connected which implies that political leadership depends on the individual self-direction of the members of the ruling and governing classes: the one who leads himself in a moderate way is able to lead the masses in the same way. This could only be accomplished by those who had disciplined their human powers. Hence, in the final analysis, ethics constitutes the foundation of political intention and shapes the administration of the political system. By adhering to such an understanding of political rule, Ibn al-Azraq firmly belongs to a tradition that was widespread in medieval political Islamic thought, namely the continuation of the Platonic tradition. This understanding of leadership entered various genres, most prominently Islamic advice literature, or was conveyed in *uṣūl al-fiqh* literature traditions.

However, while Ibn al-Azraq does not define ethical qualities as preconditions for the office of the supreme authority, he attaches high importance to

the ethical qualities of the administrative apparatus. The ruler has to make considered choices when he fills the position of the vizierate and other positions in the administrative apparatus of institutional rule and in the army. Lists of preconditions and ethical qualities that the candidates for positions ought to fulfil serve as guidelines for the ruler in making a considered choice. In his political theory, Ibn al-Azraq thus puts the members of the ruling and governing classes into a position in which it is mainly their ethical qualities, administrative practice, and political conduct that affect the fate of the political system rather than those of the supreme authority. It thus appears that he presents the religious authorities and the government and military officials as the guardians of the continuity of the state polity. With the role that Ibn al-Azraq ascribes to them, he implies that they are the ones whose political and governing conduct significantly shapes the course of history. Ibn al-Azraq's idea of history is thus of a political history and a history of government and not of a social history as in the *Muqaddima*.

This study interprets Ibn al-Azraq's *BS* as a critique of Ibn Khaldūn's *Muqaddima*. While staying close to the text of his major literary source, the *Muqaddima*, Ibn al-Azraq proposes a contrary understanding of political rule and history, and a contrary political theory. The historical circumstances of his time, a period marked by political turmoil that foreshadowed the fall of the Nasrid emirate of Granada, may have appeared to confirm Ibn Khaldūn's thesis of the inevitable disintegration of any state polity. Against this background, *BS* appears like a pamphlet deliberately set against the doomsday scenario concerning dynastic states which Ibn Khaldūn predicted in the *Muqaddima*.

At the same time, this study also interprets *BS* as a critique of the ruling class of its time. The role that Ibn al-Azraq ascribes to the government officials, religious authorities, and military leaders as guardians of continuity in institutional rule holds them accountable for the fate of the state polity. Yet, considering his commitment as a statesman and diplomat who, until his death, lobbied amongst rulers in North Africa and Egypt for support to restore Andalusia, Ibn al-Azraq's *BS* may be read as a critique that aimed to convey hope: if the government and military officials, as well as the religious authorities, simply turned to the *sharīʿa* for guidance and allowed its regulative function to pervade political decision-making, and if the political leaders acted according to their duties in relation to the common good, Granada would not have to fall.

An intriguing question that remains to be answered is Ibn al-Azraq's place in the overall reception history of the *Muqaddima*. The analysis provided in this book shows that Ibn al-Azraq knew Ibn Khaldūn's *Muqaddima* intimately. His thoughtful engagement with that work allows one to conclude that he either

owned a full copy of a version of it or that he had access to a full copy of a version for a very long time. Only a comparison of codicological details between manuscripts of the *Muqaddima* and manuscripts of *BS* could clarify which of the various copies and versions of the *Muqaddima* Ibn al-Araq may have consulted.

Besides, extensive research on extant manuscripts might bring to light whether Ibn al-Azraq's interpretation of the *Muqaddima* circulated among Mamluk scholars or Ottoman men of letters who were familiar with Ibn Khaldūn's work. The first firm date in the history of the Ottoman adoption of Ibn Khaldūn is 1598, when the scholar and poet Veysi (d. 1038/1628) acquired a manuscript of the *Muqaddima* in Cairo. It was only in the middle of the seventeenth century that Ottoman authors began to refer to Ibn Khaldūn explicitly.[1] A comparative reading of *BS* with Ottoman adoptions of Ibn Khaldūn's thought would shed light on whether Ibn al-Azraq's work presents a major influence on the readings of the *Muqaddima* in Ottoman domains.

1 Cornell H. Fleischer, "Royal Authority, Dynastic Cyclism, and 'Ibn Khaldūnism' in Sixteenth-Century Ottoman Letters." *Journal of Asian and African Studies*, no. 18, 1983, pp. 198–220; here p. 199.

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Index

Ibn al-Azraq (d. 896/1491) was a renowned Andalusian jurist (*faqīh*) and statesman who lived during the final period of the Nasrid emirate of Granada. His most famous work, *Badāʾiʿ al-Silk fī Ṭabāʾiʿ al-Mulk* (*Unprecedented Lines about the Nature of Political Rule*), is a political treatise that builds upon Ibn Khaldūn's (d. 808/1406) social theory (*ʿilm al-ʿumrān*). In *The grand critic of Ibn Khaldūn*, Elena Şahin critically analyses the major aspects of Ibn al-Azraq's political thought.

In this contribution on the field of the history of Islamic political thought, Elena Şahin demonstrates that while Ibn al-Azraq integrates the thrust of Ibn Khaldūn's approach, Ibn al-Azraq's work should be regarded as part of a larger conversation amongst various scholars, engaging, for example, with the Andalusian jurist al-Shāṭibī's (d. 790/1388) theory of *maqāṣid al-sharīʿa* (purposes of the sacred law). Widening the analysis of Ibn al-Azraq's work illuminates that Ibn al-Azraq's political theory was in opposition to that of Ibn Khaldūn, and thus gives us a better understanding of the dynamic debates within Andalusian political thought.

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