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Preprint version

Imitating the Empire from Outside **On the (Counter)Secular Genesis of Islamic Sovereignty**

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Abstract:

This paper attempts to show how the theoretical transformation of the Caliphate into an Islamic empire took place in the context of a network of intra- and inter-religious conflicts. By focusing on a founding text of Islamic political thought, the author highlights the paradigmatic role played by the pre-Islamic Persian Empire in the genesis of the idea of an Islamic Empire. On the other hand, he identifies the same paradigmatic role of the Persian Empire in the late antique formation of monotheistic theology from which Islam inherited. By reconsidering theological and political genealogy of the idea of an Islamic empire, the author tries to grasp how such an empire would distinguish itself as a monotheistic empire from a Christian empire. To achieve this goal, he analyses the way the Islamic Empire sought to put structurally together the Islamic conceptions of sovereignty, divine law and messianism.

Keywords:

Monotheism, Secularization, Islamic political theology, Sovereignty, Ibn al-Mugaffa', Carl Schmitt, Erik Peterson, Empire, Interreligious conflict

In the famous controversy between Carl Schmitt and Erik Peterson on the relationship of monotheism to politics, Islam is conspicuous by its absence. The only occasion it is mentioned is when, in his *Political Theology II*, Schmitt reminds Peterson – and perhaps himself too – that in their discussion:

Islam, whose political relevance is immense and whose theological significance is undisputable, is completely ignored ...¹

What is then Islam's "immense political relevance" and how is this related to the theological significance of this religion? These are the questions that this paper will try to address. I suggest that, within the monotheistic theological-political perspective unfolded by the Schmitt/Peterson debate, the political relevance of Islam has to do with the issue of empire. To put it another way: given its 'differential alterity' regarding Jewish, Christian and also Greek

traditions, Islamic tradition of political thought has developed a *different* relationship between empire, as a form of polity, and monotheism, as the theological discourse on the unity of God.

The Islamic different approach is not however rooted in an utterly divergent Weltanschauung which would have radically distinguish Islamic tradition, nor in a sort of historical isolation of Islamic political thought from the European Judeo-Christian tradition. Rather, like any differential alterity, it turns out to be the result of crossing sources as well as of intertwined historical paths which connect Islamic political thought to those of the two other religions of Book or to Greek tradition, paths which at the same time separate them to each other. By being embedded in this network of connection/separation, the Islamic difference indeed comes to intrude on the very genealogy that Schmitt and Peterson provided, on their own, of the relationship between monotheism and empire. This means that the theological and political puzzle modern scholarship has usually sought to reconstruct out of the duo of Rome and Jerusalem would not be quite relevant until it was completed by what we could call *Mecca momentum*.

Yet, as we shall see more closely, what ultimately allowed the Islamic difference to be produced within the global genealogy of theological-political relationships between monotheism and empire was a symbolic element itself external from the triangle of Rome, Jerusalem, and Mecca: the Persian Empire. Insofar as it epitomized in a special way the paradigm of imperial power for all the intellectual traditions engaged here – from the Greek to the Islamic –, one might deem the Persian Empire to have been a vanishing mediator within the genealogy we are concerned with.

From the Political to the Theological: Monotheism as an Imperial rule of God

A global genealogy of relationships between empire and monotheism could have its starting point in the question accurately formulated by Arnaldo Momigliano: under the Roman Empire, he pointed out, one sees gods being present in human *politeia* to protect men or cities, or to accompany social life; but why does one never find a divine support coming to underlie the Empire as such ²? Number of Latin writers explained how gods could provide models for emperors to imitate in terms of majesty, providence, or justice. By contrast, Momigliano noticed, there is no attempt to explain the structure of the Roman Empire through the structure of the divine realm. This absence has an explicit reason: in the pagan *Weltanschauung*, an analogy between the structures of an imperial polity and the divine world was not yet conceivable³.

Such an analogy became possible only through the systematic formation of the monotheistic theology. Yet, through its formation, such a monotheistic theology had involved a transfer movement in a transcending direction, quite opposite to that which would later take place in terms of secularization: the structure of the divine world was reshaped by incorporating that of the imperial polity. Although this took place in a social and intellectual context all in all shaped by the Roman Empire, however the Persian Empire, as Romans' rival and the alternative model of their imperial polity, seems to have played a peculiar role in it. More precisely this role was a symbolic one related to the statue of the Persian Empire in the imagination of Late Antiquity where it was looked upon as the ideal of empire. Supposedly endowed with paradigmatic features of a perfect imperial polity, the Persian Empire, as we are going to see in more detail, became for late antique writers a model to be imitated on the theological level. A central issue for this process of counter-transfer – a transfer from the political to the theological – was what they considered to be the keystone in the structure of the Persian Empire, that is the separation/articulation between reign and government. Accordingly, reign and government were two modes of expression of the same power dominating and at the same time sustaining

everything in an imperial order of things. To put it briefly, for these late antique writers, the imperial paradigm would consist in a specific form of monarchy in which king's reign and his government are necessarily separated to better articulate each other. Only through such an articulated separation could royal power supposedly reach over an unlimited number of subjects spread on a transboundary territory. The objective was to accomplish three tasks of a perfect royal power at the same time: protecting all subjects, maintaining them in a global order, and exerting an absolute authority over them universally equal and indifferent to the distinction between center and peripheries.

Now, to envisage monotheistic divinity as a providential kingship of God over the whole realm of being, late antique writers took a first step by trying to structure divine power (*dunâmis*) according to the same imperial paradigm. The monotheistic God thus became a monarch who could not *a fortiori* leave his reign to be conflated with his providential government. He should 'logically' delegate his governmental tasks to a lower rank of divine beings or angels which are of course his own. In the empire of cosmos, the analogical place given to the One God was that of Persia's Great King. Like the latter, the One God had to sit back as if this were a condition of his omnipotence and a guarantee for his absolute superiority. By withdrawing himself and delegating his government, He could therefore preserve his power intact but at the same time make it penetrate the most remote things to sustain them from within.

This imperial economy of power answered to a twofold monotheistic issue: how to conceive the One God's power to be the *arche* of every single being and its immanent cause by applying to it a providential government; but in such a way that this does not affect the sureminence of this power as it is identical to the One God's essence. This is indeed the argument that we find in one of the earliest and most influential texts introducing the imperial paradigm into the field of theology, i.e. the pseudo-Aristotelian treatise *De Mundo*. For its unknown author writing likely by the end of the 2nd century B.C.⁴, analogy is the only way

human reasoning is provided with to grasp the absolute and invisible system of divine power. This means that one must look at the best system of power on earth, namely that of the Persian Empire, and then analogically deduce how God rules over the cosmos according to the same system, although in an infinitely superior and more perfect way. Then the author comes to explain what makes the Persian model the best on earth:

The pomp of Cambyses and Xerxes and Darius was ordered on a grand scale and touched the heights of majesty and magnificence : the King himself lived in Susa or Ecbatana, invisible to all, in a marvellous palace with a surrounding wall flashing with gold, electrum and ivory ; it had a succession of many gatetowers, and the gateways, separated by many stades from one another, were fortified with brazen doors and high walls; outside these the leaders and most eminent men were drawn up in order, some as personal bodyguards and attendants to the King himself, some as guardians of each outer wall, called Guards and the Listening-Watch, so that the King himself, who had the name of Lord and God (*despotes kai theos*), might see everything and hear everything. Apart from these there were others appointed as revenue officials, leaders in war and in the hunt, receivers of gifts to the King, and others, each responsible for administering a particular task, as they were necessary.⁵

It is as if, beyond other reasons, there was obviously a linguistic one that pushed our Greek author to draw an analogy between the political and the theological: the Persians themselves called their Great King a “Lord and God”, names that undoubtedly both meant to translate the polysemic Persian word *xudâ*. Maybe a first pointer to the logic behind this analogy is to be sought here, i.e. in the etymological specificity of the Persian word.

As Emile Benveniste pointed out, the usage of *xudâ* – or its original form *xwatâw* – in ancient Persian languages already indicated a dramatic difference from the terms used in other Indo-European languages to designate royalty, especially *rex* in Latin or *râj* in Sanskrit. Yet this etymological difference refers above all to a specificity that the Persian model had introduced into the conception of the institution of kingship. Whereas the main function of *rex* or *râj* was to lead or guide his subjects by determining the ‘straight path’ to follow and by

exercising his direct control on them, the term *xwatâw* stressed that the king was “powerful by himself and held power only from himself”⁶. According to the first model, king’s function implied a certain idea of guardianship while the second recognized in *xwatâw* “the holder of absolute sovereignty”. The comparison led Benveniste to conclude:

This is no longer a kingship of a “rector”; the role of the [Persian] sovereign is not “to trace out the straight path” according to Indo-European ideology. In Iran we see the formation of an absolute power which in the eyes of the Occidental world of classical times was incarnated in the Achaemenid Persian kingdom.⁷

Given the transfer made by the pseudo-Aristotelian treatise, one must believe that, “in the eyes of the Occidental world”, it is precisely such an absolute monarchical sovereignty that the monotheistic God should now assume on a cosmic scale. To reign over His empire, which would be by far the widest one, God should relinquish His personal guidance or guardianship over creatures, as does the Great King of the Persian Empire.

In Late Antiquity, this new theological identity of the monotheistic God found confirmation in Philo’s contribution, who was in fact a key mediator between Greek metaphysics and the development of a new monotheistic (Jewish) theology which was essentially a political theology⁸. In direct continuity with the analogy drew by *De Mundo*⁹, Philo’s contribution hence consisted in absolutizing the figure of the biblical God by granting him the status of the sovereign of the universe. If in the pseudo-Aristotelian treatise, governmental tasks were relegated to secondary gods positioned under the supreme God, these were now replaced in Philo by demons or angels to underscore monotheistic feature of the biblical God. Angels became viceroys or governors (*huparkhoi*) of the Sovereign God. Like the latter, Philo explained, they are in charge of watching over beings and of playing the role of God’s ears and eyes in the world:

[Good demons or “Angels” according to the sacred record] are of perfect purity and excellence, gifted with a higher and diviner temper, that have never felt any craving

after the things of earth, but are viceroys of the Ruler of the universe (absolute Sovereign: *panegemon*), ears and eyes, so to speak, of the Great King, beholding and hearing all things.¹⁰

The privileged and higher rank given to these theological entities is inseparable from their governmental function. After Philo, the Christian and Pagan authors of Late Antiquity seem to share such an imperial conception of the theological world. From Celsus to Origen and then Eusebius of Caesarea, they all agree on the idea of a divine monarchy and its governmental apparatus. The main disagreement that pitted one group against another was related to the status of the viceroys or governors of the monarchic God: should they be considered of divine essence and worship them as well; or are these governors only demons or angels created by God who is the only one deserving worship¹¹.

In the process of transferring the imperial paradigm from the political to the theological, the case of the Roman Empire certainly played a symbolic role at least as crucial as the Persian Empire. But as the objective is here to follow the fate of such an analogical transfer regarding Islamic tradition, the Roman Empire and its role are deliberately put aside. For, only by focusing on the paradigmaticity of the Persian Empire, one could grasp the complex and, as it were, dialectical path that the imperial model of polity will later take between the political and the theological in Islamic political thought.

From the Theological to the Political: Caliphate as a Monotheistic Empire

It is a historical fact that the Caliphate as the Islamic power institution underwent a deep transformation when it passed in the middle of the 8th century (in 750) from the first Caliphs dynasty, the Umayyad's one, to the Abbasids. There are two main reasons for such a radical transformation that are particularly interesting for our issue. First, the collapse of the Umayyads was largely due to a structural problem, that is a very quick extension of their territory while their Caliphate was ultimately unable to overcome its endemic conditions, that is to remain a

mixture of a tribal governance and a regional-ethnic (Arab) kingship¹². Secondly, their new challengers, the Abbasids, widely relied on the mobilization of Iranian populations who were massively converted to Islam since the conquest of Persia (632-651)¹³. This strategic choice based on the calculation of political, social, and even cultural force relations was furthermore associated with a new governmental roadmap: imitating the model of the last Persian Empire (the Sasanian Empire) in order to *reform* the Caliphal system of power.

At the same time, the Abbasid initiative could be regarded as an original approach to two politico-religious conflicts, one threatening the Caliphate from outside and the other from within. On the one hand, the external threat of the Byzantine Empire, as a political power associated with another monotheistic religion recognized as such by Islam, i.e. Christianity; on the other, the internal threat represented by the imperial culture of the Persian Empire (Sasanian) associated with a non-monotheistic religion (Zoroastrianism) which together formed the civilizational background of a large part of the new caliphal territory, i.e. the Iranian plateau and its sizable population. From this perspective, the Abbasid initiative of reforming the Caliphate could be interpreted as a change of course regarding this double conflict as well. In contrast to the attempt vaguely undertaken by the last Umayyads to shape a caliphal polity by appropriating the political legacy of their Byzantine rivals¹⁴, the Abbasids opted to assimilate the legacy of the internal rival, that of the Persian Empire, in order to better distinguish themselves from the Byzantine Empire and confront it.

A catalyst for the Abbasid project were in fact the Iranian converted viziers, officials, or secretaries: once they were in power, the way was opened for them to introduce the state apparatus inherited from the Persian Empire into the Caliphate. However, the adoption of the Persian model could only be done by the mediation of the Islamic faith as a specific monotheism and within its limits. To put it clearly, such a fundamental transformation of the Caliphate required no less than a transformation of Islamic understandings of authority and political

power. If, as Garth Fowden pointed it out, it's true that the 'stupendous success and power' of the Islamic Empire was due to "a combination of Cyrus's geopolitical achievement with a universalist monotheism"¹⁵, an instructive question for our issue would be to know how this combination dialectically dragged both the Persian model of empire and Islamic monotheism into a mutual transformation. Indeed, as we shall see, the Abbasid 'imperial choice' vis-à-vis the two conflicts involved first settling a preliminary tension or predicament, this time inherent in the very theological-political structure of Islam as a specific monotheism.

To grasp the nature of the process of transforming the Caliphate by the Persian imperial paradigm, its interaction with the monotheistic structure of Islamic theology as well its impact on the Islamic political theology, I suggest focusing on Ibn al-Muqaffa's (724-759 CE) decisive contribution as one of the outstanding representatives of the Iranian converted secretaries among the Abbasid staff¹⁶. Ibn al-Muqaffa's contribution is indeed encapsulated in his *Treatise on the Elite*, a short but highly influential treatise which should be counted among the founding texts of Islamic political thought¹⁷.

Treatise was in fact addressed to the Caliph al-Mansur who, although the second of the Abbasid dynasty (between 754 and 775 CE), has been taken later as the real architect of the Abbasside Caliphate under its new, say imperial, shape. The reason pushing the Iranian secretary to take the initiative of writing a treatise for the Caliph was precisely what seemed to him as the inappropriate nature of the Caliphate regarding its imperial extension. According to Ibn al-Muqaffa's diagnosis, the problem was first and foremost related to a crucial element lacking in the Caliphate structure: the elite as an intermediate class. He argued that, to transform what was previously the personal authority of the Caliphs into an (imperial) institution of political power, the first task would consist in putting an end to Caliph's personal commitment in an immediate relationship with his subjects.

In its earlier history, from the government of Muhammad himself or his first four ‘well-guided’ Caliphs to the Umayyad dynasty, the relationship between believers and the leader of *Umma* had remained basically modulated on the idea of guidance. Following a specific paradigm of governmentality, which I suggest calling the "pastoral paradigm"¹⁸, Muslim leader was supposed to apply his governmental authority directly to each of his subjects. Inherent to this individualized government, Muslim leader’s mission primarily consisted in guaranteeing political, ethical, and ultimately religious conditions of *umma*’s salvation. Such a pastoral government of *omnes et singulatum*¹⁹ by Muslim leaders in fact implemented the guidance of community members according to the Islamic straight path (*ṣirāṭ al-mustaḳīm*). Care, control or carrying out Islamic coercive measures were all part of a governmental device that a Muslim leader should harness to achieve this theological-political mission. From this perspective, the leadership of Muslim community (*imāmat al-umma*) took on a peculiar significance: as a guide and guardian of every Muslim, the leader (*imām*) was supposedly in charge of *umma* as his folk on such a straight path. Yet, despite its increasingly monarchical tendencies in relation with the political and territorial establishment of the Caliphate – especially after the foundation of the Umayyad Caliphate as an Islamic primitive kingship –, the early Caliphate had never been able to really dissociate itself from such a pastoral governmentality which persisted as the original vocation of the Islamic theological-political authority. The tension resulted from the cohabitation of such a pastoral government and monarchical rule as two heterogenous paradigms of authority had thus affected the Caliphate under the form of an inherent and structural predicament²⁰.

Now, Ibn al-Muqaffa‘ claimed that this governmental relationship between the Caliph and his subjects raised two problems: not only was it unfeasible in an imperial scale, but above all it undermined the Caliphate rule in its very theological foundation. For, as *Treatise* explains, God’s will provides the Caliph with a sovereignty (*mulk*) which is one and indivisible. In this,

his sovereignty is symmetrical with God's sovereignty which extends over 'the heavens and the earth'²¹. Just as Allah is himself a monotheistic God absolutely purified of any association (*shirk*), He has set the sovereignty of the Caliph (as His vicar or representative on the earth) apart from any associating partner in political decision (*amr*) or reasoning (*ra'y*)²².

Providing the Caliph with the status of such a ruler, however, required to give a specific form to the Caliphate: to restructure it as an imperial monarchy. In view of this plan, Ibn al-Muqaffa' argues that an urgent operation would be to undo the Caliph's direct contact with his subjects. It means that the Caliph is even to withdraw from their direct government. To remain the unique sovereign, he must delegate his governmental tasks to an intermediate body. What Ibn al-Muqaffa' is ultimately suggesting is that, if the Caliphate is to be reshaped as an empire, it would be then necessary to dissociate the monarchical status of the Caliph from his government. For our Iranian secretary, an adequate respond to such a structural necessity was to establish elites as a new class. As depicted in *Treatise*, the elites class would take on a specific function which is to introduce a bureaucratic system into the institution of the Caliphate. Because of this function, elites would effectively form the governmental body within the Caliphate. All kinds of relationships between the Caliph and his subjects would be henceforth mediated by his governmental body.

Ibn al-Muqaffa' makes it clear how the elites' mediation works in two directions: they convey the caliph's providential function to his subjects in form of a bureaucratic management of the empire. But, in the opposite sense, they serve as the Caliph's 'eyes and ears' to monitor subjects in their political activities or their public life²³; they set up the system of collecting taxes from different lands; and, last but not least, they undertake to uniformly educate subjects according to a consensual version of Islamic teaching which is transformed by elites themselves²⁴ into a sort of ideology of the Caliphate²⁵.

We easily recognize the imperial paradigm associated with the Persian Empire. But Ibn al-Muqaffa‘ couldn’t explicitly refer to the Persian Empire or its paradigmatic relevance because of its non-Muslim and, even worse, its non-monotheistic nature. To legitimize his plan, he adopted another strategy. In his reasoning, he articulated the argument based on practical needs related to Abbasid’s centralized rule over an effectively imperial territory with what he put forward as the implications of the monotheistic (Islamic) theology and *Weltenshauung*²⁶. Interestingly, in this monotheistic reference, Ibn al-Muqaffa‘ didn’t only relied on Islamic theology but also he would likely draw on late antique literature, in particular the same treatise *De Mundo*. For we know that, during the same 8th century, at least fragments of the Pseudo-Aristotelian treatise were translated into Syriac or maybe already in Arabic and circulated among Muslim translators and scholars²⁷. There is hardly doubt that Ibn al-Muqaffa‘ knew them and perhaps even contributed to their dissemination²⁸.

The imperial paradigm associated with Persian kingship that had ascended into monotheistic heaven in Late Antiquity now returns to earth in the new Islamic context and by a Persian secretary. As if, in order for the same form of polity pass, within history, from the Persian Empire to the Caliphal Empire, it was needed the metaphysical mediation of a monotheistic theology itself imperialized in the meantime. In other words, the Caliphate as an imperial but intrinsically Islamic power could neither come into existence by transplanting an ‘ancient’ (pre-Islamic) polity into the new (Islamic) context, nor it could be a simple secularized form of the Islamic (monotheistic) theological structure. Instead, its emergence seems to have implied two transfers whose common point consisted in the paradigmatic mediation of the Persian Empire: while the first transfer had produced from the political to the theological, the second now could go in the opposite direction. It is as if the first transfer provided the very condition of possibility for the second.

Islamic Empire, Divine Law and Messianic Time

However, the withdrawal Ibn al-Muqaffa' imposed to the person of the Caliph was first of all related to what he viewed as a highly critical issue threatening the very survival of the Abbasid Caliphate: messianic tendencies among Muslims, particularly in the Caliph's army. This represented a real danger for the Caliphate not because the messianic belief challenged Caliph's theological-political legitimacy. On the contrary, the danger was precisely that the Abbasid Caliph was taken by his messianist men for a Messiah. According to their proto-Shia belief²⁹, the Caliph's messianic status gave him extraordinary powers to the point that his command was obeyed even by mountains which "would move if he wished"³⁰. Because of this status, they believed, if the Caliph-Messiah ordered his subjects to do things openly in contradiction with Sharia's principles, he should be similarly obeyed. In short, his messianic status allegedly allowed the Abbasid Caliph to suspend both natural laws and Islamic positive Laws (Sharia).

How to understand this messianic attitude towards the Abbasid Caliph? As a messianic figure, the person of the Caliph as well as his command were supposed to directly embody God's will among creatures beyond His normative laws both in nature and in politeia. We may easily see how such a divine will was conceived of as identical with the Caliph-Messiah governmental vocation according to what I previously mentioned as the 'pastoral paradigm'. In the sense that the governmental care and control exercised by the Caliph-Messiah over men or women was conceived as the translation of God's providential will in terms of a guidance leading each believer and, consequently, the community of believers itself on the 'straight path' and towards their final salvation. By doing that, it would supposedly short-circuit any kind of normative mediation between believers in their community life, or between them and theological and political authority, or even between them and nature. Ibn al-Muqaffa's refutation of the Caliph's governmental vocation hence went hand in hand with his refutation

of the Caliph's allegedly messianic status. That is why he advised to the Caliph to eliminate messianic tendencies in his army as a first step in his program of reforming the Caliphate.

Messianic beliefs of this kind, especially among the Iranian or Iraqi populations, did indeed play a crucial role in the Abbasid campaign to take power³¹. This leads us to a paradoxical schema that will constantly repeat in the political history of the Muslim world. For, as Patricia Crone points out, all Muslim Empires relied in one way or another on Islam's messianic discourse before repressing it in their institutionalizing phase as an Empire³². From this point of view, their imperial constitution turns out to be an "institutionalization of this initial messianic force" without, however, being able to make it disappear entirely. As if just as it was impossible to have an Islamic Empire based on the governmental guidance of the Caliph, it was also impossible to achieve this Islamic Empire without it, by relying only on a monarchical model in which the Caliph would be a sovereign who is no longer in charge of the salvific guidance of his subjects.

Ibn al-Muqaffa' saw in messianism the state of anomie (*fawḍī*) and, for this reason, it was to be repressed. For, he believed, there could be no salvation in anomie. Yet, the governmental guidance of the Caliph-Messiah amounted to an anomie not only because it undermined Sharia but also because it bypassed the elites' bureaucratic mediation. Hence Ibn al-Muqaffa's statement that the lack of elites is already an anomie³³. If the Abbasid Caliphate was opening a new historical era (*dawla*), as Ibn al-Muqaffa' seemed to admit it³⁴, this era should be anti-messianic by repressing the theological-political sources of anomie. That was precisely for accomplishing such a mission that the Abbasid Caliphate should take the form of an Empire: an Empire relying on both theological-political anti-anomic means that is the elites and the divine Law.

One may easily note how the theological-political leadership (*imâmat*) of the Abbasid Caliph is defined by Ibn al-Muqaffa' in a way diametrically opposed to the messianic *imâmat*

of the Shia Imam. While the authority of the Shia Imam is absolute and clearly transcends the divine Law by including in itself the idea of the divine government of Imam's followers by him, the obedience to the Caliph's leadership does not stand beyond the divine Law, but within its limits. Now we can understand in what sense Ibn al-Muqaffa' intended to establish no more and no less than an 'analogy' between the Caliph's rule and that of the monotheistic God. For, in Ibn al-Muqaffa's Islamic Empire, the Caliph-Emperor could not behave, within the human *politeia*, as a God: the analogy between God's cosmic position and the Caliph's one on earth includes a radical difference. For if both God's and the Caliph's imperial rules are similarly mediated by government, the Caliph's one is necessarily conditioned by another mediation, that of the divine Law or Sharia. The governmental mediation introduces a distance between the Caliph at the head of *umma* and the latter through the intermediate body of the elites, while Sharia mediation is meant to guarantee the continuity between all these hierarchical components of the imperial *politeia* and to sustain a sort of homogeneity among them.

Regarding the very sovereignty of the Caliph, as *Treatise* shows it, the mediation of Sharia takes two aspects, one positive while the other negative. Its negative mediation means that, although everyone's obedience to the Caliph should be absolute, there is a strict condition to this: the Caliph's rule could not go against Sharia. In other words, the Caliph should be obeyed as far as he himself does not disobey the Law. Only under this condition he may attain an analogical position over the earth compared to God's one over the universe. However, the divine Law mediation operates positively too, in the sense that it provides at the same time the very condition of possibility for the Caliph's sovereign decision: where Sharia remains silent, Ibn al-Muqaffa' explains, it is up to the Caliph to decide or to set up new laws according to his own reasoning³⁵. As enumerated by Ibn al-Muqaffa', the Caliph's free decision mainly covers 1) reason of state (*ra'y*), 2) governmental measures (*tadbīr*) and 3) matters which God has left to the will and initiative of a human sovereign well inspired and deputed by Himself. On these,

Ibn al-Muqaffa‘ states, no one except for the Caliph has the legitimacy to decide nor to require obedience. By such a double mediation of the Law, decisions and commands made by the Caliph reach the same absolute status that God’s decisions or commands³⁶.

The rule of Law against the state of anomie: could we reduce the repression of the messianic impulse by the Empire to this opposition? Ibn al-Muqaffa‘ did not think so. Without the Caliph’s sovereignty, he believed, a Law, be it divine, would itself be the source of anomie. In one of the most insightful chapter of his *Treatise*, he explains how the repression of anomie is to be done like its permanent deferral until the end of time (*ākhir al-dahr*), since it requires an uninterrupted succession of Caliphs sovereign intervention. For it is up to the Caliph of each age to harmonize, in accordance with the spirit of his time, the understanding of the Law and to implement it as a universal principle of justice on earth. Otherwise, the Law would lose its normative efficiency because of the conflictual variation of its interpretations, and thus become itself a source of injustice.

It is as if, whereas the Law expresses the divine will, it obtains its effective force in history (‘force of Law’) only through the sovereign authority of the Caliph of each time. One notices how Ibn al-Muqaffa’s theological-political acuity distinguishes him in contrast to modern proponents of an Islamic nomocracy where Sharia would give rise by itself to a rule of Law without a state³⁷. For he foresaw that such a ‘rule’ could only exist on earth in an interdependence with a sovereign instance. Indeed, at the very emerging moment of what we may call the imperial ambition of Islamic political theology, Ibn al-Muqaffa‘ already taught us that, without a Caliph as Sovereign Emperor, the postmodern political fantasy of conceiving a “moral-legal empire”³⁸ immanent to Sharia practice would be a *contradictio in terminis*.

It seems that, according to our Iranian secretary, an Islamic Empire would be necessarily sustained by a sort of dialectical relationship between the divine Law and sovereignty. Because, on the one hand, empire enforces the divine Law to defer the final anomie; but, on the other,

the divine Law, as we saw above, provides, as well by its negative aspect as by its positive one, conditions of the possibility of the Caliph's imperial sovereignty. Against the theological-political anomie stemming from the messianic discourse of a monotheistic religion such as Islam, the Islamic Empire will therefore be the only legitimate "withholding order" insofar as it consists in a polity in which the theological-political sovereignty of the Caliph-Emperor is articulated with the divine Law³⁹.

We can now return to the question we were initially asking: how does the Islamic difference situate itself compared to Rome and Jerusalem so as to complete the theological-political mapping of monotheisms sketched out in the Schmitt/Peterson debate? Against Carl Schmitt's claim that the Christian Empire, as a monotheistic sovereignty, would be the unique theological-political withholding power capable of maintaining the earthly order against the universal anomie preceding the messianic end of history⁴⁰, Peterson argued that such a monotheistic sovereignty could only be resulted from an amalgamation of the Jewish conception of God with the monarchical principle according to the Hellenistic thought⁴¹. What then would distinguish the Islamic Empire of Ibn al-Muqaffa' from both patterns?

According to the Schmittian distinction, Western history has known two types of *nomoi*. One type of *nomos*, from its original Greek conception, associated order with locality. While the other type, later on, came to embody the decision or edict of a deified sovereign⁴². Accordingly, Western Empires constantly relied on one or other of these types, or on their combinations. In Ibn al-Muqaffa's Empire, instead, the *nomos* corresponds neither to one nor the other type, but it is identified with the divine Law. As it is alien to the will of a sovereign or to governmental reason or also to subjects' initiative, Sharia constitutes a *nomos* imposed from outside which nevertheless requires to be activated from inside a Muslim *politeia* including both community and sovereign authority.

Pursuing the Schmittian reflection, Massimo Cacciari wondered whether the withholding power that the Christian Empire aimed to constitute in a monotheistic context could really dispense with the efficiency proper to a divine *nomos* such as the *Nomos* of Israel. To better grasp Cacciari's interrogation, we should perhaps return to the famous late antique polemic I earlier alluded to between Celsus and Origen on the imperial structure of monotheism. Although their polemic focused on the status of the divine beings who supposedly governs the world under the order of the monotheistic God, its real issue was something else. For, if Celsus the pagan insisted that, despite their subaltern nature, such divine entities remained gods, it was because, from his epistemic perspective determined by the Roman Empire, he couldn't conceive of an empire without being supported by divine Laws which were attributed to the local gods of each area, and thus rooted in ethnic or anthropological particularities of different parts of the imperial territory. Such positive and at the same time divine *nomoi*, though plural, seemed to him to be conditions of possibility of any imperial order⁴³. The only divine law linked to a monotheistic religion that Celsus could know, i.e. the Jewish Law, also fell into this category of particular divine laws. He could thus only imagine, as an unrealistic 'wish', a universal Law that would be a necessary but impossible condition for an ideal empire:

Would that it were possible to unite under one law [*nomos*] the inhabitants of Asia, Europe, and Libya, both Greeks and barbarians even at the furthest limits⁴⁴.

Contrary to Celsus, Origen argued that this 'wish' was indeed an achievable one: all that was needed was to adopt the Christian perspective which, according to Origen, provided the means for the universal gathering of men under a unique and true order. But, in fact, Origen's solution bypassed Celsus' question rather than addressing it: to the problem of the lack of a universal and divine Law (*Nomos*), he answered by replacing the idea of such a *Nomos* with that of a universal and divine Word (*Logos*) which, in a Paulinian sense, would be capable of

consuming like fire all diversity and dispersion of human souls to bring them together under a universal order.

We say on the contrary that one day the *logos* will come to rule over all being that is endowed with reason, and every soul will be transformed in accordance with its accomplishment as soon as each individual simply makes use of his freedom, chooses what he intends to do, and stays by his choice. Although there are cases of bodily illnesses and injuries which defy all attempts by doctors to cure them, we consider it unlikely that among souls there is anything that has its origin in wickedness that cannot be healed by the sense that rules over everything and by God. For since the *logos* and the healing strength that lives within it are stronger than all the evil in the soul, it allows this strength to work on each individual according to the will of God, and the conclusion of the treatment is the abolition of evil.⁴⁵

As A. Fünst points out, Origen's solution implies the messianic condition. 'One day' means that only in a messianic horizon can the problem of the plurality of *nomoi* be resolved, that is only when *nomoi* would finally be replaced by a *Logos* through which (and in which) all souls could be brought together and ordered. If the present order of bodies necessitates *nomoi* which are themselves plural and partial by definition, such plurality does respond to the irremediable plurality and disparity characterizing the realm of bodies.

We saw what the alternative answer suggested by Islamic tradition consisted of, as formulated by Ibn Muqaffa': to assume the challenge of conceiving a monotheistic empire, not by bypassing the issue of the universal divine Law but by framing a critical triangular structure putting together sovereign/governmental power, the divine Law (Sharia) and messianism. This is a critical structure because the idea of a messianic government could constantly resurface as a repressed force to challenge both sovereign power and the force of Law. If there is a history of development of Islamic political theology, this history should be regarded as the series of successive sequences of such an Islamic 'imperial drama'.

Notes :

¹ Schmitt, *Political Theology II*, 76.

² Momigliano, "The disadvantages of Monotheism for a Universal State," 287.

³ Ibid, 289.

⁴ For a recent discussion on the dating of the treatise, see the introduction to its new French translation in Pseudo-Aristote, *Du monde*.

⁵ Pseudo-Aristotle, *On Cosmos*, 6, 397b34-398a30 (translation modified).

⁶ Benveniste, *Le vocabulaire des institutions indo-européennes*, 20.

⁷ Ibid., 21.

⁸ Peterson, *Monotheism as a Political Problem*, 74.

⁹ On *De Mundo*'s influence on Philo, see Pseudo-Aristotle, *Du monde*, 10.

¹⁰ Philo Judaeus, "On Dreams," 1, 140.

¹¹ See Momigliano, "The disadvantages of Monotheism for a Universal State", 289; Peterson, *Monotheism as a Political Problem*, 77 ff; Athanassiadi, "Un Dieu!," 57-73.

¹² See al-Jābrī, *Naqd al-'aql al-'arabī*, 248-261 and 334-335.

¹³ On Iranians' involvement in the rise and the establishment of the Abbasid Caliphate, see Agha, *The Revolution which toppled the Umayyads*, 2003.

¹⁴ See Aziz al-Azmeh, *Muslim Kingship*.

¹⁵ Fowden, *Empire to Commonwealth*, 8.

¹⁶ As a writer and translator, Ibn al-Muqaffa' should arguably be considered the groundbreaker in the post-Islamic Arabic prose. His treaties would leave an important impact on the tradition of Islamic ethical and political thought by providing the founding pieces of what would later be labelled 'Islamic humanity'. For a detailed account on Ibn al-Muqaffa's life and his seminal role in the Abbasid renewal, see Gabrieli, "Ibn al-Muqaffa'." Amir Arjomand, "Abd Allah Ibn al-Muqaffa' and the 'Abbasid Revolution.'"

¹⁷ Ibn al-Muqaffa', *Risāla al-ṣaḥāba*. On the importance of this text in the historical development of Islamic political thought, see Goitein, "A Turning Point in the History of the Muslim State," 149-67.

¹⁸ Ganjipour, *L'ambivalence politique de l'islam*, 2021.

¹⁹ For the European development of this pastoral paradigm of government but from a Judeo-Christian background, see Foucault, " 'Omnes et singulatim' : vers une critique de la raison politique."

²⁰ See Ganjipour, *L'ambivalence politique de l'islam*, ibid., 153ff.

²¹ On sovereignty as Allah's attribute, the divine names expressing it in Qur'anic discourse, and their interpretations by earlier Muslim commentators, see Gimaret, *Les noms divins en Islam*, 313ff.

²² Ibn al-Muqaffa', *Treatise*, §8.

²³ This is a recurrent topos connected to the Persian Empire that one finds both in Ibn al-Muqaffa' and in the late antique literature on the Persian model, as we just saw it in the quotation from *De Mundo*' when the author mentioned the King's listening-watch, (otakoustai). On the transmission of this theme from the ancient Persian literature to Ibn al-Muqaffa's *Treatise*, see Shaked, "From Iran to Islam," 36.

²⁴ More precisely, by theologians who are part of the elites class. Ibn al-Muqaffa', *Treatise*, §55.

²⁵ Ibid., §§ 51, 55 and 56.

²⁶ See Goitein, "A Turning Point in the History of the Muslim State," 166.

²⁷ These fragments are mainly included in various compilations translated under the generic title of Aristotle's Letter to Alexander. Furthermore, such compilations were essentially aimed to theoretically sustain the process of Caliphate's imperial transformation. See Fowden, "Pseudo-Aristotelian politics and theology in universal Islam."

²⁸ Ibid., p. 135.

²⁹ On this group and their origin, see Goitein, "A Turning Point in the History of the Muslim State," 155-156.

³⁰ Ibn al-Muqaffa', *Treatise*, §12.

³¹ See Yücesoy, *Messianic Beliefs and Imperial Politics in Medieval Islam*.

³² Crone, *God's Rule*, 75. Crone recalls that this was already the case with the Umayyads.

³³ Ibn al-Muqaffa', *Treatise*, § 46.

³⁴ Ibid., §32. On Abbasids' self-referencing as a dawla and its significance, see J. Wellhausen, *The Arab Kingdom and its Fall*, 556.

³⁵ This too seems to be a borrowing from pre-Islamic Persian political discourse: the articulation that Ibn al-Muqaffa' makes between the Islamic divine Law and the Caliph's sovereignty would be a translation of what was a principle in the Persian imperial ideology, i.e the organic complementarity between religion and political sovereignty. See Shaul Shaked, "From Iran to Islam," 37. But precisely here there is a discreet difference that points to an essential transformation: religion (den or al-dīn) is replaced by the Islamic notion of the divine Law.

³⁶ Ibn al-Muqaffa's conclusion highlights religious implications of such an imperial but Islamic political power: "Under such conditions, whoever betrays or disobeys him [the sovereign] will lose his soul." (*Treatise*, § 25).

³⁷ See for instance Hallaq, *The Impossible State*.

³⁸ *Ibid.*, 51.

³⁹ Massimo Cacciari shows how a withholding power should necessarily express itself under the form of a nomothetic will and as the latter's content. See Cacciari, *The Withholding Power*, 15.

⁴⁰ Schmitt, *The Nomos of the Earth*, 59-60.

⁴¹ Peterson, *Monotheism as a Political Problem*, 104.

⁴² Schmitt, *The Nomos of the Earth*, 67ff.

⁴³ I owe this interpretation mainly to the insightful reading of the Celsus/Origen polemic provided by Alfons Fürst. See Fürst, "Monotheism between cult and politics," 82-99.

⁴⁴ Origen, *Contra Celsum*, VIII, 72, 507.

⁴⁵ *Ibid.* I'm using a modified translation suggested by Fürst. "Monotheism between cult and politics," 95.

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