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And what do they tell us?

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One or Two Versions of al-Siyāsa al-sharʿiyya of Ibn Taymiyya? and what do they tell us?

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Her recent publications include:
- al-Dhahabi, in: Encyclopaedia of Islam. Thee, Leiden-Boston, Brill, 2016, pp. 73-80.
- Review of Abdul-Rahman Mustafa, On Taqlid. Ibn al-Qayyim's Critique of Authority in Islamic Law, (Oxford/New York: Oxford University Press, 2013). In: Ilahiyat Studies 6/1 (2015), pp 330–336.
- Review of Rebecca Williams, Muhammad and the Supernatural Medieval Arab Views, London/New York: Routledge 2013, in Islam and Muslim Christian Relations 27/3 (2016), pp. 359–361.

Table of Contents:

Abstract

Ibn Taymiyya's *al-Siyāsa al-sharʿiyya fī iṣlāḥ al-raʿī wa-l-raʿiyya* is a very famous text. *al-Siyāsa al-sharʿiyya* is also a complex work that displays a variety of meanings cohabiting together rather harmoniously. The generic and synthetic nature of this treatise, together with Ibn Taymiyya's controversial legacy, has opened the way to many different claims of what the treatise is about. To some extent, the purpose of the paper is simple. I intend to present and discuss the contents of Ibn Taymiyya's *al-Siyāsa al-sharʿiyya* through a close reading of the text that will take into account two different versions of it. By so doing, I hope that some of the prevailing ideas about what *al-Siyāsa al-sharʿiyya fī iṣlāḥ al-raʿī wa-l-raʿiyya* is about can be complemented by new perspectives. In particular, I shall argue that the common view that the book is mainly about the coercive power of the state as in punishment, jihad and public order is to be partially revised and that pursuing a study of the text's manuscript tradition is an urgent scholarly task to undertake.

The present paper is part of a bigger project still in progress. To some extent, the purpose of the paper is simple. I intend to present and discuss the contents of Ibn Taymiyya's famous treatise *al-Siyāsa al-sharʿiyya fī iṣlāḥ al-rāʿī wa-l-raʿiyya* through a close reading of the text that takes into account two different versions of it. By so doing, I hope that some of the prevailing ideas about what *al-Siyāsa al-sharʿiyya fī iṣlāḥ al-rāʿī wa-l-raʿiyya* is about can be complemented by new perspectives.

1. The text as we have it

Thanks to the translation into French by Henri Laoust, which was published in 1948, *al-Siyāsa al-sharʿiyya fī iṣlāḥ al-rāʿī wa-l-raʿiyya* enjoyed a wide circulation in Western scholarly circles.[1] Brief summaries of it can be found in any standard textbook on medieval Islamic political thought, often relying on both Laoust's classic study on Ibn Taymiyya's social and political doctrines and on his translation of and introduction to *al-Siyāsa al-sharʿiyya*.[2] Henri Laoust's translation contributed to the diffusion, in the West, of a work whose title has produced the nowadays the popular "tag" of *siyāsa sharʿiyya*, commonly, and too narrowly, understood as "politics according to the divine law".

Working in the first half of the 19th century, Henri Laoust based his translation on early two printed editions, 1888 Bombay and 1905 Cairo, and collated it to two manuscripts, Damascus Ẓāhiriyya, *Adab al-manthūr* 76 (dated 734 AH) and Paris Bibliothèque Nationale 2443. He promised to publish his own edition of the text, unfortunately he never did.[3] Since then various printings of the text have been put into circulation; they are pretty much the same and generally without references to the manuscripts they are based on.[4] One notable exception is the recent edition by ʿAlī ibn Muḥammad al-ʿUmrān published in Mecca by Dār al-fawāʾid in 2008.[5] This edition displays a remarkable introduction which includes a list of extant printed versions of the text, an attempt at dating the text, a full description of the manuscripts used with samples of incipits and colophons.[6] Most importantly, this edition is based on a manuscript preserved at the Sülaymaniyya Library in Istanbul, MS 1553 Shahīd ʿAlī Pāshā, where the text is bound in a codex gathering a *Qāʿida fī al-ḥisba*, copied on 16 Rabīʿ I 780 (July 12th 1378) and a *Qāʿida fī laʿb al-*

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[1] Laoust, *Traité*.

[2] A good example is Black, *History*, 158–163 on Ibn Taymiyya which mainly relies on Laoust, *Essai*. Also, Johansen's influential article on Ibn Taymiyya's *Siyāsa al-sharʿiyya* relies on Laoust's translation of the treatise: Johansen, Perfect Law, 259–294.

[3] Laoust, *Traité*, xlvii.

[4] Among the available editions, I was able to check: Ibn Taymiyya, *al-Siyāsa al-sharʿiyya*, ed. Lajnat iḥyāʾ al-turāth al-ʿarabī; *al-Siyāsa al-sharʿiyya*, in: *Majmūʿ fatāwā*, 28: 244–397; *al-Siyāsa al-sharʿiyya*, ed. ʿIṣām Fāris al-Ḥarastānī. For a list of printed editions with some comments, see al-ʿUmrān, *Muqaddimat al-taḥqīq*, 34–35.

[5] *Al-Siyāsa al-sharʿiyya*, ed. al-ʿUmrān.

[6] Al-ʿUmrān, *Muqaddimat al-taḥqīq*, 5–67.

shaṭranj copied on 19 Rabīʿ I 780 (July 15ᵗʰ 1378). These three writings are due to the same unknown hand who copied them closely in time, one after the other.

This copy is particularly interesting for two reasons. First, its colophon states that it was transcribed from an autograph (*naqaltu min nuskha julluhā bi-khaṭṭ al-muṣannif*).[7] Besides, the Sülaymaniyya MS 1553 Shahīd ʿAlī Pāshā has portions of the text that are missing from its many printed versions. Muḥammad al-ʿUmrān claims that at some point the text must have been abridged by some unknown hand, and not by Ibn Taymiyya.[8] The claim that the shorter text is an abridged version of the longer one is supported by the fact this manuscript introduces the contents as: "This is a treatise that comprises the concise and substancial principles of divinely-oriented governance" (*hādhihi risāla tataḍammanu jawāmiʿ min al-siyāsa al-ilāhiyya …*),[9] while others, even earlier manuscripts, present the text as an abridgement: "This is an abridged treatise which comprises the concise and substancial principles of divinely-oriented governance" (*hādhihi risāla mukhtaṣara fīhā jawāmiʿ min al-siyāsa al-ilāhiyya*). The latter wording is also the one we find in the various printings of *al-Siyāsa al-sharʿiyya*.[10] Yet, other than this, we have no concrete evidence that supports the argument that the abridgment was not carried out by Ibn Taymiyya. It may have also been Ibn Taymiyya himself working and reworking at the text, editing it. At its current state, the evidence merely shows that there were two different versions of the text, one longer and one shorter. In terms of manuscript evidence, the shorter version predates the longer. For some reason, the shorter version enjoyed a wider circulation. Further research on the manuscript tradition of Ibn Taymiyya's *al-Siyāsa al-sharʿiyya* may shed more light on this specific problem.

In what follows, I have used the 1993 edition by Fāris al-Ḥarastānī and compared it to the one by Muḥammad al-ʿUmrān. When of help to the understanding of the treatise, I present and discuss the portions of the text missing from its most widespread printings. In its generality, *al-Siyāsa al-sharʿiyya* is a complex text displaying a variety of meanings that cohabit together rather harmoniously. The generic and synthetic nature of the text, together with the controversial legacy of Ibn Taymiyya, has also opened the way too many different claims of what the treatise is about. But, the literature on *siyāsa sharʿiyya* both in Arabic and Western languages is immense; I will therefore

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[7] Sülaymaniyya MS 1553 Shahīd ʿAlī Pāshā, fol. 76r. I would like to thank Ahmet Kayli for sending me the manuscript materials which I use and quote throughout this paper.

[8] Al-ʿUmrān, *Muqaddimat al-taḥqīq*, 32–33.

[9] Sülaymaniyya MS 1553 Shahīd ʿAlī Pāshā, fol. 1v.

[10] Sülaymaniyya MS 2889 Ayasofia, fol. 1v. The text was copied in Rajab 744AH/November 1343 (fol. 47v). The name of the copyst is unknown. A later copy: Sülaymaniyya MS 2886 Ayasofia displays the same incipit, fol. 2r. The text was copied in 893AH/August 1488 (fol. 47v). Cf. *Siyāsa,* ed. Ḥarastānī, 9. Al-ʿUmrān mentions neither Sülaymaniyya MS 2889 nor Ayasofia MS 2886.

discuss it somewhere else.[11] The present paper simply aims at surveying and reviewing the contents of the book by taking into account also the new edition. Where I can, and mainly in footnotes, I draw attention to other writings of Ibn Taymiyya of which *al-Siyāsa al-sharʿiyya* seems to present very concise summaries. When relevant, I also rapidly point to parallels and differences to two other major works of governance literature: al-Māwardī's (d. 1058) *al-Aḥkām al-sulṭāniyya* and Ibn Jamāʿa's (d. 1333) *Taḥrīr al-aḥkām fī tadbīr ahl al-islām*. Al-Māwardī's *Aḥkām* represents the "canon" of the genre, while Badr al-Dīn Ibn Jamāʿa was an influential Shāfiʿī Chief Qadi and a contemporary to Ibn Taymiyya.[12] The underlying point is that *al-Siyāsa al-sharʿiyya* was not born out of nothing.

The contents' review here, as descriptive as it may seem, hopes to straighten the common view, or at least to complement it, that the book is mainly about the coercive power of the state as in punishment, jihad and public order. This is not to say that these themes are not there, but that there is more to it.

2. Nature, structure and contents of the text

The first folio of the Sülaymaniyya MS 1553 Shahīd ʿAlī Pāshā is densely scribbled. What the folio shows are statements bearing the birth dates, and in one case the death date, of the children of the various owners of the codex (all notes date to the beginning of the 11th century Hijrī). There are also two waqf seals.[13] Amongst all, centrally located and in bigger script, stands the title: *Jawāmiʿ min al-siyāsa al-sharʿiyya fī salāḥ* (and not *islāḥ*!) *al-rāʿī wa-l-raʿiyya*. The title clearly resumes the beginning of the text (folio 1v, lines 6-7 from below). It is penned by the same hand who copied the texts.

It is intriguing to note that the titles of the other two short works gathered together in the codex were added below the main one (i.e. *Jawāmiʿ min* ...) by another hand in what looks like a hurried hand-writing. This suggests that, in terms of subject-matter, the person who originally assembled the three texts together perceived them as all belonging to the *siyāsa sharʿiyya* family.

Keeping close to Ibn Taymiyya's own wording enables us to locate important clues about the nature of the text. The fact that the text is intended to illustrate the *jawāmiʿ*, namely "the concise and substantial principles" (of divinely-oriented governance), is a crucial indication of the synthetic nature of this work. Throughout the text Ibn Taymiyya repeats this point: he wants to stay general

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[11] This paper complements another piece in which I expand on: the dating and recipient of the text, its genesis and literary genre, as well as on previous literature about the text, the concepts of *siyāsa* and of *sharīʿa* in Ibn Taymiyya's writings.

[12] Ibn Taymiyya's and Ibn Jamāʿa's "political" thought have been compared in previous scholarship, but mainly from the point of view of the caliphate. Cf. Rosenthal, *Political Thought*, chap. 2 and Lambton, *State and Government*, 138–151.

[13] My thanks go to Noah Gardiner and Nasser Rabbat for giving me some of their time with this material.

and keep it short: "The purpose [here] is to mention concisely the substantial rulings" (*wa-innamā al-gharaḍ dhikr al-jumal al-jāmiʿa*)", he states when discussing various types of public income.[14] His aim, then, is to provide substantial but short guidelines for "just *siyāsa*" (*al-siyāsa al-ʿādila*[15]), not details.

The contents of *al-Siyāsa al-sharʿiyya* are tidily organized around Qurʾān 4:58. The first part of the verse exhorts to render deposits back to their owners (*inna allāhu yaʾmurukum an tuʾaddū al-amānāt ilā ahliha*), while the second commands to rule or judge with equity (*wa-idhā ḥakamtum bayna al-nās an taḥkmūhū bi-l-ʿadl*). The verse is generally understood to refer to the duties of those in authority. Thus, the first section (*al-qism al-awwal*) of Ibn Taymiyya's treatise develops around the qurʾānic injunction to render deposits back to their owners and focuses respectively on what I here call "ethical leadership" (four chapters, or *fuṣūl*) and on "public wealth" (five chapters), while the second part (*al-qism al-thānī*) is built around the importance of judging or ruling with equity, or fairness. Here the rights of God and those of men are separately dealt with, each in eight chapters, as according to a standard of organization of *fiqh* books. The neat and tidy content organization of the text is striking given Ibn Taymiyya's propensity both for digression and outspoken polemics. This is not to say that *al-Siyāsa al-sharʿiyya* is devoid of critique, quite the contrary. It is just that the critique to the system is here molded within the framework of the rather polished language and advisory tone typical of governance and advisory literatures.

In what follows, I identify four content related clusters which follow rather closely the thematic presentation of the treatise.

2.1 Ethical leadership

The book first concern is with the ethics of governance, that is the ethical principles that should inspire the conduct and decisions of men of authority. The first cluster then revolves around "ethical leadership". There is not much jurisprudence here.[16]

The vocabulary to describe public offices is generic: *wālī al-amr*, *wulāt*, *wilāyāt*, *rāʿī*, *dhū al-sulṭān*, *sulṭān*, rarely *nuwwāb*. Eventually lists of different offices occur, as a way to include them all.[17] No office is dealt with specifically. What matters are the necessary ethical virtues that allow the goals of each single office to be achieved. These virtues are: *in primis* justice (*ʿadl*), then truthfulness (*amāna*), power or strength (*quwwa*) and the capacity of always giving priority to the common interest or public good (*maslaḥa*).

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[14] *Siyāsa,* ed. Ḥarastānī, 53.
[15] The expression *al-siyāsa al-ʿādila* occurs at the very beginning. *Siyāsa*, ed. Ḥarastānī, 12.
[16] *Siyāsa*, ed. Ḥarastānī, 13–40.
[17] For instance, Ibn Taymiyya, *Siyāsa*, ed. Ḥarastānī, 16, 25, 69.

Public authority (*wilāya*) is understood as an act of trust, or a deposit (*amāna*), which is not to be betrayed. Namely, the trust that was deposited in somebody's appointment for a specific office is to be rendered back by pursuing the aim of that specific office and by being aware of the means to achieve such aim (*wa-idhā ʿurifat al-maqāṣid wa-l-wasāʾil tammat al-amr*).[18] Beyond the single specific objectives of each public function, the exercise of the different types of public authority, such as military command, judgeship or leadership in prayer, for instance, fall within a broad vision which envisages the improvement of the material and spiritual conditions of people as the necessary step to ensure the triumph of God's word in this world.[19]

Betrayal of trust can be avoided by distributing public offices exclusively to the best available (*aṣlaḥ al-mawjūd*) for the charge in question. *Maṣlaḥa*, or the implementation of the public good, together with examples provided by Prophetic practice, the dictates of necessity (*ḍarūra*) and common sense considerations, are the informing principles of the choice at stake, all of which mingled together.[20] The idea of "the best qualified" is the leading motif running through this first thematic cluster. It allows enough flexibility for Ibn Taymiyya to move back and forth between the high ethical standards he sets for those in authority and the pragmatism of real life, both of which are well exemplified by the two main "virtues" every man of authority should be equipped with: trustworthiness (again, *amāna*), and strength or power (*quwwa*).[21] Naturally, neither *amāna* nor *quwwa* consists of unchangeable prerogatives. They vary accordingly to the office in question (*wa-l-quwwa fī kull wilāya bi-ḥasabihā*). Hence, strength and power in military command consists in courage, experience, shrewdness and the command of various military techniques, while strength and power in judging (*ḥukm*) is about knowing about what is fair and being capable of applying rulings.[22]

Eschatological threatening serves the purpose of highlighting the sensitivity of the topic in question: "'The Prophet said: 'When trust is lost, wait for the Hour!' It was said: 'Oh Messenger of God! What causes its loss?' He answered: 'When command is given to the person who does not deserve it, then wait for the Hour!'".[23]

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[18] Ibn Taymiyya, *Siyāsa*, ed. Ḥarastānī, 15–21, 35, 37, 39. The transliterated passage is from page 35, l. 2.
[19] *Siyāsa*, ed. Ḥarastānī, 37–39.
[20] *Siyāsa*, ed. Ḥarastānī, 15, 28, 29, 31, 32–33.
[21] *Siyāsa*, ed. Ḥarastānī, 24–25, 27–29.
[22] *Siyāsa*, ed. Ḥarastānī, 24–25.
[23] *Siyāsa*, ed. Ḥarastānī, 19–20. An examination of the eschatological materials used in this treatise is beyond the purpose of this paper. Nothing of this sort has ever been conducted on *al-Siyāsa sharʿiyya*. It may prove an innovative research approach.

2.2 Public wealth (*al-amwāl al-sulṭāniyya*)

The second form of trust is public wealth. As a consequence, the second thematic cluster of the book revolves around the sources of income and distribution of public revenues.[24] A fair distribution of public wealth is an ongoing concern for Ibn Taymiyya. He deals with it also in a short treatise titled: *Qāʿida fī al-amwāl al-sulṭāniyya*. There, one finds a similar classification of what constitutes "public money" and how it should be spent. Yet, in this text Ibn Taymiyya provides a historical excursus of how different rulers, from the Abbasids to the Ayyubids, adopted different financial policies or created new stipendiary posts (*al-waẓāʾif al-rātiba*). He highlights the extent to which these policies conformed or not to the practice of the Prophet and the Rightly Guided Caliphs and when their innovations were acceptable or not.[25] The overall picture of Islamic history that emerges from this excursus is one of ups and downs, of good and bad rulers, and not only and necessarily that of a straight line steadily descending towards corruption and decay.[26]

The section on *amwāl* concerns both rulers and ruled, writes Ibn Taymiyya. It is upon both parts to give each other what due. The Sultan and his representatives must give their subjects what they are entitled to, and in turn the subjects must not refuse to give them what required, nor will they ask for what they cannot claim.[27] This ideal order where everybody properly behaves according to his own place in society is inspired by the idea that public revenues are not private property and that men in authority are "agents, representatives and trustees, not owners" (*fa-innahum umanāʾ wa-nuwwāb wa-wukalāʾ laysū mullākan*)".[28] They are not to follow their own whims, they are not to behave like kings who give out to whom they love and refuse to whom they hate. The Prophet used to state: "I don't give and I don't refuse. I only distribute and assign according to what I was ordered".[29]

Public revenues are of three types: spoils of war (*ghanīma*), alms (*ṣadaqāt*) and *fayʾ*.[30] *Ghanīma* is that which was taken from unbelievers by fighting. It should be divided in five parts as according to the Qurʾān (8:41). One fifth for "those mentioned by God" (i.e. the Messenger of God, that is the Imam, and his relatives, orphans, the needy and the wayfarer), the rest is for the *ghānimīn* which on the basis of a tradition attributed to ʿUmar ibn al-Khaṭṭāb, Ibn Taymiyya defines as those who have witnessed the fight, which means those went to the fighting place in order to fight,

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[24] *Siyāsa*, ed. Ḥarastānī, 41–78.
[25] Ibn Taymiyya, *Qāʿida fī al-amwāl al-sulṭāniyya*, 283–299.
[26] I am engaging here with Belhaj, Law and Order, 400–422.
[27] *Siyāsa*, ed. Ḥarastānī, 45, 46, 47
[28] *Siyāsa*, ed. Ḥarastānī, 46.
[29] *Ibid.*
[30] Public revenues are a standard topic of governance and administrative textbooks. Cf. for instance al-Māwardī discusses more extensively than Ibn Taymiyya *zakāt, fayʾ* and *ghanīma*, *jizya* and *kharāj*. Cf. al-Maward, *al-Ahkam al-Sultaniyya*, 168–226. Ibn Jamāʿa, *Taḥrīr al-aḥkām*, 97ff.

whether they actually fought or not.[31] Nobody is to receive more than his fellows on account of his origins, leadership or merit (*faḍl*). This statement seems to slightly contradict what comes a few lines afterwards, namely that the Imam enjoys the discretional power to distribute supplementary portions of spoils to those who caused major harm to the enemy.[32] Finally, those properties seized from the enemies that were once owned by Muslims are to be given back to the initial owners, when possible. Of course, Ibn Taymiyya is well aware that the intricacies of spoils distribution have tormented Islamic legal scholars for quite a while. Yet, his purpose is clarifying the general principles, as we have seen. He cuts the technicalities short, which as a matter of fact, also means leaving great discretionary power to the authorities.[33]

Ṣadaqāt, alms, are the second type of revenues and are to be distributed to eight categories of people as according to the Sunna. First the poor and the indigent, who are defined as those who lack sufficient means to live. Those who are self-sufficient (*ghanī*) or able to acquire some subsistence are excluded from this category. Poverty is a material business, not a spiritual one, Ibn Taymiyya seems to imply polemically.[34] Other than this, *ṣadaqāt* are for the officers in charge with collecting, guarding and registering taxes, for those whose heart is to be softened (a tricky category which is then discussed under *fayʾ*), for slaves or prisoners to be freed, for those who are unable to pay their debts, and finally for the militaries who do not have enough money to pay for their equipment as well for making *ḥajj* (both are subsumed under the *fī sabīl allāh* category). Finally, it comes the wayfarer, that is the person who goes from country to country.[35]

Fayʾ is the third one. It is usually understood as what is taken from unbelievers without fighting (the standard reference is Q. 56: 6-10). It includes *jizya*, properties agreed upon treaties, gifts sent to the Sultan from foreigner countries, taxes levied on merchants from territories that do not have a treaty with Muslims (*dār al-ḥarb*), or on *dhimmī*s who go and trade in other countries. *Kharāj* is also included, which is an indication that with time *fayʾ* also comprises money or properties coming from Muslims. For instance, all those properties that do not have a specific owner like an inheritance without heir, or deposits whose depositors are for some reason difficult to identify are *fayʾ*. Thus, *fayʾ* becomes in fact the term that indicates "collective wealth," or "revenue".[36] Ibn Taymiyya is well aware of changes occurring with time in matters of taxation. He presents a quick sketch of levies in which a most neat condemnation falls upon *mukūs*

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[31] *Siyāsa*, ed. Ḥarastānī, 50.

[32] *Siyāsa*, ed. Ḥarastānī, 51.

[33] *Siyāsa*, ed. Ḥarastānī, 53. Cf. the discussion on *ghanīma* in Henri Laoust, *Essai*, 399–402. Laoust compares some of Ibn Taymiyya's choices with that of Ibn Qudāma and other scholars of the four Sunni schools of law. In my opinion, reading Laoust remains very important.

[34] I am indebted to Henri Laoust for this specific point. Laoust, *Essai,* 397. Può essere d'aiuto?

[35] *Siyāsa*, ed. Ḥarastānī, 55–56. Cf. Laoust, *Essai*, 397–98.

[36] *Siyāsa*, ed. Ḥarastānī, 57-59.

(miscellaneous or occasional taxes) and upon money levied in place of a *ḥadd* penalty, or retaliation.[37] The example is that of a collective monetary levy on a whole village where a homicide had been taken place rather than letting the victim's relatives request either for retaliation or blood money. Ibn Taymiyya specifies that the money is taken for the treasury (*li-bayt al-māl*),[38] and evidently disapproves the overlapping between fiscality and punishment which, in his view, fosters corruption.

After this classification, the real questions come. How should all these revenues not to be spent? And how should they not be spent? It is here that the reader detects a strong critique to the system.

"Injustice happens both from the part of rulers and the ruled: the former takes what is not permissible to take, and the latter refuses to give what is due. Like soldiers and peasants that sometimes do injustice to each other, sometimes people neglect some of the duties of Jihad, or men in authority accumulate of the wealth of God what is not permissible to accumulate. The same happens with inflicting punishments upon [not] rendering properties. Sometimes what is permissible (*mā yubāḥu*) or obligatory is neglected; some other what is not permissible (*mā lā yaḥillu*) is carried out. The basic principle is: Whoever owes some property [or money] [to somebody else] must give it back" (*kull ʿalayhi māl yajibu adāʾuhu*). [39]

This statement is followed by a cascade of examples. It can be a man in charge with a deposit, somebody participating in a sharecropping (*muzāraʿa*), a *muḍāraba* transaction or a partership contract.[40] It can be the money of an entrusting part (*māl li-muwakkilihi*), that of an orphan, of a *waqf*, or the Public Treasury. It can be a debt that the debtor is able to settle, but does not. In this case, he will be imprisoned, eventually tortured, until the debt is settled, just as the Prophet did in Khaybar with Saʿya, the uncle of Ḥuyayy ibn Akhṭab from the Banū Naḍīr, when Saʿya tried to cover his nephew who had hidden his possessions from the Prophet.[41] The wide array

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[37] Also Ibn Jamāʿa condems *mukūs* without any space for negotiation, see *Taḥrīr al-aḥkām*, 145.

[38] *Siyāsa*, ed. Ḥarastānī, 60. A similar sketch is proposed in *Qāʿida fī amwāl al-sulṭāniyya*, where it is discussioned more in detail and in historical perspective, cf. 391ff.

[39] *Siyāsa*, ed. Ḥarastānī, 61.

[40] A *muḍāraba* is: "A commercial association whereby an investor (*rabb al-māl*) entrusts capital to an agent (*muḍārib, ʿāmil*) who trades with it and shares with the investor a pre-determined proportion of the profits." The quotation is from: Wakin, Muḍāraba.

[41] *Siyāsa*, ed. Ḥarastānī, 62. Ibn Taymiyya touches on the issue of torturing the suspect when it is known that he the (stolen) property is by him *MF* 35: 406–407 (*Bāb al-qaḍāʾ*). Possibly, Ibn Qayyim al-Jawziyya, who significantly expands on this point, takes it from there. Cf. Ibn Qayyim al-Jawziyya, *al-Ṭuruq al-ḥukmiyya*. 1: 14–18. The relevant ḥadīth can be found in: Abū Daʾwūd, *Sunan*, *k. al-Kharāj wa-l-imāra wa-l-fayʾ* (*kitāb* 20), *b. Mā jāʾa fī ḥukm arḍ khaybar* (*bāb* 24). Ibn Taymiyya refers to al-Bukhārī who does not report the text: cf. *Ṣaḥīḥ, k. al-Shurūṭ* (*kitāb* 54), *b.*

of examples employed here serves the purpose of reminding the reader that the principle is incumbent upon every single member of the community, not on rulers only.

Public officers must not demand gifts (*hadāya*) from ordinary Muslims. Rewards (*muḥābāt*) requested by officers for the accomplishments of certain services have the same status as such gifts, which the just ruler will ask his officers to restitute. When such illicitly taken property cannot be given back to its owner, it will be spent for the common good (paying soldiers, for instance, or equipping frontier areas with horses and weapons).[42] Good officers must inform those in power (*dhū al-sulṭān*) about the needs and conditions of ordinary people (*al-nās*), and must deflect him from corruption.[43] Collaboration with those who pursue their own whims is totally off the mark.[44]

Equally strict morals apply to the expenses of public money (*fayʾ*) which should be employed first and foremost to pay those who operate for "the public utility" (*al-manfaʿa al-ʿāmma*): soldiers and holders of public offices. That is judges, scholars, financial officers, the Imam leading the prayer, those calling to prayers and so forth. Then, public money is to be employed for necessary public works (dams, bridges, canals…), finally for the needy. And Ibn Taymiyya here argues, against other scholars, using again as precedence ʿUmar ibn al-Khaṭṭāb's practice, that the needy is entitled to have from both alms and *fayʾ*.

The two leading criteria for spending public money are then need and utility (*ḥāja, manfaʿa*). No money is to be given out on the basis of personal ties or for activities which are prohibited: paying effiminates, prostitutes, singers, magicians, astrologers.[45] Spending money on *taʾlīf al-qulūb*, that is to attract unbelivers to Islam or support already obedient Muslims, is subsumed under "public utility" and is regareded as obligatory.[46] The soundness of these grants, whose corruptive nature Ibn Taymiyya is well aware of, depends on the intention of the giver.[47]

Idhā ishtaraṭa fī al-muzāraʿa: idhā shiʾtu akhrajatuka (bāb 14). According to al-Umrān, Ibn Taymiyya took the text of the ḥadīth from al-Ḥumaydī's (d. 1095), *Jamʿ bayna al-ṣaḥiḥayn*, cf. *Siyāsa sharʿiyya*, ed. al-ʿUmrān, 61–62, n. 6.

[42] On this specific point, cf. *Siyāsa*, ed. Ḥarastānī 66 and *MF*, 28: 592–597, in particular 594–597. Ibn Taymiyya will come back time and again on the importance of restituiting illicitly taken properties (debt, theft etc…) and on the idea that whenever it is impossible to identify the original owner, then such property should be spent for the public good. See also his discussion of *muḥāraba*, 108, 110.

[43] *Siyāsa*, ed. Ḥarastānī, 62–65.

[44] *Siyāsa*, ed. Ḥarastānī, 65.

[45] *Siyāsa*, ed. Ḥarastānī, 69–73. On the prohibition to pay astrologers for their activity, see also Ibn Taymiyya, *MF*, 35: 195 and 197. Ibn Taymiyya's fatwas on astrology are translated and commented upon by Michot, Ibn Taymiyya, 147–208.

[46] *Siyāsa*, ed. Ḥarastānī, 72–73. On *taʾlīf al-qulūb* see also p. 111 where public money is to be spent on persuading the leaders of particularly obnoxious gangs of brigands, who assault people to take their properties, to collaborate with justice or prevent further damage.

[47] *Siyāsa*, ed. Ḥarastānī, 73.

This moralizing tone escalates and pervades the last pages of this section where people are classified in three groups as according to their attitudes towards wealth.[48] First of all come the greedy ones who spend for their own interests and personal power (the implicit critique to the system is sweeping) then the prudent, quietist ones who neither spend for themselves, nor for the system. Their attitude of general abstinence refrains them from complying to their duties. Disdainful of these two groups, Ibn Taymiyya identifies as the best, of course, the third one which spends money, and does it reasonably, for the public good only. In a nutshell, the pursuit and expenditure of public wealth for any other purpose other than advancing the interests of the community is strongly condemned.

We do not know whether Ibn Taymiyya's book was ever read by al-Malik al-Nāṣir or his entourage. If it was ever, one may well reach the conclusions that the impact of Ibn Taymiyya's *al-Siyāsa al-sharʿiyya* on the Sultan's financial and recruitment policies must have been close to zero. Bribery, corruption, purchase of posts, disrespect of rules set by predecessors, lavish distribution of *iqṭāʿāt* and grants to secure loyalties, grand expenses for the Sultan personal pleasures and hobbies are only some of the misdoings that characterized al-Malik al-Nāṣir's third reign.[49] Independently from its readership, the intensity of Ibn Taymiyya's critique to the system is impressive and it becomes even spikier in the following section where the coercive power of political authorities is fully advocated. It is here that the harshest side of *al-siyāsa al-sharʿiyya* emerges.

2.3 Punishment.

Justice, as in the form of an efficient and effective punishment, is the core of the third thematic cluster.[50] Just as the first part of the treatise developed around the Qurʾānic idea of "rendering trusts" (Q. 4: 58), the second one revolves around the second part of the verse: "And when you judge (or rule) among people, judge (or rule) with equity".

Ruling, or judging with equity, implies firs of all applying prescribed penalties when necessary and restoring rights to those who justly claim them. Ibn Taymiyya follows the well established pattern of *fiqh* literature which has the discussion about the rights of God precede that of men (all in all eight chapters each). Thus, the first part (*bāb*) opens with the *ḥudūd* penalties and

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[48] *Siyāsa*, ed. Ḥarastānī, 76–77. The passage is discussed by Michael Cook and is in turn commented upon by Anjum (Cook, *Commanding Right*, 157; Anjum, *Politics Law*, 239–41). It is to be pointed out that Ibn Taymiyya is here classifying people according to their different attitude towards money. More specifically he discusse the rulers' gifts for reasons of state (the point is well taken by Cook, *ibid.*, n. 93), and not to political authority in general. Later on, at the end of the book, Ibn Taymiyya proposes a similar classification of human beings, but this time his parameter his their attitude to power. Cf. *Siyāsa*, ed. Ḥarastānī, 194–195.

[49] See Levanoni, *Turning Point*. Al-Maqrīzī (d. 852/1442), writing some decades later on bribery as one an endemic cause of decay. Allouche, *Mamluk Economics*, 52–53.

[50] *Siyāsa*, ed. Ḥarastānī, 81–186.

with a heavy emphasis on not neglecting the execution of such penalties, which are are part of the "commanding right and forbidding wrong" duty.[51] *Ḥudūd* offences are those concerning the community as a whole. They are to be sought for without waiting for claims to be brought in front of officials (*yajibu ʿalā al-wulāt al-baḥth ʿanhu wa-iqāmatuhu min ghayr daʿwa aḥad bihi*).[52] It is absolutely prohibited to take money from the offenders so that the penalty is cancelled. This kind of money is illicit and immoral (*suḥt khabīth*); it is indeed a form of bribery.[53] This section on *ḥudūd* offenses and God's rights also includes a chapter on discretional penalties and one on Jihad.

In those days, brigandage was a serious threat to security and public order.[54] It shows. *Al-muḥāribūn* are the category of *ḥudūd* offenders that attract Ibn Taymiyya's most attention.[55] In comparison, theft (*sariqa*), fornication (*zinā*), the drinking of alcohol (*sharb khamr*) and consumption of intoxicating substances, the false accusation of fornication (*qadhf*), cover a limited number of pages.[56] *Al-muḥāribūn* are those troublemakers, bandits and robbers, who raid the countryside, or the desert, and openly attack people to rob them. In so doing, they may cause the victims' death. Whole gangs of shady characters (brigands, be they Bedouins amongst Arabs, Kurds or Turcoman, peasants, dissolute soldiers or even insubordinate gangs of the urban populace) pop up from the book depicted as a huge cause of disruption, insecurity and impoverishment.[57] Such disruption of the public order is to be repressed. In order for this to happen, the right form of *ḥadd* penalty is to be applied; in this respect, much room for *ijtihād* is left to rulers. When the offenders are not seized, they will have to be fought with the best of all possible means. A whole chapter is dedicated to the duty of fighting brigands.[58] War is therefore also part of this punishment-oriented logic.[59]

Working by analogy, and keeping the definition of *ḥirāba* very general as an aggression carried out in order to rob somebody or as an attack that brings about general disruption of the public order, allows Ibn Taymiyya to extend its punishment to certain patterns of aggressions that do not necessarily take place in an opened space, such as assaults and thefts in homes, secretly premeditated killing (*al-qatl ghīlatan*), or even regicide, whose status of *ḥirāba* remains a matter of

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[51] *Siyāsa*, ed. Ḥarastānī, 81–95. See also 119 on the functions of *ḥudūd* and their necessity.
[52] *Siyāsa*, ed. Ḥarastānī, 81.
[53] *Siyāsa*, ed. Ḥarastānī, 87–88 and following.
[54] See Petry, *Criminal Underworld*, 47–73. Martel-Thoumian, *Delinquance*, 53–54 although the books examines crime at the end of the Mamluk period.
[55] *Siyāsa*, ed. Ḥarastānī, 94–118.
[56] *Siyāsa*, ed. Ḥarastānī, 119–136.
[57] *Siyāsa*, ed. Ḥarastānī, 97, see also 88.
[58] *Siyāsa*, ed. Ḥarastānī, 107–118.
[59] Johansen, Perfect Law, 276. When discussing the various ways of executing the death penalty, al-ʿUmrān's edition has a supplementary passage on killing by burning (*taḥrīq*) which is missing from the Ḥarastānī's edition. Cf. *Siyāsa*, ed. al-ʿUmrān, 106–107. Ibn Taymiyya does not take a stand on the issue. He only briefly explains that *taḥrīq* is a matter of *ikhtilāf* among scholars.

disagreement among scholars, he writes.[60] Similarly, when discussing the *ḥadd* penalty for drinking intoxicants Ibn Taymiyya tends to keep the discussion short and provide generic definitions on the authority of the Prophet: "Traditions on this subject are plenty and widespread. The Messenger of God subsumed under the same category (*jamaʿa*) – according to the principles he was provided with (*bimā ūtiyahu min jawāmiʿ al-kalām*) – every substance that obscures reason and intoxicates. He did not make a difference between this and that … They are all forbidden".[61] The issue in question here is hashish consumption.

Eluding the intricate discussion of *shuhba*s also fulfills the same goal of easing the application of *ḥudūd* penalties. In *fiqh* discussions *ḥadd* penalties are deactivated by an element of "ambiguity", or "uncertainty" which is called *shubha*. A *shuhba* makes the prohibited act resemble a permissible one. The jurists believe that the intervention of this element of doubt invalidates the penalty. Of course they discuss the single cases and do not always agree,[62] but share the idea that this notion of "ambiguity" operates because it is grounded on a prophetic precedent that instructs believers to "avert the *ḥadd* penalties by means of ambiguous cases" (*idraʾū al-ḥudūd bi-l-shubuhāt*).[63] In other words, *shubha* repels the *ḥadd* penalty because it brings forth an unforeseen circumstance that uncovers the internal weakness of the norm. Again, sidestepping the intricacies of ambiguous cases not only conforms to Ibn Taymiyya's initial proposition of staying general, but also entails that whenever such cases arise they be dealt with by the respective public officers with a good degree of discretion.

The restitution of stolen property remains a major concern in these chapters too. Cooperation and complicity with delinquency is a cause of social corruption and as such is also heavily targeted.[64] The previously mentioned principle that imprisonment and beating are the means to resort to in order to obtain a confession about the whereabouts of a certain amount of stolen money is now applied not only to the debtor refusing to pay off a debt he is able to settle, but to all aggressors refusing to give back illicitly taken properties as well as to all their accomplices who do not reveal where the stolen objects are, nor where the responsible ones are hiding.[65]

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[60] *Siyāsa*, ed. Ḥarastānī, 103–105.

[61] *Siyāsa*, ed. Ḥarastānī, 135.

[62] For instance, Ibn Rushd, *Bidāyat al-mujtahid*, 2: 433 opens his chapter on *zinā*: "Fornication is every sexual intercourse that happens outside a valid marriage and about which there is no doubt concerning the marriage and no doubt of possession … Verily the jurists disagree about which doubt repels the *ḥudūd* penalties and which doubt does not repel."

[63] For a thoughtful discussion of this matter, see Fierro, *Idraʾū l-ḥudūd*, 208–38. Rowson, Shubha. Rabb, 63–125 and now also idem, *Doubt*.

[64] *Siyāsa*, ed. Ḥarastānī, 113–118.

[65] *Siyāsa*, ed. Ḥarastānī, 108, 110, 112–115. Interestingly at page 110, he does not ground his argument on the Hadith about Saʿya's fiction that the possessions of his nephew had all gone (cf. p. 62), but on Q. 4: 34 where the husband is allowed to beat her wife when she does not comply with her duties.

Discretional penalties (chap. 7) are part of the system and concern all those infractions (maʿāṣī) regarding which there is no fixed penalty. Three factors impact on the harshness of a discretional penalty: the reputation of the offender, the gravity of the offense and its frequency. [66] Once again, rulers enjoy a high degree of discretion in choosing the type of penalty. Such penalty can be capital when the crime cannot be stopped otherwise and the offender is likened to somebody who disrupts public order (mufsid fī al-arḍ).[67]

The last chapter (chap. 8) is on Jihad. It is a peculiar chapter to say least. Out of twenty-five pages, less than a half are effectively dedicated to war.[68] This is not what one would expect from the belligerent Ibn Taymiyya, and this is not what we usually read about al-Siyāsa al-sharʿiyya.[69]

Fighting is, first of all, a form of punishment for domestic enemies, meaning offenders who have not been seized. They consist of groups of rebellious Muslims (ṭāʾifa/ṭawāʾif mumtaniʿa is the recurrent expression). These can either be Muslim dissidents refusing to comply with clear and authoritative religious prescriptions, or brigands violating people's life and properties, hence disrupting public order. While Ibn Taymiyya dealt with the latter category in the preceding chapter,[70] whoever is familiar with his fatāwā against dissident Muslim minorities knows that the refusal to abide by the major duties of Islam is the leading argument Ibn Taymiyya uses to justify wars against these groups of people.[71] Yet, in an interesting passage Ibn Taymiyya explains how to deal with groups "who do not rebel" (ghayr mumtaniʿīn), live in the territory of Islam, but neglect the obligatory religious duties, such as prayer. Hence, here refusal (imtināʿ) is not identical with rebellion. These people must be forced to perform religious duties, eventually they will be put to death if they refuse to do so, especially, if they acknowledge the obligatory character of such rituals, but will not be fought.[72] This passage is crucial. It contradicts the many texts about fighting Muslim minorities in volumes 28 and 35 of the Taymiyyan corpus where the refusal to comply with prescribed religious duties is the pivot of the pro-jihad argument. The passage in question implies

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[66] *Siyāsa*, ed. Ḥarastānī, 137–138. On reputation also 166–168. Compare with Māwardī, *The Laws of Islamic Governance*, 332–336. Al-Māwardī's treatment of the topic is more detailed and focused on *ikhtilāf*. He also deals with the possibility of pardon or intercesson of offences requiring a discretional penalty, but the criteria for applying *taʿzīr* and deciding on its entity are entirely the same.

[67] *Siyāsa*, ed. Ḥarastānī, 139–140. The position of Mālik admitting death penalty for certain crimes is mentioned, in particular his admissibility of killing the Qadariyya for their being a cause of public disturbance (p. 139). Death penalty for magicians (*sāḥir*) is also reported as an example (p. 140).

[68] *Siyāsa*, ed. Ḥarastānī, 143–153.

[69] For instance, Johansen, Perfect Law, 276: "Prayer and war according to Ibn Taymiyya are the supreme political forms of religion" and 281; Fons, Mongols, 31–68, in particular 55: "Le chapitre consacré au djihad, dans la *Siyāsa sarʿiyya* est particulierment parlant."

[70] *Siyāsa*, ed. Ḥarastānī, 107–108.

[71] The classic example in the Taymiyyan corpus are the texts against the Mongols, *MF* 28: 502–503, 510–511, 545, 546.

[72] *Siyāsa*, ed. Ḥarastānī, 153. Compare with Māwardī, *The Laws of Islamic Governance*, 312–313 where Māwardī deals with the person who does not perform ritual prayer. Al-Māwardī's discussion provides details of juristic disagreement. Ibn Taymiyya gets away with the issue in nine lines.

that the lack of performance of religious duties is a sufficient, but not necessary condition for waging Jihad, the necessary condition being political insubordination, the precedent of Khawārij is not incidental.[73] It also suggests that *al-Siyāsa al-sharʿiyya* may have been written in a moment free from war pressure since it does not display the uncompromising fury and apologetic character that other Taymiyyan writings do on the same topic.[74] On the contrary, it has been recently pointed that exhorting the Mamluks to fight against the Mongols was the main concern of Ibn Jamāʿa's treatise.[75]

The other type of Jihad is the classic one against the foreign infidel enemy (*kuffār*) and does not seem to particularly attract Ibn Taymiyya's attention.[76] Both types of war can be offensive or defensive, but the defensive one is clearly the issue for Ibn Taymiyya. Contributing, participating, in a defense war is in fact a duty incumbent upon every single Muslim. On the contrary, participating in an offensive war is a voluntary act and a collective duty, which means that the whole of the community is exempted by it once it is embraced by a sufficient number of people.[77] All these considerations, which typically are of legal nature, are preceded by a whole lump of exhortative materials on Jihad made of Qurʾānic verses, Hadith and commonsensical arguments.[78] Jihad is the most beneficial religious duty both in this life and the next. It resumes in itself all forms of interior and exterior worship, it always carries with itself one of two good actions (either victory or death as a martyr) and, finally, since we all live and die, living and dying in Jihad is living and dying in the outmost bliss. The scriptural materials, as well as the more argumentative ones, which are located at the opening of the chapter, display a genuine mobilizing and motivating function.

The remaining pages of the chapter parade a variety of reflections of ethical and practical nature.[79] They touch on the importance of accomplishing religious duties, on the rulers' obligation to care about their subjects' religious life, on the virtues that are most helpful for such task. Great emphasis, once more, is put on the materiality of human life since the fulfillment of one's needs is indispensable to conduct a proper spiritual life. This is why spending for one's own family is a priority.[80] Even enjoying permissible pleasures is highly recommended for they help face the dark side of life and accomplish one's duties.[81] Elsewhere, in his writing on *Ḥisba*, Ibn Taymiyya gets back to this point allowing those in power to control prices under those circumstances that produce

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[73] *Siyāsa*, ed. Ḥarastānī, 150–151.
[74] Henri Laoust takes this point, cf. *Essai*, 98, n. 2: "Le ǧihād preconisé par la *Siyāsa* est en outre dirigé uniquement contre les mauvais Musulmans de l'intérieur."
[75] Anjum, Ibn Jamāʿa. I thank Mustafa Banister for drawing my attention to this article.
[76] *Siyāsa*, ed. Ḥarastānī, 143, 149.
[77] *Siyāsa*, ed. Ḥarastānī, 152–153,
[78] *Siyāsa*, ed. Ḥarastānī, 143–147.
[79] *Siyāsa*, ed. Ḥarastānī, 153–168.
[80] *Siyāsa*, ed. Ḥarastānī, 162.
[81] *Siyāsa*, ed. Ḥarastānī, 162–164. The quotation is from page 164.

unfairness for either sellers or buyers. For instance, prices are to be controlled when "despite people's need the owners of certain goods sell them only for a value exceeding what is reasonable (*illā bi-l-ziyāda ʿalā al-qīma al-maʿrūfa*)," or when certain people hold the monopoly of particular commodities. The price of the necessary items for ritual performance or fulfillment of religious duties (equipment for *ḥajj* or water for *ṭahāra*) is also to be controlled so that ordinary people are enabled to fulfill their religious duties. The general idea is that what is in need to be bought and sold by the very majority of people, must be bought and sold at a fair price.[82]

2.4 Individual rights and duties

This concern for the sustainability of ordinary's people life is a remarkable feature of Ibn Taymiyya's thought in general. Accordingly, it is also a transversal theme of *al-Siyāsa al-sharʿiyya* and one that emerges with particular force in the final part of the treatise, but more prominently in its longer version. This is then where it becomes important to take into consideration the edition by Muḥammad al-ʿUmrān.

The last part of the treatise focuses on the rights and duties of people. It is divided in eight chapters, like the one which precedes it, in an intended simmetrical construction which possibly also entails a balance of thematic significance. The focus keeps on being the Qurʾānic verse: "And when you judge (or rule) among people, judge (or rule) with equity". It is noteworthy that a treatise that is commonly understood to be about governance, or, alternatively, as a "mirror for prince" should comprise a section on the duties and rights of single individuals. We do not find such a thing in Māwardī nor in Ibn Jamāʿa.

The opening chapter is about the necessity of applying retaliation (*qawd*) to the category of killing envisaged by the law. The subject attracts Ibn Taymiyya's concern. One can get a glimpse of how homicides cases often went out of control, the victim's family perpetrating sauvage private revenge of the offender's relatives, even after the punishment had been meted out.[83] It is again the disruption of public disorder provoked by such actions that disturbs Ibn Taymiyya.

It is chapters 5 and 6, respectively on marital law (*al-abḍāʿ*) and transactions, that al-ʿUmrān edition shows significant additions to the *vulgata*. In the chapter on marital law, barely one page in the text edited by Ḥarastāni, Ibn Taymiyya provides a very concise spectrum of controversal issues he has been debating elsewhere in fatwas. He is mainly concerned with the changes in wedding transactions that become visible in the legal literature and documents of the time, as Yossef

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[82] Ibn Taymiyya, *MF*, 28: 75–79, quotation from 76–77 (*Ḥisba*).
[83] *Siyāsa*, ed. Ḥarastānī, 173, 175. More on homicide cases in the legal doctrine and daily life of that period in Carl Petry, *Criminal Underworld,* 203–251. Apparently, punishment by way of retaliation and blood-money was very little applied.

Rapoport demonstrated in his book on marriage and divorce in Medieval Islam. In particular, Ibn Taymiyya is critical of the use of designating the deferrable portion (*al-muʾakhkhar,* or *al-muʾajjal*) of the marriage gift (*al-ṣadāq*) not as a sum which had to be paid to the wife in case a separation due to divorce or the husband's death, but as a due debt (*ḥāll*), payable upon demand. He is also troubled by the monetization of the *nafaqa,* or marital support. Usually due by husbands in kind, from the beginning of 14th centuries payment in the form of daily allowances became increasingly widespread. Both changes allowed an empowerment of women. They challenged a "patriarchal ideal of conjugal harmony" and, in the eyes of somebody like Ibn Taymiyya, of course also a determined ideal of social order. It is again fascinating that such matters, usually brought in front of Qadis, ended up in a book which is usually considered to be on good governance, jihad and the coercive power of the state.[84] It is not perhaps by chance that the most spread version of *al-Siyāsa al-sharʿiyya* does not have this section.

The chapter on transactions, again very brief in Ḥarastānī, is again very lively. In the long version of the text, Ibn Taymiyya expands on a series of issues he also discusses in his *Precept on ḥisba.* This explains why the unknown scribe of the Süleymaniyya MS1553 Shahīd ʿAlī Pāsha copied the text together with the *Qāʿida fī al-ḥisba.*[85] *Al-Ḥisba,* which is considered by modern scholars as one of the "political writings" by Ibn Taymiyya, was perceived as a next of kin to *al-Siyāsa al-sharʿiyya* already in the 14th century. The section on *ḥisba* in Ibn al-Qayyim al-Jawziyya's *al-Ṭuruq al-ḥukmiyya* also supports this point.[86]

In addition to giving us a list of prohibited transactions, which is there also in Ḥarastānī, and reminding his reader that it is upon the man of authority (*wālī al-amr*) to promote the prohibition of such transactions, in this chapter Ibn Taymiyya also ventures in a description of different types of fraud, or cheating (*ghishsh*), which he describes as selling items which are outwardly different from what they are inward.[87] *Ghishsh* includes counterfeiting coins (*kasr al-sikka*) and selling products obtained by alchemy (*al-kimyāʾ*). Alchemy is the art of transforming base metals into precious metals, usually silver or gold.[88] Accordingly, Ibn Taymiyya writes: "Alchemy is to produce what looks like gold and silver, or likewise what looks like precious stones, musk perfume (*ṭīb min al-*

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[84] *Siyāsa,* ed. al-ʿUmrān, 210–216, in particular 211-214. Ibn Taymiyya, *MF* 34: 77–88 (*Bāb al-nafaqāt*). All this is missing from *Siyāsa* where he only mentions twice that the *nafaqa* is according to convention (*bi-l-maʿrūf*), ed. Ḥarastānī, 183. See the discussion in: Rapoport, *Marriage,* 51–68.
[85] Süleymaniyya MS 1553 Shahīd ʿAlī Pasha, ff. 77r–89v.
[86] Ibn al-Qayyim, *al-Ṭuruq al-ḥukmiyya,* 2: 620 ff. The section on *ḥisba* is highly indebted to Ibn Taymiyya, but never devoid of Ibn Qayyim's al-Jawziyya's own insights.
[87] *Siyāsa,* ed. al-ʿUmrān, 221. Cf. also *MF,* 28: 72 (*Qāʿida fī al-ḥisba*).
[88] Again, here and in what follows, Ibn Taymiyya produces a highly synthetic view on the nature, purposes and legitimity of alchemy which he discusses at length somewhere, in: *MF,* 29: 368–388 and 389–391 (*Bāb al-khiyār*). For an overview on alchemy, cf. Forster, Alchemy.

misk), safran, amber and so forth".[89] Alchemy challenges God's distinctive power of creation illuding men that they can also create; but men fabricate, they do not create. Alchemy is similar to *al-simyāʾ*: "Which is sorcery (*siḥr*) that induces imagining a given thing differently from what it is".[90] But leaving aside theological considerations, the reason for the prohibition of selling substances or items obtained by way of alchemy is that they are in the end the outcome of a high quality counterfeiting process (*al-zaghal al-jayyid*), hence, a form of cheating. Reproaching and punishing such cheaters is an important duty of men of authority. Jurists - Ibn Taymiyya writes - have not dealt with this matter before, somehow admitting the novelty of this incursion of his into the topic.[91]

Finally, men of authority are reminded to supervise the holders of the *ḥisba* office so that they properly perform their job when they enter into matters of prices and cheating. In a nice closing passage, Ibn Taymiyya apologizes for having gone astray, but explains that:

"Nowadays much of the complaits (*shakwā*) from single individuals regard judgement amongst people in matters of money and adjudication".[92]

On the whole, these pages challenge the ritualistic and formulaic character of governance literature and show the extent to which Ibn Taymiyya dynamically engages in the social and economical life of his time. Nothing of it is left in the Ḥarastānī's edition.[93]

A final look at the last two chapters is in order. They are famous and, mostly, what we find summarized in secondary literature about Ibn Taymiyya's *al-Siyāsa al-sharʿiyya*. They close the book circularly bringing the reader back to the theoretical and ethical reflections that opened it. Interestingly enough, these two chapters are not about *fiqh*, not even that sort of simplified *fiqh* we find in many portions of the book. They are of advisory and exhortatory nature. As such they display a complete different character from the previous six chapters. Still, they are kept within this whole section of the text that discusses men's rights and duties.

The penultimate chapter (chap. 7) lingers on the necessity of mutual consultation (*mushāwara*), and the very last (chap. 8) on the indispensability of power (*imāra*, *sulṭān*) as the means to support religion in this world.[94]

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[89] *Siyāsa*, ed. al-ʿUmrān, 223.
[90] *Siyāsa*, ed. al-ʿUmrān, 223, 224, 225.
[91] *Siyāsa*, ed. al-ʿUmrān, 223 and 225.
[92] *Siyāsa*, ed. al-ʿUmrān, 217–226, quotations from 223, 225, 226. On counterfeiting coins by means of diluting metal, Stilt, *Islamic Law*, 176–181.
[93] Cf. *Siyāsa*, ed. Ḥarastānī, 175–176.
[94] *Siyāsa*, ed. Ḥarastānī, 187-190; 191-198 to be compared with *Siyāsa*, ed. al-ʿUmrān, 227–231; 232–243.

Men in authority cannot do without consulting. This is what the Prophet did all the time when he was unsure about how to act. Who they are to consult is not too clear. The text keeps generic. Indication is given that, amongst the consultations received, the man in authority must choose the one which is closest to the Book and the Sunna. According to Ibn Taymiyya, those who possess authority (*ulū al-amr*) are the emirs and the *ʿulamāʾ*. They are to act in obedience to the Book and the Sunna. Whenever problematic situations arise, knowledge of scriptural indications is an obligation. However, this straightforward prescription (which by the way also suggests that those who command these scriptural *corpora* be the recipients of the rulers' request for consultation)[95] is immediately softened by the idea that obligations are compulsory only within the limits of everybody's capabilities.

The last chapter is even better known. Again, it has much in common with the opening pages of the *Qāʿida fī al-ḥisba*.[96] The chapter gradually unfolds as a lecture on the foundation and the necessity of power with an escalating preaching tone towards the end. Reason, scriptures and experience (*tajriba*) are the sources of the argument.[97] Since people live in society the common good and their needs will be fulfilled only through mutual cooperation (this is the rational argument). Groups (society) must always have a leader (Hadiths are quoted to support this idea; hence this is scriptural argument). Commanding right and forbidding wrong, promoting justice and complying with religious obligations will happen only when enforced by strength and command (*quwwa wa-imāra*) (again a rational argument that develops as a commentary to the reported Hadith). Experience proves that in times without leadership, corruption, disorder, and loss of common interests spread. In this perspective, the rather generic function of providing counsel to men in authority mentioned in the previous chapter acquires more meaning. Providing counsel to rulers is conceived as a contribution to the proper functioning of the "public machine", it should not be a way of advancing one's own worldly aspirations, but an opportunity to get closer to God. In a similar perspective, also the function of all *wilāyāt* is commanding right and forbidding wrong, promoting justice (*ʿadl*) and helping man get closer to God. As a result, despite men were created equals, in the end: "It is inevitable according to reason and religion that some men be above others" (*la budda fī al-ʿaql wa-l-dīn …*).[98] The trick is then not to abuse of power and money, but make sure that both resources are devoted to the implementation of God's will in this world.

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[95] This is corroborated by a passage from his book on judgeship in which Ibn Taymiyya writes that when those in power do not have command of the practice of the Prophet or of the Salaf, they must be supported and advised by the experts in the field. This is what the Rightly Guided Caliphs did: when they were unsure about something, they consulted the *Ṣaḥāba* (*MF*, 35: 384–85). On *mushāwara* see also Ibn Jamāʿa, although much briefer. Ibn Jamāʿa is clear crystalline that the *ʿulamāʾ* the ones who give advice to the rulers. Cf. *Taḥrīr*, 72.

[96] *MF*, 28: 61–68 (*Ḥisba*).

[97] What *tajriba* consists in is explained only in the longer version of *Siyāsa*, ed. al-ʿUmrān, 233.

[98] *Siyāsa*, ed. Ḥarastānī, 195.

Al-Dunyā yakhdimu al-dīn: "the world is at service of religion". This lapidary statement occurs towards the very end of the treatise.[99] Yet, the whole of *al-Siyāsa al-sharʿiyya* demonstrates that, without a proper management of *dunyā*, religion would not be granted its appropriate place in this world. Thus, in the end Ibn Taymiyya's treatise outlines a symbiotic relationship between man and God, or perhaps between world power and God, whose logical implication, as paradoxical as it can sound, is that both are in need of each other.[100]

3. Conclusions

The initial questions were: what is *al-Siyāsa al-sharʿiyya* about? And, to what extent does the recently discovered Sülaymaniyya MS 1553 Shahīd ʿAlī Pasha and the new edition based on it can further our understanding of the text? I hope this paper offered a contribution in this direction by complementing the common view that this famous work of Ibn Taymiyya is basically about coercion, punishment, jihad and the public order. There is more to it. In its concise but rich nature, *al-Siyāsa al-sharʿiyya* displays a complex texture where a variety of meanings interplay.

It is perhaps easier to start with what *al-Siyāsa al-sharʿiyya* is NOT about. *al-Siyāsa al-sharʿiyya* is not about jihad. Jihad is of course one major religious duty, but in itself jihad does not occupy a predominant position in this specific text. When one compares it with other writings of Ibn Taymiyya on the same topic, written in times of war, the difference in tone, length and even contents, as seen, are undeniable. *al-Siyāsa al-sharʿiyya* is also not a description of public offices, nor is it focused on the Imam and its requisites. This ruler-decentered perspective has been perceptively noted long ago by Erwin Rosenthal, then picked up by Sherman Jackson and recently pushed forward by Ovamir Anjum.[101] Finally, *al-Siyāsa al-sharʿiyya fī iṣlāḥ al-rāʿī wa-l-raʿiyya* is, also, not about the judicial. I will illustrate this point in further research.

Having cleared the way, Ibn Taymiyya's famous treatise is certainly about ethical leadership, which implies a harsh critique to the establishment's rotten morality,[102] and a focus on the goals of public authority, not on the institutional forms such authority is embedded into. But *al-Siyāsa al-sharʿiyya* is also very much concerned about the materiality and sustainability of the community's life. For some reason, this material aspect of the story has not attracted the attention it

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[99] *Siyāsa*, ed. Ḥarastānī, 197.

[100] Cf. Baber Johansen in: Perfect Law, stresses that Ibn Taymiyya viewed political power as a condition for the survival of religious life (p. 286 specifically). He also puts forth a highly circumstantial reading of the text according to which Ibn Taymiyya tried to provide Mamluk rule with religious legitimacy through his doctrine of *siyāsa sharʿiyya* (p. 261).

[101] Rosenthal, *Political Thought*, 52. Jackson, *Islamic Law*, xxii. Anjum, *Politics Law*, in particular 27 and 249–252.

[102] See the point made by Belhaj, Law and order, 421. Belhaj's thoughtful reading of the text is very much focused on the public order.

deserves, with the notable exception of Baber Johansen.[103] A decent material life is the necessary companion to a most devoted spiritual life (*ṣalāḥ al-dīn wa-l-dunyā* is an expression that occurs dozens of times). In order for this to happen, not only the public order will have to be protected and at this end an effective punitive scheme activated, but also, public resources will have to be used and distributed fairly for the common good. This is a crucial point and one that is addressed to the community as a whole. Although rulers bear more responsibility, every member of the community is to be involved into a constant activity of a balanced give and take with a view to the collective welfare. This regard to the "flock" and not only to its "shepherd" – after all both parts are addressed in the tile of the book – is remarkable and fully emerges in the very last section of the treatise dedicated to people's duties and rights. Governance and advisory literature is usually about and for the top, not so much the bottom, except for the usual recommendation to obey rulers and keeping quiet. Perhaps because of its small size, these chapters have been virtually forgotten by all scholars who made an effort to make sense of this text, at least to my knowledge these. It is at this point that the new edition by Muḥammad al-ʿUmrān – based on Sülaymaniyya MS 1553 Shahīd ʿAlī Pāshā – steps into the scene and adds new meanings to the text. There, Ibn Taymiyya tackles economical issues relating to marriage practices, which were gaining recognition at the time, and frauds in markets. Of course, he approves none of this. Fraud entails the fabrication of fake products. According to him, alchemy plays a major role into this counterfeiting business. So here we are, alchemy steps into *al-Siyāsa al-sharʿiyya*. This incursion of alchemy into a section of the text dedicated to correct market practices reminds us that *al-kimyāʾ* must have been quite a popular craft at the time. Beyond this specific point, aren't marriage and markets the two social spaces *par excellence* where people met, interacted, negotiated their daily lives, supported themselves and their families? And isn't it intriguing that precisely these portions of the text did not make it into the vulgata of *al-Siyāsa al-sharʿiyya*? I personally think it is. Their omission not only talks about what was expected from governance literature, but also about Ibn Taymiyya's points of interests. Without Sülaymaniyya MS 1553 Shahīd ʿAlī Pāshā we would have never gained these insights. This takes me to the final point. The study of *al-Siyāsa al-sharʿiyya* manuscript transmission, and more at large of Ibn Taymiyya's corpus manuscript tradition, is in its infancy, to say the least. Pursuing it is urgent.

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[103] Johansen, "A Perfect Law", 278-279.

4. Biography

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