THE CONCEPT OF SOCIAL LAW IN IBN KHALDUN

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ABSTRACT

Ancient Greek philosophers especially Plato and Aristotle had great effect on Muslim philosophers like Ibn Sina and al-Farabi. Especially al-Farabi's *Al-Madina al-Fadila* emphasized that an ideal city consists of people with a moral and ethical goal to establish virtuous life and happiness. In this manner, al-Farabi was comparing the role of a Prophet in leading such a city with Plato's virtuous king as an ideal philosopher. Al-Ghazali, on the other hand, criticized Muslim philosophers of losing themselves in Greek philosophy and splitting off from the Muslim creed. For al-Ghazali, reason alone cannot attain Truth alone without the guidance of the revelation. Following al-Ghazali's criticism of philosophers, post-Ghazali Muslim thinkers like Fakhruddin al-Razi approached history with a type of relativization of truth to defend their ideas. Opposing this trend of despising rational, general laws, Ibn Khaldun represents the revival of rational sciences in approaching history as well as advocacy of al-Ghazali's emphasis on Muslim traditional values in the history of Islam.

Keywords: Ibn Khaldun, social law, Ghazali, Fakhr al-Din al-Razi, al-Farabi, Muslim political philosophy, *asabiyah, 'umrân*

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Ibn Khaldun (1332-1406) represents one of the late Muslim thinkers who connect the classical era to contemporary period in the history of Muslim thought. He was educated in the classical Muslim education system, worked as a *kadi* or Muslim judge and had high level positions in state offices. Thus, he was aware of serious intellectual as well as political problems encountered in the era he lived in the fourteenth century. This era was just one century before Mehmed II conquered Constantinople in 1453 and began to rule the Ottoman Empire according to his *Kanunname*s –State Codes while starting *Kanunname* tradition in the Ottoman Empire. Therefore, Ibn Khaldun did not witness any legally controlled state in his life time. On the contrary, he witnessed the states that were founded on kinship ties and controlled under a monarchy of one family.

This brief study is an attempt to understand Ibn Khaldun's analysis of societies and cultures in order to extract social laws. We shall attempt to analyze in the first place his understanding of social law. However, we need to examine also his predecessors such as al-Ghazali and others to see the pre-Khaldunian developments in Islamic political thought. I would like to also go somewhat a little further beyond the Muslim predecessors of his and see the Greek contribution in this field in order to assess their influence on Muslim philosophers. Finally I will concentrate on Ibn Khaldun's political thought and the foundation of his social philosophy as reflected on the issue of our present study, social law.

I. ANCIENT GREEK ROOTS OF MUSLIM POLITICAL PHILOSOPHY BEFORE GHAZALIAN ERA

Aristotle who lived in Early Greece in the fourth century B.C. made a considerable effect on the early Islamic thought. Following Aristotelian and Neo-Platonic philosophy, Muslim philosophers like al-Farabi and Avicenna thought that because of the unique features of the First Existence, the universe came out by necessity not by the will of God.[1] Therefore, al-Farabi and Avicenna tended to bring a rational and naturalist explanation to the creation of the universe.

In addition to his cosmological ideas, Aristotle was influential in terms of his political ideas, too. Especially his politically ideas which emphasized the general welfare and happiness

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1 Abu Nasr al-Farabi. *Madinat al-Fadilah*, trans. into Turkish by Ahmet Ateş (İstanbul: Milli Eğitim Bakanlığı Yayınları, 1989), 28.

of people influenced al-Farabi (died in 951). Under the influence of Aristotle and Plato, al-Farabi described the main characteristics of *Al-Madina al-Fadila* or the virtuous city and proposed that a prophet is one step further than a philosopher. A prophet is exposed to the overflowing of the active reason to imagination capacity and tells his prophesies.[2] In this regard, al-Farabi considered prophets in the category of philosophers in terms of apprehending metaphysical truth through reason and not necessarily by revelation.

II. A RESPONSE TO RATIONALIST TREND IN MUSLIM THINKERS

The Greek philosophy which influenced early Islamic thought was not limited with Aristotle and Neo-Platonism. Under the influence of the theme of *Logos* which means that human language corresponds to the logic of the universe, Mu'tazilah thinkers thought that human reason was able to decipher the utmost meaning behind the Qur'an during the 8th–10th centuries. Hence, they saw ability in human reason to interpret the Qur'an freely. Mu'tazilah school of thought probably emerged with an influence coming from the Rabbinic Judaism which had similar opinion at the same period of history regarding their approach to human reason with an utmost ability to understand their sacred text, namely the Torah.[3]

Abu al-Hasan al-Ash'ari (d. 324 AH / 936 AD), originally a Mu'tazilite thinker developed a type of atomistic thinking in Muslim theology to oppose "logo-centric" Mu'tazilat thinking. In order to deny the overemphasis of the role of reason for the sake of the knowledge based on revelation, he improved a type of an idea of the universe in which particulars were not necessarily bounded to each other. In addition, according to his atomistic view, there was no an eternal logic behind the universe sustaining its existence. On the contrary, the universe for its existence required God's will and power in every moment of time.[4]

Like al-Ash'ari's opposition to Mu'tazilah scholars, in order to oppose Aristotelian and Neo-Platonic version of Muslim philosophy, Al-Ghazālī (1058–1111) used Ash'arian conception of atomism in terms of defending the limitation of rationalist approaches to the laws of the

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2 Ibid, 86-87.
3 Rabbinic Judaism was wide spread around today's Iraq. The Mu'tazilah school also emerged in this area. See Johnson, *A History of the Jews* (1988).
4 Hilmi Ziya Ülken. *Eski Yunan'dan* Çağdaş *Düşünceye Doğru İslam Felsefesi, Kaynakları ve Etkileri* (İstanbul: Ülken Yayınları, 2004), 107-115.

universe as well as sacred texts. Opposed to the philosophical understanding of the universe in which there was an internal logic and according to this logic, the universe was created and its existence is being continued, al-Ghazali emphasized that the universe was created out of the free will of God and God creates permanently and interferes to the universe.[5] He accused Muslim philosophers with swerving into *dalal* or deviation from the Muslim creed.[6]

At the same time, Al-Ghazali's critique of philosophy asserts that God is known only by revelation and faith but not by reason alone or philosophy. In an opposition to the rationalist attitude of Muslim philosophy, he asserted that there is no necessity between cause and effect relationship that we observe. Therefore, for him, philosophers cannot approve religious matters by reason alone such as the existence of God or creation of the world as revelation was the mere instrument to apprehend truth about the universe as well as God.[7]

For al-Ghazali, there was no causal necessity in nature. What we observe in nature was the co-existence of causes and effects.[8] Depending on this idea, some scholars or Muslim theologians-*mutakallimun* like Fakhr al-Din al-Razi advocated that there is no any causal necessity independent of us, refusing "the certainty of any explanation".[9] As there is no any causal knowledge in nature independent of us, external facts are relative to us and depend on our approach to them or our interpretation.[10] Then, they tried to use facts in nature and historical facts in the service of defending their creeds and faiths. However, this view might bring the problem of "relativization of truth" and weakening the knowledge depending on facts.

III. IBN KHALDUN AS AN INTELLECTUAL RESPONSE TO POST-GHAZALIAN ATOMISM

We have seen that under the influence of al-Ghazali's rejection of cause-effect relationship as the source of our knowledge, Muslim theologians after al-Ghazali approached natural as well as historical sciences not as the base of the knowledge but as instruments to defend their ideas and creeds. In this point, Ibn Khaldun complains about the combination of historical facts with distortion due to excessive partisanship.[11] Opposed to the relativization in natural as well as historical sciences, he argues that there is a perfect order in the universe and interconnectedness between causes and reasons.[12] In order to defend his argument Ibn Khaldun repeatedly refers verses in the Qur'an that God creates the universe and historical facts according to His *Sunna* or regulations.[13]

Therefore, in order to approach history without an idealization of historical facts Ibn Khaldun brought forth a type of conceptualization of the laws that is independent of a biased understanding of history. In *Muqaddimah*, Ibn Khaldun asserts that he wrote his *Kitab ul-Iber* in order to expose the rules and laws in nations without an idealization as they are.[14] For Ibn Khaldun, there are transcended laws coming from the economic, social, geographical conditions in social life. Then, he approaches these laws as the appearance and emanation of the will of God.[15] In addition, in order to see these regularities, Ibn Khaldun attempted to distinguish rational sciences from transmitted sciences.[16]

For Ibn Khaldun, since it is not possible for mankind to live alone and be isolated from each other, it is mandatory for us to live in a society.[17] Hence, the authority of a ruler is needed for justice and to avoid assaults and offences to each other.[18] In opposition to Muslim philosophers like al-Farabi who asserted the rationality of prophethood and recognized prophets as the only source of a political authority, Ibn Khaldun sees the establishment of a political authority as a

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5   Al-Ghazali. *Filozofların Tutarsızlığı* (*Tahafüt al-Falasifa*), trans. Bekir Sadak (İstanbul: Ahsen Yayınları, 2002), 147-156.

6   Ibid, 243.

7   Duncan Black MacDonald. *Development of Muslim Theology, Jurisprudence and Constitutional Theory* (Beirut: Khayats Booksellers & Publisher, 1965), 230.

8   Al-Ghazali, *op.cit.*, 135-136.

9   Muhsin Mahdi. *Ibn Khaldun's Philosophy of History: A Study in the Philosophic Foundation of the Science of Culture* (London: George Allen and Unwin Ltd., 1957), 142.

10 Francis E. Peters. *Aristotle and the Arabs* (New York: New York University Press, 1968), 289.

11 Ibn Khaldun. *Mukaddime*, translated and edited by Süleyman Uludağ (İstanbul: Dergâh Yayınları, 2007), 199-200.

12 Ibid, 283.

13 Ibid, 264 and 283.

14 Ibid, 200-209.

15 Ibid, 264 and 546; see also Ümit Hassan, İbn *Haldun, Metodu ve Siyaset Teorisi* (Ankara: Sevinç Yayınları, 1982), 114.

16 Mahdi, op. cit., 73.

17 Ibn Khaldun, *Mukaddime,* 214.

18 Ibid, 214-216.

natural requirement and points out non-Muslim countries as examples as they have their own states to establish order in their countries. Then, for Ibn Khaldun *shari'a*, Islamic law is not the only source for a social order. A social order can be established by an authority which is based on secular sources.[19] For Ibn Khaldun, the differences among societies originated from the differences of the way of their livelihood. Since, they live as society to obtain their livelihood subsistence.[20] If we see *shari'ah*-Islamic law as the only source for a political authority, we ascribe a kind of sacred quality to this authority. Hence, we start to think that every decision of the authority is right. It becomes impossible for us to criticize this authority.

Ibn Khaldun opposes Muslim philosophers in terms of approaching prophets as high level philosophers or intellectuals. He advocated the idea that prophets receive revelation from God and they show miracles by the permission of God. In this sense, he follows the classical Sunni doctrine on the prophethood and miracles in opposition to philosophical trend in Muslim thought and Mu'tazilah tradition.[21] For Ibn Khaldun, the foundation of an authority –*riyaset* depends on *asabiyah*, which is a type of social coherence. Ibn Khaldun sees here social coherence as the source of authority originating from blood relation and domination of one *asabiyah* over another.[22] The protection of each other, defense and cooperation for seeking justice can be obtained by *asabiyah*. Eventually, an authority or *riyaset* turns into *mülk* or state. For Ibn Khaldun, although an authority-*riyaset* depends on voluntary obedience, *mülk* or state brings forth power and coercion.[23]

IV. IBN KHALDUN AS THE THINKER OF *MULK*

Ibn Khaldun argues that the foundation of an authority and state depends on domination, struggle and resistance and these features are possible only by means of *asabiyah*-coherence or partisanship. Since, only people who have *asabiyah* among themselves help and co-operate each other against other people. However, state or *mulk* may not need *asabiyah* any more after its foundation and institutional stabilization. This law also includes religious advertising of a

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19   Ibid, 216.
20   Ibid, 323-24.
21   Ibn Khaldun, op. cit., 276-82.
22   Ibid, 338-39.
23   Ibid, 350.

prophet and how political authorities founded by Muslims turned into state or *mulk*.[24] In this regard, Ibn Khaldun mentions also how the Islamic caliphate eventually transformed into a state *mulk* by his theory of *asabiyah*.[25] The foundation of an authority and state is required to establish an order otherwise disorder comes out of the clash of different forces. After the stabilization of an authority and state the age of welfare comes and rulers seek for their comfort and eventually it brings their demise.[26]

Ibn Khaldun explains his social theory by means of the necessity of social life for human existence. At the same time, for him his conception of *umran*, civilization depends on the same necessity.[27] In addition, there should be an authority to put an order in social life and sanctions to prevent injustices. An authority does not need religion originated sacred laws or a prophet to exist. An authority, for Ibn Khaldun, either founded upon sacred laws like Muslim law, *shari'a*, or rational laws that people obey because they convinced that those laws are for their benefits, or these laws can be executed for the sake of the benefits of the ruler and people are expected to obey by sanctions.[28] It may be a natural state which is based on the satisfaction of people's demands, or a political state which is based on the fulfillment of worldly benefits and avoidance of harms or it may be a caliphate which is based on religious laws.[29] Therefore, for Ibn Khaldun an authority or state can be based on different sources not necessarily based on religious origins. This position of Ibn Khaldun enables us to criticize the legitimacy of authorities in opposition to philosophers who recognize all types of authorities originating from *shari'a* or sacred sources.[30]

Concluding Remarks

For Ibn Khaldun *riyaset*, the leadership of an authority was different from *mülk* or state as the institutionalized form of authority relations. However, the foundation of both an authority and state was based on some general regulations and rules. Even the foundation of authority at the time of the Prophet and the transformation of this authority into a state in eventual years was not independent of these social laws. The transformation of the authority-*riyaset* into a

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24   Ibid, 380.
25   Ibid, 440-41.
26   Ibid, 392-93.
27   Ibid, 571.
28   Ibid, 571-72.
29   Ibid, 421.
30   Ibid, 424-25.

state-*mülk* was a new phenomenon for Muslims. Therefore, Muslim scholars questioned the problem of its origin and legitimacy in terms of *shari'a*, religious law.

Ibn Khaldun here was differentiating himself from Muslim philosophers who argued that state and its leadership necessarily depend on moral and ethical principles which are the same as religion. Since, from this perspective, it was not possible to criticize a political authority's faults as it necessarily depends on sacred roots. Ibn Khaldun by emphasizing the principles of the foundation of a state and differentiating a rational and secular state from a state based on *shari'a* or Islamic law, he made possible to criticize a state according to its principles.

At the same time, Ibn Khaldun was able to explain the origin of the state or *mülk* by means of his theory of *asabiyah* and by referring to natural social laws. Ibn Khaldun evaluated the problem of '*urf* or custom in terms of natural law in the transformation process into *mülk* or state. He was giving legitimacy to newly developed *mülk*-state or institutionalized form of authorities and their executed '*urf*-customary laws as far as they are not contradictory to the benefits- *maslahat* of the majority of people which matches to the general principles of *shari'a*.[31] Since, he was arguing that Islam does not exclude *asabiyah*-or kinship ties totally and religious advertising can be made by depending on *asabiyah*.[32] As Mahdi states:

With the proper *interpretation* of the Koran and Tradition, it could be found that the demands of the religious Law do not on the whole differ from the demands of the natural order. In short, there is only one order, but it is revealed to man in two ways: through divine revelation and through natural reason.[33]

Ibn Khaldun still guides us in terms of discussions he led centuries ago. Whereas he was referring to natural and social order independent of us that makes science possible, he also point out how the origin and legitimacy of a state as an institutionalized form of authority relations can be investigated.

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31 Ibid, 571.
32 Ibid, 379.
33 Mahdi, op. cit., 31.