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Loyalty, Royalty and Obligation:

'Good Shepherds under Law'

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Abstract

This article explores how conversation between the thought of certain Islamic and Christian thinkers, such as Agapetos, Gregory the Great and Sa`di, sheds light on how loyalty and obligation function within institutions of kingship and in political experience more generally. The argument shows how a focus on Late Antique notions of kingship is a particularly fruitful focus for conversation between Islamic and Christian political thought. The exposition of texts pays particular attention to political concepts' dependence on salvation historical understanding in order to examine ways of conceptualising and generating the interrelation of obligation and criticism that commonly constitutes the interrelation of peoples with rulers. With Hellenism as the bridging tradition through which diverse forms of Islamic and Christian political thought pass, the argument explores the moral psychology of institutions of kingship, especially affections such as fear and love by which political loyalty and obligation are said to operate. The conversation concludes by developing a notion of 'good shepherds under law', evoked both by Christian interpretations of the Davidic tradition and Islamic interpretations of the relation of ruler to ruled, summarised as a 'pastoral contract'. These political interpretations, while not reducible to each other, together build a bridge to support that tense communion through which better understanding of political life may be gained. In exploring the psychology of leadership as an elemental phenomenon of political life, the argument signals beyond the premodern contexts from which the authors discussed are principally drawn towards interpretation of present-day political experience.

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Introduction

The deacon Agapetos (*fl*. 527-530), in the first half of the sixth century after Christ, 'the king of those who rule and are ruled',[1] exhorted the newly enthroned emperor Justinian (d. 565)[2] to:

> Impose on yourself the necessity of keeping the laws, since you have on earth no one able to compel you. You will thus display the majesty of the laws by revering them yourself above all others, and it will be clear to your subjects that acting unlawfully is not without danger.[3]

He is further admonished to:

> Consider yourself to reign safely when you rule willing subjects. For the unwilling subject rebels when he has the opportunity. But he who is ruled by the bonds of goodwill is firm in his obedience to his ruler.[4]

These words and the *Advice* from which they are drawn, highly influential in their time, focus attention on issues of political loyalty and obligation which arise in systems of government in which accountability neither depends on belief in popular sovereignty nor is secured through recurrent popular election. Yet Peter Bell refers, without further elaboration, to *Advice* §35 as 'a political maxim of universal application and profound importance'.[5] By way of specification, then, its wisdom must concern how the loyalty of willing subjects depends on the moral quality of personal leadership attested by the two-way bonds of goodwill and the submission of the

[1] Agapetos, *Advice to the Emperor*, §72, trans. in P.N. Bell (trans.), *Three Political Voices from the Age of Justinian* (Liverpool: Liverpool Univ. Press, 2009), 121.
[2] Regarding dating, O'Donovan and O'Donovan suggest that the 'occasion for this offering is most certainly Justinian's enthronement as co-emperor with his uncle Justin in 527' [O. O'Donovan and J.L. O'Donovan (eds.), *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought* (Grand Rapids: Eerdmans, 1999), 180]; but this may be too confident a claim—see Bell, *Three Political Voices*, 18-19, where Bell only allows that it is early in Justinian's reign.
[3] Agapetos, *Advice to the Emperor*, §27, trans. in Bell, *Three Political Voices*, 109.
[4] Agapetos, *Advice to the Emperor*, §35, trans. in Bell, *Three Political Voices*, 111.
[5] Bell, *Three Political Voices*, 111 n. 48.

ruler to law on account of a reverence for law as that which proceeds from heaven. While a Christian emperor of the sixth century might have been tempted to the self-perception of being above and beyond law, he could properly conceive himself only as beyond direct accountability to fellow creatures since law is from God, the emperor's master. Bell draws attention to the lively nature of the sixth century debate on this matter by contrasting Agapetos with the contemporaneous, anonymous *Dialogue on Political Science*, which argues that the emperor is bound by law not by his voluntary submission to law.[6]

Bell further observes that political doctrines from 'the late sixth century...remain of great political salience [such as] the nature and importance of securing legitimacy for any successful regime; [these] transcend the particular, time-bound conception of the emperor as the imitation of God that played so influential a role in the late Roman and Byzantine polity.'[7] Again Bell does not trace out this claimed political saliency very closely nor will it be possible to do so on this occasion. But such a suggestion is very much in the spirit of the conversation here endeavoured between Christian and Islamic political thought. Suffice to say here that it is now increasingly recognised that prevailing conceptualisations of the procedures of liberal democracy are inadequate to the way that advanced liberal democracies are in fact developing. In such contexts, argues Rudy Andeweg among others, democracy is proceeding not on the basis of agreed mandates which electorates expect to be fulfilled but rather on the basis of trust and hope in the entrepreneurial abilities and superior competences of politicians in complex and changing circumstances in which national, global, political and economic affairs are intertwined.[8] The leader's art of effective governance, carried on while maintaining bonds of good will by keeping within the law and maintaining the consent of the people, remains of the essence of successful political life. While the alternative, unlike in Justinian's day, is a refusal to renew that leader's representative role come election time, the basic problem of an uncertain future requiring significant political foresight and personal quality remains the same. The

[6] Bell, *Three Political Voices*, 43-44. Cf. for the *Dialogue on Political Science*, an 'emperor's legitimacy thus rests here on his rule being both 'lawful' (*nomimos*) and 'just' (*dikaios*), and set in a legally defined constitutional structure, which owes as much to Cicero as to Plato.' (P.N. Bell, *Social Conflict in the Age of Justinian: Its Nature, Management, and Mediation* (Oxford: Oxford Univ. Press, 2013), 274).

[7] Bell, *Three Political Voices*, viii.

[8] R. Andeweg, 'Beyond Representativeness? Trends in Political Representation', *European Review* 11:2 (2003): 147-161. I am grateful to Stuart Ramsay for alerting me to this article. Cf. G. Brennan and A. Hamlin, 'On Political Representation', *British Journal of Political Science* 29 (1999): 109–127.

promise and problem of personal leadership will remain to the forefront of present-day political affairs and a continued thorn in the side of more 'geometrical' political theory.[9]

Here, the argument only touches on the modern form of this elemental political issue and instead focusses firmly in a pre-modern direction. It explores how certain Islamic and Christian political thinkers, such as Agapetos, construe loyalty and obligation, often in a complex and critical way, within the institution of kingship,[10] a focus for conversation commended by Robin Lovin in his article for the present issue of *The Muslim World*.[11] The argument here pays attention to the very place of political authority in human life and so begins to signal how its findings have significance for political experience beyond the premodern times and places from which our authors are principally drawn. In line with the 'conversational' nature of the project, this paper will interact not only with Asma Afsaruddin's contribution but also with the other articles in this issue of *The Muslim World*, particularly those concerned with law and morality, and contributions in companion issue of *Studies in Christian Ethics* which examine questions of legitimacy, representation, sovereignty and authority.

Kingship, Late Antiquity and Affectivity

An awareness of the centrality of the personal quality of the relationship between ruler and ruled is a good place to begin. 'Leadership is an elemental phenomenon of human sociality, requiring no Christological theory to account for it'[12]—so claims Oliver O'Donovan. Indeed, consideration of the quality of leadership is common across many pre-modern Islamic and Christian authors, especially those associated with the 'Mirror for Princes' tradition. Indeed, it is

[9] E. Burke, *Reflections on the Revolution in France* (Oxford: Oxford Univ. Press, 1999), 198.

[10] Whereas Bell prefers 'emperor' for good exegetical reasons (Bell, *Three Political Voices*, 104 n. 25), I will mainly use 'king' as best fitted to aid conversation between the varieties of Islamic and Christian interpretations of the meaning of the Hellenistic *basileus*. Al-Azmeh argues that for 'a proper appreciation of the history of Islamic political thought...it matters little conceptually whether the supreme political instance is occupied by a king or by a caliph: the two were grafted one upon the other as to their monarchical descriptions, prerogatives, epithets and functions.' [A. Al-Azmeh, 'God's Caravan: *Topoi* and *Schemata* in the History of Muslim Political Thought', in M. Boroujerdi (ed.), *Mirror for the Muslim Prince: Islam and the Theory of Statecraft* (Syracuse: Syracuse Univ. Press, 2013), 394-5].

[11] R. Lovin, 'Islamic and Christian Political Thought as Comparative Religious Ethics', *The Muslim World*, 106:2 (2016): XXX.

[12] O. O'Donovan, 'Representation', *Studies in Christian Ethics* 29:2 (2016): 135-145, 139.

precisely the elemental quality of leadership, as something comparable across time and place, which makes the loyalties and obligation of rulers and ruled so appropriate for comparative study.

For example, Afsaruddin describes the Islamic tradition's '*sabiqa-fadila* paradigm',[13] which emphasises the desirability of moral and epistemic qualifications for political leaders alongside the timing of their conversion, as distinct from a prestige claimed via mere dynastic or familial succession.[14] The history of the paradigm, as Afsaruddin relates it, especially in its eclipse by the pragmatic, non-idealising turn in Ibn Taymiyya (d. 1328) and contemporary Islamic politics, indicates its instability. For the present purpose, it is conceptual analysis of the way that loyalty and obligation function within the paradigm, especially with respect to kingship, that is of interest.

A focus on kingship may require some justification. With regard to recent scholarship in Islamic political thought, Aziz al-Azmeh has argued, over against Patricia Crone and Anthony Black, that Late Antiquity is fertile but neglected ground for 'a very fruitful comparativism' especially with regard to monarchy, which has been unwisely marginalised and treated as inauthentically Islamic in those authors' works.[15] A goal of this article is to test out and extend the line of enquiry which Al-Azmeh has argued as necessary, with particular reference to his concern for salvation history, a theme which Al-Azmeh believes is particularly important for advice literature[16] and which Joan Lockwood O'Donovan has demonstrated is vital to the interpretation of Christian political thought.[17] To advance this enquiry, the Hellenistic tradition on which Agapetos and others drew provides an interpretative bridge between Christian and Islamic political conceptions and, arguably, political theory more generally. Examining how Hellenistic ways of thinking about kingship were diversely mediated through differing

[13] A. Afsaruddin, 'Loyalty and Obedience to the Ruler: Religious Obligation or a Practical Necessity?', *The Muslim World*, 106:2 (2016): XXX.**Error! Main Document Only.**

[14] For detailed discussion of the significance of the epistemic qualifications of rulers see M. Fadel, 'Nature, Revelation and the State in Pre-Modern Sunni Theological, Legal and Political Thought', *The Muslim World*, 106:2 (2016): XXX. Note especially Fadel's discussion of the Khawārij and Shi'a traditions in their respective modes of 'commitment to the rule of the most virtuous' (XXX).

[15] Al-Azmeh, 'God's Caravan', 397.

[16] Al-Azmeh, 'God's Caravan', 395.

[17] J.L. O'Donovan, 'Law and Moral Community in Pre-Modern Christian Thought: Continuity and Discontinuity in the Western Tradition', *The Muslim World*, 106:2 (2016): XXX.

metaphysical and soteriological presuppositions will move forward the comparative agenda proposed by Al-Azmeh.[18]

In order to develop this focus, it will be important to consider the moral psychology of various Christian and Islamic conceptions, especially the affectivity by which political loyalty and obligation operate. The general claim is that understanding the affective dimension of political relations catalyses and enhances the investigation of political ideas, practices, institutions and doctrine. Paul Heck, expanding on al-Māwardī, (d. 1058), observes that 'the proper object of our affections is the moral coherency of society' and that 'rule, whatever its form, has always had impact on souls'.[19] More specifically, as Sajjad Rizvi comments, political 'recognition is both a cognitive process of understanding but also an affective one that expresses an emotional connection';[20] and Oliver O'Donovan observes that identity 'with another is known by *feeling,* and recognition is a movement of affective cognition'.[21] Such affirmations of political life's affective quality underline the importance of the psychology of political experience to its constituent features such as loyalty and obligation.

O'Donovan and Rizvi, moreover, address the 'coherency' which Heck highlights through the notion of the 'common good' as that which gives rationale to the interrelation of the communications of society with the activity of political rule.[22] A certain kind of loyalty may pertain to a particular locality, family or tribe, a staple observation of communitarian accounts of politics. But, interwoven with these social realities, loyalty may also pertain to wider political rule. For rule has to do with the common good to which the affections that shape loyalty respond—in hope for its realisation, in joy at its instantiation, in anger at its frustration, in thankfulness for its protection and so on. Such loyalty is bound up with the attitudes of the people towards those who have political power and vice versa, a two-way mode of relating which, Christian and Islamic reflections on monarchy give us reason to believe, should be neither uncommitted nor uncritical. On the part of the ruler, loyalty is instantiated in acts of

[18] Heck comments that 'the classical conception of the state in Islam, building upon ideas of Greco-Hellenistic and Persian provenance, left the impression of close cooperation between God's ways of governing and those of the earthly ruler.' [P.L. Heck, 'Māwardī, and Augustine on Governance: How to Restrain the Restrainer?', *Studies in Christian Ethics*, 29:2 (2016): 158-168, 163].
[19] Heck, 'Māwardī and Augustine on Governance', 159.
[20] S. Rizvi, 'Authority, Governance, Legitimacy, Representation: Some Thoughts from the Muslim Margins', *Studies in Christian Ethics*, 29:2 (2016): 146-157, 147.
[21] O'Donovan, 'Representation', 142.
[22] O'Donovan, 'Representation', 141-142; Rizvi, 'Authority, Governance, Legitimacy, Representation', 147.

faithfulness to the people; on the part of the ruled, it is conditional on the quality of the ruler's effectiveness in securing the common good. While accountability to God is basic in both Christian and Islamic interpretations of kingship, these were not without reference to accountability to law and the people, in the more attenuated but nonetheless real sense of being accountable for *their* good, a good achieved partly by means of law.[23]

Exploring these claims in a *comparative* exercise in the long traditions of Christian and Islamic thought will necessarily involve the perils of generalisation, of not being exhaustively attentive to specific disputes and historical situations. Robin Lovin's emphasis on the importance of close attention to the contexts of texts in pre-modern Christian and Islamic political thinkers, prior to comparative moves, is surely right.[24] Nonetheless, while history is the route through which reasoning is proceeding, such concerns are not the end of the road. Todd Thompson's argument that it is only through a turn to premodern sources that the debate about 'Orientalism' can be pursued is precisely targeted at gaining conceptual ground for present-day political matters.[25] Accordingly, the conversation here attends to historical specifics not exhaustively but rather sufficiently to make conceptual progress.

Fear, Love and Loyalty in Christian Kingship

In a seminal article, N.H. Baynes remarked that, for Eusebius, 'Constantine is the Friend of the *Logos* and His interpreter'.[26] This theological account of the imperial office must be weighed alongside the political reality that 'emperors needed to secure the moral grounding of their

[23] See M. Kamali, 'Caliphate and Political Jurisprudence in Islam: Historical and Contemporary Perspectives', *The Muslim World*, 106:2 (2016): XXX. Kamali's analyses of both the emphasis on the rule of law in Ibn Taymiyya over against the older *sabiqa-fadila* paradigm and the practice of *bay'a* (pledge of allegiance) may usefully be juxtaposed with the observations here and those above regarding the 'bonds of goodwill' uniting ruler and ruled. On the submission of rulers to law, note Kamali's important qualification, in relation to Ibn Taymiyya, that 'No government can...dispense with discretionary powers, especially over matters not regulated in the established laws—provided that discretionary power is exercised in harmony with the spirit and purpose of the *shari`a*.' (XXX)

[24] Lovin, 'Islamic and Christian Political Thought as Comparative Religious Ethics', XXX; cf. R. Lovin, 'Authority, Legitimacy, and Sovereignty: Religion and Politics in the Roman Empire before Constantine', *Studies in Christian Ethics*, 29:2 (2016): 177-189, 189.

[25] T. Thompson, 'Conducting the Conversation: Insights from the Historical and Theological Contextualization of Edward Said's *Orientalism*', *The Muslim World*, 106:2 (2016): XXX.

[26] N.H. Baynes, 'Eusebius and the Christian Empire', in N.H. Baynes, *Byzantine Studies and Other Essays* (London: Athlone Press, 1955), 170.

power in terms of prevailing values which legitimacy represents.'[27] The cosmic, interpretative role needed to be rooted in political realities in order to warrant loyalty: the emperor had to be a truthful and beneficial interpreter of the *Logos* in order to maintain consent and avert sedition whether from suspicious elites or the people at large. The sense of loyalty and obligation to the emperor (or 'king'), and thus the bonds of goodwill which unite ruler and ruled, would necessarily depend on the quality of his interpretation of the people's good and judgment regarding the means to achieve it. This interpretation could not depend on canvasing a popular view but rather on political wisdom, a basic feature of that 'elemental' form of political experience, personal leadership.

But since what is good for all together will not be clear to one alone, there follows the necessity not only of interpreting the *Logos* but also of seeking advice. Thus Agapetos may remark that 'you, most gracious Emperor, search diligently through wise counsel and intense prayer for what will benefit the world',[28] underlining both the cosmic frame within which the imperial office operates and, though delicately spoken, reflecting the permanent tension between the emperor's role and that of the church, the need the emperor had for people like Agapetos in order to seek out what would strengthen bonds of loyalty and obligation. That need for counsel especially from the church was also at the heart of Gelasius' (d. 496) 'doctrine of the two', so influential in the Western tradition, in which priests, rather than the kings, 'have the greater responsibility in that they will have to give account before God's judgment seat for those who have been kings of men.'[29] While Eastern emperors may not have acted as 'subordinate in religious matters', the liturgy of the Eucharist still presented the opportunity for emphasising the emperor's 'ultimate dependence on...clerical mediation', notwithstanding the ritually recognised role of emperor as 'God's vice-regent'.[30]

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[27] Bell, *Social Conflict in the Age of Justinian*, 275.
[28] Agapetos, *Advice to the Emperor*, §25, trans. in Bell, *Three Political Voices*, 108.
[29] Gelasius I, *Letter to Emperor Anastasius*, trans. in O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 179.
[30] P. Booth, *Crisis of Empire: Doctrine and Dissent at the End of Late Antiquity* (Berkley: Univ. of California Press, 2014), 281. For Justinian's own presentation of his rule, justifying his role as the church's legislator and discussing the interrelation of empire and priesthood, see his *Novellae Constitutiones*, *Novella 6* found in S. Scott, *The Civil Law*, Volume XVI (Cincinatti: The Central Trust Company, 1932), 30. For discussion of sacerdotal kingship see Rowan Williams' engagement with Sajjad Rizvi in 'Authority Deferred: A Christian Comment', *Studies in Christian Ethics* 29:2 (2016): 213-217

Regarding deacon Agapetos' advice itself, Henry comments that 'there is not much in the *Ekthesis* that could be called exclusively Christian',[31] noting that 'Agapetus is certainly no profound theologian'.[32] Nonetheless, and though not original, he was an effective organiser and compiler of theopolitical wisdom, and represents an important point of reference for our comparative investigation of loyalty and obligation in the institution of kingship. Consider the mode of his commendation of Justinian:

> In your time has been revealed the age of felicity which one of the ancients predicted would be when either philosophers were kings, or kings were philosophers. For being a philosopher, you were thought worthy of becoming emperor, and, as emperor, you have not desisted from philosophy. If the love of wisdom constitutes philosophy, and the beginning of wisdom is the fear of God, which you have continually in your breast, then it is clear that what I say is true.[33]

Henry's observation of Agapetos' originality in coupling Platonic thought with *Proverbs* 1:7 is especially interesting as regards the beginning of wise kingship in the fear of God.[34] Wisdom is precisely what is required by the interpreter of the *Logos*, who seeks understanding of how to pursue the people's good, coordinating the interlacing of loyalties and obligations. This necessary feature of the good interpreter requires a certain affective interplay if it is to be politically sustainable:

> Be to your subjects, most pious emperor, both formidable through the pre-eminence of your power and loveable through the provision of good works. Do not despise fear on account of love, nor neglect love on account of fear, but possess a mildness that is not to be despised, and a fierceness that is easily despised.[35]

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[31] P. Henry, 'A Mirror for Justinian: The *Ekthesis* of Agapetus Diaconus', *Greek, Roman and Byzantine Studies* 8 (1967): 281-308, 298.
[32] Henry, 'A Mirror for Justinian', 306.
[33] Agapetos, *Advice to the Emperor*, §17, trans. in Bell, *Three Political Voices*, 106.
[34] Henry, 'A Mirror for Justinian', 295-6; cf. Bell, *Three Political Voices*, 38.
[35] Agapetos, *Advice to the Emperor*, §48, trans. in Bell, *Three Political Voices*, 115. A translation which brings out the affective dimensions of this text more clearly is: 'To your subjects, most religious king, you should be an object of fear by virtue of your preeminent authority, and an object of affection by virtue of your good deeds. Do not underestimate the role of fear in comparison with affection, nor overlook the importance of affection in comparison with fear. Your gentleness should not be taken for weakness; and if you are taken for weak, you should not be gentle.' (Agapetos, *Heads of Advice* §48, trans. in O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 186; note that the O'Donovans' translation of the title of Agapetos' work differs from Bell's.)

A king's mildness or gentleness, though attractive, may provide occasion for presumption on the part of subjects and thus a dereliction of their obligations. In this instance, proper fear of formidable power must accompany loving affection for the king's person on account of his good deeds. With humanity's sinfulness a given aspect of human society, both admiration and presumption must be disciplined by a peremptory encounter with the preeminent authority of the king. This encounter, conditioned by a certain kind of fear, is a necessary dimension of loyalty. Thus Bell comments that

> Agapetus prudently recognises, despite the emphasis placed elsewhere on 'winning hearts and minds' (e.g. chs 35 and 47), that coercion/fear is indispensable to government (e.g. in the maintenance of public order). However, because it is 'easily despised', and may generate the lack of consent that can lead to rebellion (ch. 35), it must be accompanied by measures aiming at goodwill.[36]

Loyalty, I have argued elsewhere, is, from a moral psychological perspective, at least partly constituted by a shared, affective affinity between subjects or citizens and their political leaders. While that affinity may take the form of solidarity—shared sorrow and shared joy—its indispensable form is fear, directed towards the one whose authority mediates the providential action of God.[37] But fear is not, it must be said, of just one type. As Agapetos notes, the fear which accompanies the coercive function of kingship may easily become despised. Preeminent authority itself is not, of course, necessarily coercive at every moment. The apostle Paul tells the Roman church that they may be 'free from fear' if they do right and that it is only when they do wrong that they should 'be afraid'.[38] But Agapetos is ready to promote a kind of fear unrelated to coercion: 'Your rule over us is justly venerated because to enemies it shows its power, but to subjects it dispenses benevolence.'[39] This veneration, or 'respect', might best be

[36] Bell, *Three Political Voices*, 115 n. 61.
[37] J. Hordern, 'Loyalty, Conscience and Tense Communion: Jonathan Edwards Meets Martha Nussbaum', *Studies in Christian Ethics* 27.2 (2014), 167-84. Cf. J. Hordern, *Political Affections: Civic Participation and Moral Theology* (Oxford: Oxford Univ. Press, 2013), 170-172.
[38] *Romans* 13:3-4.
[39] Agapetos, *Advice to the Emperor*, §20, trans. in Bell, *Three Political Voices*, 107.

classified as 'awe', a kind of fear, which, as such, is best interpreted by analogy with the fear properly due to God, the Benevolent and Almighty, which is the beginning of wisdom.[40]

While doing right is a basic safeguard of 'awe' over against fear of coercion becoming the unalleviated condition of the populace, another is that rulers themselves experience awe before this God who raises them up to authority, an affective condition which brings sobriety to the dizzying experience of power.[41] That awe of God in Christian thought must also implies a mediated awe of subjects who, on an eschatological trajectory, are to be revealed as the children of God, the heirs of the world, a royal priesthood. Royal awe thus has a double, mutually interwoven eschatological object: both God and the people. Turning attention to this triadic, eschatological relationship, Agapetos exhorts Justinian to

> Treat your servants as you pray that your Master will treat you. As we hear, so shall we be heard; as we see, so shall we be seen by the Divine and all-seeing eye. Let us, therefore, first pay an advance of mercy for mercy, that we in turn may receive like for like.[42]

The sense of 'an advance', one of the references to salvation history found in Agapetos' *Advice*, woven in subtly in light of the audience,[43] captures precisely the structure of the loyalty and obligation owed to the people by rulers in light of the mercy of God. The dynamic ecology of fear and awe is quite distinct from a permanent, static fear of tyrannical, arbitrary rule. The people's loyal affinity with the ruler in awe before God drives the eschatological movement by which coercive fear is constrained by mercy. Agapetos accordingly commends Justinian on how he maintains the loyalty of the poor:

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[40] This analogy should be held in tension with claim that in the encounter with political authority we recognise that which is alien to us and yet our own. 'The task of any theory of authority is to explain how the good can and must present itself to us in this alienated and alienating form, and yet without ceasing to be *our good*, that to which our action is oriented...The alienation of each of us from authority is simply the alienation of each of us from ourself.' [O. O'Donovan, *The Desire of the Nations* (Cambridge: CUP, 1996), 31].

[41] Cf. N.P. Lemche, 'Kings and Clients: On Loyalty between the Ruler and the Ruled in Ancient 'Israel'', in D.A. Knight, *Ethics and Politics in the Hebrew Bible* (Atlanta: Scholars Press, 1994). They 'believed that the rulers would always act as just arbitrators between their subjects. This belief was rooted in the understanding that the kings of Israel, like their colleagues in other parts of the Ancient Near East, were at the same time clients themselves, not necessarily the client of some great king...but always of the God of Israel.' This 'central part of the royal ideology...can be seen as the reverse of the normal relations between king and subjects.' (129-130).

[42] Agapetos, *Advice to the Emperor*, §23, trans. in Bell, *Three Political Voices*, 108.

[43] The O'Donovans' claim that 'every trace of salvation history' is 'completely absent' seems overstated (O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 181).

> You, Excellency, have made your position more attractive by tempering the weight of its authority with a gentle manner and overcoming the fears of suppliants by your kindness. Those in search of aid who have brought their ship to your harbor, and have made calm water from the high seas of their need, are loud in singing their gratitude.[44]

Fear of weighty authority is here supplanted by love engendered through the kindness of the king, a shelter from the storm. The poor's loyalty takes form in a song of thanksgiving as their fears of the king are transformed into another kind of affection for him, a desire or longing for his good works.

This eschatologically constrained journey of affectivity, whereby fear gives way to love, lends a dynamic quality to loyalty, reflected analogically in Augustine's belief, captured succinctly by Harries, that 'while a man might be terrified into the love of God, he could not manage both emotions at once.'[45] In the later sixth century, Gregory the Great (d. 604) developed an organismic variation on this Augustinian interplay between fear and love:

> he who is at the head may both soothe the hearts of his subjects in making them afraid, and yet in soothing them constrain them to reverential awe.

Fear is a political affection complexly related to loyalty and the common good for, Gregory continues,

> to wish to be feared by one's equal is to be proud against nature...yet it is necessary that rulers should be feared by their subjects, when they find that God is not feared by them; so that those who have no dread of divine judgments may at any rate, through human dread, be afraid to sin. For superiors by no means shew themselves proud in seeking to inspire this fear, in which they seek not their own glory but the righteousness of their subordinates. For in exacting fear of themselves from such as live perversely, they lord it, as it were, not over men, but over beasts, inasmuch as, so far as their subordinates are bestial, they ought also to lie subdued to dread.

Gregory goes on to qualify this somewhat startling reference to 'bestial' subordinates by saying that 'Supreme rule...is ordered well, when he who presides lords it over vices, rather than

[44] Agapetos, *Heads of Advice* §53, trans. in O'Donovan and O'Donovan, *From Irenaeus to Grotius,* 186.
[45] J. Harries, *Law and Empire in Late Antiquity* (Cambridge: Cambridge Univ. Press, 1999), 145.

over his brethren' and that 'even constraint should moderate itself with great carefulness, to the end that it may so exercise the rights of discipline against delinquents as to retain the bowels of loving-kindness.'[46] Bearing in mind the weight of responsibility before God borne by the king, Gregory observes, in his commentary on *1 Kings*, that those who hold authority should only aspire to do so not from a desire to rule others but rather in great fear.[47]

For Gregory, the creaturely equality between brethren constrains fear as a dimension of the loyalty which lies between rulers and ruled. Crucially, when there is goodness among the people, there is no need for rulers to lord it over others and thus no fear—moral goodness on the part of brethren subjects enables the avoidance of that pride 'against nature' which characterises brethren rulers of perverse will. And yet punitive, coercive hierarchy is a temporary and necessary concession in a world of sin in order to protect the people from their own sins and preserve that which is good. For equality is not incompatible with hierarchy when there is vice; on which occasion fear must be evoked.

Loyalty conditioned by this complex understanding of fear and love would flourish when the essentially theological tension, held by the equal creaturely status of people and the reality of sin, is maintained.[48] In Gregory, the personal quality of political leadership, loyalty and obligation is central. The attributes of a good ruler are both brother to all and judge of all. The core Gregorian thought is that judgment and mercy at the hands of one's brother and judge

[46] Gregory the Great, *Pastoral Rule* 2.6, trans. in O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 197-200. Gregory further remarks that 'there is much wanting both to discipline and to compassion, if one be had without the other. But there ought to be in rulers towards their subjects both compassion justly considerate, and discipline affectionately severe.' (200). See also Augustine's comment that the 'rational creature made in God's image was given dominion over irrational creatures—no more: not man over man, but man over beast.' Augustine, *De civitate dei* 19.14, trans. in O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 157.

[47] R.A. Markus, 'Gregory the Great on Kings: Rulers and Preachers in the *Commentary on I Kings*' in D. Wood (ed.), *The Church and Sovereignty* (Oxford: Oxford Univ. Press, 1991), 7-21, 9.

[48] While this tension is present in Gregory, his characterisation of the interrelation of people with rulers is less marked by that bracing doctrine of the fallenness of political authority which is visible in Augustine. According to Markus, for Gregory, boundaries between church, world and empire disappeared alongside a curiosity concerning the organisation of political institutions to be replaced by a mere moral exhortation (Markus, 'Gregory the Great on Kings', 17-18). Markus notes that the 'absence of any interest in institutions is what distinguishes Gregory's approach to political matters' (16) and that 'his comments almost invariably collapse into a moral comment' (14), paying lip service to the possibility of an elect, virtuous, good ruler without being 'bothered to pursue the implications' (15) of this possibility. Elsewhere, Markus observes that 'Gregory was no political theorist' [R.A. Markus, *Gregory the Great and his World* (Cambridge: Cambridge Univ. Press, 1997), 84], speaking more in terms of 'moral admonition rather than political theory' (87). Further analysis of Gregory's thought about politics, emphasising the important of his collected correspondence for his political views, may be found in M. Dal Santo, 'Gregory the Great, the Empire and the Emperor' in B. Neil and M. Dal Santo (eds.) *A Companion to Gregory the Great* (Leiden: Brill, 2013), 57-81.

mirrors judgment and mercy at the cross of Jesus the incarnate Christ. Just because of this Christomimesis, a fear of the ruler's personal preeminent political authority is liable to be effaced by Christ. For Gregory, following Augustine, government is conceived as post-lapsarian and thus a temporary necessity. Just because kings and rulers exist on borrowed time ahead of the eschatological realisation of the Kingdom of God, just so, in anticipation, the liberated form of personal political loyalty is not permanent fear but rather a fraternal love ever conscious of the critical judgment of God. Royal leadership thus has a double face—the peremptory experience of the encounter with authority both brings attention to the providential fact of authority and, because of the compromised experience of alienated loyalty, points beyond that peremptory experience to the possibility of its ultimate disappearance and humanity's non-hierarchical reconciliation. The loyalty of people to rulers too must then have a critical form, since the king too is under the law of God, answerable to God for securing the common good.

Agapetos and Gregory, taken together, signal the way that fear has a vital but eschatologically unstable role in the fostering of loyalty and obligation: it is ineradicable, indeed necessary, in political experience because of human corruption; its presence characterises the obligation to secure the common good through the threat and, when necessary, reality of coercion. However, it is a temporal not a permanent condition of loyalty and is qualified by reverential awe for God, mediated by awe of the ruler, and by fraternal love, reflecting the love of God in Christ.

Rule thus cannot be adequately captured by the logic of threat and a hunger for power. Instead, the temptation to tyranny is overcome by eschatological, creational and, indeed, Christological considerations. Oliver O'Donovan notes that 'theologians in the early middle ages began to think about the person of the king in Christological terms. Christ, drawing on a biblical image for political rule, presented himself as the "good shepherd" (*John* 10); from New Testament times the pastoral metaphor was extended to the priesthood, but in this period was applied to political rule once again.'[49] While Christology of this sort is not developed in Agapetos' advice, Gregory's vision for rule is *pastoral* because Christological:

[49] O'Donovan, 'Representation', 138; note that this is a standard trope of Hellenistic ideas of kingship and stretches back at least to Homer (cf. Bell, *Three Political Voices*, 29; Baynes, 'Eusebius and the Christian Empire', 171).

> improvident rulers, fearing to lose human favour, shrink timidly from speaking freely the things that are right; and, according to the voice of the Truth, serve unto the custody of the flock by no means with the zeal of shepherds, but in the way of hirelings.[50]

Here rulers seek a false loyalty not grounded on truth and become not shepherds but hirelings with negative implications for the protection of the flock.

The significance of the evocation of the pastoral metaphor is that the interpretation of the preeminent authority of the king is tempered by the pastoral quality of those called to be kings, from David to great David's greater son to all those bearing the name of 'King'. Kingship is conceived as permissible and even necessary within the world as it is; but it is qualified and already overcome by a gentler and protective image of leadership. Political loyalty takes on a less fearful quality when its object, coercive political power, is constantly eclipsed by the power's own pastoral vocation, obliged in loyalty to God and people whether or not constrained formally by positive law. The emperor must be an interpreter of the *Logos* but the *Logos* has already become flesh, promising the end of interpretation as the sheep are gathered into the Good Shepherd's fold.

In summary, loyalty to political authority is constrained in dynamic, eschatological tension by the law of God instantiated in positive law, fraternal loving-kindness and the pastoral metaphor to which notions of kingly coercive power must be submitted. Fear emerges as a necessary but penultimate feature of loyalty, a concession to the compromised era but disciplined by the mercy revealed in the Kingdom of God, before which both ruler and ruled should stand in awe and to which rulers in particular are obligated. Loyalty arises as good political leadership deploys power to secure the enjoyment of the common good, thereby engendering patterns of loving, mutual obligation secured in the bonds of goodwill. The core psychological features of political loyalty disclosed in the institution of kingship, awe and love,

[50] Gregory, *Pastoral Rule*, 2.4, trans. by J. Barmby in P. Schaff and H. Wace (eds.), *Nicene and Post-Nicene Fathers*, 2nd series, vol. 12 (Peabody, MA: Hendrickson Publishers, 1895). For a tersely stated rationale for reading Gregory's *Pastoral Rule* in terms of both royal and ecclesial forms of rule, bearing in mind the interpenetration of the two, see O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 195-6. For a judicious examination of whether Gregory's politics amounted to more than mere moral exhortation and even rose to the level of coherent political theory, see D. Hipshon, 'Gregory the Great's Political Thought', *Journal of Ecclesiastical History* 53 (2002), 439-453. For discussion of the specifically ecclesial audiences of the *Pastoral Rule*, see G.E. Democopolous, 'Gregory's Model of Spiritual Direction in the *Liber Regulae Pastoralis*' in Neil and Dal Santo (eds.), *A Companion to Gregory the Great*, 205-224.

are in unstable and ultimately irreconcilable relationship with the sadly necessary supplement: fear of coercion.

Before turning to consider Islamic sources, it is worth noting that a question arising from this project's conversations concerns how the this-worldly status of law and government shapes political loyalty. Joan Lockwood O'Donovan, in response to Mohammed Fadel, observes that, for the longer Christian tradition of political thought, 'public justice [is construed] as protective rather than constitutive' of 'the universal moral fabric of created human society' whereas it seems that 'to the extent that Islamic ethics construes judicial processes as an intrinsic and perpetual dimension of the moral fabric of human relationships, its admission of the regulative authority of territorial government over these processes necessarily accords government a more constitutive social role.'[51] If government in the form of kingship and the coercive law which government administers are conceived as protective but essentially extraneous additions to given social life, as held by the Augustinian doctrine of the fallenness of political authority which builds on the problematic narrative of the institution of kings in *1 Samuel*, there is an implication for moral psychology. For in such an account of the origins of politics, political loyalty's characteristic traits—such as the unstable oscillations between awe and fear—are distinct from that which arise if judicial process is original, not fallen and even perpetual, neither tempered nor challenged nor destined to be eclipsed by the metaphorical reflections or eventual personal presence of the Good Shepherd.[52] In terms of our conversations here, the source of the issue seems to lie in how political origination features in Islamic thought. Al-Azmeh explains that, since 'Muslim theories of the state and of order generally speaking, almost without exception, were explicitly based on...a [Hobbesian and] bleak view of human nature',[53] public order was central to all features of Islamic political life. The caliph or ruler was basic to soteriology[54] with the 'rational justification of monarchy...grounded in the crooked timber of humanity, and the resultant problem of order and its maintenance, which can only be assured by overpowering authority.'[55] The question remains as to how differences in doctrine concerning the origination and constitutive social role of law and government shape the process

[51] J.L. O'Donovan, 'Law and Moral Community in Pre-Modern Christian Thought', XXX.
[52] For a critical appreciation of this interchange which differs from the argument here as to what hangs on the contrast between Augustinian and Thomist accounts of politics, see J. Chaplin, 'Creation, Judgment and the State in Christianity and Islam', *The Muslim World*, 106:2 (2016): XXX
[53] Al-Azmeh, 'God's Caravan', 358.
[54] Al-Azmeh, 'God's Caravan', 388-9.
[55] Al-Azmeh, 'God's Caravan', 395.

by which a people recognise that the good offered by political authority is '*their* good'—the basis of a psychologically plausible loyalty and obligation.

Kingship, Excellence and 'Pastoral Contract' in Islamic traditions

Accordingly, the discussion turns now to consider how Islamic traditions concerning kingship relate to the concept and questions of loyalty and obligation arrived at through the consideration of the Late Antique authors in the Christian political tradition. The starting point is what Afsaruddin has explained as the '*sabiqa-fadila* paradigm' which marks the early Islamic tradition of thinking about the basis for political loyalty and obligation.[56] The dispute about whether loyalty is due to dynastic succession and appropriate breeding or to moral quality and competence focusses on a distinction which was certainly a sub-text in Agapetos' advice to Justinian, nephew of and co-emperor with the former swineherd Justin I (d. 527).[57]

An important dimension of Afsaruddin's exegesis is that 'early Shi'i views [of *sabiqun* or 'precedence'] appear to be similar to the general Sunni understanding', in contrast to the later Shi'i tendency to 'foreground blood-kinship to the Prophet as the most important criterion in establishing' legitimacy. By way of interim conclusion she observes that 'kinship was not an important factor in the earliest debates concerning legitimate leadership and that both sides emphasized the individual moral qualifications of the candidate for the office of the caliph.'[58] Thus the perceived personal quality of the ruler alongside knowledge of the Qu'ran and worldly affairs was central to the creation of loyalty and obligations between people and rulers.

The political salience of this paradigm for kingly rule is significant. But before proceeding to consider this, it is necessary first to consider the debate concerning the legitimacy of Islamic kingship *tout court*. If kingship is itself intrinsically compromised, then those who personally inhabit its institutional form seem to forfeit any just claim to loyalty. On this point, interpretation of the development of monarchical political theologies in the Umayyad and

[56] Afsaruddin, 'Loyalty and Obedience to the Ruler', XXX. See also A. Afsaruddin, *Excellence and Precedence: Medieval Islamic Discourse on Legitimate Leadership* (Leiden: Brill, 2002).
[57] Bell, *Three Political Voices*, 43-5.
[58] Afsaruddin, 'Loyalty and Obedience to the Ruler', XXX.

Abbasid periods is naturally important. Patricia Crone has claimed that such theologies are essentially un-Islamic accretions, a decline from the egalitarian, anti-monarchical, *sui generis* political thought emerging in the early period of Islam. In Crone's view, such was the opposition to kingship in early Muslim times, since it arose in the Islamic world 'by usurpation of leadership', that it 'took the fourteenth-century Ibn Khaldun [d. 1406] to point out...that in purely historical terms it was kings rather than prophets who were the paradigmatic founders of states.'[59]

Crone's historiography is highly contentious. To be sure, as Afsaruddin remarks, 'lacking in the requisite criteria of *sabiqa* and *fadila* the Umayyads chose to emphasize instead their shared genealogy with Muhammad to establish their claim to the caliphate.'[60] While this observation highlights the key issue of personal quality, it does not exclude monarchy, as Crone seems to do, from a constructive role in conceptual analysis of Islamic political thought. Al-Azmeh has argued against Crone's 'end of simplicity'[61] narrative and in favour of there being 'a strong case for looking at Islamic political thought as an *interpretatio Islamica* of Late Antique kingship.'[62] Crone's

> ...reductive, origin-obsessed approach...[obscures] overarching and transversal themes: conceptions of power, of order, of ecumenical empire, of authority...themes of monarchy, of universal salvation history, of imperialist universalism, of social order...[Instead, the] theme of monarchy in relation to salvation history is especially crucial for the proper appreciation of classical and medieval Muslim political conceptions, as of the Christians, in which *imitatio Christi* or *Christomimesis*, the Imitation of Christ, plays an important role...[however] this theme of typology is almost virtually absent from standard scholarship.[63]

[59] P. Crone, *Medieval Islamic Political Thought* (Edinburgh: Edinburgh Univ. Press, 2004), 13. Al-Azmeh, with distaste, summarises Crone's account of decline thus: 'Politics wallows in bloody, un-Islamic vainglory [while what Crone calls] "Islamic political thought" devolves rather into what might more appropriately be likened to a carping, apolitical ecclesiology.' (Al-Azmeh, 'God's Caravan', 341).
[60] Afsaruddin, 'Loyalty and Obedience to the Ruler', XXX.
[61] Crone, *Medieval Islamic Political Thought*, 32; cf. al-Azmeh, 'God's Caravan', 387.
[62] Al-Azmeh, 'God's Caravan', 355.
[63] Al-Azmeh, 'God's Caravan', 350.

Al-Azmeh's attention to salvation history and typology seems particularly apt to a conversation between Christian and Islamic political thought,[64] suggesting a fruitful way of understanding the process of developing and deploying comparative 'bridge concepts', as discussed and recommended, with qualifications and caveats, by Lovin.[65] Note especially that, though Crone may well be wrong historically, the decline narrative holds interest for the comparative eschatology of the traditions. While, in one sense for Christian thought, kings are a feature of a narrative of decline, that decline begins a narrative which climaxes in God's participation within it through the descent and incarnation of Christ, fulfilling the institution of kingship and granting kingly rule the temporal dignity found in the dynamic affective interplay of kings with people discussed above. As Al-Azmeh explains in comparative vein, Crone and Anthony Black emphasise that

> some divines did execrate kingship [but] this remained largely a pietistic polemical motif for use in jeremiads and does not constitute political thought any more than does the execration of kingship in the Bible (for instance, and very famously, *1 Samuel* 8) found Byzantine or Latin theories of kingship...The anti-*malik* polemic by no means vitiated the construal and veneration of Muslim monarchy and royalism...[nor rendered] marginal or 'inauthentic' the producers of [royalist] political thought.[66]

Al-Azmeh's critique of Crone's historiography is supported by Saïd Amir Arjomand's account of how various Perso-Islamic traditions self-consciously incorporated pre-Islamic patterns of governance into Islamic thought before 'the development of the "ethico-legal" order based on *shari'a* around the tenth century CE.'[67] The result was that the

> idea was firmly established that God had chosen two classes of mankind above the rest, the prophets to guide mankind to salvation and the kings to preserve order *as the prerequisite* for the pursuit of salvation.[68]

[64] Cf. A. Al-Azmeh, *Muslim Kingship: Power and the Sacred in Muslim, Christian and Pagan Polities* (London: I.B. Tauris, 1997).
[65] Lovin, 'Islamic and Christian Political Thought as Comparative Religious Ethics', XXX
[66] Al-Azmeh, 'God's Caravan', 356.
[67] S.A. Arjomand, 'Perso-Islamicate Political Ethic in Relation to the Sources of Islamic Law', in M. Boroujerdi (ed.), *Mirror for the Muslim Prince: Islam and the Theory of Statecraft* (Syracuse, NY: Syracuse Univ. Press, 2013), 84.
[68] Arjomand, 'Perso-Islamicate Political Ethic', 84.

Loyalty to kings and the obligations which exist between kings and people are not then to be read as essentially perverted features of life, necessarily tainted by a narrative of decline.

This matters for how we receive Islamic sources on kingship. For analysis of kingship may turn not on whether the institution itself is essentially anti-Islamic but on the quality of any particular kingly rule. In the advice literature Al-Azmeh particularly highlights, though from beyond the Late Antique period itself, the poet and political philosopher Sa`di (d. 1291) develops prior Persian notions of kingship. Sa`di represents kings as 'shepherds' but, whereas the Judaeo-Christian shepherd-king in the Davidic line, the Good Shepherd in the New Testament, is explicitly contrasted with a 'hireling',[69] declaims that:

> A righteous monarch who protects his subjects from harm
> Receives tax that is *halal* for his shepherding wage.[70]

In other words, 'the king does not own the people and is not God's representative on earth. Rather, he is an employee hired by the people to protect their welfare and security.'[71] Such a king must be a self-reflective employee conscious of his own virtue or vice, who prays by night as a kind of watchman over the morals of the body politic saying: 'relieve me from the vice of people and relieve people from my vice'.[72] If he fails in his employment, 'the king has violated his obligations toward the people by depriving them of their right to be protected.'[73] As opposed to the assumed moral turpitude in the Christian metaphor, the hireling is here interpreted as the *better* option for the people as opposed to a shepherd who would master the sheep, leaving them not with an obligation to criticise but a 'duty of compliance',[74] not a critical loyalty but a cowering subjection.

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[69] Cf. *John* 10:1-18.

[70] Cited in A. Shomali and M. Boroujerdi, 'Sa`di's Treatise on Advice to the Kings' in M. Boroujerdi (ed.), *Mirror for the Muslim Prince: Islam and the Theory of Statecraft* (Syracuse, NY: Syracuse Univ. Press, 2013), 52.

[71] Shomali and Boroujerdi, 'Sa`di's Treatise on Advice to the Kings', 47.

[72] Shomali and Boroujerdi, 'Sa`di's Treatise on Advice to the Kings', 61. Crone is naturally aware of this poetic tradition—for the poets, 'monarchy was government by the most virtuous individual' (Crone, *Medieval Islamic Political Thought*, 34)—but, in light of her account of origins, must consider such traditions marginal. By contrast, Andrew March notes that, on the basis of virtue, kings do not even have to be Muslim to be worthy of loyalty: the 'Christian king of Abyssinia, al-Najāshī, (the Negus), is often used as the paradigmatic non-Muslim but just ruler whom Muslims are commanded to honor with their loyalty' [A. March, *Islam and Liberal Citizenship* (New York: Oxford Univ. Press, 2009), 190].

[73] Shomali and Boroujerdi, 'Sa`di's Treatise on Advice to the Kings', 52-3.

[74] Shomali and Boroujerdi, 'Sa`di's Treatise on Advice to the Kings', 51.

Though not normative for all Islamic political thought, Sa`di has been highly influential, especially in India and in Southeast Asian contexts, such as the Malay tradition. He articulates an important theme for our conversation, namely the king's contracted responsibility to be a virtuous protector, paid in the coin of popular loyalty and homage when just but equally liable to criticism when unjust. This theme combines with the 'shepherd' quality of the king's service to suggest a concept of royalty, loyalty and obligation which I here summarise as a 'pastoral contract'.

This conception stands seemingly in stark contrast with the tradition of the sultan as God's 'shadow on earth'. But Heck argues that, even for al-Māwardī, a proponent of this view,

> polity in Islam, even if taking specific forms, is subject to universal norms of moral reasoning as embodied in the tradition of *adab*...[which] is not disconnected from the concept of covenant in the Quran. There, believers extend their hands in allegiance to the prophet under the hand of God. Muhammad was not to rule arbitrarily but according to a covenant not of his own design. So, too, the ruler in Islam is 'constitutionally' limited by a system of *adab*.[75]

Reflecting this emphasis on the moral-contractual element to kingly rule, Afsaruddin observes of the Sunni imam that however

> charismatic may be, he was not appointed by God, even though he may be his deputy, and he could still theoretically be removed from political office for personal deficiencies and for severe moral and legal infractions that were subsumed under the rubric of *ma'siyat Allah* ('disobedience to God').[76]

Afsaruddin comments elsewhere that

> no human being can claim to speak/have spoken in the name of God except the Prophet; thus there is no resemblance here to European notions of theocracy and of divine

[75] Heck, 'Māwardī, and Augustine on Governance', 168.
[76] Afsaruddin, 'Loyalty and Obedience to the Ruler', XXX.

> kingship...It is more accurate to describe the Muslim polity as a nomocracy...referring to the primacy of law...in governing the polity.[77]

Loyalty to royalty on these accounts has a basically moral and legal form. The connections Afsaruddin helpfully discerns between such doctrine and John Wycliffe's thought deserve further exploration than I am able to pursue here; suffice to say that much would turn on the distinction between the honour due to office and the honour due to the person. That a king may be under contract gives institutional structure to the constitutive nature of law in Islamic political thought and social theory, providing necessary apparatus for a critical dimension within an Islamic doctrine of loyalty and obligation to royalty.

Lying behind such a critical account of loyalty, for Afsaruddin, is the interpretation of *Qur'an* 4:59 (*al-Nisa'*):

> O those who believe, obey God and the messenger and those in possession of authority among you.

One interpretation is that the verse promotes, in Afsaruddin's words, 'political quietism and authoritarianism.'[78] This would follow if the obedience required was to *political* authority, effectively eliding loyalty to such authority with loyalty to God. Apparently in line with this quietist approach, al-Ghazali explains that 'kingship and the divine effulgence has been granted to [kings] by God, and that they must be obeyed, loved and followed', that 'to dispute with kings is improper, and to hate them is wrong', that this verse accordingly entails that everyone must 'obey God and the prophets and princes'[79] while at the same time it is 'therefore incumbent on men and particularly on kings to cultivate the seeds of virtue and shun vice and vile things'[80] since, as sages have said, 'the character of subjects springs from the character of kings.'[81] Here, love of the king leads seamlessly to obligation and action; subjects' character depends on royal quality. There are resonances with Agapetos' idea of the emperor as the image of God and of

[77] A. Afsaruddin, 'Obedience to Political Authority: An Evolutionary Concept', in M.A. Muqtedar Khan (ed.), *Islamic Democratic Discourse: Theory, Debates and Philosophical Perspectives* (Lanham, MD: Lexington Books, 2006), 48-9.
[78] Afsaruddin, 'Obedience to Political Authority', 41. For further discussion of quietism, see A. Emon, 'Beyond the Protestantism of *Political Theology*: Thinking the Politics of Theological Voluntarism', *Studies in Christian Ethics* 29:2 (2016): 190-203, 197-199.
[79] Al-Ghaz~l,, *Ghazali's Book of Counsel for Kings*, trans. F.R.C. Bagley (London: Oxford Univ. Press, 1964), 46; Crone believes a section of the work to be inauthentic [P. Crone, 'Did al-Ghaz~l, write *A Mirror for Princes?*', *Jerusalem Studies in Arabic and Islam* 9 (1987): 167-191].
[80] Al-Ghaz~l,, *Book of Counsel for Kings*, 53-54.
[81] Al-Ghaz~l,, *Book of Counsel for Kings*, 60.

the interplay of love with the duties of both ruler and ruled, although naturally the eschatological tension bound up in the Christological pastoral metaphor is absent as well as, it seems, any notion of a 'pastoral contract'.

Afsaruddin, by contrast with the quietist interpretation, emphasises the word 'among' and gives weight to 'the diverse and primarily non-political understandings of this verse through at least the first three centuries of Islam'.[82] Drawing on early exegetical works and political treatises, she argues that the verse referred to military commanders and, more generally, the learned people of deep understanding, equipped to perform *ijtihad*, the authoritative interpretation of the requirements of the Qur'an and *shari`a*, an approach to Islamic political origins distinct from Patricia Crone's reading critiqued by Al-Azmeh above.

This analysis of the early *variety* of objects of loyalty contrasts both with al-Ghazali, and with the quite different later tendency to elide divine authority with political authority in various forms of Islamism.[83] This Islamist move is entirely unwarranted, Afsaruddin argues, noting that even with the Abbasid trend towards authoritarianism under Persian influence, al-Māwardī, apologist for the Abbasid government, while interpreting this verse as referring to political authority, did not conceive it 'as solely or largely divinely mandated.' In short, there was no straight line conjoining God and ruler so that loyalty and obligations to one equated to loyalty and obligations to the other.[84]

Concerning the historical reason for the elision, Afsaruddin argues that at least for Ibn Taymiyya (d. 1328), a leading proponent of the former option, political instability and conflict

> undoubtedly contributed to his position that the ruler of the polity was deserving of the utmost loyalty and obedience, especially during critical times, and that the law of the land, believed to be identical with the religious law, must be unquestioningly upheld.[85]

This absolutist tendency towards 'unconditional loyalty to the ruler'[86] is precisely what Islamists today play upon.[87]

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[82] Afsaruddin, 'Obedience to Political Authority', 53.

[83] For commentary on modes of assessing Islamist voices, especially Mawdudi and Qutb, cf. Emon, 'Beyond the Protestantism of *Political Theology*', 194. For longer discussion, see H. Enahat, *Modern Islamic Political Thought: The Response of the Shi'i and Sunni Muslims to the Twentieth Century* (Austin: University of Texas Press, 1982)

[84] Afsaruddin, 'Obedience to Political Authority', 51.

[85] Afsaruddin, 'Obedience to Political Authority', 52. It is worth noting that, while such a unity of law was envisaged by the Mamluk government, it has certainly not been a universally shared aspiration.

The affective elements of loyalty and obligation in these accounts of kingship and political authoity are not as pronounced but are nonetheless important, linked as they are to the moral excellence and competence of the person claiming political authority. Afsaruddin observes that in classical thought 'Sunnis continued to valorize the notion of personal moral excellence and the various attributes of generosity, courage, and above all possession of knowledge in their leader.'[88] The love and veneration of such qualities seems central and in some ways similar to Christian thought. However, the other side of the notion of a pastoral contract is that fear of the ruler is never 'salutary': while awe of kings might be appropriate, '*Khushu`* [submissiveness] is a highly laudable human attribute vis-à-vis the Almighty but not in relation to a human being.'[89] This seems to reflect the difference in the salvation historical roles of kings between the Christian and Islamic political thinkers considered. While the former, on the basis of the eschatological-analogical relationship articulated in *Romans* 13, see fear of the ruler as central, the less eschatologically tensed and more constitutive role of law and government in Islamic social theory makes fear of the contracted shepherd largely or wholly inappropriate. Heck's summary of al-Māwardī, illumines well this important psychological dimension of our conversation:

> To be effective, the ruler is to cultivate a sense of awe (*hayba*) among his subjects, and as noted above, the ruler shares one of the titles of God, 'one who subdues or restrains' (*al-qahir*) since his governance of his subjects mirrors God's governance of creation, but the goal is not to brutalize them into conformity. The ruler should be careful that the hearts of his subjects not grow hard towards him lest he lose their affection.[90]

A summary observation is that, in at least some Islamic accounts of kingship, loyalty was expected to be critical to the extent that the shepherd-ruler did not perform according to the contract under which kingship was consensual. The people were, in their turn, expected to perform their obligations to obey but also critique and oppose corruption in their rulers. Such rulers, by their failure to display a virtuous moral character in action fail to uphold public order

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[86] Afsaruddin, 'Obedience to Political Authority', 47.
[87] For a subtle analysis of Ibn Taymiyya's significance for present day Islamist challenges see J. Kelsay, 'On Fighting as an Individual Duty', *The Muslim World*, 106:2 (2016): XXX
[88] Afsaruddin, 'Loyalty and Obedience to the Ruler', XXX.
[89] Afsaruddin, 'Loyalty and Obedience to the Ruler', XXX.
[90] Heck, 'Māwardī and Augustine on Governance', 165.

and void their royal claims to loyalty. Human claims to total obedience are properly made solely by the Messenger of God.

Good Shepherds under Law

What may be learnt about loyalty and obligation in this comparative conversation is bound up with the significance of salvation history and the place of affectivity, moral excellence and competence. All polities need loyalties but all political loyalties, especially in democracies, should be critical. This discussion has shown that some highly influential Islamic and Christian political thought about royalty see royal authority as not intrinsically illegitimate in political life and, more positively, as characterised by sophisticated psychological ways of maintaining the subtly affective web of loyalty and obligations which binds together ruler and ruled.

Afsaruddin's critique of Islamism points back to the basis on which loyalty is conditional, namely a ruler's personal virtue. Thus, while governed by persons, Muslims knew that these persons had obligations to be obedient to law. Rulers' lives may thus be objects of study and critique with rulers retaining loyalty subject to such critique. Such a pattern raises the question of how obedience and loyalty might come asunder in the case where obedience is considered mandatory while loyalty to the ruler has become psychologically implausible or even repugnant.[91]

This emphasis on personal virtue as basic to loyalty and obligation must be stressed alongside an emphasis on the common good, key to the account of loyalty emerging from Oliver O'Donovan and Sajjad Rizvi's contributions to this project. Afsaruddin concludes her article by observing that

> Ultimately it was the notion of the common good (*maslaha*) that undergirded the legitimation of political leadership, a notion that today is being cautiously but increasingly deployed to promote democratic governments in Muslim-majority societies,

[91] In the Sunni legal tradition obligation even to tyrannical rulers has been affirmed. Cf. Al-Nawawi's (d. 1277) teaching that one should defer and obey even with unjust and tyrannical rulers. Cf. M. Afifi al-Akiti, 'Defending the Transgressed by Censuring the Reckless against the Killing of Civilians', in Chris Miller (ed.), *War on Terror: The Oxford Amnesty Lectures 2006* (Manchester: Manchester Univ. Press, 2009), 278.

> whose leaders are due obedience as long as they are just, follow the law, and remain accountable to the people.

Although both virtue and concern for the common good are then apparently features shared by the traditions we have reviewed, there remain significant psychological differences.[92] In the Islamic approaches to kingship discussed, the ruler is more the object of critical assessment than brotherly love whereas in the representatives of the Late Antique Christian vision discussed here, the interplay of fear and love between ruler and ruled were inflected by the dynamic, Christological narrative of divine mercy and fraternal solidarity.[93]

The Christian political tradition of thought about loyalty and obligation in the institution of kingship was to pass beyond Agapetos and Gregory. Oliver O'Donovan has, in his essay for *Studies in Christian Ethics*, particularly noted the importance of Isidore of Seville (d. 636). Isidore's deeply influential thought on loyalty reiterates the importance of fear:

> if there were no deterrent, who would be able to prevent another from doing wrong? And that is why nations have princes and appoint kings: to restrain their peoples from wrong by inspiring fear, and to subject them to laws that foster upright lives.[94]

Isidore further evokes the familiar pastoral metaphor by recalling 'David's humility'[95] and follows tradition in affirming that kings can lose the name of 'king' if they do wrong.[96] But expanding on these tropes, there is a new emphasis on the people. Agreeing with the *Dialogue on Political Science* rather than Agapetos, Isidore holds that 'Princes are bound by their own laws, and may not disallow in their own case laws which they uphold for their subjects' and that 'when [Christian nations] are well ruled by a power which they accept, a good return is made to God for his generosity.'[97] The triadic relation noted above in Gregory and Agapetos is here developed: the gift of God of rule to princes is returned well to God only when two parties find the rule satisfactory, namely the ruler and the ruled (or 'slaves' in Isidore's terminology).

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[92] Note also the differences within Christianity between Augustinian and Thomist interpretations of the 'common good' as observed in J. Chaplin, 'Creation, Judgment and the State in Christianity and Islam', XXX

[93] A striking feature of Todd Thompson's analysis of Said and Malik concerned their different levels of attention to Christian, especially Augustinian, doctrines of love [Thompson, 'Conducting the Conversation', XXX].

[94] Isidore of Seville, *Sentences* 3.47, trans. in O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 206.

[95] Isidore of Seville, *Sentences* 3.49, trans. in O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 207. For the 'enduring appeal' of this topos, cf. O'Donovan, 'Law and Moral Community in Pre-Modern Christian Thought', XXX.

[96] Isidore of Seville, *Sentences* 3.48, trans. in O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 207.

[97] Isidore of Seville, *Sentences* 3.49, trans. in O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 207.

Attention to affectivity makes this point more clearly. Isidore, with rich men, poor men, indeed all men in view, rather than merely kings, claims that 'four things...pervert the judgment of men: fear, cupidity, hatred and love.' Fear's perversion occurs 'when afraid of some power we dare not tell the truth.'[98] For Gregory, as noted above, it was the king who, on account of fear, sought an unworthy loyalty from men. But now, the interpretive role, though by no means removed from the king, is said to belong also to men at large. It is still the case that fear 'as the primary instrument of public policy is a perilous long-term strategy';[99] but the risk is now differently placed, spread across a responsible people who are called to speak truth, whether as subjects or judges or kings.

Isidore's development of the tradition points towards what amounts to the prerequisite of loyalty. This is what will be called here the 'good shepherd under law', articulated on the Islamic side of the bridge in our conversation, in the concept of a pastoral contract. It is a conception shared with Hellenistic sources and developed by Christian and Islamic thinkers in ways which have here been explored with particular attention to affectivity, typology and salvation history. For both traditions, there is an element of goodness required, to be located in what Baynes referred to as the interpretative function of kings, the royal prudence which unites with *philanthropia* to seek the common good. Whereas Baynes, citing Archytas, observed that 'the Hellenistic king must be the good shepherd of his people',[100] Dagron explained that the good shepherd in Christian times could only achieve the 'difficult reconciliation of power and law' through appeal to the salvation historical interrelation of law and gospel, which highlighted the provisional role of law in many Late Antique Christian notions of kingship, in which law is sublimated to the person of the emperor whose authoritative presence, transmuted from military leader to divine appointee, symbolised the universal presence and lordship of God.[101]

In contrast, recall government and law's constitutive social role for Islamic political thought, emerging most clearly in the interchange between Fadel and O'Donovan. For both Christian and Muslim sources, kings are not assumed simply to be good shepherds but rather called to act as good shepherds: law has a place in binding, whether that binding is voluntary or compelled. But Sa`di's notion, which I have summarised as a 'pastoral contract', offers a way

[98] Isidore of Seville, *Sentences* 3.54, trans. in O'Donovan and O'Donovan, *From Irenaeus to Grotius*, 209.
[99] Bell, *Social Conflict in the Age of Justinian*, 270.
[100] Baynes, 'Eusebius and the Christian Empire', 171.
[101] G. Dagron, *Emperor and Priest: The Imperial Office in Byzantium* (Cambridge: Cambridge Univ. Press, 2003), 21.

towards building a conceptual bridge. For, lacking the dangerously geometrical quality of the advanced social contract tradition, it seems to reflect elements of the common law construal of royalty articulated by Joan Lockwood O'Donovan's observation that 'English legal and theological thought was somewhat more assertive [than medieval Europe's royal dynasties] of the monarch's subjection to customary human as well as divine legal constraints, venerating positive law (inasmuch as it displayed the intention of justice and equity) as the unifying form of the body politic, manifesting both its natural and supernatural ends.'[102]

Lest the similarity seem too close and the conversational meeting threaten to elide the origins of each participant, undermining the 'tense communion' they might otherwise enjoy,[103] Al-Azmeh's emphasis on construing monarchy in relation to rival salvation histories and typologies here proves its worth for a non-reductive and thus potentially fruitful comparative exercise. The varying receptions of the pastoral metaphor mediated through Hellenistic filters shape the modes by which the fear of the ruler is constrained, that fear which is liable, if unchecked, to dissolve loyalty, love and obligation on all sides. On the one hand there is the gospel of mercy constraining the shepherd in his God-ordained protective, coercive ministry; on the other there is the law of God constraining the shepherd in his constitutive social role through his God-ordained but popularly employed office.

Conclusion

What may be discerned from this conversation for present-day political life, especially the 'elemental' phenomenon of social and political leadership, may be signalled here but requires further development on another occasion.

On the one hand, various kinds of monarchy remain important in many nation-states today: the king of Morocco derives his political authority from his religious status as leader of the Muslims; in Malaysia the king is head of the religious community but as a constitutional monarch; then there is of course the constitutional monarchy of Great Britain. The image of the good shepherd constrained in various ways by law and even gospel offers itself afresh as a way

[102] O'Donovan, 'Law and Moral Community in Pre-Modern Christian Thought', XXX.
[103] For this idea about public discourse, see Hordern, 'Loyalty, Conscience and Tense Communion'.

both of interpreting and of critically assessing the political realities of royalty, loyalty and obligation in polities such as these.

On the other hand, as concerns Bell's recognition of the wider saliency of Late Antique kingship for understanding present-day political legitimacy, critical loyalty is by no means solely salutary for officially monarchical polities. The capacity to assess action and, by action, character and consistency is vital for democracy especially in light of the tendency highlighted by Andeweg for greater electoral investment in the personal quality of leadership. Prudent policy making which seeks the common good correlated to popular affectivity and the obligations of all parties, remains a central challenge to political life today. The accounts of the mature royalist, Judaeo-Christian wisdom of a Davidic, self-sacrificing shepherd-king under law and the pastoral contract in the Islamic wisdom of Sa`di offer themselves as ways of thinking through and responding to this challenge. Their interaction is perhaps an example of what Todd Thompson means by 'ways in which religious/theological discourse might enable and liberate.'[104] The development of this line of reasoning lies beyond the scope of this article and instead looks forward to a next stage in our conversations.

[104] Thompson, 'Conducting the Conversation', XXX