This can be explained by the example of wax forms of man, horse and ass, which have wax in common, but different shapes. This is the belief of the real pantheists. But the others maintain that the Universe is a reflection of the names and attributes of the necessary being [God] reflected in their opposite, nonexistence. These attributes and names are reflected in the mirror of nonexistence which is powerless.

In the same manner one can imagine the appearance of each name and attribute of God in the mirror of non-being. The former is unity of existence, and the latter unity of experience. To me both are based on true revelations. Unity of experience of Shaikh Ahmad does not contradict but confirms Ibn 'Arabī's unity of existence. In short, if real facts are taken into account and studied without their garb of simile and metaphor, both doctrines will appear almost the same.



CHAPTER XVII

THE MUSLIM RULER IN INDIA

For Muslims, God is the all-mighty and ever active sovereign of His Universe who has made His Will and Pleasure for mankind known in His Holy Law (Sharī'a). The government of His community on earth is therefore one of the innumerable and, strictly speaking, indeterminate expressions of this total Divine sovereignty, and "political theory" is merely one specification or aspect of the Holy Law.

The problems to which Muslim thought on temporal government stands as the succession of answers have not been, for example, those of the origin and nature of political power or of the relation of "church" and "state," but of how the pious Muslim might recognize that the government of the community is in the right hands and be assured that it is being exercised for the right purposes. After early attempts to define the conditions of the appointment of legitimate authority over the community however, the majority of the ulamā—the students of Islamic revelation—preferred to concentrate on persuading the *de facto* ruler to do his duty toward Islam no matter how he had gained his position, thereby enabling pious Muslims to obey the "powers that be" with a good conscience. In this they were doubtless impelled by the desire to avoid a political chaos in which the practice of the good Muslim life might become impossible, and by a human reluctance to believe that, in accepting a particular ruler, they had sinned against God.

As long as the Prophet lived, Muslims did not have to "theorize politically." Muhammad was the divinely appointed Messenger of God, communicating to mankind what God had wished them to know. Muhammad united in himself, legislative, executive, and judicial functions. But with him died the Revelation of Divine Command and the exercise of Divine government organically united in one person. However, the period of the ridda wars (632-634) against seceding Arab tribes determined

that rebellion was the same as apostasy and that ideally, at least, the community was neither a political nor a religious one, but both.

After the Prophet's death, Muslims could not agree upon one interpretation of God's will for the government of the community. Some, the party of 'Alī, the Prophet's cousin and son-in-law, thought he should have been accepted as head of the community at the Prophet's death, in place of those who were actually accepted successively, namely, Abū Bakr, 'Umar, and 'Uthmān. Faced with opposition, the supporters of the actual succession of caliphs idealized their rule, and what later generations believed was their practice, was held to embody true Islamic government on earth. This, the Sunni doctors of the Holy Law stated, involved the necessity of a Khalīfa as the divinely ordained ruler of the community, symbolizing the supremacy of the Holy Law. He was selected by the community (or by the senior members of it) to enforce the Holy Law, but not to define it himself. The Khalīfa, the Sunnis held, was a magistrate, not a pope; the guardian, not the chief of the ulamā.

The pious charged the Ummayads (661–750) with introducing a worldly hereditary monarchy. The 'Abbāsid caliphs (750–1258) advertised their religiousness and patronized the ulamā, but hardly fulfilled the ideal of the early caliphate—they were not elected and their authority was certainly not exercised solely to enforce the Holy Law.

Moreover from the middle of the ninth century, the 'Abbāsid caliphs' were proposed and deposed by their Turkish guards, while between 945 and 1055, they were the puppets of the Buyid princes, Shī'a's who only recognized the 'Abbāsid caliph as nominal head of the community for political reasons.

Confronted with this chasm between the ideal and the actual, and unwilling to convict the community of living in sin by reason of its acquiescence, Sunni jurists attempted to sanctify, or at least to condone, the actual course of history by appeal to texts from the Qur'ān and the Sunna, and to ijmā'—in this context, passive acceptance of the political fait accompli. Faced with the "amirate by seizure"—the forceful imposition of his rule by a military chief over a part of the Muslim world—a jurist like al-Māwardī (d. 1058) argued in his al-Ahkām us-Sultāniyya that such a ruler was to be accepted as legitimate providing that he paid deference to the nominal headship of the caliph and entered into a kind of "concordat" whereby the caliph invested him with authority in return for an undertaking to rule according to Holy Law and defend Muslim territory.

As for India, the Ghōrid conquerors, the sultans of Delhi, and, a fortiori, the Mughals were clearly not agents of the caliph. Although flutmish in 1229 received investiture as the lieutenant of the then 'Abbāsid caliph, the Mongol Hūlāgū's slaying of the 'Abbāsid Caliph al-Musta'sim in 1258 denied his successors even that title to legitimacy. Indo-Muslim theory met the situation by stressing the divine ordination of the function of temporal government, the duty of obedience, and the desirability of the sultanate in India acting as caliph de facto for its own dominions—that is by ascribing to it those functions, including the defense and maintenance of true religion and the Holy Law, of dispensing justice and of appointing the god-fearing to office, which Sunni jurists had earlier ascribed to the caliphate. The test of the Muslim ruler was not how he came to be where he was, but what he did when he arrived there.

In essence, the bulk of Indo-Muslim writing on government embodies a conception of partnership between the doctors of the holy law and the sultan in the higher interests of the faith—a partnership between pious professors and pious policemen. In the sixteenth century, members of Akbar's circle, under the influence of Shī'ī doctrines and ideas mediated from Greek philosophy, were inclined to allow the "just Imam" discretion to decide points of Holy Law where there was disagreement among the doctors and no clear guidance was offered by the Shari'a. Still, it is doubtful whether in this they were going beyond the ambit of the administrative discretion (siyāsa) already allowed the ruler by some jurists and writers so that he might act in the best interest, though not according to the formal terms, of the Holy Law. Abu'l Fazl, however, appears to associate some of the sanctity which had always attached to the office of the just Imam with the person of the just ruler. The orthodox, for their part, reacted strongly against this, fearing that the supremacy of the Holy Law over a Muslim's realm (and the authority of the ulama as its interpteters) was about to be abandoned even in principle, as it had long since been ignored for the most part in practice. Certainly Abū-l Fazl's ideas threatened to wipe out the distinction made in later Sunni thought between the religious and the ruling institution.

The readings in this section illustrate the political thinking of writers who accept the sultanate as a necessary fact and who wish to consecrate it to Islamic purposes. They have been taken from the following works of the sultanate period—The Genealogies (Shajara-yi-Ansāb) written about 1206 by Fakhr ud-dīn Mubārak Shāh, a learned man at the court of Qutb

ud-dīn Aibak; Ziā ud-dīn Barnī's Rulings on Temporal Government (Fatāwa-yi-Jahāndārī); and The Treasuries of Kings (Zakhīrat ul-Mu-lūk), written in the second half of the fourteenth century by one said to be largely responsible for the conversion of Kashmir to Islam, Shaikh Hamadānī. Along with these are presented under each topic pertinent selections from writing of the Mughal period, including Muhammad Bāqir Khān's Advice on Government (Mau'iza-yi-Jahāngīrī); the Ethics of Government (Akhlāq-i-Jahāngīrī), written in 1620–1622 by Nūr ud-dīn Muhammad Khagānī; Abū Tālib al-Husaini's Institutes of Tīmūr (c. 1637); and Abū'l Fazl's Ā'in-i-Akbarī.

The Final End of Human Society Is the Worship of God

Ziā ud-dīn Barnī was the most important writer on politics during the era of the Delhi sultanate (c.1210–1556). Born about 1285, he belonged to the Muslim aristocracy, with his father, paternal uncle, and grandfather all holding important administrative positions under the sultan of Delhi. He himself held no government post but was a nadīm or boon companion of Sultan Muhammad ibn Tughluq (1325–1351) for over seventeen years. At the death of Muhammad ibn Tughluq he fell out of favor and was banished from court, suffering imprisonment for a few months. It was during this period of poverty and exile from court that he wrote his works on government and religion, hoping thereby both to prepare himself for the hereafter and also to win back the favor of Sultan Fīrūz Shāh Tughluq. In the latter hope he was disappointed, dying in poverty not long after 1357.

Barnī wrote to set forth for the sultans of Delhi their duty toward Islam. His two most important works, the Rulings on Temporal Government (Fatāwa-yi-Jahāndārī) and Fīrūz Shāh's History (Tārīkh-i-Fīrūz Shāhī) form the reverse and obverse of the same doctrinal coin. Barnī was a Sunni Muslim, hostile to the Shī'a and to the influence of Greek philosophy, while convinced of the virtues of Sufi mysticism. In the Fatāwa-yi-Jahāndārī he sets forth his conception of the duties of the sultan toward orthodox Sunni Islam, a conception which, it should be emphasized, is not original in the wider context of Islamic political or legal thought. In the Tārīkh-i-Fīrūz Shāhī, he interprets the history of the Delhi sultans from Balban (1266-87) to Fīrūz Shāh Tughluq (1351-88) in such a manner as to convey that sultans who followed his precepts prospered, and those who sinned against them, met Nemesis.

[From Barnī, Fatāwa-yi-Jahāndārī, folios 44b, 143, 199a-199b]

The king of all kings and rulers is God. God maintains the world by His wrath and His grace and the indications of His grace and His wrath are manifest in His mercy and His bounty toward the good and the wicked.

He has created Paradise for the good and the obedient and has promised it for them. He has created hell for the wicked and the disobedient and has frightened the stubborn and the infidels with it. He has created Rizwān [the porter at the gate of Paradise] out of his mercy and Malāk [the guardian of hell] out of his wrath. So, earthly "rulers" must [metaphorically speaking] follow the practices of the Real Ruler and treat the inhabitants of their kingdoms in accordance with the contrasting qualities which are essential for temporal government. [folio 199a-b]

God is the real king and earthly "kings" are the playthings of His decree and Divine Power. In His government, God forgives some sinners and does not accept the repentance of others and treats them sternly. Some He will punish in the next world and does not punish in this world; others he punishes in this world and will not punish in the next. Some He keeps safe and some He keeps under the umbrella of His protection, compassion, and favor. Some He raises to the pinnacle of esteem, greatness, glory, and good fortune. Others He rolls in the dust of dishonor and disgrace. Upon some He bestows wealth and prosperity, others He causes to live in a middling state, others He keeps in poverty, indigence, and wretchedness. Some He brings to life and some He causes to die. Toward people of every sort, condition and kind He exercises His Lordship by different treatment, in accordance with His Ripe Judgment. He maintains the order of the world and keeps it coherent. He is the real King and to him alone is Kingship proper. [folio 143]

Mankind was created for submission to God. As God Most High has said, "We have not created men or jinns except that they may worship Us." [folio 44b]

Prophets and Kings

All power is ultimately God's but is exercised over human society through prophets, the learned, and kings. The substitution of sultans for caliphs is an adjustment of Muslim thinking to the historical situation in the Muslim world after the destruction of the 'Abbāsid caliphate. God ordains the sultanate as a necessary corrective for human weakness and as a necessary means of salvation.

[From Barnī, *Fatāwa-yi-Jahāndārī*, folios 247b–248a] R**e**ligion and temporal government are twins; that is, the head of religion and the head of government are twin brothers. As the world will not come right or stay right through kingship alone there must be both prophets and kings in the world so that mankind's business in both the worlds may be carried through in accordance with God's wishes. If there be a king and no prophet, then the affairs of this world may come aright, but no one created of God will be saved in the next. If there is a prophet but no king, then without the power and majesty of kingship, the world will seek the right in vain and religious commands will not prevail and affairs will fall into confusion and disorder. Almighty God has adorned prophets and kings with inborn virtues and praiseworthy qualities. These two high attributes-prophethood and kingship-do not mix well with base morals and vile qualities. Almighty God (may His name be glorified) has only created prophets that they may bestow the gift of humble submission to God out of their own nature. He has created them innocent of major and minor sin so that everyone in the world may draw nigh to Him who lacks nothing and become His nearest and dearest. They hear the word of God and bring it to men; they show men the way to those laws which are pleasing to God. They show them the right path and keep them away from the wrong path. Everyone of those so pleased to hearken unto those words and follow their authority draws nearer to God and is worthy of the bounty of Paradise. But he who counts their words as nothing, rejects their prophethood and the commands from God which out of their Godfearing characters the prophets give, is deserving of Hell and remains estranged from God.

[From Shaikh Hamadānī, Zakhīrat ul-Mulūk, folio 75a] Know ye that among the great ones of the learned, those possessed of intelligence and wisdom, it is established and proved that, at the very first moment of creation, by reason of the different qualities and admixture of ability which are bestowed by the bounty of God like a lustrous and bear jeweled costume, the souls and natures of men have fallen out differently. Hence, the inclinations, motives and purposes of men have become different and the difference is manifested in all their words, deeds, and fundamental articles of faith.

The qualities of beastliness and of base morals—tyranny and injustice. hatred, and rancor, and avarice are implanted in the dispositions of men Then, in the perfection of His great Wisdom, God has decreed that there be a just and competent ruler of mankind so that, by the power of judicial.

process, the affairs of the progeny of Adam and the rules for managing the affairs of mankind may be kept and preserved on the right path: also a ruler has been ordained by God so that he may endeavor, as far as possible, to put into operation the mandates of the Shari'a and to be on guard to preserve the prescriptions and rules of Islam among people of all classes and, with the prohibitions of punishment and the curb of command, to prevent tyranny over and oppression of the weak by the strong. Thus the physical world may be assured of stability, the bounds of the Sharī'a not invaded by the disorder of oppression and innovation, and the characteristics of brute beasts and camels may not be manifested among people of all classes.

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[From Muhammad Bagir Khan, Mau'iza-yi-lahangīrī, folios 5-7] Moreover, in order to order and arrange the affairs of the world and the concerns of mankind there must be rules whereby, each living with the other, no one may suffer injustice and oppression. Therefore God has raised up from among mankind itself prophets and messengers, each one of whom is a pearl in the sea of purity and a lodestar in the constellations possessing the qualities of attachment to the world and of separation from it of care for the world and of detachment from it. Thus, having obtained holiness through separation and detachment from the world, they may, by their connection and their strong ties with it, guide the rebellious and those wallowing in black error and eager to be deceived, to the abode of true guidance and the fountain of divine protection. And they keep those laws which are called the Shari'a so that everyone may be put on the straight road of its mandates and, enjoying security through the majesty and wrath of God, attain to eternal bliss and felicity. Everyone who strays from the straight path shall be afflicted by the lash of divine displeasure and be placed in the next world in "durance vile." . . .

After the time of Muhammad who is the seal and the last of the prophets, in order that the principles of religion may be established and properly ordered, the actions of God's servants directed aright and their welfare secured, and the boon of peace and tranquillity obtained by the existence of one governor and ruler who should be worthy of imitation and possessed of exalted power, and whose praiseworthy person should be adorned with the jewel of justice and equity; in order too, that through the full exercise of the power or by the nonexercise of the power of a warrior's wrath, the shadow of man's base and animal passions may be

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and natures. If all is wrathfulness in the ruler and no kindness, what will become of the submissive, the weak, and the yielding? How will they endure violent usage or conquest? And if there is mildness and no wrathfulness, how will the ruler restrain the rebellious, the contumacious, the refractory and the disobedient from rebellion, contumacy, and disobedience and make them instead obedient, submissive, resourceless, and impotent? The same underlying truth as holds good for the attributes of men and beasts holds good also for the contrasting attributes of the ruler.

It is one of the wonders of the world when the contrasting qualities of the king are perfect and when he shows them forth in all their splendor at the appropriate and fitting occasions, and when he does not show wrath at the time for mildness or mildness at the time for wrath. One so endowed is complete with a portion of Godlike attributes. A person whose contrasting qualities are innate and display themselves to perfection and which are employed on occasions of good and evil, probity and dishonesty, obedience and disobedience, is worthy of and has a claim to kingship—which is the deputyship and vice-regency of God. . . . Such are the kings who have the position of Axes of the World on earth and who find a place in the shadow of the Divine Throne. Recounting their praises and their great deeds becomes a means of salvation and not of perdition.

The Duties and Responsibilities of the True King

The extent to which Muslim thinkers in India transfer the obligations of the caliph to the sultan will be observed in these readings.

The first excerpt indicates the proper relationship between those learned in the Holy Law and political authority. Sultans should be police chiefs to enforce the Sharī'a, not legislators.

[From Fakhr-i-Mudir, Shajara, pp. 9-14]

It is evident to mankind that after the prophets and the messengers (on whom be peace!) comes the rank and station of the true friends of God, the martyrs and the learned. The learned are also the true friends of God and enjoy superiority over the martyrs; as the Prophet says: "The learned are the heirs of the prophets." He also says: "When the Day of Judgment cometh, they will weigh the ink of the scholar and the blood of the martyr, and the ink of the scholar will prevail over the blood of the martyr."

The world is maintained through legal opinions of the learned and by their piety; the world is kept prosperous through the blessings of their knowledge, their adherence to religion, and their fear of God. The mandates of the Sharī'a and the ordinances of divine worship are entrusted to their station. Prohibitions and sins are concealed and hidden through their superintendance and the commands to do what is right are known to them. The religion of God Most High is firm through their persons and the fixing of the limits of punishment and of royal justice is dependent upon their faith in God. The Prophet says: "One wise doctor of jurisprudence is more troublesome to the Devil than a thousand worshipers."

The Prophet also, in giving the reason for the standing and excellence of the learned says: "The best amīrs [rulers] and kings are those who visit men learned in the Sharī'a, and the worst learned men are those who wait on amīrs and kings." This tradition is recorded so that amīrs and kings may seek out learned men and hear wisdom from them, and so that they may take their advice and do what they say, leaving alone what they prohibit. Thus they may be the best of amīrs and kings. It is forbidden for learned men to wait on amīrs and sultans lest they become the worst of learned men. And this is a merciful prohibition against going to visit kings, although it may be necessary, lest someone should despise them and condemn them, for God Most High has made learned men dear to him [pp.19-11]

Some of the mandates of the Sharī'a are dependent upon the person and the orders of kings—as the Friday *Khutba* [sermon], and the two festivals of the breaking of the fast of Ramazān and of sacrifices at Mecca, the fixing of the limits of the land tax and alms, the making of war; the giving of judgment between litigants; the hearing of lawsuits; in addition, the protection of the country from foreign armies, the organization of armies, the provision of rations for the soldiery, the awarding of capital punishment in the interests of the subjects, the doing of justice among the people and the avenging of the oppressed. [pp. 13–14]

[From Barnī, Fatāwa-yi-]ahāndārī, folios 7a–9a]

The essence of protection and promotion of the Faith by the ruler is the enforcement in his kingdom of the commands to do what is lawful and the prohibition of what is unlawful, and the making current of the mandates of the Holy Law among the seventy-two creeds. [folio 8a]

The greatness of a king who protects religion is beyond description, for it is through his protection and promotion of the faith that Muslims give themselves to obedience to God and the performance of their religious duties in peace of mind, that the mandates of the Holy Law of the Prophet may become operative over different realms, that the pure faith may predominate over others, and that the honor and lives of both Muslims and the protected people are protected and secured and the banners of Islam may reach unto the highest heavens. [folio 7a]

. . . .

The religious scholars of the past have written clearly and in detail concerning the tests of the firm and sincere faith of kings. One of these tests is that they appoint harsh-tempered censors of morals and honest judicial officers in their capitals, cities, and towns, and strengthen their authority in every way, so that these officers can make manifest the splendor of "ordering the good and prohibiting the evil" among the Muslims, and may embitter the lives of all open, persistent, and public sinners through their severe punishments. . . . By the purity of their surveillance of the above sinful acts, they may check wine-sellers, flute-players, and dice-players. If prohibitions, stern orders, and insults cannot restrain them, if in spite of their claim to be Muslims, they do not openly give up their shameless acts of disobedience, and if respect for the Faith and fear of the ruler's orders is unable to dissuade them, then the rich among them should be punished with deprivation of property and the poor with imprisonment and fines. Wine-sellers should be sent out of the towns to live in distant corners; if they happen to be Muslims, they should be treated heartlessly and it should be so arranged that no Muslim acts as a wine-seller. All male prostitutes should be prevented with severe blows from adorning themselves like women, wailing like women, and indulging in their other sins; they should also be treated with harshness and severity so that they may leave the capital, go to the countryside, and obtain their livelihood there by agriculture and other lawful occupations. . . . These people who have made filthy sin and disobedience their profession, and whose open parade of their behavior in the capital of Islam brings disgrace on the banners of Islam, should be prohibited in all cities and be ordered to leave them and conceal themselves in hovels and out-of-the-way places in the countryside. The construction and public use of pleasure houses

should not be permitted; if they have been constructed already, they should be pulled down, "brick by brick." In short, the public practice of anything prohibited by the Law should not be allowed. But if in secret and privately habitual sinners indulge in their practices, severe investigations about their activities should not usually be made. If anything prohibited by the Holy Law is seen by the censors of morals, judicial officers, and the general public, it should be totally suppressed. But what is secret and hidden should not be so revealed and published.

The innovations which are injurious to the traditions should be overthrown as far as possible; at no places where they are seen should innovations, under any pretext, be allowed to become established.

The Muslim should be insistently asked, city quarter by city quarter, street by street, and house by house, to observe the five basic Muslim duties, i.e., reciting the Muslim profession of faith, the five obligatory prayers, the giving of alms, fasting during the month of Ramazan, and the pilgrimage to Mecca. It should be the duty of the censors to warn people who are slack about their obligatory prayers by various means; people who ignore their prayers altogether should be compelled by severe measures to pray. The rich should be asked to give alms (zakāt) to the poor and no excuse from them should be heard. And as to those reckless people, who either eat openly or practice their disgusting acts of disobedience in public during the fasting month [Ramazān] regardless of the respect due to the Faith and with no fear of the king, they should be arrested and brought before the ruler, so that as a general warning he may in his discretion and with his firm judgment punish them with long imprisonment, exile to distant places, death, or the shedding of blood. [folios 8a-qa

In the next reading Barnī is advocating what he suggests was the actual practice of Sultan Mahmūd of Ghaznīn as the ideal for succeeding rulers in the Islamic world—that is, the suppression of the falāsīfa (philosophers).

[From Barnī, Fatāwa-yi-Jahāndārī, folios 10b, 121a] No other "sciences" were allowed to be publicly taught in the kingdom of Sultan Mahmūd except Qur'anic commentary, the traditions of the Prophet, and law divested of all false interpretation—in short, apart from the "sciences" which were based on the affirmation, "God has said," and "The Prophet has said," all other "sciences" were banned.

When Sultan Mahmud conquered Khwarazm, he heard that Mu'tazilite doctrines were current there and that many men of learning were Mu'tazilites. He ordered these Mu'tazilite scholars to be exiled from Khwārazm; if anyone after the promulgation of this order followed the Mu'tazilite creed or even took its name, he was to be sent bound to Ghaznin. By the God who has succored Sultan Mahmud in every difficulty, if Ibn Sīnā, who is the reviver of the philosophy of Greece and the leader of philosophers in Muslim countries, had fallen into the hands of Sultan Mahmud, he would have ordered Ibn Sīnā to be cut to pieces and his flesh given to kites. [folio 10b]

Further, if kings like and approve that philosophers and all other people of false doctrine who are opponents of the true religion and enemies of the Prophet should teach their books openly; that these people should give to the sciences of the Greeks, which are the enemies of the traditional commands of the early and later prophets, the name of rational knowledge and to the sciences of the Shari'a they give the name of traditional knowledge; that they should proclaim the world to be eternal and consider God not to have a cognition of details; that they should be disbelievers in the Day of Judgment, in the rising up of men from their graves, in the account-taking [on Judgment Day], and in Heaven and Hell (though belief in these things is the basis of the Faith and has been asserted in three hundred and sixty revealed books of the prophets); that they should both speak and write their rationalistic books in denial of these things-now if such people are allowed to live with honor and dignity in the capital of the king, to propagate their doctrines and to affirm their preference for the rationalistic over the traditional—how is the true Faith to prevail over the false creeds, or the banners of Islam raised, or "Truth established at the Center," or the honor of "ordering the good or prohibiting the unlawful," appear? [folio 121a]

[From Abū Tālib Husainī, Tūzuk-i-Tīmūrī, pp. 338, 340, 342] It is your duty to act in obedience to the commands of God and of the Prophet of God and to give help to his posterity. Those rulers who feed on the bounty of God, and yet rebel against Him and against His Prophet, you must expel from God's kingdom. Act with justice in the land of your Creator; for it is said that the kingdom of the unbelievers may remain, but that of the unjust, never.

You must root out from God's kingdom all pollution and abomination; for evil practices have that effect on the world which bad food has upon the hody.

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Do not ascribe the continuance of the tyrant in the world to his own merits; the cause of the long duration of the oppressive and the wicked is this, that they may realize their power for evil in action and then be overtaken by the wrath and fury of Almighty God.

It shall happen that the omnipotence of the Creator shall chastise the cruel, the wicked, and the impious, by chains and imprisonment, by famine and hunger and plague, and by sudden death, all at one time.

And it shall sometimes happen that the just, the devout and the virtuous, and the innocent shall be overtaken and be caught in the disasters which afflict the evil-doers. For the fire which occurs in the reed bed burns both the moist green reeds and the dry reeds.

The general attitude of benevolence toward his Muslim subjects which was expected of the godly Muslim ruler is expressed in the following reading from Shaikh Hamadānī's Treasuries of Kings.

[From Shaikh Hamadānī Zakhīrat ul-Mulük, folios 88a-02b] Subjects are of two kinds, believers and unbelievers, and the mandates for and duties toward them are different according to whether they are believers or unbelievers.

There are twenty duties toward their Muslim subjects which are laid upon governors and kings and which they are obliged to perform.

The first is to show respect toward all Muslims; not to behave haughtily toward any Muslim, in full realization that God considers any haughty tyrant his enemy. . . . Second, not to listen to yulgar tittle-tattle one about another for that only leads in the end to strife and regret; in particular to consider vicious the words of scoundrels, intriguers, the jealous and the greedy, because covetousness will cause harm to a people through greed for a morsel, and envy will destroy all talents. . . . The third duty is that when a ruler becomes angry with a Muslim for some fault or weakness; he should as far as possible not delay forgiveness beyond three days, unless his anger has been caused by some action harmful to religion, wherefore it is permissible for him to shun him for the rest of his life. However, in a worldly matter forgiveness is more fitting. The Prophet on whom be peace has said: "Whoever forgives the sin of a brother

Muslim will have his sins forgiven by God on the Day of Judgment." . . .

The fourth duty upon rulers is to make the bounty of justice and righteousness general over all the people and in spreading the fruits of benevolence not to discriminate between the worthy and the unworthy; for the king is the shadow of God's justice and as the mercy of God embraces both infidel and believer alike, so the justice of the ruler should embrace both the good and the wicked. . . .

The fifth duty is not, in the arrogance of power, to pry into the private households of Muslims and not to enter the houses and storehouses of subjects without permission, because when the Prophet, in all his glory as a ruler and prophet, approached the door of a Muslim's house, he asked three times for permission to enter; if permission was not given, he went away and was not vexed. . . .

The sixth duty is, in speaking and dealing with all kinds of people, to treat each man according to his own proper rank and degree, neither looking for gentle speech from the mean and the ruffianly, nor elegance from the ignorant, and not demanding the manners of polite society from mountain and desert folk. Show courtesy to each according to his station and excuse every man according to his rank and do not disdain to meet anyone face to face. . . . The seventh duty upon rulers is to hold old men in great respect at meetings and discussion and especially to look upon the godly and the young with a kindly eye. As the Prophet said: "He who does not treat the old men of my people with respect and who is not merciful toward the young of the Muslim community is not one of us." . . .

The eighth obligation upon a ruler is that when he makes a promise in conversation with any Muslim, he keep it and allow nothing contrary to it. As the Prophet said: "Religion is the making of a promise [by the believer]." The Prophet said: "There are three indications of a hypocrite—when he speaks he lies, when he makes a promise he does precisely the opposite, and when he is trusted he acts treacherously." . . .

The ninth duty is not to speak severely when giving judgment and to show an open face to men of all classes and to show benevolence to those in distress. As the Prophet said: "In Paradise there are mansions whose interiors appear from outside to be of wondrous precious stones." They asked: "O Prophet of God, and whose are these mansions?" and he said: "They belong to those who speak pleasantly to the servants of God, to

those who feed the hungry, and to those who say their prayers at night when the rest of mankind are asleep."

The tenth duty is to show fairness in the exercise of the royal office and jurisdiction. As the ruler asks fair dealing from his people, so they ask fair dealing from him. Moreover, he should deal with the affairs of Muslims in the same way that he would conclude the bargain with them if they were dealing with him. The Prophet said: "He who wishes to escape hell-fire and enter into the blessings of Paradise should do toward men as he would have them do toward him."

The eleventh duty is to consider the establishment of peace and concord a first duty, so that no delay is permitted in deciding an issue between Muslims and there is no delay in the decision between two opposing sides which might end in the matter becoming a cause of hatred, enmity, and eventual violence. The Prophet said: "I will inform you of a deed better than fasting, almsgiving, and prayer." They said: "Yes, yes, O Prophet of God?" He said: "It is peacemaking between Muslims."

The twelfth duty is not to attempt to investigate Muslims' sins and not to distress unfortunate subjects for their errors; the ruler should wink at his people's faults as far as possible and keep their mistakes hidden. The Prophet said: "Whoever conceals the sins and faults of Muslims will have his sins concealed by God on earth and on the Day of Judgment."

The thirteenth duty is not to arraign the people for acts of disobedience when they follow their own desires; to prevent suspicion and avoid arousing suspicion; if from time to time the ruler succumbs to sin, he should keep the fact concealed because the generality follow their ruler and judge in virtue and in vice, and if they see their ruler on the high road of virtue, they will follow the same path and the reward for that will be credited to his account. If the subjects observe corruption in their ruler they will also stray into iniquity, debauchery, and vice, and the sin of that will be debited to his account. The Prophet said: "Whoever follows good practices will reap the reward for that, and the reward of whoever follows him in those good practices will also be put to his account; whoever follows evil practices will receive the punishment for that, and the punishment of him who acts wickedly as a consequence will also be put down to him who was responsible originally for those evil practices."

The fourteenth duty upon the ruler is, that when a decision on the requirements of a Muslim is held up for words of intercession, to see that

he puts in the requisite word of intercession and allows no negligence in carrying the decision out. One of the special features of the work of a judge is that many important matters may be brought to a successful conclusion by one word from him. The ruler should seize the opportunity to obtain the blessings of this reward. The Prophet said: "There is no more excellent act of almsgiving than speech." They asked him: "How so?" He replied: "It is intercession which preserves lives, brings benefit to another, and prevents harm to another."

The fifteenth duty is to keep the position of those who are poor and weak preponderant over that of those who are rich and powerful. Most of the time the ruler should sit with the poor and the people of God and once a day he should brighten the mirror of his heart with the advice and counsel of the pious because the personal superintendence of the business of government and the mixing with all and sundry darkens the heart, as does also association with the worldly and the rich. When these two darknesses embitter the heart, one must fear danger to religion; this is a cause for eternal bondage and everlasting mortification. . . . The Prophet said: "You are sitting with the dead." "O Prophet of God, who are the dead?" "The rich," he replied. . . .

The sixteenth duty is not to neglect the position of the poor and humble and not to allow any omission of almsgiving to the weak and those in distress. The ruler should consider diligent inquiry into the position of orphans an obligation upon himself and should consider the account to be rendered on the Day of Judgment; on that day possessions and a kingdom are no help and all the rightful claimants will demand their dues from the ruler. Today, when he is able, he should strive to redeem his time. Abū Harīra said that the Prophet said: "On the Day of Judgment God will summon his servant. God the Avenger will address him by name. O servant of Mine, on earth I asked you for bread and apparel and you did not give me any.' His servant will ask: 'O God, how is that?' and God will say: 'So-and-so was hungry in your company and so and so was naked and you did not look after them and treat them kindly. As you deprived them by your power and might of the means of subsistence so we now deprive you.'"

The seventeenth obligation on rulers is to keep, by punishment, the highways used by Muslims free from the fear of highwaymen and thieves, by exemplary and public punishment to make an example, as a warning to

others, of him who causes injury to Muslims on the highroads by molestation and extortion. At every place in the country where there is a dangerous spot infested by robbers, erect buildings there if it is at all possible and, if not, station watchmen there. . . .

The eighteenth duty upon the ruler is, as far as possible, and where there is need, to exert himself in the good work of building bridges and resting places for travelers; not to permit any negligence in this respect.

The nineteenth duty is to build a mosque in any place where Muslims congregate and to appoint an Imām and a muezzin and to furnish the means of livelihood for them, so that, in freedom from anxiety they can perform prayer assiduously at the proper times without offering the excuse that seeking the means of carrying out that commandment prevents them in fact from doing so. . . .

The twentieth duty is not to abandon the command of God to do what is lawful and His injunction against doing what is unlawful, and not to deny people of all classes religious exhortation. Also, to command the subjects to perform their religious duties, to prevent them from disobedience to God and by means of punishment restrain them from sin.

One of the most important duties imposed by Muslim writers on the sultanate was the subjection of unbelievers. This was a duty of peculiar importance in India with its large Hindu population.

In practice both the sultans of Delhi and the Mughal emperors extended toleration to their Hindu subjects. It is doubtful whether they levied jizya or a poll tax as such upon non-Muslims. There is no evidence that a separate branch of the revenue department existed for this purpose, and those historians who allege that some sultans did levy jizya can be shown to be extolling a sultan in stock Islamic idiom. There is no doubt that for orthodox writers, it was a merit to abase the infidel and levy jizya. The view of the Muslim legists of the Hanafi school was that payment of jixya implying political submission entitled a non-Muslim to toleration, subject to certain discriminations—detailed in the reading later from Shaikh Hamadani's Treasuries of Kings. Strictly, only a "people of a [revealed] book," i.e., Jews, Christians, and Sabaeans (which has been interpreted to cover Zoroastrians), may be accepted as zimmis or speople of the covenant or obligation." Thus, Hindus should be excluded from toleration. Ziā ud-dīn Barnī was dismayed that the sultan of Delhi did tolerate them, as he implies in the first passage below. Barni's ideals are expressed in the second and third readings. To support his contention he quotes an (uncanonical?) tradition to the effect that unbelievers have only the choice of Islam or the sword.

From Barnī, Fatāwa-yi-Jahāndārī, folios 12a, 119a–20b]

If the desire for the overthrow of infidels and the abasing of idolators and polytheists does not fill the hearts of the Muslim kings; if, on the other hand, out of the thought that infidels and polytheists are payers of tribute and protected persons, they make the infidels eminent, distinguished, honored, and favored; if they bestow drums, banners, ornaments, cloaks of brocade, and caparisoned horses upon them; if they appoint them to governorships, high posts, and offices; and if in their capital [Delhi?] where the raising of the banners of Islam raises those banners in all Muslim cities, they allow idol-worshipers to build houses like palaces, to wear clothes of brocade, and to ride Arab horses caparisoned with gold and silver ornaments, to be equipped with a hundred thousand sources of strength, to live amid delights and comforts, to take Muslims into their service and to make them run before their horses, with poor Muslims begging of them and at their doors in the capital of Islam, through which the palace of Islam raises itself, so that Muslims call them kings, princes, warriors, bankers, clerks, and pandits [Brahman scholars]-how then may the banners of Islam be raised? [folios 120-120b]

If the kings of Islam, with all their majesty and power, take for granted infidelity and infidels, polytheism and polytheists throughout their dominions in return for the land revenue (kharāj) and jizya, how will the tradition, "If I fight people until they say, 'There is no god but God,' and if they say, 'There is no god but God,' they are immune from me and their persons and property exist only by virtue of Islam," be observed? And how will infidelity and infidels, polytheism and polytheists be over thrown—the purpose of the mission of 124,000 prophets and the domination of sultans of Islam since Islam appeared? If the kings of Islam do not strive with all their might for this overthrow, if they do not devote all their courage and energies to this end for the satisfaction of God and of the prophet, for the assistance of the Faith and the exalting of the True Word; if they become content with extracting the jizya and the land tax from the Hindus who worship idols and cow-dung, taking for granted the Hindu way of life with all its stipulations of infidelity, how shall infidelity be brought to an end, now that Muhammad's Prophethood has come to an end-and it was by the prayers of the prophets that infidelity was being ended? How will "Truth be established at the Center" and how will the

Word of God obtain the opportunity for supremacy? How will the True Faith prevail over other religions, if the kings of Islam, with the power and prestige of Islam which has appeared in the world, with three hundred years of hereditary faith in Islam, permit the banners of infidelity to be openly displayed in their capital and in the cities of the Muslims, idols to be openly worshiped and the conditions of infidelity to be observed as far as possible, the mandates of their false creed to operate without fear? How will the True Faith prevail if rulers allow the infidels to keep their temples, adorn their idols, and to make merry during their festivals with beating of drums and dhols [a kind of drum], singing and dancing? [folios 119a-b]

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If Mahmūd . . . had gone to India once more, he would have brought under his sword all the Brahmans of Hind who, in that vast land, are the cause of the continuance of the laws of infidelity and of the strength of dolators, he would have cut off the heads of two hundred or three hundred thousand Hindu chiefs. He would not have returned his "Hinduslaughtering" sword to its scabbard until the whole of Hind had accepted Islam. For Mahmūd was a Shāfi'ite, and according to Imām Shāfi'i the decree for Hindus is "either death or Islam"—that is to say, they should either be put to death or embrace Islam. It is not lawful to accept nzva from Hindus as they have neither a prophet nor a revealed book. [folio 12a |

Shaikh Hamadānī was, however, prepared to admit idol worshipers to the status of zimmis, as the first of his conditions below implies.

[From Shaikh Hamadānī, Zakhīrat ul-Mulūk, folios 94a-95a] There is another mandate relating to those subjects who are unbelievers and protected people (zimmis). For their governance, the observance of those conditions which the Caliph 'Umar laid down in his agreement for establishing the status of the fire worshipers and the People of the Book [Jews and Christians] and which gave them safety is obligatory on rulers and governors. Rulers should impose these conditions on the zimmis of their dominions and make their lives and their property dependent on their fulfillment. The twenty conditions are as follows:

- 1. In a country under the authority of a Muslim ruler, they are to build no new homes for images or idol temples.
- 2. They are not to rebuild any old buildings which have been destroyed.
- 3. Muslim travelers are not to be prevented from staying in idol temples.
- 4. No Muslim who stays in their houses will commit a sin if he is a guest for three days, if he should have occasion for the delay.
- 5. Infidels may not act as spies or give aid and comfort to them.
- 6. If any of their people show any inclinations toward Islam, they are not to be prevented from doing so.
- 7. Muslims are to be respected.
- 8. If zimmis are gathered together in a meeting and Muslims appear, they are to be allowed at the meeting.
- 9. They are not to dress like Muslims.
- 10. They are not to give each other Muslim names.
- 11. They are not to ride on horses with saddle and bridle.
- 12. They are not to possess swords and arrows.
- 13. They are not to wear signet rings and seals on their fingers.
- 14. They are not to sell and drink intoxicating liquor openly.
- 15. They must not abandon the clothing which they have had as a sign of their state of ignorance so that they may be distinguished from Muslims.
- 16. They are not to propagate the customs and usages of polytheists among Muslims.
- 17. They are not to build their homes in the neighborhood of those of Muslims.
- 18. They are not to bring their dead near the graveyards of Muslims.
- 19. They are not to mourn their dead with loud voices.
- 20. They are not to buy Muslim slaves.

At the end of the treaty it is written that if zimmīs infringe any of these conditions, they shall not enjoy security and it shall be lawful for Muslims to take their lives and possessions as though they were the lives and possessions of unbelievers in a state of war with the faithful.

A passage from a Mughal writer on the same theme.

[From Abū Tālib Husainī, Tūzuk-i-Tīmūrī, p. 330] If tyranny and oppression and iniquity exists in any kingdom, it is the duty of sultans, out of a regard for justice, to resolve on the removal and

extirpation of the tyranny and oppression and to conduct a rapid excursion against it. For God Most High will take that kingdom from the oppressor and entrust it to the just ruler. . . . And in every country where the Sharī'a is feeble, where they do not respect those whom God Most High has made great and distress His chosen servants, it is the duty of a conquering sultan, who intends to make current the religion and the law of Muhammad, to invade that country, for the Prophet will strengthen him in that undertaking. Thus I seized the capital of Hindustan from Sultan Mahmūd, the grandson of Fīrūz Shāh, from Mallū Khān, and from Sarang, reestablishing the True Faith and the Sharī'a and destroying the idol temples of that country.

Justice Is Indispensable to Temporal Rulership

Muslim writers in Persia who, after the practical breakdown of the Sunni jurists' theory of the caliphate, discussed the duties of the sultanate (e.g. Nizām ull-Mulk, author of the Siyāsat-Nāma, al-Ghazālī in his Nasīhat ul-Mulūk and Wassāf in his Akhlāq us-Sultānat) were prepared to choose justice in preference to legality, if they could not have both. Although a sultan was often obliged, out of political expediency, to contravene, or to go beyond the ideal prescriptions of the Sharī'a, they argued that he could still serve God if he dispensed justice and equity, thus preventing social disorder provoked by oppression. Indo-Muslim thought was (as usual) very similar.

[From Fakhr-i-Mudir, Shajara, p. 13] And the Prophet also says, "The sultan is the shadow of God. The shadow consists of care and tranquillity because justice and security are found there, and in the shelter and protection of kings there is a resting place for the oppressed and a refuge from the oppressors."

[From Barnī Fatāwa-yi-Jahāndārī, folios 43b-44b] From the time of Adam to our own days the people of all communities throughout history are united in the opinion that justice is a requisite of religion and that religion is a requisite of justice. For it is not possible for men to live without having dealings with each other; and in these mutual dealings a man may be strong or weak, good or bad, Muslim or non-Muslim, wise or foolish, learned or ignorant, townsman or villager, resident or traveler, deceptive or straightforward, ruler or subject, an adult or a minor. Now justice is the balance in which the actions of people, right or wrong, are weighed. The distinction between one's des-

serts and the opposite is clarified by justice. Justice exposes cruelty, oppression, usurpation, and plunder. Consequently, there can be no stability in the affairs of men without justice. No religion which is founded on divine commandments can do without justice. Both ancient and succeeding authorities have said: "Religion and justice are twins." For justice breaks the strong arm of the tyrannical, the oppressive, and the mighty-of misappropriators, plunderers, rebels, the froward, the "people of license," and disbelievers in the Day of Judgment and accounts—to protect the money, property, women, and children of the weak, the obedient, the helpless, the orphans, the submissive, and the friendless. Justice prevents tyranny and oppression through the mandates of religion. If there is no justice or equity on the earth, there will be complete community of women and property; the distinction between one man's property and another's will vanish; no time or place will be free from disorder, and no man will be able to drink his cup of water in his corner in peace or to stretch his legs and sleep on his bed in security for a single night; and, finally, the world will cease to be prosperous owing to immense tumults and disorders. Nevertheless if all the wise men of the earth tried to govern a village, or even a household, through mere policy or precepts of wisdom without judges endowed with power, they would not succeed. The origin of peace and stability is justice and equity which prevails among the people [only] through strong command.

The real justification for the authority of kings and of their power and dignity is the manifestation of justice, so that through their royal power and dignity they may remove all recourse to oppression and cruelty in the dealings of the servants of God, the seventy-two creeds may attain to contentment of heart, and everyone may devote himself to his craft, profession, trade and work, and the world may become populous and prosperous. If there is no justice, there will be no trade and no one will be able to obtain any fruit from his work. Finally, if the affairs of men are not "organized at the center," there will be no permanency in the works of Muslim faith or the commandments, and recompense and punishment will not bear their fruits.

[From Muhammad Bāqir Khān, Mau'iza-yi-Jahāngīrī, folios 10a-11a]. Kings must consider their sitting on a throne to be for the sake of dispensing justice and not for the sake of living a life of enjoyment, and

should consider justice and equity the cause of the continuance of their rule, of the persistence of their fame, and of obtaining reward in the next world. . . .

If there is no control by government and administration, great enterprises would not stay in [good] order and if there was no correction and punishment, man's affairs would be ruined. Administration is the ornament of the king and of the state, and it is expedient for both religion and government. Without the kings' rules of administration the mandates of the Sharī'a would not be put into effect, nor would the foundations of the sultanate be firm. If the sword of administrative punishment is not drawn from the scabbard of retribution, the foundations of sedition and the basis of oppression will not be subverted and undermined. If the vile dross of injustice is not destroyed by the flame of royal power, the young plant of security will not be nurtured in the garden of hope. When the seditious see that the flame of such punishment is sharp, they will slink away. If they observe little to be alarmed at in the work of administration, there will be rebellion on every side and all kinds of disturbances will ensue.

Moreover, kings must show the mercy which God does toward the good and the peaceable and the wrath of God toward the wicked and the evildoers. They must tip the point of their authority with the honey of kindness and sweeten the bitterness of their harshness with the sugar of kindness. There must be a conjunction of justice and punishment, so that the meadow of the hopes of the good may be kept verdant by the moisture of kindness and the bases of the existence of the wicked may be uprooted by the gale of punishment.

Rulership Is a Sacred Trust

Indo Muslim writers emphasize the responsibility of rulers before God for the welfare of His creatures. Power is a sacred trust, for which rulers will answer on the Day of Judgment.

[From Nür ud-din Muhammad Khaqānī, Akhlāq-i-Jahāngīrī, folio 279b] It is said that when the father of 'Umar ibn 'Abd al-'Azīz lay dying, his son asked him when he would see him again. 'Abd al-'Azīz replied that it would be in the next world. His son said he hoped it would be sooner than that. 'Abd al-'Azīz then said: "You may see me in a dream during the first, second, or third nights [after my death]." Twelve years passed

without his son seeing him in a dream. At last he did so. Replying to his son's question why he had not seen him as promised, 'Abd al-'Azīz said: "O son I have been very occupied; near Baghdad there was a broken bridge with no one appointed to keep it in repair. Once when a flock of sheep were passing over it, the forefeet of one of them went through a hole in the bridge. I have been answering [to God] for that until this very moment.

[From Shaikh Hamadānī, Zakhīrat ul-Mulūk, folios 72b-73a] Sulaiman Faris (may God be satisfied with him) reported that the Prophet of God (on whom be peace) said that every governor who has anything to do with the affairs of Muslims in the exercise of his authority will on the Day of Judgment be brought forward with both hands tied around his neck. Nobody and nothing will release his hands except justice. . . . If he has been a benefactor of mankind, his benevolence frees him; if he has been a wicked man, an oppressor, and a sinner and a rebel against God . . . he falls into the pit; it must be seventy years before he reaches the bottom of that pit.

[From Nür ud-dīn Muhammad Khaqānī, Akhlāq-i-Jahāngīrī, folios 264a-

It is reported from Abū Sa'īd that the Prophet said that every sultan and ruler who does not show compassion toward his subjects will be forbidden to enter Paradise and enjoy its delights. And 'Abdullāh 'Umar al-Khattāb reported that the Prophet said that God will, on the day of need, when the ruler is surrounded by enemies, close the door of His mercy in the face of that ruler who, placed in a position of authority over Muslims, shuts the door of his house against the weak and the needy. And Abu Mūsā Ash'arī said that the Prophet said that the basest fellow in creation is he who as a ruler puts himself in pledge for Muslims and does not discharge that pledge, while the most noble is he who dispenses justice and equity among Muslims. [folios 264a, b]

It is related that in the time of Sultan Abū Sayyid Khudābanda, his amīrs [nobles] were treating his subjects harshly and forcibly confiscating. their goods. One day the sultan said to his amīrs: "Until now I have had regard for my subjects, but after today I shall cease doing so. If it is ex-

pedient, then we must plunder everybody and not allow them anything from our treasuries; but on the condition, furthermore, that you do not ask for any salary or stipend from me; if henceforth any one of you makes this sort of request to me, I shall punish him." The amīrs said: "How can we do without salaries or stipends, what kind of service can we then perform?" Abū Sayyid replied: "The successful conduct of all our affairs depends on the efforts made by the subjects in building, agriculture, in crafts, and in commerce. When we plunder them, from whom can we expect to receive anything? You should consider that if the mass of the people have their livestock and its products taken away, and their grain eaten, they must of necessity abandon cultivation and engage in it no more; thus there will be no revenue and what will you do?" When the amirs heard these words, they began to treat the people kindly. [folios 268b-260]

The Selection of Officials

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If he is to escape divine punishment, the sultan must employ and consult godfearing aides and officials of true Muslim belief and avoid employing low and impious persons. The aim of the royal officials, as of the sultan himself, must be the furtherance of true religion.

[From Barnī, Fatāwa-yi-Jahāndārī, folios 59a, b, 205b–10a] How can the ruler . . . act according to the Shari'a in his government without good helpers, praiseworthy supporters, pious friends, and trusty well-wishers who are adorned with lineage, descent, and praiseworthy morals? How can he discharge the duties of such a high and delicate office with the help of the worthless and the shameless, with the assistance and concurrence of the godless and the idle? [folio 205b]

In the choice of helpers and companions, religious kings have laid down a few things as obligatory. First, the person selected should be one on whom the search for true religion predominates over the quest for worldly good, even though it be only by a needle's point, for if all his efforts are devoted to religion he will not become one of the helpers and companions of the king and will not dabble in the world's business. . . . From a man whose loyalty and well-wishing toward them springs out of love of the world and desire for place and who is a captive and slave of this