

# Command versus Consent: Representation and Interpretation of Power in the Late Medieval Eurasian World

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## Introduction

In the period between 500 and 1500 AD, discussions on the best form of government took place in many regions and empires of the Eurasian world.<sup>1</sup> A central element of this discourse was the tension between the authority of the individual and the consent of the many. This tension between command and consent has continued throughout the entire history of politics of all Eurasian regions and is closely related to other issues, such as state sovereignty,<sup>2</sup> the emergence of the Estates of the Realm,<sup>3</sup> the beginning of parliamentarianism and the general character of pre-modern polities.<sup>4</sup> In this collection of essays, based on the papers of ‘The Medieval History Seminar’, held on 5 November 2014 at Jawaharlal Nehru University New Delhi, we would like to continue this debate from a comparative perspective by examining the tension between command and consent in different parts

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<sup>1</sup> Canning, *A History of Medieval Political Thought*; Black, *The History of Islamic Political Thought*; Crone, *Medieval Islamic Political Thought*.

<sup>2</sup> Sturges, *Law and Sovereignty in the Middle Ages and the Renaissance*.

<sup>3</sup> Stollberg-Rilinger, ‘Rituals of Decision-making?’

<sup>4</sup> Blythe, *Ideal Government*; Watts, *The Making of Polities: Europe*.

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of Eurasia. Our objective is twofold: we intend to study the topic in different areas of the Eurasian world in the medieval past, as well as to explore modern historical research's changing attitudes towards the topic. This latter point is based on the assumption that the preference of either authoritarian rule or rule by consensus is an indication of the respective *Zeitgeist* holding both medieval and modern historians in its grasp.

In early medieval Western Europe, the question of whether a state was governed by the one, the few or the many arose under rather different circumstances than in antiquity. While the Carolingian kings and emperors wanted to be seen and venerated as theocratic monarchs, they still relied on the magnates' consent in asserting their policies.<sup>5</sup> This led to the verdict by Joseph Canning: 'The Carolingian theory of rulership and society was an amalgam of theocracy, consent and fidelity.'<sup>6</sup> Although the political–theological discourse surrounding the court celebrated the magnificence and splendour of royalty, in political reality the Carolingian Empire was fragmented and the royal power limited in the different regions.<sup>7</sup> Theory and practice differed in Byzantium as well: While the Eastern Roman idea of the emperor and empire followed<sup>8</sup> and even enhanced<sup>9</sup> that of the antique models, the political context had considerably changed.

In the Islamic world, the idea of social agreement (*ijmā'*) was of particular importance from early on.<sup>10</sup> To use Ignaz Goldziher's words: '*Ijmā'* is the key to a grasp of the historical evolution of Islam in its political, theological, and legal aspects.'<sup>11</sup> In theory a unanimous agreement of the entire Muslim community (*ummah*) on all personal and collective aspects of life, the establishment of social agreement played a part in the political practice of many late medieval and early modern Muslim realms (although primarily among the elites) in the form of negotiation processes intended to establish consent among powerful individuals and elite groups. In his article 'Conflict and Cohesion among the Political Elite of the Late Mamlūk Sultanate', Yehoshua Frenkel examines the

<sup>5</sup> Patzold, 'Konsens und Konkurrenz': 77–88.

<sup>6</sup> Canning, *A History of Medieval Political Thought 300–1450*: 45.

<sup>7</sup> Apsner, *Vertrag und Konsens*: 128–555.

<sup>8</sup> Treitinger, *Die oströmische Kaiser- und Reichsidee*.

<sup>9</sup> Dagron, *Emperor and Priest*.

<sup>10</sup> On the concept of *ijmā'*, see Stewart, 'Consensus': 110–12; Bernard, 'Idjmā''; Alam, *Languages*: 54–58.

<sup>11</sup> Goldziher, *Introduction to Islamic Theology and Law*: 50.

competition for power and resources in fifteenth-century Cairo. Here, the religio-social imperative of *ijmā'* was a forceful social and political ideal and the respective political terminology created an atmosphere that encouraged negotiations and the search for consensus (*ijmā'*). With a focus on coalition building and cohesion in Cairo as well as the mechanisms implemented by the key players in their search for political consensus, Frenkel shows that the needs of the court's political economy stimulated the willingness of feuding commanders to embrace consultation and the fashioning of partnerships. He demonstrates that construction of public consensus was a tool for legitimising power in the Mamluk Sultanate, arguing that peaceful reconciliation among feuding parties did not result from altruism but from political reasoning instead.

Debates on the best form of government also took place in the Far East. As in Europe and the Middle East, these debates were an echo of actual political power structures and their changes. In his contribution on 'Command and Consent in Japanese Politics', Mark Ravina shows how Chinese concepts from the Song period (960–1279) were received in Japan in the nineteenth century. For instance, the Chinese phrase of 'blocking roads of remonstrance' originally referred to extreme partisanship in the Chinese imperial court. In modern Japan, however, this became a concept used to defend freedom of speech. Ravina's study emphasises two points: First, while 'consensual rule' meant the political participation of several, it also meant the exclusion of others, and is therefore itself a discursive construct for the legitimisation of rule. Second, the rhetoric legitimisation of political rule was adopted by various social groups during the Middle Ages when it appeared to be beneficial to their own interests.

## I

The splendour of centralised power and strong monarchs has fascinated scholars both in the past and in the present. Medieval popes, kings and princes were exalted in the European Middle Ages as dazzling rulers with God-given, nearly absolute authority by contemporary scholars and courtiers, as were the caliphs and sultans in Islamic historiography. In various times and places, theological, philosophical and historical arguments were drawn upon and newly composed again and again.

Although the pope began his papal bulls referring to himself as *servus servorum Dei* (Servant of the Servants of God), he also saw himself as *Vicarius Christi* (Vicar of Christ) on earth, leading and guiding Christianity

from the *Cathedra Petri* (Chair of Saint Peter).<sup>12</sup> Around 1300, at the height of papal claims to power, Pope Boniface VIII stated that ‘it is necessary for salvation that all human creatures be subject to the Roman Pontiff’.<sup>13</sup> No mention of cardinals or the papal curia at all! Three centuries earlier, around the year 1000, the emperors of the German-Roman Empire appeared in the heavenly sphere in book miniatures, thus imparting divine salvation to their subjects through their divinely legitimated government. This visual glorification of worldly and earthly rule was based on an antique notion and can be observed, *cum grano salis*, in many parts of medieval Europe.<sup>14</sup> The notion of the hereditary and quasi-unlimited monarchy was also translated into writing, foremost so in the ‘Mirrors-for-Princes’ books (*principum specula*), textbooks instructing kings or lesser rulers on certain aspects of rule and behaviour which flourished from the early to the late Middle Ages.<sup>15</sup> However, the glorification of the superior monarch who gathered his people behind him and led them to a bright future was neither a medieval nor a European phenomenon.<sup>16</sup>

During the Renaissance, scholars and artists developed conceptions and doctrines in which the prince was accorded a central role. Niccolò Machiavelli’s treatise *The Prince* and Jean Bodin’s ideas on the sovereign state may suffice as an indication to discourses of this kind. Roman legal notions such as the sovereign being ‘not bound by the laws’ (*Princeps legibus solutus est*) and the idea that ‘what pleases the prince has the force of law’ (*Quod principi placuit legis habet vigorem*) were cited with ever-growing frequency. The aesthetic and architectural programmes of the time also paid homage to the monarch. Antonio di Pietro Averlino (d. 1469), also known as Filarete, made the princely palace the centre of his visionary city of *Sforzinda*, shaped as an eight point star and named after Francesco Sforza, then Duke of Milan. The austere geometric structure of the city was meant to reflect the perfect society, with the centralised power of a prince at its very heart (Figure 1).<sup>17</sup> When Albrecht Dürer

<sup>12</sup> Harris, *The Notion of Papal Monarchy in the Thirteenth Century*.

<sup>13</sup> Canning, *A History of Medieval Political Thought*: 139.

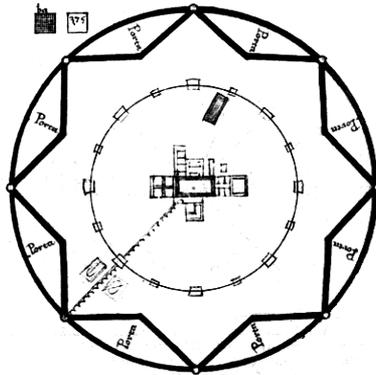
<sup>14</sup> Kitzinger, ‘On the Portrait of Roger II in the Martorana in Palermo’.

<sup>15</sup> Anton, *Fürstenspiegel und Herrscherethos in der Karolingerzeit*; Forster and Yavari, *Global Medieval: Mirrors for Princes Reconsidered*.

<sup>16</sup> Lambton, ‘Islamic Mirrors for Princes’.

<sup>17</sup> Hub, ‘Founding an Ideal City in Filarete’s Libro’.

designed the ideal plan of an urban fortification several decades later, the entire structure was again oriented towards the princely centre of power.<sup>18</sup>



**Figure 1.** Filarete, *The Ideal City Sforzinda* (*Trattato di Architettura*, 1461–1464) with the Princely Place in the Centre

Source: Filarete (1965).

In the Holy Roman Empire of the German Nation, scholarly voices in the early modern period repeatedly bemoaned ‘particularism’, the fragmentation of the empire into many small political entities. Baron Samuel of Pufendorf’s (d. 1694) comparison of the constitution of the Holy Roman Empire to an ‘irregular body similar to a monster’ (*irregulare aliquod corpus et monstro simile*) is a particularly well-known example for this school of thought.<sup>19</sup> Even after World War I, German intellectuals were of the opinion that their country was following a special path, a ‘German Sonderweg’. This path would not require a democratic Western-style constitution, but instead needed an authoritarian form of government.<sup>20</sup> Only after World War II and the integration of the Federal Republic of Germany into the Western world did the appreciation of the authoritarian fall silent.<sup>21</sup> Since the beginning of the European integration process, a positive view of political participation and consensual decision-making has prevailed in Western European societies. The road to the implementation

<sup>18</sup> Morrison, *Unbuilt Utopian Cities*: 29–46.

<sup>19</sup> On Pufendorf’s political philosophy, see Hunter, *Rival Enlightenments*: 180–96.

<sup>20</sup> Winkler, *Weimar*: 293–94; Bessel, ‘Germany from War to Dictatorship’: 245–56.

<sup>21</sup> Winkler, *Der lange Weg nach Westen*, vol. 2: 640–57.

of this attitude was not straightforward and in no way means an end of the discussion.<sup>22</sup> The trends in recent years illustrate the fact that this is not a linear process: In England and other places, there has once again been a significant increase in the critique of the complex, unclear structure of the European Union. The return to the seemingly efficient and centralised nation state is being promoted as a way forward.

Outside of Europe, strong individuals and centralised empires were also portrayed in a positive manner and lauded as ideal forms of rule as early as the Middle Ages. In the Islamic world, the rulers' self-perception and representation as the lynchpin of government was essentially the same as in Europe. In the seventh century, the early caliphs in Medina claimed absolute authority in both religious and political matters and referred to themselves as *Amir al-mu'minin* ('Commander of the Faithful', with 'the faithful' meaning all members of the Muslim community). Their successors in Damascus and Baghdad did so as well, also calling themselves *Khalifat Allāh* ('Deputy of God') or *Khalifat rasul Allāh* ('Deputy of the Messenger of God'). In their view, the caliphs were the nucleus of human rule, the 'Shadow of God on Earth' (*zill Allāh fi 'l-arz*), a concept heavily based on pre-Islamic notions of kingship.<sup>23</sup>

From the early eleventh century onwards, rulers in present-day Afghanistan, Central Asia and eastern Iran, who were de facto independent of caliphal sovereignty, began to refer to themselves as *sultān* (by that time meaning 'Holder of Power/Authority'). Arrogating this caliphal title, beginning with the Saljuqs of Iran, these rulers increasingly claimed universal political authority.<sup>24</sup> Eventually, the new potentates began to refer to themselves as *zill Allāh fi 'l-arz* as well, and continued to do so well into the early modern period under the Ottomans and Mughals. In contrast, the use of the title *Amir al-mu'minin* waned after the downfall of the caliphate during the Mongol invasions of the thirteenth century.

In the courtly sphere, chroniclers sang the praises of the paramount ruler, portraying a militarily active and morally sound man of noble origin who leads his armies to victory and maintains justice throughout his realm,

<sup>22</sup> Fabbrini, *What Form of Government for the European Union and the Eurozone?*

<sup>23</sup> There is little literature on the theory of state of the caliphates of Damascus and Baghdad. For the broader topic, see Crone, *Medieval Islamic Political Thought*; Black, *The History of Islamic Political Thought*.

<sup>24</sup> However, the caliphs did not become mere powerless ceremonial figures. See Hanne, *Putting the Caliph in His Place*.

a crucial criterion of a ‘good’ king in Perso-Islamic theory of kingship.<sup>25</sup> Consider, for instance, Hasan Nizami, a native of Nishapur, who emigrated to Ghazni and then Delhi, and his account of the military success of the Ghurid sultans in early thirteenth-century India. His glorification of the sultan reads:

His powerful hand and authority-wielding fingers seized the hit of the world-conquering sword and empire-adorning pen respectively. The sword of command and the writ of pen prevailed all over the country like clouds and winds: The orders issued by the royal sword were executed in distant regions as if they had been written by the pen of fate and the decrees emanating from the pen of the king were carried out in Hind and Sind as if they carried the threat of the sword of destiny.<sup>26</sup>

The pivotal role of the Muslim ruler is regularly demonstrated by his epithets. Since the thirteenth century, rulers between present-day Egypt and India were represented as *Ṣāhib-qirān* (‘The Lord of the Auspicious Conjunction’), claiming sacred kingship, divine favour and a reign of world-conquest while alluding to Alexander the Great, the first *Ṣāhib-qirān* of the Islamicate tradition.<sup>27</sup> Other titles such as *Jahān-panāh* (‘Refuge of the World’) or *Iskandar-shaʿn* (‘equalling Alexander’) point in essentially the same direction, extolling the ruler above all his subjects. Such epithets represent the contemporary chroniclers’ understanding that ‘History is the record of great deeds performed by rulers who personify the state and who exemplify kingly virtues.’<sup>28</sup>

In sixteenth-century India, Abu ’l-Fazl ‘Allami (d. 1602) considered royalty ‘a light emanating from God’ (*farr-i izidi*) which raised the king above ‘sectarian differences’. Based on Perso-Islamic notions of royal glory, Abu ’l-Fazl’s ruler’s beneficence and protection would be extended to all his subjects regardless of religion or any other denomination.<sup>29</sup> As a consequence, the ruler would establish ‘universal reconciliation’ (*sulh-i kul*) within his realm. In Abu ’l-Fazl’s eyes, both the scope and diversity of the Mughal Empire required strong leadership, in this case

<sup>25</sup> Regarding justice, see Lambton, ‘Justice in Medieval Persian Theory of Kingship’.

<sup>26</sup> Nizami, *Taj al-Ma’athir*: 288. On the author, see Foot and Robinson, *The Oxford History of Historical Writing* II: 95.

<sup>27</sup> Regarding the origins, employment and claims associated with this title, see Chann, ‘Lord of the Auspicious Conjunction’.

<sup>28</sup> Meisami, *Persian Historiography*: 136.

<sup>29</sup> Alam, *Languages*: 61–69.

by his patron Akbar. Writing against the background of Islam's claim as a universal religion and its de facto status as the creed of a minority on the Indian subcontinent, Abu 'l-Fazl ultimately intended to create a cult of loyalty around the person of the ruler, detaching the allegiance to him from his subjects' respective creed. Known as both *tawhid-i ilāhi* and *din-i ilāhi* ('Divine Monotheism' and 'Religion of God'), this syncretic concept was designed to form a relationship of absolute obedience and devotion between the subjects and the paramount ruler, lowering both great and small to mere disciples of their master.<sup>30</sup> In the *A'in-i akbari*, the concluding section of his *Akbarnamah*, Abu 'l-Fazl writes under the title *riwā-i ruzi* ('the maintenance of livelihood'):

Since there is infinite diversity in the nature of men and distractions internal and external daily increase, and heavy-footed greed travels post haste, and light-headed rage breaks its reins, where friendship in this demon-haunted waste of dishonour is rare, and justice lost to view, there is in sooth, no remedy for such a world of confusion but in autocracy and this panacea in administration is attainable only in the majesty of just monarchs. If a house or a quarter cannot be administered without the sanctions of hope and fear of a sagacious ruler, how can the tumult of this world-nest of hornets be silenced save by the authority of a vice-regent of Almighty power.<sup>31</sup>

Modern historians tend to agree with such views, hinting at Akbar's attempts to strengthen his personal power and position at the expense of the Muslim and Hindu nobility of the expanding realm.<sup>32</sup> While Abu 'l-Fazl's ideas are the exception rather than the rule in the medieval and early modern Islamic world, they nevertheless provide another example of the pivotal role of the ruler from the view of a contemporary.

In miniature paintings, the rulers also form a focal point (if, however, not necessarily the spatial centre) of numerous battle, hunting, audience and feast scenes, with the *Shahnamah* being a prominent example from the Persianate world. The Book of Kings (it is all in the name!), whose

<sup>30</sup> For a summary of Abu 'l-Fazl's ideas, see Nurul, 'Abu 'l-Faḍl (Fazl) 'Allāmī'. For *farr-i izidi*, see Franke, *Akbar und Ġahāngīr: Untersuchungen zur politischen und religiösen Legitimation in Text und Bild*: 212–15. For *sulh-i kul*, see Wink, *Akbar*: 99–104; For his syncretistic *din-i ilāhi*, see Conermann, 'Akbars (d. 1605) Gottesreligion': 93–96; Wink, *Akbar*: 95–99; Franke, *Akbar und Ġahāngīr*: 185–250.

<sup>31</sup> Cited after Khan, 'Medieval Indian Notions of Secular Statecraft in Retrospect': 3–15; 8.

<sup>32</sup> Wink, *Akbar*: 45–63.

influence is hardly to be overestimated in the Persian imperial tradition, was usually heavily illustrated as early as the Mongol period (thirteenth and fourteenth centuries), with the heroes and kings often being the main focus.

In ‘Mirrors-for-Princes’ treatises, the ruler also plays the central role for the well-being of the realm and its inhabitants.<sup>33</sup> Nizam al-Mulk’s (d. 1092) *Siar al-muluk*, also known as *Siasatnamah*, or Zia al-Din Barani’s (d. ca. 1356) *Fatawa-i jahandari* are only two prominent examples of the respective discourses. Nizam al-Mulk, whose overarching theme is justice,<sup>34</sup> summarised his political theory in his introduction:

In every age and time God (be He exalted) chooses one member of the human race and, having adorned and endowed him with kingly virtues, entrusts him with the interests of the world and the well-being of His servants; ... and He imparts to him such dignity and majesty in the eyes and hearts of men, that under his just rule they may live their lives in constant security and ever wish for his reign to continue.<sup>35</sup>

Barani’s ruler is the single bedrock of the government as well, the custodian of justice preventing the strong from oppressing the people through his authority, power and prestige.<sup>36</sup> Last but not least, the conception of the ruler as the centre of government and realm found its expression in architecture, with the caliph al-Mansur’s alleged round city of Baghdad being one of the most outstanding examples. As described by al-Khatib al-Baghdadi, al-Ya’qubi and others,<sup>37</sup> the Abbasids’ newly built circular capital placed the ruler’s palace directly in the centre to represent the caliphal claim to universal power. The problematic source material notwithstanding (there are neither contemporary sources nor material remains) (Figure 2),<sup>38</sup> the idea of the ruler as the very nucleus of the Abbasid world was nevertheless quite prevalent.

European travellers also expressed their opinions of various governments of the early modern Islamic world. For example, the British travel-writer and physician John Fryer (d. 1733), who spent

<sup>33</sup> On this genre of literature, see Rosenthal, *Political Thought in Medieval Islam*: 67–83.

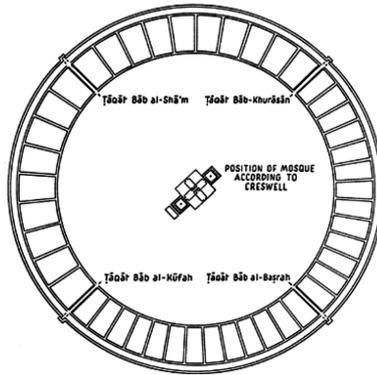
<sup>34</sup> Alam, *Languages*: 27.

<sup>35</sup> Nizām al-Mulk, *The Book of Government or Rules for Kings*: 9.

<sup>36</sup> Habib, ‘Ziya Barani’s Vision of the State’: 26–29. On the author’s political thought overall, see Alam, *Languages*: 31–43.

<sup>37</sup> Duri, ‘Baghdād’: 895–97.

<sup>38</sup> Lassner, ‘The Caliph’s Personal Domain’: 26–27.



**Figure 2.** Reconstruction of the Round City of Baghdad Built by Caliph al-Mansur (Based on Friedrich Sarre und Ernst Herzfeld), with the Caliph's Palace in the Centre

**Source:** Lassner, 1968.

the years 1673 to 1682 on the Indian subcontinent, commented on the decentralised character of the Deccan sultanates. Somewhat echoing Thomas Browne's ideas on Anglicanism and royalism, he stated:

So miserable is that state where the other members grow too powerful for the head, as in this constituted government of Duccan, where the king's munificence to the grantees has instated them in absolute authority over their provinces, that they are potent enough to engage one another, and countermand the king's commands, unless suitable to their humours.<sup>39</sup>

Just as Samuel Pufendorf lamented the fragmentary structure of the Holy Roman Empire in the West, so too did John Fryer in the East. French traveller Jean Chardin (d. 1713), on the other hand, who spent the years 1664/65 to 1670 and 1671/72 to 1680 in the eastern Islamic world, notably in Safavid Iran, saw the rule of 'Abbas I as a Golden Age. He credited this solely to 'Abbas I, a ruler renowned for his centralising reforms up until modern times: 'When the Great

<sup>39</sup> Fryer, *A New Account of East India and Persia Being Nine Years' Travels 1672–1681*, vol. II: 46–47.

Prince ceased to live, Persia ceased to prosper.<sup>40</sup> Although written approximately forty years later and intended to illustrate the bleak circumstances under 'Abbas' I successors, Chardin's wistful view of the past displays the perception of the ruler's central role that was so prevalent in early modernity.

In the eyes of many medieval and modern European authors, centralised power, represented by a monarch, appeared to be efficient, forward-looking and 'modern'. Therefore, medieval and modern historians of central Europe regularly looked with envy to the West, praising the greatness of the kingdoms of England and France and complaining about the decline of imperial power in Germany and Central Europe. From such a perspective, the complex structure of the Holy Roman Empire of Germany was doomed to fail, while the strong monarchies in late medieval Western Europe were regarded as the forerunners to the modern nation-states. This outside perception also plays an important role in the study on early modern Russia by Hans-Heinrich Nolte. In his attempt to determine the relationship between the czar and the nobility, Nolte references both the Russian images of the West as well as the early modern travel reports from the West and the East. His study 'The Tsar Gave the Order and the Boyars Assented' reveals that the tension between command and consent strongly shaped Russian history as well and that forms of consensual rule did not automatically develop from authoritarian structures.

Size, strength and modernity were also associated with strong rulers outside of Europe, who ideally had expanded their empire and, in doing so, had emerged as capable commanders themselves. Consequently, similar voices could be heard regarding Iran, where the Safavids (who may reasonably be viewed as a crucial link between 'medieval' and early modern Iran) have been called the forerunners of the modern Iranian nation-state more than once. Still further east, European scholars considered the empire of China to be the epitome of a centralised state for centuries.<sup>41</sup> The 'imperial omnipotence' was lauded as exemplary in some time periods, but demonised as 'Asian despotism' in others.<sup>42</sup> One may guess that it was partly the fragmentation of political power in their home countries that made scholars yearn for a supreme and

<sup>40</sup> Newman, *Safavid Iran: Rebirth of a Persian Empire*: 1.

<sup>41</sup> Ertl, 'China-Spiegel'.

<sup>42</sup> Ching, *Discovering China*.

all-embracing authority at different points in time. Political rhetoric replaced the complexity of politics with a simple hierarchy of command.

This rhetoric of unity and uniformity played an important role in the Chinese Empire in particular and concealed the variety of interests and parties at different levels of the state. In his article on ‘Discourses of Socio-political Collaboration in Song China’, Ari Levine shows this tension between a discourse of unity and a fragmented political reality: ‘While court officials could demonstrate remarkable autonomy from monarchical interference, especially during periods of factional conflict over state policy and statecraft ideology, a court-centred discourse of authority still prevailed within political rhetoric and administrative documents’ (p. 326). The concept of unity and consensual rule again appears as a political argument used by those who profited from it. The coexistence of consensus and the opposition to it is evident. The approach to those groups who incorporated ‘consensual rule’, however, was not only controversial in the Chinese Empire. The discourse on consensus was itself one of the instruments by means of which the key players strove for power and its distribution.<sup>43</sup>

That being said, political consensus could also be generated in other ways. As Pankaj Kumar Jha shows in his study ‘Literary Conduits for Consent’, the vernacular literature of the fifteenth century in northern India was used to produce ‘the ideals of the universal and divine kingship’, for instance. With these literary ‘fantasies of a reconfigured imperium comprehensible to a large mass of people over vast regions in north India’, the groundwork upon which the Mughal Empire was founded was set. The discourse on consensus, therefore, could not only legitimise existing rule, but was also used as a tool to create the ‘societal conditions for the establishment of a big empire’ (p. 291).

## II

However, as early as the Middle Ages, the praise of authority walked hand in hand with the praise of consensus, ritualised forms of co-operation at assemblies and joint decision-making in Western Europe.<sup>44</sup> When King Rudolph I called the princes of the Roman Empire together for the first

<sup>43</sup> Patzold, ‘Konsens und Konkurrenz’: 102–03.

<sup>44</sup> Reuter, ‘Assembly Politics in Western Europe’; Apsner, *Vertrag und Konsens*; Reynolds, ‘Assembly Government and Assembly Law’; Roach, *Kingship and Consent in Anglo-Saxon England*.

court council in 1274, he did so with the following words: ‘Because it is not possible in nature that the entire body is ruled solely by the head, without assistance from the limbs, we are occasionally forced to call upon others to partake in the leadership of this body.’<sup>45</sup> A generation earlier, 12 princes of the Empire had expressed their solidarity with the emperor in the following words: ‘We surround the imperial throne like limbs the head; in this way, he sits on our shoulders and is supported by us, so that the empire shines through an outstanding majesty and our existence as princes (*principatus*) shines forth through this.’<sup>46</sup> However, the image of the state as a body with head and limbs was not created by the German princes. Since the twelfth century, this visual was frequently used by scholars, in particular by jurists, to debate the relationship of the pope and cardinals, bishops and cathedral chapters and others.<sup>47</sup> The organological understanding of the state reserved the leadership for the head, but maintained that the harmonic cooperation of the limbs was a necessary requirement for a successful government. The jurists found an additional argument for cooperation in the Roman law canon *Quod omnes tangit, ab omnibus approbari debet* (‘What concerns everyone should also be approved by everyone’).<sup>48</sup> Marsilius of Padua (d. ca. 1343) and other late medieval thinkers drew on this idea when elaborating their quasi-republican theories in the fourteenth century and beyond.<sup>49</sup>

The translation of Aristotle’s studies, particularly his *Ethics* and *Politics*, into Latin in the thirteenth century provided Western theologians and philosophers with additional arguments. One important medieval interpreter of Aristotle’s work was Thomas Aquinas, who championed a limited form of monarchy or mixed constitution.<sup>50</sup> According to Aquinas, the ‘multitude’s consent, manifested in custom, has more weight in observing something than the authority of the prince, who only has the power to make law, insofar as he bears the person of the multitude’.<sup>51</sup> The participation of all may secure the common good most proficiently, yet

<sup>45</sup> For the Latin citation, see Dendorfer, ‘Autorität auf Gegenseitigkeit’: 27.

<sup>46</sup> *Ibid.*: 35.

<sup>47</sup> Koschorke, *Der fiktive Staat*; Musolff, ‘Metaphor in the History’.

<sup>48</sup> Congar, ‘Quod omnes tangit, ab omnibus tractari et approbari debet’.

<sup>49</sup> Blythe, *Ideal Government* 161–242; Maiolo, *Medieval Sovereignty: Marsilius of Padua and Bartolus of Saxoferrato*.

<sup>50</sup> Blythe, *Ideal Government*: 39–59; Oakley, *Watershed*: 177–208.

<sup>51</sup> Canning, *A History of Medieval Political Thought*: 131.

popular forms of government are prone to fall into disunity and result in tyranny. This is why Aquinas deemed it ‘more expedient to live under one king, than under the rule of many’.<sup>52</sup> Despite his conclusion, these sorts of discussions helped to establish scholarly arguments for participatory forms of government. Soon after, the concept was also used in practice. When the barons, freeholders and entire community of the realm of Scotland met to announce the Declaration of Arbroath in 1320, they spoke of the valiant Prince, King and Lord Robert Bruce. However, they also stated that his rule was sanctioned not only ‘by divine providence and rightful succession’ but also by ‘due consent and assent of us all’.<sup>53</sup> Is it surprising that, even today, people still invoke this declaration and use it—with great historical abandon—to postulate a ‘Scottish constitutional exceptionalism’?<sup>54</sup>

On an empirical and comparative level, Julia Burkhardt illustrates the significance of political discourse in her study ‘Frictions and Fictions of Community?’ By comparing political discourse within the kingdoms of late medieval Central Europe (Poland, Hungary, Germany), she claims that while ‘community’ was a key term in the political discourse in late medieval Central Europe, the notion of *communitas* or *universitas* varied from one realm to the other according to the respective political structure. It once again appears that the struggle for participation in ‘consensual rule’ strongly shaped the political dynamic in the studied realms. Or in the words of Julia Burkhardt: ‘Against this background, it has become clear that the formation of structures and representations of power in late medieval Central Europe was a highly dynamic process, revealing both fictions and frictions of community’ (p. 219).

Arguments in favour of shared authority and a consent-based government were by no means limited to medieval Europe. While Muslim scholars did not make use of the image of the state as a body with head and limbs, the value of social agreement is highlighted by juridical texts in particular,<sup>55</sup> with the very idea being based on the words of the Prophet himself: ‘My community will never agree on error.’ Additionally, consensus and power-sharing within the elites were well-known aspects of political practice, especially noticeable in Turkic nomadic communities from Inner Asia in the eleventh century. In the courtly sphere, reservations against

<sup>52</sup> *Ibid.*: 131.

<sup>53</sup> Mason, ‘Beyond the Declaration of Arbroath’: 265–66.

<sup>54</sup> *Ibid.*: 267–68.

<sup>55</sup> Alam, *Languages*: 54–61.

the ruler making decisions autonomously were expressed in the ‘Mirrors-for-Princes’ genre in particular. In his views on what constitutes a good government, Nizam al-Mulk blends elements of the Persian imperial tradition, such as heredity and divine charisma, with Islamic concepts of rightful rule, which depend on the consensus of the Muslim community. He particularly emphasises the relevance of counsel in the decision-making process. Although Nizam al-Mulk eloquently highlights the ruler’s unique position, he stresses that good advice is the foundation of successful rule,<sup>56</sup> as no sultan can govern without a trusted counsellor. Likewise, while Barani’s monarch remains the single bedrock of the government, the *Fatawa-i jahandari* also underlines the importance of advisers and counsellors at court.<sup>57</sup>

The view of different cultures was also shaped by these political discussions and the search for the best constitution. The notorious French traveller Francois Bernier (d. 1688), for example, characterised the Mughal Emperor as an absolute monarch and sole proprietor of all the land in the empire. Due to the despotic Oriental style of governance, slavery and poverty were fairly common phenomena in India.<sup>58</sup> Interestingly, Bernier penned this assessment to Colbert, prime minister and royal counsellor of a French monarch who claimed more and more power over the kingdom and its nobles. There is obviously a subtext in his representation of India with respect to the prevailing political situation in France.<sup>59</sup> Against the backdrop of ‘Asiatic despotism’, Francois Bernier wanted to evoke an idealised balance of power, a concept which seemed to be in danger back home in seventeenth-century France. The portrayal of another world served as a political argument, comparable to looking back into one’s own past, as Mark Ravina illustrates with Japan.

### III

Medieval and early modern authors were well aware of arguments for a strong authority of the individual as well as for the participation of the many. Theocratic kingship was praised and legitimated by theologians, scholars and courtiers, also providing post-medieval thinkers with arguments for

<sup>56</sup> Nizām al-Mulk, *The Book of Government*: 95–96.

<sup>57</sup> On Barani’s idea of the advisors’ tasks and the process of counselling, see Habib, ‘Ziya Barani’s Vision of the State’: 30–31; Syros, ‘Indian Emergencies’: 548–50.

<sup>58</sup> On the Western image of Oriental Despotism, see Kalmar, *Early Orientalism*.

<sup>59</sup> Burke, ‘The Philosopher as a Traveller: Bernier’s Orient’.

a strong sovereign. Yet elements of contract and consent also played a decisive role in medieval concepts of government in most regions of the Eurasian world. Sovereign and subject were interconnected by mutual rights and corporation theories. It is this complexity of arguments that characterised medieval political thought and which made it an important contribution to the history of political thought in general.<sup>60</sup> Both in the Middle Ages and beyond, the tension between command and consent has played a prominent role in political discussions in all Eurasian regions.

In historical research, this variety of voices has not been considered equally over the course of time. The context scholars lived in directed their interest more to either the aspects of command or consent. One such shift in interpretation from command to consent appears to have taken place in the last 20 years, as new interpretations of early modern absolutism in France and other countries have marked the beginning of a revision in European historical research. While the power of the absolute monarch hardly seemed limited in conventional analysis, many historians today emphasise the difference between the absolutist rhetoric and the historic reality,<sup>61</sup> the monarchical centre and the local self-government ('self-government at the king's command').<sup>62</sup> Similarly, the discussion on state formation in the wake of Charles Tilly's path-breaking research has been shaped by the dichotomy of (modern) centralised direct rule and (early modern) indirect rule.<sup>63</sup> From this perspective, early modern state-makers were heavily dependent upon local elites and regional administrative structures, and the early modern state was a 'contractor state' in which numerous private entrepreneurs performed crucial administrative tasks.<sup>64</sup> Consensus-building, which Tilly referred to as 'bargaining', was a necessary ingredient of forming a state.

In research on the Islamic world, the normative frame and the absolute rhetoric of the courtly sphere in particular also had its *Nachleben* well into the twentieth century, resulting in numerous studies focusing on the individual person of the ruler. However, when dealing with the late medieval and early modern Islamic world today, we take it for granted

<sup>60</sup> Canning, *A History of Medieval Political Thought*: 185–87.

<sup>61</sup> Henshall, *The Myth of Absolutism*.

<sup>62</sup> Shagan, 'The Two Republics': 19.

<sup>63</sup> Tilly, *Coercion, Capital, and European States*.

<sup>64</sup> On recent trend in the historiography of state-formation, see 't Hart, 'Coercion and Capital Revisited': 23–25.

that any ruler's absolute power was a normative claim rather than reality. Consequently, as common ground for any further discussion on whichever part of the Eurasian world, we may easily state that even an 'absolutist monarch' relied on co-operation with many social and regional groups in order to acquire the necessary money and resources, as well as the acceptance to lead his government.<sup>65</sup>

Medieval research in Europe has picked up this tendency towards consensus-based rule in the last decade.<sup>66</sup> While political history has long been focused on kingship, power and the legal constitution, new approaches have directed their attention to the complex process of decision-making with all actors and practices involved.<sup>67</sup> The interest has moved away from the normative frame towards the practical rules of 'the political game'. In doing so, it has become evident that a king or prince, in spite of all his sovereign glory, never ruled alone; instead, he was always dependent on the consensus of the elites surrounding him.<sup>68</sup> 'In the gritty realities of medieval political life, ecclesiastical as well as secular, consensual forms and practices were everywhere evident.'<sup>69</sup> The cooperation of head and limbs (*caput et membra*), while not always peaceful and without competition, was particularly obvious in court councils, assemblies and court procedures.<sup>70</sup> After this shift in perspective, German medieval research no longer looked with regret to the decline of power of the Holy Roman Empire, but has instead become interested in the new forms of consensus building that determined the politics among the princes or between the princes and the king.<sup>71</sup> The cumbersome negotiations between king and nobility are no longer seen as backward and inefficient, but are now interpreted as a new, almost modern-looking form of compromise within a large and heterogeneous political space. This revision of medieval historical research was by no means limited to Germany, also taking root in the areas between England in the West and Japan in the East. Bernd Schneidmüller's remarks on medieval Europe, therefore, seem to be inspiring for studies on other parts of the Eurasian world: 'Not hierarchy or rank alone, but dynamic networks from constant distinction

<sup>65</sup> For Spain, see Espinosa, 'Sovereignty of the People'.

<sup>66</sup> Schneidmüller, 'Rule by Consensus?'; Patzold, 'Konsens und Konkurrenz'.

<sup>67</sup> Althoff, 'Questions and Perspectives'.

<sup>68</sup> Schneidmüller, 'Rule by Consensus'.

<sup>69</sup> Oakley, *Watershed of Modern Politics*: 174.

<sup>70</sup> Reuter, 'Assembly Politics in Western Europe': 193–216.

<sup>71</sup> Schneidmüller, 'Rule by Consensus'.

and integration formed the weave pattern of this society. Kingdoms and princedoms existed as communities of consideration and responsibility.<sup>72</sup> From such a perspective, command and consent are inseparably intertwined, while authority is not constituted by God's immediacy or by repression, but by acceptance.<sup>73</sup>

The monarch's capacity to rule single-handedly, the role of advisory bodies in an authoritarian regime and the existence of shared authorities are also discussed with regard to regions outside of Europe,<sup>74</sup> motivated by essentially the same shift of interest. While 'rule by consensus' may be less prominent in research on the Islamic world, with fewer studies dealing explicitly with the topic at hand, there is hardly any dispute today that even the ruler with the most broad-based repertoire of divine, genealogical or personal legitimation for absolutism was never able to actually enforce his claim on his own without the consensus of at least the elites. This basic necessity of political practice is apparent in the eastern Islamic world from the eleventh century onwards, where nomadic rulers, and with them the Turko-Mongol concept that territory was held collectively by the patriarchal, agnatic clan, presided over a sedentary population. In such realms, consensus was inevitable. This concept was also true for the Safavids, as Tilmann Trausch argues in his paper on 'Consensus-based Decision-making in Early Safavid Iran'. Although no chronicler from the Safavids' courtly sphere would have ever called it so, numerous passages of their chronicles indicate that consensus-based decision-making was one of the issues under the Safavids' first ruler Isma'il, long regarded as one of Iran's dazzling, divinely inspired and sword-bearing absolutists par excellence. Based on today's scholarly consensus that young Isma'il's claim for absolute power was convention rather than reality, Trausch argues that many of Isma'il's dealings with the elites surrounding him were *quid pro quo* arrangements with a strong consensual component, such as his famed generosity. As with the Mamluks, the chronicles clearly demonstrate that Isma'il's consensual approaches were not expressions of altruism, conciliatoriness or goodwill, but instead of pragmatism and political reasoning. However, even in realms commonly viewed as more centralist, such as the Ottoman Empire in the fifteenth and sixteenth centuries, the

<sup>72</sup> Schneidmüller, 'Verantwortung aus Breite und Tiefe': 139.

<sup>73</sup> On these principles in the thirteenth-century history of the Holy Roman Empire, see Seibert et al., *Autorität und Akzeptanz*.

<sup>74</sup> See for example, Hardy, 'Force and Violence in Indo-Persian Writing'.

ruler depended on others. This is demonstrated by court councils and elaborated court procedures, just like in medieval Europe.

When the concept of absolutism came under attack in Europe, a similar debate gained momentum in India as well. Revisionist scholars such as Burton Stein attacked the conventional interpretation of the Mughal Empire as a highly centralised state comparable to the Ottoman Empire and Safavid Iran (where, however, this interpretation could also be questioned). Stein contended that even though the early modern Mughal Empire was the ‘best-organized and most powerful of the states of medieval India’,<sup>75</sup> it still was a ‘segmentary state’ like all pre-modern Indian states. Underneath the proclaimed centralised power, there were several compromises and concessions both to individuals and to regional ruling groups. Amartya Sen, the Nobel Prize winning Indian economist, dedicated an entire book to this issue. In ‘The Argumentative Indian’, Sen attempts to highlight the traditions of public debate and intellectual pluralism on the subcontinent since Antiquity. Needless to say, this argument is strongly related to notions and visions for contemporary India and the success of its democracy. The book has evoked both fervent consent and harsh critique.<sup>76</sup> In particular, Sen’s enthusiastic praise of Akbar, the Mughal emperor from 1556 to 1605, as a tolerant and enlightened ruler has been qualified as naïve. Be that as it may, the book no doubt bears witness to a tendency inherent in historical research in India and throughout the modern world overall.

There are several interconnected reasons for this shift in interest. For example, historical research has been enriched by other disciplines such as cultural anthropology and sociology. As a consequence, new approaches to political history have left behind the narrow focus on legal norms, military events and great individuals.<sup>77</sup> Instead, the complexity of social interaction, with all its actors, agendas and perceptions, has broadened the field of political history considerably.<sup>78</sup> The state is no longer seen as a ‘unitary entity’ but as a fragmented political arena.<sup>79</sup> This expansion and reformation

<sup>75</sup> Stein, *Peasant State and Society in Medieval South India*: 15.

<sup>76</sup> Johnson, ‘Effort to Right Wrongs Leaves Past Shackled’.

<sup>77</sup> Craig, “‘High Politics’ and the “New Political History””.

<sup>78</sup> Steinmetz and Haupt, ‘The Political as Communicative Space in History: The Bielefeld Approach’.

<sup>79</sup> With a focus on the European ‘city-states’, see Lantschner, ‘Revolts and the Political Order of Cities in the Late Middle Ages’: 45.

of political history is a phenomenon that is not limited to Western Europe and North America, but that is also present in other parts of the world.<sup>80</sup>

In addition to the reconstruction of the ‘facts’, the history of the perception of these facts is also apparent everywhere. Historiography has always been a mirror to political, social, cultural and economic change, and the new interest in forms of ‘rule by consensus’ is no exception to this principle. This seems to be evident in Europe during the on-going process of the European integration. While the final result of this process may be uncertain, the interest in complex political entities of the past with its shared authorities and its (non)capabilities to reach decisions and compromise has increased. Cooperation, compromise and fringe groups have been dwarfing authority, command and majorities. The attention has shifted from the centre of society to its brink, from the evident to the hidden, from the praise of the rulers to the daily lives of the ruled. Processes of integration and disintegration have become a key term in political studies. The interest in these new topics does not aim at finding easy solutions to challenges of the twenty-first century but to enrich our vocabulary and methods of addressing them.

Obviously, historical development does not have a uniform direction. The world does not move from command to consent. As enthusiasm and support for consent and participation spreads in one region of the world, the situation may shift in favour of command and stronger leadership elsewhere—both in academic writing and in political reality. This context constitutes the backdrop for the contributions presented here. By tracing the tension of command and consent, we would like to enrich the debate from a comparative perspective with respect to late medieval and early modern discourse as well as with respect to modern historical research’s changing attitudes towards this topic.<sup>81</sup>

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<sup>80</sup> With regard to South Asia, see Chaturvedi, ‘Histories of Politics after Political History’.

<sup>81</sup> For a comparative approach on kingship in Europe and the Middle East (and in particular Iran), see Mitchell and Melville, *Every Inch a King*.

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