

ADVANCE SOCIAL SCIENCE ARCHIVE JOURNAL
Available Online: https://assajournal.com
Vol. 05 No. 01. Jan-March 2026.Page#.8875-8901
Print ISSN: 3006-2497 Online ISSN: 3006-2500
Platform & Workflow by: Open Journal Systems

Defining Authentic Islamic Statecraft: A Critical Analysis of Letter 53 of Nahj al-Balagha in Light of Modern Governance Theories

Dr. Syed Azhar Hassan Shah
Associate Professor of History cum Political Science at Government Degree College Paharpur (D.I.Khan)
Syed Yosaf Raza
BS English Linguistics and Literature, Government Postgraduate College No. 1, Abbottabad

Abstract
This paper presents a theoretical, textual, and comparative analysis of Letter 53 of Nahj al-Balagha, which is the administrative charter of ʿAlī ibn Abī Ṭālib (d. 661), the fourth Caliph. 40/661) to Mālik ibn al-Ḥārith al-Ashtar to be appointed governor of Egypt in 38/658. The letter is one of the most elaborate statements of political ethics and administrative design from the first century of Islam. (Justice in Nahj al-Balagha: Reading Letter 53 to Malik al-Ashtar, 2026) The paper asks whether the letter can be used as a normative standard for "authentic Islamic statecraft", and whether this claim holds up to scrutiny when compared to the social contract, the republican and liberal constitutional traditions, Rawlsian justice, Weberian bureaucratic theory, the capability approach, institutional economics and the current good-governance agenda of the United Nations and the World Bank. Through close reading, genre analysis and a disciplined comparative method that avoids anachronism, the study shows that the text contains six commitments to its structure: (1) power as a trust (amāna) rather than a proprietary right; (2) human dignity independent of creed; (3) the moral formation of the ruler as a precondition of institutional integrity; (4) a differentiated but ethically bounded institutional order: judges, officials, soldiers, scribes, merchants and the poor; (5) a priority of the many and the vulnerable over the privileged few; (6) permanent channels of access, information and correction between ruler and ruled. The paper suggests that Letter 53 is neither a medieval constitution nor a prototype for liberal democracy, but a unique paradigm of ethics and institutions that can be transferred to present law and administration through the logic of the higher purpose of law (maqāṣid al-sharīʿa). It also outlines the text's scope: it provides no process for removing a ruler, no process for electing, and no established rights of political participation, so contemporary constitutional design must fill these gaps rather than repeat them.

Keywords: *Nahj al-Balagha; Letter 53; Mālik al-Ashtar; Islamic statecraft; good governance; social justice; judicial independence; comparative political theory; public administration; maqāṣid al-sharīʿa.*

1. Introduction

1.1 Significance of the Problem

The criteria for an Islamic state have been contested since the first civil wars of the seventh century and have resurfaced in the modern era in particular. The emergence of postcolonial nation-states and the Iranian Revolution of 1979 have given rise to a variety of responses: constitutional monarchies that invoke the sharīʾa as one source of law, republics that assert the ability of their clerics to guard the public interest, secular democracies with Muslim populations and Muslim voters, and efforts to restore the caliphate (Esposito & Voll, 1996; Feldman, 2008; An-Naʾim, 2008). Some scholars like Hallaq (2013) have gone further and stated that the contemporary state, which is characterized by its centralized sovereignty, administrative control of violence, and infiltration of society, is structurally incompatible with the moral objectives of Islamic legislation. The claim that it is an Islamic state is used before the criteria for an Islamic state have been spelled out, as far as I can tell, whatever one thinks of that thesis. This uncertainty comes with a price. The impact of the label - when used in the context of arbitrary, corrupt, or exclusionary regimes - undermines both religion and governance. If it is rejected wholesale, then the Muslim publics are without any locally developed vocabulary to judge rulers. The better question is what texts or traditions are used to determine the legitimacy of any government that claims to be Islamic? Among the candidates, Letter 53 of Nahj al-Balagha makes a unique claim. It is not a juristic work on the caliphate like al-Aḥkām al-sulṭāniyya by al-Māwardī (trans. of the Book of the Rules of the State of the Caliph). It is neither Wahba's (1996) attempt to codify the practice nor a piece of counsel of prudence, as in the Persian-influenced "mirrors for princes". An operational charter composed by a ruler for a subordinate who was to rule a difficult province, it contains ethical exhortation and practical advice on courts, taxes, the army, markets, letters, and the relief of people with low incomes.

1.2 Problem Statement

There are two unhelpful patterns of popular and academic writing about Letter 53. The first is celebratory anticipation, in that the letter has been "anticipated" by over a millennium, in one sense, of human rights, the separation of powers, or the Universal Declaration of Human Rights. These are rhetorical and weak analytical arguments. They do not account for the different conceptual worlds in which the seventh-century text was written and in which modern instruments are used, and they often interpret the text as a legal code when it is actually a letter of instruction (Skinner, 1969). The second pattern is dismissive historicism: a letter is seen as an artifact of a specific political crisis, of little relevance to the modern institutions of which it was an original part, or as a pious fiction invented by later admirers for ʿAlī. This job, also, may be exaggerated, for that of the text is better than that of many parts of Nahj al-Balagha (see Section 2.3), in that it was so early attested.

The initial version of this paper was right in trying to find a "middle ground" and used several sweeping generalizations. It claimed, for example, that it introduces "price controls," creates a "definitive, universal framework," and creates "welfare as an enforceable legal right" against the treasury. All of these statements must be qualified. It strongly condemns hoarding and unfair dealing and calls on the governor to intervene in the market where such practices occur, but it does not prescribe a system of fixed prices. It provides norms, not a constitution. But it refers to the ruler's responsibility to people with low incomes in terms of divine accountability and administrative obligation, and this responsibility is not

justiciable in a court of law; it's a later development of the juristic and constitutional system. This new edition therefore adopts a more nuanced, evidence-based register.

1.3 Research Questions

The study is based on the following questions:

1. Textual question: What are the main normative and institutional pledges in Letter 53, and why are they related to each other?

2. Comparative question: How do these commitments connect with the dominant traditions in contemporary political and administrative thought, such as the social contract theory, constitutionalism, and republicanism, theories of justice, the theory of the bureaucracy, and the good-governance approach?

3. Evaluative question: Is the letter a valid statement of what constitutes "authentic Islamic statecraft" and, if so, what was the nature of authenticity?

4. Practical question: How can its tenets be applied to contemporary constitutional and administrative constructs without anachronism and selective borrowing?

1.4 Argument in Brief

It is argued that the central thesis of Letter 53 is one proposing a normative architecture and not a full constitutional system. It consists of 3 architectural layers. The first is an ontology of authority: power held in trust under a transcendent moral order and thus always answerable. The second is a moral anthropology holding that all subjects are created with dignity; thus the ruler's obligations do not depend on the subject's religion, tribe, or usefulness. The third is an institutional ethics, where each public office (judge, tax official, soldier, scribe, adviser) is characterized by the function it serves to the common good and the vices that threaten that function. Together, these layers provide legitimacy based on performance in justice, not just lineage, conquest, or formal title.

In this limited, defensible sense, the paper argues that this view is "authentic," since it is based on a foundational text and a founding figure whose authority is well known throughout Muslim traditions and who provides "evaluative criteria" with no exceptions. It is not 'authentic' in the sense that it is the only legitimate form of Islamic polity, nor in the sense that it is self-sufficient. The letter should be read alongside the Qurʾānic principles of justice (ʿadl), consultation (shūrā), and trust (amāna), the later juristic tradition, and modern constitutional experience.

1.5 Contribution and Structure

The paper makes four contributions. First, it helps to position Letter 53 in its literary context – the genre of covenant of appointment (ʕahd) and the broader literary tradition of advice literature, which helps to clarify what is distinctive about the letter. Second, it replaces unstructured analogies with a structured comparison that uses four analytical lenses (legitimacy, justice, institutional design, and accountability). Third, it draws on empirical evidence from public administration and economics, such as studies on the link between civil-service pay, merit recruitment, and corruption, and it tests the letter's intuitions against this evidence. Fourth, it explicitly defines the text's boundaries and suggests a translation approach that is neither literal nor abstract.

The argument goes as follows: Section 2 sets out the historical context, the text's transmission, and its genre. The theoretical framework and method are explained in Section 3. Section 4 explores the ontology

of power and juxtaposes it with social contract theory and republicanism. Section 5 explores human dignity, Pluralism, and the treatment of non-Muslims. Section 6 examines executive ethics and the institutional order. Section 7 discusses economic regulation, taxation and protection of the vulnerable. Section 8 focuses on access, transparency, and accountability. Section 9 offers a systematic comparison with contemporary governance frameworks. Section 10 looks at the boundaries of the text, Section 11 at implementation, and Section 12 concludes.

2. Historical, Textual and Generic Context

2.1 The Crisis of 38/658

Ḥasan b. al-Ḥuṣayn was caliph from 35/656 to 37/658, followed by ʾUthmān b. ʾUthmān, whose reign had been marred by accusations of nepotism and mismanagement, and who was assassinated.After the assassination of Ḥasan b. al-Ḥuṣayn (656–58), ʾUthmān b. ʾUthmān (658–686) was succeeded by ʿAlī, who had been chosen caliph in the wake of the assassination of the former caliph, in the aftermath of a deep division within the early community over the question of authority and justice. Civil strife was the main factor dominating his caliphate: the battle of the Camel (36/656), the stand-off at Ṣiffīn with the governor of Syria, Muʾāwiya ibn Abī Sufyān (37/657), and the revolt of the Khārijites following the arbitration (Madelung, 1997; al-Ṭabarī, 1996). In this setting, control over provinces entailed control over resources. One of the most important of these was Egypt, whose grain resources, tax receipts, and strategic location made it a valuable state.

Egypt was also unstable under its earlier governors, including Qays ibn Saʾd. Then Muḥammad ibn Abī Bakr, wracked by dissension among Egyptian settlers and the garrison, and Muʿāwiya, accompanied by his ally ʿAmr ibn al-ʿāṣ, tried to sever the province. The standard account says that ʿAlī chose to replace Muḥammad ibn Abī Bakr with an experienced commander, Mālik al-Ashtar, whom he knew to be loyal, and prepared his Charter, which has been called 'Letter 53 ' (al-Ṭabarī, 1996; Madelung, 1997). In 38/658 Egypt fell to ʿAmr, and it is said that Mālik died on the road, allegedly poisoned, before he could rule over it. This matters for interpretation because it states policy, not administration; it is normative, not descriptive.

2.2 The Addressee

Mālik al-Ashtar al-Nakhaʾī was one of the top military commanders of the Kufa, and an intimate companion of ʿAlī in the battles of the Camel and Ṣiffīn. He was brave and firm; in the letter, and elsewhere, ʿAlī says that he trusts him, not flattered. The appointment of a strong man is significant, for the letter contains a large amount of space devoted to a discussion of what the characteristic vices of a strong man in office are: his arrogance, impatience, vengefulness, and his use of force. That is, the text is written to someone believed to be capable—but also at risk—of exactly the threats it describes. One distinguishing characteristic is that it is psychological rather than merely a formal charter.

2.3 Transmission and Authenticity

The collection called Nahj al-Balagha was compiled by the al-Sharīf al-Raḍī (d. The 406/1015, a collection of ʿAlī's sermons, letters and sayings, selected primarily for their eloquence, was composed around 400/1009–10 by the scribe al-Raḍī (c. 1010). Since the Middle Ages, the collection has been the subject of debate over its attribution. The tradition of the commentaries starts early after the death of al-Raḍī,

and the voluminous commentary of Ibn Abī al-Ḥadīd (d. The text found a wide Sunni audience thanks to the efforts of 656/1258 and, more recently, Muḥammad ʿAbduh (1885).

There is a relatively strong textual case on the specific question of Letter 53. The charter to Mālik can be traced back to sources before, or independent of, the compilation of al-Raḍī, such as the Tuḥaf al-ʿuqūl (4th/10th century) of the Muḥammad ibn Shuʿba al-Ḥarrānī and Daʾāʾim al-Islām (d. 12th century) of his successor, Qāḍī al-Nuʿmān. 363/974), where it appears with variants in wording (Ibn Shuʿba, n.d.; al-Nuʿmān, 1951–61). These parallel transmissions do not prove the authenticity of any single transmission, since they date to an early period when transmission was oral, with paraphrase and expansion. It does, however, show that the document was known as an administrative document and circulated before the compilation of Nahj al-Balagha. The text should therefore be considered early and widely attributed to ʿAlī, and should include a statement that the exact wording of the text may have been influenced by transmission. This paper takes that view, and uses the numbering of the most widely used (1967) edition of Ṣubḥī al-Ṣāliḥ, keeping in mind that numbering varies between editions.

The English translations most readily available to English readers are those of Jafery (1984) and Shah-Kazemi (2006) (the latter is also best for contextual and spiritual studies). Quotations here are kept intentionally brief and paraphrased to illustrate the flow of the argument, not to copy the text verbatim.

2.4 Genre: The ʿAhd and the Tradition of Advice Literature

The letter genre is part of the ʿahd, the covenant of appointment, which arose from Arab practice, Sasanian administrative use, and the demands of early imperialism in the Islamic world. On the Princes, ed. ʿAbbās, 1967; ed. Bosworth, 1970); the latter's Risāla fī al-ṣaḥāba was translated into English as The Treatise on the Equator, ed. Bosworth, 1970.The ʿAhd Ardashīr (ed. ʿAbbās, 1967), the epistle of Ṭāhir ibn al-Ḥusayn to his son ʿAbd Allāh (c. 206/821), the Risāla fī al-ṣaḥāba of Ibn al-Muqaffaʾ, al-Ghazālī's Naṣīḥat al-mulūk and Niẓām al-Mulk's Siyāsatnāma (trans.) Darke, 1960). Several themes in these works resemble those in Letter 53: the need for justice to sustain stability, the potential dangers of favoritism, the necessity of competent officials, and the ruler's responsibility to listen to grievances (Lambton, 1981; Al-Azmeh, 1997).

However, three features make Letter 53 unique. First, as is usual in writings on advice, justice is the main means of keeping the family happy: if justice is kept, then prosperity is maintained; then the treasury is maintained; then the army is maintained. Although there are prudential arguments for justice, in letter 53 justice is presented as a duty towards God and towards the people in its own right. Second, the letter explicitly focuses on the lowest and weakest of society rather than the elite, as in much courtly advice literature. Third, the letter does not bowdlerize the ruler; it takes him to task for just the kind of self-regard that courtly literature seeks to promote. The comparison suggests that the letter resembles the genre of advice writing but with different moral assumptions.

2.5 The Structure of the Charter

Reading the text as a whole reveals an orderly structure that corresponds to administrative logic. The movements contained in the following table are the major ones of the charter, not necessarily those found in any particular edition, but indicated by descriptive headings.

Movement	Principal content	Governance theme
Opening mandate	Fear of God, obedience to divine obligations, subduing the self	Ethical foundation of authority
Attitude to the governed	Mercy, forgiveness, equality of creation; warning against self-exaltation	Dignity and non-domination
Justice and the masses	Preference for a just policy that satisfies the majority over the privileged	Legitimacy and stability
Social classes	Soldiers, scribes, judges, revenue officials, traders and artisans, the poor	Functional differentiation of the state
Selection of officials	Merit, experience, modesty, adequate pay, monitoring	Meritocratic administration
Revenue and development	Priority of land development over mere tax collection; relief in time of hardship	Fiscal responsibility
Correspondence and secretaries	Choosing and supervising scribes; managing information	Administrative integrity
Public access	Regular open sessions and removal of barriers	Accessibility and responsiveness
War, peace and treaties	Fidelity to agreements, avoidance of bloodshed, ban on treachery	Restraint in the use of force
Closing counsel	Avoiding self-admiration, boasting and broken promises	Continuing self-discipline

This structure suggests that the author had in mind a coherent theory of the relation between the moral.

3. Theoretical Framework and Method.

3.1 What does "Authentic" mean?

The word ‘authentic' in the title needs to be explained; this word can have at least three meanings. A practice or institution is authentic in a genealogical sense if it can be genealogically traced back to the origins of the practice or tradition. Normatively, if it reflects the intent of those sources, then it is authentic, despite its new shape. In institutional terms, it is bona fide insofar as it is really used in a way that would serve those purposes. Many public discussions of “Islamic government” leave the first sense as all that is needed – if a state does institute some rules from the sources, it is Islamic. The theme of this paper is that the second and third senses are more important. What a state does is to allow corruption and abuse without any penalty, and, if it justifies historical penalties, it does no better than if it assessed the justice of the outcome, as in Letter 53, and not just the presence of religious symbols. From this perspective, the greater goals of law (life, religion, intellect, lineage and property and therefore justice and welfare) are the benchmark for evaluating the exercise of law (Kamali, 2008; Auda, 2008).

The term “authentic Islamic statecraft” thus does not refer to a single template for statecraft. It describes a set of institutional frameworks that satisfy normative requirements contained in the foundational

sources, of which the one below is especially useful in articulating those requirements: Letter 53. From this perspective, historical and cultural differences leave room for a state to miss the test.

3.2 Comparative Method and the Problem of Anachronism

Comparing a seventh-century text with modern thought increases the risk of anachronism. Skinner (1969) has claimed that to read a historical text as a response to questions which it never asks leads to the "mythology of doctrines" and the "mythology of prolepsis" –where the "mythology" is a past author who is said to have foretold a later position. To avoid such mistakes, the present study follows three methodological rules.

1. Contextual reading. The text is first interpreted in its own terms and context: the crisis in Egypt, the vocabulary of early Islamic administration and the conventions of the ʿahd genre.

2. Dialogical comparison. Interlocutors rather than templates: theories of the modern era. The question is not whether or not there's a separation of powers in Letter 53, but what problem it solves, how it solves it, and how that's different than contemporary solutions to the same problem.

3. Reciprocal critique. The comparison is open-ended; criticism is allowed for both. It might expose a deficiency of the theory of that time, such as in the moral education of public servants; a gap in the text, as there is no way to be dismissed or involved.

Like comparative political scientists who describe it as "cross-cultural dialogue", and like Sachedina (2001), who speaks of the possibility of finding within Islamic thought ways of extricating it from the western context while not making it a product of the western context, the approach will be to try to find in Islamic thinking ways of extricating it from the western context without making it a product of the western context.

3.3 Four Analytical Lenses

The paper uses four lenses to provide a framework for the comparison.

Lens 1: Legitimacy and sovereignty.

From whom does the ruler get his power? What places boundaries on his power? What is the measure of the ruler's power? This lens brings social contract theories of Hobbes (1651), Locke (1689), and Rousseau (1762) into the discussion, as well as popular sovereignty and the republican concept of freedom as non-domination (Pettit, 1997).

Lens 2: Justice and rights.

To whom and for what reason is there an obligation? This lens captures the difference between natural rights and positive rights, Rawls's theory of justice (Rawls 1971), the capability approach (Sen 1999, 2009; Nussbaum 2011), and the modern human-rights approach (United Nations 1948, 1966a, 1966b).

Lens 3: Institutional design.

What are the selection, compensation, restrictions, and monitoring systems for offices? It is based on the Weberian Bureaucratic theory (Weber, 1922/1978), the theory of the separation of powers (Montesquieu, 1748/1989; Madison, 1788/2003), the economics of corruption (Becker & Stigler, 1974; Klitgaard, 1988; Rose-Ackerman, 1999), and empirical research on the quality of civil service (Evans & Rauch, 1999; Rauch & Evans, 2000).

Lens 4: Accountability and responsiveness.

How can rulers be held accountable to God, to law and to the people? The typology of exit, voice and loyalty (Hirschman, 1970), the field of good governance (UNDP, 1997; Kaufmann et al., 2010; and Grindle, 2004), and institutional quality (Rothstein, 2011; Fukuyama, 2014) have influenced this lens.

3.4 The sources and limitations of the study

The study draws on the English translations and Arabic editions of Nahj al-Balagha, the major classical commentaries, and, to a lesser extent, scholarship on political theory, Islamic studies, and public administration. It does not seek to resolve a question of authorship (historical-critical) nor can it offer a full constitution, following the directions of a governor in the 7th century. Conclusions, then, are formulated as claims about the text's normative resources and their translatability, not as a blueprint. The translations are also not identical to those used in the study (only brief quotations, for which the exact wording is analytically relevant, are identical).

4. Ontology of Power: Trust, Contract and Non-Domination

4.1 The role of Authority as a Trust (Amāna)

The first step of Letter 53 isn't a theory of the State; it's a theory of the office-holder. But when God allows him to satisfy his carnal desires, the governor is told, at the outset, to fear God, to prefer obedience to God's calls. The opening sets up a vertical relationship: authority is delegated, not owned. The Qur'ānic use of the word trust (amāna): the responsibility of returning the trust to its owner is imposed on the believers (4:58); and bearing the trust is said to be a burden and a difficult, moral obligation (33:72). The classical juristic tradition developed this idea of public office as a fiduciary relationship by likening the ruler to a guardian (walī) of the property of others who are not able to be guardians themselves (al-Māwardī, trans.). 1996; Lambton, 1981; Mottahedeh, 2001).

Unusually, the letter is psychologically charged with the doctrine's practical consequences. It cautions the governor against having a mindset that he is entitled to command and can be obeyed without question, which leads to the erosion of the heart, the flaunting of religion, and the likelihood of a change in fortune. It also reminds him that when his office makes him feel great, he should remember God's incomparably greater dominion over him, which brings him back to his proper size. He must treat God fairly, and he must treat the people fairly: he must treat the people fairly – favorites and favoring the favorites – or he does injustice and makes God the adversary of the oppressor. That's the structural point where he is likely to be most biased is the point he gets closest to, which is the name he gives to that point.

The vertical dimension is easily misinterpreted in opposite directions. One misreading makes it a theocratic assertion that the ruler speaks on behalf of God and so cannot be criticized by human beings. The opposite is true: the letter makes the ruler more, not less, responsible; he is responsible to God and to those under his rule. The other misunderstanding is taking the words of God's judgment as a form of piety, an epilogue to a secular administration manual. This also doesn't work, as the letter keeps going on about the divine accountability as the driving force behind institutional rules, such as on judges, the treatment of people with low incomes, etc., and on the shedding of blood.

4.2 Comparison with Social Contract Theory

The natural interlocutor of Western social contract theory is different forms of social contract theory, in relation to Letter 53, in different ways. According to Hobbes (1651), political authority originates when men in a state of nature transfer their rights to a sovereign to ensure their security; the sovereign is not a party to the covenant and therefore is not liable for breaking it. This absolutism is the exact opposite of what is expressed in Letter 53. But the ruler is not all-powerful; there are limitations or duties imposed upon him, and there is a steady attack upon the sovereignty of the will of the sovereign.

It is an interesting twist, in that Locke is closer (1689). Governmental power is a fiduciary power over the people for their good, which can be taken away from him if he misuses it (Locke, 1689/1988, §§149, 222). Locke's idea of trust is a theological construct that Dunn (1969) shows rests on a natural-law doctrine of constraints on political authority by the Will of God. The structural similarity is not coincidental, for both traditions involve a transcendent source of obligation and a model of office based on trusteeship. The distinction lies in how it is enforced. Locke provides the people with two kinds of protection against the abuse of their trust by the ruler: moral and administrative, as detailed in Letter 53, but not an institutionalized right to remove. Section 10 discusses this.

Rousseau (1762/1997) thinks that sovereignty is in the general will and that rulers are mere agents of the general will. It doesn't say so in this way, but it does say that the approval of the common folk trumps elite approval (Section 4.4). The practice of allegiance (bayʾa) was a ritual of consent, like the accession of ʿAlī, which was a historical and particularly public act of allegiance in Medina, as Madelung has recently noted (1997). The letter does not, however, discuss how consent is obtained, but rather what the power should be used for.

So it makes more sense to say the Letter 53 is a form of government, "mutual obligations" between trustee and community, than a contemporary social contract. This is a horizontal relationship between ruler and ruled – it is clear, but on what basis? Not "the supposed consent of the free people. It is the sharing of the common situation of creatures before God, as both ruler and ruled. Although the texts do not outline a particular method for elections, scholars like Abou El Fadl (2004) and Sachedina (2001) claim that the usage of these concepts as ethical principles of trusteeship, justice and consultation can be best realized through representative and accountable institutions.

The cravings of the flesh are not a source of righteousness. The desires of the flesh are not the source of the righteousness of God.

4.3 Non-Domination and the Rejection of Arbitrary Power

The comparison might be more fruitful to the tradition of the republicans. Rather, Pettit (1997) takes freedom not to be a non-interference condition, but rather one of non-domination: a man is unfree when the will of another man interferes with him, even when this will is kindly and rarely exercised. According to this perspective, the principal political issue is that rulers can cause the loss of life of their subjects, and can do so without adequate check.

This is the psychological core of how much the letter can hold. It always reminds the governor to tame the passion of the heart, to check the edge of the tongue, the speed of the hand; to avoid the very least of chastising when it can be forgiven; to discourage from boasting of his own virtue; to suggest favor to him. All these seek to create dispositions which afford latitude to arbitrary power. The text is not pure-

charity based. It also commands him to maintain the good customs (sunan) of the pious predecessors, not to change their way of doing things, which have led to peace in the community and benefit to the people. He commands him to consult wise men and scholars to maintain peace. This guidance provides order and suggests that changes will not be arbitrary. The letter does not mention formal characteristics of law, but it does emphasize stability and fairness. This focus is reflected in the classic list of the formal attributes of law (Fuller 1964), which lists among its items "generality", "stability, and "non-retroactivity".

If the character of the ruler fails, however, the letter provides no external mechanism to restrict the ruler's power to act at random. What is different in the case of the republican conception (institutional) and the approach of the letter (mainly ethical) is that there is no distinction between them. There is no distinction between a republican conception (institutional) and the approach of the letter (mainly ethical). The comparison suggests that the letter is the moral component of a whole theory of limited government; the institutional component of which is supplied only by the design of the constitution (11).

4.4 Legitimacy by Performance: The Many and the Few

One of the most beautiful paragraphs in the letter prescribes to the governor the most beloved of his concerns, 'those most favorable to justice, most extensive in right, and most apt to general contentment. It explains the satisfaction of the masses as a source of dissatisfaction for the superior classes and vice versa; the satisfaction of the masses justifies the dissatisfaction of the superior classes. When he is at ease, the elite are the heaviest burden; when he is in trouble, they are the least helpful; when he is just, they are resentful; and when he gives them favor, they are the most demanding. On the contrary, it is the people who are known as the pillar of religion, the masses of the Muslims, and the barrier against the enemies, and it is their favor that the governor inclines to be.

The passage expresses what we might describe today as a theory of legitimacy based on a wide range of performance. It is similar to what Scharpf (1999) describes as output legitimacy: acceptance gained through a representative body's ability to provide efficient solutions to citizens' problems, rather than through participatory processes as in input legitimacy. A second implication is that any political economy with a narrow, extractive elite is likely to be unstable and stagnant, while those with inclusive institutions are more likely to be durable (Acemoglu & Robinson, 2012; North et al., 2009). The text also makes a political and moral argument: loyalty to the masses cannot save a ruler who neglects them.

The letter, as opposed to ʿAlī's authority, shows the legitimate authority of the governor based on his appointment, whose legitimacy rests more and more on what he produces, while the authority of ʿAlī was, on the other hand, of a traditional and charismatic nature. It adds another moral component missing from Weber's typology: legitimacy is not only a sense of the authority's legitimacy, but also an objective sense of the justice of the authority's acts. This aligns with Ibn Khaldūn's later statement (1377/1958) that the primary reason for the downfall of a civilization (ʿumrān) is unjust taxation and expropriation.

5 Human Dignity and Pluralism and Restraint

5.1 Global Action for Equality and Social Justice

The most popular sentence of Letter 53 is the one where the governor is advised not to treat his subjects like a beast of prey, but to fill his heart with mercy, love, and kindness towards them; as there are two

types of people: one is a brother of the same religion, and one is an equal, created by God. (Letter 53; Jafery, 1984) There are three things about the sentence that are striking.

First, it creates two overlapping spheres of moral claim: the bond of shared faith and the bond of shared humanity. The second is independent of the first; both of them are ruled by mercy and justice. This is in keeping with the Qur'ānic account of God's elevating the children of Adam above the other creatures (Qur'ān 17:70), man being created from a single soul (Qur'ān 4:1). Man being created from the peoples and tribes that were created to know each other (Qur'ān 49:13). Kamali (2002) and Baderin (2003) have resorted to these verses to defend the idea of karāma (dignity) as the foundation of an Islamic theory of rights.

Secondly, the sentence contains a strong visual image. The warning against being a predator forms part of the metaphor, and it implies the author's concept of power: If the first relation between strong and weak is one of consumption, then it will be one of moral discipline. The idea is upside down from Hobbes' (1651) conception of the state of nature, however. Hobbes sees the danger of predation in the relationship between people; the sovereign's moral and institutional discipline cures it.

Third, the sentence is often compared to Article 1 of the Universal Declaration of Human Rights (1948) of the United Nations: "All human beings are born free and equal in dignity and rights. Comparisons are made because of the resemblance, and care should be taken when making them. The Declaration is grounded in a deliberately open statement that several philosophies and religions can accept (Waldron, 2012), and the letter is theological in terms of the theology of creation. The conclusion that human beings have an equal moral status, which should limit the exercise of power, is the same, but their argument is different, and so is the extent of legal penalties. Philosophically, it differs from the creation-based argument, yet both share the same point: persons are not only means but always also ends.

The teaching of proportionality, forgiveness, and mercy will be taught.

In both its attitude and in its law, the letter is a letter of mercy. The governor is reminded to be forgiving and pitying in the same proportion as he seeks forgiveness from God, not because he regrets giving pardon, does not delight in punishment, cannot see the way to avoid it, or is out of control with anger. The following suggestions are an early (but informal) statement of the principles of proportionality and last resort (where severity is necessary and warranted). Use them only when less severe measures are inadequate. They are based on a familiar saying by jurists: when there is doubt (Hallaq), punishment should be avoided (Kamali, 2008; 2009).

The strongest expressions in that sense that are in the letter are those that refer to the shedding of blood, which goes against the commandment. The governor is advised to be careful not to take the life of another person for any reason: A ruler's life is not a reason to kill, even if it is his own, and killing may be a sinful act. In the current times, the passage clearly rejects extrajudicial execution and sets the ground for lethal force to be governed by the rule of law. Similar to Weber's notion of the state as a 'legitimate monopoly of force' (Weber 1919/2004): the focus is on the adjective rather than the noun.

5.4 Pluralism and the rights of non-Muslims

The original wording of this paper was “the letter has afforded non-Muslims complete protection of life, property and honor as a basic duty of statecraft.” This requires qualification. The first part of this claim is supported by the general principle that all subjects are "brothers in religion", or "equals in creation"

as stated in the letter, and the insistence that treaties and covenants must be adhered to. The second is reasonable in that the obligation of mercy and justice of the ruler is inescapable. However, the text does not include the technical legal jargon of the dhimma and also doesn't provide a detailed analysis of the legal status of non-Muslim populations. For this reason, it is unfair to interpret it as an expression of a system of equal citizenship in the modern sense of the word.

The historical background helps clarify the point. At the time of the 38/658, Egyptians had less than 2 decades of Muslim rule, with a significant number of Coptic Christians and smaller Jewish and Greek communities, as well as Arab settlers and soldiers in the garrison cities (Butler, 1902; Kennedy, 2007). Non-Muslims were required to pay a poll tax and to accept certain restrictions – varying in scope over time and from place to place (Cohen, 1994; Friedmann, 2003) – in exchange for this security of life and property, and for communal autonomy. Given this background, it is somewhat surprising that the letter's language does not address the end of differential status, but instead speaks of the ruler's responsibilities in a broader category that goes beyond religion. This is similar to the effect that the Constitution of Medina (a charter) had on bringing them together as a single political community, including non-Muslim tribes, according to Serjeant (1978).

The implication from Letter 53 is that there is a moral case there to be developed into a doctrine of equal citizenship, which is what current Muslims jurists and political theorists (An-Naʾim, 2008; Sachedina, 2001; Afsaruddin, 2015) have called for, but not a legal equality of citizens of different faiths. This matters for both intellectual integrity and argument and credibility.

In politics, the Letter aligns most closely with Rawls' (1993) "overlapping consensus" concept, which refers to an overlap of basic principles of justice across various comprehensive doctrines, with the proviso that Rawls wants to be independent of any particular comprehensive doctrine. In contrast, the Letter wants to be independent of a particular kind of basic principle. Pluralist message, however: that a religious ethic does not automatically imply religious discrimination in providing protection.

This course will explore the nature of covenants, ethical considerations, and problems of war.

The letter's war/peace portions again stress moderation. If an enemy offers a peace, the governor is not allowed to decline it when God would allow it, because peace gives rest to the armies, relief from anxiety, and security to the land. After a treaty, he must be careful, for perhaps there is something in it that the enemy wants. Still, nothing makes people more in harmony with their ideals than the glory of keeping covenants: Treachery is denounced, even with an enemy. An early expression of the principle which later became a basic rule of international law: pacta sunt servanda (Vienna Convention on the Law of Treaties, 1969, art. 26) and a basic principle of international relations: good faith. It shows that the idea of justice the letter introduces is not limited to political concerns or to the community of believers.

6. Executive Ethics and the Institutional Order

6.1: The moral development of the ruler

It assumes that the institution's character depends on the character of those who manage it, so it gives much attention to the ruler's moral education. The governor is counseled to be moderate in his passion, keep himself to himself, be just to himself, never take pride in himself, never rely on flattery, never mention favors, and never make promises that are not met. He is also cautioned against long seclusion from the populace, for which the text has an image of the narrowness of the ruler's vision, which deprives

him of knowledge of affairs. Thus, the self-examination (muḥāsaba) that Islamic ethics recommends to people is expanded to rulers as an institutional need.

The best correspondents in the Western tradition are Aristotle's virtue ethics, which call for a good ruler to be a good man, and Weber's (1919/2004) ethic of responsibility, which asks the politician to consider the consequences of his acts and to avoid vanity, the “deadly sin” of political life. There are parallels with the modern public ethics frameworks in the United Kingdom (Nolan Principles (Committee on Standards in Public Life, 1995): selflessness, integrity, objectivity, accountability, openness, honesty and leadership); and internationally (OECD (2017) Recommendation on Public Integrity: the focus is on the development of a code of public ethics and the creation of a culture of integrity). The meaning of the letter is to declare that the inner discipline of the office-holder is not a private affair but is a public good.

6.2 Advisers, Intimates and the Problem of Flattery

This is an unusual feature of the letter, its sociology of the king's camp, which we should not ignore. But his worst counselors are those who counsel bad rulers and are engaged in their wickedness, and should not be among his counselors, says the Governor. He should consult with those who are not burdened by oppression, and he should choose as his companions those who say the harsher things that are the truest, even if they are bitter, and who give the least support to any actions that God disapproves of in his friend, whether near or far. He is also cautioned against listening to the counsel of the miser (to be thrifty with others), the coward (who advises him to be cowardly), and the greedy (who tempts him to take oppressive steps).

The instructions refer to a problem that modern organizational theory refers to as 'information distortion in hierarchical organizations': individuals who are at the top of the hierarchy have individuals around them who have interests in pleasing them, rather than informing them. The letter responds to this rule of selection, this rule of access. It also raises conflict of interest issues, such as trying to let the relatives, retainers, and favorites have control over the resources, or to let them remain untouched by the law; it seems there is a warning that a lesson is to be drawn from the latter, but it is not actually made clear. The governor is ordered to return what such people have acquired, even if it is near him. Empirical analyses of corruption corroborate that corruption by close associates of power is one of the most harmful forms of institutional decay (Rose-Ackerman, 1999; Fukuyama, 2014).

6.3 The Judiciary

The letter summarizes the judges as one of the ruler's most important duties. He must be the best that the subjects can be; he must not be so overpowered as to be overborne; he must not be so irritated as to be provoked and deterred; he must not persist in error; he must be most cautious when in doubt; he must be most determined in following the evidence; he must be most notisified by the disputes of the litigants; he must be most patient in clarifying matters; he must be most decisive when the judgment becomes clear. The ruler, in addition to his duty to take away the judge's material need by providing him with generous provision, is also told to give him a position with the ruler that no member of the ruler's household can aspire to, and to review his judgments regularly, so that he is no longer subject to the machinations of men.

The text thus provides the essence of a theory of judicial independence: moral and intellectual skills; financial security and protection from the power of others. The points made by modern instruments are

the same, but are expressed in other language. The United Nations Basic Principles on the Independence of the Judiciary (1985) provide that judges are to be "properly remunerated," have "security of tenure," and protection from "interference," and that the Bangalore Principles of Judicial Conduct (2002) state that judges are to be independent, impartial, and have integrity and propriety, and are equal and competent. The classical liberal argument (from Montesquieu (1748/1989, Book XI, ch. 6) to Hamilton (1788/2003, Federalist 78)) is that when the judging function is not removed from the executive power, liberty is endangered, and that judicial independence is valuable because it increases the credibility of legal commitments (Landes & Posner, 1975).

However, careful reading reveals some limitations. The judge is set and tested by the ruler and thus is not structurally autonomous. The text is designed to shield the judge from the ruler's courtiers, but not the ruler. This is similar to the early Islamic judicial system, where qāḍīs were appointed through political authority, established professional norms, and, over time, gained a certain degree of independence based on the juristic tradition (Tyan, 1960; Hallaq, 2009). The letter establishes no precedent for modern constitutionalism, but for judicial independence.

6.4. The Officers, Pay and Oversight Committee.

The letter discusses four instruments for treating administrators: careful selection, suitable remuneration, ongoing monitoring, and sanctions for breach of trust. Favoritism or personal preference should not be the basis for choosing officials, because they are the root of tyranny and betrayal. The wise and modest, those who come from good families, who have been engaged in service to the community from earliest childhood, should be chosen as their leaders; their characters are more honorable than those of others, and their reputations are more secure; they are less subject to temptation by avarice. They ought to have a generous salary – taking what is not theirs is no justification for not having a good salary. The governor must also place observers (ʿuyūn) over them, men of truthfulness and loyalty, whose reports will deter officials from breach of trust. If it is known that an official has broken a rule and the report is substantiated, the ruler will take appropriate action to punish him, and should record his dishonesty.

This design is well justified by the empirical literature. In a study of 35 developing countries, Evans and Rauch (1999) showed that states with predictable, merit-based career structures grow faster, while Rauch and Evans (2000) showed that merit recruitment correlates with higher bureaucratic performance. Becker and Stigler (1974) suggested that corruption is curbed when enforcers are well paid, penalties are credible, and accountability is enforced. Klitgaard (1988) stated it in a simple formula: corruption equals monopoly plus discretion minus accountability. Van Rijkeghem and Weder (2001) discovered that the higher the pay of civil servants, the less corrupt the government is, but this effect is weak; Di Tella and Schargrodsky (2003) discovered that the increase in wages of public hospital employees in Buenos Aires was associated with a decrease in corruption, and that this effect was present only when the wages were monitored. In a field experiment in Indonesia, Olken (2007) found that a greater likelihood of external audits significantly reduced leakage of public funds. Together, these findings support the letter's twin prescriptions for fair wages and independent oversight: both are necessary.

Two key points stand out. The letter's preference for officials from certain families with established, respectable names reflects a social bias. In modern terms, it would run counter to the merit principle this letter espouses, and it would need to be replaced with open, competitive processes. It may reflect the real need for trustworthy networks in a society that lacked formal credentials. Still, in modern terms, it would be a denier of the merit principle for which this letter stands. Second, the covert observers (ʿuyūn) raise questions about privacy and due process. Their modern counterparts, supreme audit institutions of the type recommended in the Lima Declaration of INTOSAI (1977), ombudsperson offices and anti-corruption agencies, have statutes which safeguard the rights of the officials themselves. Translation thus needs to be institutionalized and placed under the rule of law, given its oversight role.

6.5 The Army and the Interdependence of Classes

The Letter makes the armed forces the bulwarks of the subjects, the ornament and boast of rulers, the might of religion and the pillar of security. It then makes a striking argument about the interdependence of all of the social orders: the subjects can stand only through the army, the army can stand only through the revenue that God has provided for it, the revenue can stand only through the land tax, and the land tax can stand only through the development of the land. The commanders have to be those who most truly love the Lord and the prince, who are most patient, most slow to anger, most lenient to those who err, who are most tender to the feeble, and most resolute towards the strong. The soldiers should be paid well so their families' needs can be met and their minds kept from distraction.

This is similar to Durkheim's (1893/1984) sociological discussion of functional interdependence (organic solidarity) in complex societies and to Tilly's (1990) historical interpretation that military power and taxation were closely related to the development of state institutions. But the letter includes a moral constraint: the army is meant to protect, not dominate. The letter raises questions about the nature of commanders and their material security; this could be read as a forerunner of the modern idea that professionalism and remuneration reduce the risk of armed forces turning against the polity, as in Huntington (1957) and Finer (1962). The expression ‘subordination to civilian stability' in the original draft should be read in this limited sense; it is not a modern concept of civilian control as it is known in the constitutional law of contemporary states.

6.6 Summary: A Functional Map of the Institutional Order

The following table summarises the institutional analysis by identifying, for each office, the functional problem that the letter addresses, the solution it proposes, and the nearest modern analog.

Office	Functional problem	Solution in Letter 53	Modern analogue
Ruler	Arbitrary will, vanity, isolation	Self-discipline, humility, regular public access	Codes of conduct, integrity systems
Advisers	Flattery, conflict of interest	Selection of truthful advisers, exclusion of the corrupt and greedy	Ethics rules, conflict-of-interest law
Judges	Corruption, influence of the powerful	Qualification, ample pay, protected status, review	Judicial independence and codes of judicial conduct
Officials	Venality, patronage	Testing, merit, generous pay, observers, sanctions	Merit-based civil service, audit institutions

Army	Abuse of force, discontent	Moral selection of commanders, adequate pay	Professional military, civilian oversight
Scribes and records	Information control, forgery	Selection of the best, supervision	Records management, transparency law

The table shows that the letter works functionally: it addresses recurrent administrative pathologies with a combination of moral and structural remedies, and in this respect it is relevant to the contemporary study of institutional integrity.

7. Revenue, Markets and the Protection of the Vulnerable

This section covers demand and markets, as well as the protection of the weak parties. This section includes the protection of the weaker parties and demand and markets.

7.1 Development Before Taxation

The fiscal philosophy in the letter starts with a priority ordering. The governor is told to attend to the land tax (kharāj) in a way that benefits those who pay it, since the welfare of everyone else depends on it, and that he should look to the development of the land (ʿimāra) more than to the collection of tax, because revenue cannot be obtained except through development; whoever demands revenue without development ruins the land and destroys the people, and his rule will not last long. When the people say: "our land is blighted, and our lives are difficult; give us some respite; give us food in abundance," he shall look at the land and at the sky and see that it is green, and then he shall grant them respite, and give them food in plenty, and consider the respite a benefit to himself, for the land is a blessing given to him. When complaints of poverty are made, they often rest on rulers' attempts to obstruct resources, their greed, or their failure to trust that the ruling is permanent.

The passage presents a political-economic argument. Over-extraction and instability compromise the productive foundation that underpins revenues. Ibn Khaldūn later expressed this intuition more generally (1377/1958), arguing that in agriculture, heavy taxation disincentivizes enterprise and ultimately reduces revenue, whereas moderate taxation incentivizes production and increases revenue. A related point is emphasized by contemporary scholarship on taxation and state-building: the link between the manner of revenue collection and the demands for accountability has an impact on the quality of governance, as taxpayers who perceive that they are treated fairly and that their taxes are used for public good are more likely to submit to taxation and to hold government accountable for its actions (Brautigam et al., 2008; Tilly, 1990). The letter reflects a fiscal bargain between rulers and the ruled through its focus on the relief provided by those in power during times of trouble and on rulers' responsiveness to complaints.

7.2 Merchants and Artisans, and Hoarding Prohibited

The letter recognizes that the merchants and artisans are a valuable part of society. The governor is directed to give them good advice, and to treat them well, both settled and on the move, because they are the source of benefits, the dispensers of conveniences and the source of goods from the farthest and inaccessible lands. Meanwhile, he is informed that many of them are narrow-minded, stingy, and lovers of accumulation (iḥtikār) and that it is harmful to the people and dishonorable to the ruler to withhold goods to profit from shortage. But if anyone does one of these things, even after he has been forbidden, he is to be punished, but moderately and not in excess. The ruler is also informed that

transactions must be easy and that measures and prices must not be incorrect for either the seller or the buyer.

The original draft referred to this as “price controls”; however, the text is more specific. It does not prescribe a full system of administered prices, but forbids hoarding and manipulation, demands justice in weights and prices, and permits adequate sanctions. In fact, the classical Islamic tradition was divided on price-setting (tasʿīr): some allowed it only in exceptional circumstances, while others, like Ibn Taymiyya (trans. Meeks and Holland (1982), who maintain that the authorities can step in when market abuse disturbs the process of developing a just price. The letter should be read as an early statement of a principle modern law articulates in competition law and consumer protection: markets are valuable, but they are also vulnerable to exploitation by those who control supply. The state has a responsibility to ensure they do not. (Tripp, 2006). The text strikes a balance more in keeping with a regulated market economy than a command economy.

7.3 The Lowest Class: A Duty Towards the Vulnerable

The subject of this session is the duty to care for the 'lowest' classes. This session focuses on the duty to care for the 'lowest' classes.

The poor section is one of the most striking in the letter; its rhetorical organization is clearly discernible. The governor is told to fear God about the lowest class, those who have no means, the destitute, the needy, the afflicted, and the disabled. He is informed that God has given them a right (ḥaqq) which he must protect, that he should allot for them a portion of the state's funds (bayt al-māl), and a portion of the fruits of the state lands in every part of the land, for the farthest of them is equal to the near one, and that he must maintain the right of the farthest as well as the right of the near one. He is not to be diverted from them by the lure of vanity, for he will not be held accountable for the little things, because he has done the big things. He should not reject them in disgust, and he should be very careful over those who are despised by the eyes and do not receive attention, by placing an honest, pious, and humble man to bring him the news of their state. Additionally, the governor is responsible for the care of orphans and the elderly who have no means and cannot present themselves to ask for it," the text continues.

Three aspects of the text are worth stressing. The language of right (ḥaqq) is clear, but the right is stated as something set up by God through the treasury. Second, the text acknowledges the information problem of welfare: the poorest are least likely to petition, and the State must go out and find them. Third, the text emphasizes geographic equity: the far equals the near. These principles align with contemporary understandings of social protection, which emphasize outreach and universal coverage (ILO, 2012), and with the right to social security and an adequate standard of living in the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966b, arts. The Convention on the Rights of Persons with Disabilities (United Nations, 2006) and the Convention on the Rights of the Child (9 and 11).

The original draft's assertion that the letter gives rise to an “enforceable legal right” to welfare needs nuance. A responsibility of the ruler and a right of people with low incomes based on divine command and structured in the terms of ḥaqq. Another issue the letter does not directly address is that of justiciability, or whether the claim could be enforced by people experiencing poverty themselves in

court, which would depend on the subsequent evolution of the legal system. In modern Islamic economic thought, al-Ṣadr (1961) has made an argument that the state has a responsibility to ensure a basic minimum standard of living for all according to the principles of social mutual responsibility (takāful ijtimāʾī) and economic balance, and Chapra (1992) has made the same argument based on the objectives of the law. A critic, however, argues that the historical account of Islamic economic institutions is mixed (Kuran 2004), and this strengthens the case for distinguishing aspiration from performance.

7.4 Theories of justice: Rawls, Sen and Marshall

The reference to Rawls's (1971) Difference Principle, included in the original draft, is illuminating but needs precision. The Difference Principle permits social and economic inequalities only when they benefit the least advantaged members of society and is subject to a framework in which basic liberties and fair equality of opportunity take precedence. The underlying premise of the letter is the same as Rawls's: the condition of the worst-off should be the standard for judging the justice of the institutions, and it is expressed in this way: the ruler must attend to the needs of those who need the most. There are three differences. First, it does not present a principle that can justify inequalities; it takes a functionally divided society and makes it necessary that the powerful do not exploit the weak. Secondly, it lacks Rawls's first principle of liberty. Thirdly, its support is theological, not based on a hypothetical contract behind a veil of ignorance. The connection is therefore partial: it shares the object of concern (the least advantaged), but not the structure or justification.

Another point of comparison is Sen's (1999, 2009) capability approach. For Sen, development is about the growth of people's actual freedoms, and justice should be judged by what people can actually do and be, rather than by resource distribution. The letter's focus on the reality of poor people, on their inability to access the ruler, on their disability, their age and their dependence, and their call to care for those the eye cannot see, fits with a capability perspective. One possible list of central capabilities that Nussbaum (2011) proposes as a minimum standard of dignity that a state should guarantee includes life, bodily health, and affiliation and control over one's environment. Marshall's (1950) definition of a social citizen, who has a right to a degree of economic welfare and security, provides a historical parallel to the notion that citizenship entitles them to access the resources of the community.

8. Access, Transparency and Accountability

8.1 The Open Session

One of the most remarkable administrative directives in the letter concerns public access. The governor is instructed to devote some of his time to the needs, to sit with the needs in a general assembly, to be humble before God who created him, and to remove his soldiers, guards and police so that the spokesman of the petitioners can speak to him without stammering. The letter gives the reason, quoting a hadith of the Prophet (s) which states that a community that does not allow the weak to get their rights from the strong without stammering is not sanctified. The governor is asked to endure the harshness and unpolished speech of the petitioners and not to "be constrained," not to be "arrogant," and to "trust that God would be merciful to him in return. He should also personally settle its matters not settled by his officers and should end the work of the day on that day.

The writing is quite contemporary in its understanding of "the psychology of access. The ruler is not just mandated to be available; he is mandated to remove the intimidation that makes access meaningless.

The teaching establishes a voice channel that diminishes the need for exit or revolt, in Hirschman's (1970) terms. It also serves an informational role, as Sen (1999) argues: the press reports a population's suffering, the public complains about it, and rulers with weak information incentives are more likely to suffer disasters like famines. Similar concepts appear in modern legal systems, such as freedom-of-information laws, citizen complaint mechanisms, ombudsman institutions, and provisions of the United Nations Convention against Corruption (2003) on public reporting and the participation of society (arts. 10 and 13).

The open session of the letter should not, however, be confused with what is meant nowadays by a participatory institution. It doesn't provide public access to complain or ask questions of the ruler or to be involved in decision-making, or in the choice of rulers or the management of policy. In public administration, it's more an instrument of responsiveness than participation. This difference has implications for the evaluation in Section 9.

8.2 Layers of Accountability

As Schedler (1999) breaks it down, accountability has two basic aspects: answerability, the responsibility of officials to inform and explain their actions, and enforcement, the ability of a body to enforce sanctions for misconduct. O'Donnell (1998) identifies two types of accountability: vertical accountability, the accountability of citizens and the electorate, and horizontal accountability, the accountability of one state institution to another. Using this analysis, we can describe three layers in this letter.

1. Moral-eschatological accountability.

The ruler is responsible to God, and the language of reckoning is throughout the letter. This layer emphasizes accountability and relies on internal conviction for enforcement.

2. Administrative accountability.

The ruler is accountable to officials through observation, conduct, and punishment mechanisms. It is a type of hierarchical, internal control with real enforcement power, but it is not independent of the ruler.

3. Social accountability.

The public holds the ruler accountable through open sessions for petitions and the ruler's sensitivity to the feelings of the masses. This layer has good accountability, but is not well formalized for enforcement.

So the bottom line is: The letter is answerable; it's rather weak on enforcement. This lopsidedness explains why the text is persuasive as an ethical charter but not as a constitutional design. It also examines the significance of augmenting it with horizontal institutions, as described by O'Donnell, such as courts of review, independent audit bodies, and legislative scrutiny, and vertical institutions of electoral accountability.

8.3 Information, Correspondence and Records

The letter focuses on the process of communication. The Governor should consider the character of those who compose letters for him, and appoint the best of them to his most important letters and most confidential affairs; and that he will not trust those who flatter him with the most important and private matters. He should select them after testing, not based on his personal good opinion of the person, because people show themselves to rulers in an attractive way by outward show and service. The letter states that these secretaries should not be permitted to overlook minor points of financial administration or become negligent in registering obligations and agreements. This anticipates the modern theory of

administration called records management and information 'integrity': the reliability of information depends on the reliability of the documents.

9. Systematic Comparison with Modern Governance Frameworks

9.1 The UNDP and UN-ESCAP Characteristics of Good Governance

The United Nations Development Program (1997) defined governance as the exercise of political, economic and administrative authority to manage the affairs of a country, and a set of characteristics of good governance, which was later popularised as eight attributes, by the UN Economic and Social Commission for Asia and the Pacific (2009). The following table measures the extent of support for each attribute in Letter 53. The assessment is qualitative and reflects the textual analysis in sections 4–8.

Attribute of good governance	Support in Letter 53	Assessment
Participation	Consultation of scholars and the wise; petitions from the public; no mechanism of representation	Partial
Rule of law	Stable customs, justice for all, judicial independence in principle, restraint on bloodshed	Substantial, but without a hierarchy of norms
Transparency	Open sessions, supervision of scribes, accurate records; limited public disclosure	Partial
Responsiveness	Dedicated time for petitioners, outreach to the poor, relief in disasters	Strong
Consensus orientation	Priority of general contentment, preference for peace, avoidance of factional rule	Substantial
Equity and inclusiveness	Equal creation, geographic equity, special care for the weak; no explicit legal equality of all faiths and genders	Strong in principle, incomplete in law
Effectiveness and efficiency	Development before taxation, merit selection, testing of officials, daily completion of tasks	Strong
Accountability	Divine, administrative and social layers; no enforceable independent mechanism	Partial

The table shows that the letter is strongest on *effectiveness, responsiveness and equity*, which are the dimensions of governance concerned with delivery and care, and weakest on *participation and enforceable accountability*, which are the dimensions concerned with the institutional channeling of citizens' power. This pattern recurs across the comparison and is the key to evaluating the text.

9.2 The worldwide governance indicators and the sustainable development goals

The World Bank's Worldwide Governance Indicators are six measures of governance: voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, control of corruption (Kaufmann et al., 2010). Applied to the letter, it speaks most directly to government effectiveness (merit, testing, development), control of corruption (pay, oversight, conflict of interest, restitution from the entourage), and the rule of law (judges, restraint on force, fidelity to covenants). This reminds one of the political stability aspect of its argument that says that discontent of masses is the biggest threat to a regime and the aspect of regulatory quality as it prohibits market abuse.

It says the least about voice and accountability in the narrow sense of electoral participation. This could be read as a short set of priorities to be achieved with the emphasis placed on the core institutions of justice, integrity and care, and reinforces Grindle's (2004) argument for “good enough governance”, which encourages developing countries to focus on a smaller number of achievable governance reforms rather than a comprehensive ideal agenda.

Goal 16 of the Sustainable Development Goals set by the United Nations is "Promote peaceful and inclusive societies, ensure access to justice for all and build effective, accountable and inclusive institutions at all levels". Targets 16.6 (effective, accountable and transparent institutions), 16.7 (responsive, inclusive, participatory and representative decision-making) and 16.10 (public access to information and protection of fundamental freedoms) are close to the themes of the letter, again with the same pattern: there is strong resonance with the target on effectiveness, responsiveness and access to justice, while there is partial resonance with the target on participation.

9.3 Weberian Bureaucracy Revisited

In the original draft, the letter is contrasted with Weber's description of bureaucracy, stating that the letter gives personality to bureaucracy. The comparison may be further clarified. Weber's ideal type of bureaucracy (1922/1978) has hierarchy, rules, separation of office from person, specialization, and qualification. The letter confirms some of these: qualified appointments, the importance of written records, and a hierarchy of functions. It is not a typical representative of the type. It calls for officials to treat people as people, not just as cases, particularly vulnerable individuals, and it also brings the official's personal moral actions into the public agenda. Second, it does not isolate or separate the ruler from the practice and use of formal procedures.

The difference to Weber should not be exaggerated. But Weber's ideal type is not normative; defenders of bureaucracy, including du Gay (2000), maintain that it reflects the ethos of impersonality, or equal treatment and the absence of favoritism. But Lipsky (1980) shows that first-line officials cannot avoid discretion, and the quality of public service depends on how they exercise it. A focus on compassionate discretion, coupled with a clear rule-bound hierarchy, serves to resolve a tension in public administration that may, but does not necessarily, exist between the two, thus satisfying it. Without rules, mercy can turn into favoritism, and the letter itself condemns favoritism. The practical lesson is that discretion must have both a moral dimension and institutional constraints; this confirms a balance between Weberian and Islamic ethical approaches.

9.4 A Comparative Matrix

The following matrix summarises the comparison across the four analytical lenses introduced in Section 3.3.

Lens	Letter 53	Modern frameworks	Convergence	Divergence
Legitimacy	Trust under divine order; test by justice and mass welfare	Consent, representation, performance	Fiduciaire view of office; output legitimacy	No electoral mechanism; theological foundation
Justice and rights	Equal creation; care for the lowest class; mercy	Human rights, difference principle, capabilities	Priority of the vulnerable; dignity	Justification; legal enforceability; gender and faith equality unaddressed
Institutional design	Merit, pay, observers, qualified judges	Weberian bureaucracy, judicial independence, audit	Pay plus monitoring; selection by competence	Ruler appoints and reviews all; no separation of powers in structure
Accountability	Divine, administrative and social	Vertical and horizontal accountability	Answerability and access	Enforcement; removal; independent oversight

10. Critical evaluation and Limits of the Text

Any scholarly study should challenge the thesis. Based on this, this section identifies five major constraints of Letter 53 as a basis for a theory of statecraft.

The first problem of the benevolent ruler.

The letter depends heavily on the personal virtue and self-discipline of the individual holding power. In political philosophy, Popper (1945) took issue with this approach, preferring to ask how institutions might be structured so that bad rulers do not do too much harm. The letter offers a measure of institutional protection, but it provides no way to remove a ruler who disregards it. The antidote to the text's moral dimension, which is a valuable insight, is to add the constitutional features Popper favored: periodic elections, the separation of powers, judicial review, and peaceful removal.

Second, the absence of procedures for participation.

The letter mentions consultation with scholars and the wise, but it does not otherwise define what is consulted, how, or to what extent. Modern thinkers have taken the Qur'anic principle of consultation (shūrā, Qur'ān 3:159 and 42:38) and extended it to the foundations of representative institutions (Abou El Fadl, 2004; Esposito & Voll, 1996), an interpretation that goes beyond what the Qur'ān says.

Third, the idea of a hierarchical society.

The letter divides society into orders organized by function, including soldiers, scribes, judges, officials, taxpayers, merchants and artisans, and people experiencing poverty, and this division is similar to the structures of Sasanian estates (Christensen, 1944; Lambton, 1981). The text says they all depend on each other and calls for justice for all, but a working hierarchy can be interpreted as a rationale for inequality. A modern reading should focus on the ethical aspect of the interdependence and equal dignity of all

persons that the text contains, and question any application of the social taxonomy it may contain to exclude persons from rights.

Fourth, silences on gender and on the legal situation of religious minorities.

The letter does not address women's public roles and, as mentioned in Section 5.3, it contains no legal provisions for equality among citizens of various faiths. Recent work on Islam and gender (Mir-Hosseini, 1999) and citizenship (An-Naʾim, 2008) reveals that these themes are fundamental to any modern understanding of just government. Such a statement would then be unsound. It is significant as a base for principles of equal dignity which need to be supplemented by juristic and legislative arguments.

Fifth, the gap between text and practice.

Mālik never ruled any Egyptian empire, and the letter was not put in the Egyptian administration that it was written for. The text does not say what a government actually did; it says what a just government should do. The gap between idea and reality appears in the relationship between aspirations and achievements in many political texts, both past and present, from Plato's Republic to major constitutional declarations. This should not detract from the text's intrinsic value, but it should make claims about the text's historical influence more cautious.

In the original draft, there is a sixth methodological objection.

Namely the assertion of the universal. The principles of the letter can be said to have universal relevance, in that they tackle common issues of power - arbitrariness, corruption, neglect of the weak, flattery - and this is corroborated by the similarity with independently developed theories and with empirical findings (Section 6.4). However, there is no universal blueprint – universal relevance does not exist in isolation. What can be transferred are questions and constraints, not institutions.

11. Implementation: From Normative Principles to Institutional Design

11.1 A Method of Translation

The two extremes one might fall into when applying a seventh-century text to a modern state are literally copying institutions from the past and abstracting the text into a few slogans. There's a way between them, and it's the juristic method of maqāṣid al-sharīʿa, the higher objectives of the law. Al-Shāṭibī (d. According to 790/1388, law serves purposes, including the preservation of life, religion, intellect, lineage and property, which guide the interpretation and application of particular rules, and contemporary authors have applied this line of reasoning to other issues such as justice, rights, development and public welfare (Ibn ʿĀshūr, 1946/2006; Auda, 2008; Kamali, 2008). The following is a four-step procedure that can be applied to Letter 53:

1. State the principle the instruction conveys (i.e., the principle that it is wrong for one to put pressure on a judge).
2. Recognize its functional problem (e.g., power-capturing courts).
3. Choose one of the modern institutions/instruments that are most suitable for the problem in the given context of a particular society, for instance, constitutional safeguards of tenures and independent judicial councils.
4. Provide missing information (e.g., information on how to join or leave, or how to resolve), and demonstrate a testable result.

11.2 Mapping Principles to Modern Instruments

Principle in Letter 53	Functional problem	Modern instrument
Judges chosen for merit, well paid, shielded from the entourage	Capture of courts	Security of tenure, judicial councils, transparent appointment (United Nations, 1985; Bangalore Principles, 2002)
Testing, merit and generous pay for officials	Patronage and venality	Competitive civil-service recruitment, pay scales, codes of conduct
Observers over officials, punishment of breach of trust	Impunity	Supreme audit institutions, anti-corruption agencies, ombudsman, whistleblower protection
Share of the treasury for the poor in every region	Exclusion of the vulnerable	Social protection floors, targeted outreach (ILO, 2012), disability rights frameworks
Prohibition of hoarding and unfair dealing	Market abuse	Competition law, consumer protection, market surveillance
Open sessions without barriers	Distance between rulers and ruled	Freedom-of-information laws, public hearings, digital access and complaint systems
Restraint on bloodshed, fidelity to covenants	Abuse of force, bad faith	Constitutional protection of life, due process, treaty compliance
Reliance on the satisfaction of the many	Elite capture	Inclusive budgeting, participatory planning, independent media

The fourth step, which supplies the text's missing elements, involves elections, representative assemblies, judicial review, term limits and impeachment. These are not found in the text, but they align with its premises of trusteeship, justice, consultation, and the rejection of arbitrary rule, and many modern Muslim thinkers have defended them on that basis (Abou El Fadl, 2004; Sachedina, 2001; An-Naʿim, 2008; Soroush, 2000).

11.3 Empirical Echoes

The experience of fighting corruption has shown that the mix of recommendations that the letter recommends – competent selection, fair compensation, independent oversight and credible consequences – is typical of the most effective experiences. The Independent Commission Against Corruption (ICAC) of Hong Kong, which was set up in 1974, was a model that combined investigation, prevention and public education, while studies of the civil service in Singapore found that a combination of competitive recruitment, pay based on private sector levels and strict enforcement was studied and found useful (Quah, 2011). These examples are not from Letter 53, but they show that the intuitions expressed in this letter align with the best available comparative evidence.

11.4 A Diagnostic Test for Claims of "Islamic Statecraft"

Last but not least, it recommends a package of diagnostic questions to test any government that claims Islamic legitimacy, but not any specific institutional structure. These questions exemplify the application of the criterion of legitimacy as justice in practice outlined in the letter.

1. Does public power act as a trust, and are there effective boundaries upon arbitrary rule?

2. Do all people, regardless of religion, ethnic group, or class, have equal dignity, and is force used within the limits of the law?
3. Do judges get appointed for their ability and integrity, and are they shielded from pressure?
4. Is impartial selection of public officials, adequate remuneration, supervision, and punishment for improper behavior in office fulfilled?
5. Is the monopoly and hoarding prevented in markets and is productive enterprise ensured?
6. Are the poor and disabled given a secure, accessible, and rights-based access to public resources?
7. Are ordinary citizens able to approach decision makers without fear, and hold them accountable?
To be a genuine Islamic state, a government must meet these conditions; if it does not, it cannot pick and choose which religious symbols it can adopt. A government that fulfills them, but does not do so religiously, by the same standard would satisfy the content of the ideal, though not the formal nature of the religion, which is outside the scope of government and is a question for the interest of theology and constitutional law.

12. Conclusion

This study asked: Is it possible to identify proper Islamic statecraft from the basis of Letter 53 of Nahj al-Balagha? Qualified Affirmative analysis. It states in a compelling way and psychological verisimilitude a vision of governance where power is a trust, human beings are equal by reason of creation, the nature of the officeholder is a public matter; institutions of justice, administration, defence and the market are oriented towards the common good; and the legitimacy of the office is determined by that of the many and the weak. Its institutional features, particularly merit, fair pay and independent oversight, are supported by the most recent scientific literature on public administration and corruption, and its focus on access, mercy and restraint conveys other aspects of public governance that are not reflected in formal models.

Furthermore, the analysis shows that one should not have an unbounded claim. The letter is not a constitution; it is a normative charter. It lacks citizen participation, a mechanism to remove rulers, legal equality for all faiths and genders, and an accountability system that does not depend on the ruler. Statements in the original draft of this paper which were related to price control, enforceable welfare rights, and a universal framework have been modified accordingly. Not only is the Islamic statecraft that this letter advocates one, but the criteria of which it is made are moral and practical and can apply to any government and must be adhered to by modern thought in the light of experience, if that is what that thought must have.

Three directions for future research are outlined below. Comparative philological research of the primary sources, as well as the history of transmission of the manuscript, will also improve the text-critical basis of the study of the Letter 53. Second, a series of empirical tests in specific countries could assess whether reforms implemented in line with the principles identified in the letter affect governance outcomes, namely the measures identified in the agenda. Third, normative research is needed on how the principles of trusteeship, consultation, and justice can be operationalized in a model of constitutionalism based on democracy and rights in Muslim-majority societies, in engagement with other traditions. In all of these ways, the letter will prove to be a singular and enduring resource: a

reminder that "the quality of a state is not judged by how much it insists on being just, but rather by how just it is in its treatment of those at the bottom of the heap.

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