The Long History Of Legal Codes

March 22, 2020 Category: History
Download as PDF

People have been composing tracts outlining formal political systems since the Bronze Age. As a point of departure, it's worth surveying some of the earliest instances.

The oldest written legal code is the "sebayt" [instructions for just rule] by the Egyptian vizier, Kagemni for Pharaoh Sneferu c. 2600 B.C. It seems that Egyptian pharaohs Hapshetsut and Akenaten also had formalized legal codes. And the "sebayt" of Egyptian vizier, Ptah-hotep for Pharaoh Djed-kare Asosi [alt. "Izezi"] was engraved c. 2400 B.C.

In Mesopotamia, the "sebayt" of a Sumerian king of Shuruppak (pertaining to the son of Ubara-Tutu) was composed in the 26th century B.C. Later, the Sumerian ***code of Ur[u]-kagina*** (written for a Sumerian community called "Umma" by the king of Lagash) was composed in the 25th or 24th century B.C. The most notable feature of that legal code were its anti-corruption statutes. Interestingly, for Ur[u]-Kagina, the prevailing theme seemed to have something to do with the just nature of the godhead (as illustrated by the mantra of Shamash). In other words, the chief deity was the source for (basis of) all justice; all we had to do was heed his commands. That was over a thousand years before the commandments were purportedly delivered to Moses…which was itself over seven centuries before Hebrew scripture was eventually composed (during the Exilic Period). And it was THREE MILLENNIA prior to Mohammed's fabled constitution in the Arabian oasis town of Medina.

Those treatises on governance were followed by the "sebayt" for Pharaoh Merykara (21st century B.C.)…and then the "sebayt" by Pharaoh Amenamhat for his heir (20th century B.C.) The contents of the latter would be adopted twelve centuries later by the Kushite (Nubian) king, Piye of Napata.

When it comes to Abrahamic lore, a question arises: Shall we suppose that Yah-weh had a hand in any of this? That is, did the Abrahamic godhead intercede so many centuries before Abraham himself would have even lived? If not, then what, might we suppose, was going on?

Another way to pose this query: Was compassion for the needy anything new when the authors of the new Testament enjoined their audience to help the poor, the orphan and the wayfarer? No. Such sentiments–indeed: such social imperatives–had existed since the earliest civilizations. A Sumerian hymn went as follows: "Who knows the orphan, who knows the widow, knows the oppression of man over man, is the orphan's mother, Nanshe, who cares for the widow, who seeks out justice for the poorest. The queen brings the refugee to her lap, finds shelter for the weak."

In Mesopotamia, the ***code of Ur[u]-kagina*** was only the beginning. From the 23rd century B.C., we find indications (ref. inscriptions on the Sargon Epos) of how the first empire in history, that of the Akkadians (in Mesopotamia), was governed. Also worth recalling were the codes of…

- ***Ur-Nammu*** (late 22nd / early 21st century B.C.)
- ***Eshnunna*** (20th century B.C.) {1}
- ***Lipit-Ishtar*** of Isin (19th century B.C.)
- ***Hammurabi*** of Babylon (18th century B.C.) {1}
- ***Nesilim*** of Hattusa [land of the Hatti] (17th century B.C.)

Each of these in some way proclaims that its laws are ordained to effect justice and facilitate the commonweal. Notably, the code of Ur-Nammu sought to "establish equity in the land" amongst all people, while aiming to "banish malediction, violence, and strife"; all in the name of the pre-eminent Sumerian deity, "Utu". From what we can surmise about archaic Babylon, even those in a position of indentured servitude (alt. slaves) were able to own private property, buy their freedom, and even run their own businesses. Chattel slavery was quite rare.

The renown Code of Hammurabi permitted slavery under certain conditions, but had strict rules against the maltreatment of anyone who was in a position of servitude. The code stipulated conditions under which slaves were to be freed, including when they married non-slaves. It allowed slaves to own private property, and even their own small businesses. Moreover, slaves could purchase their own manumission.
Thus any enslavement that may have existed was effectively indentured servitude, not chattel slavery.
Incredibly, Hammurabi's code also instituted a minimum wage for labor.

Even during the Iron Age, Babylonian (read: Assyrian) society granted women far more rights than sharia law in Muslim countries grants EVEN TODAY; and it empowered women more than the Roman Catholic church ever did. In the Assyrian Empire, women could own–as well as buy and sell–land, operate small businesses, and testify in court as equals to men. (Work on the democratic element of Assyrian society has been done by Thorkild Jacobson at the University of Chicago. For more commentary on women's rights in different cultures throughout history, see my three-part series on Female Empowerment.)

To keep this timeline in perspective, it is worth nothing that this was all well over a millennium prior to the composition of the earliest Judaic scripture, Deuteronomy: arguably the most tribalistic, genocidal tract ever composed.

In the 15th century B.C., the ***Hittite code of law*** (originating from Hattusa, Kussara, or Kanesh under King Telipinu) included prohibitions against assault and theft. It also included terms for public service, contracts, taxes, and tariffs; as well as guidelines for marital relationships. It would still be almost a thousand years before Mosaic law was formalized by scribes in Babylon.

Speaking of the Judaic decalogue: The material in Deuteronomy (and in the Book of Joshua, for that matter) seems to have been cribbed directly from a Hittite treaty between the king of (the land of) "Hatti" and the Assyrian king, Tuppi-Teshub of (the land of) Amurru from the late 14th / early 13th century.
(Note that "Torah" just means "legal instructions"; and Mosaic law did not become relevant in Judaic lore until after the early prophets ("Nevi-im")–that is: not until the Mishnaic period. Certainly kings David and Solomon were not aware of the commandments–as neither of them either mentioned them…OR, for that matter, even followed them. {2}

Meanwhile, in Egypt during the so-called "Amarna Period", it seems that both Hatshepsut (15th century B.C.) and the revolutionary monotheist, Akhenaten (14th century B.C.) produced formal codes of law.
In the 13th century B.C., the "sebayt" of Ani was composed for Queen Nefertari under Ramses the Great. It's opening line: "Truth is sent by god."

Per the standard Abrahamic narrative, we are asked to believe that the Creator of the Universe was–all the while–keeping the "correct" legal code in his back pocket, while all these societies–struggling to do as they believed their gods wanted–were getting things wrong for hundreds of generations. He seems to have been content to watch all human civilization stumble in ignorance for millennia.

Put another way: The Abrahamic deity–in all his bounteous wisdom–was biding his time. This means that he sat idly by (presumably, on his throne) as mankind went awry everywhere on the planet, century after century after century. This rather far-fetched rationalization for the peculiar delay in human enlightenment

belies claims of beneficence on the part of a creator god.

With respect to Islam, the implications here are even more ignominious. For proponents of the Sunnah are expected to believe in things that–upon even cursory reflection–are bonkers (a litany of iniquity adumbrated in my essay on "The Universality Of Morality"). This fickle cosmic overlord–so adamant about everyone doing things a certain way in order to remain placated–withheld the Sunnah from mankind over the millennia. He did not divulge the secrets to salvation until finally, at long last, he decided to deliver it to a single person at a completely arbitrary point in human history. His choice: An illiterate Bedouin merchant in the Hijaz. {19}

And when this omniscient super-being eventually got around to giving mankind the climactic memo, it failed to address even the most fundamental of human rights…or articulate even the most basic points of civil society…or provide even the most elementary insights into the natural world. With this in mind, let's continue our survey into the Iron Age.

For didactic purposes, I will use as a reference the advent of Islam. I choose this historical juncture because it occurred at the end of Late Antiquity, after the world had plunged into the Dark Ages. T o help put that development into historical perspective, let's start with a survey of developments that antedated the ministry of Mohammed of Mecca and the fabled Constitution of Medina. Here are some highlights from each century.

Late 12th / early 11th century B.C.: Assyrian king Tiglath-Pileser instituted the Code of Ashur. Meanwhile, Egyptian Pharaoh Amenemope[t] issued his "sebayt" c. 1100 B.C., in which he admonished his heir (in the opening chapter): "Beware of stealing from the poor and oppressing the afflicted."

11th century B.C.: The Assyrians established the Code of Assura [alt. "Ashur"] c. 1075. This preceded the ascension of David to the throne in Canaan by two or three generations. Oddly, THAT particular station that was–according to Abrahamic lore–the focal point of the Creator of the Universe. Even then, the best the Abrahamic deity was able to come up with (so the story goes) were 613 mitzvot–the vast majority of which were diktats involving inane religious protocols. In terms of moral guidance, he was only able to issue decrees on matters that, at the time, would have already been a matter of common sense: don't lie, don't cheat, don't steal, and don't kill fellow members of your tribe. The ACTUAL "Halakha" was likely not concocted until the 6th thru 5th centuries B.C. (when Judaism was first codified in Babylon during the Exilic Period). The "Mishnah" (Talmudic commentaries on Judaic law) would not be composed until the 3rd thru 5th centuries A.D.

10th century B.C.: King Mu of Zhou established China's first legal code. He composed a landmark treatise later dubbed the "Rites of Zhou". As further insights accrued over the ensuing centuries, the code was emended. The final edition would be issued a millennium later by Han scholar, Liu Xin.

9th century B.C.: King Lycurgus of Sparta established equality among the city-State's citizens. Here, the polity was conceived as a "demos" (thereby pioneering participatory democracy). The arrangement included a deliberative council (the "gerousia") as well as socio-political empowerment of women–perhaps the earliest case of formal suffrage.

8th century B.C.: Even though the Neo-Assyrian Empire was in its heyday at this time (esp. under Tiglath-Pileser III), surprisingly little is known about the specifics of its governance. Alas, it was the most significant empire in the world at the time, so it is worth mentioning.

In India, the ethical codes of the "Brihadaranyaka" and "Chandogya" Upanishads were compiled. Though not LEGAL codes as such, these texts are worth mentioning for the precedents they set, and how early they set them. Instead of anointing one segment of mankind as privileged (a practice that was de

rigueur at the time; and–alas–has predominated ever since), these Vedic works defined the entire world as a sacred house.

A quasi-monotheistic cosmogony was also articulated, whereby humanity was created from "the universal self". In another sense, a heno-theistic worldview was proffered via the conceptualization of "Brahman" (a divine unity, pre-eminent among a host of demi-gods). There could also be found a pan-en-theistic aspect to the worldview presented–as with the precept that nothing should be loved for its own sake, but that things are to be loved for the sake of the Absolute Self (the divine). This proceeded from the view that everything has this divinity within it. This would later be echoed by Immanuel Kant as the "divine law" within each of us.

And so it went that a message of universal love was propounded. Also notable was the imperative of "ahimsa" (non-harm to all sentient beings)…a principle that would be translated to official policy in the 3rd century B.C. by Ashoka the Great (as we shall see).

Much of the discourse in these Vedic works was presented via dialogues–as between, say, "raja" Ajata-s[h]atru and a sage (e.g. Balaki). Especially noteworthy is the "Madhu-Vidya" [honey doctrine], whereby all humanity is seen as a unified whole. Hence the mantra "Tat tvam asi" [this is you], which conveys a sense of one-ness between every sentient being. (This principle became known as "purusavada" in the Vedic tradition.)

Such cosmogony had real-world implications. The notion of an omni-present divinity (a singular divine essence) meant that each individual was to be treated as part of the divine unity (never as a means only, but as an end in himself, as Kant would later put it). This insight entailed a mandate for global empathy. The Abrahamic trope that "we are all made in the image of god" (ref. Genesis 9:6) might be thought of as a crude rendering of the notion that we are all part of one human family. {3}

According to Vedic law, women were at liberty to select their own husbands (in a practice called "swayamvar"), entering into what was known as a "Gandharva" marriage. Of course, when it came to female empowerment, there existed grave shortcomings–as with the execrable Hindu practice of "sati" (the obligatory burning of a widow on her husband's funeral pyre).

In the 6th century B.C., Pythagoras of Samos would echo this idea in his "Chrysa Epe" ["Golden Verses"]–stating, "Take heart; all of mankind is divinity." Later, the Roman philosopher, Cicero would posit the "divina mens" (divine mind) that pervaded all humanity. In this view, mankind was guided by the "numen" (divine will). Later still, the Pauline notion that we are all part of the "body of Christ" would become yet another way in which the view was articulated. This is all a reminder that even as the idiom in which a mytheme is couched might change from creed to creed, the underlying logic remains.

7th century B.C.: The Greek statesman, Zaleucus of Locris epi-Zephyros established the Occident's first written legal code. Now known as the "Locrian code", it established a citizen council, and encouraged something approaching participatory democracy. The code was known for the rather severe protocol that anyone proposing a change in law must do so with a noose about his neck (with which he was to be strangled if the change was not passed by the council). This drastic measure was put in place to ensure nobody abused the privileges accorded to them (thereby hamstringing the deliberative process with frivolous proposals).

Soon thereafter, the Athenian legislator Dracon established the first (formalized) legal code to be enforced by civil courts. Though overly harsh in many ways (hence the pejorative, "draconian"), the new system served to address the interminable, internecine blood-feuds that wracked the polis. The code effectively served as the first Constitution of Athens…and arguably the first constitution EVER. It would be amended by Solon–and then by Cleisthenese–within the next century; thereby laying the groundwork for Athenian

democracy.

Meanwhile, the Spartans established a citizen-governed assembly (the “apella[zein]”), and introduced range voting. Female enfranchisement continued: Women were allowed to own property and manage their own businesses; and many even participated in affairs of State. The theme of “Apollo’s mandate” was introduced, whereby ordained law was characterized as “the will of god”. (This was analogous to the Chinese “mandate from heaven, also established in Classical Antiquity.)

During Classical Antiquity, the Roman Republic governed according to the “Leges Duodecim Tabularum” [Law of the Twelve Tables], which served as the de facto constitution of the Republic. This gave all male citizens–including plebeians–the right to choose someone to represent them in Rome as “tribune”. Plebeians were even given the right to run for the position of consul.

The code emphasized procedural rights for all citizens (including plebeians), thereby setting the precedent for due process–and even right to voice dissent–that would later be referred to as “habeas corpus”. Thus the right to free speech (so long as it was not seditious) and to petition the State for redress of grievances (so long as it was not done in a way that disrupted the course of governance) were established.

And so it went that from the Republic’s earliest days, “Lex Valeria” gave ALL citizens (whether male or female, whether rich or poor) the right to appeal convictions through a legal process. Moreover, “Leges Valeria Horatiae” and “Legas Valeria Pulbicola” gave common-folk (both men and women) the right to challenge the decisions of magistrates.

6th century B.C.: In Persia, the Achaemenids made significant headway. The “Cyrus Cylinder” (named after Shah-an-Shah, Kurash II; a.k.a. “Cyrus the Great”) established one of the first legal programs based–implicitly–on universal human rights. His decrees specified that rulers should respect the customs / religions of the countries that were brought under the imperium; thereby establishing the world’s first policy of multi-culturalism and religious tolerance. While the State apparatus was Zoroastrian in practice, Cyrus was adamant about not forcing his own Faith onto any of the peoples he conquered. (Bear in mind: At this time, the Achaemenid Empire was the largest and most powerful empire the world had ever seen.) Cyrus’ policies even enabled the freeing of the Hebrews from their captivity in Babylon, thereby allowing them to undertake a diaspora of their own accord–including some who opted to migrate to Canaan.

(Note: There are other indications of a legal order at the time from inscriptions on the Ishtar gate at Nineveh.)

And so it went that the Achaemenid Empire was known for religious freedom, women’s rights, and taboos against slavery. The excuse that the world was not yet ready for religious freedom, women’s rights, or the ending of slavery in the 7th century A.D. (the special pleading we hear from Islamic apologists in rationalizing the gross deficiencies of the Sunnah) is thus hogwash.

In India, independent republics known as “ganas” [alt. “sanghas”] were commonplace amongst the Licchavis, Shakyas, Koliyas, and Mallas–replete with a deliberative assembly (“panchayat”) that was usually open to rich and poor alike. The leader of each municipality (known as a “maha jana-pada”) was a quasi-monarch who was elected by the assembly. The world’s first OFFICIAL Republic was established at Vaishali (in modern-day Bihar).

Headway was also made in ancient Britannia [“Albion”]–specifically in “[h]Éireann” (archaic Ireland). Ancient Celtic (Gaelic: “Brehon”) Law specified that a ruler shall not countenance falsehood, nor use his power to oppress his subjects; and that he is obliged to be righteous toward all people, weak and strong alike. In this system, a judge was known as a “breitheam[h]”. It also described instances in which a king may be stripped of his power (i.e. whenever he abuses it). Though the system seems to have been

patriarchal, whenever making a decision about disposing of an estate's property, a husband required his wife's consent. This legal code was later articulated in the "Senchas Mar" of the 5th century A.D.

In Greece, the Alcmaeonid statesman, Cleisthenese introduced democratic reforms to the Constitution of Athens. A popular assembly known as the "ekklesia" was then established at Pnyx–an institution that had been pioneered by Salon c. 594 B.C. Salon's reforms included the manumission of slaves–reminding us that abolitionism has a history that long-predates the Abrahamic tradition. Cleisthenes would expound upon democratic philosophy, championing a system of representative government (though slaves, non-land-owners, and women were excluded from the final decision-making process).

Before judging these short-comings too harshly, we might bear in mind that the celebrated U.S. Constitution, ratified in 1788 A.D., had the EXACT SAME exclusions. The Athenian assembly–open to all male citizens–retained the name: "ekklesia". (It was Solon who ensured that the "ekklesia" was open to all male citizens irrespective of class.) Meanwhile, there were public assemblies established to organize daily activities (the "boulai") in which all citizens were invited to participate. And the court system was the "Areios Pagos" [Rock of Ares].

This was also roughly the time of the Exilic Period in Judaic history, during which the earliest Jewish lore was first codified; and Mosaic law was formally adumbrated in a formulation that would later include the "Halakha" (replete with the "taryag mitzvot"). There was no noteworthy headway made here in the way of governance. {22}

In Mosaic law, the only worthwhile laws were proscriptions against lying, stealing, cheating, and unsanctioned killing (the last of which was entirely question-begging). Each of these proscriptions were timeless moral precepts; and were not groundbreaking in any way.

In the late 6th / early 5th century B.C., the Athenian leader, Aristides "the Just" pioneered inter-State jurisprudence as a way to ensure equity between municipalities. This was done via the establishment of the Delian League–a confederacy of independent States vested with equal rights (a condition known as "iso-nomia").

Also during Classical Antiquity, the Greek city-State of Chersonesus was a representative democracy, governed by a body of elected "Archons". It also convened a council called the "Demiurgoi" [body of demi-urges]–likely a repurposing of the term used by Hesiod in his "Theogony" c. 700 B.C. (This term was re-purposed again by Plato in his "Timaeus" c. 360 B.C.; and re-purposed yet again by the Gnostics during Late Antiquity.)

5th century B.C.: The Greeks established the "Great Code" of civil law at Gortyn in Crete. This laid out rights for wives / widows (including property rights). In cases of adultery, only the male culprit was punished; as the benefit of the doubt was always given to the female. The code also established the right of all people to a trial. This was perhaps the first instance of the maxim: innocent until proven guilty. Rape–including that of slaves–was outlawed. Alas, non-Aristocratic women were still denied a voice in politics.

Meanwhile, a representative democracy was established in Argos–including an elected assembly: the "aliaia". The (Alcmaeonid) Athenian statesman, Pericles provided the first explication for democracy: "Our constitution is called a democracy because power is in the hands not of a minority but of the whole people." He then addressed equality: "When it is a question of settling private disputes, everyone is equal before the law." He even propounded the ideal of meritocracy: "When it is a question of putting one person before another in positions of public responsibility, what counts is not membership of a particular class, but the actual ability which the man possess." This reiterated the notion of a "demos" (the idea that the general populace as sovereign), which became the etymological basis for self-rule: "demokratia".

Though their role was limited in political affairs, Spartan women controlled their own property, and even the property of male relatives who were serving in the army. Also in Sparta, girls received an education as much as did boys. Unfortunately, the Spartans were keen on slavery; and had many draconian laws.

Meanwhile, the Chinese philosopher, Li Kui of Wei composed his groundbreaking "Canon of Laws". Mo Di of Lu founded the "Mo-ist" school of logic, and composed the "Mo-zi" (which included discussions of epistemology, ethics, and defensive warfare). And the "Huang-di Si-jing" [Four Classics of the Yellow Emperor] was first compiled, which was associated with Lao-Tzu (as it grounds civil law in the theology of the Tao).

4th century B.C.: Almost a millennium before the ministry of Mohammed of Mecca, there continued to be significant headway made. During this century alone, there occurred such ground-breaking contributions as:

- Chanakya's "Artha-shastra" made significant contributions in (Maurya) India. {4}
- The writings of Mencius of Zhou, Shang Yang of Qin, and Zuang Zhou of Song (a.k.a. "Zhuang-zi") proffered new theories of governance in China.
- The (Roman) "Lex Licinia Sexta" [Licinio-Sextian Laws] ended most discrimination against plebians in 367 B.C. The tract helped to give the common-man political equality, and even granted the lower classes the right to hold consulships.
- The Athenian statesman, Xenophon offered a critical analysis of the Spartan Constitution in his "Lacedaemonion Politeia".
- The Greek philosopher, Plato composed his "Politeia" [Republic] and "Nomoi" [Laws] in Athens. In the latter, Plato explored the differences between divine law (spec. as it stems from divine revelation) and natural law (spec. natural rights), weighing their respective (dis)advantages.
- Aristotle then provided an adumbration of the "Athenaion Politeia" [Constitution of the Athenians]. He also promoted the idea of elected office-holders in his "Politika" [Politics]. In this landmark work, he explored the integral connection between civic virtue and flourishing (that is: excellence / morality and happiness). Aristotle also referenced the (Punic) Constitution of Carthage in his disquisition.

The Athenian Constitution would then be refined in 330 B.C., whereby it was rendered in its most iconic form. (I explore Aristotle's contribution to political philosophy in Appendix 3.)

Note that a thousand years later, nothing in Arabia–or ANYWHERE, for that matter–emerged that could hold a candle to any of the works listed above. One wonders: Was the Abrahamic deity just biding his time?

Meanwhile, the Persians continued refining their government. This included the paving of roads and the pioneering of architecture–as attested by the Mausoleum at Halicarnassus in Caria.

This is also when Alexander the Great conquered most of the known world, bringing entire societies under the ambit of Macedonian rule. The establishment of such a far-ranging imperium would have been an ideal occasion for the Creator of the Universe to convey his thoughts on the proper conduct of civil society.

Alas. If we are to believe the Mohammedan narrative, the Abrahamic deity would CONTINUE to refrain from delivering his pivotal memorandum for another THOUSAND YEARS. But no matter; for–as we shall see–mankind managed to make major inroads into civil society without his help.

3rd century B.C.: The Edicts of Ashoka were established in the Mauryan Empire. They were composed by a Buddhist who came to be known as "Ashoka the Great". His edicts laid out a system for moral behavior (esp. mandates for general benevolence)–including charity to the poor, religious tolerance, kindness to prisoners, and even respect for animals (per the doctrine of "Dhamma"). It was also the first time a ruler emphasized the importance of environmental conservation.

Ashoka instituted a system of State-funded social welfare. He even pioneered the concept of public hospitals, public education; but the most notable aspect was publicly-subsidized welfare programs for the poor.

As if all that were not enough, his edicts could be thought of as the first explicit declaration of universal human rights. (He put forth the first explicit articulation of a global brotherhood of mankind.)
This was groundbreaking, to put it mildly; and the Abrahamic deity had absolutely nothing to do with it. {5}

In China, the great statesman, Wei Yang of Qin (a.k.a. "Shang Yang") composed the "Shang Jun Shu". This seminal treatise articulated sophisticated political reforms–thereby inaugurating the tradition of Chinese "legalism". That was followed by further disquisitions by the Chinese political philosopher, Han Fei of Zhou. The Qin dynasty (under Emperor Shi Huang) then became the first government in history to formally abolish slavery–though only with fleeting efficacy.

And in Greece, the celebrated Achaean "strategos", Aratus of Sicyon established new political precedents for staving off tyranny.

2nd century B.C.: The "Manu-Smriti" [Laws of Manu] was composed in India. This legal treatise was so lauded that it was later adopted in parts of China. Legend has it that its contents dated back to c. 1500 B.C., but such an account is likely apocryphal. The text addressed moral as well as legal issues.
It promoted compassion, forbearance, temperance, honesty, and self-control as primary virtues.
It also admonished people to abstain from being covetous. And it strongly discouraged behavior that harmed others; as the principle of non-violence was treated as paramount.

Meanwhile, the "Artha-shastra" continued to be modified, addressing such issues as the State's role in facilitating social welfare.

In China, the major political treatise known as the "Huainan-zi" was composed. It was a disquisition compiled from a series of scholarly debates regarding the necessary conditions for an ideal socio-political system. It was inspired by the tradition of "Fa-Jia": the aforementioned philosophy of "legalism" established during the 4th century B.C. Moreover, Emperor Wu of Han established a system of social welfare–animated by public works–whereby measures were undertaken to ensure equal access to State resources.

In the Roman Republic, Cato composed his landmark treatise, "De Agri Cultura" c. 160 B.C. We should keep in mind, though, that not all progress was welcomed with open arms. In 133 B.C., the reformer, Tiberius Graccus introduced legislation to break up the large private estates and distribute the land among

the poor. He and his supporters were murdered for the gesture (at the behest of the aristocracy). Fortuitously, the Gracchan Land Law was nevertheless put into effect. Graccus' brother, Gaius then introduced a welfare program in the form of grain subsidies for the poor: the "Lex Frumentarium". Gaius too was murdered for the gesture (again, at the behest of the aristocracy; and as with his late brother, along with all his followers).

1st century B.C.: In Rome, the "Res Gestae" were enacted. Meanwhile, Roman statesman, Marcus Tullius Cicero composed his pro-democracy treatises, "On The Commonwealth" ["De re-Publica"] and "On The Laws" ["De Legibus"]. In these works, he proffered a system of just law–wherein he propounded the idea of responsible citizenship. He also discussed the importance of public education; and urged the empowerment of "the People". (Reference his parable, "The Dream of Scipio", in which he summarized his ideas.) Also: Varro composed his landmark "Rerum Rusticarum" c. 37 B.C.

In the midst of all this, a welfare program was established throughout Rome, whereby a system was established to provide grain to the poor. Emperor Augustus also instituted the world's first network of public emergency services: the "Vigiles Urbani" (alt. "Cohortes Vigilum"), including a public fire-fighting service (funded by additional taxes on slave-holders).

Notably, a tacit separation of church and state was upheld in Palestine. It was for this reason that Jews were allowed to practice their religion in the region (that is, so long as nobody disrupted the affairs of the State, or undermined the governing authority of the Roman governor of Judea).

The more erudite elements of the Jewish Halakha can be traced back to the Babylonian rabbi, Hillel The Elder–best known for his famous articulation of the "Golden Rule" (an idea that was so good, a charismatic Jewish carpenter from Galilee would reiterate it a few generations later). Alas, a half-millennium after Jesus of Nazareth's fabled ministry, this elementary moral principle was nowhere to be found in Medina.

That brings us to the Common Era. As the present survey shows, each society found itself rummaging around the vast memo-sphere for the optimal ways to govern a polis. Few were concerned with–or even aware of–any of the other codes that preceded it elsewhere in the world. After all, in each case, we find humans simply doing what humans do: working with what they know, and doing their best to devise schemes that work to their advantage. {6}

Needless to say, during the centuries leading up to the ministry of Mohammed of Mecca, the Creator of the Universe had plenty of opportunities to enlighten mankind. Yet, pace the brief ministry of an illiterate Galilean Jew, who went from carpenter to religious icon, it seems that the Abrahamic deity continued to bide his time.

Let's proceed with our survey.

1st century A.D.: In China, Emperor Wang Mang worked–with middling success–to abolish the slave trade. He also instituted an early form of authoritarian communism (i.e. economic collectivization), though–unfortunately–with mostly negative results (largely attributable to some combination of corruption and ineptitude).

In the early part of the century, the Stoic philosopher, Seneca "the Younger" offered key insights into democracy; and continued the tradition of bringing into question the morality of slavery. For Seneca, respect for humanity was the ultimate standard by which all actual earthly politics must be measured.

Cicero pioneered "just war theory" in his "De Officiis" [On Civic Duties] c. 44 B.C. (This thread would continue through Hugo Grotius with "On The Law Of War And Peace" c. 1625. With respect to

international relations, Immanuel Kant picked up the thread in 1795 with “Perpetual Peace”. Then, in the late 20th century, John Rawls put forth “The Law Of Peoples”.)

Toward the end of the 1st century, Plutarch did an evaluation of ancient Greek systems of law in his “Life of Lycurgus”.

The Roman statesman, Gaius Cornelius Tacitus provided the first explicit declamation of the separation of church and state. He did so by putting forth the maxim regarding State jurisdiction: “deorum injuriae diis curae” [leave offenses against the gods to the care of the gods]. Meanwhile, Claudius wrote about the deliberations of the Roman Senate.

It was around this time that the authors of “Matthew” included the enjoinder to “leave unto Caesar the things that are Caesar’s; and render unto god the things that are god’s.” Jesus of Nazareth preached forbearance, compassion for THE OTHER, anti-materialism, and humility. He also entreated people to be kind to their slaves–stopping short of forbidding the heinous practice. The Abrahamic deity seemed perfectly fine with leaving it at that.

2nd century A.D.: Roman Emperor Trajan established a welfare program, the “alimenta”, that helped orphans and poor children. He also provided (subsidized) education to the rank and file.

Roman Emperor Antoninus Pius introduced the important principle that accused persons are not to be treated as guilty before a fair trial. The “innocent until proven guilty” (with the burden of proof on the prosecution) was reiterated by the Roman Jurist, Julius Paulus Prudentissimus.

Roman Emperor, Marcus Aurelius composed ground-breaking commentary, the “Meditations”, a seminal work based on the Greek philosophy of Stoicism. He instituted many reforms–notably: ensuring that the public could petition the State for redress of grievances; and that all voices would be heard. He emphasized the importance of philanthropy (esp. taking care of orphans) He valued public education. And he encouraged the manumission of slaves. He even deferred to the Senate when it came to decisions of how to spend the empire’s funds. He did this even though he technically had the power to dictate the allocation of State outlays.

The Kushan emperor, Kanishka of Gandhara (a.k.a. “Kanishka the Great”) broke new ground in governance. Via a program of syncretism, he melded Indian theology with Persian theology. The result was “The Great Kushan Testament” (preserved on the Rabatak inscription). The doctrine incorporated elements of both Vedic and Zoroastrian lore. Needless to say, the Abrahamic deity did not see fit to deliver any memos to the region.

3rd century A.D.: Major political texts like the “Yajnavalkya-Smriti” and the “Narada-Smriti” were composed in India. These groundbreaking works influenced tens of millions…though with mixed results. We can only presume that the Abrahamic deity, if he existed, was aware of this; yet opted not to intercede.

The Persian “Shah-an-shah”, Shapur pioneered religious toleration. And throughout the Sassanian Empire, the practice of slavery was drastically attenuated. Domestic workers existed more as servants (in the sense of indentured servitude; effectively living in a state of serfdom) than in a state of chattel slavery.
(We might bear in mind that the chattel slave-trade would later be globalized by the Muslims of north Africa and Andalusia–esp. the Barbary pirates–during the Middle Ages.)

In the Roman Empire, the “Edict of Caracalla” (a.k.a. the “Constitution of Antoninus”) was composed c. 212. It expanded enfranchisement to all non-slaves–extending full citizenship to all free-men and free-women in the realm. The act involved giving most women civil rights on par with most men (though far short of parity with noblemen). This was ground-breaking, as citizenship was–for the first time–afforded to all people in the empire irrespective of ethnicity (as opposed to being limited to “Romans” exclusively).

4th century A.D.: An assembly called the “arengo” was established in San Marino c. 301. The small State established the oldest constitution that is still in effect today. It was democratic.

Meanwhile, the Roman Empire was contending with the monumental task of ascertaining the proper Christian theology–convening council after council in an effort to, as it were, “straighten things out” and get their story straight. Tens of millions were affected by these pivotal decisions; so, once again, it would have been a opportune time for the Creator of the Universe to chime in. He demurred.

In a brief moment of morel intrepidity, a bishop in Cappadocia known as Gregorios of Nyssa submitted that slavery was immoral.

In the Far East, China was dealing with the transition from the Han to the (early) Jin and then Sui regimes–whereby the lives of tens of millions MORE people hung in the balance. Not a peep from the Abrahamic deity in those places either.

5th century A.D.: The Theodosian Constitution (overseen by Antoichus Chuzon “the Elder”) was established c. 438, which held sway over the entire Roman Empire. The Visigoths then instituted their first code of laws, the “Code of Euric” c. 471. The Salian Franks would establish a formal system of laws known as “Lex Salica” (under King Clovis) c. 500.

A few years later, Visigothic King Alaric II commissioned the (Germanic) “Breviarium Alaricianum” (the first “Lex Romana Visigothorum”); while Burgundian King Gundobad commissioned the (Frankish) “Lex Burgundionum”. Both were codifications of civil law.

6th century A.D.: In Persia, the Zoroastrian sage, Mazdak the Younger prescribed a system of social welfare to mitigate poverty (and to prevent highly-concentrated wealth). This involved discouraging avarice (material excess) and a mandate to provide for those in need. The program informed the policies of Sassanid Emperor Kavadh, who instituted social welfare programs accordingly.

Meanwhile, in Europe, the (Germanic) Alamanni of Swabia instituted a code of laws known as the “Lex Alamannorum”, thus establishing a systematic way to maintain order amongst the citizenry.

Overall, over the course of Late Antiquity, significant headway was made–though in fits and starts. And almost none of it had anything to do with the Abrahamic deity. This includes the quasi-democratic governance used by the Quraysh in the Hijaz, who held councils in what was later dubbed the “Dar al-Nadwa” (a precursor to the “shura”).

Our survey now brings us to the time of a legendary Bedouin merchant in the Hijaz (purportedly from Mecca), who claimed to be the last messenger of the Abrahamic deity.

Though the tracts listed thus far were all defective, each in its own way (some more than others), they offered more in the way of civil society than would the Sunnah (under the aegis of Islam). To suggest that the Constitution of Medina somehow represented the greatest achievement in political schematics ever devised is risible. Far from a pinnacle, it was a nadir of civic governance.

About two decades prior to the fabled Medinan charter, two major developments occurred outside of Arabia. First, Æthelberht of Kent instituted the first formal code of laws for the Anglo-Saxons. Second, the Yamato prince, Shotoku established the first official Japanese Constitution: the "Kenpo Jushichijo" [Seventeen-Article Charter], thereby inaugurating the Japanese Empire. That charter was inspired by Confucian principles. (It would later be amended in 645 by Emperor Kotoku, pursuant to the Taika Reforms.)

By the time Mohammed of Mecca was born, the Byzantine Empire had instituted the "Corpus Juris Civilis" [Body of Civil Law], colloquially known by one of its key parts, the Code of Justinian. (The tract was based on earlier codes–like the "Institutiones of Gaius" as well as documents now referred to as the "Codex Theodosianus", "Codex Hermogenianus", and "Codex Gregorianus".) Though significantly flawed by modern standards (Justinian was a Christian theocrat), nobody in the Byzantine Church today insists that we should still adhere to such grossly antiquarian legal codes…even if they were once considered divinely-ordained.

Almost without exception, modern Byzantine (i.e. Eastern Orthodox) Christian leaders recognize that the world has come a long way since the Dark Ages; and wouldn't dream of demanding the world NOW follow the flagrantly antiquated (once sacrosanct) decrees of their ancient forebears.

In the late 6th century, while the nascent Arabian prophet was coming of age, the (Germanic) Visigoths established the Code of Euric, which was then updated as the Code of Leovigild.

So what of legal systems contemporaneous with the self-proclaimed "Seal of the Prophets"? Let's start by looking at the empire directly to the east of Arabia. While post-Justinian (Byzantine) Rome was a totalitarian theocracy, Sassanian Persia practiced toleration–including freedom of religion. Shah-an-shah Khosrow routinely invited Greek philosophers into his domain–even though they were Zoroastrian; as alternate views were more than welcome.

Meanwhile, those who opted not to practice Zoroastrianism were allowed to do so without reproach. In other words, GENUINE religious freedom was alive and well in Persia…UNTIL, that is, the Mohammedans overtook the region. (Bear in mind, the caliphate–per its prophet's example–assiduously embraced the practice of enslaving non-Muslims; and they eagerly crucified heretics / subversives, just as Mohammed had taught.) Islam did not eliminate slavery; it simply changed the terms by which slavery was to be practiced (i.e. not based on race; but on religious affiliation).

Unlike what would soon be the case in the Islamic world, chattel slavery had been decisively rejected in both (the earlier) Achaemenid and Parthian Empires, as well as in the Sassanian culture of Mohammed's own day. Even prisoners of war–who may have been thought of as semi-slaves–were treated comparably well.

In Persia at the time, the most common form of a subjugated people was the domestic servant. All servants–whether they were male or female–received wages and were allowed to have their own families. Harming a servant was considered a serious crime. Not even the king was allowed to abuse his servants. (And a man abusing his own wife was not tolerated.) The freeing of such semi-slaves was widely considered to be a good deed; so manumission was encouraged wherever possible.

That accounts for the Persian culture, directly to the east of Arabia. What about the culture directly to the north? The (Syriac-speaking, Arab) Nabataeans forbade slavery, and–so far as can be ascertained–supported equal rights for women. In fact, five centuries prior to Mohammed's birth, their empire was ruled by a woman (Queen Shaqilath of Petra); and three centuries before his birth, their empire was ruled by another woman (Queen Zenobia of Palmyra).

Both the Sassanian and Nabataean handling of important matters like women's rights and slavery stands in stark contrast to Mohammed's penchant for forced concubinage and the enslavement of prisoners of war (the two of which were often one in the same). Moreover, the subordination of the wife to the husband–already normative in the Hijaz–was continued under Mohammedan protocols. Even more telling, business ownership by a woman, which regularly occurred in Arabia up until Mohammed's ministry, ceased to occur once the Sunnah was implemented. Case in point: Mohammed's first wife, Khadijah, was a flourishing business-owner long before they ever met (see Appendix 2).

Furthermore, chattel slavery went into overdrive wherever Islam asserted itself. This was done with the proviso that fellow Muslims could not be enslaved. This exemption was nothing special, as NO society in history engaged in slavery has ever permitted the systematic enslavement of members of the in-group (however defined). Those eligible for slavery have always been from some marginalized out-group; as slavery is inherently dehumanizing. (Again, the Sunnah simply re-cast the terms of immunity: The condition for exemption was based on Faith rather than on race or caste.)

It is a tragic irony that the prohibition against enslaving MUSLIMS only served to augment the enslavement of everyone else. It should come as no surprise, then, that the "Bakt" treaty between the Islamic rulers of Egypt and the Nubian rulers of neighboring Makuria would be signed within nine years of Mohammed's death. The treaty extended the slave trade into the Maghreb; thus paving the way for the booming Barbary slave-trade of the Middle Ages.

But what of the FREEING of slaves? During the early Roman Empire, there were codes in place for manumission–as with the landmark "Lex Aelia Sentia". Indeed, manumission was not an uncommon practice in certain sectors. As mentioned, the Parthian and Sassanian Empires of Persia had already made the practice of freeing slaves a norm. (Indeed, the gesture was generally extolled by Persians in pre-Islamic times.)

There is a trope common amongst perfidious Islamic apologists that their prophet somehow discouraged slavery. The exact opposite was, in fact, the case: In Arabia, a region in which slavery had theretofore been quite rare, the earliest Mohammedans INSTITUTED it. The notion that the fabled Constitution of Medina was somehow an unprecedented prescription for human emancipation is not only factually incorrect, it is absurd. The exact opposite was the case.

Just over a decade before the Medinan charter was (allegedly) written, the Edict of Paris was a "capitulare" [legislative act] drafted by Merovingians at the behest of king Chlothar II for the purpose of–among other things–ending corruption in government, affirming the right of women not to be married against their will, ensuring non-Christians could bring legal action against Christians when they'd been wronged, and relegating administrative prerogatives to the local level. {7}

A question arises: Where was the Abrahamic deity when all this was happening? Æthelberht in Kent. Prince Shotoku in Edo. The Merovingians in Frankish lands. Were denizens of the Hijaz more important than the denizens of Britannia, Japan, and France? Why the disregard? Are we to suppose that Arabia had more cosmic significance than both Europe and the Far East? With a world's-eye-view of mankind, this doesn't seem to make sense.

Remarkably, the renown "Tang Code" in China was composed THE SAME YEAR as the fabled Medinan document: c. 624. By almost any measure, the Chinese code–Confucian in nature–was superior. It extolled virtue, enjoined fairness, and–like so many law codes before it–denounced corruption and profiteering. Shall we believe that the Creator of the Universe was focusing more on Arabians than on the Chinese…or on anyone else? When China's ruler, Li Shimin of Qin (who would be anointed Emperor Taizong of Tang in 626) was trying to figure out the best solutions for his vast kingdom, where was the Abrahamic deity to guide him? {8}

By most accounts (it is, after all, only speculation), the terms of the Medinan constitution largely had to do with participation in war–a reminder that the initial movement was primarily conceived in a militant cast. It is even supposed that the topic of war-waging was broached in the document's opening statement.

Suffice to say: The notion that the Sunnah was somehow a drastic improvement over antecedent alternatives is completely unfounded. The fact of the matter is that the Koran's dicta are consonant with totalitarian theocracy. This is demonstrated today by Saudi Arabia's Wahhabi monarchy and Iran's (Shiite) Khomeinist tyranny…along with Daesh in Syria / Iraq, the Taliban in Afghanistan, etc. Indeed, such odious CONTEMPORARY regimes are perfectly at ease pointing to Islam's holy book for justification. We can only presume that–in carrying out their theocratic designs–their inclination is to suppose that they have emulated whatever the Medinan charter may have prescribed.

One of the most touted accomplishments of the Mohammedan code was the outlawing of female infanticide. However, this was something that much of the world had already been on board with for several centuries. The problem (insofar as it was systemic) seems to have been unique to Arabia. (In medieval times, it would become an issue in China.) In any case, the authors of the Koran did not want followers to murder ANY of their offspring for a fairly obvious reason: multiplying was considered pivotal to the propagation of the Faith. The relevant Koranic verse (17:31) is about not killing MUSLIM children; it has nothing to do with females per se. Meanwhile, non-Muslim women and children were routinely slaughtered in conflicts…at least, when they weren't taken as slaves.

Even the Koranic admonishment against bribery was nothing new. The most oft-cited "breakthrough" in Medina was the outlawing of graft. But, of course, ALL totalitarian regimes forbid corruption. (Want a country with zero corruption today, simply go to North Korea.) Again, this was no epiphany; as well over a millennium earlier, those who cobbled together the Old Testament knew bribery was wrong. The Hebrew Bible discouraged it in many places–most notably Exodus 23:8, Deuteronomy 10:17, and Second Chronicles 19:7. Corruption had already been outlawed since the Roman Republic (via both the "Lex Acilia Calpurnia" and the "Lex Ambitus"). Legal codes seeking to eliminate bribery go back to the 24th century B.C., with the Code of Urukagina. (In what is a morphological coincidence, this ancient code sought to establish a political system over "Umma", an ancient Sumerian city.)

Fast forward to the Hijaz c. 624. Though the Medinans' recognition that corruption is ignoble may be applauded, there would have been nothing groundbreaking about the decision to forbid the bribery of officials…ANYWHERE. That includes the Far East. The proscription was also well-established in China: In the 6th century B.C., Confucius had likewise discouraged bribery / coercion. {9} Meanwhile, anti-corruption was one of the hallmarks of the aforesaid "Artha-shastra" in India, which forbade officials from profiteering, while outlining the duties leaders had to the general population (in upholding the

commonwealth).

What of the prohibition against usury [“riba”]? Alas, there was nothing groundbreaking about that either. Since ancient Athens, usury had been denounced. In his “Politics”, Aristotle noted, “The trade of the petty usurer is hated with most reason: It makes a profit from currency itself, instead of making it from the process from which the currency was meant to serve.” We should note that Aristotle’s (“Nicomachean”) ethics was based on virtue, not on following divinely ordained rules. (In fact, Aristotle made the first strong case that morality needn’t be predicated on any kind of divine command theory.)

The admonishment against usury was further reiterated by Jesus of Nazareth when he upset the tables of the money-changers in the temple–decrying the venue of speculation as “whited sepulchers”. In other words: This was an old theme by the time it was broached by the authors of the Koran. I explore the dubious Islamic treatment of usury (“riba”) in the Appendix 1.

So what are we to say of Mohammed’s constitution? Alas, there is no surviving copy of the fabled Medinan document. All there remains is a raft of idle speculation. What exists today is a set of spurious re-creations from well over a century after the fact. So far as can NOW be ascertained, the contents of the document were utterly unremarkable: mostly municipal ordinances for the day-to-day activities of the local Hijazi community. Islamic apologists claim that the Mohammedan document ROCKED THE WORLD. In reality, it did almost nothing of note.

Within eight years of Mohammed of Mecca’s ignominious death (he was poisoned by a Jewess who’s family he’d slaughtered), Byzantine Emperor Leo III (the “Isaurian”) instituted a successful new code of laws: the “Ecloga”. Two years later, the Lombards instituted the “Edict of Lothari”; while Visigoth King Chindasuinth of Hispania established an updated (Germanic) “Lex Visigothorum”. In other words: The world simply kept on producing ever-more-sophisticated systems of legality even after Medina’s apocryphal constitution disappeared into history’s dustbin.

Within 65 years of Mohammed’s ministry, during the reign of Umayyad caliph Abd al-Malik [ibn Marwan], the first post-Antiquity representative democracy was established…in Venice, Italy. Segmented from the Byzantine and Frankish Empires, the Venetian Republic encompassed Istria and Dalmatia. Remarkably, it endured for exactly eleven centuries: from 697 to 1797…when the (Roman Catholic) Habsburg dynasty overtook it. Over the course of a millennium, the medieval republic steadily became more and more liberalized–even in the face of the juggernaut of Saracen piracy (i.e. the Barbary corsairs). It didn’t help that the small republic also existed in the midst of incessant (Roman Catholic) French hegemony…and in the shadow of the Vatican-controlled “Papal States”…with which it was constantly forced to contend.

There were groundbreaking developments in the Eurasian Steppes as well. In the 7th thru 10th centuries, the [k]Hazar Empire broke new ground in freedom of religion, institutionalizing religious tolerance to a degree that the world had never before seen. The Kurultai [alt. “Khuraldai” / “Khuraldaan”] was a Turkic-Mongol political council used throughout the Middle Ages. (“Khur” meant assemble / discuss; so “khural” meant political assembly / discussion. The resulting term meant “inter-gathering”.) These deliberative bodies were likely inspired by the Buddhist “Sangha” councils of Classical Antiquity.

Meanwhile, the “t[h]ing” was a Norse / Germanic municipal assembly (alternately rendered “[al-]t[h]ing” / “lag-t[h]ing” / “gula-t[h]ing”). It was used by societies across northern Europe throughout the Dark Ages. The Vikings, who referred to it as the “Haugating”. References to a “t[h]ing” are found in Old Norse, Old Saxon, and even Old English. Starting in the 10th century, the Swedish “Jamtamot” (the assembly of Jamt-land) became the first elected parliament in the world.

And the “t[h]ing-vellir” [thing fields; alt. the “al-thing”] was a parliament in Iceland comprised of 64 members established c. 930 by Sveinn Björnsson. Barring a 45-year hiatus in the early 19th century, it has remained intact ever since.

In medieval times, the Slavic equivalent of this deliberative assembly was the “Veche” [alt. “Wiec”]. The equivalent in Switzerland was the “Landsgemeinde”. It seems that many cultures recognized the merit of public participation in governance…though genuine democracy was still a long way off.

And so what of the (by-then-defunct) Medinan charter? Not only was it not at all pivotal in the development of civil society; it would seem that the impresario of the universe HIMSELF did not see fit to ensure its preservation. This is a key point. If the Constitution of Medina were so important, then how is it that the Abrahamic deity allowed it to be lost? Not only was it not propitious; it was completely inconsequential. Neither the Umayyads nor Abbasids nor any other Islamic empire at any point made any reference to it.

The nearest we find to an Islamic tract on civic matters was composed by the Shiite imam, Ali ibn Husayn Zayn al-Abdin (a.k.a. “Imam Sajjad”) c. 700. His “Risalat al-Huquq” [Messages On Obligations / Duties] is sometimes misleadingly translated as the “Treatise On Rights”. If we grant the charitable version of the title (where “haq” is translated as “right”), it sounds rather promising…until we realize that, amongst the fifty kinds of “rights” enumerated, it says absolutely nothing in the way of ACTUAL civil rights. (The closest to addressing women’s “rights” is a section on how to treat wives and a section on how to treat mothers–all of it addressed to MEN.)

Tellingly, the Constitution of Medina is not the only apocryphal legal document to have made its way into Mohammedan lore. Almost a century after the fabled Medinan charter was purportedly drafted (c. 720), legend has it that a so-called “treaty of Umar II” (between the caliphate and the Christians of Damascus and/or Jerusalem) was made–primarily regarding the Christians’ status as “dhimmis” within the Mohammedan dominion. The document was likely a confabulation from the 9th century. {10}

To ascertain how pivotal to the progression of human political wisdom the Constitution of Medina may have actually been (or was not), it is worth touching upon some of the developments in Dar al-Islam that post-date it. After all, it is fair to ask: Exactly what impact did the fabled Mohammedan charter have?

Take women’s rights. There are some accounts that the Rashidun Caliph Umar made a woman named Samra bint Nuhayk al-Asadiyya a market inspector in Mecca. We also hear that a woman named Ash-Shifa bint Abdullah may have been given an administrative position in the local marketplace (that is: dealing with a “souq” in Medina). {11} Assuming these minor appointments really happened, are we to suppose that it was somehow due to Medina’s Constitution…or, for that matter, due a purported clarion-call for female empowerment hidden somewhere within the Sunnah? Were these isolated episodes indicative of a sudden wave of feminism, ushering in a major sea-change in women’s rights?

Don’t be silly.

Those two (minor) stations had little if anything to do with political power–as would have, say, a prominent role in a “shura” council. Suffice to say: There would have been nothing earth-shattering about those two appointments. Indeed, women have traditionally had managerial roles in bazaars…even in the most patriarchal of societies…and EVEN IN PRE-ISLAMIC ARABIA. The fact that those two women are now held up as the preeminent examples of female enfranchisement speaks volumes. (The routine of grasping at straws demonstrates how truly weak the case is.)

When one seeks to offer evidence that female enfranchisement was somehow bolstered by the Mohammedan movement, there isn't much to find. (See my series on Female Empowerment.) The fact that that's the best historiographers can come up with tells us all we need to know.

Speaking of "shura", it might be noted that such councils were established in various places in the Muslim world during the late Middle Ages as adaptations of the aforementioned Mongol "Kurul-tai". In other words: The establishment of such councils was not originally based on Islamic jurisprudence. One of the most estimable aspects of sharia was a co-optation of antecedent practices by Tengri-ists.

What was going on elsewhere in the world at the time? Let's survey the Middle Ages and see how things progressed in the ensuing centuries.

By 742, a 35-volume Chinese political treatise was written by Liu Zhi (son of the renown Chinese historian, Liu Zhi-ji): the "Zheng-dian". Pursuant to garnering further acumen in municipal affairs, this corpus would be updated by Du You–eventually yielding the 200-volume "Tong-dian" later in the 8th century.

Meanwhile, in the Byzantine Empire, the (Macedonian) "Basilika" [Royal Laws] were enacted in Constantinople **c. 892**. These updated and revised the Justinian Code, and even served as the precursor to the "Hexa-Biblos" of modern (democratic) Greece.

Let's see what was transpiring within Dar al-Islam during the Middle Ages. As it turns out, it was during this period that the largest regime of slave-trade ever to exist emerged: that of the Barbary pirates across the Mediterranean Sea. Both European "white" people (mostly Andalusians) and African "black" people (Maghrebi Jews and Berbers, as well as sub-Saharans) were enslaved on a massive scale, the likes of which the world had never seen before; and has not seen since. Muslim slave-traders even sold slaves as far away as China, where there was a booming market for dark-skinned East Africans. {21}

The industry of chattel slavery in Dar al-Islam persisted century after century after century, largely under the aegis of the Ottoman Empire. This makes sense, as piracy had a legacy dating back to Mohammed himself. The practice of seizing booty by raiding peaceful caravans / communities even had a name: "ghazw". Consequently, such pillaging was sacralized (that is: perceived as a holy deed). Looting ("anfal") was a sacred duty–something to be done as a rite of passage; and in the service of god. It comes as no surprise, then, that the title of the Koran's eight Surah is "Al-Anfal" (the booty seized during pillaging campaigns). The persistent institutionalization of slavery within Dar al-Islam cannot be attributed to the fact that Muslim rulers were not reading their Korans closely enough.

The systematic use of slaves in the Muslim world was only briefly interrupted in the **late 9th century**, pursuant to the "Zanj" (a pejorative term for African blacks) rebellion, waged against the Abbasid rulers. During this massive slave uprising (which started in 869), between .5 and 2.5 million people were killed–mostly plantation slaves. After almost fifteen years of fighting, the rebellion was finally quashed. Long after that temporary setback, the lucrative Barbary slave trade resumed, and continued to thrive.

And so it went: Piracy proceeded apace in Dar al-Islam–replete with relentless pillaging campaigns. Indeed, the so-called "razzia" raids were modeled on the aforementioned Mohammedan precedent of "ghazw". Recall that in the Koran, slaves ["abd"] are referred to as "ma malakat aymanukum" [that which your right hand possesses]. People–especially women–were considered one of the primary spoils of war (read: property).

In point of contrast: **During the 8th and 9th centuries**, even as they practiced slavery, the Vikings were notably progressive when it came to women's rights. Women could own / inherit property; and could even operate their own businesses. Moreover, women were esteemed every bit as much as men on the

battlefield–as attested by the renown of the shield-maidens. (For more on female military icons, see part two of my series on The History Of Female Empowerment.)

In the Muslim world, there were a few marginal developments in the realm of political theory. {12} The first occurred **in the 10th century**, when Al-Farabi composed "Fusul al-Madani" [Aphorisms of the Statesman]. Then, in the 11th century, Seljuk vizier, Abu Ali Hasan ibn Ali of Tus (a.k.a. "Nizam al-Mulk") composed the "Siyaset-nameh" [Book of Governance], which was–in essence–advice for rulers (which primarily made use of a selection of historical precedents). Both of these were effectively guidebooks for wielding power (along the lines of Machiavelli's "The Prince")–hardly milestones in the evolution of systems of government. {13}

Meanwhile, in Andalusia **c. 1066**, a Muslim mob stormed the royal palace in Granada and crucified the vizier because he was Jewish. They then proceeded to massacre most of the city's Jewish population. This was religious persecution centuries before the Catholic Church's Inquisition.

And what of the non-Muslim world at this time? Moveable type was invented in China **in the 1040's**, which opened up a whole new realm of possibilities when it came to the dissemination of information. The most notable political development was the "Russkaya Pravda", which was established in Kieven Rus **c. 1017** at the behest of prince Yaroslav of Novgorod (a.k.a. "Yaroslav the Wise"). That was just prior to his promotion to Grand Prince of the Kievan Rus. The aim was to outline what counted for Truth / Justice, especially as it concerned property rights. Unfortunately, the legal charter did a poor job effecting socio-economic equality. Happily, an emendation (known as the "Sudebnik") was made in 1497…which took some measures to eliminate feudalism.

That brings us to the Renaissance.

As already mentioned, the Venetian Republic broke new ground during the Late Middle Ages. **In the 1170's**, the Ducal Council and the Quarantia were formed. **And in 1229**, the Consiglio (of the Pregadi) was established. The legislative machinery consisted of:

- An executive cabinet of ministers: the Collegio
- A body that checked the power of the "doge": the Signoria
- A senate in charge of writing / passing legislation: the Pregadi
- A large body of ombudsman: the Maggior Consiglio
- A demos, involving a democratic process in which all citizens partook: the Arengo

In 1180, Poland established a "sejm" [parliament] in Lodz.

Starting c. 1200, Genghis Khan founded the greatest Empire the world had ever seen; whereupon he established the "Yehe Zasag" [alt. "Yassa"] code of laws. Per the Yassa, religious freedom was normalized, torture was abolished, and slavery was forbidden. Thus the selling and trading of women was outlawed; while women's rights were championed. Women managed estates and even governed municipalities for many years at a time; especially while their husbands were serving in the military.

In addition, the Mongols eliminated feudalism, replacing it with a socio-political system based on individual merit. Economically, they eschewed highly-concentrated wealth in favor of distributed wealth. They also enacted tax-exemption for all doctors and teachers. Indeed, Genghis Khan saw medicine and education as public goods. (He even created the first international postal system.) The Mongols were against aristocracy AND against poverty. In other words, they championed socio-economic justice. And at a time when most rulers considered themselves above the law, Genghis insisted laws should hold the khan as accountable as the most lowly shepherd. For we were all fellow humans under the Eternal Blue Sky ("Tengri").

Serfdom was not the only socio-economic injustice that was eradicated. Other than dismantling feudalism, the Mongol regime also dismantled nepotism (that is: the old arrangements whereby serfs were beholden to a privileged aristocracy, in a caste system determined by birthright). Due to the policy of religious freedom throughout the Mongol Empire, all religious institutions were tax exempt (in addition to educational institutions and medical facilities). {14}

And so it went that the Mongols established the first cosmopolitan empire. Their term for comrade was "nokar", which transcended ethnic affiliation. (I explore their political system at length in my essay: "The Universality Of Morality".) The Mongols made pluralism normal. Indeed, they inaugurated the largest program of cultural transference in history, embracing all religions and cultures they encountered. (In fact, the only thing that made them imperialistic was their rapacious territorial hegemony–replete with demands that conquered peoples pledge loyalty to the new leader.) The Mongols–far more civilized than Europeans at the time–ushered in an unprecedented rise in trans-continental communication, trade, and cultural exchange.

In 1215, the Magna Carta inaugurated near-universal enfranchisement in England–thereby laying the juridical groundwork for modern democracy. Most notably, it established the jurisprudential tenet of due process ("habeas corpus")…echoing the precedent established by the Roman "Law of the Twelve Tables" almost nineteen centuries earlier.

The world's first parliament–in the modern sense–was elected fifty years later (**in 1265**). It is worth noting, though, that the Icelandic "Gragas" (Grey Goose Laws) established a commonwealth c. 1254, whereby the aforementioned "t[h]ing" was revived.

Constitutional republicanism (government-by-consensus) also emerged in Poland **during the 13th century**. Throughout the 14th and 15th centuries, the "veche" [assembly predicated on popular representation] became the primary way to govern municipalities throughout Slavic lands–especially in Poland and Russia.

In 1324, Marsilius of Padua would be the first Christian to buck precedent, and call for–if not the separation of church and state–the subordination of the church to a secular State (which should, in turn, be held accountable to the People).

In 1486, Giovanni Pico of Mirandola composed "De Hominis Dignitate" [On the Dignity of Man], a clarion call for independent thinking that would later be echoed by Francis Bacon, David Hume, and Immanuel Kant during the Enlightenment. Also in the 15th century, Matteo di Marco Palmieri of Florence composed "Della Vita Civile" [On Civic Life], an adjuration for humanism as a matter of public policy.

To suppose the insights proffered by the fabled Mohammedan document in 7th-century Medina were somehow superior to these humanist works is to indulge in a flight of fancy.

In 1493, Poland established one of the earliest modern legislative bodies to represent a commonwealth: the "Sejm". This practice spread throughout the Slavic lands during the High Renaissance. The aforementioned "Sudebnik" was a system of Russian laws instituted by Grand Prince, Ivan III Vasilyevich

of Moscow (a.k.a. “Ivan the Great”) in 1497. That legal code was later updated by tsar Ivan IV in 1550, whereupon it eliminated many of the socio-economic privileges that had theretofore been accorded to the aristocracy. The new charter also afforded the general populace the right to participate in the election of representatives in municipal (local) government. It even gave peasants a means of emancipating themselves from their feudal lords. Meanwhile, the opprobrious practice of enslavement known as “kholop” was drastically mitigated.

In the early 16th century, Spanish thinker, Francisco de Vitoria of Burgos pioneered “just war theory” and spearheaded the idea of international law [“ius inter-gentes”]. He promoted the inherent human dignity of all people (esp. indigenous populations of colonized countries); and he posited what he dubbed “ius gentium” [the rights of peoples]. In 1528, his “De Potestate Civili” broke new ground in DOMESTIC civil law–known as “ius intra-gentes”. The Jesuit scholar, Francisco Suarez of Granada made further headway. (As with Francisco de Vitoria, he was affiliated with the University at Salamanca.)

In 1581, the Dutch Declaration Of Independence [“Plakkaat van Verlatinghe”] created a new Republic. The main grievance was a foreign king violating the natural rights of his subjects. The declaration demanded sovereignty based on the will of the polis. It do so by highlighting the importance of liberty; and–in doing so–made the case for a Netherlandish self-government. (All this should sound familiar.)

Meanwhile, the Dutch humanist, Desiderius Erasmus of Rotterdam outlined the responsibility of a ruler to the People, and provided commentary on public affairs that promoted the commonweal. He was cautiously critical of the Catholic Church, and encouraged the study of thinkers from Classical Antiquity. By the end of the 16th century, English thinker, Hugo Grotius had further adumbrated a vision for human rights.

And what of the policy of helping the poor (one of the few redeeming features of the Sunnah)? On this front, ground was broken in England. **In 1597**, the “Act For The Relief Of The Poor” provided the first comprehensive State-run system for poor relief since Ashoka the Great almost nineteen centuries earlier. This soon led to the (Elizabethan) “Poor Law” **of 1601**, which would endure for 233 years. (That law is not to be confused with its successor, the “Poor Laws” **of 1834**, which were exploitative and counter-productive.) One can be quite certain that this salubrious development did not occur because Queen Elizabeth had read 2:215, 17:26, 76:8, and 90:16 in the Koran (the verses enjoining one to help the needy). Alas, the institution of alms houses–common across Europe–was rarely found in the Muslim world.

Felicitously, that estimable public program would be enhanced by Thomas Gilbert’s “Relief of the Poor” Act **of 1782**…which brings us to the significant progress made during the Enlightenment.

Over the course of the Enlightenment and into the Modern Era, developments in the philosophy of civil law occurred in quick succession. In England, the world’s first enumeration of liberties was enacted **in 1628** : the “Petition of Right”. That was enhanced by the “English Bill of Rights” **in 1689**. The Scottish “Claim of Right” was passed the same year. It was also that year that John Locke published his landmark treatises on government (as well as “A Letter Concerning [Religious] Toleration”).

Also in the 17th century, Algernon Sydney published his landmark work, “Discourses Concerning Government”. And in his “The Tenure Of Kings And Magistrates” (1649), John Milton called for the prosecution of King Charles I with the explication: “A tyrant, whether by wrong or by right coming to the crown, is he who–regarding neither law nor the common good–reigns only for himself and his faction.”

When it came to Progressive structural reforms, it was the Swedes that led the way–establishing a set of foundational laws [“grundlagar”] that enshrined democratic ideals. **In 1719**, Sweden incorporated parliamentarianism [“riksdagsordningen”] into their State apparatus; as they recognized the merits of a representative body. **In 1766**, Sweden abolished censorship–formally codifying freedom of the press [“tryckfrihets-förordningen”] as well as freedom of expression [“yttrandefrihets-grundlagen”]; thereby

legalizing criticism (except–alas–of the church and the royal house).

In 1770, the French thinker, Jean-Charles de Borda (of Aquitaine) pioneered the ranked-choice voting system. In his "Wealth Of Nations" (March of 1776), Adam Smith emphasized the importance of the State providing public education as a condition for a thriving civil society.

Then came the groundbreaking U.S. Constitution **in the summer of 1787** (and its amended "Bill of Rights" four years later). While groundbreaking, the document left slavery fully in tact; and only afforded the right to vote to white, land-owning men. (I discuss this more at length in my essay: "America's National Origin Myth".)

In France, the very short-lived Constitution was drafted by the Revolutionary National Assembly (before the Jacobins of "the Mountain" went haywire, and took a fascist turn) **in 1791**. It guaranteed the right to vote, public education for all, and "the liberty for everyone to speak, write, print, and publish his opinions." Alas, Robespierre's fascistic coop ensured a quick end to that.

Also in 1791, the landmark Constitution of the Polish-Lithuanian Commonwealth was drafted (inspired, in large part, by Rousseau's "Considerations on the Government of Poland", composed **in 1772**).
Both of those constitutions were anti-monarchal (read: anti-authoritarian), and went a long way to conferring power–and civil liberties–to the demos. Both blueprints balanced power between an executive, legislative, and judicial branch–per the vision of Montesquieu.

Pursuant to history's most famous slave revolt, Haiti's Constitution was commissioned **in 1805** by a former slave: Jean-Jacques Dessalines. It declared equality of Africans and their descendants; and did not cite anything having to with the Judeo-Christian tradition.

As society evolved, democracy burgeoned; and NONE of it had anything to do with Abrahamic lore.

Looking back, it is plain to see that the fabled Medinan charter did not exactly rock the world. Far from serving as an epiphany to mankind, it was not even a blip on the radar. Not only was the establishment of the Sunnah not a high water mark; it didn't even leave a faint smudge in the progression of political systems. Yet the question remains: What DID end up occurring within Dar al-Islam since Mohammed's ministry? Let's do a brief overview.

One of the most notable benchmarks for legality in the Muslim world was "Umdat as-Salik wa Uddat an-Nasik" [Reliance of the Traveller and Tools of the Worshipper]–a tract composed by the Persian "faqih", Ahmad ibn an-Naqib of Masr in the 14th century. {15} It soon became the definitive source for the Shafi'i maddhab–the school of jurisprudence that came to dominate Islam. In keeping with Koranic dictates, it endorsed slavery. Moreover, it articulated systems of inequality between men and women, as well as between Muslims and non-Muslims…again: all in accordance with the Sunnah. To this day, this tract enjoys the full endorsement of Cairo's Al-Azhar University.

As it turned out, it took NINE CENTURIES for the first major (formal) system of legal codes to be established in the Muslim world (that is: if we begin with the purported year of the Constitution of Medina). In 1525, Ottoman Sultan, Suleyman II commissioned the "Kanun-name" [Book of Laws]. Such timing is rather odd. That is to say, it is confounding if we are to assume that the Creator of the Universe–FINALLY–sought to furnish mankind with a charter.

Bear in mind: If we are to take Islamic historiography seriously, we are asked to believe that the fabled Medinan charter was supposed to serve as an exemplar for municipal governance for everyone in the world…forevermore; yet it did absolutely nothing for over 900 years.

It should come as little surprise that the "Kanun-name" did not pretend to be modeled on the Constitution of Medina; nor did it even acknowledge the fabled charter's existence. Instead, the newfangled Ottoman legal code was based primarily on the Turkic-Mongol "Yassa" system of civic governance. (!)

More than THREE CENTURIES AFTER THAT, the European nations–with Britain leading the way–persuaded the Ottoman Empire to undertake major reforms, known as "Tanzimat". Those improvements were formalized in the so-called "Edict of Toleration" **in 1844**. The measures included finally bringing an end–at long last–the OFFICIAL slave trade…though slavery was still tacitly tolerated (due to the memetic inertia of the Sunnah). Additionally, it ceased the most draconian prosecutions of religious minorities. (Alas, that estimable measure did not do much good for the Armenians seven decades later.)

An Ottoman Constitution was finally drafted **in 1876**–twelve and a half centuries after the (reputed) Mohammedan Constitution at Medina. By then, the Enlightenment had come and gone in Europe. So what was there for the Ottomans to do but base the key elements of their groundbreaking document–the first MODERN constitution in the Muslim world–on European (secular) law? And so they did.

The Ottoman leadership created a parliament and a system of public education. Moreover, they established–in direct contravention of Koranic dictates–equal rights for religious minorities. During the drafting of the document, the Europeans entreated the Ottoman "Sublime Port" to end slavery once and for all; but the Sultan declined. After all, how could he outlaw that which the protagonist of the Koran AND his last messenger clearly permitted? (!)

That new-and-improved constitutional order would not endure for long, though; as the hidebound Turkish clerisy disapproved of its secular nature; and–as they would again at the beginning of the 21st century–rebuked secular reform in favor of Reactionary politics (read: theocratic rule).

Pursuant to the collapse of the Ottoman Empire, a Muslim-majority nation finally became a parliamentary Republic. Though it was NOT Turkey; it was Azerbaijan. Tellingly, this was enabled by the State becoming more SECULARIZED. Only then were women in the country finally granted suffrage (1919). This was the first time in the Muslim world that women had ever been given equal political rights to men. If this is what the "Seal of the Prophets" had envisioned when the charter for Medina was composed almost thirteen centuries earlier, it certainly took a while for the message to finally sink in.

Next came the Egyptian Constitution **of 1923**, which instituted regular elections to a bicameral legislature, and thus political enfranchisement for all MEN. It also allowed for a (mostly) free press…though a few blasphemy statutes remained in place. However, even then, the nation retained its monarchy–though in a diluted form. Unsurprisingly, that constitutional order would be short-lived as well. This was in part due to British meddling; yet it was primarily attributable to the fact that–pace the Hizb al-Wafd–Egyptian society was un-prepared for genuine democracy. This sad fact would be demonstrated once again nine decades later, in 2012, pursuant to the so-called "Arab Spring". {16}

Soon thereafter (in the late 1920's and early 1930's), Mustafa Kemal Atatürk secularized Turkey, thereby making Anatolia the most democratic it had ever been in its history (or, at least since the Hittites over three thousand years earlier). That would endure until the country reverted to theocracy under Recep Erdogan at the beginning of the 21st century. (Thanks to the bold reforms of Atatürk–dubbed "Kemalism"–Turkey was able to experience three generations of quasi-democratic governance; though even Kemal harbored ethno-centric views that prevented Turkey from becoming a completely civil society.)

Meanwhile, the last shah of Afghanistan, Mohammed Zahir, liberalized the country by making it more secular. That would endure until the country reverted to theocracy pursuant to the rise of the Taliban after

the civil war of the 1980‘s.

Tragically, Iran reverted back to theocracy in 1979 pursuant to the coup (against the despotic, U.S.-backed “shah”) orchestrated by the Grand Ayatollah, Ruhollah Musavi of Khomeyn (a.k.a. “Khomeini”). That regrettable eventuality would have never come to pass had the U.S. never overthrown the democratically-elected prime minister, Mosaddegh, in 1953.

The trend here is plain to see: As with everywhere else in the world, the Muslim world was able to make progress toward civil society only insofar as it managed to secularize. The point is also plain to see: Whenever progress WAS made, the Abrahamic deity clearly had nothing to do with it.

Let’s review: It seems the Creator of the Universe opted NOT to help Sumerian King Urukagina of Lagash when he was issuing his legal code around four and a half millennia ago….NOR was he inclined to help any of the other cultures enumerated above when THEY tried to create the best code possible in the millennia thereafter. Were none of them worthy?

Century after century after century, in every corner of the world (save a single afternoon in the late 2nd millennium B.C….either on Mount Horeb on the Sinai peninsula…or on the west bank of the Jordan River, on the slopes of Mount Ebal), we are expected to believe that the Abrahamic deity chose to leave mankind in the dark. {17} This was a deafening silence if there ever was one.

Yet this is a narrative Jews AND Christians AND Muslims are asked to believe. And according to Islamic lore, the Creator of the Universe finally spoke up (again) in the early 7th century A.D. And when he decided to do so, it was to Bedouins in western Arabia. And so far as the Medinan charter went, it was established to enact municipal ordinances for a Hijazi community, many of whom were (Jewish) worshippers still hewing to Mosaic law.

After surveying the grand sweep of historical progress–in fits and starts–over the course of MILLENNIA, it is plain to see that Mosaic law had nothing to do with it. In fact, when it came to landmark events in the history of political systems, religious dogma only got in the way.

There is a reason that Thomas Jefferson–and later, Martin Luther King Jr.–did not cite the Sunnah when making their case for social justice. Indeed: “If only we simply did everything the way they did things in Medina during the 7th century” is not a statement that occurs in ANY major treatise on civil rights…since civil rights became a cause célèbre. This is no conundrum. There is a very simple explanation for such silence on the matter of reconciling the Halakha OR the catechism of the Roman Catholic Church OR the Sunnah with the most elementary tenets of social justice…let alone of liberal democracy.

And so it was that specious religious dogmas were not invoked when Spinoza composed the “Theologico-Political Treatise” in 1670…or when John Locke composed his two “Treatises On Government” in the 1680’s…or when Montesquieu composed “The Spirit of Laws” in 1748…or when Thomas Paine composed “Common Sense” in late 1775…or when Hamilton and Madison composed their “Federalist” essays in 1788…or when John Stuart Mill composed “On Liberty” in 1859. (Notably: All these men were Deists.)

To further illustrate the point, we might reference the foundational principles articulated in such works as:

- Hume’s “An Enquiry Concerning The Principles Of Morals” (1751)
- Rousseau’s “Discourse On Inequality” (1754)
- Paine’s “Rights Of Man” (1791)
- Wollstonecraft’s “Vindication Of The Rights Of Women” (1792)

- Kant's "Religion Within The Bounds Of Bare Reason" (1793)
- Godwin's "Enquiry Concerning Political Justice" (1793)
- Thoreau's "On The Duty Of Civil Disobedience" (1846)
- Von Humboldt's "The Limits of State Action" (1859)
- Mill's "Considerations On Representative Government" (1861)
- Kropotkin's "The Conquest Of Bread" (1892)

…to name ten more classic works. {18} For the landmark achievements enumerated above, we can thank our innate moral compass–what Kant referred to as the divine law within us. The trend of secular insight continued into the 20th century–from Rocker's "Anarcho-Syndicalism" (1937) to Rawls' "A Theory Of Justice" (1971). {19}

Throughout the Middle Ages, the most glaring fact about "sharia" is that the Muslim world excelled in the slave trade more than anyone else in human history. Indeed, Islam effectively succeeded in turning the institution of chattel slavery into a booming business–to a degree it had never existed before or since. East Africans were regularly traded to the far corners of the Abbasid Empire…all the way to its best customers in China.

When it comes to appeals to revelation, this single fact is very telling. During medieval times, and through the 19th century, the Barbary pirates excelled in the slave trade throughout the Mediterranean. The demise of that booming trade was largely due to European incursions into Islamic domain; not due to more diligently hewing to Islamic "fiqh"…or to a closer reading of Islamic scripture. The fatal blow to the heinous practice was the process of secularization known as the Enlightenment.

So an obvious question is worth asking: How much shall we laud a doctrine that deprived women of rights and put slavery into overdrive? In light of EVERYTHING ELSE accomplished by mankind, it is plain to see that holding up the Medinan charter as the zenith of civil society is nothing short of delusional. One may as well trumpet Claudius Ptolemy's "Almagest" as the pinnacle of astronomy. Yet, time and time again, we hear Islamic apologists touting the wonders of their prophet's remarkable "reforms"…as if they inaugurated the most breathtaking efflorescence of civil rights in human history. As this survey demonstrates, only a dabble of homework is required to show how spurious many Islamic apologetic claims about the "Sunnah" really are.

We might also wonder: If the Constitution of Medina was so wonderful (nay, a reflection of divine Providence!), then why is it that the Abrahamic deity did not see fit to preserve it for posterity? The archeological record offers a clear record of all the legal codes enumerated in the present essay going back over 4,600 years; yet all records of THAT particular tract–the ONE that was commissioned by the Creator of the Universe–have completely vanished.

How odd, indeed.

Once one has been exposed to exposition on political theory from the likes of John Stuart Mill, Benjamin Constant, Alexis de Tocqueville, William Godwin, and Mikhail Bakunin (in the 19th century)…or John Rawls, Ronald Dworkin, Amartya Sen, and Sheldon S. Wolin (in the 20th century), one will see that the entire discussion of ANY sacred doctrine's political value becomes just-plain-silly. Indeed, after reading all the works mentioned above, any attempt at "fiqh" is recognized to be a fool's errand. {19}

To suppose that ANY religious creed is somehow superior to the insights found in, say, Thomas Paine's "Agrarian Justice" (or any of the other seminal works enumerated above) is nothing short of preposterous.

In his seminal essay, “On The Jewish Question”, Karl Marx held that the optimal scenario was one “that made State affairs the affairs of the people, and the political State a matter of general concern.”
In other words: Participatory democracy.

When Marx was against something, it was invariably because it somehow involved domination / exploitation of one group of people by another. As with Aristotle, Marx’s ideal citizen undertakes an enterprise with the commonweal as the ultimate end. In keeping with this, the ultimate end of a legitimate State, is the general welfare, not any particular group. For Marx, just vs. unjust is a matter of just vs. unjust for all mankind, not for any particular group. Marx equates society-in-general with the working class (the proletariat). Echoing Kant’s Categorical Imperative, he referred to the proletariat establishing “a principle for society what society has already made a principle for the proletariat.” For the “emancipation of man…the proletariat is at its heart” (The Marx-Engels Reader; p. 65). For more on this, see Appendix 4.

People tend not to see what they’re not looking for.

Through an extremely long, meandering process, PEOPLE–not gods–were able to create ever-better forms of government…in different places…at different times…in different ways. The process was arduous and messy. But slowly–in fits and starts–mankind was able to figure out what constituted civil society.

In Iran, the “Majlis” (parliament) was established in 1906–an institution that was quasi-democratic, flouting sharia, and laying the basis for freedom of speech / the press and other civil liberties. Yet, alas, it was not to be. Within three years, it was destroyed by Islamic Reactionaries (with religious justification eagerly furnished by the ulema).

As we have seen, throughout history, statesmen accomplished great things when they made use of their critical faculties rather than divine revelation. Key figures made headway by appealing to their better angels, and thinking for themselves; though not solely OF themselves.

It should now be plain to see that we need to approach sacred lore the same way that we would approach any archaic dogmatic system. This requires a brutally honest, judicious treatment of long-cherished tenets. Delusive thinking is worse than useless. For Progressive religionists, it is plain to see that moving forward entails moving on. Atavism gets us nowhere.

Ever since the Egyptian vizier, Kagemni put forth the precepts of just governance over 4,600 years ago, mankind has struggled to get things right. (To keep things in perspective, note that Kagemni’s “sebayt” was composed over TWO THOUSAND YEARS before the Babylonian scribes composed the earliest Judaic scripture.) From the days of the Sumerians to the day that Eleanor Roosevelt helped draft the U.N. Universal Declaration of Human Rights in 1948, tremendous progress has been made. We’ve come a long way, but we still have a long way to go.

FOOTNOTES

{1 Interestingly (and peculiarly), the Laws of Eshnunna, then the Code of Hammurabi, then–over a thousand years after that–the Mosaic Law of the Hebrews (codified in Babylon during the Exilic Period) all contain instructions for what to do when an ox gores a man. This is a reminder that much of what was composed in Judaic lore was derivative.}

{2 When the prophet, Nathan rebuked David for coveting his friend’s wife (and effectively consigning his friend to death to acquire her), he made no reference to a breach of Mosaic law. In fact, he was forced to resort to parable (as the optimal heuristic at his disposal) to explain to the king why such a deed was iniquitous. Even more telling: Second Kings refers to an un-named scroll of laws that the high priest,

Hilkiah, found in Solomon's temple–with diktats that seemed to catch the king of Judah (Josiah) completely off guard.}

{3 A more liberal version of this is that we are all, in our own way, a manifestation of the divine IN THE WORLD. This might be seen as another way of saying that we are all "one in Christ", to invoke a Christian idiom. The problem with contending that we (homo sapiens) have been made in god's image (where "god" is the Abrahamic deity) is the open question: AT WHAT POINT in the evolution of modern man did this become true? Were Cro-Magnons made in the image of god? How about Homo Rhodesiensis / Heidelbergensis? Homo Erectus / Ergaster? Was the purported impresario of this long, meandering biological process guiding things to this final destination…a destination he'd had in mind all along? To wit: At what point, exactly, did primates start qualifying as fully "human"?}

{4 The Mauryan sage known as "Chanakya" (alt. "Kautilya") served in the court of the Kushan king, Kanishka the Great. This figure is sometimes referred to as "Vishnu-gupta", as he is also said to have also advised the great Mauryan king, Chandra-gupta (during his capacity as teacher at the great university of Taksha-shila). He pioneered Eastern medicine (i.e. "ayurveda"); and also composed the landmark "Niti-shastra".}

{5 Ashoka was known for eschewing war. The key precept he touted was: probity trumps power. He is credited with the adage, "The finest conquest is the conquest of right, not of might." In other words: Might does NOT make right; as power is not a barometer for merit / legitimacy.}

{6 Each society used whatever criteria it had established for itself. That could have pertained to anything from the best way to ensure crop yields (that is: the most effective way to stave off famine) to the best ways to protect territory from incursions (that is: the most effective way to maintain dominion). Typically, the primary concern was appeasing gods and ensuring the continued glory of the leaders. But rulers invariably had to contend with how best to organize the daily interactions of the common-folk. Terrestrial concerns (maintaining socio-economic stability) often took precedence over celestial concerns.}

{7 Sadly, two centuries later, the theocratically-minded Charlemagne would reverse the headway made in religious freedom. However, he did encourage literacy; and so undertook measures to provide a means of education to the general population.}

{8 Another amazing koinky-dink of history regards the development of Judaic law. This was exactly the time (variously pinpointed at 589 or 625 A.D.) at which the [c]Hazal Era (comprised of the Zugot, Tanna-im, Amora-im, and Savora-im sub-eras) of Hallakah came to an end and the Geon-im era of Hallakah was inaugurated. All of it pertained to the Abrahamic deity; so one can't help but wonder why said deity did not see fit to intercede when it came to those other (presumably sincere) efforts to abide his dictates.}

{9 Confucian ethics was based on personal morality (esp. empathy) rather than on obeying divinely-ordained laws. It enjoined deference to political authority out of a concern for civic order (that is: as a means for sustaining social cohesion). While encouraging people to accede to prevailing social norms (for the purpose of maintaining societal stability) and to defer to elders, Confucian thinkers did not insist that people mindlessly follow orders. The problem is that respect for authority is a precarious matter. Where does the prudence of acquiescing to those in power end and the prudence of challenging those in power begin?}

{10 This document outlined the terms by which "dhimmi" were to relate to the Muslim polity. It is presented as a negotiated settlement between the second caliph and the Christians of the Levant (spec. Syria). However, given the form in which it exists, it could not possibly date to the time of the Rashidun. Indeed, myriad apocryphal documents populate Mohammedan lore. One of the most popular is the fabled letter from Mohammed to the "negus" [king; "najashi" in Arabic] of Abyssinia–who was referred to as

"Ashama ibn Abjar" in Mohammedan lore (likely corresponding to King Armah of Aksum). Mohammed is said to have dictated the missive–which would have had to have been written in Syriac. The Aksumites spoke Ge'ez, an Ethiopic (Semitic) language that may have used a script related to epigraphic South Arabian. (Ge'ez was the language in which the Garima Gospels were written.) Meanwhile, the imam, Ali is said to have composed a letter (dictated to Asbagh bin Nabata) addressed to his deputy in Egypt, Malik al-Ashtar. There were also tales of caliph Umar ibn Al-Khattab composing a letter to the Persian Shah, Yazdgird III, demanding his submission…and of the Shah sending a letter in response. (The text of both are obvious confabulations.) In addition, there was supposedly a letter Umar composed to his lieutenant, Abu Musa al-Ashari. And on and on. The list of apocryphal documents is as endless in Mohammedan lore as it is in Jewish and Christian lore.}

{11 The term "souq" refers to a bazaar–that is: a street-market typically located in the main town square.}

{12 The "Kitab al-Taj" [Book of the Crown] from the 9th century was more descriptive than prescriptive. In Islamic history, there were plenty of works that provided commentary on certain matters, yet did not make significant headway in the way of moral / political philosophy (Ibn Miskawayh's writings come to mind). Make no mistake: There were laudable thinkers in the Muslim world–especially during its Golden Age. Avicenna and Averroes come to mind. But two things must be understood about such estimable figures. First: Their contributions were primarily in the realm of science (and critical discourse in general); not in political theory PER SE. Second: Whatever accomplishments they may have made were IN SPITE OF, never because of, any religiosity they may have countenanced.}

{13 This kind of guidebook had a legacy dating back to Xenophon's "Cyropaedia" (a.k.a. the Education of Cyrus) from c. 400 B.C…and on through Han Fei's writings from the 3rd century B.C…then Chanakya's "Artha-shastra" from the 2nd century B.C. Less estimable works were produced by Muslim writers–as with Al-Ghazali's "Nasihat al-Muluk" [Council To Princes]. Also note the advice from Kara-Khanid vizier (Yusuf Khass Hajib of Balasagun) for the 11th-century Karluk prince of Kashgar: the "Qutadgu Bilig". Such tracts were not exactly watershed moments in the development of political thought. The genre is now referred to as "Mirrors for Princes".}

{14 Doctors and teachers–as well as other professionals who provided a public service–were exempted from taxation. Genghis Khan pioneered cosmopolitanism in many respects. In addition to promoting women's rights and religious co-existence, he pioneered international commerce (including the first postal service), thereby reinvigorating the Silk Road. This was in large part due to his embrace of pluralism. Also relevant was his effective elimination of piracy; thereby rendering trade-routes across Asia safe from banditry. It is during this time that paper made its way to the West from China. Moreover, Genghis set a precedent for secular politics–which would be tragically short-lived, as rulers soon thereafter converted to Islam from Tengri-ism and Buddhism (and, consequently, were obliged to rule in a theocratic manner).}

{15 His work was based–in large part–on the "Riyadh al-Salihin" [Gardens of the Righteous] by Syrian writer, Abu Zakaria Yahya ibn Sharaf of Nawaw (a.k.a. "Imam Nawawi") from the 13th century.}

{16 Given the chance to–at long last–vote for a president, a disoriented and bumbling Egyptian electorate put a theocrat into power…and then promptly realized the blunder. This was a reminder that democracy is about far more than simply participating in elections. (If people vote for a theocratic regime, the result is not democracy.) And so it went that the Egyptian government reverted back to an authoritarian posture–replete with a theocratic bent and military rule.}

{17 That is…pace the (purported) delivery of Mosaic law at the end of the Bronze Age (though first codified during the Iron Age). This contributed very little to mankind's approach to governance. While it discouraged lying, cheating, theft, and the murder of one's fellow Hebrews, genocide was permitted. As if that weren't bad enough, it encouraged slaughter along racial lines…as well as collective

punishment AND visiting the sins of the father on his descendants. Even as slavery was permitted, the Abrahamic deity had qualms about working on Saturday and bathing a calf in its mother's milk.
It is difficult to imagine a more deplorable set of directives.}

{18 For more on the conditions for civil society (from a legal perspective), see the work of Ronald Dworkin (esp. his "Taking Rights Seriously", "Freedom's Law", and "Sovereign Virtue"), Kai Nielson's "Equality and Liberty", Richard Posner's "Law, Pragmatism, and Democracy", and John Rawls' "Political Liberalism". For an accessible history of democracy, see Timothy Ferris' "The Science of Liberty".
For insights into legal theory itself, see Lon L. Fuller's "The Morality of Law" and H.L.A. Hart's "The Concept of Law".}

{19 Alas, Sunnah-fetishism (or, alternately, the fetishization of "sharia" / "ahkam") will persist until an extensive de-mystification project is undertaken (see footnote 20 below). We might begin such a project by ascertaining how the Sunnah (the teachings / example of the purported "last prophet") stacks up against, say, the Magna Carta (c. 1215); and then proceed from there. Another prudent point of departure (if one wants to proceed from ethics rather than political theory) might be from Spinoza's "Ethics" (1665), the first major treatise to demonstrate that ethics needn't be based on religious dogmas. Or we could use as the ultimate benchmark what is arguably the greatest ethical treatise ever composed: Immanuel Kant's "Groundwork For The Metaphysic of Morals" (c. 1785); which was followed–just two years later–by the drafting of the U.S. Constitution. By stark contrast, the Constitution of Medina did about as much for civil society as the "Tabula Smaragdina" did for chemistry. Since the 7th century, scholars struggling to figure out what constitutes civil society have no more cited the fabled Mohammedan document than evolutionary biologists cite the Book of Genesis. As I hope to have shown here: To suppose that the Constitution of Medina was the apotheosis of the political development of human society requires one to ignore virtually everything that happened in recorded history–before it or ever since.}

{20 There are plenty of examples of confabulated accounts of the Medinan charter–as with M. Lacker's absurdly titled "The Constitution of Medina: Muhammed's First Legal Document". Bragging about Mohammed's purported accomplishments with regards to civil rights must become a thing of the past if Progressive Islam is to truly emerge as the predominant zeitgeist in the Ummah.}

{21 This is not to downplay the role that the Dutch, Portuguese, Spanish, and other non-Muslims played in the slave-trade (notably the WASP plantation-owners of the Antebellum American South).
The point here is that–even in the case of William Wilberforce, who lobbied for the 1807 "Slave Trade Act" to curtail the heinous practice–religion PER SE played very little FUNCTIONAL role in abolition. The Quakers were an illustration of this. Overall, religiosity did more to deter abolition than to promote it. To suppose otherwise is to confuse "in spite of" for "because of" when referring to abolitionists who happened to be religious.}

{22 Mosaic law was conceived as a compact with Beth Israel (the Hebrews, who nominally worshipped the Abrahamic godhead). The notion of making a covenant [Hebrew: "berit[h]"; Greek: "diatheke"; Latin: "foedus"] with the godhead has myriad occurrences throughout history, and around the world. Indeed, the compact between the Abrahamic deity and the Hebrews–as delivered to Moses–was inspired by the covenant between Assyrian King Esarhaddon and King Baal of Tyre c. 675 B.C. On the amulets from Hadatu, we read about the Eternal One's covenant, made by the sons of El…a direct antecedent to the vernacular found in Hebrew liturgy.}

APPENDIX 1:

The Gordian Knot Of Islamic Finance

The Arabic term for usury (the charging of interest on transferred / borrowed money) is “riba”. The antecedent Semitic term for this was “m-r-b-t”, which became “t-r-b-t”. That was later rendered “r-b-t”…which is where the Arabic term comes from. The Hebrew term for “taking a bite” / “taking a cut” (“neshekh”) referred more to a flat fee than to collecting interest.

The Judaic prohibition against usury stemmed from Deuteronomy 23:19; yet it was limited to FELLOW JEWS, as specified in the very next verse. Circumvention of the prohibition against usury came to be an art-form–first in Jewish communities, then in Dar al-Islam. Here, we’ll focus on the latter.

In the modern era especially (read: the age of BANKING), various work-arounds have been concocted, leading to the practice of so-called “halal banking” / “sharia-compliant banking”? What are these peculiar locutions? Such oxymoronic catch-phrases are blithely tossed around as if they made sense. One may as well posit a Hassidic ham-and-cheese stand.

Attempts to square the circle are oftentimes laughable. And so it goes with the attempt reconcile the fact that many contemporary instances of “riba” (variously translated as “money-lending”, “usury”, or “earning interest”) are perfectly in keeping with the Koranic passages that are clearly against it (3:129-130, 2:275-280, and 4:161). (30:39 discourages the practice insofar as it is used to amass wealth for oneself.)
It is also said that in his fabled farewell address, the “Seal of the Prophets” stated that god had forbidden people to take interest (so all interest obligation shall henceforth be waived).

This works, according to the gambit, if one simply re-articulates the business plan as follows: If one charges 20% APR (as interest) on a loan of $100 (principal), then–in earning that $20 after the first year–one is clearly transgressing the Koranic stricture. HOWEVER, if one instead charges $20 per year (as a flat fee) for the loan, then it can merely be considered a profit-margin (as with “sukuk”: a bond that generates proceeds); and therefore not a transgression.

The usury magically disappears in flourish of legerdemain. If one charges the customer $20 as a FEE (for a service rendered) rather than as a percentage of the principle, then it’s fine. Interest, of course, compounds; but one can simply structure the fee to graduate each subsequent year. Presto! The “haram” is rendered “halal” with a bit of linguistic prestidigitation.

The alternate version of this semantic swindle is re-conceptualizing proceeds from the banking activity as “murabaha” [typically translated as “mark-up” or “fixed return”]. The scheme by which this is done is dubbed “mudarabah” (a business strategy based on a profit-loss sharing model). The stunt is pulled off by using an intermediary (a “mudarib”) who acts as the executor of the investment; and–of course–by not considering the proceeds “interest”. It’s just a profit-margin, ladies and gentlemen. Nothing to see here.

According to this logic, when someone earns commission / royalty on a financial transaction, if it is calculated as percentage, it is “haram”; but if it is simply deemed the price of doing business, it is “halal”. So it is not about the ACT ITSELF at issue; rather it is about the kind of calculation used to charge the customer. By simply reconceptualizing a sacrilegious deed (interest) as a flat fee, we can make it pious. Ergo no rent-seeking or capital gains need be “fasid”.

As it turns out, exegetical shenanigans are not the only way to make Koranic passages effectively–if not actually–vanish.

Note that similar legerdemain can be used to make an inconvenient prohibition disappear…not via a radical re-interpretation of the text ITSELF, but via a re-portrayal of our behavior. Instead of hermeneutic

chicanery, we need only engage in TAXONOMIC chicanery.

Let's unpack this. When it comes to "riba", we need only RE-LABEL the act in question. We can simply call the PERCENTAGE (interest charged) a "profit margin", and we're good to go. The semantic swindle becomes even more absurd once we realize that profit margin is generally conceptualized AS a percentage, even when presented as a flat fee.

There is also the double sale ("bai al-inah") of an item, which permits the purchaser to pay interest without calling it interest. "I'm not paying INTEREST; I'm just paying a SURCHARGE." Earning interest? Nope. Just charging a fee.

So-called "halal finance" is simply an example of people CIRCUMVENTING rules they find inconvenient…without having to admit they are in any way CONTRAVENING the rules. This way, one can pretend the rules remain sacrosanct even as they flout them.

And so it goes: Financiers / rentiers can ply their trade to their hearts' content whilst insisting that all their shenanigans are perfectly in keeping with the Sunnah. Designing such work-arounds EVEN HAS ITS OWN NAME in the vernacular. It's known as "hiyal", which is sometimes translated at "trickery".

Hermeneutic chicanery is always an alternative to eisegesis (importing the desired meaning into the source-material by pretending certain chimerical subtext exists). Instead of not admitting what the Koran says; one can openly admit what the Koran says (in this case, a laudable thing) and then refuse to admit what one is doing has anything to do with it…even as it has EVERYTHING to do with it.

The attitude is thus: SO WHAT of all the greed embodied by purportedly devout Muslims (as with Saudi oil billionaires, Gulf State investment bankers, and other Muslim speculators)? Such blatant contravention of all the Koranic passages denouncing greed / hoarding (e.g. 89:17-20, 92:8, 100:8, and 104:1-3) can be rationalized via appeals to divine ordinance. "If I'm super-affluent, then it must be a sign of favor (a reward). It's god's will; so who are we to question it?"

We might note that Saudis are not the only oil billionaires in the Middle East who are Islamic fundamentalists. For example, Kuwaiti oil billionaire, Hajjaj bin Fahd al-Ajmi actively funds Salafi militants. Rent-seeking (i.e. gaming the system for financial gain) is a variation on speculation, which would certainly fall under the broader category of "riba". And, as it turns out, it is COMMON PRACTICE in Dar al-Islam…ESPECIALLY in fundamentalist circles.

Abracadabra: Avarice is a-okay…IF, that is, it's all part of god's plan. Hence we end up with an Orwellian financial services industry.

Another way to circumvent strictures on usury is to claim "qard al-hasan" [literally: "splendid cut"; taken to mean "benevolent lending"]. This refers to interest-free loans, which are ostensibly given as an act of beneficence ["beneficence" is a possible interpretation of "ihsan", which technically means "splendid"]. The issue here is, again, the "strings attached" problem. In the proposed scenario, no monetary obligation is levied as recompense; yet there are–of course–other ways for a creditor to hold a favor "over the head" of the debtor. (Indeed, a quid pro quo can take many forms other than a strictly financial transaction.) Such a "hasan" gesture is not a peachy-keen as it may seem at first blush. GENUINE beneficence would be to GIVE, not loan. And there is already a term for such a gesture: "zakat".

It might be said that a sharia-compliant investment bank is a bit like a vegan-compliant slaughter-house. If we simply re-conceptualize "meat", we can eat the muscle tissue of slain animals and still fashion ourselves as kinda-sorta vegetarian. In this Kafka-esque universe, one can swing by the vegan butcher-shop on the way to the Institute for Theocratic Secularism to discuss capital-gains-averse hedge fund managers. This linguistic hocus-pocus is how Arabian investment bankers can still consider themselves

devout Wahhabis.

It comes as little surprise, then, that there arose institutions like the IDB (Islamic Development Bank), the FIBE (Faisal Islamic Bank of Egypt), as well as a slew of IMMCs (Islamic Money Management Companies). ALL of these were Saudi-funded (read: Wahhabi-endorsed) orgies of hyper-financialization…primarily used to subsidize fundamentalist Islamic movements around the globe. Such overtly capitalist operations represented rent-seeking-on-steroids…yet with the pretense of being pristinely "halal".

(NOTE: The Faisal Islamic Bank is named after the Saudi prince, not the Hashemite King. Its establishment broke new ground in Islamic finance–replete with its official "Handbook of Islamic Banking". Again, it was the House of Saud that facilitated the emergence of the Islamic banking industry.)

Mohammed Bakr al-Sadr published a blueprint for sharia-compliant financial operations in 1973: "Non-Usurious Banking In Dar al-Islam". Another Salafi pioneer of the gimmick was the Syrian "faqih", Monzer Kahf–who provided all the casuistry anyone would ever need to engage in rent-seeking without needing to call it "riba".

Much of this ostensibly pious rent-seeking was done under the aegis of "infitah"–an Orwellian term meaning "open-ness". Indeed, "infitah" was nothing but a noble-sounding pretext for the promulgation of Neo-liberal economic policies across the Muslim world. Ergo sacralized iniquity. Also note the Malaysian "al-Naqiy"–an organization devoted to purportedly "halal" financial practices, yet which served as a funding mechanism for fundamentalist Islam. (For more on this, see chapter 7 of Robert Dreyfuss' "Devil's Game".)

To recapitulate: This was ALL permitted due to the legerdemain surrounding "riba" discussed earlier. As it turns out, squaring the circle was fine so long as one has power. Hence the House of Saud and American financier, Mohamed el-Erian (of Citi-Group, PIMCO, and Allianz fame) can pretend they are maintaining unstinting fealty to the Sunnah even as they've devoted their entire careers to thwarting it.

We could play this semantic game all day long. "I didn't rape her, I'm merely guilty of too aggressively dolling out unsolicited sperm." Splendid. The human capacity to rationalize morally dubious behavior is almost infinite. There's always a way around inconvenient rules. This is yet another reason that religiosity has almost nothing to do with probity. One might even say that "religion" is little more than a game of rationalizations that has been codified…and then sanctified.

In the end, a Salafi financing operation makes about as much sense as a Quaker Inquisition. Certain practices endorsed by devout religionists are inimical to the strictures laid out in their own sacred texts. (There's a reason we've never had to worry about Jain war-mongers.) Nevertheless, just as we often encounter Christians who regularly pass judgement on others' salvation (who are not only unforgiving, but are eager to cast the first stone), we can point to devout Muslims throughout the world who engage in speculation.

The fact remains: Any working-class Muslim who has a 401(k) or a mutual fund is perpetrating a "harem" deed, as he is complicit in "riba" (insofar as he is garnering unearned income from financial investments). And any Muslim working in the financial serves industry has devoted his life to usury. Is this a problem? If not, then who's to say what other parts of the Koran he should be entitled to creative re-interpretation…or even outright disregard? The possibilities are endless.

The “catch”, of course, is to not pretend the Koran says anything other than what it actually says; and to recognize the nature of what one is actually doing. Meanwhile, so long as “halal” usury makes sense, then so too does a secular theocracy populated by vegan carnivores.

APPENDIX 2: Khadijah

The first wife of Mohammed of Mecca was Khadijah bint Khuwaylid of the Asad tribe; who–notably–owned her own business. Due to her thriving caravan / trading enterprise, she was known in the region as “Ameerat-Quraysh” [Princess of the Queraysh]. Surely, Mohammed was aware of her before the two even met.

The tale of their first encounter–and the subsequent germination of their relationship–is relatively straight-forward. Mohammed ingratiated himself with the wealthy widow by carrying out important business out of town–reputedly surpassing her expectations. As the story goes: In 595, Khadijah sought a trustworthy agent for an important transaction that would take place far to the north, in Syria. A familial confidant (commonly identified as Abu Talib ibn Abd al-Muttalib) suggested she hire her distant cousin, Mohammed, for the job–as the young man had earned a reputation around town for being a dependable employee. So she hired him for the task; and he carried it out with aplomb. (Note this was only possible because the Syrians spoke the same language that Mohammed would have spoken: Syriac.) Mohammed was undoubtedly up for the challenge, and eager to please.

After witnessing the charismatic bachelor’s aptitude in conducting business, the lonely widow surely would have seen reason to offer marriage.

When the financially-well-off Khadijah (then 40+) offered the struggling Mohammed (then 24 or 25) her hand c. 595, the soon-to-be-aspiring prophet jumped at the chance. Aside from the fact that his efforts to court other women had been in vain, the betrothal was a huge opportunity to bolster his socio-economic standing. That boost in clout would eventually prove pivotal, augmenting Mohammed’s gravitas once he started proselytizing to the town-folk. In other words: Khadijah offered not only financial means, but social leverage.

Meanwhile, from the point of view of a middle-aged business-woman, the arrangement would have also been somewhat of a boon. Indeed, the aging widow would suddenly have a young, loyal companion–who had proven himself savvy–to assist her in all her affairs. (Her previous two husbands had passed away.) Thus she would have a dependable cohort to carry out dealings–dealings that her age was probably rendering increasingly difficult for her to handle on her own.

In sum: The union made perfect sense for both parties.

The stature of Khadijah shows that, in pre-Mohammedan Arabia, women could manage their own businesses; and enjoyed control over ALL of their property. There is a rather perverse irony here. Within the dominion of the Muslim world, someone like Khadijah would no longer be able to rise to a position of such prominence. For sharia would deprive women of the rights that had enabled Mohammed’s first wife to become who she was…and thereby HELP the soon-to-be-aspiring-prophet in his endeavors.

In my series on Female Empowerment, I show that the existence of Khadijah countermands the narrative that things somehow IMPROVED for women in the advent of the Mohammedan movement. Pursuant to the institution of the Sunnah, women would not be afforded the kind of opportunity (nor accorded the kinds of esteem) that had been the norm in Arabia (as attested by Khadijah)…or, for that matter, around much of the world.

APPENDIX 3: Aristotle

In his *"Politics"*, Aristotle defined democracy as the highest form of community. Such an arrangement aims at the highest good for the general populace (the many). The sine qua non of the State, then, is the commonweal. To ensure the commonweal, the State is obliged to foster an environment in which each person can realize the good life on his own accord (Bk. I, chapt. 1-2). This requires the provision of certain things (what came to be called public goods) so as to ensure the conditions of basic subsistence.
In this vain, Aristotle advocated for a kind of social welfare system—insofar as it is a mechanism to prevent socio-economic stratification and mitigate the concentration of wealth / power (Bk. 3, chapt. 10). When the commonweal is the summum bonum of those in power, the State allocates its resources to basic public infrastructure, not to the aggrandizement of those in power. Aristotle specified that principles of political justice cannot be realized in an oligarchic system (Bk. 6., chapt. 3). And, foreshadowing Montesquieu's principle, separation / balance of powers, he noted that no office should have disproportionate power (Bk. 6, chapt. 4).

The State exists to take care of the general populace, not just those who are well-positioned within the system. Aristotle stipulated that the object of the State is the promulgation of virtue: a prerequisite for fitting the general populace to the good life (Bk. 3, chapt. 6). The key is to do so without disenfranchising anyone. In the final analysis, a State is only as virtuous as its citizenry; "for in the virtue of each the virtue of all is involved."

Aristotle clearly saw that the "we're all in this together" mentality, when universalized, fostered the optimal societal conditions. This also explains Aristotle's concern for public health, and his view that it is the State's duty to facilitate it (Bk. 7, chapt. 11). That which is just, then, is determined not by the will of the wealthiest (as in plutocracy) or most powerful (as in an oligarchy). Interest in the GENERAL welfare requires that no segment of the general populace is marginalized; and that there is equal opportunity.
In this way, the best rise to the top on their own merits. It is the State's obligation to ensure the necessary conditions for this to happen; as facilitating "the general welfare" is its role (as in the U.S. Constitution's preamble states when specifying the raison d'etre of a Federal government).

"The [society] is best governed which has the greatest opportunity [for the most people] of obtaining [attaining] happiness" (Bk. 7, chapt. 1). This is to be accomplished by cultivation of virtue by as many citizens as possible. It is the State's role to ensure this process transpires. For Aristotle, equal opportunity was a prerequisite for the meritocracy he envisioned. This involved the promulgation of virtue amongst the general populace.

Public education is the primary means by which virtue is cultivated by the common-man. It is the State's obligation to provide it (Bk. 7, chapt. 14). *All* citizens matter (that is: should have a chance to rise to prominence according to their merit, not their socio-economic status). Justice / equality is a matter of treating people of similar merit the same. Aristotle reiterates this, stating that a Constitution is only good insofar as the commonweal is the ultimate aim (Bk. 3, chapt. 7-9). Bad Constitutions either tend to favor the privileged few (where rights are proportionate to socio-economic status) or devolve into extreme democracy (mob rule). BOTH scenarios are antithetical to deliberative democracy. Thus magistrates are chosen by–and responsible to–the demos.

The ideal State is based on a citizenry that possesses moral and intellectual virtue amongst; and has little to do with maximizing material accumulation among a well-positioned few. The socio-economic elite should not be given license to rule the rest; as their stature is a function of historical accident more than the result of having cultivated virtue. And it is only the most virtuous (those not driven by avarice) who should be accorded sway in governance.

Aristotle noted that this happens under conditions where social dysfunction and privation are absent. In the 13th and 14th centuries, the Mongols eschewed privation and aristocracy alike, while creating universal literacy (read: public education). In the late 18th century, Thomas Paine calling for robust State investment in public welfare (including public schools) so as to ensure universal access to a good education. In each case, there was the recognition that it is the State's obligation to provide/ensure the requisite conditions for citizens to procure–of their own accord–the kinds of virtues endemic to a healthy polis. Materially, there must be enough for EVERYONE to pursue the good life, each in his own way.

Aristotle held that the legitimate State is characterized by the appropriate distribution of wealth / power (Bk. 3, chapt. 3; Bk. 6, chap. 2). The principle of distribution of power is quite straightforward. In a just society, people are accorded power the degree to which they can contribute to the commonweal (Bk. 3, chapt. 12). Political power is not the highest good, and thus is not to be pursued for its own sake (Bk. 7, chapt. 3).

Aristotle articulated the key role civic-mindedness played in the health of any society. "The many" have a greater stake in the common good than in the aggrandizement of the few (Bk. 3, chapt. 11). Universal enfranchisement (indicative of a robust civic life) is the hallmark of deliberative democracy. But what of the interplay between civic-mindedness and individual autonomy? Aristotle posited "liberty" as the first principle of democracy, whereby individual prerogative is relegated to each citizen, but the general welfare is always to be taken into consideration (Bk. 6, chap. 2). Meanwhile, his conception of "justice" is a function of meritocracy, which Aristotle equated with a natural order (Bk. 3, chapt. 13). Hence the criteria by which individuals should rise to the top are neither class (financial status) nor clout (social status). Thus a contrast: In a despotic regime, the rules are tailored to benefit those in power (the rulers), and power is pursued for its own sake. In a civil society, law are conceived to foster the general welfare.

Bottom line: The pursuit of the commonweal and the pursuit of personal excellence are not antithetical to one another; they are symbiotic. Thus civil society is predicated on both civic-mindedness and individual autonomy; and it is characterized by meritocracy rather than plutocracy / oligarchy. A society without the general welfare as the summum bonum is not genuinely democratic.

APPENDIX 4: Karl Marx

{Note: All Marx quotes are from The Marx-Engels Reader.}

It's worth starting with the Scottish philosopher (and political economist), Adam Smith, as he spoke out against systems of exploitation; and expressed concerns about workers being alienated from their work. He articulated the dangers of power asymmetries; whereby one party (those with means) uses its leverage to lord it over everybody else (the rank and file). As Smith saw it, problems arose from the gross power imbalance between business owners and wage laborers; the latter of which were the REAL creators. He couched this dichotomy in terms of masters vis a vis workers. Marx would re-cast this in terms of capitalists vis a vis proletarians.

Adam Smith foresaw that the State would come to be held hostage by plutocrats; and would consequently support financiers / rent-seekers over the working class—that is: govern according to corporate interests in lieu of the general welfare. The former typically forces the latter into compliance with their own (self-serving) terms.

Such power asymmetry led to societal dysfunction; and undermined democracy. In his magnum opus, "The Wealth Of Nations" (March of 1776), Smith lamented: "We have no acts of parliament against combining to lower the price of work; but many against combining to raise it" (p. 83-84). In other words: It was unfair that businesses owners could collude to more readily exploit labor, while labor was not afforded the chance to combine its leverage to counteract this power imbalance. Smith noted that legislators neglect to regulate the practice of monopoly is a form of inaction; but it is also a kind of action; as it is a deliberate choice to favor the interests of the business owners in who's sway they are.

Naturally, then, Smith recognized the importance of organized labor; and foresaw the ills of corporatism. He stated that when State enacts regulation that favors laborers, "it is always just and equitable"; however, when they favor the owners, "it is sometimes otherwise" (p. 157-158). It is important, then, that legislators' deliberations be directed "not by the clamorous importunity of partial interests, but by an extensive view of the general good" (p. 472). What Smith found objectionable about legislators being captured by corporate interests was that the State is held hostage by moneyed interests rather than considering "an extensive view of the common good" (p. 91).

Smith assert that it is a matter of "equity" that "they who feed, clothe, and lodge the whole body of people should have such a share of the fruits of their own labor as to be themselves tolerably well fed, clothed, and lodged." He added that "no society can be flourishing and happy, of which the far greater part of the members are poor and miserable" (p. 96). He added: "It is in the progressive state…that the condition of the laboring poor [that is: of the great body of people] seems to be the happiest and most comfortable." Moreover: "The progressive state is in reality the cheerful and the hearty state" (p. 99). Marx couldn't have said it better himself.

It should be noted that the famous passage in "The Wealth Of Nations" about the circumscribed interests of town craftsmen was NOT in praise of self-interest. It reads: "It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest." Here, "interest" might be read as "ambit of concern" (the horizon of one's interests is often circumscribed by the scope of one's vocation). The passage was simply acknowledging the logistics of specialization (i.e. the advantages of a division of labor in any given municipality). This pertained to modest-sized, local operations; not to massive, trans-national corporations driven solely by a profit-motive. To wit: It was not a clarion call for avarice.

In his discussion of the disastrous effects of corporations (read: the British East India Company) on

international trade, Smith expressed contempt for the tendency to leverage monopoly power to maintain domination. He compared such a leviathan to "an overgrown, standing army [that has] become formidable to the government; and upon many occasions intimidates the legislature." Thus the problem of corporatism.

Smith noted that any M.P. who voted with such corporations enjoyed a quid pro quo, garnering "great popularity and influence with an order of men whose number and wealth render them of great importance" to political careers (p. 471). Smith recognized the peril of a politicians being in the pockets of the rich and powerful: "Whenever the legislature attempts to regulate the differences between masters and their workmen, its counsellors are always the masters" (p. 157). When money controls politics, Smith recognized, genuine democracy is untenable. A system where legislation is bought and sold to the highest bidder is not democratic; it is plutocratic.}

Also in "The Wealth Of Nations", Smith held that "the original foundation of all other property" was the recognition that the property of each man in his own labor (p. 138). In other words, each man owns the fruits of his own toil; and THAT was the core form of property from which all other forms of property derive. He even specified that labor, properly conceived, was "the real measure of the exchangeable value of all commodities" (p. 47). Consequently, each man's ownership of (the product of) his own labor was to be deemed "the most sacred and inviolable" form of property.

After all, our own labor is that which permits us to express ourselves toward others on terms of mutual respect and reciprocity, recognizing each other as dignified human beings. This foreshadowed Immanuel Kant's "Kingdom Of Ends", whereby every one of us—irrespective of socio-economic position—must never treat another as a means only; but—in all one's dealings—recognize each individual as inherently valuable.

For Smith, the fact that workers were often forced to fawn like dogs to business owners was highly problematic. He noted that workers were usually prevented from using their labor power in the way they wished; and that THAT was a violation of property rights; as well as an insult to their dignity as fellow humans. Such a scenario was, in a sense, a transgression against humanity.

Smith said of "the property which every man has in his own labor" the following: "As it is the original foundation of all other property, so it is the most sacred and inviolable." He added: "The patrimony of a poor man lies in the strength and dexterity of his hands. To hinder him from employing this strength and dexterity in whatever manner he deems proper (without injury to his neighbor) is a plain violation of this most sacred property." In fact, Smith went so far to say that such a deed "is a manifest encroachment upon the just liberty both of the workman and of those who might be disposed to employ him."

In this respect, Karl Marx echoed Adam Smith. In fact, Smith would have been the first to note that, in the age of transnational corporations, the so-called "invisible hand" of the market often gets arthritis; and experiences horrific seizures from time to time. He also made clear that public investment was a key part of maintaining a civil society (or, as the U.S. Constitution's Preamble put it in 1787: A key role of the State is to facilitate "the general welfare"). In the Wealth of Nations, Smith advocated for the State's role in providing universal public education; and emphasized the need to pay heed to the flagrant injustices occasioned by inequalities of property, which invariably lead to societal insecurity (Wealth Of Nations, p. 709-710). (For contemporary scholarship on this point, see Pierson and Hacker's "The Spirit Level".)

Marx's concern with regard to concentrated power wasn't limited to financiers / rent-seekers ("capitalists" in his parlance) and the use of capital to enslave the masses. Marx ALSO expressed suspicion of an overly-powerful State apparatus. He stipulated that we were to subject "the State as such" to constant criticism (ibid.; p. 30). This wariness of Statism is expressed in his indictment of *The Eighteenth Brumaire of Louis Bonaparte*. Marx was aware of the dangers of the consolidation of power into fewer and fewer hands, no matter the form it took—economic or political; as both were a matter of establishing the conditions of

material existence.

Marx's solution was a communal treatment of societal resources–especially what we would now refer to as "public goods" (public healthcare, public education, etc.) The notion of a socialist commune was not unique to Marx. It dates back to the ancient Incan "ayllu", which played a pivotal role in creating a thriving empire in South America during the Middle Ages.

So far as Marx was concerned, the sine qua non of any movement was individual emancipation from oppression at the micro-level; and global human solidarity a the macro level. Each was seen as a condition for the other. Thus liberty and unity were symbiotic, as a society of atomized individuals–each left to fend for himself in a dog-eat-dog world–could not possibly provide the necessary conditions for civil society. Socio-economic justice was untenable when it was every man for himself (devil take the hindmost).

In this vain, Marx's primary goal was eliminating systems of domination / exploitation via collective action (be it organized labor or some other kind of well-orchestrated civic action). Unlike Bakunin and those advocating for Stateless socialism (a.k.a. libertarian socialism; anarchism), Marx did not equate institutions of concentrated power (which he held in contempt) with the "State" (which he equated with the demos). He praised the scenario in which "every member of society is an equal partner in popular sovereignty, and treats all the elements that compose the real life of the nation from the standpoint of the State" (p. 33).

In light of this, only those who have the public interest in mind are entitled to be State officials (i.e. civil servants); as their charge was predicated on civic-mindedness. No party can be charged with civic responsibility unless it "is felt and recognized as the general representative of the society. Its aims and interests must genuinely be the aims and interests of society itself, for which it becomes in reality the social head and heart. It is only in the name of general interests that a particular [group] can claim general supremacy" (p. 62).

This sense of "communism" is characterized by the dysfunctions it eliminates more than by the specific structures it erects: "Communism deprives no man of the power to appropriate the products of society; all that it does is to deprive him of the power to subjugate the labor of others by means of such appropriation" (p. 486). Thus "communism" (in the Marxian sense) is about increasing liberties and eliminating subjugation and oppression of the many by the few. By "communism", then, Marx essentially meant "democracy" (p. 167).

As with democracy, communism was a dynamic, not an ideology. (I explore this point in my essay, "America's National Origin Myth".) Of the ten recommendations at the end of the ***Communist Manifesto***, five are worth noting: progressive taxation, high inheritance tax, no for-profit banking (financialization of the economy), socialized communication and mass transit systems, and universal public education. Also mentioned: child labor restrictions. (Surely, Marx would have included universal public healthcare had he expanded the list.)

Marx defined “individual liberty” as an omni-symmetrical condition: “the power a man has to do everything that does not harm the rights of others.” Moreover, “liberty as a right of man is not founded upon the relations between man and man, but rather upon the separation of man from man. It is the right of such separation.” Hence: Freedom TO entails a freedom FROM. According to this, “every man is equally regarded as a self-sufficient monad” (p. 42). This illustrates the high degree that Marx valued individual autonomy and personal prerogative. It also shows how he recognized that freedom requires that one party never be able to impose upon another. Thus “freiheit” is concomitant with “unabhängigkeit”: each individual is sovereign over his own life (his own person, his own mind), which includes his own life choices. Freedom, then, is a function of personal prerogative: the ability to engage in creative activity of one’s own accord on one’s own terms.

Marx tied all of this to the economic exigencies (read: power structures) in which people live their lives. He thus spoke of “a definite form of activity of…individuals, a definite form of expressing their life, a definite mode of life on their part. As individuals express their life, so they are. What they are, therefore, coincides with their production, both with *what* they produce and with *how* they produce. The nature of individuals thus depends on the material conditions determining their production” (p. 150).

Creative activity, it is important to note, was based on autonomy–that is: personal prerogative. This means that a person needed to be at liberty to produce on his own terms. “The first premise of all human history is, of course, the existence of the living human individuals. Thus the first fact to be established is the physical organization of these individuals and their consequent relation to the rest of nature” (p. 149).

In keeping the ideal of “species being”, Marx was concerned with *universals*: that which is shared by all humans (AS fellow humans). Universal human emancipation was the corollary of our shared humanity; and so was the ultimate end of revolution (against concentrated centers of power).

Marx noted that the relationship between power structures and the working class involves a positive feedback loop of domination / exploitation and subservience, which perpetuates the established order. In this vicious cycle, the proletariat is forced to enhance its own chains in order to simply stay afloat (p. 209-211). Man is thereby forced to perpetuate his own subjugation, and abdicate his own “freiheit” / “unabhängigkeit”.

Understanding his emphasis on individual autonomy, we find that Marx meant something very specific by “private property”, which was posited in contradistinction to “truly human social property” (public property). Marx was concerned with property’s “*class* character”, *not* insofar as it is something for personal use (p. 485). This involves the distinction between use value and exchange value (reflecting Aristotle’s distinction between *natural* and *unnatural finance*). A man was free to use property for himself, on his own terms, of his own accord, so long as it was a matter of personal utility…as opposed to using property as a means of subjugating others (that is: as “capital”). Marx openly recognized the legitimacy of NON- “private property” property for personal (non-communal) use: the right to enjoy the fruits of one’s own labor (p. 42). *

Marx criticized “private property” *only insofar as* said property is a means of domination and exploitation. “Is not private property ideally abolished when the non-owner (non-capitalist] comes to legislate for the owner of property [capital]? The *property qualification* is the last *political* form in which private property is recognized” (p. 33). The misleadingly labeled “private property” was not problematic insofar as it was “private”, but insofar as it was used as a means of exploitation. It did NOT correlate with what we now dub “private property” qua personal ownership.

Whenever Marx refers to “private property”, then, he is referring to none other than “the material, summary expression of alienated labor.” Thus “private property” is defined as the physical embodiment of

systematic exploitation; NOT in the manner that it is defined today (something I purchase for my own use). Insofar as property is *not* the means by which men are systematically exploited, it is not "private property" in Marx's sense of the term. (Also see p. 81.) It is the "***class character***" of private property that makes it un-conducive to a healthy society (i.e. a society socio-economic injustice); as such a society is not characterized by systems of domination / exploitation. "When capital is converted into common property, into the property of all members of society, personal property is not thereby transformed into social property. It is only the social character of the property that is changed. It loses its ***class-character***" (p. 485).

Marx went so far as to refer to "bourgeois private property", which he defined as "the final and most complete expression of the system of…exploitation of the many by the few" (p. 484). "Hard-won, self-acquired, self-earned property! Do you mean the property of the petty artisan and of the small peasant, a form of property that preceded the bourgeois form? ***There is no need to abolish that*** " (p. 484-485). *

Marx elaborated on this point: "All we want to do away with is the miserable character of [said] appropriation, under which the laborer lives merely to [as a means to another's end] to increase [another's] capital, and is allowed to live only insofar as the interest of the ruling class require it" (p. 485). "'Estranged labor' is the direct cause of private property. The downfall of the one aspect must therefore mean the downfall of the other" (p. 80). Only when it came to the means of production (and what we'd now dub "public goods") was collective ownership necessary.

Marx's concern was concentrated power, in that it entailed domination by the few over the many (read: the exploitation of the rabble). This included what he once presciently called "the aristocracy of finance" (p. 601); those whom Roosevelt later called as "the malefactors of great wealth". This referred to those who "set in motion all the mainsprings of credit…in which the trading world can only maintain itself by sacrificing a part of wealth, of products and even of productive forces to the gods of the nether world…" (p. 217). This last menace amounted to the highly-concentrated centers of wealth now known as "corporations".

Even more presciently, in 1851, Marx warned of "mortgage banks that parlay their acquisitions into debt [hyper-leveraging] and accelerate the concentration of property [capital accumulation]" (p. 616).
Marx's view of consolidated power is based on his very specific conception of "capital": the means by which a select few are able to ever further consolidate power for themselves at the expense of everyone else (p. 208, 208-209). Capital, he wanted to make clear, is ***social and political power*** (p. 485); not to be conflated with money that are used to fund a pro-social enterprise (a.k.a. "capital").

Marx had a problem with capital insofar as it was the primary means by which the rabble's life / labor was "appropriated" by those wielding socio-economic power. "All that we want to do away with is the miserable character of this appropriation, under which the laborer lives merely [as a means] to increase capital, and is allowed to live only insofar as the interest of the ruling class requires it" (p. 485).
Like Adam Smith and Immanuel Kant before him, Marx recognized: To the extent that a human is forced to exist solely as a means to the aggrandizement of another, injustice is afoot.

A class that possesses nothing other than its capacity to sell its labor is an exploited class. Such a class is required for the existence of capital, as the raison d'etre OF capital is such exploitation. Capital is accumulated (surplus) labor, and the fruits thereof; which, instead of serving the interests of a few oligarchs, could be used to facilitate the commonweal. When labor serves as the means by which a well-positioned few accumulate power, it represents the ability for the owners of the capital to buy MORE labor, thereby perpetuating the system of domination / exploitation.

Alas, Marx's name was soon appropriated by anti-Marxian forces. (Marx would not have endorsed most of what came to be dubbed "Marxisim"; nor Soviet-style "communism", which were–effectively–right-wing

movements. It might be noted that RIGHT-WING collectivism (which, rather than civic-minded-ness, was a matter of cultic thinking; predicated as it was on Exceptionalism and groupthink) was first propounded by Joseph Mazzini in his “On The Duties Of Man”. This was the antithesis of the Marxian conception of collective action as propounded by, say, Antonio Gramsci.

{ If I create–or acquire via a fair transaction–a basket, I own that basket. It is not communal property. I can make use of the basket for my own purposes, of my own accord. It is “mine”, and thus “private property” in the modern sense of the term, though not under the Marxian definition (as I’m not using it to exploit anyone). Hence Marx’s exhortation to eliminate “private property” in no way undermines individual autonomy (or contravenes personal prerogative), nor does it preclude exchange between willing parties (assuming there is no power / information asymmetry; and thus no domination / exploitation; nor any deception / fraud).}*