

Caliphate And Ecumene: Understanding The Global Future By Examining The Historic Past

Joseph P. Garske
Chairman of The Global Conversation.
jpg.today@yahoo.com

Abstract

It has been the dream of prophets and philosophers since ancient times that at some culmination of history a new order of human life will envelop the earth. It would establish peace and prosperity for all, a new *Golden Age*. In fact, it now seems possible that because of technological advance some form of that dream might soon be realized. The elements of authority and compliance essential to its foundation have been brought into existence. The purpose of this paper is neither to endorse nor condemn the various projects to extend a *Rule of Law*, a unified *Economic* order, or an *Ecumenic* atmosphere of thought that would include all peoples and regions of the earth. Yet even though these new structures of global governance are coming to encircle the world, they have also become invisible because of their excessive familiarity. One way to gain perspective on this way of understanding is to provide a context historically, comparatively, and in a legal way. This paper is intended to provide a perspective on what has become an enveloping influence from which it is difficult to find a detached and impartial understanding. It will do so in two ways: First, by looking at moments of incremental development through the historic past. Second, it will view the Western components of global rule by viewing them in comparison with their Islamic counterpart. In what follows, we will examine the two parallel strands of historical development in terms of what was basic to the nature of each. That is, to show how the two realms of Muslim *Caliphate* and Christian *Ecumene* operated on almost precisely opposing principles, and how comparing them can give us perspective on the project of global governance today.

Keywords: Ecumene, economy, sharia, caliphate, empire

Introduction

One difficulty in the project of building a regimen of global governance is that of maintaining perspective on the work involved. The project, after all, is global in its extensiveness and ubiquitous in its influence; it offers no completely detached vantage place for purposes of evaluation and reflection. In no aspect of the program of global consolidation is this problem of perspective more critical than that of assembling a uniform and consistent regimen of law (Domingo, 2010).

For those jurists, statesmen, and academics who work to establish a legal mechanism around the world the matter of perspective is fundamental in constructing a durable and effectual future of global order. The limitation is especially acute as affairs of the world are being reshaped under the aegis of the two historic forms of Western legality, Civilian and Anglophone. Both these traditions of law being applied on a global scale are, of course, derivatives of a single tradition that originated centuries ago. Because they have come so completely to define the global reality inhabited by all peoples of the world, the challenge is to step outside them to find a vantage place from which to examine them and the way of life they are constructing (Habermas, 2006; Kennedy, 2016).

One way to do so is to look into the distant past, to see how constituent elements were combined to form the composite that is being constructed today. Besides this historical approach we can view the tradition by comparing it with a different way of life. The Islamic mode of living is especially useful for this purpose because it has existed in parallel and at close proximity for more than a thousand years. Although there have been exchanges between the two realms, they have remained for the most part unfriendly rivals who are geographically separate, and therefore useful for comparison. Examining the differences basic to the nature, for example, of *Caliphate* and *Ecumene*, as seen over several centuries, can provide a frame of reference from which to contemplate both the adjudicative and educative aspects of a global law project in the twenty-first century.

Allowing for occasional aberration and exception, and in terms of what was basic to the nature of each, the two realms of Muslim *Caliphate* and Christian *Ecumene* operated on almost precisely opposing principles. Examining those fundamental elements with the objectivity of historical distance can be helpful in understanding conditions in a globalizing world as it looks toward the future. This can be done by returning to the historic context of the Mediterranean world, within which both the Christian and Islamic ways of life came into existence. That story begins two thousand years ago with the Western tandem of adjudication and education.

The Roman Imperium

The story of the ancient Romans and their Empire extended over many centuries. During that period every extremity of human behavior can be observed: heroism and cowardice, intelligence and stupidity, integrity and duplicity. But unlike modern practice, theirs was not a political structure based on abstract principles or formal documents. Instead, it was organic, established on personal relations of family, tribe, and hereditary orders. If considered in terms of what was basic to its nature--that is, unique elements, if removed, would make it no longer characteristically the Roman Empire--three aspects become apparent (Christ, 1985). First the Empire, founded in 27 BC, was fundamentally militarist in nature, and was intended to *protect*. The modern word empire comes from the Latin word *imperium*, meaning a grant of power. The word emperor comes from the Latin *Imperator*, or military commander. The Roman Emperor was not a civic official, nor did he rule the Empire. Instead, he was commander of the Roman armies, or Legions. Although the legions are often remembered for their foreign conquests, the primary role of this military force was to defend the borders from invasion and to keep peace among the various peoples within the Empire (Garnsey, 2014).

It must be remembered that the Romans existed during an era when the tradition of what, in Western jurisprudence, is called the *Right of Conquest*

prevailed. With no transcendent world authority, it was assumed that whatever people had superiority of arms were better equipped to preside over the others. Although such a principle may seem alarming, there was a clear logic to this view. The dominant power had the greatest ability to maintain order and stability and was therefore entitled to preside. There was a moral question, however, as to whether the purpose of conquest had been for purposes of protection and stability or for subjection and exploitation (Von Clausewitz, 2023).

This question touches on a second aspect basic to the nature of the Roman system: its philosophical dimension. Imperial unity was based on the teachings of *Stoicism*, a philosophy that comprised deep and sacred meanings. As a tradition it descended from the ancient Greek philosopher, Socrates. *Stoicism* was unlike modern types of academic philosophy with their elaborate speculations about existence and meaning. Instead, it was a philosophy of practice. It taught the divinity of the universe and a life of self-control in harmony with nature. Its teachings in many ways resembled Chinese *Daoism*, *Buddhism*, or even *Islam* (Aurelius, 2024; Hadot, 2007).

The *Stoics* taught that training the mind with good thoughts would result in good actions. But to convey their message the *Stoics* were not prolific writers. Instead, they passed on their teachings orally and retained them by memory. For each adherent, the center of this practice was located in what they called the *Hegemonikon*, that is, the human breast where heart and mind converge. *Stoicism* was a universal teaching that sought to harmonize relations among all peoples in a cosmopolitan world under what was called the *Pax Romana*, or *Roman Peace* (Reydams-Schils, 2005).

As part of their philosophical views, the Roman *Stoics* respected the religious customs of the various tribes and peoples who inhabited the Empire. Those sacred customs were interpreted allegorically, as representing a spiritual aspiration that resided in every person, even though expressed in different forms. The most

extensive surviving record of a tribal religion from that era is the case of the Jews who lived mainly in the Province of Judea-Palaestina, but who had settlements across the Empire.

In the long history of the Romans there can be found ritual practices of shocking barbarity and sacrilege, but the essence of *Stoicism* matched the character and sobriety of the old Roman families. They shunned the ostentation of riches and conceived of themselves as retiring to till their small plot of land, yet ready to answer the call of obligation if necessary. Their empire, not fundamentally sustained by wealth, exacted only a modest tax from the provinces. Except for a small revenue office, they had almost nothing like a modern bureaucracy (Schiavone, 2000).

A third characteristic of the Roman Empire was that it had no system of law in the modern sense. Instead, the Romans had their own customary law, the *Mos Maiorum*, that every Roman boy committed to memory in the Latin language. They also had a *Jus Civile*, the law of the city and citizens of Rome that was replicated in every major city they founded. In their courts, a private citizen, chosen by the litigants, presided to resolve disputes. Although expert counsel was available on details of the law, the Roman spoke on his own behalf in a court proceeding, with no need for hired advocates. But this civic law did not apply across the hinterlands of the Empire or to non-Romans who had their own customs. Moreover, there were other traditions of law, especially for example, among merchants, the *Jus Gentium* and an ancient maritime code, but these traditions were separate from official Roman practice (Schiavone, 2012).

Most of all, in a fundamental way, the legal culture of the Empire was *personal*, not *territorial*. In other words, while Roman citizens lived and were judged by their own law, the tribes and peoples who inhabited the Empire were allowed to retain their legal customs—with the exception that only a Roman official could impose the death penalty. Remarkably, an example of these practices can be seen in one judicial episode from the period of which there is substantial evidence.

That is the trial of Jesus of Nazareth on the charge of sedition. Because the Jewish authorities found him guilty by their law, the Roman governor was obligated to carry out the punishment of execution by crucifixion.

The Christian Dominium

Following a century of anarchy and civil war, beginning around 200AD and lasting until after 300AD, the Empire was overthrown and re-founded with a new capital city, Constantinople (modern Istanbul). But the new realm, established on a completely different basis, and governed by a completely different method, was intended for the purpose of *Rule*. In Latin, the new structure of empire was no longer a militarist *Imperium* but was a legalist *Dominium*. Its leader was no longer *Imperator*, but was *Dominus*, instead (Fowden, 1993).

In fact, the change in imperial structure was made complicated because the eastern half of the Mediterranean was largely Greek speaking. While Latin was retained as the language of law, the common language of Constantinople was Greek. Thus, in the Greek translation the new realm of authority was not called *Dominium*, but *Oikoumene* (*Ecumene*). Both words, *Dominium* and *Ecumene* derived from words meaning domicile or estate (*Domus*, *Oikos*). This new mode of governance was based on a transcendent legal architecture with oversight over every household or villa. All landed property was owned by the citizen class, where agricultural and industrial production occurred. Military duties were fulfilled by professional or mercenary soldiers.

Although slavery was generally abolished, the tribes were also dispersed as the population of commoners was reduced to a vast peasantry, localized and bound to the land. This was especially important because, unlike the original militarist empire, the new domain was built on the production of wealth through manufacture and trade, agriculture and mining. While the original Romans were known for their courage and sobriety, the new rulers came to be known for their opulence, their fine speech, and a concentration of wealth within the high nobility.

Their centralized form of rule employed a law that was *territorial* in nature, administered across the Empire by a system of courts with a stratum of trained judges and advocates. But the legal culture had two dimensions, adjudicative and educative. For the structure of judicial authority to work effectively, the subject population was trained to understand it in terms of the benefit it conferred. They were also instilled with a habit of compliance. The new Roman Empire accomplished this educative purpose by the instrument of religion, a process that began at the *First Ecumenical Council* at Nicaea in 325AD.

The bishops assembled at *Nicaea* held both civil and religious authority. The immediate purpose of their meeting was the most fundamental schism within what had recently been adopted as an official religion of the Empire. That question was whether Jesus was a type of god or was he a mortal man, as most of his original followers thought. After the *Council* concluded that Jesus was, in fact, a deified being, the new religion was imposed across the Empire with much bloodshed and suffering. Henceforth the legal authority of the Empire was surrounded by the august ceremonial of a newly ritualized imperial Christianity. The uniformity of imposition was so complete that very few divergent sects or creeds would survive from that period of *Ecumenical* rule—except for a particular strand of Jewish tradition that conformed to the new legal constraints (Wagschal, 2014).

However, despite the propagation of an Imperial religion there were still difficulties with the legal structure. The original Roman law, never intended to be a uniform territorial system, and written in the old Latin language, was cumbersome and inconsistent. The problem of constructing an *Economic* law of persons and things to match the *Ecumenic* religion of instilled belief, was not resolved until after 500 AD. Two centuries following the *Council at Nicaea*, the Emperor Justinian ordered a compilation and restatement of all the many constitutions and statutes previously collected. The result was the famous *Code of Justinian*, promulgated around 530 AD (Chitwood, 2017).

When this occurred, however, the momentum of the action taken by Justinian soon led to an entirely new legal code--in the Greek language. This resulted in the first real consolidation of rule under a combined legal and religious structure, economic and ecumenical. With this new reconciliation of the adjudicative and educative, the strengthened empire made plans to wage a war of conquest against the distant empire of wealthy Persia. Beginning around 600 AD the encounter of these two giant powers spread across the ancient world, reaching down even into the deserts of Arabia.

The Caliphate

The man Muhammad is revered by millions of believers as the founder of Islam, but he was also a mortal man who lived in a world of affairs. In the Western world he is often compared, unfavorably, with the deified personage Jesus Christ. But the more appropriate comparison would be with the ancient Hebrew Prophets of the *Bible* or *Torah*. The world of Mohammed was dominated by two giant empires that, although frequently at war, were in fundamental ways quite similar (Khattab, 2016). For example, both were *Ecumenic* in nature with a centralized atmosphere of territorial rule by a stratum of legal authority. They each had an official religion, Christianity and Zoroastrianism, respectively. They were not fundamentally militarist, instead, each depended on professional and mercenary armies. Their power was based on wealth concentrated in the nobility and produced by a servile peasant population. Muhammed and his followers could not have been more different (Tolan, 1919).

The Arabs, inhabitants of a desert land since the earliest days of recorded history, had never been successfully ruled over; instead they remained fiercely independent tribal peoples. Located mostly on trade routes between the Red Sea, Egypt, and Mesopotamia, they were not only skilled tradesmen but also sophisticated in the ideas that spread across the world. As nomads in a harsh land, they lived by customs of generosity and hospitality necessary for mutual survival.

They spoke in the language of poetry, and like many peoples of the time, did not write but cultivated an astonishing faculty of memory.

They shared the heritage of *Father Abraham*, which was a way of life based not on a hierarchy of authority but on the strongest natural bond in human existence: that between parent and child, sibling and kin, extending to the tribe. Although often in dispute among themselves, the tribes could unite against a common threat of imperial invasion. They had never been disarmed, were excellent horsemen, and were always prepared for war.

It must be taken as significant that the first word spoken to the Prophet Muhammad by an angelic messenger was the command to *Recite*. This was followed by many instructions given over a period of years and originally shared only with his close followers. It was inevitable that these teachings were understood by these followers in the context of their experience of the world in which they lived. But the message, timeless and universal in nature, was committed to memory. It was not until a generation later, some years after the death of Mohammad, that the revelations were recorded systematically in a book called the *Qur'an*, an Arabic word meaning *Recitations* (Ong, 1983).

Although the teachings of Islam are often assumed to comprise a religion, they may, in fact, be better understood as instructions for a way of life based on a religious dimension. They are presented from a holistic and sacred point of view that does not fit precisely into modern Western categories of either law or religion. Instead, Mohammad taught the *Sharia*, which consisted of a way to live the whole of one's life. Unsurprisingly, this 'way' echoed similar teachings given by Jesus, whose way or path is expressed in Greek as *he hodos*, *The Way*. It is ironic that among a people so skilled in warfare, the movement founded by Muhammad was based on the central commandment of *Islam* meaning *surrender* (Reynolds, 2020).

Viewed in terms of what was basic to its nature, the teachings of the *Qur'an* has very few specifics concerned with what in the West is called *government*. Nor

were there teachings divided, for example, into the modern categories of law, religion, and politics. Instead, the tendency of the original Muslims was, like all primordial peoples, to live by family and tribe.

What eventually emerged was the unifying figure of the *Caliph* or *Successor* as the one who inherited the mantle of stewardship for the Muslim peoples. Although the *Caliphate* is often equated with Western forms of government, the method it adopted was almost precisely the opposite of Western methods of legal rule. In fact, the fundamental purpose of the *Caliphate* was not to *rule*, but to *protect* (Donner, 2010).

Most importantly, Islam employed a *personal* law, embodied in each person, the authority of which ascended from the population upwards. This was the opposite the Christian method of a *territorial* law administered by authority, descending on the population downwards. Similarly, its methods of finance and trade tended to diffuse wealth rather than to concentrate it, to encourage individual productivity rather than impose a general servility.

Lacking a central authority, the followers of Muhammad would have their own history of disagreement, dispute, and warfare. Yet, despite these fissures, the way of life had an inherent gravity that tended toward unity. Instead of being ordered from the top down by a central authority, Islam relied on cultivation and learning among the population to maintain itself. Although schools of interpretation, of theology and jurisprudence inevitably developed, these were not basic to the nature of Islam. Instead, the Caliphate worked only to the extent that all were united on the basic teachings.

Thus, from the earliest days, despite the uniformity of its basic teachings and the strict use of the Arabic language, there was a wide variety of interpretation and application as the message spread across distant regions. Yet, there was also a remarkable degree of tolerance toward non-Muslims. In fact, unlike the realm in which Christian hegemony prevailed, one of the distinguishing features of the

Muslim *Caliphate* was the surprising number of age-old and diverse religious traditions that survived into the modern age under its protection (Karsh, 2006).

Medieval Christendom

All future history of the medieval Latin world is often said to have begun at Rome in 800AD, when the Pope crowned Charlemagne emperor of the Latin West. Until that time, the Bishop of Rome, (called *Papa* or *Pope*, meaning *Father*) had been appointed by the Emperor in Constantinople as the *de facto* head of the Christian West. This began to change under Charlemagne, and when viewed from the perspective of a legal culture, and in terms of its basic nature, the event set a course of development for nearly a thousand years (Abu-Lughod, 1989).

Charlemagne was an enlightened monarch and although he waged war against Muslim Spain he had cordial relations with the Persians, who as a gesture of friendship sent him the gift of a baby elephant—causing a sensation in Europe. The dynasty founded by Charlemagne continued through his sons who, by the *Treaty of Verdun* in 843AD divided Europe into approximately what would become the regions of modern France and Germany (Buliet, 2013).

The structure of this new *Holy Roman Empire* was said to be founded on the *Twin Swords*: Centered in Rome was the religious *Dominium* of the Church organized on the Greek pattern of fraternal brotherhood. Alongside that was the *Imperium* of the warrior nobility based on the Germanic tradition of tribal election. When Otto I was elected Emperor of the Latin Empire in 962, he established schools by bringing Greek and Arabic learning to Europe, including algebra, astronomy, medical knowledge, and the astrolabe for navigation,

But during the next century there arose to prominence a monastic brotherhood, the *Cluniacs*, with aspirations both within the Church and the geostrategic affairs of the Empire. As they took control of the Papacy to impose an order in which remaining tribesmen were dispersed, disarmed, and reduced to the status of peasant. The eventual result was what historians call the *Gregorian Reform*

beginning around 1050AD. This event coincided with the rediscovery of the ancient *Justinian Code* that had lain dormant in monastic archives for five hundred years. With the rise of *Cluny* three important results emerged very quickly. Most dramatic was directed beyond the Christian world: launch of the *First Crusade* in 1096, to recapture the Holy Lands from the Muslim Infidels. The other two major events had important consequences for imperial law (Bellomo, 1995; Stein, 2004).

First was the founding of the University of Bologna, Italy in 1088, the first university in Europe. Its purpose was to be a center for the study and teaching of law. Specifically, the scholars who worked there began to glean from the sophisticated writings of the *Justinian Code* methods and procedures that could be adapted to a rather backward and agrarian Europe. The result was the *Jus Commune*, or Common Law of Christendom, that would regulate affairs of both Church and Empire. Soon other universities followed at Montpellier, Paris, Oxford, and Cambridge. The course of study came to include medicine, mathematics, theology, and philosophy. But the scholar would remain a key figure in what eventually became the Civil law tradition. The aim was to build a law that was theologically orthodox, and that worked for the common good in accordance with natural reason (Cardini, 2001; Lesaffer, 2010).

But there was a second event occurring in this period that would also eventually have a historic legal importance, the *Norman Conquest* of England in 1066. That episode, the single most important turning point in English history, was a catastrophe of violence and death, with entire regions systematically depopulated. In the aftermath, King William I established an especially harsh form of Norman Kingship. Although the new monarchy was based on the *Jus Commune*, the King also created three special Royal Courts. Those courts eventually came under the auspices of a guild fraternity with a granted monopoly of commerce in affairs of litigation. Their legal method was not based on explicit principle, but on consensus

within the fellowship. They looked upon the scholars of the law as rivals, and as a threat to their exclusive trade (Fowden, 2015; Van Caenegem, 1989).

The Modern World

Viewed from the perspective of a legal culture with two aspects, adjudicative and educative, another great turning point in the Western world began to occur during what historians call the *Protestant Reformation*. The change is especially represented by the influence of John Calvin, trained as an advocate for the law courts, but whose work would have consequences for religion as well. Beginning around 1530 the impact of his innovations resulted in a century of civil and religious warfare across Europe and Britain. Ironically, his program of *Reform* was made possible by technological advance, especially the printing press and firearms. The Modern world would be unique, not just because it was built with technology, but the extent to which technology was its basis (Misa, 2011; Schochet, 2008).

In rebellion against *Universal Church* and *Empire*, Calvin attempted to design structures of localized rule based on what was called the *Respublica Hebraeorum*, or Hebrew Republic, and like Talmudic Judaism were anchored in the fixed written text. His theologic legalism was centered on two teachings: The doctrine of total human depravity along with the doctrine of an *Elect* chosen by God to rule over corrupt humanity. The result of Calvinist teachings--which came to England in the form of Puritanism--was one of the most destructive and deadly convulsions in human history (Nelson, 2020).

However, eventually out of the chaos and destruction emerged a new form of rule that followed on the writings of Machiavelli—father of the Western political tradition—Jean Bodin, Hugo Grotius, and others. They developed a new conception of impersonal political rule built on a combination of concentrated wealth, fixed institutions, and legal authority. Following the Treaty of Westphalia in 1648, Christendom would be divided into numerous separate nation-states, each with its

own language, law, and national version of Christianity. In fact, this structure of territorial rule was so successful that, by many iterations, it came to enclose virtually the entire habitable surface of the earth (Machiavelli, 1984).

As conceived, and as it evolved over time this new polity was said to have a monopoly of violence, including the right to impose death on any of its subjects. It had the capacity to wage war and conduct diplomacy with any other state. It was assumed that the highest loyalty of each citizen would be to the state, especially in times of war. But as the nation-state developed it encountered problems in its legal structure, especially the religious dimension. The division of Christianity into nationalized segments caused much resentment and often required extreme measures of judicial violence to enforce. Thus, began the search for an educative method that could avoid the visceral divisiveness of an imposed religion (Baylor, 2007; Comenius, 2006; Mansfield, 2001).

The search for new doctrines of instruction resulted in two successful alternatives: The *Natural Philosophy* of Francis Bacon: a method of understanding based on empirical observation, that would come to be called *Science*. The other approach was based on purely logical calculations of the mind: a method set forth by Rene Descartes that came to be called *Rationalism*. Perhaps, most importantly, these new methods for organizing public thought within a legal culture fundamentally shifted conceptions of reality. From the medieval *Via Aeterna*, a way of life based on eternal truths, to a *Via Moderna*, the idea of an ever-changing reality, shaped by advancements of scientific knowledge and theoretical reasoning (Eisenstein, 2012; Rhodes, 2000).

The new methods also marked a legal division between Britain and the Continent. Following the *Treaty of Westphalia* in 1648, nation-states on the Continent eventually tended to secular ideologies as the educative half of legal rule. The modern university replaced the Church as the educative institution of Civilian legal culture based on principles of *Reason*. By contrast, in England--after the

Puritan upheavals of the seventeenth century and the *Glorious Revolution* of 1688--the *High Court of Parliament*, and the Common law became permanently attached to the ceremonial majesty of a sacramental religion for a legal method based on *Faith* (Al-Azmeh, 2009).

Finding Perspective

Since the time of Charlemagne and the *Crusades*, a major theme in the consciousness of the West was the existence of an alternative and utterly foreign way of life situated across the *Mediterranean*. Over centuries when technological development was approximately equal between the two, they stood in balanced stalemate against one another. Although Islam was often condemned on theological grounds, remarkably its system of law, the *Sharia*, was widely admired in the Christian West for its reasonableness and humanity (Slobodian, 2018).

But this favorable attitude no longer exists in the twenty-first century as the two Western traditions of law are attempting to converge into an architecture of global rule. In fact, Islamic legal culture has become the last sizable cohesive alternative to Western legal hegemony. The *Sharia* is almost universally condemned in the West as being anachronistic, vengeful, and barbarous. The very fact that such a law is viewed so unfavorably and so foreign, however, makes it useful as a comparative by which to understand the Western project of legalization on a global scale (Bell, 2007; Benton, 2016).

There are several ways to make the comparison between Western and Islamic law in terms of what is basic to the nature of each. One way is to examine how they were structured as two divergent realms in the historic past as *Caliphate* and *Ecumene*. At that time, it was possible to see more clearly certain foundational principles on which each was constructed. Those differences can be identified in many ways, including by separating their features into the approximate categories of adjudicative and educative, and viewing them in terms of what is basic to the nature of each (Hourani, 1993). For example, in the legal ordering of persons and things in

what is called *Economics*, the Western approach is hierarchical and embodied in an authoritative framework imposed from the top down. An atmosphere of exchange and obligation is maintained within which an obedient public may transact the practical affairs of life. Wealth tends to concentrate among the ones who administer that structure. By contrast, the Islamic approach to matters of wealth and property are grounded in a pattern of relations communicated to the population generally. The intent is to make all people capable of mediating their own affairs without dependency on an enveloping authority. In this environment possession of wealth and property tends to be diffused throughout the population (Al-Azmeh, 2009).

A second area of difference is the modern, abstract approach to rule illustrated by the Latin term *Res Publica*, *The Public Thing*, an imagined creation. In the Western tradition this device has become essential to the method by which populations are governed. As an impersonal abstraction, whether it takes the form of a state, a commonwealth, or an empire, it is conceived to maintain a sovereign monopoly of violence by which authority is imposed upon a subject people.

By contrast, the ordering of the Islamic world was highly personal in nature. The *Caliphate* was organic in its composition, involving innumerable individual, familial, and tribal relations. It was not based on a constructed abstraction or on an inculcated obedience, but on the unity of purpose. Nor was the capacity for violence monopolized by a stratum of judicial authority.

Third is the *Ecumenic*, or educative half of legal rule. Historically the Western approach was based on the instrumental use of religion. By this means the public was taught the magisterial authority of law as they were instilled with the habit of obedience. Although in the modern age this is done primarily through the medium of secular ideology, the Anglophone tradition still retains a strong orientation toward religion as its educative method. This can be seen not only in the history of its religious past, but also in its modern promotion of various *Ecumenical* movements. These include not only the attempt to create an *Abrahamic* theology to

include the religions of Judaism, Christianity, and Islam. It also seeks to include Buddhist, Hindu, and indigenous practices in a worldwide pantheon of *Faith* (Levinson, 2012).

Nonetheless, whatever virtues are represented by this search for commonality, the value of clarifying differences remains. Once again, one of the best ways to understand the assumptions that underlie the work for adjudicative order and educative uniformity in the global age is to step back historically and to view comparatively the basic elements of *Caliphate* and *Ecumene*.

References

- Abu-Lughod, J. L. (1989). *Before European hegemony: the world system AD 1250-1350*. Oxford University Press.
- Al-Azmeh, A. (2009). *Islams and Modernities*. Verso Press.
- Stephens, W. O. (2024). *The Oxford Handbook of Stoicism the Memoranda of Marcus Aurelius*.
- Baylor, M. G. (Ed.). (1991). *The radical reformation*. Cambridge University Press.
- Bell, D. (2009). The idea of Greater Britain: Empire and the future of world order, 1860-1900. *In the Idea of Greater Britain*. Princeton University Press.
- Bellomo, M. (1995). *The common legal past of Europe, 1000–1800* (Vol. 4). CUA Press.
- Benton, L., & Ford, L. (2017). *Rage for order: the British empire and the origins of international law, 1800–1850*. Harvard University Press.
- Bulliet, R. W. (1979). *Conversion to Islam in the medieval period: an essay in quantitative history*. Harvard University Press.
- Cardini, F. (2015). *Europa e Islam: storia di un malinteso*. Gius. Laterza & Figli Spa.
- Chitwood, Z. (2017). *Byzantine Legal Culture and the Roman Legal Tradition, 867–1056*. Cambridge University Press.

Garske: Caliphate and Ecumene

Domingo, R. (2010). *The new global law*. Cambridge University Press.

Donner, F. M. (2010). *Muhammad and the believers: At the origins of Islam*.
Harvard University Press.

Eisenstein, E. L. (2005). *The printing revolution in early modern Europe*.
Cambridge University Press.

Fowden, G. (2013). *Before and after Muhammad: the first millennium refocused*.
Princeton University Press.

Fowden, G. (2020). *Empire to commonwealth: consequences of monotheism in late antiquity*.

Garnsey, P. (1987). *The Roman Empire Economy. Society and Culture*.

Flanders, C. (2007). The Divided West by Jurgen Habermas. *Yale J. Int'l L.*, 32, 275.

Hadot, P. (2016). Philosophy as a Way of Life. *Comparative religious ethics; Volume 3: Meaning and understanding in comparative religious ethics*, 250-262.

Hourani, A. (1983). *Arabic thought in the liberal age 1798–1939*. Cambridge University Press.

Karsh, E. (2013). *Islamic imperialism: A history*. Yale University Press.

Kennedy, D. (2016). *World of Struggle: How power, law, expertise shape the global economy*. Princeton University Press.

Lesaffer, R. (2010). *European Legal History: A cultural perspective*. Cambridge.

Levenson, J. D. (2012). *Inheriting Abraham: The legacy of the patriarch in Judaism, Christianity, and Islam (Vol. 3)*. Princeton University Press.

Mansfield, H. (1999). *Niccolo Machiavelli: Discourses on Livy*. University of Chicago.

Misa, T. (2011). *Leonardo to the Internet: technology from Renaissance to present*.
Johns Hopkins.

Nelson, E. (2010). *The Hebrew Republic: Jewish sources and European political thought*. Harvard University Press.

- Ong, W. J., & Hartley, J. (2013). *Orality and literacy*. Routledge.
- Reydams-Schils, G. (2005). *The Roman Stoics: Self, responsibility, affection*. University of Chicago Press.
- Reynolds, G. S. (2020). *Allah: God in the Qur'an*. Yale University Press.
- Rhodes, N. (2000). *Articulate Networks: the Self, the Book and the World*. The Renaissance Computer: Knowledge Technology in the First Age of Print. Eds. Neil Rhodes & Jonathan Sawday: 184-196.
- Schiavone, A. (2012). *The Invention of Law in the West*. Harvard University Press.
- Schiavone, A. (2000). *The End of the Past: Ancient Rome and the modern West*. Harvard University Press.
- Schochet, G. J., Oz-Salzberger, F., & Jones, M. (Eds.). (2008). *Political Hebraism: Judaic sources in early modern political thought*. Shalem Press.
- Slobodian, Q. (2018). *Globalists: The end of empire and the birth of neoliberalism*. Harvard University Press.
- Stein, P. (2004). *Roman Law in European History*. Cambridge University Press.
- Tolan, J. (2019). *Faces of Muhammad: Western perceptions of the Prophet*. Princeton University Press.
- Van Caenegem, R.C. (1989). *Birth of the English Common Law*. Cambridge University Press.
- Wagschal, D. (2014). *Law and Legality in the Greek East: Byzantine tradition 381-883*. Oxford University Press.