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THE POLITICAL THOUGHT OF RIFA'AH AL-TAHTAWI

BY

JEAN ALFORD ZIADE

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THE POLITICAL THOUGHT OF RIFA'AH AL-TAHTAWI

AN ABSTRACT

of

The Political Thought of Rifā'ah al-Taḥṭāwī

M.A. thesis by Jean Elizabeth Alford Ziade

Rifā'ah al-Taḥṭāwī (1801-1873) is acknowledged to be one of the most significant figures in the modernization of Egyptian society. This thesis is a study of his three most important books. The first three chapters describe Ṭaḥṭāwī's concepts of freedom, equality and justice. These principles are closely intertwined; they are a prerequisite for the prosperity and contentment of citizens. The fourth chapter explains that the kingdom is essential for the existence and achievement of the above-mentioned principles. Similarly a just, wise ruler is necessary to maintain order and stability. The rights and duties of subjects, civil disobedience and government by representation are outlined in the fifth and sixth chapters. Present throughout the thesis are two themes, both of which deal with Ṭaḥṭāwī's simultaneous possession of two cultures; his attempt at reconciliation of the two cultures and the mingling of liberal French ideas with those of an Azharite shaykh. These two themes reach a culmination in chapter seven, which describes the existence of two parallel systems of law and authority in a state.

UN ABSTRAIT

de

La pensée politique de Rifā'ah al-Taḥṭāwī

Thèse de maîtrise ès Arts de Jean Elizabeth Alford Ziade

Rifā'ah al-Taḥṭāwī (1801-1873) est reconnu d'être un des individus les plus significatifs de la modernisation de la société égyptienne. Cette thèse est une étude des ces trois livres les plus importants. Les premiers trois chapitres décrivent ses concepts de liberté, d'égalité et de justice. Ces trois principes sont entremêlés; ils sont des prérequis pour la prospérité et la satisfaction des citoyens. Le quatrième chapitre explique que le royaume est essentiel pour l'existence et la réalisation des principes ci-haut. De même, un roi juste et sage est nécessaire pour maintenir l'ordre et la stabilité. Les droits et les devoirs des sujets, la désobéissance civile et le gouvernement par représentation sont esquissés aux cinquième et sixième chapitres. Présents partout dans la thèse sont deux thèmes qui traitent la possession simultanée de Taḥṭāwī de deux cultures: son effort de réconcilier les deux cultures et le mélange des idées françaises libérales avec celles d'un shaykh azharite. Ces deux thèmes culminent au chapitre sept qui décrit l'existence de deux systèmes parallèles de droit et d'autorité dans l'état.

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PREFACE

It is unfortunate that there is a notable lack of studies on Rifā'ah al-Ṭaḥṭāwī, whether in European languages or even in Arabic. While studies exist which deal with various aspects of Ṭaḥṭāwī's life, there are few which even touch on his political thought, none of which could be considered to be approaching the comprehensive. It is hoped that this thesis will provide the needed study.

Ṭaḥṭāwī's three major works have been used as a base for this present study. Takhlīṣ al-ibrīz fī talkhīṣ Bārīz, the description of his sojourn in France, was originally published in 1834 (1250 A.H.). I have made use of the third edition of 1958, with foreword and edition by Maḥdī 'Allām, Aḥmad Aḥmad Badawī and Anwar Lūqā, published in Cairo by the Wizārat al-Thaqāfah wa al-Irshād al-Qawmī. Manāhiḥ al-albāb al-Miṣrīyah fī mabāhiḥ al-ādāb al-'aṣrīyah, intended as a plan for the progress of Egypt, was first published in 1869 (1286 A.H.). The second edition of 1912, published in Cairo by Maṭba'at Sharikat al-Raghā'ib, has been used here. Ṭaḥṭāwī's third most outstanding book, written as a guide to be used in schools, is Murshid al-amīn li al-banāt wa al-banīn. The original edition of 1872 (1290 A.H.) published in Būlāq by Maṭba'at al-Madāris al-Malakīyah has been referred to.

These three works are recognized by all to be Ṭaḥṭāwī's most important and the most representative of his thought. Therefore it has

been considered justifiable to base a study of his political thought on these three volumes. Few secondary sources have been used in this study. Not only are those which deal with his political thought rare; it has been deemed preferable to examine Ṭaḥṭāwī's writings and thought at first-hand.

I wish to acknowledge my appreciation for the assistance offered by my husband in the preparation of this thesis, in particular, with the revision of translations from the Arabic; for the encouragement and advice offered by Dr. Richard Verdery of the Institute of Islamic Studies; and for the typing of drafts and the final typescript by my mother.

INTRODUCTION

For a long time Muslims had been satisfied with examining and reexamining their own past. They were under the impression of the glory of the past and thus felt a complete self-satisfaction with their own life, their ethics and the Sharī'a. This dominant idea of self-satisfaction and superiority was badly shaken by the cannon of Napoleon attacking Cairo.

The seeds for Ṭaḥṭāwī's attitude toward the West were planted slowly and indirectly by scholars such as al-Jabartī and Shaykh Ḥasan al-'Aṭṭār, who was Ṭaḥṭāwī's teacher. The era during Ṭaḥṭāwī's childhood and period in al-Azhar is worthy of further study. It is in this period that one may find the groundwork for Ṭaḥṭāwī's acceptance of western liberal concepts. Jabartī may be taken as the supreme example of this period of one who approved of many aspects of the West while at the same time he rejected others. It should be noted that it was chronologically possible that Ṭaḥṭāwī had met Jabartī.

Muḥammad 'Alī, who seized Egypt from the Mamelukes, was convinced that the way to face the superiority of the West was to copy it. After establishing himself as Egypt's dominant, almost independent ruler he began to set forth his program of modernization. Later on Rifā'ah al-Ṭaḥṭāwī was to find himself a part of this program and was, in fact, to become its most outstanding success.

Rifā'ah Rāfi' al-Ṭaḥṭāwī was born in 1801 in Ṭaḥṭā, Upper Egypt, of a recently impoverished but well-educated family. When Ṭaḥṭāwī was still young his father died. His uncles who became his guardians saw to it that he became well-entrenched in a program of traditional education and in 1817 he entered al-Azhar. The main influence at this period was from his teacher, Shaykh Ḥasan al-ʿAṭṭār. It is most likely that Ṭaḥṭāwī came into contact with new trends of thought through al-ʿAṭṭār, who had had a direct contact and friendship with some of the French officers and scientists in Egypt.

Ṭaḥṭāwī was appointed an imām in Muḥammad 'Alī's army, and in 1826, with the recommendation of Shaykh al-ʿAṭṭār, was sent as imām on an educational mission to France. These missions formed a major part of Muḥammad 'Alī's program of acquiring European technology, the major emphasis being on military sciences.

During the next five years Ṭaḥṭāwī went beyond his simple duty as imām who was to look after the spiritual well-being of the students. Although he was not required to learn French in his position as imām, he read and studied with great eagerness and seems to have surpassed the regular students. On his own he read works of Montesquieu, Voltaire, Racine and Rousseau and observed the French culture and way of life. He thus was able to absorb ideas of the French Enlightenment, as well as the political issues behind the 1830 revolt of which he was an eye-witness.

When Ṭaḥṭāwī returned to Egypt in 1831 he entered Muḥammad 'Alī's new system of schools as a translator. In 1836 he became head of the new School of Languages, which was intended to take the place of al-Azhar,

where those who were to fill the new administrative and military positions in Egypt were trained. In 1841 Ṭaḥṭāwī also became head of a bureau of translation and editor of al-Waqa'i' al-miṣriya. Ṭaḥṭāwī held great influence in this period; after the death of Muḥammad 'Alī this was to change, and in 1850 he was exiled to the Sudan by 'Abbās. Sa'īd recalled him in 1854; it was later under Ismā'īl that he enjoyed the widest influence. Among other achievements, Ṭaḥṭāwī was editor of Rawdat al-madāris from 1870 until his death in 1873 and was among those who were responsible for the new educational system. His influence spread well beyond the field of translation. It covered such widespread fields as the press, the promotion of the usage of the Arabic language over Turkish, the revival of interest in Arabic literature and such works as Ibn Khaldūn's Muqaddimah, the improvement of education, including education for girls and the fostering of ideas of patriotism. Through his writings in the press, his several books of patriotic poetry and his work on Pharaonic Egypt he aroused an interest in a continuum with the past and in Egypt as a nation. His Takhlīs stands out among the multitudes of translations of military and scientific works as a remarkable document of his age.

From reading his works, especially Takhlīs, one may say that Ṭaḥṭāwī had truly comprehended another civilization and culture. He was afterwards to live with these two cultures in mind. While on one hand he did not discard his traditional Islamic culture, on the other hand he respected and admired the French. When Ṭaḥṭāwī returned to Egypt his attempt to reconcile the two cultures began. This was partially accomplished through Takhlīs and by incorporating some of his newly acquired culture into his profession as teacher and translator. Murshid and Manāhiḥ were

also indirect attempts at reconciliation of the two cultures. These books, intended for the students of Egypt, advocated the reform of education and the promotion of ideas of justice, equality and freedom.

The most direct attempt at reconciliation is to be seen in Ṭaḥṭāwī's description of the existence of two civilizations and two systems of law and administration through which one may achieve equal results of prosperity and contentment. These parallel systems are to be examined in chapter seven of this thesis.

Another result of Ṭaḥṭāwī's acquiring of two cultures is the mixture of conservative and liberal thought to be found in his writings. Ideas and a frame of mind developed in al-Azhar mingle with the concepts of the French Enlightenment. A balance is reached, although this solution is later to be proven somewhat simplistic.

Sources for the study of Ṭaḥṭāwī

There is a scarcity of studies of any depth on Ṭaḥṭāwī. The five sources which could be considered to be the most important in English or French are those by Khaldūn S. al-Husry, Ibrahim Abu-Lughod, Anouar Abdel-Malek, Albert Hourani and Leon Zolondek.¹ Of these, the first four are books, only portions of which are devoted to Ṭaḥṭāwī. In fact, it is only al-Husry who has devoted a considerable section to the study of Ṭaḥṭāwī. The fifth major source for the study of Ṭaḥṭāwī in English or French, by Zolondek, is only a short article.

An important contribution to the study of Ṭaḥṭāwī has recently appeared in Arabic. It is a series of reeditions of Ṭaḥṭāwī's works, with a major introduction, by Muḥammad 'Amāra. Three volumes which contain the

most outstanding works of Ṭaḥṭāwī have been published.² Four other books which should be considered as major sources on Ṭaḥṭāwī are by Louis 'Awaḍ, Ṣāliḥ Majdī, Aḥmad Aḥmad Badawī and Jamāl al-Dīn al-Shayyāl.³ The latter three may be classified as biographies. In addition, Yūsuf Ilyān Sarkīs has compiled a complete list of Ṭaḥṭāwī's works.⁴

There are a number of sources for the study of the period in which Ṭaḥṭāwī was in France. The most important are by A. Caussin de Perceval, E. E. Jonard, Karl Stowasser, Anouar Louca and Henri Pérès.⁵ To this list one might add the previously mentioned work by Abu-Lughod.

Additional sources for the study of aspects of Ṭaḥṭāwī's political thought, other than those mentioned above, are Gabriel Baer, Bernard Lewis, Ra'īf Khūrī, Jamāl Muḥammad Aḥmad, C. Ernest Dawn and Hazem Zaki Nuseibeh.⁶ Except for the first, which is an article, the others are books of which only small almost insignificant portions deal with Ṭaḥṭāwī. As for Ṭaḥṭāwī's contribution in the field of education, one may refer to the studies by James Heyworth Dunne, Aḥmad 'Izzat 'Abd al-Karīm and Jacques Tagher.⁷

There exist numerous other articles and books which make reference to Ṭaḥṭāwī or even are entirely devoted to him, yet they cannot be viewed as sources of any considerable assistance in respect to the objectives of this thesis. In fact, it is unfortunate that many sources for the study of Ṭaḥṭāwī are either repetitive or lacking in depth. The most noteworthy of the articles, those which deal entirely with Ṭaḥṭāwī, are those by James Heyworth Dunne, Maurice Chemoul, Rif'at Sa'īd, Aḥmad Rachad, Jurjī Zaydān and Muḥammad al-Ṣādiq Ḥussayn.⁸ Several additional books which deal in whole or in part with our author are those by H. al-Najjār, Fathī

al-Ṭaḥṭāwī, 'Abd al-Laṭīf Ḥamzah, P.J. Vatikiotis, Baron Bernard Carra de Vaux, Jamāl al-Dīn Shayyāl and 'Abd al-Raḥmān Rāfi'ī.⁹ One might also note the paucity of reference to Ṭaḥṭāwī in certain works in which one might expect a more detailed study.¹⁰ Although the name of Ṭaḥṭāwī appears to be mentioned in numerous sources, in Arabic works in particular, it seems that there are no theses or dissertations in English dealing entirely with Ṭaḥṭāwī other than a dissertation by Israel Altman of UCLA completed in June, 1976 which was unavailable for consultation up to the time of completion of this thesis.¹¹

FOOTNOTES

Introduction

- 1 Khaldūn S. al-Husry, Three Reformers: A Study in Arabic Political Thought (Beirut: Khayats, 1966); Ibrahim Abū-Lughod, Arab Rediscovery of Europe: a Study in Cultural Encounters (Princeton, N.J.: Princeton University Press, 1963); Anouar Abdel-Malek, Ideologie et renaissance nationale: l'Égypte moderne (Paris: Anthropos, 1969); Albert Hourani, Arabic Thought in the Liberal Age, 1798-1939 (London: Oxford University Press, 1963); Leon Zolondek, "Al-Taḥṭāwī and Political Freedom," Muslim World 54 (April 1964): 90-97.
- 2 Muḥammad 'Amāra, al-'A'māl al-kāmilah li Rifā'ah Rāfi' al-Taḥṭāwī, 3 vols. (Beirut: al-Mu'assasah al-'arabiyyah li al-dirāsāt, 1972-73).
- 3 Louis 'Awad, al-Mu'aththirāt al-aḡnabiyyah fī al-adab al-'arabī al-ḥadīth, 2 vols. (Cairo: Ma'had al-dirāsāt al-'arabiyyah al-āliyah, 1962-63); Ṣāliḥ Majdī, Hilyat al-zaman bi manāqib khādim al-waṭan; sīrat Rifā'ah al-Taḥṭāwī (Cairo: Maṭba'at Muṣṭafa al-Bābī al-Ḥalabī, 1958); Aḥmad Aḥmad Badawī, Rifā'ah Rāfi' al-Taḥṭāwī, 2nd ed. (Cairo: Lajnat al-bayān al-'arabī, 1959); Jamāl al-Dīn al-Shayyāl, Rifā'ah Rāfi' al-Taḥṭāwī, 1801-1873 (Cairo: Dār al-Ma'ārif, 1958).
- 4 Yūsuf Ilyān Sarkīs, Mu'jam al-maṭbū'āt al-'arabiyyah, s.v. "Rifā'ah Bek", (Cairo: Maṭba'at Sarkīs, 1928).
- 5 A. Caussin de Perceval, "Relation d'un voyage en France, par le cheikh Réfaa," Nouveau Journal Asiatique, ser. 2, 11 (March 1833): 222-51; Edmé-F. Jomard, "École égyptienne de Paris," Nouveau Journal Asiatique, ser. 2, 2 (August 1828): 96-116; Karl Stowasser, "Aṭ-Taḥṭāwī in Paris: ein Dokument des arabischen Modernismus aus dem frühen 19. Jahrhundert" (Ph.D. dissertation, University of Münster, 1968); Anouar Louca, "Voyageurs et écrivains égyptiens en France au XIX^e siècle" (Ph.D. dissertation, Sorbonne, 1957); Henri Pérès, "Voyageurs musulmans en Europe aux XIX^e et XX^e siècles: Notes bibliographiques," Mélanges Maspéro 3 (1935-40): 185-95 (Cairo: Institut Français d'Archeologie Orientale, 1935).

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- 6 Gabriel Baer, Summary in English of "The Views of Rifā'a al-Taḥṭāwī on Religion and the 'Ulamā in State and Society," by Haim Shaked, Hamizrah Hehadash (The New East) 16 (1966): 1-3; Bernard Lewis, Islam in History: Ideas, Men and Events in the Middle East (New York: The Library Press, 1973); Ra'if Khūrī, al-Fikr al-'arabī al-ḥadīth: 'āthār al-thawrah al-faransiyyah fī tawjīhihi al-siyāsī wa al-ijtimā'ī (Beirut: Dār al-Makshūf, 1943); Jamāl Muḥammad Aḥmad, The Intellectual Origins of Egyptian Nationalism (London: Oxford University Press, 1968); C. Ernest Dawn, From Ottomanism to Arabism: Essays on the Origins of Arab Nationalism (Urbana: University of Illinois Press, 1973); Hazem Zaki Nuseibeh, The Ideas of Arab Nationalism (Ithaca, N.Y.: Cornell University Press, 1956).
- 7 James Heyworth Dunne, An Introduction to the History of Education in Modern Egypt (London: Luzac, 1938); Aḥmad 'Izzat 'Abd al-Karīm, Ta'rīkh al-ta'līm fī Miṣr min nihāyat ḥukm Muḥammad 'Alī ila awā'il ḥukm Tawfiq, 1848-1882, 4 vols. in 3 (Egypt: Wizārat al-ma'ārif al-'umūmiyah, 1945); Jacques Tagher, "La Création d'écoles populaires en Égypte, selon un projet de Rifaa Rafée," Cahiers d'histoire égyptienne 1 (1948): 186-91.
- 8 James Heyworth Dunne, "Rifā'ah Badawī Rāfi' al-Taḥṭāwī: The Egyptian Revivalist," Bulletin of the School of Oriental and African Studies 9 (1937-39): 961-67 and 10 (1940-42): 399-415; Encyclopaedia of Islam, III², s.v. "Rifā'a Bey," by Maurice Chemoul; Rif'at al-Sa'id, "Rifā'ah al-Taḥṭāwī wa bidāyat al-fikr al-ishtirākī fī miṣr," al-Kātib 8 (1968): 100-107; Aḥmad Rachad, "Rifaa Rafée el Tahtaoui," Cahiers d'histoire égyptienne 1 (1948): 175-85; Jurjī Zaydān, "Rifā'ah Bek Rāfi' al-Taḥṭāwī," al-Hilāl 12 (February 1895): 441-46; Muḥammad al-Ṣādiq Ḥusayn, "Rifā'ah Rāfi' al-Taḥṭāwī," al-Siyāsah (Cairo), 28 May 1928.
- 9 H. al-Najjār, Rifā'ah Rāfi' al-Taḥṭāwī (Cairo: Maktabat Miṣr, n.d.); Faṭḥī Taḥṭāwī, Lamḥah ta'rīkhīyah 'an ḥayāt wa mu'allafāt al-Shaykh Rifā'ah Badawī Rāfi' al-Taḥṭāwī, mu'assis al-naḥḍah al-'ilmīyah al-ḥadīthah, 1801-1873 (Heliopolis: n.p., 1958); 'Abd al-Laṭīf Ḥamzah, Adab al-maqālāt al-ṣaḥāfiyah fī Miṣr, 2nd ed., vol. 1 (Cairo: Dār al-Fikr al-'Arabī, 1958-61); P.J. Vatikiotis, The Modern History of Egypt (London: Weidenfeld and Nicolson, 1969); Baron Bernard Carra de Vaux, Les Penseurs de l'Islam, vol. 5: Les Sectes; le libéralisme moderne (Paris: Librairie Paul Geuthner, 1926); Jamāl al-Dīn al-Shayyāl, Ta'rīkh al-tarjamah wa al-ḥarakah al-thaqāfiyah fī Miṣr fī al-nisf al-awwal min al-qarn al-tāsi' 'ashar, 2nd ed. (Cairo: Dār al-Fikr al-'Arabī, 1955), and al-Ta'rīkh wa al-mu'arrikhūn fī Miṣr fī al-qarn al-tāsi' 'ashar (Cairo: Maktabat al-Naḥḍah al-Miṣriyah, 1958). 'Abd al-Raḥmān Rāfi'ī, Asr Muḥammad 'Alī (Cairo: al-Naḥḍah al-Miṣriyah, 1951).

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- 10 Kemal Karpāt, Political and Social Thought in the Contemporary Middle East (New York: Praeger, 1968); Nadav Safran, Egypt in Search of Political Community; an Analysis of the Intellectual and Political Evolution of Egypt, 1804-1952 (Cambridge, Mass.: Harvard Univ. Press, 1961); Jurjī Zaydān, Tarājim mashāhīr al-sharq fī al-qarn al-tāsi' 'ashar 3rd ed, 2 vol. (Cairo: Maṭba'at al-Hilāl, 1922).
- 11 Israel Altman, "Rifa'ah Rafi al-Ṭaḥṭāwī: a 19th Century Egyptian Intellectual" (Ph.D. dissertation, UCLA, June 1976).

CHAPTER I

FREEDOM

Some Definitions of Freedom

Franz Rosenthal, in his study The Muslim Concept of Freedom, has stated that freedom has taken on a status beyond definition.

Along its course through history, freedom freed itself from the fetters of definition. It developed into one of those powerful abstract terms that have no concrete, definable existence unless it be given to them by the human mind. While it could no longer be objectively defined, it became the object of numerous definitions.¹

Freedom is thus a matter of subjective feeling rather than objective definition.

The traditional Islamic concept of freedom

Freedom may be seen to exist on two distinct levels. These are, says Rosenthal, the philosophical/theological and the sociological. He goes on to state that in general, Muslims maintained a strict separation between these two levels: the term used to describe free will (ikhtiyār) was different from the term used for freedom (hurriyah). The term hurr had two not entirely distinct meanings. It was used as a definition of legal status, that of a free man as opposed to a slave ('abd). Hurr also had the connotation of "noble", a person who possessed high qualities and sentiments.²

It is possible to conclude along with Rosenthal that two major yet distinct types of freedom were known in the Islamic tradition. Free will, as

opposed to predestination, has been discussed at length in Muslim theology while analyses of the sociological and legal type of freedom, that is, freedom as opposed to slavery, are to be found in legal texts. It shall be seen that these two types of freedom are not included in Ṭaḥṭāwī's lengthy discussions of freedom in Takhlīṣ and in Murshid. Rather, he develops a broader base for the discussion of the concept of freedom which one may claim to be more in keeping with the Western understanding of the term. This fact represents a major shift in focus from the predominant knowledge of freedom in the context of Islam. Ṭaḥṭāwī was possibly the first Muslim Arab to introduce with such detail, conviction and desire for practical application the Western concept of freedom to the Arab World.

Furthermore, Ṭaḥṭāwī tries to effect a reconciliation between the Western understanding of freedom and traditional Islamic thought. As will be seen, he refers on several occasions to the idea that freedom as understood by the West is the same concept which is known in the Islamic tradition as justice and equity. His attempt to assert that the difference lies merely in terminology only demonstrates to us his deep conviction in the Western understanding of freedom and democracy.

Ṭaḥṭāwī's view of the French concept of freedom

After translating the Constitution of 1814 and commenting on several of the articles which he felt required analysis, Ṭaḥṭāwī made the following statement:

What they [the French] call freedom and demand as their right is the same thing which we call justice and fairness (equity). That is so because ruling according to freedom means establishing equality concerning the rules and the laws in a way that the ruler does not inflict injustice on any person, rather the laws are what are sought in a judgment.³

Ṭaḥṭāwī is to maintain this view and repeat this statement almost verbatim some forty years later in his book, Murshid. He says: "What we call justice and fairness (equity) they [the Europeans] call equality and freedom," and also that "freedom is parallel to equality and both are parallel to justice and fairness."⁴

Ṭaḥṭāwī's definition of freedom in Murshid

In Murshid, Ṭaḥṭāwī has devoted sections for the discussion of freedom, equality and justice. He defines freedom to be "a permission to do what is permissible, without any obstacle or opposition. The rights of all people of a civilized kingdom are derived from freedom." He adds that if a citizen is allowed to move freely and to act according to his will (within the limits of the law), and if he is given the right to remain in his country with protection of property, money and of opinion, then "a kingdom would be described as a kingdom which had acquired its freedom and a citizen would be described as a free citizen."⁵

The Divisions of Freedom

In Ṭaḥṭāwī's works, mainly in Takhlīs and Murshid, he has described various categories of freedom which man may possess. While some of these categories such as freedom of religion were by no means new to Islam, others, such as political freedom and freedom of opinion, while not totally unknown in the Islamic tradition in theory, could not be considered to have existed

in practice or even in theory in the centuries preceding Ṭaḥṭāwī's era. His call for the freedom of industry, agriculture and of navigation can also be seen as a precedent of great significance.

Freedom of the individual

Ṭaḥṭāwī praises the fourth article of the Constitution which deals with personal freedom. It states that each person is independent in his identity and his freedom is protected. No one can oppose this freedom except in certain cases mentioned in the law, in accordance with a particular form and ordained by the ruler. Ṭaḥṭāwī also recorded the subsequent revision which states that each person is guaranteed by law the enjoyment of his personal freedom. Arrests can take place only in the manner described in the law.⁶

In Murshid Ṭaḥṭāwī describes the free citizen as one who is permitted freedom of movement from house to house and from one place to another with no opposition. This citizen would be allowed to do whatever he wishes with himself, his time and his work. Among his rights are assurances that he would be neither deported nor punished in his country, nor have his money confiscated, unless in accordance with the laws of his country. His only prohibitions would be those necessitated by the laws of a just kingdom.⁷ Ṭaḥṭāwī elaborates on different aspects of personal freedom in his descriptions of natural, social and civil freedoms which will be discussed below.

Freedom of religion

Freedom of religious belief and practice had always existed in the Islamic world. Albert Hourani, in his book Arabic Thought in the Liberal Age, states:

The Christian and Jewish communities...were not...regarded as part of the Muslim umma, but they were recognized as 'People of the Book', who...belonged to the same spiritual family as the Muslims. As such, they were 'protected peoples', allowed life and property, the exercise of their religion and the preservation of their laws and customs, in return for loyalty and the payment of a special tax.⁸

Freedom of religion is a subject of discussion in Ṭaḥṭāwī's three major works. Articles of the same genre as those dealing with personal freedom are to be found in the Constitution and its 1830 revision which describe religious freedom. Each person living in France may follow the religion of his choice. This freedom is protected by the state; those who oppose a person in the performance of a religion would be punished.⁹

Ṭaḥṭāwī takes a very liberal view concerning freedom of religious practice in his Manāḥij.

God's wisdom had decreed that different religions would be attributed to different nations. Who then dares to object to God's will?¹⁰ 'If God had wished, He would have made all people one umma (community).' It is sufficient concerning this idea to say with al-Ḥarār [a poet]: 'Since the circle of Islam had become wide enough, each person now has the right to make his own choice.' Thus it is permitted to uphold different religions and this is the custom in all communities. A person could have a religion opposite to that of the kingdom in which he lives with the condition that there would be no harm to the system of the nation.¹¹

In other words, Ṭaḥṭāwī is declaring that it is not necessary, or even desirable, to seek the conversion of non-Muslims. If it had been God's will, then all people would already have become Muslim. Tolerance of religious belief, while approved of, had not necessarily been advocated with such boldness and force. When one remembers his training as an Azharite shaykh, this statement becomes even more astonishing in its liberalness. Elsewhere in Manāḥij Ṭaḥṭāwī goes on to state that not only are people free to practice the religion of their choice but also those of different religions should be treated as equals within their country.¹²

In Murshid Ṭaḥṭāwī states that freedom has five basic categories,

one of which is freedom of religion. Religious freedom, Ṭaḥṭāwī explains, is freedom of ideology (belief and opinion). Speaking in the context of Sunni Islam, which comprised the vast majority of Egyptian Muslims of his time, Ṭaḥṭāwī stated that one may feel free to follow any one of the four schools of religious thought. "An individual can trust to follow any one of these opinions [of the four imāms]." ¹³ Himself a Shāfi'ī, Ṭaḥṭāwī is declaring that all four schools have merit. He does not boast of the value of one over the other as being the only road to true belief.

Freedom of opinion and expression

Ṭaḥṭāwī devotes considerable attention in Takhlīs to the question of freedom of opinion. He praises the guarantees in the French Constitution for freedom of expression and in the chapter describing the 1830 revolt he provides great detail concerning the role of the press and the journalists.

Ṭaḥṭāwī records the eighth article of the Constitution: no person in France is denied the right of expressing his opinion, of writing and of publishing it, as long as it does not harm the law. The 1830 revision makes specific reference to freedom of opinion in religious and political matters. ¹⁴

In his comments on this article, Ṭaḥṭāwī explains its benefits in encouraging persons to express their opinion and knowledge. He speaks of the daily papers which he says are called Journals and Gazettes. Through them one would learn recent news from both within and outside of the kingdom, as well as useful knowledge and advice which may be provided by either a distinguished or a humble person. These papers are of service to the people: by publishing and making known both good and bad actions, it encourages people to perform good. The papers also serve as a platform for complaints. ¹⁵

Ṭaḥṭāwī makes little reference to freedom of opinion in his book, Manāhiḥ. His only comment on the subject is that Ismā'īl "had become ruler of a nation of free opinion which is consulted."¹⁶

Several comments are to be found in Murshid concerning this subject. "It is of the rights of free people that a citizen's...opinion should not be suppressed." Ṭaḥṭāwī adds the condition that what is spoken and written should not disturb the laws of the country. Elsewhere Ṭaḥṭāwī describes the position of citizens in former times who lived under an unjust ruler. They were unable to advise their king, to write about politics or to give their opinion on any subject.¹⁷

Again in Murshid, Ṭaḥṭāwī speaks with great praise for the benefits derived from freedom of opinion. The permission granted to scholars and learned people in all countries to compile political, philosophical and religious books has helped to widen the circle of civilization. Freedom in compiling, publishing and printing had spread this civilization even further. Ṭaḥṭāwī makes specific reference to the role of newspapers, the European in particular. The law of freedom of opinion was what encouraged the appearance of these newspapers.¹⁸ His reference to the value of the European press allows one to assume that his attitude towards freedom of opinion and of the press, as voiced in Takhlīs, had not altered with the passage of time.

The role of the press in the 1830 revolt. Ṭaḥṭāwī states in Takhlīs that the king's decision to forbid freedom of expression and to impose censorship of the press was one of the major causes of the 1830 revolt. He explains that the king issued an order to establish government censorship of the press, especially of the daily Gazettes, "although that was not the right of the king alone and could only

be done through a law...made with the consensus of three opinions." These orders had an immediate effect in arousing the anger of the people, for the French valued greatly this freedom. "As soon as these orders took place, most of those who were well-informed in politics had said that a great disaster was taking place and many consequences would follow."¹⁹ Ṭaḥṭāwī is thus showing his compatriots how greatly the French value their freedom.

Ṭaḥṭāwī described with precision and vividness the rapid deterioration of the state of affairs. The day after the announcement of these orders, most of the liberal Gazettes did not appear because they rejected the order for government censorship. Their absence caused a great agitation, for their failure to appear occurred only in extreme circumstances. The workshops, factories and schools closed; then "some of the liberal Gazettes had appeared calling for the disobedience of the king and the rejection of his orders. In this country, as well as in others, words might penetrate deeper than arrows." These words, Ṭaḥṭāwī explained, had great influence on the people. The police proceeded to forbid the reading of these Gazettes. They further increased the wrath of the people when they destroyed some printing presses and arrested a number of printers. The editors of several papers then proceeded to draw up a rejection declaration which they printed in many copies and posted on the walls of the city. This declaration called on the subjects to fight.²⁰

In his book Reaction and Revolution, Frederick B. Artz confirms Ṭaḥṭāwī's statements that the journalists took the leading role in the revolt. He states that it was Thiers who drew up a manifesto, signed by forty-three journalists, which declared that they would not obey the ordinance calling for censorship. Obedience, Thiers declared, ceases to be a duty. Ṭaḥṭāwī's description of the development of events leading up to the revolt, as well

as the revolt itself, are confirmed in Artz's book to be highly accurate observations.²¹

The press played a certain part in deciding who was to take the throne after the revolt. Ṭaḥṭāwī tells us that there were three factions, each of which supported a different person for the monarchy. Then posters appeared in the streets in praise of the Duc d'Orléans, who was in fact later to become king. They contained criticism of other aspirers to the throne and of the republican form of government.²²

Ṭaḥṭāwī makes additional comments in Takhlīs concerning freedom of expressing one's opinion and the use of the press. Newspapers which mocked the archbishop and the former king and which described their corruption were sold openly in the streets. "They were calling [to sell] these papers without any objection since the freedom of opinion permits that."²³

The five major divisions of freedom in Murshid

In Murshid Ṭaḥṭāwī places freedom into five categories. They are: natural, social, religious, civil and political freedom. These divisions take on particular significance when examined in the light of our previous statements concerning Ṭaḥṭāwī's total shift away from the traditional realm of any discussion concerning freedom, which mainly involved freedom as opposed to slavery. These new insights may be seen as an attempt to broaden the scope of any discussion on freedom.

Natural freedom. Natural freedom is defined as that which is born with man. It involves what all mankind holds in common: eating, drinking, walking, and other necessities of life which are harmful neither to the person himself nor to his fellow man. He should not be deprived of this freedom.²⁴

Social freedom. Behavioural or social freedom, called "freedom of conduct" by Bernard Lewis, means good behaviour and ethics. A necessary attribute for each member of the society, Ṭaḥṭāwī says that it is derived from man's conscience. It concerns his behaviour towards himself and others.²⁵

Religious freedom. As has been previously discussed, Ṭaḥṭāwī's definition in Murshid of freedom of religion is freedom of ideology (belief and opinion). An individual can trust to adhere to any one of the four schools of jurisprudence.²⁶

Civil freedom. Civil freedom refers to the rights of citizens towards each other. Ṭaḥṭāwī says that it is "as if the people...had agreed to perform the rights of each other." Each person should help others in doing that which does not contradict the constitution of his country.²⁷

Political freedom. The last of the five categories of freedom, political or national (dawliya) freedom, is defined by Ṭaḥṭāwī to be "the guarantee by the state to each citizen of his legal properties and the exercise of his natural freedom without any injustice which could be inflicted upon him." Ṭaḥṭāwī adds that a person could deal with his property the way he wishes, as if the government guarantees his use of it, insofar as he avoids harming his fellow countrymen.²⁸

Although Ṭaḥṭāwī's definition is not comprehensive in the modern understanding of this term, the very inclusion of political freedom in his list of types of freedom holds great significance. There had been a considerable gap in time since other Arab thinkers had discussed this important concept. According to Franz Rosenthal, the topic of freedom in political theory was one that was borrowed from the Greek philosophers. It found its way into Islamic thought through translations from the Greek. Al-Farābī, Ibn Rushd and to a certain extent al-Ghazālī had commented on the Greek

concept of political freedom.²⁹ A long period of time was to pass before Ṭaḥṭāwī's description of this concept.

In addition to his definition in Murshid, one may say that his earlier work, Takhlīs, was a book on political freedom. His description of the Constitution, the status of citizens within the framework of the French state, freedom of opinion, the valuable role of the political newspapers and the purpose of the 1830 revolt--all of these have to deal with political rights and freedom.

One might say that Ṭaḥṭāwī represents an Arab renaissance.³⁰ Not only has he revived the discussion of freedom of political thought, he has also enlarged it to include a desire for practical application rather than just theorizing. In this important point he has departed from his Arab predecessors, and one might say that he is the first Arab Muslim scholar to describe political freedom with the conviction of its practical value.³¹

It has been said that Ṭaḥṭāwī's political views do not differ from traditional Islamic political theory.³² There exists, however, the basis for a substantial argument to the contrary. While Ṭaḥṭāwī would not be labelled a liberal thinker in the context of our time, it is more fitting to examine his views within the framework of the time in which he was writing. Thus one may make a comparison between Ṭaḥṭāwī and two groups to which he was exposed: the Azharite 'ulamā' of whom he had been one and the liberal thinkers in France. There is surely no doubt that Ṭaḥṭāwī's views were radical in relation to those of the shaykhs of al-Azhar. In addition, when one examines the views of those persons in France at the time of Ṭaḥṭāwī's residence in Paris who were called "liberal", one discovers the same tendencies which are present in Ṭaḥṭāwī's writings. In other words, while

Ṭaḥṭāwī may be labelled a conservative by modern-day standards, so also would the liberal thinkers in Restoration France. Proof of this is to be found in Frederick Artz's discussion of constitutionalism in Reaction and Revolution:

The one common idea in the constitutional theorizing of the period was that all authority, whether of the monarch or of the people, must be limited.... After 1815 the liberal thinkers and politicians were attacking the privileges of kings, nobles, and priests, but they had no intention of turning control over to the masses....

The great prophet of constitutionalism on the continent was Montesquieu.... Liberals of the post-war period found in him the golden mean--the juste milieu...between the excesses of revolutionary ardor and the dangers of reaction.... The influence of Montesquieu was spread by a number of French writers who, in one way or another, derived their chief ideas from him: Benjamin Constant and the group known as the Doctrinaires, especially Roger-Collard, Guizot, and Cousin....

The essentially cautious character of his [Constant's] liberalism is shown by his unwillingness to accept fully the idea of ministerial responsibility and by his fear of any wide extension of the suffrage. Indeed, his statement on the question of voting power may stand as a symbol of the timidity of much of the liberal thought of the period.... Next to Bentham, [Constant] was the most original and the most widely read liberal thinker of his generation....

Though they were more conservative, the French Doctrinaires, Guizot, Roger-Collard, and Victor Cousin, as well as the rising historical writers, Mignet and Thiers, shared many of the same political views. All were, at this time, liberal monarchists and their doctrines became more or less the official ones of the July Monarchy. Throughout the writings of Guizot and Roger-Collard runs the idea that the best government is a constitutional monarchy with a strong, able king, an honest nobility, and a liberty-loving but not revolutionary people.³³

Freedom of navigation,
agriculture, trade and industry

Ṭaḥṭāwī speaks of other aspects of freedom which are different from the freedoms enjoyed by individuals. They are the freedom of navigation and the freedom of agriculture, trade and industry. Ṭaḥṭāwī says that freedom of navigation, the freedom to travel on both land and sea, is one of the major elements of civilization. It resulted in increased wealth and knowledge to all nations of the world.³⁴ Freedom of movement, whether of air, sea or land, was to become of prime importance to nations in later times.

While the value of Ṭaḥṭāwī's discussion of freedom of navigation might not be fully appreciated, it could be seen to have comparable importance to the modern-day controversy over sovereignty of air space and territorial waters.

As for the freedom of agriculture, trade and industry, Ṭaḥṭāwī states that it is the greatest freedom in a civilized country and has been proven to be one of the greatest public interests.³⁵ This statement in Murshid bears a similarity with his remarks in Manāhiḥ concerning public interest and the benefits deriving from agriculture. Anouar Abdel-Malek has demonstrated great interest in this aspect of Ṭaḥṭāwī's writings. He states that Ṭaḥṭāwī shows concern for the economic prosperity of Egypt. This means agriculture and, in a hydraulic society, a strong central government.³⁶ For him the material prosperity of a nation is as essential as the spiritual.³⁷ He criticises the landowners who hold the profits and exploit the actual workers. This is tied in with his criticism of 'Abbās and Sa'īd, who allowed excess freedom to the landowners, and his praise of the generally centralizing policies of Muḥammad 'Alī and Ismā'īl. In support of his position Ṭaḥṭāwī quotes a saying of the Prophet: "The plant is for the planter." What is meant is that the plant [i.e. the crop] belongs to he who planted it. Similarly the fruit belongs to him."³⁸

Abdel-Malek is not alone in discussing Ṭaḥṭāwī's economic ideas.

Husry has made the following comments on this subject:

...The economic ideas of Ṭaḥṭāwī were closely linked with his political ideas and his doctrine of Public Good.... The material Public Good, whose attainment was essential for the modernization of Egypt, consisted of agricultural, commercial, and industrial activities.⁶⁷ These corresponded to the three sources of wealth: agriculture, commerce, and industry.⁶⁸ 39

⁶⁷ Manāhiḥ, p. 9, 129.

⁶⁸ Ibid., p. 80.

The Value of Freedom

Freedom has great value

Ṭaḥṭāwī speaks with open admiration for the French and their love of liberty. "Freedom is a goal of the French subjects." "The French," Ṭaḥṭāwī states, "were familiar with liberty and have become accustomed to it, in a way that it became a valuable attribute." He speaks in detail of the value of freedom of opinion and its benefit to the subjects. The French valued their freedom of the press to the extent that they were willing to fight to retain this right. Ṭaḥṭāwī states that Charles X would have remained king if he had been "generous in giving freedom to a nation which deserves it." In addition, Ṭaḥṭāwī explains that the French consider the virtue of loving liberty to be a quality of great importance in a leader. He explains that the president of the provisional rule set up after the 1830 revolt was Lafayette, a person who had also fought in the first "revolt for freedom." "This man is distinguished by his love for freedom.... He is considered great like the kings because of this attribute."⁴⁰ Ṭaḥṭāwī explained that Lafayette was lacking in several characteristics, such as scholarship, which he felt to be necessary for a ruler. Lafayette's redeeming quality was his love of freedom.

Freedom is linked with progress and civilization

Commenting on the articles in the French Constitution concerning personal and religious freedom, Ṭaḥṭāwī praises their usefulness as a source of prosperity to the nation. He is implying that embodied in these two concept are the foundations for civilization and development.⁴¹ In Manāḥij Ṭaḥṭāwī refers to the establishment under Ismā'īl of "liberated (muḥarrarah)

municipalities.... Now Egypt...is progressing to the degree of perfection."⁴²

Considerably more attention is given to this aspect of freedom in Murshid. Ṭaḥṭāwī states that "the rights of all people of a civilized kingdom are derived from freedom." Concerning those countries which adhere to man-made laws, Ṭaḥṭāwī says: "The law of freedom...is the base of [their] civilization." Freedom of expression and of the press, as exemplified by scholarly works and newspapers, has helped to "enlarge the circle of civilization in the countries of the world."⁴³

Freedom is a right,
not just a privilege

There are several statements in Takhlīṣ which indicate Ṭaḥṭāwī's belief that the French view freedom to be a right, not just a privilege which they should passively accept with gratitude. He states: "Freedom ...is demanded by them." Ṭaḥṭāwī explains that no one may interfere with an individual's right to freedom of religion and of opinion. They are rights which cannot be taken away from a person without a gross injustice occurring. Throughout his narration of the events of the 1830 revolt, Ṭaḥṭāwī stresses the fact that the French considered censorship of the press to be a flagrant denial of their rights, a "great disaster which would have grave consequences."⁴⁴ They considered freedom of the press to be a basic, necessary element of life.

While less is spoken in either Murshid or Manāḥij concerning the view that freedom should be looked upon as a right rather than a superfluous privilege, the statements which are made seem only to reaffirm Ṭaḥṭāwī's position taken in his earlier work. In Manāḥij Ṭaḥṭāwī states that "the citizens deserve complete freedom."⁴⁵ The statement in Murshid that "freedom is sealed in the heart of man by nature"⁴⁶ appears to emphasize his position

as to the necessity of freedom for mankind.

Limitations on Freedom

Throughout Ṭaḥṭāwī's discussion of freedom in Manāḥij, Murshid and Takhlīs is the recurrent inclusion of the condition that freedom should be contained within limits. Two considerations are brought to mind: freedom of opinion or action must exist within the framework of a legal system, and the freedom of one individual must not impinge on the freedom of others.

In Takhlīs the articles of the Constitution which Ṭaḥṭāwī has recorded explain that limits on both personal and religious freedom are established through the laws. In addition, the authority and power of the king is limited by the law. The king is able to restrict freedom, but only in a certain form and ordained by the law. The king not only limits the freedom of his subjects but also his freedom is restrained to a certain degree. "It becomes clear for you that the king of France does not have absolute freedom and that the French policy is a limiting law."⁴⁷

Similarly in Murshid Ṭaḥṭāwī states that freedom of the individual, civil freedom and freedom of opinion can be limited only by the laws of the country. The citizens should be able to practise their freedom with the condition that they not overpass the rules.⁴⁸

When Ṭaḥṭāwī speaks of natural freedom and political freedom in Murshid he refers to the right of full exercise of one's freedom as long as it does not result in harm to others.⁴⁹ A similar statement is made in Takhlīs with reference to the freedom of opinion.⁵⁰

Another interesting point which will be elaborated on in our discussion of the need for stability⁵¹ is the desirability of restraining freedom for the sake of maintaining order. In Manāḥij Ṭaḥṭāwī states that one should

have the freedom to follow a religion opposite to that of the kingdom "with the condition that there would be no harm to the system of the nation."⁵² Similarly in Murshid he praises the value of the law of freedom of opinion, "with the condition that this law would be used without excess and without leading to any disturbance."⁵³

It is important to mention here that the idea of limiting freedom is in full agreement with Ṭaḥṭāwī's basic position that freedom means justice.⁵⁴ Freedom as understood by Ṭaḥṭāwī means harmony in the society among the citizens where each person takes only his rights and no more. This is certainly what justice means; it involves a limited freedom whereby the freedom of the individual ends where the rights of others begin. This understanding of freedom as limited is commonly accepted in our time. There are few, if any, who would advocate absolute freedom.

This position was also known in France in Ṭaḥṭāwī's time. Benjamin Constant, pupil of Montesquieu,⁵⁵ has been called typical of the French liberal writers of the Restoration period.

He defined liberty as 'the peaceful enjoyment of private independence; the right to pursue our own ends unimpeded, so long as they do not interfere with the equally legitimate activities of others.'⁵⁵

¹⁵ B. Constant, Cours de politique constitutionnelle (Paris, 1818-1820), I, 178, 312, 317, III, 249. Much of Constant's defense of liberty resembles that made later by John Stuart Mill in his essay 'On Liberty'.⁵⁶

The Relation of Freedom to Various Subjects

Although the connection which freedom bears to the contents of other chapters in this work will later become apparent, the essence of their relationship will be described here briefly.

Equality

In Murshid Ṭaḥṭāwī states that "equality...combines both royal [governmental] freedom and civil freedom." Referring to the obligation to protect one's nation and to forget one's special privileges for the sake of national interest, he says: "Equality is inseparable from freedom in time of war.... If they [the citizens] protect this equality their freedom would be established on a solid base." In Ṭaḥṭāwī's elaboration on the five major divisions of freedom he stresses the fact that these freedoms are the right of each individual in the society.⁵⁷

Similarly in Takhlīs Ṭaḥṭāwī describes the freedom of the individual, of religion and of opinion to be available to each individual of the society. One of the reasons for the importance of freedom of the press is the role it plays in the advancement of equality. In addition, Ṭaḥṭāwī states: "Ruling according to freedom means establishing equality concerning the rules and the laws...."⁵⁸

Justice

Ṭaḥṭāwī states in Takhlīs that justice upholds the practice of freedom: "No one can oppose this freedom...," and "no one could be arrested [outside the limits of the law]." Ruling according to freedom means that "the ruler does not inflict injustice on any person." Also a free press plays a role in the maintenance of justice by bringing the news of crimes out in the open and thus hastening the process of justice.⁵⁹ It is obvious that even when Ṭaḥṭāwī is examining the role of a free press in the society he is thinking of it in terms of how it promotes justice. Thus one may say that in the application of the principles of freedom, as well as in its theory, Ṭaḥṭāwī is equating it with justice.

When speaking about natural and political freedoms in Murshid, Ṭaḥṭāwī refers to their link with justice or, rather, the absence of injustice. He also states that the freedom of the citizens in combination with the justice of kings produces a balance between the two rights and results in mutual contentment.⁶⁰

The kingdom

In his lengthy discussion concerning freedom in Murshid, Ṭaḥṭāwī defines a free kingdom to be one in which its citizens practice their rights and experience freedom.⁶¹ France, "a free land,"⁶² could be described as one such country. In fact the raison d'être of a kingdom is the protection of the subjects' rights through the granting of their freedom.⁶³ Political and religious freedoms involve the guarantee to the citizens by the state for those particular rights.⁶⁴ When a citizen enjoys freedom of opinion it is as if he becomes an active member of his country and is able to feel love for it.⁶⁵ In addition, the free individual should feel a commitment toward his nation--"he should devote his freedom to honouring his nation..."⁶⁶ --just as the free nation is pleased with the freedom of other nations.

Laws

As has been discussed previously, the means by which freedom is limited is the law.⁶⁷ Conversely, one is breaking the law if one prevents another citizen from doing what is permissible.⁶⁸ Ṭaḥṭāwī remarks that "a citizen is not given freedom unless he obeys the law of the nation and helps in its practice."⁶⁹ In addition, freedom should be based on laws: "If freedom were based on good legal laws, it would be a great means of making the people happy...and...love their nations."⁷⁰ Ṭaḥṭāwī states that the law of freedom is the base of the civilization of European countries, as compared

to the Sharī'a in Islamic lands.⁷¹

The ruler

There are several references to the relation between kings and freedom. The king and his own freedom of action are mentioned in Takhlīs: "The king of France does not have absolute freedom." It was Charles X's unwillingness to accept the loss of absolute freedom and his suppression of the freedom of the press which resulted in the 1830 revolt. According to Ṭaḥṭāwī, Charles X would have remained king if he had been "generous in giving liberty to a nation which deserves it." In Ṭaḥṭāwī's praise for freedom he states that it is a king-like virtue. Lafayette has become great like the kings because of his love of freedom.⁷²

In Murshid Ṭaḥṭāwī states that man should devote his freedom to honouring his ruler as well as his nation and compatriots. He discusses another aspect of the king's power to restrict freedom; that is, his power to limit agriculture, trade and industry.⁷³

In Manāḥij Ṭaḥṭāwī shows Ismā'īl to be an example of a king who gives freedom to his subjects. "God the most High had guided...the just Khedive of Egypt who started the establishing of liberated municipalities."⁷⁴

The subjects

Ṭaḥṭāwī refers in several places in Murshid to the relation between the subjects of a kingdom and their freedom. He states that "a citizen (ahī...or waṭanī)...enjoys the right of his country, the greatest of which is complete freedom (hurriyah tāmmah) in the society." Elsewhere he says: "Freedom...is the greatest means in making people of kingdoms happy.... Each member of the society is permitted to enjoy all permissible things in the kingdom."⁷⁵

Freedom is examined in the light of subjects' relations towards each other. Some types of freedom, as for example civil freedom, are defined in terms of the subjects' rights and duties towards each other. If someone prevents another from exercising what is permissible for him to do, he is depriving him of his right. The relation between free subjects and their king are also discussed: "When the freedom of the people is accompanied by the justice of kings...there would be a balance between the two rights and both the governor and the governed would be happy."⁷⁶

Freedom, however, is not an automatic quality attributed to the citizens of a nation. The subjects may lose their freedom: "A citizen is not given freedom unless he obeys the law of the nation and helps in its practice." The ruler might limit the freedom of the subjects in the practice of agriculture, trade and industry. He would feel justified in doing so if he saw that the subjects did not have the education which would enable them to undertake the expansion of these activities.⁷⁷

The French subjects are prepared to fight for their freedom. In Takhlīs Ṭaḥṭāwī describes the subjects' disobedience of the king's orders and finally their revolt against him for the sake of upholding their freedom.⁷⁸ Ṭaḥṭāwī was very impressed with the importance which the French subjects placed on freedom and was eager to relay this to his people.

FOOTNOTES

Chapter I

- 1 Franz Rosenthal, The Muslim Concept of Freedom Prior to the Nineteenth Century (Leiden: Brill, 1960), p. 1.
- 2 Ibid., pp. 2, 12, 23 and 10.
- 3 Ṭaḥṭāwī, Takhlīṣ, p. 148. Bernard Lewis has commented on this passage, p. 270. It should be noted that the term "Constitution" is used in this thesis to refer to the French Constitution of 1814.
- 4 Ṭaḥṭāwī, Murshid, pp. 124 and 129.
- 5 Ibid., p. 127.
- 6 Ṭaḥṭāwī, Takhlīṣ, pp. 141 and 152. See also p. 150 of the same work.
- 7 Ṭaḥṭāwī, Murshid, p. 127.
- 8 Hourani, p. 4.
- 9 Ṭaḥṭāwī, Takhlīṣ, pp. 141 and 152.
- 10 Qur'ān, sūra XI, v. 118.
- 11 Ṭaḥṭāwī, Manāhiḥ, p. 9.
- 12 See ibid., p. 99.
- 13 Ṭaḥṭāwī, Murshid, p. 127. Ṭaḥṭāwī is referring here to the four schools of jurisprudence.
- 14 Ṭaḥṭāwī, Takhlīṣ, pp. 142 and 152.
- 15 Ibid., p. 150.
- 16 Ṭaḥṭāwī, Manāhiḥ, p. 323.
- 17 Ṭaḥṭāwī, Murshid, pp. 127 and 94.
- 18 Ibid., p. 125.

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- 19 Ṭaḥṭāwī, Takhlīs, p. 255. Cf. Frederick Binkerd Artz, Reaction and Revolution, 1814-1832, 4th ed. (New York: Harper, 1959), p. 263.
- 20 Ṭaḥṭāwī, Takhlīs, p. 256.
- 21 See Artz, pp. 267-68.
- 22 Ṭaḥṭāwī, Takhlīs, p. 263. Cf. Artz, pp. 268-69.
- 23 Ṭaḥṭāwī, Takhlīs, pp. 272-73.
- 24 Ṭaḥṭāwī, Murshid, p. 127.
- 25 Ibid. See Lewis, p. 271.
- 26 Ṭaḥṭāwī, Murshid, p. 127.
- 27 Ibid., p. 128.
- 28 Ibid.
- 29 Franz Rosenthal, pp. 98-105.
- 30 Husry, pp. 114-16, speaks of Ṭaḥṭāwī as representative of the Arab renaissance. He is not, however, referring to a renaissance in terms of political thought.
- 31 See Franz Rosenthal, p. 101. It should be noted that Lewis, pp. 267-70 makes reference to some Turkish thinkers before Ṭaḥṭāwī who concerned themselves with the subject of political freedom.
- 32 See, for example, Zolondek, pp. 90-97.
- 33 Artz, pp. 92-95.
- 34 Ṭaḥṭāwī, Murshid, p. 126.
- 35 Ibid., p. 129.
- 36 Abdel-Malek, p. 409. See also Hourani, p. 77.
- 37 Abdel-Malek, pp. 280-81 and 409-12.
- 38 Ṭaḥṭāwī, Manāḥij, p. 95. See also Abdel-Malek, p. 415.
- 39 Husry, p. 26.

Chapter I

- 40 Ṭaḥṭāwī, Takhlīs, pp. 150 and 255-59.
- 41 Ibid., p. 150.
- 42 Ṭaḥṭāwī, Manāhiḥ, p. 365. It is not entirely clear what Ṭaḥṭāwī meant by the term muḥarrarah if other than free or semi-independent. His choice of this word is most likely due to its suitable rhyme.
- 43 Ṭaḥṭāwī, Murshid, pp. 127, 123 and 125.
- 44 Ṭaḥṭāwī, Takhlīs, pp. 148, 141, 152, 142 and 255.
- 45 Ṭaḥṭāwī, Manāhiḥ, p. 349.
- 46 Ṭaḥṭāwī, Murshid, p. 128.
- 47 Ṭaḥṭāwī, Takhlīs, pp. 141, 152 and 140. See also below, pp. 75 and 113.
- 48 Ṭaḥṭāwī, Murshid, pp. 127 and 128.
- 49 Ibid.
- 50 Ṭaḥṭāwī, Takhlīs, p. 150.
- 51 See below, chapter IV, pp. 67-69.
- 52 Ṭaḥṭāwī, Manāhiḥ, p. 9.
- 53 Ṭaḥṭāwī, Murshid, p. 125.
- 54 This has been touched on in several places. See below, pp. 27 and 47.
- 55 While it is not certain, yet very possible, that Ṭaḥṭāwī had read Constant's works, it is known that he had read Montesquieu's L'Esprit des lois.
- 56 Artz, pp. 93-94.
- 57 Ṭaḥṭāwī, Murshid, pp. 127-30.
- 58 Ṭaḥṭāwī, Takhlīs, pp. 141, 142, 148, 150 and 152.
- 59 Ibid., pp. 141, 152, 148 and 150.
- 60 Ṭaḥṭāwī, Murshid, pp. 127 and 128.
- 61 Ibid., p. 127.
- 62 Ṭaḥṭāwī, Takhlīs, p. 148.

Chapter I

- 63 Ṭahṭāwī, Manāhiḥ, p. 353.
- 64 Ṭahṭāwī, Murshid, p. 128, and Takhlīs, p. 152.
- 65 Ṭahṭāwī, Murshid, p. 94.
- 66 Ibid., p. 128.
- 67 Ṭahṭāwī, Takhlīs, pp. 141, 142, 152 and 255. See also Murshid, p. 127 and above, p. 25.
- 68 Ṭahṭāwī, Murshid, p. 128.
- 69 Ibid., p. 94.
- 70 Ibid., p. 128.
- 71 Ibid., p. 123. See also Ṭahṭāwī, Takhlīs, p. 150 concerning ruling by freedom.
- 72 Ṭahṭāwī, Takhlīs, pp. 140, 255, 257 and 259.
- 73 Ṭahṭāwī, Murshid, pp. 128 and 129.
- 74 Ṭahṭāwī, Manāhiḥ, pp. 323 and 365. See also above pp. 23-24.
- 75 Ṭahṭāwī, Murshid, pp. 94 and 128.
- 76 Ibid.
- 77 Ibid., pp. 94 and 129.
- 78 Ṭahṭāwī, Takhlīs, pp. 255-58.

CHAPTER II

EQUALITY

Equality Before the Law

Equality in Islam

The concept of equality had existed in Islam from the outset:

Since it [the Islamic umma] was universal it was also united, and its members were equal. All Muslims, whatever their culture or racial origin, and whether of ancient or recent conversion, were equally members of the umma, possessing the same rights and responsibilities.¹

However, as with all religions and ideals of conduct, theory and actual practice did not always coincide.

All men are equal

The very first article in the Constitution of 1814, translated in Takhlis, declares that all the French people are equal before the law. Tahtāwī showed interest and admiration for this article; it was one of the few which he commented on. He explained to his readers that the practical result of this article was that every person living in France, regardless of his status, did not differ in the application of the law. In other words, a legal charge could be raised against the king and he would be treated like others in the eyes of the law. He adds:

Consider this first article. It has great authority in establishing justice, helping the oppressed and pleasing the poor by considering them equal to the great in the application of the rules. This theme is practically on the tongue of all the French people. It is one of the clear proofs that the French had reached a high degree of justice and progressed as far as the civilized manner is concerned.²

After the 1830 revolt the Constitution was revised. Several articles were removed and the article concerning equality was clarified and expanded. It expressed the desire of the Chamber of Deputies to remove all vestiges of the old Constitution which might indicate the superiority of the king or of the nobles. The new article, Ṭaḥṭāwī states, declares that the French are equal as far as rules are concerned. The distinction which exists between people as far as status, position, honour, wealth, etc., are merely privileges in social relations. They have no meaning when it comes to the application of the law.³

The equivalents of these French declarations concerning equality are to be found in Manāhiḥ and especially in Murshid. Concerning the equality before the law of both king and ordinary subject, Ṭaḥṭāwī states in Manāhiḥ that "it is known that the term, 'man' (lit.: son of Adam)...means mankind. It includes kings and men of the street equally."⁴ In Murshid he explains that all human beings, "whether a king or from the street, honourable or not, city-dweller or bedouin, peasant or hunter, free or slave, civilized or savage, are able to have children with any type of human being in the world."⁵ He elaborates on this point by saying that people of hot countries are able to have children with people from cold countries. The resulting offspring would, in fact, possess improved character, nature, colour and physical fitness.

This passage is better appreciated when considered in the context of Ṭaḥṭāwī's belief that all men are equal by nature. Such divisions as city-dweller or bedouin, free or slave, etc., are merely superficial classifications. Ṭaḥṭāwī's statement demonstrates that he holds no racial discrimination; the qualities of human beings are improved when there is a mixture of race, nation or colour. It is interesting to note here that be-

fore the Napoleonic Expedition the Muslims of Egypt, like almost all other Muslims, thought of the European nations as inferior. Ṭaḥṭāwī is now advancing the idea that peoples of different nations are equal. There is no nation of people which is inherently superior to another.

Elsewhere in Murshid, in a section devoted to equality, Ṭaḥṭāwī says that "all people share the same essence and attributes.... In this way they are all equal concerning the basic elements of life.... No one has priority over others as far as living is concerned." While Ṭaḥṭāwī acknowledges the fact that God has favoured some over others, this inequality does not extend to the law. "There is no difference between master and servant, noble and humble, as is decreed and shown by all of His revealed books to His prophets."⁶

Equality and freedom

The relationship between equality and freedom has been described in Chapter I.⁷ Equality and freedom, we are told in Murshid, are two parallel concepts. Equality is a natural attribute of man which combines both political and civil freedom. In addition, when a danger threatens a nation, its citizens must forego any special privileges which they may possess and return to the state of being equal. In such circumstances freedom and equality are inseparable. When a community protects this equality it ensures the firm establishment of the citizens' freedom. Ṭaḥṭāwī also states that "equality in rights means legally enabling man to perform, acquire or forbid all that is legally permissible to his compatriots to perform, acquire or forbid."⁸

Equality and justice

Equality and justice are seen by Ṭaḥṭāwī to be natural partners. In his analysis of the article in the Constitution concerning equality, he

claims that this article is proof of the high degree of justice which the French have reached.⁹ In Murshid equality and freedom are equated with justice and equity.¹⁰

Comments in Manāhiḥ refer to the respect held for the concept of equality in Islam: "Islam had made equal all people through justice and fairness. It possessed a civilization which spread throughout its lands, provinces and ports." By performing justice, the ruler gives each of his subjects his rights and makes all people equal through equal treatment before the law.¹¹

Equality, religion and national brotherhood

In Manāhiḥ Ṭaḥṭāwī compares national brotherhood to brotherhood in religion. People of a nation share an equal duty in supporting and reforming their nation. In addition, people of the Book are treated equally to Muslims.¹²

Both politics and religion have made man equal, says Ṭaḥṭāwī in Murshid. Equality among the people of the society means that man is equal to his compatriots in all civil rights. It means also that all people of the kingdom, regardless of differences, are obliged to fulfill their duties towards each other.¹³

Equality and public interest

In Manāhiḥ Ṭaḥṭāwī states that it is of benefit to the kingdom that the public interest, that is, agriculture, industry, trade and animal husbandry be practised with consideration, equality and fairness.¹⁴ In Murshid he refers to how citizens should react when danger threatens their nation. By relinquishing any special privileges and returning to a system of equality they are able to remove any danger to the nation and thus protect the public interest. The result of a community which protects its equality is a kingdom

with a solid foundation. It would not be plagued by troubles; neither would its security be threatened by other kingdoms.¹⁵

Equality and the ruler

As was mentioned previously in connection with Ṭaḥṭāwī's statements that all men are equal,¹⁶ the ruler is considered as an equal to other people in the application of the law. In addition to the first article of the Constitution which has been discussed, the thirteenth article which Ṭaḥṭāwī translated stated that the king and his ministers are not above the law and may themselves be sentenced. When the Duc d'Orléans was offered the throne after the 1830 revolt, it was contingent on the fact that he agree to abide by the new additions to the Constitution. All of the portions indicating the superiority of any person or persons were to be deleted. The throne was not the king's by some innate right or superiority; it was to be granted to him by the French people.¹⁷

In Ṭaḥṭāwī's lengthy discussion of equality which appears in Murshid he admits that equality is often only a theory rather than a reality.

When we consider this equality, we would find it a relative rather than a real matter, because divine wisdom had distinguished some over others and had granted some with sublime attributes which were not granted to others. Thus they have varied in spiritual attributes and even in natural attributes. Although God the most High had favoured some over others as far as sustenance is concerned, He made them equal as far as rules are concerned.¹⁸

It is obvious that the ruler as portrayed in Manāḥij is superior to his subjects. Yet this superiority shows itself in a manner suitable for a kind, just ruler. The characteristics in which he is superior would assist him in being a more just ruler and are thus actually of benefit to the subjects. "The right of kings who are God's shadow on earth over the subjects is based on the necessity of possessing God's attributes, such as kindness,

mercy and patience." As if to emphasize the position that a king who is superior is not necessarily against the welfare of his subjects, Ṭaḥṭāwī makes this statement in a later passage: "The ruler must spend his effort to make all of his subjects pleased with him. He should put himself in their place and treat them as he treats himself. Everything which he wants for himself he should want for them."¹⁹

Equal Opportunity

In education

Ṭaḥṭāwī praises the ancient Greeks who paid great attention to the education of their youth.

Educating the children of the nation..., both male and female, is one of the necessary duties.... Greece, which was distinguished by wisdom [i.e. philosophy] in ancient times, used to take good care in raising the children of its kings. When Plato appeared, he admired this type of education and wanted the Greek people to adopt it in bringing up the children of all of its inhabitants.²⁰

Ṭaḥṭāwī brought up this example of offering all the children of a nation an opportunity to be educated near the beginning of his book Murshid, which was intended as a guide for the children of Egypt.

In Manāḥij, another book written with the children of Egypt in mind, Ṭaḥṭāwī advocates equal opportunity for the children of every district in political education. The reason for this is the possibility that any person could become mayor. Even for persons who will not become mayor, it is good and necessary for them to understand the public interest and their rights and duties in relation to the government.²¹

Advancement in professions

Ṭaḥṭāwī shows approval of the third article of the French Constitution which states that every French person could occupy any position,

whatever it is. He states:

As for the third article, it has no harm at all, rather it has the advantage of persuading every person to care for his education in order to reach a position higher than his actual one. This is how their [the French] knowledge had increased and their civilization had not stagnated at the same level, as in the case with the people of India and China, who favour the inheritance of jobs and professions.²²

Ṭaḥṭāwī explains that if a person is restrained from advancing to a higher profession, then his ambition and hope would be taken away from him. In other words, there would be little incentive for hard work and self-improvement.

Elsewhere in Takhlīs Ṭaḥṭāwī cites the 1830 revision of the French Constitution which states that all Frenchmen are accepted in the civil and military positions. In addition, any Frenchman who satisfies the required conditions has the right to become a deputy. One may take Ṭaḥṭāwī's description of Lafayette as an example of a Frenchman--whom he imagined to be of low rank--who advanced to an important position through his ability and high qualities.²³ Ṭaḥṭāwī thus envisages a society in which people's advancement would not be curbed.

Ṭaḥṭāwī has made a number of references in Manāḥij to the advancement of subjects in their professions. He discusses the benefits to the subjects resulting from the end of feudalism in Europe. The people would now obtain "the fruit of their labour, the improvement of their status and progress in their civilization.... Thus the people had enjoyed the fruit of their skill in artisans and agriculture."²⁴

The just leader has a role to play in the advancement of the citizens. Since it is known that each person is prepared by his nature to advance in a certain field more readily than in others, thus it is the obligation of the local authority to direct him "toward his own particular happiness." This is

similar to what today might be called professional counselling. The just king who loves his subjects will also seek their advancement in governmental positions. Elsewhere Ṭaḥṭāwī suggests that the king should encourage the artisans to compete in their work by awarding prizes. Such encouragement should be offered to all classes, he adds.²⁵

The position of women

Ṭaḥṭāwī has made a number of references in Takhlīs, both complimentary and derogatory, concerning the position of women in France. He has stated that the French treat their women well, but almost too much so. They have become practically slaves to them.²⁶

Murshid al-amīn li al-banāt wa al-banīn was written, as the title states, for the education of both boys and girls. As was mentioned above concerning education, Ṭaḥṭāwī expresses the conviction that it is essential for both boys and girls. He returns to this theme on several occasions throughout the book. He states, for example, that "the Europeans whose country is the strongest today had exerted their efforts in taking care of their daughters in the same way as their sons."²⁷

Girls as well as boys should be taught the basics: reading, writing, arithmetic, etc.:

This would add to their knowledge in a way that they become fit to participate with men in discussion and giving opinion...in order that women, upon need, could work like men according to their strength and endurance. This would prevent women from wasting time.... Work protects woman from the unsuitable and brings her closer to virtue. If idleness is criticized in the case of man, it is similarly a great criticism in the case of woman.²⁸

Ṭaḥṭāwī later adds that the usefulness of teaching girls outweighs its harm so that one may say there is no harm at all. While Ṭaḥṭāwī's main concern might be the training of educated and cultivated wives and mothers, he does

also state that women could, upon necessity and giving consideration to their strength, work like men.

Ṭaḥṭāwī was the predecessor of other Egyptian advocates of women's equality such as Muḥammad Farīd. It was many years, however, before other ideas began to appear. Yet Ṭaḥṭāwī should not be considered a radical advocate of the equality of women. An example of Ṭaḥṭāwī's retention of conservative opinion is provided in the following quotation. Although Ṭaḥṭāwī follows it with a description of various women in history who had become queens, the passage does in itself display a very traditional approach to the question of women and their right to the throne. Ṭaḥṭāwī states:

The Muḥammadan Shari'ah had decreed, along with the laws of most kingdoms, that sultanhip is limited to men without women. Women would not be given royal positions and would not wear the royal crown. Rather, kingship is inherited in the line of males except in very rare kingdoms. As for being a judge, woman has no share in it at all....²⁹

Equal opportunity does
not always apply

There are many clauses in the French Constitution which Ṭaḥṭāwī translated which demonstrate the lack of any real equality in opportunity. The king and the members of the Chamber of Peers merit their positions through inheritance. The majority of the members of the special council are the relatives and favoured ministers of the king. Furthermore, even the Chamber of Deputies is not open to all. Each deputy must own property, the tax of which is at least 1000 francs a year.³⁰ In other words, it was only the upper bourgeoisie who were able to qualify for the position of deputy. While Ṭaḥṭāwī pointed out to his readers which positions were inherited and what property requirements were listed for deputies, he does not appear to be totally aware that the deputies were not representative of the entire French population nor that the lower classes still had no voice in the government.

The above-mentioned statements may be taken as examples of Ṭahṭāwī's shortcomings as far as his examination of the concept and practice of equality is concerned. If it is suggested here that Ṭahṭāwī's view of equality is lacking in some respects in its completeness or universality, at the same time it is not intended in any way to detract from his main position concerning the value of equality.

It may be observed that in his **defense of equality** Ṭahṭāwī was not necessarily distant from the Islamic concept mentioned briefly at the beginning of this chapter. While exposure to the French society had almost certainly broadened his view of equality, he was not confronted with a new concept, as was the case with freedom or with civil disobedience, which will be discussed in a later chapter.³¹

FOOTNOTES

Chapter II

- 1 Hourani, p. 3.
- 2 Ṭahṭāwī, Takhlīs, p. 148. See also *ibid.*, p. 141.
- 3 *Ibid.*, p. 152.
- 4 Ṭahṭāwī, Manāhiḥ, p. 78.
- 5 Ṭahṭāwī, Murshid, p. 27.
- 6 *Ibid.*, pp. 129-30.
- 7 See above, p. 27.
- 8 Ṭahṭāwī, Murshid, pp. 129-30.
- 9 Ṭahṭāwī, Takhlīs, p. 148.
- 10 Ṭahṭāwī, Murshid, pp. 124 and 129.
- 11 Ṭahṭāwī, Manāhiḥ, pp. 365 and 356.
- 12 *Ibid.*, p. 99. The expression, "people of the Book", is commonly used to refer to Jews and Christians.
- 13 Ṭahṭāwī, Murshid, pp. 94, 129 and 130.
- 14 Ṭahṭāwī, Manāhiḥ, p. 24.
- 15 Ṭahṭāwī, Murshid, p. 130. See also above, p. 37.
- 16 See above, pp. 35-36.
- 17 Ṭahṭāwī, Takhlīs, pp. 142 and 263.
- 18 Ṭahṭāwī, Murshid, p. 130.
- 19 Ṭahṭāwī, Manāhiḥ, pp. 359 and 368.
- 20 Ṭahṭāwī, Murshid, p. 16.
- 21 Ṭahṭāwī, Manāhiḥ, pp. 350-51. For more detail see below pp. 93-94.

Chapter II

- 22 Ṭaḥṭāwī, Takhlīs, p. 149. See also *ibid.*, pp. 150 and 141.
- 23 *Ibid.*, pp. 152-53 and 259. Concerning Lafayette see below p. 71.
- 24 Ṭaḥṭāwī, Manāhiḥ, p. 364.
- 25 *Ibid.*, pp. 78, 352 and 360.
- 26 See, e.g. Abu-Lughod's description, pp. 125-26.
- 27 Ṭaḥṭāwī, Murshid, pp. 16 and 18. See above p. 40.
- 28 *Ibid.*, p. 66. See also *ibid.*, p. 68.
- 29 *Ibid.*, p. 104.
- 30 Ṭaḥṭāwī, Takhlīs, pp. 138, 139, 144 and 145.
- 31 See below, chapter V., pp. 97-99.

CHAPTER III

JUSTICE

Justice is the Greatest Virtue

Ṭahṭāwī declares justice to be the greatest of all virtues. Both earth and heaven are based on justice.¹ He devotes a section in Murshid to justice, alongside sections on freedom and equality. He says that a person who possesses the attribute of justice is one who performs his duties and receives his rights. Justice makes man follow the correct path in deed and action. It also means that he would seek justice for others as well as himself.²

This concept of justice may thus be described as a virtue which benefits a group or community and not merely an individual. In this respect it may be compared to Ṭahṭāwī's view of freedom. An individual has the right to freedom of action, opinion, and so on, to the extent that there be no curtailment of the equally legitimate right to freedom of his fellow citizens.³ Just as freedom does not exist for the benefit of only one individual, so with justice; it cannot be thought of in terms of one and only one person.

Intertwined with the concept of justice is that of equality. In the same passage in Murshid concerning justice Ṭahṭāwī cites a saying of the Prophet: "You would not be believers until you love for your brothers what you love for yourself."⁴ Ṭahṭāwī states that this represents the highest degree of justice.

Although it is possible to separate statements which Ṭaḥṭāwī has made concerning equality and justice, it is on many occasions difficult to do so. One cannot distinguish entirely his concept of equality from his concept of justice. It appears that Ṭaḥṭāwī himself has not made this distinction clear.

Again one may observe the connection between justice and concern for the welfare of one's fellow man. Scattered throughout Murshid and Manāhiḥ one may find a repetition of this theme: people have duties towards each other; when their duties are performed and their rights are obtained injustice is eliminated.⁵

Ṭaḥṭāwī adds that all virtues are derived from justice. "They are like attributes of it and are given one of its special names such as mercy, piety, loving one's country,...purity of heart, manliness, generosity, humbleness, and so on. They are all results of justice."⁶ In other words, justice is the source from which all other virtues develop.

Although Ṭaḥṭāwī speaks of justice as a virtue and thus introduces it as an ethical concept, he discusses it more as a political concept. As shall be seen, justice is examined in the light of its relation to the law, the ruler, the welfare of kingdoms, and so on.

Justice and Prosperity

Justice is seen to be the cause of the prosperity of nations. In Ṭaḥṭāwī's passage concerning justice in Murshid he states that "it is the base of human society, progress and civilization. It is the base for the progress of kingdoms because without it the administration of a kingdom would not be good."⁷

Ṭaḥṭāwī sees a link between the prosperity of a nation and the existence of justice in both the Islamic world and in France although, as he

explains, the origin of this justice might differ.

In Manāhiḥ Ṭaḥṭāwī makes two statements which explain that the cause of prosperity in a nation is the existence within its borders of justice. He states that "Islam had made all people equal through justice and fairness. It had a civilization which spread all over its lands and provinces." Ṭaḥṭāwī says that Egypt had been established on a strong base of civilization. "Through the practice of justice...the interests of the public had become prosperous."⁸

The French people also see that justice leads to national prosperity. They arrive at this knowledge through reasoning.

Their reasons had decreed that justice is one of the causes of the development of kingdoms and the satisfaction of the people. The rulers and the subjects were led to believe in them [the laws] in a way that their countries had developed, their knowledge had increased, their wealth had accumulated and their hearts were relieved in such a way that you would not hear any one of them complain about injustice anymore, for justice is the basis for prosperity.... Some have said:...'No authority without men and no men without money; no money without prosperity and no prosperity without justice.'⁹

Justice and the Law

Ṭaḥṭāwī displays open admiration for the French principles of justice. The French laws, he states, are the guarantee of justice. One of their major functions is the prevention of injustice. These laws do not derive from God; rather, they are from man's reason. Yet they have resulted in great prosperity and contentment. Furthermore, the French people are very determined to ensure the application of the principles of justice, as evidenced by the 1830 revolt.

In his examination of the French Constitution, Ṭaḥṭāwī makes numerous references to the principles of justice. We are told that the French law "has certain matters which are just and good." The very first article of this

law concerns the equality of all persons before the law. Ṭaḥṭāwī comments: "Consider this first article: it has great authority in establishing justice.... It is one of the clear proofs that the French had reached a high degree of justice and have progressed in the civilized manner."¹⁰ Thus justice means equality in the application of the law and the limitation of the power of the ruler. The result is the happiness of the subjects. Justice goes hand in hand with civilization and progress. Where one finds the principles of justice applied, one will also find prosperity.

In Manāhiḥ Ṭaḥṭāwī makes reference to the "just principles" of an organized society or kingdom. He claims that in his day all governmental rules are now based on justice, loyalty and sincerity.¹¹

The courts and judges

Ṭaḥṭāwī provides his readers with details of the French system of courts and judges as shown in the French Constitution. He also adds his own description: "There are many courts in Paris. Each court has a big judge like a chief qādī. Around him there are...people for consultation, lawyers for the defence and lawyers for the prosecution...."¹² Ṭaḥṭāwī was very impressed with the idea of a person acting on behalf of another and using his knowledge and skill to defend his client. He elaborates on the point in his discussion of the aftermath of the 1830 revolt.

Elsewhere in Takhlīs Ṭaḥṭāwī relates that people cannot be arrested except in the manner prescribed by the law, that they appear before the court of their own district, that the trial is open to the public in all but exceptional cases, and that a jury must be present. The decision of the jury can only be reversed by the formation of a law decreed by the two Chambers.¹³ This translation of the articles in the Constitution concerning trial by

jury allowed the entry to the Arab world of a novel concept in the field of justice.¹⁴

Just as the relation between the king and his appointed judges is examined in the Constitution and translated in Takhlīs, so also is this topic to be found in Manāhij. Ṭaḥṭāwī explains that the government is composed of legislative, judiciary and executive powers, all of which either belong directly to the king or else revert back to him.

The power of the law, the 'judiciary',...reverts back to the king because the judges are the representatives of the ruler in the courts. They are given permission from him. He is the one who selects to each judiciary district or council whomever he finds suitable for that duty according to the traditional rules of the kingdom. Law is in reality a right of the rulers and the judges are deputies of the rulers in practising the law. Hence, the decrees of the judges which are in accordance with the law cannot be rejected because they are released indirectly by the ruler.¹⁵

One cannot fail but to notice a striking similarity between the articles in the Constitution of 1814 concerning judges and the above passage from Manāhij. Portions of this translated Constitution state: "Judgments are the right of the king. The judges who are appointed by the king judge in the name of the king and their judgments are considered as his own."¹⁶

Thus while Ṭaḥṭāwī's position concerning the relation between judges and the ruler of the state is very conservative by modern-day standards, it was nonetheless fully comparable to the French system at the time of his contact with it during his residence in Paris. His statement compares very favourably with the system existing in Islamic states in which the judiciary power was not even a separate entity from the ruler. Ṭaḥṭāwī has advanced one step; although the judiciary power reverts back to the ruler, it does at least form a distinct entity. This matter shall be discussed further in Chapter IV.¹⁷

The application of the principles of justice: the 1830 revolt as example

Ṭaḥṭāwī appears to hold the view that the 1830 revolt was caused by the French people's desire to uphold the laws and resist an unjust ruler. In his description of the aftermath of the revolt he shows his readers that the French manner of justice with its system of lawyers and trials does result in the actual practice of justice. The same persons who were responsible for disobeying the king were, Ṭaḥṭāwī noted, very conscientious in their upholding of the law and of the principles of justice. In fact, Ṭaḥṭāwī argues, it was this very concern for the maintenance of the principles of justice which obligated them to go against their king when he did not show a similar concern for them. Some of the details which Ṭaḥṭāwī gives to demonstrate the continuing existence or even, one might say, the strengthening of the principles of justice in the aftermath of the 1830 revolt shall now be examined.

When Charles X realized that his position had weakened irreversibly and that neither he nor his son had hope of regaining the throne, he decided to flee the country. He first sent a message to the Duc d'Orléans and requested an escort to ensure his safe departure. After consultation with the deputies, the Duc sent several of them to protect the former king upon his leaving France.¹⁸ It appears that Ṭaḥṭāwī wished to describe the existence of a sense of fair play and honest dealing, even with one who had himself been treacherous and unjust.

The ministers who were held to be the cause of the revolt were arrested and tried in a very just manner. Ṭaḥṭāwī provides detail of this procedure. After the hated Polignac was captured he was guarded for the return trip to Paris, "as protection from the subjects." The procedure of his arrest followed the method outlined in the law; that is, the Chamber of Peers issued a

permit for his arrest.¹⁹ Ṭaḥṭāwī speaks with great interest about the trial of these ministers. It must certainly have commanded great attention among the French people of that time.

They [the ministers] were imprisoned together without insulting any one of them during the period of imprisonment....They assigned for them a very important place in the Chamber of Peers to hear their defence. They built a special place for them. They made it very strong and great in order that the subjects could not attack them to harm them; neither could their supporters free them from the prison. They spent a lot of money on this.... They brought them [the ministers] out every day. Their case was one of the greatest matters which a person would like to hear. It is one of the most decisive proofs of the civilization of the French and the justice of the state.²⁰

Ṭaḥṭāwī relates how the new king, the former Duc d'Orléans, wished to remove seventy members of the Chamber of Peers who were supporters of the former king. "The majority of the members of the Chamber of Peers were against them, but their upholding of the laws, the goodness of their souls and their natural inclination against injustice were the reason for their [the seventy Peers'] salvation."²¹

The procedure in the ministers' trial, the role of the lawyers in particular, was a cause of further admiration on the part of Ṭaḥṭāwī.

It is surprising that, upon his arrest, the minister Polignac wanted to choose one who knows the laws to defend him. He chose Martinac,... although he did not have connections or popularity. More surprising is that...Martinac had performed that [task] with perfect sincerity and spent all he possessed of knowledge to defend the charges of his client. Similarly each one of the arrested ministers had chosen a lawyer. When the case was opened they brought each one of the imprisoned ministers with deep kindness and gentleness.²²

This passage is only surpassed in importance by al-Jabartī's description of the trial of General Kléber's assassin, al-Ḥalabī, who was provided with a lawyer and given a full trial although he had confessed to the crime. Ṭaḥṭāwī's statement thus provides a further elaboration to Egyptian readers of the French system of justice which involved lawyers and trials.

Ṭaḥṭāwī also gives a description of the method of interrogation of the ministers and their sentencing. He states that none of the ministers was forced to divulge confidential information of the council. Their lawyers spent several days in arguing their innocence. The council studied the information gathered before delivering their verdict. "Sentencing them in this way is proof of the good ethics of the French state."²³

The Prevention of Injustice

One of Ṭaḥṭāwī's major interests in the Constitution concerned those articles which, in one way or another, dealt with the prevention of injustice. The French law served as a guarantee of this prevention and as a record of those actions which are in the interests of the people.

In Takhlīṣ Ṭaḥṭāwī explains how the government is structured so as to check injustice and prevent the misuse of power. This is accomplished through the Chamber of Deputies, whose "job...is to examine the laws, the policies, the orders, the management, the budget; to defend this budget; to protect the people concerning the tax; and so on, in order that there would be no injustice."²⁴ Therefore protection of the subjects against injustice is not just left to chance; it is set into the framework of the government. There is certainly more possibility that the laws concerning justice will be adhered to if there is a body set up whose function it is to protect the people against injustice.

This point is analyzed further by Ṭaḥṭāwī when he discusses the fifteenth article of the Constitution which states that the affairs of the state are managed by the king and the two Chambers.

These three forces or groups thus provide a balance for each other. Ṭaḥṭāwī describes the purpose of the third group:

The third category is the Chamber of Deputies who are the representatives of the people and their defenders in a way that no injustice can be inflicted on any person.... The people...resist any injustice to them by themselves so they would be protected from any injustice.²⁵

This is a very important and novel idea. The people are capable of taking the responsibility upon themselves to prevent injustice. They are their own guardians in that they prevent certain elements of the community from doing harm to other segments. This notion of "self-help" will be discussed further in Chapter VI.

In various other ways the French laws are set up so as to protect the subjects from injustice. Articles concerning taxation and recruitment for the army are among such laws.

The second article, for example, states that each person should give money to the state in accordance with his wealth.²⁶ In commenting on this article Ṭaḥṭāwī says:

During my residence in Paris I have not heard any person complaining of the taxes or their collection. People are not affected by the taxes; they are taken in a way that they would not harm the givers. Rather, it benefits the treasury and the money-owners are protected from injustice and bribery.²⁷

Therefore a systematic and judicious method of tax-collection actually prevents injustice. Ṭaḥṭāwī is describing an important element of the democratic process: all citizens of the nation should participate in the support of the state in proportions commensurate with their ability. They have rights but they also have responsibilities and these must be carried out by all members of the community. This is accomplished in an equitable manner and demands are made on the citizens in accordance with their wealth and capabilities.

Recruiting for the army also follows the basic principles of justice and equity. In his translation of the French Constitution, Ṭaḥṭāwī tells

his readers that "recruiting people for the army is to be organized and to be decreased." In his description of the revision to the law made after the 1830 revolt he gives lengthy details of the various categories of people who are exempted from serving in the army.²⁸ One may infer that the purpose of these exemptions is to ensure fairness in the application of the law.

Ṭaḥṭāwī felt that the articles which were concerned with seizure of property were also indications of just measures which protect the rights of the subjects. The sixty-sixth article declared that seizure of property as a means of punishment was to be abolished. While no one could seize the property of another, the state was allowed to expropriate property with certain conditions which are laid out in the ninth and tenth articles. They are as follows: all property and land are respected and no one can take the property of another; the state has the right to force a person to sell his property if it is for the common good, with the condition that the person be recompensed before his property is expropriated. Ṭaḥṭāwī makes the following comments on these articles: "As for article 9, it is justice and fairness themselves. It is a necessary one to control the injustice of the powerful over the weak. Following it, what appears in article 10 is a type of obvious respect."²⁹

Ṭaḥṭāwī's position concerning these elaborations on the prevention of injustice through tax-collection, recruiting for the army, and the seizure of land can be better appreciated and understood in the light of his background. In Islamic lands, such as Egypt during the Mameluke and Ottoman periods, land was seized without question and taxes were heavy burdens with no consideration for the peasants. Recruiting for the army was accomplished on a discriminatory basis.

Another method of accomplishing justice mentioned in Takhlīs is the

press. "When a person has had injustice inflicted upon him..., he could write a complaint in these papers [the Journals and Gazettes]...so that the story of both the unjust and the person who received the injustice would be known...."³⁰ This demonstrates the role of the press in the maintenance of justice, as a deterrent to injustice and wrongdoing.

Murshid and Manāhiḥ are not without statements related to the prevention of injustice. Permitting natural freedom and political freedom are, in effect, ensuring that injustice cannot take hold.³¹ This applies also to freedom of religion.³²

Political education, which shows the citizens their rights and duties in relation to their nation, property and wealth, has as one of its purposes the elimination of injustice which could have been inflicted had the people remained ignorant in this field. Elsewhere in Manāhiḥ Ṭaḥṭāwī speaks of "legal politics, which guarantee public security and stop and limit injustice by people over others."³³

Justice and the Ruler

In Takhlīṣ one may find that the king possesses certain privileges concerning justice. He has the right to grant pardon or to reduce the sentence of a person who has been convicted. Yet the king's privileges are in certain cases restricted: while he has the right to bestow titles of honour on a person, he may not grant him exemption from taxes and other similar duties. In addition, the law does not show special favour to the king; he may be sentenced in the same manner as any other citizen.³⁴

In Murshid there is mention of "kings...[who] are permitted to legislate political matters in...ways which go back to one base, that is, justice and good politics." Ṭaḥṭāwī also refers to the "justice of kings who

combine kindness and firmness."³⁵

Justice and the ruler are also linked in Manāhiḥ: "Justice...can be based only on sincerity in both words and action and on good relations between the ruler and the subjects."³⁶

Other aspects of the relation between the ruler and justice will be discussed in chapter IV.

French and Islamic Concepts of Justice

As with equality, justice is not a new concept for a Muslim scholar like Ṭaḥṭāwī. In fact, Islam is sometimes called the religion of justice in comparison with Christianity which is distinguished by love. All Muslims are treated equally, at least in their relations to God. All have the same obligations and duties and receive the same privileges. Even the caliph is not distinguished by any privileges; if anything, he is seen to have more responsibilities. This situation was held as the common opinion among believers in the Muslim faith and was true to a certain extent, even if only at the time of the four caliphs who followed the Prophet.

Ṭaḥṭāwī's journey to France should only have broadened his concept of justice. Takhlīṣ provides us with several observations which lead to some noteworthy considerations. One is Ṭaḥṭāwī's belief that French equality and freedom are the same as the Islamic concept of justice. A second, which one may consider to be a new idea, is that justice cannot be absolute. It is instead a relative matter. A third is that the French concept of justice which is based on reasoning is not of any less value than the Islamic concept of justice.

As has been discussed previously in Chapter I,³⁷ Ṭaḥṭāwī has made a comparison between the Islamic concept of justice and the French concept of free-

dom in attempts to effect a reconciliation. In Murshid he states: "What we call justice and fairness they call equality and freedom."³⁸ This statement corresponds to the following passage in Takhlis:

What is called freedom and is requested by them is the same thing which we call justice and fairness. That is because ruling according to fairness means establishing equality concerning the rules and the laws in a way that the ruler does not inflict injustice on any person, rather the laws are what is sought in a judgment.³⁹

Ṭaḥṭāwī cautions us that there is no such thing as absolute justice in any nation. One may imply from this statement that he is referring to both France and the Islamic world. He states: "In general, when justice takes place in a country this would be a relative matter, not an absolute justice because absolute justice does not exist in any country at all."⁴⁰

The French people place great value on justice. As has been mentioned above,⁴¹ French nationalism defines justice to be the cause of the prosperity of nations and the contentment of the people. The French law comes from man's reason, and it is his reason which obliges him to obey it, for he sees the benefits deriving from the law. It is the law which upholds the principles of justice and results in prosperity and contentment. Thus the French laws are worth examining. They provide a viable alternative to the Shari'a since they also are a guarantee of justice.

In Islam, justice is not achieved through man-made laws and man's reason. The French concept of justice, although different from the Islamic concept, must nevertheless be good because the results--prosperity and contentment--are proof in themselves.

FOOTNOTES

Chapter III

- 1 Ṭaḥṭāwī, Manāhiḥ, p. 368.
- 2 Ṭaḥṭāwī, Murshid, p. 131.
- 3 See pp. 25-26.
- 4 Ṭaḥṭāwī, Murshid, p. 131. See also above, pp. 37-38.
- 5 See, for example, Ṭaḥṭāwī, Murshid, p. 130, and Manāhiḥ, pp. 99, 350-51 and 368.
- 6 Ṭaḥṭāwī, Murshid, p. 131.
- 7 Ibid.
- 8 Ṭaḥṭāwī, Manāhiḥ, pp. 365 and 3.
- 9 Ṭaḥṭāwī, Takhlīḥ, p. 140.
- 10 Ibid., pp. 140 and 148.
- 11 Ṭaḥṭāwī, Manāhiḥ, pp. 353 and 352.
- 12 Ṭaḥṭāwī, Takhlīḥ, p. 154.
- 13 Ibid., pp. 152, 154 and 147.
- 14 See also above, p. 53.
- 15 Ṭaḥṭāwī, Manāhiḥ, p. 349.
- 16 Ṭaḥṭāwī, Takhlīḥ, p. 146.
- 17 See below, p. 65.
- 18 Ṭaḥṭāwī, Takhlīḥ, p. 261.
- 19 Ibid., p. 267.
- 20 Ibid., p. 268.
- 21 Ibid.
- 22 Ibid.

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- 23 Ibid., pp. 268-70.
- 24 Ibid., p. 139.
- 25 Ibid., p. 151. See also *ibid.*, p. 142, and below, p. 102.
- 26 Ibid., pp. 141 and 152.
- 27 Ibid., p. 149.
- 28 Ibid., pp. 142 and 153.
- 29 Ibid., pp. 147, 154, 142, 152 and 150. It is not known through his writings in Takhlis whether Ṭaḥṭāwī was aware of the controversy which existed in post-revolutionary France over the expropriation of emigrés' lands, and thus whether or not he himself held an opinion on this issue or whether he realized whom the law was designed to protect.
- 30 Ibid., p. 150. See chapter I, p. 15.
- 31 See Ṭaḥṭāwī, Murshid, pp. 127 and 128.
- 32 Ṭaḥṭāwī, Manāhiḥ, p. 99.
- 33 Ibid., pp. 350-51 and 358.
- 34 Ṭaḥṭāwī, Takhlis, pp. 147, 155 and 148. See also below, pp. 77-82.
- 35 Ṭaḥṭāwī, Murshid, p. 128.
- 36 Ṭaḥṭāwī, Manāhiḥ, p. 352. See below, chapter IV, p. 72. for passages related to this section.
- 37 See above, p. 12.
- 38 Ṭaḥṭāwī, Murshid, p. 124.
- 39 Ṭaḥṭāwī, Takhlis, p. 148.
- 40 Ibid. One is reminded here of Ṭaḥṭāwī's statements concerning the absence of any absolute freedom even for the king. See above, p. 25.
- 41 See *ibid.*, p. 140 and above, p. 49..

CHAPTER IV

THE VIRTUOUS KINGDOM

AND THE JUST RULER

The Necessity of a State and a Ruler

Man cannot live alone

Man cannot live alone. He is social by nature and thus in need of others to achieve happiness and well-being. He must, therefore, live in a society. To this effect Ṭaḥṭāwī states:

Man is a social animal and needs the cooperation of many individuals in order to support a good life. Thus philosophers have said that man is social by nature. He requires a society which has many inhabitants in order to achieve human happiness. Every man is by necessity in need of others and thus in need to have good relations with others...because they complete him and perfect his humanity. In his turn he perfects their humanity.¹

Further in the same text, Manāḥij, Ṭaḥṭāwī repeats that the reason for man's joining together is the human necessity of living together and protecting one another.²

Similar statements are to be found in Murshid, in which Ṭaḥṭāwī explains the social tendency of man to be a result of his weakness by nature. He states:

Man lives in society together with other members of the human race. The weakness of the human being gives him inclination to need others. If the human being does not get together with its likes, he would be weaker than the animals....

The inclination of man to social gathering and to progress and civilization is a...natural instinct.... Man...uses his faculties of reason in order to seek civilization.... If a man lives alone and does not join with others nor acquire progress for his nation, he would be weak...and would be lead astray from order [i.e., stability]. Through his meeting with his fellow man and through combining all of their experiences and intuitions, their natural faculties would enlarge. ³

The kingdom is the locus
of the fulfillment of the
principles of freedom,
equality and justice

As has been explained previously, freedom, equality and justice cannot be contemplated in terms of the individual man; that is, as qualities which are found to exist in one individual alone. Rather, they can only be examined fully in terms of a grouping of individuals, a society. As was shown, this holds true for the concept of freedom as well as justice and equality. ⁴

From this position it follows naturally to state that Ṭaḥṭāwī believes that these three principles beong in a community. They require a society, that is, more than one individual, in order to exist. It is also evident in his writings that these three principles require a state as an institution through which these principles can be practised.

The type of state which Ṭaḥṭāwī had known and was introduced to was the kingdom. As a result, he believed that the kingdom was an essential institution in order to achieve the three main principles which lead to the happiness of the individual and of the society as a whole. Unlike other thinkers who look at the state and especially a kingdom as a tool of oppression, Ṭaḥṭāwī believed that the kingdom, or to be precise, the virtuous kingdom, is an unquestionable, absolute necessity. "Kingdoms," he states, "had been established in order to protect the subjects' rights

through treating them equally..., through giving them freedom and by protecting them, their property and their honour according to legal rules."⁵ A number of aspects of Ṭaḥṭāwī's concepts of freedom, equality and justice will be reiterated in this chapter in order to exemplify the interchange between the state and these principles which cannot exist without a state.

The importance of a central authority

It is impossible, however, to conceive of a state without a ruler or more specifically, a kingdom without a king. The state is in need of a strong central authority; Ṭaḥṭāwī sees the ruler as a pillar of strength and stability. He cannot visualize the achievement of freedom, equality and justice unless within the framework of a state; nor the existence of a state without a ruler who would maintain order and thus create an atmosphere of calm in which the subjects could enjoy their rights. Ṭaḥṭāwī has made the following remarks concerning the necessity of a ruler:

The function of the rulers is one of the greatest religious duties and one of the most important affairs of the citizens. The rulers are the basis of both worldly life and religion.... Without them the order of this world collapses because of those among the people who do bad works. Without a ruler the scholar would not be able to spread his knowledge and both the religious judge and the politician⁶ would not be able to execute their decrees; the worshipper cannot worship, the labourer cannot work, and the trader cannot trade. Without rulers... cities would collapse and both rebellions and evil would increase.... The king is like the soul and the subjects like the body. The body is not a body except through its soul....⁷

.....
The government...necessitates both ruler and ruled; that is, a king and subjects. The king would not be understood without the subjects, nor the subjects without a king. It is like fatherhood and sonhood....

... There is no subject in any kingdom who could be organized without a person in charge. Otherwise it would weaken and become disordered. Its people would be unhappy for the lack of him who would seek their happiness by improving their affairs....⁸

Ṭaḥṭāwī sees the ruler as the central authority to which all the distinguishable powers of the ruling force converge.

The general ruling power...is also called the government or the monarchy. It is a central matter from which emerges three strong rays.... The force of decreeing the laws, organizing them and choosing what would be followed of the decrees of the Sharī'a...is the legislative power. The second is the power of the law, the judiciary. The third is the power of executing the laws which were decreed by the judges. These three powers revert back to one power, which is the royal power....⁹

Virtuous Kingdoms Based on Justice Have Advanced in Civilization

In numerous places in his three books, Takhlīṣ, Manāḥij and Murshid, Ṭaḥṭāwī links the existence of justice in a kingdom with its degree of civilization. Thus we are told that "justice means...the virtuous kingdom."¹⁰ "Justice," Ṭaḥṭāwī says, "is the base of human society, progress and civilization. It is the base for the progress of kingdoms because without it the administration of a kingdom would not be complete."¹¹

Justice, however, cannot be separated from law. "There is...no organized society or kingdom moderate in its rules which does not follow the principles of justice [i.e., laws]." The laws of the just kingdom are themselves based on justice and sincerity.¹²

These laws, as seen by Ṭaḥṭāwī, may be derived from either "religion" or "politics".¹³ By the term "politics" Ṭaḥṭāwī is referring to man-made laws. In other words, there exist two parallel--but not identical--means of achieving justice and civilization in a kingdom. This parallel draws the attention to the two sources of the virtuous republic or city mentioned by al-Fārābī and other Muslim philosophers, that is to say, the Sharī'a or religious law and the intellect, the source of man-made law which is in turn the "politics" as understood by Ṭaḥṭāwī. It appears that he is

implying that, irrespective of the means, the result is the same, that is, a just kingdom. The origin of civilization is therefore twofold: spiritual and material.¹⁴

In addition, in a civilized kingdom meaning one which is based on justice, the citizens' rights are derived from freedom. That is so because freedom is none other than having the citizen practise his rights. Only in a civilized, just kingdom can the citizen enjoy his freedom. Freedom, however, cannot be fragmented. The freedom of other citizens should be as important to any individual as his own freedom. Similarly a free nation is "pleased with the freedom of other nations and is harmed by suppressing other kingdoms."¹⁵

While the reason for the kingdom's existence is the protection of the subjects' rights by means of freedom and equality, the converse of this statement also holds true; that is, the nation protects the principles of equality in order to maintain its very existence. Ṭaḥṭāwī says: "The civilization of a nation is the acquiring by its inhabitants of those tools necessary for the improvement of their spiritual and material affairs." Thus one may say that the purpose of a nation is to procure the well-being of its citizens. The statement might be found similar to Ṭaḥṭāwī's imagery that the nation is like the house of one's parents. The nation protects its citizens, who receive benefits from being under its care.¹⁶

Ṭaḥṭāwī makes a few passing remarks about the unjust kingdom. In the unjust kingdom politics meant cunning and deceit, as compared to a more praiseworthy definition when within the context of a just kingdom. As examples of the unjust kingdom Ṭaḥṭāwī refers to feudal Europe and Egypt under the Mamelukes. Europe at the time of the feudal lords was uncivilized

and had not tasted progress.¹⁷ Therefore lack of progress stems directly from injustice in the kingdom and the exploitation of its citizens.

The need for stability
in a kingdom

The fulfillment of freedom in a kingdom is not contradictory to the presence of law and order. To the contrary, Ṭaḥṭāwī explains the necessity of stability and calm in a nation. They are prerequisites to the enjoyment of freedom and other rights.

In Murshid, Ṭaḥṭāwī has linked the "preserving of calm and order in their nation and preventing internal disorder and trouble"¹⁸ to the attributes of equality and freedom. In other words, law and order are seen to be of parallel importance and necessity to equality and freedom.

In sharp contrast to Ṭaḥṭāwī's statements in Takhlīṣ in praise of French political parties is a passage in Murshid which calls on all people to be "of the heart of one man." Again in this passage freedom is linked to the presence of stability in the nation. Ṭaḥṭāwī states:

The one umma (community) should not be divided into several parties of different opinions because that leads to quarrels, hatred and instability of the waṭan (nation). They should not wish their happiness over the unhappiness of others [among them] especially that politics and religion had made them equal. It had decreed on them to be of the heart of one man. They should not think of any as their enemy except the one who instigates trouble among them so that their kingdom would have disturbance. This is the real enemy who does not like to see the people enjoying freedom and peacefulness within their nation.¹⁹

It might be possible to link the above passage with Ṭaḥṭāwī's account in Takhlīs of the speech made by the Duc d'Orléans upon ascending the throne. The Duc made statements to the effect that the restoration of the laws and subsequent return to order, both brought about by the revolt, would result in a return to freedom and peacefulness.²⁰ Yet certainly one should avoid the temptation to take this passage as an example of Ṭaḥṭāwī's advocacy of revolt for the sake of maintaining a proper order.

In Takhlīs and Murshid one may find somewhat contradictory statements concerning freedom of opinion. In Takhlīs, as has been described previously,²¹ the press expressed opinions openly about political matters. Ṭaḥṭāwī saw one of the major causes of the 1830 revolt to be the unjust and illegal censorship of the press. In Murshid, while Ṭaḥṭāwī has praised freedom of opinion, especially that enjoyed by the European newspapers, and said that it has helped in spreading civilization, he here adds a cautionary note, "that this law [of freedom of opinion] would be used without excess and without leading to any disturbance."²²

Maintenance of stability in a nation and the enforcement of law and order have, of course, a direct relation to the ruler. The position of ruler became an inherited one for the sake of peacefulness and harmony.

Ṭaḥṭāwī states:

The royal position was previously and in most kingdoms by the election of the majority and the consensus of the nation. But when elections had led to many consequences of civil disturbance, fighting, wars and differences of opinion,...avoiding trouble had priority over seeking good. Inheritance of the throne had been chosen in accordance with the tradition established in each kingdom. Following these royal traditions is the guarantee for the continuous harmony of the kingdom.²³

It is the ruler who is responsible for the maintenance of law and order within his state. In Murshid Ṭaḥṭāwī states that a just king who

combines both kindness and firmness provides stability in the nation by acting as a balance to the freedom of the subjects.²⁴ One might state that here again freedom and stability are shown to be not necessarily contradictory.

The ruler has several means at his disposal to maintain order and stability in the nation. The use of force to achieve calm and stability, and thus the happiness of the subjects, is justified. In Manāhiḥ Ṭaḥṭāwī states that "without the use of force by kings people would fight among themselves.... Those who are strong...would oppress the weak, the evil-doers would overcome the good...and all this leads to the destruction of the land and the people."²⁵

Ṭaḥṭāwī's most striking statement concerning the privileges of the ruler in the face of what he sees to be a threat to the welfare of the subjects is the following:

It is permissible for the ruler...to forbid some permissible matters which could lead to harm. For example, when the ruler fears that the ahl al-ḥall wa al-'aqd [those who have the right to elect or depose a caliph] would agree on a fitna (rebellion), he would disallow their meeting which is originally permissible. When the ruler forbids such an affair it should become prohibited.²⁶

In other words, for the sake of preserving the status quo the ruler is able to overrule those who would normally have a right in determining whether or not he should remain in that position. This is certainly an opposite position to what Ṭaḥṭāwī seems to advocate in Takhlīṣ.

Finally, one must note Ṭaḥṭāwī's statement in Manāhiḥ concerning the duty of the subjects to maintain patience in the face of an unjust ruler. Here again this statement is the opposite to that which appears in Takhlīṣ in which Ṭaḥṭāwī quotes a ḥadīth (tradition) which justifies

disobedience.²⁷ In Manāhiḥ the subjects are urged to display passive obedience:

If he [the ruler] is just with them they should praise him and if he is unjust with them they should be patient until God leads him to guidance and guides him to justice. Until injustice disappears they should pray to God to send to him [the ruler] a staff of wise, courageous, honourable and just persons.²⁸

France and Egypt are Examples
of the Virtuous Kingdom

Since Ṭaḥṭāwī is a pragmatic thinker, he does not speak of the virtuous kingdom in the abstract alone. Rather, he praises the virtuous, just kingdom as represented by both France and Egypt. In doing so he is supporting his statements that just kingdoms may have their rules derived from either "politics" or "religion", keeping in mind that France is ruled according to politics while Egypt is supposedly ruled according to religion.

In the introduction to his description of the workings of the French state, Ṭaḥṭāwī says: "Let us remove the veil concerning the management of the French and let us study most of their rules, so that their wonderful management be a lesson to those who listen." Ṭaḥṭāwī is displaying the French system of governing as an example of a just kingdom. Not only is it worthy of praise, but also of being imitated. This idea is carried further in his comments on the French system of taxation. He says that if taxation and the likes were to be organized in the Islamic land as they are in France, then the people would be contented and at the same time the needs of the treasury would be met.²⁹ The importance of such a position lies in the fact that Ṭaḥṭāwī is saying that France is superior to the Islamic countries insofar as the just collection of taxes is concerned. He stresses this seemingly minor point in the Constitution because he

sees taxation as the support of the nation and the citizens as the recipients of its benefits. Thus, for the purpose of pleasing the citizens, taxation and also other elements of governmental administration could profitably be set up as they are in France.

The justice of the French state and the fair treatment of its citizens receives praise when Ṭaḥṭāwī describes the judiciary system and the trial of the ministers accused of disobeying the Constitution. "Their case was one of the great events which a person would like to hear. It is one of the most decisive proofs of the civilization of the French and the justice of their state."³⁰

Ṭaḥṭāwī idealized France, to the extent that he was surprised to find that it did not uphold all of his expectations of what an advanced nation should be. Ṭaḥṭāwī's image of a ruler was that of an expert in all fields, including science and scholarship. He thought that Lafayette, although a great leader and lover of freedom, was not a scholar and therefore not the most perfect ruler. Ṭaḥṭāwī stated: "It is surprising that such a matter would occur also in the lands which are advanced in civilization."³¹ One might say that his admiration for the French nation was so complete that he could scarcely imagine the existence of any manner of defect.

France is not alone in receiving praise, and in Manāhiḥ Ṭaḥṭāwī praises the civilization of Egypt in ancient times and the modern nation under Ismā'īl whose laws are based on justice. Egypt's citizens have contributed to its glory: "Each part of this world has a star among its kingdoms which shines on its horizon. Our Egypt is the star of the African continent and the sun of the horizon of the East."³²

The Just Ruler

Characteristics of a just ruler

Ṭaḥṭāwī describes the qualities which a ruler should possess:

A king should have kindness, mercy and patience.... The king should be like a father in his mercy towards his children. When any trouble is inflicted upon the subjects, the king should take care of it with his kindness and management.... When the subjects have any problem in their daily life...the king should be generous with them and prevent any trouble which might have occurred.³³

Ṭaḥṭāwī gives as an example the generous and just actions of Sultan Maḥmūd al-Ghaznawī towards his subjects during a time of drought.

Ṭaḥṭāwī also refers in Manāḥij to the "establishment of love and intimacy in the heart of the king and his subjects due to his following... of the correct path according to the conditioned rules of the kingdom."³⁴

As has been discussed previously, Ṭaḥṭāwī speaks in Murshid of the "justice of kings who combine kindness with firmness."³⁵ In Takhlīs he praises the French love for justice and quotes several ḥadīth in support of his position, among which is the following: "The hearts of the subjects are the treasuries of the king. Whatsoever he puts in them he later finds."³⁶

Ṭaḥṭāwī makes reference to praiseworthy qualities of rulers whom he labels as just. Thus in Takhlīs he speaks of Louis XVIII who opposed attempts by his relatives to return to absolute rule. He shows admiration for the Duc d'Orléans, who became Louis-Philippe, when he eliminated ostentatious and elaborate coronation ceremonies.³⁷

Ṭaḥṭāwī appears to be giving praise to the reigns of both Muḥammad 'Alī and Ismā'īl in the following statement in Manāḥij: "It is of God's mercy that He made it His custom to erect in each era a person who executes justice and suppresses evil-doers from inflicting injustice." On several

other occasions he praises Ismā'īl who "established an unlimited base of justice and uncounted good achievements." "With his efforts...and good care...Egypt,...is progressing to the degree of perfection."³⁸

The king and consultation

There is much reference to the use of consultation in Takhlīs. The Constitution was compiled by Louis XVIII with the people's "consent and agreement." In his listing of the six or seven different councils and their functions, Ṭaḥṭāwī refers to the Chamber of Peers as "the people whom the king consults first," and the special council as "a council in which the king selects certain people to consult concerning special subjects." The Chamber of Deputies is also consulted. It "is divided into small councils called the bureaux whose members examine the matters recommended and sent by the king." The importance and power of the consultative bodies in France are shown when it is stated that no law can take effect unless it has first been discussed in these bureaux, in addition to being accepted by the king.³⁹

In Murshid and Manāhiḥ there is also reference to the use of consultation although, as shall be seen, consultation in Islamic lands did not have the same force behind it as in France. Ṭaḥṭāwī's sole reference to consultation in Murshid is the following statement: "The ruler depends on the fatwa (opinion) of the scholars and religious doctors."⁴⁰

In Manāhiḥ Ṭaḥṭāwī describes the benign autocrat who consults his subjects although he is in no way obliged to do so. He does so merely out of love and consideration for his subjects.

It is known that the king who loves his subjects loves their progress in the royal [i.e. governmental] positions in order to seek help with their opinions which is necessary for him. He ought to be careful in choosing his men more than in choosing his money because despite his particular right in being singled out in his orders and in his high status, he is not satisfied with his uniqueness and does not do away with the majority. He is like a traveller on a remote road who must take care of his two horses, the one he rides and the one he leads.⁴¹

The essentially weak position of those who offer consultation is exposed in the following passage. It is seen that there is no strength or power whatsoever behind their words of advice.

He [the king] would be judged by his God and he wouldn't be responsible towards any of his subjects. Rather, he should be reminded by the masters of law and policies of wisdom in a subtle way. He should be informed of what could have escaped him unintentionally.⁴²

Another aspect of consultation is that it provides a relief for the ruler of the heavy burden of governing. While maintaining his control over important matters, the king is able to delegate more routine or tedious matters to courts and councils who, of course, act on his behalf.

Since politics is a very great responsibility and cannot be performed by one person, the king would be specialized in dealing with the most important rules and would give some of his authority to courts and councils, especially in detailed affairs.⁴³

Finally, one may refer to Ṭaḥṭāwī's mention of Ismā'īl. He consults his subjects, we are told, in administrative matters which he wishes to bring about for their own benefit.⁴⁴ Again one is provided with an image of the benign monarch who condescends to consultation out of goodwill rather than necessity or obligation.

Limited monarchy and restrictions on the authority of the king

In Takhlīṣ Ṭaḥṭāwī gives a very detailed and precise description of the workings of the French government. He shows great admiration for

the concept of a monarchy which is limited in its power by a constitution and which must share its authority with representative councils. He goes so far as to state that if one examines the Sharī'a, one would find within it the justification for a limited monarchy. In addition, as shall be discussed in Chapter VII, Ṭaḥṭāwī claims that the Sharī'a is also the source for both absolute monarchy and republic which together form the three major types of government which existed in France.⁴⁵

When the Bourbons were restored to power in 1814 by other European nations their position within France was very weak. Ṭaḥṭāwī explains the conditions which resulted in the creation of a constitution. This constitution defined a type of rule which was a departure from both the republican rule of recent years and the absolute monarchy of the former Bourbons.

In order that the people accept his rule and thus strengthen his monarchy, he [Louis XVIII] compiled a law between himself and the French people with their consent and agreement. He obliged himself to follow the law and not to disobey. This law is the Constitution.... He compiled the law for himself and his descendants...in a way that nothing can be added or omitted from it without the agreement of the king, the Chamber of Peers and the Chamber of Deputies. Both Chambers and the king are necessary [for any change].⁴⁶

From this passage it is possible to see that the king's authority is limited by the laws to which he must swear obedience. The division of authority is three-fold: the king and the two chambers share the ruling.

The king's authority is limited in such a way that he is the ruler with the condition that he obey the law which has been approved of by the chambers. Every king, upon ascending the throne, must swear to obey the Constitution. The king, the Chamber of Peers and the Chamber of Deputies share the responsibility for the management of the kingdom. No change is made in the laws unless all three parties agree to it.⁴⁷

The Duc d'Orléans, later to become Louis-Philippe, reaffirmed and deepened the commitment of the French monarchy to the principle of limited rule. Ṭaḥṭāwī relates that upon ascending the throne after the 1830 revolt the Duc swore: "I witness God the most High that I would protect with sincerity the Constitution including the laws of the kingdom...and that I would not rule except by the laws." Ṭaḥṭāwī placed great emphasis on the fact that it was the French people who decided that the Duc d'Orléans should become king. The deputies decreed that he should be named "the king of the French and not the king of France." Thus the monarchy was reduced to a temporal rule, a rule by the will of the people. The deputies even dictated the conditions upon which the Duc was to be given the throne. He accepted the condition of being named king of the French as well as the restrictions on the authority of the king outlined in the revision of the Constitution.⁴⁸

The two other systems of government which Ṭaḥṭāwī described in Takhlīs were those of absolute monarchy and the republic. Ṭaḥṭāwī makes little reference to absolute monarchy, except to state that Charles X plotted to do away with the Constitution and return to the way of absolute rule. Without a doubt Ṭaḥṭāwī's sympathies were not towards this monarch. Ṭaḥṭāwī appears to speak well of the Napoleonic Republic. In his brief statement, one of the first discussions of the French Revolution to an Egyptian audience, Ṭaḥṭāwī tells of the execution of the French king and Napoleon's rise to power. His kingdom was great and powerful, feared by other nations. Napoleon was overthrown by other European monarchs despite the love of the French people for him. The Bourbon monarchy was restored against their will. One possible reason for the relative brevity of Ṭaḥṭāwī's remarks

concerning a republican system of government could be that the example before him was of limited versus absolute monarchy, systems which he could thus examine and scrutinize at close hand.⁴⁹

It should be noted here that the absence of reference in Murshid and Manāhiḥ to limited monarchy may be explained by the fact that Ṭaḥṭāwī was writing in relation to Egypt of his day. Discussion and proposals made were within the framework of his realization of the practical limits concerning the Egyptian nation.

Restrictions on the authority of the king. Restrictions on the power of the king, in addition to those mentioned in the previous section on limited monarchy, are set out in considerable detail in Takhlīs. The law establishes restrictions on the king as it does for every individual in the society. It restrains the king from performing injustice and prevents him from exercising extraordinary privileges which would be against the interests of the subjects. Even a just king needs restrictions on his power, because the great authority of his position will tempt him to mould the laws to suit his purposes. For example, when the Duc d'Orléans was newly installed as king he attempted to remove seventy members of the Chamber of Peers who supported the former king. He was prevented from doing so by the "upholding of the laws."⁵⁰

In Manāhiḥ, references to the restrictions of the king by the law are not as definite and strong as in Takhlīs. There is only passing reference made to the fact that the king governs according to the practised laws of his kingdom. When forgiving crimes, the king should not overpass the limits of the law. These passages may be looked upon as a gentle reminder

to the ruler to rule within the limits of the law but not as a strict enforcement of this.⁵¹

Ṭaḥṭāwī makes only one statement in Murshid concerning restrictions on the king. The ruler, he says, does not have the right to decide right and wrong if this disagrees with the previous positions of the religious leaders (imāms).⁵²

Further restrictions on the king, described in Manāḥij, are those of the conscience, of public opinion and of history.⁵³

God is the ultimate source of restrictions on the king. "He [God] had made him king over them but not a possessor of them, rather, a protector and a leader; an assurance for their material and spiritual subsistence rather than an exploiter."⁵⁴ A statement along a similar vein is the following one from Takhlīṣ: "The authority of the kings is over the bodies of the subjects but not over their hearts."⁵⁵

Duties of the king

The king has certain duties to perform towards his subjects, the laws of his kingdom and most important, as his responsibility toward God in return for the favours that God has bestowed upon him. In Manāḥij we are told that "performing justice is the first duty of rulers." The ruler must be merciful to others, firstly, because he possesses God's attributes to a greater degree than other people and, secondly, in order that God be merciful with him. While the king is taking care of his subjects, he must also be continuously striving to improve himself "because whoever does not reform himself cannot reform others."⁵⁶

As has been mentioned in numerous places, Ṭaḥṭāwī explains that it is the duty of the French monarch to obey the Constitution of

the French land.⁵⁷ In Manāhiḥ Ṭaḥṭāwī says: "The ruler...governs according to the practised rules in his kingdom.... [He] takes the responsibility of governing in order to lead his subjects according to the laws."⁵⁸

Just as the king receives privileges from his subjects, so also does he have duties towards them. "The ruler must spend his effort to make all his subjects pleased with him. He should put himself in their places and treat them as he treats himself." It is also the duty of the ruler to direct his subjects towards suitable professions, whether towards theoretical sciences or towards professions and practical works. "Every man is prepared by nature for a particular virtue which he could reach easier. Thus the ruler must direct each person towards his own happiness." Elsewhere in Manāhiḥ Ṭaḥṭāwī states: "The king must take care in bringing up his subjects and must train them.... He should make the farmers and traders perform their professions...[and] encourage the artisans.... He should do the same with every class." In another passage in which Ṭaḥṭāwī praises Ismā'īl, the Khedive is said to have performed his duty towards his subjects by "not wasting the rights which God had entrusted him with." That is, the subjects participate in the administration of the country.⁵⁹

Privileges of the king

The king is endowed with many privileges. Ṭaḥṭāwī does not begrudge the ruler these privileges, however, for they often may be considered necessary for the smooth running of the affairs of state.

Most remarks concerning the privileges of the ruler are to be found in Manāhiḥ. Ṭaḥṭāwī states: "The ruler is the head of his nation and the first possessor of authority in the state." He later quotes the Qur'ān in

his discussion of the privileges of the king: "God the most High had said: 'Obey God and obey the Prophet and those who are rulers among you.'⁶¹ God had placed obeying the rulers along with obeying Him. This is a great privilege for the rulers; no privilege is greater."⁶²

In Takhlīṣ, Ṭaḥṭāwī's detailed description of the workings of the French state begins with a listing of several of the king's privileges, such as the exclusive right of the Bourbons to inherit the throne.⁶³ In his translation of the French Constitution Ṭaḥṭāwī provides the following details of the qualities of the king:

The king is respected.... He is the greatest of the people of the state. It is he who...declares war and peace...[and] who appoints people to the essential positions, who renews some laws and policies, who decrees what is needed and executes his decrees when they are for the good of the state.⁶⁴

It is interesting to find this statement duplicated almost identically in his work of many years later, Manāḥij: "He [the king] is the one who appoints those who are deserving to the official posts, arranges the functions, organizes the plan of performing laws and traditions, [and] orders the execution of the decrees."⁶⁵

The king is highly privileged in his relation to God. "Kings in their different kingdoms have rights which are called privileges.... The king is God's representative in the kingdom. He would be judged by his God and would not be responsible towards any of his subjects." The king is blessed with the possession of some of God's attributes such as kindness, mercy and patience to a greater extent than lesser persons. "Kings...are prior to other people in possessing God's attributes.... Kings are God's shadow on earth over the subjects." Similarly Ṭaḥṭāwī states: "God had chosen him [the

king] to lead the subjects.... God the most High had distinguished him by glorious characteristics. The first is that he is khalifah of God on earth over his subjects."⁶⁶

The king is unique in his privileges:

The royal authority is in his [the king's] hands. He does not share it with anyone. This great characteristic is beneficial to the subjects ...since performing the welfare of the public would be accomplished faster since it is related to one unique will. It would not be as fast if it were related to numerous wills.... The king is not responsible to anyone. How could he be responsible when he is the head of the kingdom, the leader of the armies and the centre of all external and internal military and governmental affairs.⁶⁷

The king also enjoys privileges in relation to the law. "Law is in reality a right of the rulers and the judges are deputies of the rulers in practising the law." As has been discussed previously, the legislative and judiciary powers revert back to the king, while the executive power is his right alone to begin with. Thus the three elements of the ruling power revert back to the king.⁶⁸

Further description of the ruler's privileged functions related to the laws are also to be found in Manāhij:

When he orders the councils to organize the decrees, they would not be performed and would not have value until he signs them and agrees on the punishment of those who do not perform them and respect the laws.... He would announce the laws in order that they be declared effective when they are announced.⁶⁹

The king is the possessor of extraordinary privileges. It is he who grants titles of honour and amnesty to prisoners. "The ruler has the right to forgive criminals. This is the most glorious characteristic which suits the royal position."⁷⁰

Unlike Manāhij, in Murshid Tahtāwī makes only two comments concerning the privileges of the ruler. Yet they are very significant, noteworthy

statements concerning the unusual powers of the ruler. One concerns the king's right to limit the subjects' freedom while the other concerns the suppression of normally permissible meetings in the instance that they could conceivably lead to a rebellion. Both passages have been described in fuller detail elsewhere in this thesis.⁷¹

With no doubt Ṭaḥṭāwī takes a very conservative stand in both Murshid and Manāhiḥ concerning the king and his privileges. He seems to adopt fully the traditional Sunni position concerning the ruler, as established by scholars such as al-Mawārdī. This position might be sufficient for some authors to justify the claim that Ṭaḥṭāwī was a conservative thinker, totally unaffected by his contact with the West.⁷² However, if one examines Ṭaḥṭāwī as a man who had, in fact, acquired two cultures, it could be stated that his position concerning the king's privileges is merely a manifestation of his traditional Islamic culture. One might say that it is indicative of one extreme swing of the pendulum between al-Azhar and Paris.

FOOTNOTES

Chapter IV

- 1 Ṭaḥṭāwī, Manāhiḥ, p. 25.
- 2 Ibid., p. 361.
- 3 Ṭaḥṭāwī, Murshid, pp. 28-29.
- 4 See, for example, above pp. 30, 36 and 47.
- 5 Ṭaḥṭāwī, Manāhiḥ, p. 353.
- 6 For the meaning of the terms "politics" and "politician" and the distinction between politics and religion, and the achievement of laws by both means, see p. 107 and chapter VI.
- 7 Ṭaḥṭāwī, Manāhiḥ, p. 348.
- 8 Ibid., p. 353.
- 9 Ibid., p. 349. See above p. 51. It might be argued here that Ṭaḥṭāwī's statement concerning the three powers is a step in the direction away from the traditional Islamic position in which there is no difference between the executive and judiciary power. The legislative power was not one in the real sense; it merely involved jurists who only channelled existing laws. They could only draw from the legislation already set up by God. Ṭaḥṭāwī's distinction of three powers, although they do all revert back to the ruler, is more advanced, it might be said, than the existing position in Islam.

It could be said that Ṭaḥṭāwī's position more closely resembles the western concept of the separation of powers--not the modern day one which has evolved to a distinct separation, but rather the French example. As described in the Constitution, the executive and legislative powers are not separated, for the king composed the Constitution; nor is the judiciary totally separate, in that the judges are appointed by the ruler and serve as his spokesmen. Thus it could be said that Ṭaḥṭāwī was adopting the supreme example before him which was the French system.
- 10 Ibid., p. 356.
- 11 Ṭaḥṭāwī, Murshid, p. 131. See also Takhlīs, p. 140.
- 12 Ṭaḥṭāwī, Manāhiḥ, pp. 352-53.

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- 13 Ṭaḥṭāwī, Murshid, p. 127. See also *ibid.*, p. 123 and below, pp. 117 ff.
- 14 Ṭaḥṭāwī, Manāhiḥ, pp. 7-9.
- 15 Ṭaḥṭāwī, Murshid, pp. 127 and 129.
- 16 *Ibid.*, pp. 130, 124 and 93. See also Ṭaḥṭāwī, Manāhiḥ, p. 353.
- 17 Ṭaḥṭāwī, Manāhiḥ, pp. 352 and 363.
- 18 Ṭaḥṭāwī, Murshid, p. 130.
- 19 *Ibid.*, pp. 93-94. Cf. above, p. 106.
- 20 Ṭaḥṭāwī, Takhlīs, p. 266.
- 21 See above, pp. 15-18.
- 22 Ṭaḥṭāwī, Murshid, p. 125.
- 23 Ṭaḥṭāwī, Manāhiḥ, p. 354.
- 24 Ṭaḥṭāwī, Murshid, p. 128.
- 25 Ṭaḥṭāwī, Manāhiḥ, p. 348.
- 26 Ṭaḥṭāwī, Murshid, p. 123.
- 27 Ṭaḥṭāwī, Takhlīs, p. 140. See also below, p. 99.
- 28 Ṭaḥṭāwī, Manāhiḥ, p. 369.
- 29 Ṭaḥṭāwī, Takhlīs, pp. 138 and 149. See p. 55.
 concerning other aspects of taxation.
- 30 *Ibid.*, p. 268.
- 31 *Ibid.*, p. 259.
- 32 Ṭaḥṭāwī, Manāhiḥ, pp. 7, 352 and 342.
- 33 *Ibid.*, p. 358.
- 34 *Ibid.*, p. 352.
- 35 Ṭaḥṭāwī, Murshid, p. 128. See also above, pp. 57-58.
- 36 Ṭaḥṭāwī, Takhlīs, p. 140.

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- 37 Ibid., pp. 253 and 265. See also *ibid.*, pp. 262 and 266.
- 38 Ṭaḥṭāwī, Manāḥij, pp. 349, 323 and 365.
- 39 Ṭaḥṭāwī, Takhlīs, pp. 253, 138, 139 and 145.
- 40 Ṭaḥṭāwī, Murshid, p. 123.
- 41 Ṭaḥṭāwī, Manāḥij, p. 352.
- 42 Ibid., p. 354.
- 43 Ibid., p. 353.
- 44 Ibid., p. 323.
- 45 Ṭaḥṭāwī, Takhlīs, p. 252. See below, p. 117.
- 46 Ibid., p. 253.
- 47 See *ibid.*, pp. 140, 138, 148, 154, 142, 145, 151 and 255.
- 48 Ibid., pp. 264-65. See also *ibid.*, p. 260 and below, pp. 113-14.
- 49 Ibid., pp. 252-53. See also Abu Lughod, pp. 20-27, 90 and 95 concerning the first discussions of the French Revolution and Ṭaḥṭāwī's contribution.
- 50 See *ibid.*, pp. 148, 142, 147, 150 and 268.
- 51 See Ṭaḥṭāwī, Manāḥij, pp. 353, 349, 352, 358 and 359.
- 52 Ṭaḥṭāwī, Murshid, p. 123. See also *ibid.*, p. 124.
- 53 Ṭaḥṭāwī, Manāḥij, pp. 354-56.
- 54 Ibid., p. 356.
- 55 Ṭaḥṭāwī, Takhlīs, p. 140.
- 56 Ṭaḥṭāwī, Manāḥij, pp. 356, 359-60 and 369.
- 57 Ṭaḥṭāwī, Takhlīs, pp. 148, 154, 253, 260 and 265.
- 58 Ṭaḥṭāwī, Manāḥij, p. 353.
- 59 Ibid., pp. 354, 368, 78, 360 and 323.
- 60 Ibid., pp. 353.

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- 61 Qur'ān, sūra IV, v. 59. See below, p. 99.
- 62 Ṭaḥṭāwī, Manāhiḥ, p. 368.
- 63 See Ṭaḥṭāwī, Takhlīs, p. 138.
- 64 Ibid., p. 142.
- 65 Ṭaḥṭāwī, Manāhiḥ, p. 357.
- 66 Ibid., pp. 354, 359 and 356.
- 67 Ibid., pp. 356-57. A similar statement is to be found in Takhlīs, p. 267.
- 68 Ṭaḥṭāwī, Manāhiḥ, pp. 349-50. See also Takhlīs, p. 146 and Murshid, p. 128.
- 69 Ṭaḥṭāwī, Manāhiḥ, p. 357. See also ibid., pp. 353-54 and cf. Takhlīs, pp. 139 and 142-45.
- 70 Ṭaḥṭāwī, Manāhiḥ, p. 357. See also ibid., p. 358 and Takhlīs, pp. 147 and 154.
- 71 Ṭaḥṭāwī, Murshid, pp. 129 and 123. See above pp. 29 and 69 and below pp. 94 and 115.
- 72 See, for example, Zolondek.

CHAPTER V

THE SUBJECTS

Citizens Within Their Nation

In his Takhlīs Ṭaḥṭāwī provides numerous and lengthy descriptions of the French society and customs for the benefit of his Egyptian and Ottoman audience. He gives a detailed account of the physical appearance of the city of Paris, the state of health care and education, the various classes of people, ethics of the French, manners of dress, woman's role in society, and so on. In this present study only his observations concerning French politics and the attitude of the French toward justice, freedom and equality have been discussed. There are numerous studies to be found of the sociological aspects of his work.¹

In Manāhiḥ one finds the traditional classification of citizens of a country into the three categories of ruler, soldiers and those who are farmers, traders or labourers enlarged to include a fourth class. This class is that of the scholars, judges and trustees of the religion. Ṭaḥṭāwī places them above the army and second only to the ruler in status.²

In Murshid Ṭaḥṭāwī discusses the warm relationship between the citizen and his nation. The citizen should feel as if he is in the home of his mother and father. If freedom were based on good laws, it would cause the people to be happy in their country and to love their nation. Ṭaḥṭāwī also states that a citizen's greatest privilege is to be a member of his society.³

The power of the subjects

Ṭaḥṭāwī speaks of the "order of civilization" which demands that there be two powers: the ruling power and the ruled power, that is, the power of the citizens. He speaks of both as "great powers." One necessitates the other, one might say; certainly each has its own significance and strength. The citizen has an important and essential place in the society. Ṭaḥṭāwī is implying that the citizens are a force equal in strength to the ruling power and form a balance to it. Elsewhere he states that public opinion, that is, the opinion of the people of a kingdom, forms the dominant authority over kings and is greatly feared by them.⁴

In Murshid Ṭaḥṭāwī also makes reference to the existence of a balance of "rights" between the ruler and the people. When the freedom of the people is balanced by the justice of a kind yet strong ruler, there is no fear of freedom; rather, there exists a balance and all parties would be contented.⁵

The Rights of the Subjects

The rights of the citizens to freedom, equality and justice are discussed elsewhere. Several key passages will be repeated here, while the rights of subjects to elect representatives will be discussed in Chapter VI.⁶

Ṭaḥṭāwī's observations in Takhlīs concerning the difference between French and Islamic laws contain the following comments: "They [the legal rules] are called the French rights, meaning the rights of the French people towards each other. That is because the rights according to the French are different."⁷

In Manāhiḥ Ṭaḥṭāwī defines civil rights to be the rights of the people in a kingdom towards each other. These rights, he says, are called the personal, particular rights as opposed to public rights. They protect the citizen's property, wealth and person. Kingdoms, he states, were established

in order to protect the subjects' rights by treating them equally before the law and by assuring their security. Furthermore, the king is not allowed to forgive a crime which has been committed against the subjects' rights.⁸

Considerable attention is devoted in Murshid to the question of subjects' rights. Ṭaḥṭāwī states: "The rights of all people in a civilized kingdom are derived from freedom." His division of freedom into five major categories is based upon various rights of the subjects. Natural freedom is a right of all individuals. Social freedom involves behaviour towards oneself and others. Civil freedom concerns the rights of citizens towards each other. Political freedom is the state's guarantee to each citizen of the protection and usage of his property and of the practice of his natural freedom.⁹

Improvement of the subject's lot in life
and his attainment of happiness

As has been discussed in chapter II in the section on equal opportunity, Ṭaḥṭāwī praises the third article of the Constitution which states that any French person could occupy any position. This article, he explains, would persuade each person to show concern for his education, for by this means could he attain a higher position in life and reach his desired goal.¹⁰ Ṭaḥṭāwī is thus preaching the value of striving for perfection and improving one's lot in life through education and hard work.

In his introductory remarks in Manāhiḥ, Ṭaḥṭāwī states that Egyptians had in ancient times practised the "two pillars of the perfection of civilization." The spiritual pillar of civilization is that of ethics and the Sharī'a. The material is that of public interest which rewards all members of the society with wealth, prosperity and peace of mind. By means of these two pillars do God's servants taste happiness.

Later in the text Ṭaḥṭāwī says that the end of feudalism in Europe meant that the people received the fruit of their labour in both artisan-work and in agriculture and were thus able to improve their status and to progress in matters of civilization.¹¹

Citizens deserve complete freedom. They are provided with what is necessary for this life and for the attainment of happiness in both this world and the next. Ṭaḥṭāwī also remarks on the necessity for the subjects to be under the rule of a king "who could seek their happiness by improving their affairs."¹²

Similar statements are to be found in Murshid. When a nation becomes civilized it provides its inhabitants with the tools necessary for the improvement of their spiritual and material affairs. Freedom based on good laws is the greatest means by which people are happy in their countries.¹³

Mass and political education

In Ṭaḥṭāwī's assessment in Takhlīṣ of the value of freedom of the press he states that the press has a beneficial role to play in educating the citizens, whether in moral values, political matters or in a strictly "academic" field. It offers an incentive for people to behave correctly towards each other. It encourages interrelationships with other citizens and provides a means of educating one another.¹⁴ This education lies out of the usual context, what one may today call "informal" or "mass" education rather than a formal schooling. Due to its wide circulation and relatively easy accessibility, the press is capable of informing and educating large numbers of people.

In Manāhiḥ Ṭaḥṭāwī praises Ismā'īl's orders to bring together the sons of local leaders, that they may "practice and learn the rules and the management in order to employ them later on in administrative posts.... The poet says: 'There may be something small now which would grow in the future, as rain which begins by a sprinkle.'¹⁵ This statement takes on great significance when examined in the light of Ṭaḥṭāwī's actual role in life of building a pyramid of administrators and bureaucrats, graduates from his School of Translation and others, who helped to bridge the gap between solitary ruler and uneducated peasants.

Although Ṭaḥṭāwī believes in the just ruler, he also feels that ruling a society is an enormous task. The ruler is in need of a pyramid-shaped administration, of which he forms the peak. This demonstrates Ṭaḥṭāwī's special concept of democracy. While all people are not necessarily equal in their position in life, at the same time neither should the ruler be entirely separated from and above the society. The gap is bridged by means of a pyramid of administrators and the whole society is united.

The apparent conflict between the idea of providing education for the sons of the élite alone, or of mass education, is only superficial. That is, detailed and advanced education in administrative and political matters is necessary to produce good administrators but it does not contradict the idea that all persons should obtain an education in general matters and also in affairs of the state. If one refers again to the concept of a

pyramid structure, one could trace Ṭaḥṭāwī's ideas that the society as a whole should receive a solid general education and above that a certain group, such as the sons of local administrators, should receive a more precise training in administration and detailed political matters.

A further statement concerning mass education is to be found in Murshid. Educating and reforming the people, Ṭaḥṭāwī says, will make their minds acquire maturity and the ability to deal in important matters. He supplies this quote to support his statement: "If you permit me to reform education, I assure you for reforming the whole world."¹⁶

Ṭaḥṭāwī was not merely a theoretical reformer. He believed deeply that education could reform the world. Thus most of his work was devoted to this end, that is, education. Not only did he believe that education could reform the world, he also practised it. This goal of educating the people of Egypt took many forms. The two most striking examples are his School of Translation and his works, Murshid and Manāḥij. The first served as a tool for transmitting Western ideas and civilization, where Ṭaḥṭāwī himself translated and trained his students in translation, some of whom eventually filled important administrative and educational posts. The second, Murshid and Manāḥij, were written with the idea of providing textbooks to be used in the schools. They are similar to what we call school curricula.

Ṭaḥṭāwī's concept of mass education is certainly a liberal one, and the very fact that Ṭaḥṭāwī advocates it may be taken as an indication of his democratic outlook. Put in the context of the Egypt of his day, where education had been a sole privilege of the élite, the mere idea that people have a right to be informed is extremely broadminded and liberal.

In Manāhiḥ Ṭaḥṭāwī devotes considerable attention to the question of the rights of subjects concerning politics and the education of the citizens of a nation in political matters.

Ṭaḥṭāwī speaks of the necessity of teaching the science of politics to citizens. It has been the custom, he says, to teach young children the Qur'ān or other religious books, depending on the religion of the country. There is no harm in this as such, he states. However, teaching the children of the citizens the principles of governmental political science, that is to say public governmental power and its subdivisions, has been neglected, despite the fact that it agrees with the public interest. There should be in each municipality a person who would teach the children the principles of politics and administration. The result of this learning would be the understanding of the previously hidden aspects of the public interest which are returned to the people as a result of good administration and policies.¹⁷ Ṭaḥṭāwī is thus stating that the citizens should be aware of the workings of their government and know what is their due. His statement that the teaching of religion alone is not sufficient carries important secular intonations. When he goes so far as to state that there is no harm in the teaching of religion as such, he is implying that an education comprising only religious training would be grossly lacking and almost inappropriate.

Ṭaḥṭāwī goes on to state that the teaching of politics agrees with the public interest. Knowledge of the science of politics would make the

people aware of the rights of the government over them. When the principles of politics are instilled in the minds of youth so that they realize cause and effect, then it would become easier to practise them in later life. Ṭaḥṭāwī adds that the teaching of politics means showing the citizens their rights and duties. They are then able to protect their rights and to eliminate any injustice which could be inflicted on them. Therefore there should be in each district a person to teach the principles of administration and the uses of the general assembly. This teaching, when given to educated persons, would shape and influence their ideals and moral values. By means of this teaching would they understand that the accomplishment of their personal interests can only be through the public interest, which is that of government and country.¹⁸ Ṭaḥṭāwī is thus stating that the citizens of a country should be aware of its system of administration in order to become capable of taking a share in it. He is, as directly and openly as is feasible for him in the climate of Egypt of his day, calling for the teaching of politics and administration to all citizens.

These statements concerning political education take on new importance when linked to the fact that Ṭaḥṭāwī's books, Manāḥij and Murshid, were intended as textbooks to be read in schools. It is interesting to reiterate here Ṭaḥṭāwī's statement in Murshid that if the subjects are not educated enough the ruler has the ability to limit their freedom until such a time as education has progressed, for with the reform of education comes the reform of the whole world.¹⁹ He acknowledges the fact that Egypt may not be ready for a participatory democracy in his time but he is working towards making it feasible.

Political education is related to the rights and duties of subjects. Ṭaḥṭāwī explains that in order for a person to properly demand his rights and

to fulfill his duties he must know what his rights and duties are. In order to understand his rights and duties he requires knowledge of the governmental rules, that is to say, politics. Even should a person not want to serve the government, he requires knowledge of its rules and laws just as a person who does work for the government.²⁰

The rights and duties
of subjects are intertwined

The citizens of a nation are granted their rights, the greatest of which is freedom, on the condition that they perform their duties. Their basic duty is to obey the law. This obedience in turn necessitates the guarantee by their nation of their civil rights and privileges. In this way do citizens belong to a nation and become true members of its society. Ṭaḥṭāwī elaborates on these ideas by stating that to be a member of the society means to perform one's duties towards the nation and not to simply demand one's rights. If a citizen does not fulfill his duties he would lose the civil rights which would normally be his due. One may thus see that the rights and duties of both nation and citizen complement each other.²¹

The Duties of the Subjects

Throughout his discussion in Takhlīṣ of the rights of citizens to freedom, equality and justice, Ṭaḥṭāwī returns to the idea that certain duties must be observed in order to merit these rights. We are informed on numerous occasions that these duties, as established in the Constitution, involve the practice of a person's rights within the limits of the law and without bringing harm to others by their practice. Other clear-cut duties detailed in the Constitution involve taxation and military service.²²

Ṭaḥṭāwī dedicated his book, Manāḥij, to his nation. He stated that

it was the duty of each member of the country to support the society as much as possible and to spread one's knowledge.

I have spent my effort, knowing that the nation would be kind to he who serves his country [even] a moment of time. It is known that the ways and means of serving are numerous. All of them are useful.... I...compiled this collection dealing with public interests through which the nation could widen the circle of civilization.²³

Throughout Manāhiḥ Ṭaḥṭāwī speaks of the various duties of the citizens in a country. A rich person, for example, should support his ruler in increasing welfare practices such as hospitals, convalescent homes and orphanages. He also states that the function of the ruler is one of the important religious duties. Elsewhere he says that God has ordered all persons to perform justice and good deeds.²⁴

Patriotic duty

Ṭaḥṭāwī explains that just as two Muslims are brothers so are two citizens of the same nation. This national brotherhood, as with religious brotherhood, implies that they have duties towards each other. They must support one another in improving their nation and in perfecting its system.²⁵

When he speaks of the value of teaching the science of politics to the citizens of a nation, Ṭaḥṭāwī states that through this knowledge would they be aware of and appreciate the necessity and value of a government which makes demands upon them. Their duties include taxation, recruiting for the army and the expropriation of property for such public interests as road construction. Through the teaching of the principles of politics would the people realize that their personal interests are achieved through the public interest. That is to say, when a citizen performs a duty to the nation, he will in the future be reaping the benefits of his own actions.²⁶

Similar to the statements in Manāhiḥ concerning the duties necessitated by national brotherhood are those to be found in Murshid concerning

patriotism. It is the duty of citizens to support and assist one another. They should cooperate in reforming their nation. They should not seek to hold different opinions as this would be contrary to the good of the nation; nor should they seek their happiness at the expense of others. Elsewhere Ṭaḥṭāwī states that men should devote their freedom to the honouring of their nation, their compatriots and the head of their state. Their duties towards their nation include military service and the support of their government in its actions to protect the citizens' rights.²⁷

Ṭaḥṭāwī states that every Islamic kingdom is a waṭan for all its Muslims. As such, it combines both patriotism and religion. It should therefore be protected by its inhabitants as a religion and as a nation. Thus the Muslim, according to Ṭaḥṭāwī, has a two-fold duty towards his nation. It involves not only a patriotic duty but a religious one as well.²⁸

Civil Disobedience

Ṭaḥṭāwī speaks at great length about the revolt of 1830 in which the French people ousted Charles X because of his failure to adhere to the Constitution. Ṭaḥṭāwī was an eye-witness to this revolt and he records the events that led to the uprising and the actual fighting with great clarity and precision. When compared with other sources, his account and analysis of the situation are found to be highly accurate.²⁹

In the introduction to his chapter on the 1830 revolt Ṭaḥṭāwī says that he will be explaining the "cause that led the French to disobey their king." In his narration of the events building up to the revolt Ṭaḥṭāwī speaks of the gradual worsening of the situation and the increasing intolerance of the citizens to the actions of their king. The first indication that the subjects were not ready to accept whatever the king declared was,

Ṭaḥṭāwī says, when the king ordered censorship of the press and broke several other laws of the Constitution. "As soon as these orders took place, most of those who were well-informed in politics had said that a great disaster was taking place and that many consequences would follow it." The citizens were not prepared to accept such actions passively.³⁰

Ṭaḥṭāwī relates that the following day (July 27, 1830) "the factories and schools had shut down and some of the liberal Gazettes had appeared calling for the disobedience of the king and the rejection of his orders." Following the appearance of these papers, the police forbade their reading; they entered the print shops, broke several machines and arrested the printers.

They insulted many of the subjects who showed signs of disobeying the arrangement of the king. This had strengthened the wrath of the French. The owners of these Gazettes, that is the French chiefs who write in these papers wrote a rejection declaration. They printed many copies and posted them on the walls of the city and they called on the subjects to fight.³¹

When the fighting began the subjects were ill-equipped to face the French army. As a result there were many casualties among the subjects. Due to this,

Their wrath had increased.... The souls of the people were turned against their king because they believed that he had ordered [the soldiers] to fight. You would not have passed in a street during this period without hearing: 'Arms! Arms!', 'Long live the Charter!' and 'Down with the king!' ³²

Throughout his account of the 1830 revolt Ṭaḥṭāwī stresses the fact that the disobedience of the king's orders and finally open revolt against him were for the sake of upholding their freedom. The concept of revolt against a king for the sake of preserving one's freedom was surely a novel idea in the Egypt of Ṭaḥṭāwī's time. Yet Ṭaḥṭāwī has returned numerous times in Takhlīs and Murshid to the idea that freedom is of utmost importance to a civilized nation.³³

Another concept relatively novel to the Islamic world was that of

civil disobedience. Rather than an army overthrowing a ruler by force, as was the usual method of changing a ruling power in the Muslim World, the French people themselves effected the revolt.

Ṭaḥṭāwī appears to have affected a considerable shift in attitude concerning civil disobedience in his book, Manāḥij. He makes only one reference to this issue:

The ruler must spend his effort to make all of his subjects pleased with him. He should...treat them as he treats himself.... In return, they must obey him completely because God the most High had said, 'Obey God and obey the Prophet and those who are rulers among you.'³⁴ God had placed obeying the rulers along with obeying Him.... When an enemy of the ruler comes...they must help the king.... If he [the ruler] is just with them they should praise him and if he is unjust with them they should be patient until God...guides him to justice. Until injustice disappears they should pray to God to send to him [the ruler] a staff of wise, courageous, honourable and just persons.³⁵

This passage is in sharp contrast to one found in Takhlīs: "It was said: 'If you want to be obeyed, ask for what is possible. If God had decreed upon his servant what cannot be done, then He would have given an excuse in being disobeyed.'³⁶

Whereas in Manāḥij obedience to the ruler is a duty, in Takhlīs disobedience approaches being a right or privilege of the subjects. This apparent shift in attitude may be interpreted in a number of ways. One might say that this statement is a reflection of the conservative, traditional attitude which he adopted in his old age or, more plausibly, it may simply be an indication of his awareness of the different conditions and climates in France and in Egypt. Possibly less idealistic than in his youth, Ṭaḥṭāwī was certainly well aware of the limitations of Egypt of his time. His exile to the Sudan during the time of 'Abbās could only have reinforced this realization. He should have been aware that if he were to speak too openly and boldly about reform it would not be acceptable. Far more could be achieved if he were to maintain a "low-key" approach and attempt to effect gradual changes in the society.

FOOTNOTES

Chapter V

- 1 See for example, Majdī, Badawī, Abu-Lughod and Shayyāl, Rifā'ah Rāfi' al-Taḥṭāwī.
- 2 Ṭaḥṭāwī, Manāhiḥ, p. 348.
- 3 Ṭaḥṭāwī, Murshid, pp. 93, 128 and 94.
- 4 Ṭaḥṭāwī, Manāhiḥ, pp. 349 and 355. A discussion of the role of the ruling power may be found above, pp. 64-65.
- 5 Ṭaḥṭāwī, Murshid, p. 128. See above pp. 57-58. Balance of power is also discussed in Takhlīs. See below, p. 105.
- 6 See below, pp. 102-3.
- 7 Ṭaḥṭāwī, Takhlīs, p. 154.
- 8 Ṭaḥṭāwī, Manāhiḥ, pp. 360-61, 353 and 359.
- 9 Ṭaḥṭāwī, Murshid, pp. 127-28.
- 10 Ṭaḥṭāwī, Takhlīs, pp. 141 and 149-50. See above, pp. 40-41.
- 11 Ṭaḥṭāwī, Manāhiḥ, pp. 7-8 and 364. Ṭaḥṭāwī here states (p. 8) that advancement should be in all fields for the civilization to be total and complete.
- 12 Ibid., pp. 349 and 353.
- 13 Ṭaḥṭāwī, Murshid, pp. 124 and 128.
- 14 Ṭaḥṭāwī, Takhlīs, p. 150. See also above, p. 15. Frederick Artz, in Reaction and Revolution, p. 133, comments on the value of the press in educating the French public in political matters:
 "The debates in the lower house were printed in the official Moniteur and commented on in the ultra-royalist Quotidienne and Drapeau Blanc, in the more moderate Journal des Débats, and in the liberal Constitutionnel, which for a time had the largest circulation of any newspaper in Europe. Although newspapers were relatively expensive, the reading public in shop, café, and at the fireside followed the parliamentary war with lively interest. This world of newspapers and politics offered, comparatively speaking, a new experience for the French people who now, for the first time, were making an extended experiment in representative government. In this lies the great importance of the Restoration in the political history of modern France."

Chapter V

- 15 Ṭaḥṭāwī, Manāhiḥ, pp. 352-53.
- 16 Ṭaḥṭāwī, Murshid, p. 129.
- 17 Ṭaḥṭāwī, Manāhiḥ, p. 350.
- 18 Ibid., pp. 350-51.
- 19 Ṭaḥṭāwī, Murshid, p. 129.
- 20 Ṭaḥṭāwī, Manāhiḥ, p. 352.
- 21 Ṭaḥṭāwī, Murshid, pp. 94-95. See also above, p. 66.
- 22 See, for example, Ṭaḥṭāwī, Takhlīs, pp. 141, 149, 152 and 142 as well as above, pp. 55 and 70.
- 23 Ṭaḥṭāwī, Manāhiḥ, pp. 4-5.
- 24 Ibid., pp. 44, 348 and 356.
- 25 Ibid., pp. 98-99.
- 26 Ibid., pp. 350-51.
- 27 Ṭaḥṭāwī, Murshid, pp. 93-94 and 128.
- 28 Ibid., p. 125.
- 29 See Artz, pp. 267-68.
- 30 Ṭaḥṭāwī, Takhlīs, pp. 252 and 255.
- 31 Ibid., p. 256.
- 32 Ibid., p. 257.
- 33 See above, pp. 16-17.
- 34 Qur'ān, sūra IV, v. 59.
- 35 Ṭaḥṭāwī, Manāhiḥ, pp. 368-69.
- 36 Ṭaḥṭāwī, Takhlīs, p. 140.

CHAPTER VI

GOVERNMENT BY REPRESENTATION

Government by Representation in Takhlis

Self-government

Ṭaḥṭāwī was greatly impressed with the French system of government, as evidenced by his attention to the details of the Constitution and the system of balance between the Chamber of Peers and the Chamber of Deputies. In numerous places he refers to the fact that the French enjoy a system of self-government.

The members of the Chamber of Deputies are chosen by the people of the districts. Elsewhere he explains that they are elected by the electorate; that is, those who are called electors. This is of great benefit to the people, Ṭaḥṭāwī says, for it is impossible for each person to involve himself in the work of the government. They cannot rule and be ruled at the same time. Therefore the subjects authorize 430 deputies to represent them in consultations in Paris, to protect their rights and to act in their best interests. "Since the deputies replace the people and speak on their behalf, the people would be as if they are ruling themselves." Ṭaḥṭāwī goes on to explain that these deputies will resist any injustice to them by themselves, so the people would be protected from any injustice. Each Frenchman has the right to become a deputy if he satisfies certain conditions of age and property ownership.¹

Each département, small or large, has an elected council. The election procedure is vividly described by Ṭaḥṭāwī. The names of those who have the right to vote are printed and posted in the streets one month before the election. At the time of the election each elector writes his choice secretly on a paper which is then folded and given to the election chief who in turn inserts it in the ballot box.²

Elsewhere Ṭaḥṭāwī elaborates on the idea of government for the benefit of the people when he states that the people have a right to propose matters or to complain about certain things to members of either Chamber. Whether or not this system of representative government was fully and justly operational in France is almost irrelevant. What is important is that Ṭaḥṭāwī was impressed with the written Constitution, which he translated in its entirety, and with the basic concepts of justice, equality and democratic method of governing which he perceived in the French system of laws.³

In his chapter on the July 1830 revolt, Ṭaḥṭāwī described the French Revolution. The French had revolted in 1790 A.D., he explained. They established a republic. Napoleon's power became great and he was feared by the other kings of Europe. These kings collaborated in removing him from power despite the love of the French people for him. The Bourbon monarchy was restored against the will of the French people. "In order to make people accept his rule so that he could strengthen his monarchy, he [Louis XVIII] compiled a law between himself and the French people with their consent and agreement."⁴ The people were now to have a say in the government, and although the monarchy was restored, it was not to be absolute.

Ṭaḥṭāwī describes several instances in which even purer forms of self-government were achieved, both during and after the 1830 revolt.

During the revolt itself popular courts were established. "The ruler had become the subjects themselves. The state could do nothing." Further on he relates how the city of Paris fell to the people. The Tricolour flag was flown from the Louvre and the Tuileries and the army deserted to the side of the people. "Since this time there was a provisional rule and a provisional council to organize the country until agreement could be reached on installing a new permanent ruler." That is, the people could select a person of their choice to rule over them. To this effect the Chamber issued two articles. The first stated that the throne was void, "both in concept and in practice." No one has the right to it yet it must be filled by someone. The second article stated that all articles of the former Constitution which indicate any superiority of certain groups must be replaced by others more in keeping with the interests of the French people.⁵

The Chamber of Deputies selected the Duc d'Orléans to become king on the condition that he accept the throne with the restrictions of the new articles and that he swear loyalty in a manner to be decided by the deputies. The king should thereafter be named the king of the French people rather than the king of France, the former meaning that the people had made him king. In other words, the monarchy was not by inheritance and divine right; rather, it was bestowed by the people who had the power to give it to the person of their choice. In his acceptance of the throne, the Duc d'Orléans acknowledged the power and authority of the subjects. Addressing the Chamber of Deputies who had selected him, he declared his realization that they were acting on behalf of all the subjects.⁶

Ṭaḥṭāwī deals in several places in Takhlīṣ with the important question of rule by majority. He explained that the majority of the deputies

(300 opposed to 130) demanded the resignation of Polignac and several other ministers. It had always been the custom that the Chamber act in accordance with its majority. When the king ignored their vote it was the beginning of his own downfall. The ministers were removed and the French monarch was deposed. Elsewhere Ṭaḥṭāwī explains that while the opinions of the French people are varied, each is permitted to express his opinion freely in the Chambers. "What is important is the opinion of the majority, and this is still the case until now. The revolt has not changed any of it."⁷ In other words, the system of majority rule was not altered with the revolt. This statement can be seen as indirect praise for the revolt. Ṭaḥṭāwī is showing that the revolt did not go against democratic principles; to the contrary, they were maintained and even reinforced by the principles behind the revolt.

The balance of power between the
Chamber of Deputies and the Chamber of Peers

Ṭaḥṭāwī has recorded the articles in the French Constitution which set up a balance between the power of the king and the two Chambers. He explains that first is the power of the king, next the Chamber of Peers and then the Chamber of Deputies. The functions of the Chambers are also examined. It is the purpose of the Chamber of Peers to maintain the status quo and to defend the rights of the throne. The head of the Chamber of Peers is also the chief judge of France. The Chamber of Deputies, on the other hand, protects the subjects against the injustice of heavy taxation, and so forth. This Chamber is divided into small councils called bureaux. No change is made in the policies of France without being discussed in these councils and then being accepted by the king. As was mentioned in the section on limited monarchy, the king has restricted authority. He must act

in accordance with the laws which are accepted by the members of the two Chambers. Ṭaḥṭāwī goes on to explain that the Chamber of Peers defends the king while the Chamber of Deputies protects the subjects. Either Chamber has the power to reject a law put forward by the other Chamber.⁸

Political parties

Ṭaḥṭāwī supplies ample description to his readers of the system of political parties in existence in France. He describes the three political parties--the royalists, liberals and republicans and their adherents. The society, he says, is divided into two major groups, the royalists and the liberals. The royalists, mostly priests and their followers, that is the supporters of the king, believe in absolute monarchy. They believe that the subjects should not be given the power to oppose the king. The other group, the liberals, who are philosophers, scholars and the majority of the subjects, believes in the supremacy of the law. The king should be only a tool in the implementation of this law. One portion of this group, called the republicans, demands that authority be given entirely to the subjects. They would dispense with the king and as a replacement would elect one of the people to rule over them. These opinions, Ṭaḥṭāwī remarks, are far apart and the result is a diversity of opinion among the French people. "Some of the French want absolute monarchy, some want a monarchy limited in action by the laws and some want a republic."⁹

Elsewhere Ṭaḥṭāwī describes the French Chambre des Députés:

We have previously mentioned that the opinions of the French are varied. Even in the council they have different places. The royalists sit to the right side and the liberals to the left side and the followers of the opinions of the ministers in the middle. Each of them expresses his opinion freely because what is important is the opinion of the majority.¹⁰

Government by Representation in Manāhiḥ

Definition of the term "politics"

Ṭaḥṭāwī defines the art of politics or administration to be "the principles and rules through which the kingdom is managed." He elaborates on this: "Dealing with this science, speaking about it and discussing it in meetings, gatherings and in the Gazettes is called 'politics' from which the term 'politician' is derived. Politics, then, is everything which is related to the state: its rules, relations and ties."¹¹

Elections to select a ruler have given way to inherited rulers

Ṭaḥṭāwī explains that the ruler was in former times and in most kingdoms chosen by means of "the election by the majority and the consensus of the nation." This method was discontinued when elections resulted in civil disturbance and war, for "avoiding trouble had priority over seeking good." In order to maintain stability the monarchy became an inherited position.¹²

Benign autocracy

The image of the ruler which Ṭaḥṭāwī portrays in Manāhiḥ is one of a benign autocrat rather than a monarch limited in power by the law and representative councils. Ṭaḥṭāwī explains that the subjects are in need of a person in charge who "could seek their happiness by improving their affairs." Elsewhere he states that the unique authority of the ruler is beneficial to the subjects. The public good would be accomplished faster when one person is in charge than if it were dependent upon the conflicting wills of several persons. Ṭaḥṭāwī praises Ismā'īl who, he says, made the

people elect their representatives. These representatives would be consulted in matters which he wishes to bring about for the people's own benefit. In a similar vein is his statement that the king who loves his subjects loves their progress in governmental positions in order that he may consult their opinion. Despite his high status and unique position as ruler he does not dispense with the opinion of the majority.¹³

Ṭaḥṭāwī speaks in Manāhiḥ of government by delegation of authority rather than by representation. Since governing a country is too great a task for one person alone, the king would delegate lesser, more routine matters to courts and councils. These courts and councils are obliged to follow the laws which the king has compiled for them. Furthermore, the king is not responsible toward any of his subjects. "Rather," Ṭaḥṭāwī remarks, "he should be reminded by the masters of laws and policies of wisdom in a subtle way." They have no right to dictate his policy; their sole purpose is to advise. The major influence over the hearts of rulers is that of public opinion, Ṭaḥṭāwī says.¹⁴ That is, a ruler is not obliged to act in a certain manner. It is only out of deference to his subjects that he might be influenced by their wishes.

Representation

Ṭaḥṭāwī has made several references to the question of representation of the subjects in the affairs of the state. As has been mentioned previously, he states that under Ismā'īl the people were allowed to elect representatives.¹⁵ Elsewhere he states that the king who loves his subjects encourages their progress in governmental positions. In his discussion concerning the necessity of teaching the subjects the art of politics, Ṭaḥṭāwī states that the reason for doing so is the possibility that any person might be employed in the government. He then makes reference to a council of

deputies "and other elected councils." The mayor of a district is also elected by the people.¹⁶ The position of mayor was seen by Ṭaḥṭāwī to have great significance.

The function of the councils

A Chambre des Députés as known in France did not exist in the Egypt of Ṭaḥṭāwī's time. As recorded by Ṭaḥṭāwī in Manāḥij, it was the function of the councils to present information and advice to the ruler, not to make decisions. The councils acted only as assistants. In other words, the ruler was perfectly free to reject their advice, unlike the French monarch who swore to obey the laws and rule by the decisions of the councils.

As was mentioned previously, the ruler described in Manāḥij would delegate some of his authority to courts and councils, especially in detailed matters.¹⁷ Ṭaḥṭāwī said that the subjects' representatives are consulted in administrative and organizational matters; their power remains on the level of advice. Ṭaḥṭāwī's most revealing statement concerning the function of these councils is the following: The royal authority is the legislative authority, different from the executive authority which is delegated to the ministers, heads of councils, and others. The sole function of the council of deputies and special councils is to study cases, write reports, record the opinions of the majority and to present that to the ruler.¹⁸ In other words, at that point their authority abruptly ends. Theirs is not a decision-making power; rather, it is a body of consultation and advice-giving.

The role of the majority

Ṭaḥṭāwī has made several references in Manāhiḥ to the role of the majority in the running of the affairs of the nation. They cannot, however, be compared with those statements concerning majority rule in Takhlīs,¹⁹ which state that the parliament and the king are obliged to adhere to the decision of the majority.

In Manāhiḥ Ṭaḥṭāwī states that the ruler had previously and in most kingdoms been selected "by the election of the majority and the consensus of the nation." This method had later given way to inherited rule. The king, we are told, consults the opinion of the majority but this is only due to his benign nature. "It is known that the king who loves the subjects..., despite his high status, is not satisfied with his uniqueness and does not dispense with the majority [opinion]." The representative bodies act as a channel which allows the subjects to communicate their opinions to the ruler. "The special councils and the council of deputies...study the cases, write reports, record the opinions of the majority and present these to the ruler."²⁰ The subjects do not speak directly to the ruler; it is through a pyramid structure of people to deputies and councils to ruler by which the subjects' opinion is heard.

FOOTNOTES

Chapter VI

- 1 Ṭaḥṭāwī, Takhlīs, pp. 139, 144, 153, 252, 151 and 153. Ṭaḥṭāwī does not speak of the fact that due to the high requirements concerning amount of property owned, it is only the upper bourgeoisie who are eligible to present themselves as candidates for the position of deputy.
- 2 Ibid., p. 153.
- 3 Ibid., p. 154.
- 4 Ibid., p. 253.
- 5 Ibid., pp. 258, 259 and 263.
- 6 Ibid., pp. 263-64 and 265.
- 7 Ibid., pp. 254 and 263.
- 8 Ibid., pp. 138, 144, 139, 145, 140, 151 and 143.
- 9 Ibid., p. 252. See also ibid., p. 273.
- 10 Ibid., p. 263.
- 11 Ṭaḥṭāwī, Manāhiḥ, p. 350.
- 12 Ibid., p. 354. See also above, p. 68.
- 13 Ibid., pp. 353, 356, 323 and 352.
- 14 Ibid., pp. 353, 354 and 355.
- 15 Ibid., p. 323. See above p. 74.
- 16 Ibid., pp. 352, 351 and 362.
- 17 Ibid., p. 353. See above p. 74.
- 18 Ibid., pp. 323, 354, 352 and 356-57.
- 19 See above, pp. 104-5.
- 20 Ṭaḥṭāwī, Manāhiḥ, pp. 354, 352 and 357.

CHAPTER VII

LAW AND AUTHORITY

The Ultimate Authority in the State--the King or the Law

In France the law is above the king

In Takhlīs Ṭaḥṭāwī provides us with a very detailed description of the system of law compiled by Louis XVIII, the French monarch, for his people. This law, Ṭaḥṭāwī observes, can be seen to be very valuable, despite the fact that it does not form a part of the Islamic Sharī'a. One of the major reasons for its great value is the fact that it upholds the principles of justice and equality. The French use this law as a base for their policy. Their adherence to this system of law has brought them prosperity and contentment.¹

The law, however, does not emanate from, and concern itself with, the ruler alone. The people or their representatives often have a place in the compiling of laws. The law protects the rights of the citizens. While it also places many restrictions on them, these restrictions are for the good of the public interest. Stability, reached through law and order, is desirable in order to achieve the best interests of the people.

Despite the fact that the law is known as the law of the particular king who compiled it and is not executed without his signature, the king's authority is limited by the law. Upon ascending to the throne the king

must swear obedience to the Constitution. He is not above the law and can be sentenced.² Ṭaḥṭāwī states:

It becomes clear for you that the king of France does not have absolute freedom and that the French policy is a limiting law in a way that the ruler is the king with the condition that he act in accordance with what is mentioned in these laws which are accepted by the members of the different councils.³

Ṭaḥṭāwī gives a vivid description of the various political parties in France and their tendencies. The royalists hold the belief that all authority should be in the hands of the ruler; the subjects should not be in a position which would enable them to oppose him. The liberals, on the other hand, "believe that only law should be taken into consideration. The king is merely the executor of...the laws, as if he were a tool." The republicans, an offshoot of the second party, would see the authority entirely in the hands of the subjects. They would dispense with the monarchy.⁴

One might say that the 1830 revolt was fought over the question of who should have the final authority, whether the king or the laws. Charles X went against the law and tried to reestablish absolute monarchy. He did not wish to acknowledge the authority of the Chambers in the decision-making process.⁵

The manner in which the Duc d'Orléans ascended to the throne was proof to Ṭaḥṭāwī that the French Constitution had gained sovereignty over the king. After the revolt, the Chamber of Deputies had issued several articles, the first of which stated that no person had the right to the throne, although it should be filled by someone. In other words, the family of the Bourbons did not have the exclusive right to the throne. The law dictated that no one had the innate right to be king.⁶

The Duc d'Orléans acknowledged the authority of the law. Ṭaḥṭāwī

relates the speech made by the Duc after the Chamber of Deputies had offered him the throne. He stated that the revolt was the result of Charles X's disobedience of the law. Ṭaḥṭāwī states that he ended his speech with the declaration, "'The Constitution is now the law,' meaning that he would act in accordance with the laws of the kingdom and that they would be followed because they are truthful."⁷

Ṭaḥṭāwī notes that the Duc d'Orléans was granted the authority to be king; it was not his prerogative. He quotes another statement by the Duc: "I have accepted your installing upon me the authority...although I had never planned to ascend to the throne given to me by the French people." Elsewhere Ṭaḥṭāwī states that it was the Chamber of Deputies who had requested that the Duc "accept the throne and the conditions by the form of giving loyalty in the way decided by the deputies." One of these conditions was that he be named the king of the French people rather than the king of France, thus indicating that he was king by the will of the people. Ṭaḥṭāwī explained that this was of great symbolic importance to the French people. For them the title, "king of France", indicated his superiority over the land and its people and their inability to contest his authority.⁸

Finally, one must note Ṭaḥṭāwī's analysis of the relation existing in France between the king and the law. It is clear to him which force has the ultimate authority.

Ruling according to freedom means establishing equality concerning the rules and the laws in a way that the ruler does not inflict injustice on any person; rather, the laws are what are sought in a judgment.⁹

The authority of the ruler as
described in Manāhij and Murshid

It is equally obvious that the ruler, as pictured in Murshid and Manāhij, is the ultimate authority within the context of the state. While Ṭaḥṭāwī does not make reference in Murshid to the relative strengths of the king and the law, he does speak of the king's position in decision-making. Ṭaḥṭāwī states that the ruler does not have the right to decide what is correct or not if such a decision disagrees with the religious positions established by the imāms. The ruler should rely on their fatwa (opinion), and in this way, Ṭaḥṭāwī says, imāmship replaces prophethood in guarding both religion and worldly affairs. Yet Ṭaḥṭāwī goes on to state that it is permissible for the ruler to forbid the meeting of the ahl al-hall wa al-'aqd. The ruler may prevent this normally permitted meeting if he decides that it is in the best interests of the subjects, whether in religious or worldly affairs, to do so.¹⁰

From this passage one may observe that the ruler does, in fact, wield great power within the state. As has been discussed previously,¹¹ the ruler's observance of consultation with religious leaders might only be a matter of paying lip-service. The power of the religious scholars does not go beyond advice.

The strength of the ruler is very clear-cut in Manāhij. We are told that "the ruler is...the first possessor of authority in the state." As has been outlined previously in chapter IV, the royal authority is in the hands of the ruler. He possesses many privileges, among which is the right to order councils to organize decrees, which in turn would not be effective until he signs them. Elsewhere in Manāhij Ṭaḥṭāwī states that "law is in reality a right of the rulers." Although he mentions that the royal power is

conditioned by the laws, he goes on to state: "Executing the law is related to the ruler because the organization and classification of these laws and doing things in accordance with them depends on his orders."¹²

In addition, respect for the laws goes back to respect for the king. When he decrees a law and signs it, it becomes related to his position and thus should not be rejected. Thus law--that is, man-made law compiled either by the ruler or under his authority--is shown to hold an inferior position to the ruler in terms of authority in the state. Rather than law, it is public opinion which Ṭaḥṭāwī claims to have more of an influence on the ruler. "Public opinion is the dominant authority over the hearts of kings and leaders because it is not lenient in its ruling."¹³ As has been demonstrated previously, however, the opinion of the subjects is not necessarily a binding force upon the ruler. As for the relation between the ruler and the Sharī'a, one might add that while in theory the authority of the ruler was subject to its limitation, the Sharī'a was, however, subject to wide interpretation to the extent that in actuality the authority of the ruler could be considered unlimited.

The Sharī'a and Law Based on Reason

"Sharī'a or Shar'," as defined by E. Rosenthal in Islam in the Modern National State, "is the entire corpus of divinely revealed law; it regulates the path to Allah, orders the Muslim believer's entire life from birth to death, and ensures his happiness in this world and the hereafter." He also quotes a Hanafī definition of Fiqh, a synonym of Sharī'a: "the knowledge of the rights and duties whereby man is enabled to observe right conduct in this life, and to prepare himself for the world to come."¹⁴ In addition, E. Rosenthal provides us with a detailed explanation of what

the Sharī'a stands for. He says:

Traditionally, jurisprudence is divided into uṣūl (principles) and furū' (branches, derivations, i.e. the law in force). We are at present concerned only with the principles, of which there are four: Qur'an (the revealed word of God) and Sunna (the example and sayings of the prophet Muḥammad) are the fundamental sources, to which have been added ijmā' (the consensus of the community represented by the 'ulamā of the age)¹ and qiyās (legal deduction by analogy). It is significant that modern adherents of the Islamic state equate Sharī'a with Qur'an and Sunna or with the Qur'an alone.¹⁵

I 'Ulamā has come to mean the Muslim religious scholars, both theologians and jurists (who are originally designated fuqahā = experts in Fiqh).

Although this Sharī'a, as defined above, was held by Ṭaḥṭāwī to be unquestionable, he has a liberal interpretation of it. In addition, he is willing to accept those innovations which do not contradict the Sharī'a. He also states that if one examines the Sharī'a and understands its origins, one may find in it the justification for the existence of different political systems, that is, absolute monarchy, limited monarchy and republic.¹⁶ This same position was elaborated on by Professor Gibb: "From these principles [of Sharī'a] it is possible to deduce many different political systems, both monarchical and republican, and a wide variety of mechanisms of government, provided only that the supreme law of the State, the Sharī'a, is respected."¹⁷

Thus it is possible, according to Ṭaḥṭāwī, to deduce from the Sharī'a different political systems. It is also possible to deduce the same political systems through the European laws, that is to say, the laws of reason. Ṭaḥṭāwī's outlook here is certainly quite liberal. He states that the French law, dictated by reason, is just and good, despite the fact that it is not in the Sharī'a.

This law...has certain matters which are just and good as cannot be denied by any intelligent person.... Let us mention it to you, although most of what is in it is not in God's Book, nor in the tradition of His messenger, may God greet him and pray upon him.¹⁸

He is allowing a comparison between the two major systems of law. He is putting them on an equal footing. This is certainly a step forward taken by Ṭaḥṭāwī who, unlike other Muslim scholars who would not accept any law other than the Sharī'a, does not only accept the European laws but also gives them similar value to that of the Sharī'a.

In addition, Ṭaḥṭāwī tries to bridge the gap between these two major systems of law and attempts to reconcile the two. He presents the European systems of government in a positive and favourable language and he breaks the traditional position of looking at these systems as strange, alien and totally unacceptable.

In another statement which concerns natural law, Ṭaḥṭāwī makes a comparison between the Islamic and European systems of law. Jurisprudence (uṣul al-fiqh) is what the Europeans call natural rights or natural laws. Natural laws are rules of reason; upon them are based their civil rules of right and wrong. What the Muslims call the branches of fiqh the Europeans call the civil rules.¹⁹ E. Rosenthal has commented on Ṭaḥṭāwī's comparison: "The influence of the French Enlightenment is evident in al-Ṭaḥṭāwī's view that the principles of Islamic law are not very different from Natural Law which forms the basis of modern Europe."²⁰

Ṭaḥṭāwī has dealt with the subject of natural laws in his book, Murshid. He states:

Justice...coincides with what was spelled out by philosophers and the religious laws (sharā'i) of the prophets before Islam. It was praised by both religion (al-shar') and nature, although praise of natural laws does not have any substance if it is not established by the Lawgiver (al-Shāri').²¹

These natural laws, which are based on reason, existed even before religions. They are the foundation of the world. God, in His divine wisdom, had placed this system of laws in the human faculties. He made it universal for all men so they be able to distinguish between good and evil. They are above the differences in the laws of different nations and cannot be opposed without causing disturbances to God's creatures.²² In other words, natural laws were placed in man's reasoning faculties by the grace of God. They do not contradict the religious laws.

Although it seems here that Ṭaḥṭāwī considers natural law to be based on reason, it appears in other places that he considers natural law to be the result of man's instinct. Ṭaḥṭāwī's position fluctuates between these two understandings of natural law; that is, the result of reason or of instinct.

Most of these natural laws are not contradicted by the religious rules. They are natural, created by God the most High in man. God has made them inseparable from man's existence as if they were formed for man.... Afterwards the religious laws had been revealed through prophets and books.... They [the natural laws] have preceded the revealed religions in nations and communities. The laws of ancient philosophers and states had been based on these natural laws through which man was guided in his ways of life in previous eras.²³

Religious or political authority

From the existence of two systems of law, one by religion and the other by reason, there naturally emerges two distinct systems of authority upon which the order of a state could be established. At the same time, however, Ṭaḥṭāwī attempts to prove that within the context of an Islamic

state these two systems are not necessarily contradictory.

In Takhlīs Ṭaḥṭāwī states that the law is called by the French, the Sharī'a, and hence they speak of the Sharī'a of different kings.²⁴ Thus we are told that the French Sharī'a is related to a king. The authority of the law is derived from man rather than religion. Yet Ṭaḥṭāwī proceeds in Takhlīs to set it on close to equal footing with the order of law in Islamic lands. In any case, this man-made law serves as the ultimate authority in the French state.

Ṭaḥṭāwī proceeds to discuss the French law and to translate their Constitution, the first time that a European system of laws had been made available through translation to the Arab world.²⁵ He feels a need to justify this effort and explain to his readers the valuable results which have ensued from such a law. Thus he states that this man-made law is adhered to by the French. They respect this authority; they assume it as a base for their policy. Ṭaḥṭāwī states that this law is still followed and accepted by the people due to the fact that their reasons had decreed that the justice which is a result of the law is one of the causes of the development of kingdoms and the satisfaction of the people. Both rulers and subjects were led to believe in this authority, for it has been proven to have great value and to produce good results such as increased prosperity, wealth and happiness for the citizens and their nation.²⁶

A statement concerning different systems of law and the just kingdom is to be found in Murshid. Ṭaḥṭāwī states that "the rules of a just kingdom ...follow either religious or political laws."²⁷ That is, there exist two parallel means of achieving the just kingdom.

As was discussed previously, Ṭaḥṭāwī describes the second article of

the French Constitution which deals with taxation. This law, he says, is purely political. In other words, it is not a law derived from religion. Ṭahṭāwī praises it and says that it has resulted in justice, prosperity and contentment. That is, a political, man-made law has great value. Ṭahṭāwī adds that the basis for such a law might be found in the Sharī'a.²⁸ Thus one may note an element of reconciliation; he is attempting to make this law appear familiar or, at least, not contrary to the Sharī'a.

Shortly after this statement in Takhlīs, however, Ṭahṭāwī states simply and clearly that a difference does most definitely exist. The source of authority of the French law is separate and distinct from the source of authority for the law of Islamic states.

The legal rules which are established for the French...are not derived from the Holy books; rather, they are taken from other laws, most of which are political. They are completely different from Sharā'i, [religious laws].... They are called the French rights, meaning the rights of the French people concerning each other. That is because the rights according to the French are different.³⁹

In Ṭahṭāwī's description of the circumstances surrounding the crowning of the Duc d'Orléans as king he discusses the change which was made in the title of the French monarch. The title, "king of all France and Navarre by the grace of God" had become simply "king of the French." Ṭahṭāwī was very interested in the importance attached to these two titles by the French people. The first title, he explained, implied that the king was given his position by divine right. The king was "possessor of the land and the authority over it." This authority was granted by God to his family; the subjects had no say in it. The second title, on the other hand, implied that the king was installed in his position by the will of the people. Ṭahṭāwī continues:

If this were here for us the two statements would be equal. The fact that the king is a king by the choice of his subjects does not contradict that this had come from God the most High as generosity and charity from God. There is no difference for us, for example, between [saying] the king of the Persians and the king of the land of the Persians.³⁰

Thus Ṭaḥṭāwī is explaining to his readers that for the French people, to say "king of France" means by the grace of God rather than deriving from the people. That is, the source of authority is divine rather than originating from man. Ṭaḥṭāwī adds that for Muslims any distinction between the two titles is superficial. The fact that a king has reached his high position through political means does not contradict the fact that his achievement is, in reality, by the will of God. In other words, political authority does not necessarily contradict God's will.

In Murshid Ṭaḥṭāwī departs from the traditional position to state that civilization can be achieved through either the Sharī'a or man-made laws. Those countries whose laws are political and man-made are under a non-religious authority. The law of freedom is the base of their civilization. This non-religious authority occurs only in such countries. In Islamic kingdoms, however, civilization is based on religious laws. One is not obliged to make decisions because right and wrong are determined by the Sharī'a. Ṭaḥṭāwī states that "there is no acceptance of any opinion without a religious legal proof." He adds that one should not use one's own opinion in dealing with God's religion. Religious authority should be followed unquestionably.³¹

Elsewhere in Murshid Ṭaḥṭāwī refers again to the existence of a dual system of authority in the world. He declares:

Political [i.e. man-made] and religious decrees, around which the order of the world is established, are based on the sound rational decrees which are free of religious prohibitions [i.e. which do not contradict religion]...because both politics and religion are based on wisdom which we can comprehend or on religious wisdom, the wisdom of which is known by God the most High. We ought not to depend on what is right or wrong according to the intellect unless it is mentioned in the Shar' that it is right or wrong.³²

Thus we are told that both systems are based on sound decrees which do not contradict religion. Political decrees are based on what the mind can understand, while religious decrees are based on wisdom known to God. Although Ṭaḥṭāwī takes this stand, at the end of this passage he appears to retreat and state that we should not come to our own conclusions about what is right and wrong unless it has been declared by the religion to be correct or not.

FOOTNOTES

Chapter VII

- 1 Ṭaḥṭāwī, Takhlīs, p. 140.
- 2 Ibid., pp. 148, 154, 253 and 260.
- 3 Ibid., p. 140.
- 4 Ibid., p. 252.
- 5 Ibid., p. 255.
- 6 Ibid., p. 263.
- 7 Ibid., p. 260.
- 8 Ibid., pp. 266 and 263-64.
- 9 Ibid., p. 148.
- 10 Ṭaḥṭāwī, Murshid, pp. 123-24. See also above p. 69.
Zolondek, p. 95, has paid great attention to this passage.
- 11 See above, p. 74.
- 12 Ṭaḥṭāwī, Manāḥij, p. 353, 356-57 and 349-50. See above, pp. 79-82.
- 13 Ibid., pp. 353-54 and 355. See above p. 78.
- 14 Erwin I.J. Rosenthal, Islam in the Modern National State
(Cambridge, Cambridge University Press, 1965), pp. 8 and 12.
- 15 Ibid., pp. 12-13.
- 16 Ṭaḥṭāwī, Takhlīs, p. 252.
- 17 H.A.R. Gibb, "Constitutional Organization," in Law in the Middle East, ed. Majīd Khaddūrī and Herbert J. Liebesny (Washington, D.C.: Middle East Institute, 1955), p. 6.
- 18 Ṭaḥṭāwī, Takhlīs, p. 140.
- 19 Ṭaḥṭāwī, Murshid, p. 124.
- 20 E. Rosenthal, p. 66.
- 21 Ṭaḥṭāwī, Murshid, p. 131.

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- 22 Ibid. Here Ṭaḥṭāwī approaches the Mu'tazilite position although he is a self-declared Ash'arite.
- 23 Ibid., p. 133.
- 24 Ṭaḥṭāwī, Takhlīs, p. 138. Husry, p. 18, translates the passage as, "the laws of the French are their Sharī'a."
- 25 Abu Lughod, p. 92.
- 26 Ṭaḥṭāwī, Takhlīs, p. 140. See above, p. 49.
- 27 Ṭaḥṭāwī, Murshid, p. 127. See above, p. 65.
- 28 Ṭaḥṭāwī, Takhlīs, p. 149. See above, p. 55.
- 29 Ibid., p. 154.
- 30 Ibid., p. 264.
- 31 Ṭaḥṭāwī, Murshid, p. 123.
- 32 Ibid., p. 131.

CONCLUSION

Ṭaḥṭāwī, as has been seen throughout this thesis, has made an immeasurable contribution to the process of modernization of the Egyptian society. He could be considered to be one of the main pillars of the Egyptian and Arab renaissance.

Ṭaḥṭāwī is a thinker who could be counted among those who have contributed to the concept of freedom. His views on the freedom of the individual and the advocacy of what would today be labelled "human rights" show a great similarity to those expressed by the writers of the French Enlightenment. His statements on freedom of religion were very outspoken and liberal especially for someone who was an Azharite shaykh. His elaboration on the value of freedom of the press is very significant. It is tied in with his appreciation of the European culture and liberty of political thought. His praise of freedom of the press extends to the end of his life; it is to be found in Murshid as well as in Takhlīṣ.

Ṭaḥṭāwī's statement on political freedom is worthy of note. While not outstanding in itself, taken in the context of what had been said, or rather, what had not been said in past centuries by Muslim thinkers, it was a landmark.

Along with the more customary manners of viewing freedom, as freedom of the individual, of religion, and so on, Ṭaḥṭāwī spoke of the value and necessity of the citizens of a nation to have the liberty to

practise agriculture, trade and industry. By this he means that the workers should be granted the fruits of their own labour. Some writers, such as Abdel-Malek, have made much importance of Ṭaḥṭāwī's remarks, only briefly touched on in this thesis. His economic thought, involving the value of labour and other such concepts, is a whole field of study in itself.

Ṭaḥṭāwī's statements on the concepts of equality and justice are also of great significance. He has built upon his Islamic base and added on what he had acquired of ideas of the French Enlightenment. His reading of Montesquieu, l'Esprit des lois, Rousseau, Le Contrat social, and works by Voltaire must certainly have had a great impact on the development of his thought.

The influence of French philosophical writers is also to be seen in Ṭaḥṭāwī's concept of the state and his appreciation of the idea of law and order. In fact, his concept of stability is one of the most basic aspects of his political thought. Law and order create an atmosphere in which freedom can thrive. Without stability, Ṭaḥṭāwī says, the citizens would be unable to enjoy their rights within their nation.

Stability is achieved through a kingdom and a ruler. In Takhlīs Ṭaḥṭāwī describes in great detail the example of limited monarchy as set up in France. Ṭaḥṭāwī was truly impressed with the French system of government. Some may say that he never intended that it should be copied, and in his writings of later years such as Murshid and Manāhiḥ one does not find a call for the wholesale adoption of the French political system. Ṭaḥṭāwī, however, asserts in several occasions that the French system has

great value for those who would listen, indicating that many lessons could be learned from it. In any case, one should not reach the conclusion that Ṭaḥṭāwī forsook all attempts to introduce European concepts concerning justice, freedom, education, and so on. Rather, Ṭaḥṭāwī realized that the way to introduce these ideas was through the reform of education, the translation of European works and the fostering of pride in Egypt as a separate nation with both a past and a future. Ṭaḥṭāwī's contribution in the field of education is deserving of a study in itself. He was actively involved in the educational policies of both Muḥammad 'Alī and Ismā'īl. The works which Ṭaḥṭāwī either translated himself or had their translation ordered had an immeasurable effect on the introduction of European ideas and technology to Egypt. Through the efforts of men like Ṭaḥṭāwī, Egypt at the end of Muḥammad 'Alī's rule was considered as one of the great powers of the time. In addition, Ṭaḥṭāwī's concept of patriotism and his varied efforts throughout his long career to foster a feeling of pride in Egypt as a nation were no doubt a result of his awareness of the national pride of European countries acquired in part through his readings of the histories of various nations. It should be noted that Ṭaḥṭāwī's usage of the term ḥubb al-waṭan and his numerous writings and actions which demonstrate his interest in patriotism form an important aspect of his political thought. Thus Ṭaḥṭāwī continued throughout his career to advocate, in a variety of ways, new concepts which he had acquired in France, but this did not necessarily mean that he believed that the French system of government should be imitated unthinkingly.

Ṭaḥṭāwī's concern for the welfare of the people of Egypt is exemplified in his discussion of the rights and duties of subjects, both of which are seen to lead to contentment and prosperity. The problems of civil disobedience and of government by representation are seen in different lights in Ṭaḥṭāwī's earlier work, Takhlīṣ and in the later works of Manāḥij and Murshid. While Ṭaḥṭāwī had admired the French example, he had at the same time not rejected his Islamic values.

Ṭaḥṭāwī's description of the two parallel systems by which one may justly govern a state and, in fact, order one's whole existence is the most outstanding example of Ṭaḥṭāwī's attempt at reconciliation of two very different ways of life and thought. It is believed that one of the major problems, if not the major, facing any Arab or Muslim modernist is that of reconciliation or coexistence between Sharī'a and law; that is, between religious law and man-made law. This has been and still is the most controversial issue. After Ṭaḥṭāwī's sojourn in Paris he held on to two cultures and two systems of value with seemingly no inner conflict from which later thinkers such as Muḥammad 'Abdu, al-Afghānī, Aḥmad Luṭfī al-Sayyid and Ṭāḥa Ḥusayn were to suffer. Ṭaḥṭāwī's somewhat simplistic solution to the problem of the existence of two cultures was to state either that their coexistence should lead to no conflict as they can be considered to derive from the same origin or else lead to the same result, or at least that they should be viewed to be on an equal footing. Events after Ṭaḥṭāwī's death, such as the invasion of Egypt by the British and the resulting confrontation with Europe as a colonial power were to eventually prove Ṭaḥṭāwī's solution to be an oversimplification of the complex

issue of adoption or rejection of the values of the West. These issues did not, however, affect Ṭaḥṭāwī in his relation with the West. He was able to delight in the discovery of new sources of knowledge.

Justice is not done to Ṭaḥṭāwī when his ideas are examined either in part or out of context. Since his positions fluctuate between his two cultures, it would be very easy to label him as a conservative as Zolondek claims, or as a progressive revolutionary as Abdel-Malek and Louis 'Awad have done. Both stands could be supported by statements taken from Ṭaḥṭāwī's works. A more thorough examination, however, proves that he is a combination of the two. In addition to his interest in Europe and its advancement and prosperity, he was very interested in the revival of the traditional Islamic heritage and achievements. This is shown in his great interest in the system of thought of Ibn Khaldūn, and in the life of the Prophet. He called Ibn Khaldūn the Montesquieu of the Muslims, and Montesquieu the Ibn Khaldūn of the French. He was, in addition, the first to write a modern biography of the Prophet Muḥammad, indicating his attempt to revive the past.

Ṭaḥṭāwī is simply a mixture of a traditional thinker and a liberal reformist. Justice is not done to him when we try to judge him by our own criteria and values. One should not demand from a reformer what could be demanded from a militant. Similarly, a liberal-minded man should not be labelled as a traditional conservative or reactionary merely because he was caught in certain circumstances such as the political climate of Egypt of his time.

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