

## The European Sources of *Aqwam al-masālik* *fi ma'rifat ahwāl al-mamālik*

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Khayr al-Dīn al-Tūnisī's seminal historical and philosophical treatise, *Aqwam al-Masālik fi Ma'rifat Ahwāl al-Mamālik* ('The Surest Path Towards the Knowledge of the Conditions of States'), published in 1867, has been the subject of extensive research. In the present paper an attempt will be made to assess the statesman's originality of thought in the light of the use - both alleged and immanent - of European sources. The book is divided into a number of self-contained parts. The opening *khutba*<sup>1</sup> is followed by an Introduction (*Muqaddima*)<sup>2</sup>, and two Books (*kitāb*), each subdivided into a number of chapters (*bāb*), which, in turn, comprise subsections (*fajl*). The First Book deals with all the states of Europe (*mamālik Urubbā*)<sup>3</sup>, whereas the second contains a general geographical survey of the earth.<sup>4</sup> A table of Hijra/Georgian calendar conversions until 1894<sup>5</sup> and a conclusion<sup>6</sup> round off the

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<sup>1</sup> Khayr al-Dīn 1867: p.2-5.

<sup>2</sup> *Ibid.*, p.5-89.

<sup>3</sup> The Ottoman empire (pp. 90-112) is followed by France (pp. 113-181), England (pp. 182-236), Austria (pp. 237-258), Russia (pp. 259-285), Prussia (pp. 286-311), Germany (pp. 312-320), Italy (pp. 322-348), Spain (pp. 349-358), Sweden/Norway (pp. 359-369), Holland (pp. 370-378), Denmark (pp. 379-387), Bavaria (pp. 388-399), Belgium (pp. 400-406), Portugal (pp. 407-414), Switzerland (pp. 415-418), Vatican City (pp. 419-421), Württemberg (pp. 422-423), Baden (pp. 423-424), and Greece (pp. 424-432).

<sup>4</sup> Division of the earth (*taqṣīm al-arḍ*, pp. 433-436); Asia (pp. 436-438); Africa (pp. 439-440); America (pp. 441-443); Oceania (pp. 443-445); the World Seas (pp. 445-459).

<sup>5</sup> *Ibid.*, 447-421.

<sup>6</sup> *Ibid.*, 421ff.

*Aqwam* proper, which also includes a lengthy section of encomia (*taqārīz*) by leading officials and *'ulamā'*.<sup>7</sup> Like Ibn Khaldūn's *Muqaddima*, Khayr al-Dīn's Introduction offers an insight into its author's thought and political philosophy, and since it is here that his views on Europe are most salient, most studies focus on this part of the book.<sup>8</sup>

The genesis of the *Aqwam* is inextricably bound up with the dramatic changes in Ottoman politics, viz. the reforms (*tanẓīmāt*) set forth in the edicts *khayr-i sherīf* ('Noble Rescript') of (3 November) 1839 and the *khayr-i humāyūn* of Gülkhāne (1856).<sup>9</sup> One of the central themes of the book involves proving that reforms were in line with Islamic precepts. Another influence came from the major reforms that had taken place in Tunisia over the previous decade: the 1857 'Fundamental Pact' (*Ahd al-Amān*) -- which was directly modelled on the *khayr-i humāyūn*<sup>10</sup> -- and the Constitution, both of which had set up a new (modern) legal framework for society, and both of which had failed. The Muslim world (not least in Egypt and the Levant) was in ferment, and the timing of the publication was perfect inasmuch as it clearly met a need among Muslim (Arabic-speaking) intellectuals. Many leading personalities took a keen interest in it, while the author received endorsements from influential *'ulamā'* both in Tunis and abroad, as witnessed by the *taqārīz*. Khayr al-Dīn's book was a success particularly in Egypt and Turkey. It was eagerly read by the Ottoman reformer vizier Midhat Pasha (1822-1884)<sup>11</sup>, whereas the famous Lebanese Christian apostate Fāris al-Shidyāq (1804-1887) immediately reprinted the Arabic introduction in his newspaper, *al-Jawā'ib*. It is also easy to see the appeal it held for the Young

Ottomans and all those who sympathized with their ideas. The author's fame quickly spread throughout the Muslim world, and was one of the reasons why he was invited to Constantinople (where he became Grand Vizier in 1878) after resigning as Prime Minister in Tunisia. Indeed, in a letter to the former vice-president of the International Finance Commission, the Frenchman Villet, Khayr al-Dīn stated that the Ottoman sultan appointed him to solve the problems regarding the introduction of the necessary reforms, whereas "*A tort ou à raison, on m'attribue en Turquie des idées pratiques en matière de réformes.*"<sup>12</sup>

Ideologically, one can observe a direct influence from the poet Maḥmūd Qābādū (1814-1871), who was also a staunch supporter of Khayr al-Dīn's and his reforms, as witnessed by his *taqārīz* on the *Aqwam*.<sup>13</sup> Both consultation (*shūrā*) and justice (*'adl*) were core concepts in Qābādū's reformist thought. Like Khayr al-Dīn, Qābādū considered justice a cornerstone for any society, and in a praise poem on the Tunisian Constitution of 1861, he referred to it as one of the prerequisites for civilization.<sup>14</sup> An older influence, but no less significant, was Ibn Khaldūn (d. 1406), a fellow Tunisian who also wrote on the fall and rise of states (though he concentrated on Muslim territories), and whose shadow is visible even in the formal structure of the *Aqwam*. The French translation of the introduction to Khayr al-Dīn's work also merits special attention. It was published less than a year after the original, with the timing in itself being quite revelatory. Most of the translation was the work of Khayr al-Dīn's personal interpreter, Antoine Conti<sup>15</sup> -- a Corsican renegade and Muslim convert --, but was supervised by Khayr al-Dīn. It is clear it

<sup>7</sup> new pagination, 50pp. (repr. M. al-Shannūfī 1972: 231ff.).

<sup>8</sup> For discussions of the introduction, see the editions by L. Brown (1967: 3-64), M. al-Shannūfī (1972, p.23-64), M. Morsy (1987, p. 7-9). Also see G. Van Krieken 1976: 106ff.; A. Abdeselem 1975: 323ff.; J. Fontaine 1967.

<sup>9</sup> *El* s.v. "*Khayr-i Humāyūn* and *khayr-i Sherīf*" (Cengiz Orhonlu), "Tanẓīmāt" (R. Davison); B. Lewis 1969: 108, 115-17; R. Davison 1973.

<sup>10</sup> See Ibn Abī 'I-Diyāf 1963-5, IV, 240ff. *et passim*; M. Bayram 1884-1893, II, 10ff.; M. Kraēm 1973: II, 255ff.; J. Abun-Nasr 1987: 277-279.

<sup>11</sup> G. Van Krieken 1976: 135. For parallels between the two men, see A. Demeerseman 1956: 369.

<sup>12</sup> M. Mzali 1969: 29 note 2 (letter d. 28/08/1878).

<sup>13</sup> Khayr al-Dīn 1867: 45-48 (*taqārīz*). The *taqārīz* also appears in M. Qābādū's *Dīwān* (1878: II, 72-75; 1984: II, 64-68). For more comments on Khayr al-Dīn, see, for instance, M. Qābādū 1878: I, 152ff.; 1984: I, 121, 149ff. For details on this scholar, see the biography by 'U. b. Sālim, *Qābādū. Ḥayātuhu athāruhu wa taḥkīruhu al-īslāhī*, Tunis, 1975.

<sup>14</sup> M. Qābādū 1878: II, 60-61, 70, 71 (1984: II, 55-56, 64, 66).

<sup>15</sup> On Conti (d. 1893), who for some time was the Bey's first interpreter, see: M. Bayram, *op. cit.*, II, 38 ('A. al-Shannūfī 1989: 198); M. Smida 1991: 29-30; M. Mzali 1969: 14-15.

was never intended to be a mere translation; rather it was to be a work in its own right, which not only reflected the ideas of the original, but also adapted them for a European audience, whose opinion and support the author clearly sought. Records also reveal that Khayr al-Dīn was keen on getting feedback and requested Jules de Lesseps, the Tunisian Bey's unofficial ambassador in Paris (and brother of the more famous Fernand, of Suez Canal fame) to send him reviews of the book.<sup>16</sup>

It is telling that the French title, *Essai sur les reformes nécessaires aux états Musulmans*, reflects far better the content than the Arabic one, where the word 'reforms' (sc. *tanẓīmāt*) is absent, and which is a throwback to the *masālik wa 'l-mamālik* genre in classical Arabic geographical literature.<sup>17</sup> The French text, like the Arabic original, in fact arrived at a highly propitious time. European (esp. French) public opinion was not only highly favourable to the kinds of democratic reforms Khayr al-Dīn was talking about (equal rights for all citizens, universal suffrage, consultation, etc.), but was also enthralled by all matters oriental. As we have seen, Paris had already become a safe haven for all manner of dissidents and malcontents of the Ottoman empire, whereas the Young Ottomans enjoyed a great deal of sympathy from the French intelligentsia. It was also through polemic articles by hired hacks in French newspapers that Khayr al-Dīn and his opponents in the camp of grand vizier Muṣṭafā Khaznadār (1817-1878) defended their respective causes.<sup>18</sup>

A close scrutiny of the survey of countries reveals that apart from the section on the Ottoman Empire, none of the information is original and by and large involved a cutting and pasting of a translation-cum-adaptation by, one may imagine, some of Khayr al-

<sup>16</sup> RT, 1940, 281 (letter d. 1/09/1875). The author also ordered 200 copies of the second printing of the *Réformes...*; *ibid.*, 290. Also see *ibid.* 297. On de Lesseps' role as the Tunisian Bey's agent, see D. Newman 2002a.

<sup>17</sup> And not to titles of *rihlāt*, as suggested by A. al-Ṭuwaylī (1977: 149). On this genre of Arabic geographical literature, see D. Newman 2001.

<sup>18</sup> See M. Mzali & Pignon 1940: 75, 81; A. Demeerseman 1958a: 15-6. Khayr al-Dīn also availed himself of the services of Tunisian consuls abroad who were asked to write letters to newspapers to defend him; M. Mzali & Pignon 1940: 91-92.

Dīn's amanuenses of information culled from contemporaneous European (French) history manuals and encyclopaedias. The above-mentioned Conti probably played a key role in translating the sources, whereas the at times poor Arabic style and vocabulary, combined with calques and terminological inconsistencies (see *infra*) betray the involvement not only of several participants, but also of non-native speakers of Arabic. The early fascicles (1866-67) of Larousse's *Grand Dictionnaire Universel*, for instance, seem to have been a particular favourite; some sections were lifted almost in their entirety, with on occasion explanatory notes but very few significant additions or omissions. Examples include the sections on England<sup>19</sup>, Austria<sup>20</sup> or Bavaria<sup>21</sup>. Consider, for instance, the following part dealing with the Executive in England:

"أعلم أن قوة التنفيذ بيد الملك فهو الذي ينفذ القوانين بواسطة وزرائه و ان تاج البريتانية (هكذا) العظمى ينتقل بالوراثة الاكبر فالاكبر من السلسلة الواحدة من العائلة على ترتيبهم في الولادة من العائلة على ترتيبهم في الولادة بمعنى انه ينقل من الاب الى الابن الكبر وهكذا و يتقدم الذكر على الانثى اذا كانا في درجة واحدة مثل الاخ الصغير يتقدم على اخته الكبير و يلقب ملك انكلترة باسم الرى و هذه طالعة اوامره فلان بنعمة الله ملك المملكة المتحدة من البريتانية الكبرى و ارلاندى محاميا عن العقيدة و من حيث كونه رئيس الكنيسة يختار كبراء الديانة و يامر بجمع ديوان الاساقفة و من حيث كونه رئيس المملكة ينصب الوزراء و يمنح سائر الوظائف العسكرية برا و بحرا و سائر القاب الشرف و الماقمات و النياشين و غير ذلك."

"Le pouvoir exécutif appartient au souverain, qui l'exerce par l'intermédiaire de ses ministres. Le trône de la Grande-Bretagne est héréditaire par ordre de primogéniture, les hommes étant préférés aux femmes, mais seulement au même degré de parenté. Le souverain d'Angleterre est qualifié: roi, par la grace de Dieu, du royaume-uni de la Grande-Bretagne et de l'Irlande, défenseur de la foi. Il doit nécessairement appartenir à la religion anglicane. Chef de l'Eglise, il choisit les archevêques et les évêques et convoque les synodes. Chef de l'Etat, il nomme à tous les grades dans l'armée et dans la marine,

<sup>19</sup> GDU, I, 182ff.

<sup>20</sup> GDU, I, 1014ff.

<sup>21</sup> GDU, II, 401.

donne tous les titres de noblesse, les décorations et autres récompenses civile ou militaires.”

Although this in itself does not vitiate the merit this part had at the time for a Muslim readership for whom this information was entirely new, it does raise two very important issues which have hitherto been ignored by all scholars of Khayr al-Dīn's thought. Firstly, there is the fact that by relying on a limited number of predominantly French sources (which was also remarked upon by Ibn Abī 'l-Ḍiyāf)<sup>22</sup>, the author (via his informants), in effect, presented a biased Europe. More importantly, it throws doubt on whether the author actually subscribed to the things he mentioned. Indeed, since the historical survey is, on the whole, purely descriptive and shorn of identifiably personal commentary, one may question the approach taken until now of imputing certain theories (or a belief in them) to Khayr al-Dīn simply because they were included in the *Aqwam*. One may indeed argue that after outlining his ideas in the introduction, it was not his intention to interfere with the linear narrative discourse of the survey, and there is no attempt to elucidate, to go beyond the mere statistics. His role is that of a mediator, rather than a commentator, of factual information. The result was effectively the first *Taqwīm* (almanac)<sup>23</sup> for European states.

This brings us to the question of some of Khayr al-Dīn's sources in general, whether they be Muslim or European. As was common in his day, Khayr al-Dīn liberally sprinkled Islamic quotes across the text, whereas it is interesting to note that he does not refer to any of the Muslim scholars mentioned in al-Ṭaḥṭāwī's *Takhlīs al-Ibrīz fī Talkhīs Bārīs* (1834). In fact, these quotes offer clear proof of the help the author received; though well-read, Khayr al-Dīn could not by any stretch of the imagination be called an *ālim*.<sup>24</sup> As a result, the reference by the *muftī* Aḥmad Kurayyim to Khayr al-Dīn as *al-ālim al-`allāma al-niḥrī*<sup>25</sup> or by Aḥmad Ibn al-Khūja as *al-ālim al-fāḍil al-*

*majīd*<sup>26</sup> should be considered purely honorific.<sup>27</sup> Khayr al-Dīn, himself, made a fleeting reference to the help he received from *ba'd abnā' al-waṭan* in the revision of the text<sup>28</sup>. The names that are most often mentioned in this respect are those of the *shaykhs* Muḥammad Bayram V (1840-1889) and Sālim Būḥājib (d. 1924).<sup>29</sup>

And then, there are the many references to European sources, where the question again centres on the author's knowledge of the primary sources. In his overview of European civilization, Khayr al-Dīn reels off an entire catalogue of European scholars, many of whom (political) philosophers, who also appear in al-Ṭaḥṭāwī's work: Montesquieu<sup>30</sup>, Condillac<sup>31</sup>, Humboldt<sup>32</sup>, Rousseau<sup>33</sup>, Voltaire<sup>34</sup>. Whereas there is little doubt that al-Ṭaḥṭāwī actually read the authors he mentioned (for one thing, they were part of his curriculum during his study stay in Paris), things are not that clear with Khayr al-Dīn. For a start there are no real indications that he had any real first-hand knowledge of their theories, with the possible exception of Montesquieu's. In spite of this, some modern scholars have attempted to identify certain influences from specific European philosophers.<sup>35</sup> The only adducible evidence is at best circumstantial. Some of Khayr al-Dīn's ideas do in fact agree with those put forward by European

<sup>26</sup> *ibid.*, 43.

<sup>27</sup> Cf. al-Bājī Mas'ūdī's *insān al-ma'ārif* (*ibid.*, 5), or Ibn Abī 'l-Ḍiyāf's *umdat ahl al-irfān* (*ibid.*, 3). For a discussion of the epithet *ālim*, see A. Green 1978: 23ff.; *idem* in *Revue de l'Histoire Maghrébine*, 7, (Jan.) 1977, 150-159; A. Demeerseman in *IBLA*, 125, 1970, 69-101; *idem* in *IBLA*, 142, 1978; *idem* in *IBLA*, 146, 1980, 245-277.

<sup>28</sup> Khayr al-Dīn 1867: 461.

<sup>29</sup> S. Zmerli 1979: 97.

<sup>30</sup> Khayr al-Dīn 1867: 58, 88; R. al-Ṭaḥṭāwī 1982: 233.

<sup>31</sup> Khayr al-Dīn 1867: 59; R. al-Ṭaḥṭāwī 1982: 233.

<sup>32</sup> Khayr al-Dīn 1867: 30; R. al-Ṭaḥṭāwī 1982: 239.

<sup>33</sup> Khayr al-Dīn 1867: 59; R. al-Ṭaḥṭāwī 1982: 232, 233.

<sup>34</sup> Khayr al-Dīn 1867: 59; R. al-Ṭaḥṭāwī 1982: 232, where he wrongly credits him with being the author of the *Lettres persanes* (*al-murāsīlāt al-Fārsiyya*).

<sup>35</sup> e.g. M. Morsy 1987: 24. A similar anachronistic approach was adopted by B. Tlili with regard to Ibn Abī 'l-Ḍiyāf, whom he called the heir and renovator of classical Greek philosophy (1970: 162).

<sup>22</sup> Ibn Abī 'l-Ḍiyāf 1963-5: I, 46.

<sup>23</sup> *EI*, s.v. 'Ṭaqwīm' (D. M. Varisco, M. Hofelich).

<sup>24</sup> See Ibn 'Āshūr 1970: 48.

<sup>25</sup> Khayr al-Dīn 1867: *taqrīz*, 6.

philosophers of the day; however, one may argue far more convincingly that Khayr al-Dīn's thought and writings reflected the spirit of the time, rather than any one philosophical school of thought. This theory is corroborated by the incongruous mix of names mentioned by Khayr al-Dīn in the *Aqwam*, with some philosophers having views of society and the world that were not exactly compatible. While one may imagine that the author-statesman would have agreed with Voltaire's favourable views on absolute monarchy being the best type of government or his anti-clericalism and criticism of Christian intolerance of other religions (cf. *Traité sur l'intolérance*), it is impossible to square Montesquieu's natural determinism with Voltaire's rigorous empiricism and hostility to any organized guiding principle.

In some instances, al-Ṭaḥṭāwī was as inconsistent as Khayr al-Dīn, and it is, for instance, unlikely that either author would have agreed with Voltaire's thesis that history is driven only by human will and passion. Rousseau's philosophy, on the other hand, is diametrically opposite to Voltaire's. Prompted by a belief in the superior unbreakable laws of man, the former advocated absolute democracy, in which the sovereign and his subjects are part of the same citizenry; together they constitute the indivisible body politic. At the same time, this point precludes any mention of Montesquieu in the same breath, since in his view the two powers are *independent*; for Rousseau, they are anything but that. Moreover, how would the Muslims have got round Rousseau's fierce condemnation of the influence of religion on people's daily lives, which runs counter the very foundations of Islamic society? As far as Condillac is concerned, Khayr al-Dīn's statement that the former "shed light on the works of Locke on the science of philosophy", is, to say the least, misleading, since it implies that the two philosophers were part of the same school of thought, even though there was an influence from Locke in Condillac's early writings. Moreover, the fact that Khayr al-Dīn does not give any details on Locke's political thought and its emphasis on individual rights also points to the fact that he did not get his information first hand. Equally revealing is that neither Khayr al-Dīn nor al-Ṭaḥṭāwī was bothered by the hostile attitudes towards Islam of some of the European

philosophers they mentioned, like Montesquieu<sup>36</sup> or Voltaire<sup>37</sup>. Finally, while there are certainly elements in John-Stuart Mill's thought that Khayr al-Dīn would have agreed with - e.g. the importance of reason in government, and of education -, his name is only mentioned in a quote, which in the French translation is attributed to Mill's French translator.<sup>38</sup> Another intriguing question is why some other authors of political philosophy are not mentioned by Khayr al-Dīn. The name that automatically springs to mind is, of course, that of de Tocqueville as many of the ideas in *De la Démocratie en Amérique* fit in well with Khayr al-Dīn's thought on government and society.<sup>39</sup> For one, the very core of de Tocqueville's work centres on individual freedom within early Western democracies, whereas his views on the republican form of government would also have found favour with Khayr al-Dīn. Was it not de Tocqueville, who in his discussion of the government of democracy, stated that while the people have a right to choice, "the exercise of this right is subject to necessary boundaries"<sup>40</sup>?

Khayr al-Dīn's treatment of European literature also poses an interesting problem. It is almost certain that he had not read most of the authors mentioned in his list, which included Dryden and Pope<sup>41</sup>, whereas his comments on, for instance, Schiller's role as the "restorer of German theatre" (*al-mujaddid li-tiyātrat al-ʿAlmān*) and author of plays (*al'āb*) containing "brilliant poetry"<sup>42</sup> could hardly have been based on personal knowledge. Yet, it is difficult to overestimate the significance of the fact that these authors were mentioned at all by a Muslim statesman, since, on the whole, European literature received scant attention from 19th-century Muslim travellers.<sup>43</sup>

<sup>36</sup>. See A. Gunny 1978.

<sup>37</sup>. See I. Netton 1996: 12-16.

<sup>38</sup>. Khayr al-Dīn 1867: 13-14 (trans. 1868, 21; 1987: 101-102).

<sup>39</sup>. M. Morsy also commented on this, suggesting that it may have been because of "une manque de sympathie pour l'auteur de *La Démocratie en Amérique* ou du souci d'éviter toute allusion à un homme mal en Cour..." (1987: 24).

<sup>40</sup>. 1986: 1, 309.

<sup>41</sup>. Khayr al-Dīn 1867: 58.

<sup>42</sup>. *ibid.*, 59.

<sup>43</sup>. See D. Newman 2002b.

Any attempt to investigate Khayr al-Dīn's perception of the state starts, of course, with his vocabulary, most of which was newly coined since most of the concepts he discussed were alien to Muslim culture and society. This involved core ideas like 'nation' and 'state', leading to a widening of *umma* (which lost its religious connotation), and the narrowing of *waṭan*.<sup>44</sup> Other examples include Khayr al-Dīn's indiscriminate use of *tamaddun*<sup>45</sup> and *umrān*<sup>46</sup> for civilization and cultural progress, which thus lost their former meanings<sup>47</sup>. The same is true for *huqūq* in the sense of (political) 'rights' (cf. al-Taḥṭāwī<sup>48</sup>), and *hukm* to denote power in such compounds as *hukm muṭlaq* (absolute power)<sup>49</sup>, for which Aḥmad Ibn Abī 'l-Ḍiyāf often used the more traditional *mulk*<sup>50</sup>. The bulk of Khayr al-Dīn's loans from European languages were related to new political concepts. Although in some cases there was a valid reason (e.g. كوندريسيون<sup>51</sup>), the author (or translator) occasionally Arabicized terms for which an Arabic equivalent already existed: e.g. كوميسيون<sup>52</sup>, ديپيرتمان<sup>53</sup>. In this respect, it is worth pointing out that, when compared against other works by Arab

travellers to Europe, the number (as well as type) of foreign borrowings in Khayr al-Dīn's work is considerably higher.<sup>54,54</sup>

The translation of 'Republic', i.e. *jumhūriyya*, is a particularly interesting case. While both the Egyptian historian al-Jabartī (1753-1825/6) and the Syrian Melchite chronicler (and sometime court poet to the Lebanese emir Bashīr al-Shihāb II) Niqūlā al-Turk (1763-ca 1828) referred to the French *jumhūr*<sup>55</sup>, the Turks had already coined *jumhūriyyet*, which was based on the same word and was, in turn, borrowed by Arabic. The first occurrence of the Arabic *jumhūriyya* is in al-Taḥṭāwī's *Takhlīs* with *hukm al-jumhūriyya* ('republicanism') and *jumhūriyya* ('Republic')<sup>56</sup>, though the terms were inextricably linked to France and French politics. Khayr al-Dīn was the first Tunisian author to use *jumhūriyya*, which appears as an adjective in the phrases *dawla jumhūriyya*<sup>57</sup> and *hukm jumhūri*<sup>58</sup>, and as a noun<sup>59</sup>, though the transcription ريبوبليك also occurs<sup>60</sup>. The neologism, however, soon gained wide currency, and towards the end of the century it had become the common term for the European concept of 'republic'.<sup>61</sup> Sometimes the lack of consistency in his denominations of new concepts is slightly disconcerting. Khayr al-Dīn's hereditary monarchy

<sup>44</sup> For an excellent discussion of al-Taḥṭāwī's and Khayr al-Dīn's views on the subject, see E. Orany, 1983. Also see A. Ayalon 1987: 21-23, 50-3, 132 for a wider discussion on the development in the meanings of *waṭan* and *umma*.

<sup>45</sup> e.g. Khayr al-Dīn 1867: 20 *et passim*.

<sup>46</sup> Khayr al-Dīn 1867: *passim*. This term usually denotes 'prosperity' or 'progress' and was also frequently used by Ibn Khaldūn to mean civilization in *umrān basharī*, though occasionally even signifying 'population' (F. Rosenthal 1986: I, lxxx, III, 352). Also see E. Rosenthal 1940: 308; B. Tlili, "La notion de *umrān* dans la pensée tunisienne précoloniale: sens et implications", *Revue de l'Occident musulman et de la Méditerranée*, 12, 1972.

<sup>47</sup> Also see V. Monteil 1960, 215-216; L. Brown 1967: 138 note 189.

<sup>48</sup> e.g. 1973-81: I, 524ff. [*Manāḥij*].

<sup>49</sup> Khayr al-Dīn 1867: 222. Also see J. Heyworth-Dunne 1940-42: 414.

<sup>50</sup> Ibn Abī 'l-Ḍiyāf, *op. cit.*, I, 9ff., *passim*.

<sup>51</sup> Khayr al-Dīn 1867: 294, 317, 434. Cf. G. Badger 1881: 165 (*jumhūriyya!*).

<sup>52</sup> Khayr al-Dīn 1867: 141, 198, 208, 282, 306, 398. Cf. Bayram, *op. cit.*, II, 38,

39, 44, 45, 81; M. Al-Sanūsī 1891: 39, 215; J. Habeisch 1896: 137; J. Redhouse 1880: 66; T. Zenker 1866: 722.

<sup>53</sup> Khayr al-Dīn 1867: 152.

<sup>54</sup> See D. Newman 2002c.

<sup>55</sup> 'A. al-Jabartī, *op. cit.*, III, 5; N. al-Turk 1839. Cf. E. Boethor 1882: 707. For the classical meanings of this word, see e.g. E. Lane 1863: I, 461-462; Ibn Manzūr 1882-89: V, 219-220.

<sup>56</sup> R. al-Taḥṭāwī 1982: 244, 259.

<sup>57</sup> e.g. Khayr al-Dīn 1867: 87, 124, 125 (France), 210 (England), 323 (Etruscans), 325, 328 (Italy), 370, 417 (Switzerland), 425 (Greece).

<sup>58</sup> *ibid.*, *passim*. Cf. J. Belot 1900: 1293.

<sup>59</sup> e.g. *ibid.*, 321 (Bremen, Hamburg), 355 (San Marino).

<sup>60</sup> *ibid.*, 121, 121, 124, 138, 391. Cf. M. al-Sanūsī 1891: 61.

<sup>61</sup> Cf. M. Bayram V 1884-93: III, 83, 138 *et passim*; M. al-Sanūsī 1891: 13ff. *et passim*. Also see the dictionaries by Wahrmund (458), Spiro (109), and Badger (875-876), Belot (1293), Zenker (366), and Habeisch (724). However, *jumhūr* continued to be used in its classical meaning; e.g. M. Bayram V 1884-93: II, 154; *al-Mu'jam al-Wasī*, Cairo, 1960, 48. On the development and use of *jumhūriyya*, see *El*, s.v. "Djumhūriyya" (B. Lewis); H. Wehr 1934: 40-41; V. Monteil, *op. cit.*, 191; A. Ayalon 1987: 102-9, 129-32.

is *mamlaka wirāthiyya*<sup>62</sup> (with Austria being an *Imbrātūriyya wirātha*)<sup>63</sup>. But then there is *dawla qānūniyya*<sup>64</sup>, with Denmark and the German Federation being *dawla wirāthiyya qānūniyya*<sup>65</sup>. While *qānūni* was also the common term for secular (as opposed to religious) legal matters<sup>66</sup>, it was redolent of the famous decrees by Süleymān The Magnificent<sup>67</sup>, as well as of the Tunisian Fundamental Pact (*qānūn 'asāsī*) and the Constitution (*qānūn al-dawla*). The most glaring inconsistencies can be found in relation to 'Constitution', which is rendered in a variety of seemingly mutually interchangeable terms. In the introduction Khayr al-Dīn defines it as "a synonym of political *tanzīmāt*"<sup>68</sup>, whereas elsewhere *ḥukm qānūni* is "the Arabic translation of كونستيتوسيون"<sup>69</sup>. When talking about the Belgian Constitution, he uses the Tunisian term, calling it "the kingdom's basic laws (*qawānīn al-dawla*)<sup>70</sup>, predicated on the edict (*manshūr*)" issued by Belgium's first king, whereas Württemberg<sup>71</sup> and Holland<sup>72</sup> are both *dawla kunstītūsiyūniyya*.

The use of the calque كونستتوسيون may be explained by the same reasons that he did not discuss Tunisian affairs directly. However, L. Brown's comment that *dustūr* would have been associated with the revolt of 1864 does not exactly bear up under scrutiny since the word *dustūr* was not used at the time in its modern meaning.<sup>73</sup> The French translation also provides an interesting insight here inasmuch as *ta'sīs al-qawānīn*, viz. establishment of the laws, is

rendered as "l'introduction du système constitutionnel"<sup>74</sup>. One may speculate that, to a large extent, the discrepancies were due to the fact that Khayr al-Dīn, himself, was either unsure or not that concerned about such lexical issues. Alternatively, there is another equally simple, and perhaps more plausible, reason; all of these examples are drawn from the historical survey of countries, and as we have seen these are essentially translations/adaptations of European sources. Consequently, since, on Khayr al-Dīn's own admission he received the assistance of compatriots, it is more than likely that several people were involved in the translations, each making different choices.

Besides the terminology, a far more relevant question is how Khayr al-Dīn perceived constitutions? At first sight it is clear that he recognized their stabilizing and generally beneficial effects on societies and states since they represented a commitment to the rule of law, freedom, etc. Khayr al-Dīn believed that the fact of having a constitution, together with liberty, resulted in prosperity.<sup>75</sup> Interestingly enough, the French translation contains no mention of the constitution, with prosperity being attributed to the fact that "*la liberté a jeté des racines profondes*."<sup>76</sup> Apparently it is also a safeguard against despotism since it is Constitutional kingdoms (*Mamālik künstītūsiyūniyya*) that have ministerial responsibility.<sup>77</sup> When referring to pre-1789 France, the absence of freedom is directly linked to the absence of a Constitution (and an ordered administration).<sup>78</sup> The concept is amply discussed in the section on the political history of England, where he quotes H. Brougham (بروغم)<sup>79</sup>, T. Macaulay (ماكولاي)<sup>80</sup>, as well as C. de Franqueville (فرانكفيل)<sup>81</sup>, all of whom were quite famous at the time. The passage on the Constitution, entitled "On the explanation of the political institutions (*tanzīmāt siyāsiyya*) of England", deserves to be quoted in its entirety:

<sup>62</sup> e.g. Khayr al-Dīn 1867: 411 (Portugal).

<sup>63</sup> *ibid.*, 238, 242.

<sup>64</sup> e.g. *ibid.*, 397 (Bavaria).

<sup>65</sup> *ibid.*, 321, 383.

<sup>66</sup> R. Brunschvig 1965: 34.

<sup>67</sup> Cf. Khayr al-Dīn 1867: 32, 92ff. *et passim*.

<sup>68</sup> *ibid.*, 77.

<sup>69</sup> *ibid.*, 329 (Sardinia).

<sup>70</sup> Cf. M. Bayram V 1884-93: II, 17.

<sup>71</sup> Khayr al-Dīn 1867: 423.

<sup>72</sup> *ibid.*, 373. Earlier on, however, he uses the term *dawla jumhūriyya* (370).

<sup>73</sup> 1967: 164, note 302; G. Van Krieken, *op. cit.*, 48 note 2. For most of the 19th century *dustūr* had its classical meanings; cf. M. Bayram V 1884-93: II, 154. Also see *EI*, s.v. "Dustūr" (B. Lewis).

<sup>74</sup> trans. 1868, 24; trans. 1987, 104.

<sup>75</sup> Khayr al-Dīn 1867: 77.

<sup>76</sup> 1868: 74; 1987: 151.

<sup>77</sup> Khayr al-Dīn 1867: 83.

<sup>78</sup> *ibid.*, 122.

<sup>79</sup> *ibid.*, 195.

<sup>80</sup> *ibid.*, 198.

<sup>81</sup> *ibid.*, 220.

"أعلم أن الكونستيتوشيون الانكليزي كما اشار اليه لورد بروغم ليس بسيطا بل هو مركب من ملاحظة امور ناشئة عن تركيب الدولة الانكليزية من الاصول الثالث التي لانخلو دولة ملكية عن واحد منها و ذلك ان الدولة اما ان تكون اوتوكراتيك اي استبدادية او اريستوكراتيك اي زمامها يد الاعيان او ديموكراتيك اي امرها بيد العامة و لا شك ان كل واحدة من هاته الصور في حد ذاتها لا تكفي لحفظ حقوق الامة و لا لحسن الادارة فلذلك تاسس الكونستيتوشيون الانكليزي على الاصلين المتقررين بين الدول الاوربوية و هما ان ينوب عن القوة السلطانية مجالس مستقلة تصرفها و ان لا تمضى احكامها الا بموافقة الملك"

"Know that the English Constitution, as pointed out by Lord Brougham, is not pure (*basīt*), but was drawn up out of care for the founding principles which grew out of the composition of the English state out of three pillars, and no monarchy (*dawla malakiyya*) can be devoid of any of them, whether it is autocratic (*ūtūkrātīk*), viz. despotic (*istibdādiyya*), aristocratic (*arīstūkrātīk*), i.e. governed by the notables, or democratic (*dīmūkrātīk*), i.e. controlled by the common people. There is no doubt that none of these forms is sufficient to safeguard the rights of a nation and to ensure good administration. It is for this reason that the English Constitution (*kūnstītūsiyūn*) was created, based on two pillars which are established among European states, i.e. ruling power (*quwwa sultāniyya*) is delegated to separate and independent councils, who can only make decisions with the approval of the king."<sup>82</sup>

There are several remarks to be made here. To the casual observer, this passage would seem to indicate a familiarity on the part of Khayr al-Dīn with Brougham's famous work, *The British Constitution, its history, structure and working* (1861) - as does the mention of de Franqueville's name with the latter's *Institutions politiques, judiciaires et administratives de l'Angleterre* (1863), and that of Macaulay with his *History of England* (of which a French translation started to appear as from 1855). However, a closer look reveals that this part is an almost literal translation of the section in Larousse's *Grand Dictionnaire Universel* on "*Institutions politiques*

<sup>82</sup> *Ibid.*, 195.

*judiciaires, et administratives de l'Angleterre*", whereas the translator did not quite grasp the meaning of the original, which reads as follows:

"*La constitution anglaise, dit lord Brougham, est mixte et non pas pure dans sa forme; c'est une monarchie mixte, née de ce principe qu'aucune des formes pures de gouvernement, monarchie, aristocratie, ou démocratie, ne suffit à la sécurité des droits d'un peuple et à la bonne administration de ses affaires.' La constitution anglaise reconnaît et établit nettement les deux principes fondamentaux de tout gouvernement mixte: 1<sup>e</sup> délégation du pouvoir suprême à plusieurs corps différents entièrement séparés et indépendants; 2<sup>e</sup> nécessité du consentement de chacun de ces corps pour la validité de tout acte législatif.*"<sup>83</sup>

The absence of any commentary seems to corroborate the arguments outlined above that the views in the text are not necessarily Khayr al-Dīn's, with the source being chosen because it was the most complete or reliable on the subject. At the same time Khayr al-Dīn arrogated the work to himself by adding such information like "as the duke d'Ayen (الدوك ديان), the former French ambassador to London, pointed out to us ..."<sup>84</sup>, which is an embroidery upon the Larousse version, which simply states "*C'est, dit très-bien, M. le duc d'Ayen (...).*"<sup>85</sup> Another addition to the French original is of far greater importance. When discussing the English law-making process, Khayr al-Dīn states that "these Acts provide the English nation with education (*ma`ārif*), prosperity (*umrān*) and civilization (*anwā` al-tamaddūn*), which have turned their island into the most beautiful of gardens despite the fact that it was an uncivilized desert in the sea."<sup>86</sup>

The inevitable question the above throws up seems to be whether Khayr al-Dīn's role in the creation of his reformist manual was restricted to that of a compiler. The answer is not, however, straightforward as it is related to the sections of the *Aqḥam* under

<sup>83</sup> *GDU*, I, 366.

<sup>84</sup> Khayr al-Dīn 1867: 195.

<sup>85</sup> *GDU*, I, 366.

<sup>86</sup> Khayr al-Dīn 1867: 202-203.



discussion. If one restricts one's study to the descriptive and statistics- and fact-laden surveys of countries, Khayr al-Dīn's direct input was more than likely limited. In spite of the undeniable borrowings (one might even stretch to plagiarism in some cases) from European sources, the section of the book in which they occur do not provide us with any meaningful insight into the author's views in any specific area. Conversely, if one addresses the introduction, which is, after all, the only part that can truly lay claim to the epithet of 'reformist', the scales clearly tip the other side, for a number of reasons. First of all, unlike in the case of the survey of countries, there are no indications of an influence by anyone other than Khayr al-Dīn in terms of the ideological construct. What is more, there is no doubt whatsoever that Khayr al-Dīn the statesman fully stood by the ideas and views propounded by Khayr al-Dīn the author. His subsequent acts bore out his continued allegiance to (most of the) ideas put forward in the *Aqwam*.

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