The Turn to the Political in Islamic Modernism
and the Tunisian and Egyptian Revolutions
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“And religion is ease; the caliphate is by consent; law is by consultation; and legal disputes are for judges.”

Aḥmad Shawqī, d. 1932

I. Introduction

When civil disturbances broke out in Tunisia in December 2010 few people predicted that those events would usher in a season of revolution in the Arab world throughout the Arab region. After the initial shock of the Tunisian revolution wore off and the January 25th Egyptian Revolution began, many outside observers began to raise concerns centered on the role of political Islam in Tunisia and Egypt, and in particular, the role of groups such as The Renaissance Party (al-Nahḍa) in Tunisia and the Muslim Brotherhood (al-Ikhwān al-Muslimūn) in Egypt. In the popular press, meanwhile, two salient themes emerged: first, the bravery and the persistence of the Tunisian and Egyptian people in waging largely non-violent demonstrations against brutal police states, and second the tendency to reduce, or even deny entirely, the role of Islam in these two popular revolutions. This latter desire seems to have been a product of the media’s sympathy

* Note to the readers: this work remains very much a working draft, and I expect to make substantial revisions to the arguments presented herein. To that extent, I look forward to receiving your comments. I hope you will forgive the unfinished nature of this draft, but I expect the piece will be improved substantially as a consequence of sharing it with you at this relatively early stage of drafting.

1 This line is taken from a poem published in March 1912 (1313 in the Islamic calendar) on the occasion of the Prophet Muḥammad’s birthday. Selections from this poem were in turn set to music and sung by the renowned Egyptian singer Umm Kulthūm under the title “Wulida al-Hudā” (Guidance was born). Nearly one hundred years later, it remains an important part of the modern Egyptian nationalist musical repertoire. The poet himself was the official court poet for the pre-World War I nominal ruler of Egypt, the Khedive ‘Abbās. The British forced both Shawqī and the Khedive into exile at the outbreak of World War I for their sympathies with the Ottoman Empire.
with the popular revolutions, and negation of any meaningfully Islamic contribution to
these movements seems to have operated as a prerequisite to allowing outside observers
to feel sympathy for the revolutions in good faith.

And while Tunisian and Egyptian demonstrators should probably be grateful that
their revolutions did not spark irrational fears of Islamophobia that could have been
exploited by the dictatorial regimes to keep themselves in power, the attempt to minimize
the role of Islam in these revolutions does little to help us understand the course of
Islamic political thought over the last 150 years in the Arab world, its relationship to the
democratic demands of the Arab peoples, and the prospects for modern Islamic political
thought to reconcile, in a meaningful fashion, with certain forms of democratic
secularism. Indeed, the central hypothesis of this paper is that neither the Tunisian nor
the Egyptian Revolutions could have succeeded without the ideological contributions of
Islamic modernism to modern political thought in the Arab world. Accordingly, these
revolutions can be called Islamic revolutions, but only in the very specific sense of being
“modernist” Islamic revolutions.

A crucial feature of modernist Islamic political thought, at least as manifested in
the Tunisian and Egyptian revolutions, is its insistence that religious teachings, insofar as
they are relevant to building political society, must be interpreted in a manner consistent
with the goals of freedom, national development and democratic decision-making. This
modernist configuration of the theo-political in turn renders political coalitions with non-
Islamic political movements palatable. Indeed, in important respects, Islamic modernists
are more comfortable with secular political movements than they are with other Islamic
modes of the theo-political, whether Sunni Traditionalism or Revolutionary Sunnism. It
was the successful cooperation between modernist Islamic movements and secular opposition which ultimately guaranteed the initial success of these two revolutions, and consolidation of the revolutions’ achievements will require them to continue to cooperate in the future.

This observation naturally leads one to ask: to what extent can one posit the existence of a shared community of values between Islamic modernism and liberal secularism in countries like Tunisia and Egypt? Answering that question, however, is beyond the scope of this paper. This paper is limited to tracing what I consider to be the salient characteristics of Islamic modernist political thought through the writings of three seminal modernist Muslim political thinkers from the Arab world: Rifāʿa Rāfiʿ al-Ṭahtāwī (d. 1873), Khayr al-Dīn al-Tūnisī (d. 1890), and Muḥammad Rashīd Riḍā (d. 1935). The most important such values are the reconciliation of positive law with revealed law; the necessity of constitutional government; national independence; and, the mutually reinforcing relationship of political and religious virtues (and vices). [I will then contrast Islamic modernism’s approach to the political with other Islamic configurations of the theo-political. I will conclude with an analysis of the religious rhetoric of the Tunisian and Egyptian revolutions in an attempt to demonstrate their adherence to the political principles of Islamic modernism.]² But the first question to address is whether it even makes sense to speak of “modernist” Islamic political thought as a distinct tradition of political thought, and if so, why.

II. What is “Modernist” about Modernist Islamic Political Thought?

Rawls, in his work *Political Liberalism*, famously identified the central problem of modern democracy as that of pluralism, or more specifically, the stability of democracy

² I have yet to flesh out these two sections.
in the context of pluralism. Similarly, in helping us to determine whether we are justified in treating the political thought of figures such as al-Ṭaḥṭāwī, Khayr al-Dīn and Riḍā as “modernist,” we need to offer some set of questions or concerns that both unifies their particular contributions to Islamic political thought, on the hand, and distinguishes it from other strains of Islamic political thought, on the other.

I propose the following as the central question that gives rise to what I am calling “modernist” Islamic political thought: how is it possible to establish an effective system of Islamic justice in the context of a post-enlightenment world characterized by rapid scientific, economic and political change? Like other traditions of Sunni Islamic political thought, whether traditionalist or revolutionary, they share the fundamental commitment to the truth of Islam as a theological doctrine and that it provides a completely adequate and universal system of justice through Islamic law. Unlike the adherents of the other two camps, however, they also accept the legitimacy of the political, economic and scientific accomplishments of the post-enlightenment world, while maintaining a commitment to Islamic metaphysics as a source of truth.

One thing that is obviously missing from the concerns of modernist Islamic political thought is the problem of pluralism, in particular religious pluralism and its relationship to equality. Although the Arab Middle East was religiously plural, and included numerous varieties of expansionist and salvationist religions, whether Islamic or Christian, it never experienced the history of religious wars that engulfed Europe in the wake of the religious divisions caused by the Reformation. Accordingly, the experience of an all-out, religiously-driven civil war, simply never became a formative part of Middle Eastern political culture, much less its tradition of political reflection. In addition
to the historical differences between Europe and the Middle East with respect to religious conflict, the role normative Islamic doctrine played in shaping the direction of Middle Eastern political thought with respect to the problem of pluralism should not be overlooked. In particular, because Islamic law had its own internal doctrines of restraint with respect to both non-Muslims and “heretical” Muslims, Sunni Muslims were generally committed only to maintaining their dominance within the political community rather than eliminating the existence of non-conforming religious communities as such, while at the same time maintaining the hope that non-conforming communities, whether dissenting Muslims or non-Muslims, would eventually adopt orthodox Islam.

This hierarchical system of pluralism, while internally justified by the truth of Sunni Islam relative to other religious doctrines, was justified to non-Muslims on the promise that the political order of Sunni Islam and whose anchor was Islamic law was a just order and that it guaranteed non-Muslims their essential rights. Legally, this relationship was manifested through the doctrine of *dhimma*, pursuant to which non-Muslims agreed to bind themselves to the non-religious norms of Islamic law (*iltizām ahkām al-islām*). In exchange for this commitment, the Muslim community undertook to afford such non-Muslims all the legal (but not political) rights and protections afforded to Muslims on a basis of equality. This system was encapsulated in a statement attributed to the Prophet Muhammad who was reported as saying that if non-Muslims accepted this relationship, “They have our rights and our obligations, but leave them to their religious affairs (*lahum mā lanā wa ‘alayhim mā ‘alaynā wa yutrakūna wa mā yadinūn*).” Non-Muslims subject to this pre-modern system were effectively the equivalent of permanent
resident aliens: while they enjoyed substantial rights under the law, they lacked the right to participate in its formulation.

In normative Islamic doctrine, this hierarchical system of toleration was not grounded merely in prudence, but was also an Islamic moral obligation, as evidenced by the use of the term *dhimma* to refer to the contract, and the use of the term *dhimmī* to refer to the non-Muslim party to the contract: *dhimma* is the legal term that refers to the capacity of a human being to undertake an obligation to God or a human being; *dhimmī* thus means a person who is the beneficiary of this moral obligation and can assert claims against the conscience of the Muslim community, unlike other non-Muslims, who are strictly limited to their contractual rights against the Muslim community.

By the 19th century, however, important transformations in the relationship between Islamic states and Europe had shaken the confidence of the Sunni political and religious elite. In particular, the Ottomans no longer seemed able to defend Islamic territories against encroaching European powers, and while initially its military weaknesses were felt primarily outside the Middle Eastern heartland of Islam, in 1798 French forces under the leadership of Napoleon Bonaparte, successfully invaded and occupied Egypt. In the wake of the objective weakness of the Ottoman Empire vis-à-vis Europe, the political class ushered in a series of political, administrative, and increasingly, legal, reforms, first in Egypt and then throughout the Ottoman Empire. These reforms, generally known as the *Tanẓīmāt*, were intended to usher in a new era, *al-nīẓām al-jadīd*.

For the Muslim political class that undertook these reforms, and both al-Ṭaḥtāwi and Khayr al-Dīn were important members of this class, it was necessary to produce a
theory of reform that reconciled the new order to the underlying ideology of Sunni political theory, namely, that the state is bound to Islamic law. The answer they give, essentially, is that the new order – an important part of which is legal reform – does not contradict or supplant the Sharī‘a, but instead vindicates it by making it more effective. Islamic modernists’ quest to make the Sharī‘a more effective, like Rawls discovered in his attempt to revise his account of stability in *Theory of Justice*, in turn required them to argue for profound changes in the way Muslims understand Islamic law, its relationship to rational politics (political philosophy), the relationship of the ruler and the ruled, and the rights of non-Muslims.

Here, it may be useful to contrast the approach of modernist Islamic political thought to the structure of Rawls’ argument in *Political Liberalism*: where Rawls aims to describe the rules of a polity that free and equal persons would endorse under the morally appropriate conditions provided by the initial position, and arrives at the idea of a “well-ordered society as a society effectively regulated by a public conception of justice,” modernist Muslim political thought begins with the knowledge of what constitutes a “well-ordered society,” specifically, a society governed in accordance with Islamic law, but what they lack is the knowledge of how to make that society effectively governed in accordance with Islamic law’s norms. Western political thought and practice, independent of its metaphysical commitments, can then be taken as a model of emulation because it is assimilated into Islamic normative ideals as a tool that can be adapted and put to a different metaphysical end.

Whether this project is intellectually satisfying or fully coherent is another question. It is sufficient for the purposes of this paper simply to point out that modernist
Islamic political thought, although it takes for granted the adequacy of the Sharī‘a as a system of public justice, argues that its substantive norms must be interpreted in a manner necessary to make it fully effective under modern conditions, and in so doing, radical differences are introduced between modernist Islamic political doctrines relative to other Islamic conceptions of the theo-political. It is the overriding concern with rendering Islamic justice politically effective that justifies treating modernist Islamic political thought as a distinct tradition of political thought, not only with respect to Western political thought, but also other modes of Islamic political thought.

III. Ṭaḥṭāwī and the Centrality of the Homeland

Rifā‘a Rāfī‘ al-Ṭaḥṭāwī hailed from a small town in Upper Egypt and moved to Cairo to complete his education at the mosque college of al-Azhar. When Mehmet ʿAlī, the then Ottoman governor of Egypt and founder of the modern Egyptian state, sent a group of Egyptian students to France to study the “modern sciences,” Ṭaḥṭāwī was selected to accompany the students as their religious advisor while they sojourned in France. Al-Ṭaḥṭāwī was a keen observer and student of French life and upon his return to Cairo, he published the memoirs of his journey (Takhliṣ al-Ibrīz fī Talkhīṣ Bāriz) which, among other things, described his life in Paris, and the social, cultural, political and economic life of 19th century France. This work included a chapter discussing the French legal system, including, its constitution, evidencing his interest in the new political ideas emerging in Europe, a topic he would return to in much greater detail later in his life when he wrote a lengthy treatise, ostensibly on education, called al-Murshid al-Amīn li-l-Banāt wa-l-Banīn (“The Reliable Guide for Girls and Boys”).
In addition to his career as a public intellectual, he had a distinguished career in the Egyptian government, serving in a variety of administrative positions in the modernizing Egyptian bureaucracy, including, as director of the newly established medical school; translator for the artillery school; director of the School of Foreign Languages which translated thousands of works in various fields into Arabic; director of the Military School; editor of the official newspaper; and an educational journal. He also participated in numerous educational reform commissions and personally translated two dozen French works.

Although his memoirs included only one relatively short chapter (about 5% of the work) on the French legal system, what he called their “wondrous administration (tadbīruhum al-‘ajīb)” clearly impressed him and he was determined to describe it accurately so that it “could be an example to those who take heed (‘ibratan li-man i’tībar).” In his memoirs Ṭaḥṭāwī was largely content with providing an objective account of French institutions as he understood them with minimal commentary. The commentary he does provide, however, is indicative of the political values of the French post-Revolutionary constitutional monarchy that he found admirable. First, and perhaps most significantly, was the fact that the king’s power was limited by and subject to the laws of France. Accordingly, French law (al-siyāsa al-faransāwiyya) serves as a constraint on the king’s power (qānūn muqayyad) and in accordance with that principle the king’s powers are only lawful when they are exercised within those constraints. The

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3 Takhlis, p. 169.
basic law of France, which he identifies as the Charter of 1814, “contains matters which no rational persons would deny are constitutive of justice.”

The second critical observation was the Charter’s status as rational law, meaning that it did not derive its authority from any supernatural source. Despite this fact, or perhaps precisely because the Charter disclaimed any religious authority, he chose to describe its provisions in detail so that his audience, who might have been skeptical that a rational polity of the sort Ṭahțawī described might actually exist, could appreciate “how their reason caused them to understand that justice and fairness are among the causes of increased civilization and relief for the subjects, how both the ruler and the ruled submitted to it, producing prosperity for their country, the creation of knowledge, the accumulation of wealth and security of hearts.”

Third, after his translation of the Charter’s provisions, he identifies its most significant provisions, beginning with equality before the law. He tells his readers that this represents for the French the foundational principle of the Charter, whose importance to the French he identifies to his Muslim readers by using the Islamic concept of “fecund speech (jawāmiʿ al-kalim),” a term loaded with theological heft: it is an express allusion to the Prophet Muḥammad’s self-description of his own law-making activity as “fecund speech” which was a divine favor of inestimable worth.

Ṭahțawī chose to translate freedom literally as ḥurriyya, but his gloss on the meaning of this term is significant. Rather than understanding it as the absence of

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4. wa fihi umūr lā yunkir dhawā al-ʿuqūl annahā min bāb al-ʿadl. Id. p. 170.
5. Ibid.
6. The Prophet Muḥammad is reported to have said “I have been given pregnant speech (la-qad āṭītu min jawāmiʿ al-kalim)” which jurists later took to be a reference to the fact that the laws and principles he communicated, despite their brevity, were applicable to vast range of cases.
internal or external restraint, he chose to describe it as justice (‘adl) and fairness (inṣāf).

Freedom, from Ṭahṭāwī’s perspective, is a feature of a political order, and accordingly “a [political] system of freedom means establishing equality with respect to legal judgments and substantive laws so that the ruler does not act arbitrarily against any person; rather, it [i.e., freedom] is that the laws are the judge and the criteria [for decision in all cases] (li-anna ma‘nā al-ḥukm bi-l-ḥurriyya huwa iqāmat al-tasāwī fī al-aḥkām wa-l-qawānīn bi-ḥaythu lā yajūr al-ḥākim ‘alā insān bal al-qawānīn hiya al-muḥakkama wa-l-mu‘tabara).”7 A country is free only to the extent that its people enjoy effective equality under its laws.

Thus far Ṭahṭāwī has focused largely on certain procedural aspects of law in post-Revolutionary France, namely, its rejection of absolutist monarchy and its commitment to equality under the law. Ṭaḥṭāwī analysis of the substantive rights guaranteed by the Charter begins with the principle of equal opportunity set forth in the Charter’s third provision. He identifies this provision as the key to understanding French prosperity because it motivates citizens to pursue their individual talents, thus extending the breadth and depth of French prosperity and civilization. Ṭaḥṭāwī also identifies the Charter’s eighth provision – freedom of expression, particularly as manifested in freedom of the press – as crucial in establishing accountability and in the dissemination of useful information.8

And while French constitutional law clearly impressed Ṭaḥṭāwī, he was less impressed with its positive law: it lacked any basis in revelation and thus was derived

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7 Ibid p. 181. There is clearly a misprint in the printed edition. My translation is based on what I believe the author meant.

almost entirely from rulers and was unstable (laysat qārrat al-furūʾ). Nevertheless, he
concludes his discussion of the French state’s laws with two lines of poetry that suggest a
certain level of anxiety: “Whoever claims a need that causes him to leave the path of
revelation, take him not for a companion, for he is a harm with no benefit!”9

Whatever Ṭahṭāwī’s state of mind was when he wrote his memoires, he clearly
continued to think about the relationship of revealed law to rational law throughout the
rest of his career. Indeed, the concern he shows in his Parisian memoires with
reconciling what he recognizes as the rational politics of the French with the revealed
politics of Islam is a prominent theme of his later work, The Reliable Guide. Although
Ṭahṭāwī’s work is ostensibly a work on education, tarbiya, he is compelled to discuss the
his political theory insofar as proper education, in his view, entails both rational and
religious sciences, and accordingly, he must take a position between the claims of each.
Thus, in the first part of his discussion of education, he warns his readers to take care not
to follow those who would derive their morality from their rational intuitions (alladhīna ḥakkamū ’uqūlahum bi-mā iktasabūhu min al-khawāṭir allatī rakanū ilayhā taḥsīnan wa taqbīhan).10 He instead counsels that individuals should be taught law using the
techniques of revelation, not abstract reason (fa-yanbaghī taʿlim al-nufūṣ al-siyyāsa bi-ṭuruq al-sharʿ lā bi-ṭuruq al-ʿuqūl al-mujarrada).11 Even as he expresses profound
suspicion of those who would ground moral knowledge in what he terms rational
intuitions, he is keen on disclaiming any general hostility to reason, and in the next

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9  Ibid. p. 188.
10  Ibid. p. 61.
11  Ibid. p. 62.
sentence writes “it being known that the noble revelation does not prohibit seeking benefits or warding off harm and does not oppose the wondrous innovations which those whom God most high has granted reason and inspired in them useful crafts are inventing (wa ma`lūm anna al-shar’ al-sharīf lā yuḥadhdir jāl al-manāfi` wa dar` al-mafāsid wa lā yunāfī al-mutajaddidāt al-mustaḥsana allatī yakhtari`uhā man manaḥahum allāhu ta`ālā al-`aql wa alhamahum al-ṣanā`a`a).”12 Throughout the rest of his book Ṭahtāwī will struggle in attempting to distinguish the morally dubious metaphysical claims of reason to authority, from its legitimate claims to ordering life in the context of a Muslim polity.

While Ṭahtāwī was hardly the first Muslim thinker to conceptualize the problematic relationship between scripturally-grounded ethics/law and rationally-derived norms, his analysis is unique insofar as it is mediated through the concept of the homeland (al-waṭan), and the obligations that persons owe to their homeland. In other words, Ṭahtāwī hopes to resolve the tension between these two competing sources of authority in the specific context of how to formulate a polity that honors the homeland in the appropriate fashion. The obligation to honor the homeland is akin to the moral obligation of the child to honor his parent, as evidenced by the title “On the Sons of the Homeland and Their Obligations.”13 This is a natural obligation universally shared among mankind and finds its origins in longing (ḥanīn) and love (tashawwuq) to the place where one is born and raised.14

12    Ibid.
13    Ibid. p. 93.
14    Ibid. p. 90.
The most important duty they owe the homeland is its improvement (iṣlāḥ), a task which God has naturally prepared them to undertake by providing them with a “single king, submission to a single basic law [sharī‘a wāḥida] and a single positive law [siyāsa wāḥida].” Accordingly, “it is as though the homeland is in the position of their mother and father, and the place of their upbringing, so that it should also be the place of their mutual happiness (fa-ka’anna al-waṭan huwa manzil ābā’ihim wa ummahātihim wa maḥall murabbāhum fa-l-yakun maḥallan li-sa‘ādatihim al-mushataraka baynahum).” Thus, all children of the homeland should have the common intention of directing the homeland to virtue and honor. They should also honor the homeland’s rights and those of their brethren. The relationship between the citizens and the homeland, moreover, is reciprocal: just as the citizens have duties toward one another and the homeland, so too the homeland owes its citizens obligations, namely, “protecting the citizen from everything that harms him.”

Love of homeland and love of achieving the general good for one’s compatriots is a morally desirable trait that is within the grasp of all citizens, and is a cause for their mutual love: “How fortunate is the person who inclines by his nature to distance evil from his homeland, even if that means he harms himself!”

Ṭahṭāwī used the concept of tamaddun to describe the process by which the homeland is improved. Tamaddun is often translated as “civilization,” and provided that one understands the term as encompassing both material civilization (which Ṭahṭāwī describes using the more narrow term ‘umrān) and moral norms, it is an acceptable translation. For purposes of clarity, I will use the Arabic term. Accordingly, he defines tamaddun as “The realization of what is required for the people of a material civilization

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15 Ibid. p. 94.
16 Ibid. pp. 94-95.
(ahl al-'umrān) in respect of the means (adawāt) necessary to improve their conditions, materially and morally, which consists in the excellence of their character, customs, moral education, and encouraging them to love praiseworthy qualities and to acquire perfection of their civic characteristics (istijmā' al-kamāliyyat al-madaniyya).”¹⁷

The principles of genuine civilization are known through revelation as disclosed by the prophets’ laws (risālat al-rusul bi-l-sharā‘i’); the principles and rules of the Islamic revelation in particular are responsible for universal civilization (alladhī jā’a bihi al-islām min al-uṣūl wa-l-aḥkām huwa alladhī maddana bil-dūn yā ‘alā al-iṭlāq wa inba’ athat anwār hadyihi fī sā’ ir al-āfāq). He justifies this claim on the grounds that any person who assiduously studies the foundational principles of Islamic jurisprudence (uṣūl al-fiqh) and its substantive rules (fiqh) knows that “all the rational rules that civilized non-Muslim peoples (i.e., Europeans) have derived in developing their civilization and which they made the foundation of their civilization’s laws and rules scarcely differ in substance from the substantive legal rules which have been derived from the foundational principles [of Islamic jurisprudence] that constitute the field of transactions (jamī’ al-istinbāṭāt al-‘aqliyya allatī waṣalat ‘uqūl bāqī al-umam al-mutamaddina ilayhā wa ja’alūhā asāṣan li-waad’ qawānin tamaddunīhā wa ḥākāmihim qalla an takhruj ‘an tilka al-uṣūl allatī buniyat ‘alayhā al-furū’ al-fiṣhiyya allatī ‘alayhā madār al-mu’āmalāt).”¹⁸

Al-Ṭahṭāwī explains that what Muslims call “the foundations of jurisprudence (uṣūl al-fiqh) is what they [i.e., Europeans] call natural rights (al-huqūq al-ṭabī‘iyya) or natural law (al-nawāmiṣ al-fiṭriyya).” These are rules which, according to Ṭahṭāwī, they derive based on what their reason deems to be good or bad (qawā‘ id ’aqliyya taḥsīnān aw

¹⁷ Ibid. 124.
¹⁸ Ibid.
taqbīḥan). As for what Muslims call substantive law (furūʿ al-fiqh), the Europeans call it civil law and civil rights (al-huqūq wa-l-aḥkām al-madaniyya). He further explains that what Muslims call “impartiality and liberality (‘adl wa iḥsān),” the Europeans call “freedom and equality.” What Europeans call patriotism Muslims call love of religion, because for Muslims love of the homeland is a part of faith. Muslims are therefore motivated to love the homeland for two reasons: the same natural reasons that make others patriotic, and on account of the religious reasons that Islam also imposes on them.19

Finally, among the means for the spread of tamaddun is zealous adherence to revelation’s teachings (al-tamassuk bi-l-sharʿ) and diligent pursuit of learning and the sciences (mumārasat al-ʿulūm wa-l-maʿārif), and giving priority to agriculture, commerce, industry and geography (istikshāf al-bilād).20

Freedom results in a people’s happiness, and when their freedom is grounded in just laws, it plays a crucial role in producing love of the homeland, and thus helps spread tamaddun, at least by implication.21 Freedom as a general matter is the permission (rukḥṣa) to perform any act that is, all things being equal, permissible (mubāḥ). A person is free (ḥurr) when he is able to exercise these rights without any interference other than a rule of law, whether derived from revealed law or positive law, in accordance with the just principles of his country (al-māni’ al-maḥdūd bi-l-sharʿ aw al-siyāsā mimmā tastadʿīthi ʿusūl mamlakatihi al-ʿādila). It also means that one cannot be punished except

19  Al-Murshid, pp. 124-125.
20  Ibid., p. 125.
21  Al-Murshid, p. 128.
in accordance with legitimate criminal law, again whether derived from revelation or positive law in accordance with his country’s basic law (wa min ḥuqūq al-hurriyya al-ahliyya an lā yujbar al-insān ‘alā an yunfā min baladihi aw yuʾāqab fīhā illā bi-ḥukm sharʿī aw siyāsī muṭābiq li-uṣūl mamlakatihi).²²

Ṭahāwī recognizes five different kinds of freedom. The most fundamental is natural freedom (al-ḥurriyya al-ṭabīʿiyya) which is simply the freedom to satisfy human necessities such as eating and drinking. The second is freedom of conduct (al-ḥurriyya al-sulūkiyya), whose norms are derived through reason in accordance with each individual’s conscience and that in which his soul finds comfort with respect to his own conduct and noble manners in his treatment of others (al-wasf al-lāzim li-kull fard min afrād al-jamʿiyya al-mustantaj min ḥukm al-ʿaql bi-mā taqtaḍīhi dhimmat al-insān taṭmaʿ innu ilayhi nafṣuhi fī sulūkihi fī nafṣihi wa ḥusn al-akhlāq fī muʿāmalat ghayrihi).

Religious freedom is the freedom to adopt theological and legal doctrines that are not heretical (al-ḥurriyya al-dīniyya hiya ḥurriyat al-ʿaqīda wa-l-raʿy wa-l-madhhab bi-sharṭ an lā takhruj ‘an aṣl al-dīn), but interestingly, the power of rulers to make laws according to Ṭahāwī is itself cast as derivative of religious freedom, apparently on the grounds that political differences (al-madhāhib al-siyāsiyya) are like the legal differences of the historical legal schools in Islam. Accordingly, “kings and their ministers are free to adopt various rational measures using different methods all of which derive from one origin, namely that of good judgment and justice (mulūk al-mamālik wa wuzarāʾahu murakhkhaṣūn fī ṭuruq al-ijrāʾṭ al-siyāsiyya bi-awjuh mukhtalifa tarjiʿ ilā marjiʿ wāḥid wa huwa ḥusn al-siyāsa wa-lʿadl).”²²

²² Al-Murshid, p. 127.
Civic freedom (*al-ḥurriyya al-madaniyya*) bears similarities to the idea of the rights that flow from a social contract and it consists in that freedom which the citizens of a polis (*madīna*) enjoy together, “it being as though the social institution which is composed of the people of the country have mutually guaranteed and agreed to respect the rights of one another (*taḍāmant wa tawāṭa’at ‘alā adā’ ḥuqūq ba’ḍihim li-ba’ḍ*) and that each one of them guarantees to the other that he will assist them in their performance of everything that does not violate the country’s basic law and not to oppose him, and that they will reject, together, all those who oppose him in exercising his freedom on condition that he does not go outside the bounds of the law (*fa-ka’anna al-hay’a al-iḥtimā’iyya al-mu’alla‘a min ahālī al-mamlaka taḍāmanat wa tawāṭa’at ‘alā adā’ ḥuqūq ba’ḍihim li-ba’ḍ wa anna kullā fard min afrādihim dammana li-l-bāqīn an yusā’idūhim ‘alā fi ‘lihim kullā shay’ lā yukhālif sharī’at al-bilād wa an lā yu’āridūhu wa an yunkirū jamī’an ‘alā man yu’āriduhu fī ijrā’ ḥurriyyathihi bi-sharṣ an lā yata’addā ḥudūd al-ahkām’.”

23 The last category of freedom is political freedom (*al-ḥurriyya al-siyāsiyya*) and that is the state’s guarantee to the people that it will not interfere in their legal rights. 24

Equality (*al-taswiya*) among the citizens (*ahālī al-jam’iyya*) is a natural attribute of humanity (*ṣifa ṭabī’iyya fī al-insān*) which requires that each person have all the civic rights (*al-ḥuqūq al-baladiyya*) of his fellow compatriots. Equality derives from the fact that all people share the same essence and attributes (*jamī’ al-nās mushtarikūn fī dhawātihim wa šifātihim*), e.g., they all have the same organs and limbs, and they all have an equal need for the means of life. Accordingly, they are all equal with respect to the

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23 Ibid. p. 128.
24 Ibid.
requirements of this temporal life (kānū jamī’an fī māddat al-ḥayāt al-dunyā ‘alā ḥadd sawā’) and they all are the same with respect to using the things necessary to protect life with no basis to giving preference to one over the other with respect to life.²⁵ Equality, however, is in reality only relative, and thus humans are unequal with respect to natural abilities, talents, and morals, but despite these actual differences, God has made them equal with respect to the law. Accordingly, “equality means just equality under the law (fa-laysa li-l-taswiya ma’nā ākhar li-ishtirākīhim fī al-ahkām bi-an yakūnū fīhā ‘alā ḥadd sawā”).” Moreover, because equality is a natural condition, it is inconceivable that positive laws could abrogate it (lā yumkin an tarfa’a hādhihi al-taswiya min baynihim al-ahkām al-wad’iyya).²⁶

Concomitant with freedom’s requirement for equality in rights is equality in obligations, i.e., respecting the rights of others, and freedom from an operational perspective means simply the faithful discharge by citizens of the duties they owe one another, since in each case where a party claims a right there is another person who has an obligation to honor it. Consequently, rights and obligations are always concurrent and symmetrical (al-ṭālib dhū al-ḥaqq wa al-maṭlūb huwa dhū al-wājib fa-l-wājibāt dā’īman mulāzīma li-l-ḥuqūq lā tanfakku ‘anhā).” A person who habitually performs his obligations and demands his rights (but no more) is described as ‘adl, a person of integrity (fa-man addā wājibātihi wa istawfā ḥuqūqahu min ghayrihi wa kān da’bahu dhālika). This quality causes him to be upright in his speech and his actions, and to be fair to himself and others (yantaṣif li-nafsihi wa li-ghayrihi). This quality of integrity

²⁵ Ibid. p. 129-130.
²⁶ Ibid. p. 130.
according to Ṭahāwī is the basis of all other moral virtues, including political virtues such as patriotism (ḥubb al-wātan) and even religious piety, with the highest degree of integrity found in the Prophet’s statement “None of you believe until he wishes for his brother what he wishes for himself.”27

Throughout his discourse on the homeland, and indeed even in earlier sections of his treatise, Ṭahṭāwī has had occasion to refer to various different normative registers, including, shar’, sharī’a, qānūn, hukm ṭabī‘ī, siyāsa and nāmūs. And while it is not clear whether he used these terms rigorously, it appears that he was trying to weave an account of the polity that preserved the centrality of revealed law – which he usually calls shar’ or al-sharī’a, with the term sharī’a, when used as an indefinite noun, functioning in the generic, non-sectarian sense of “basic law” – as a foundational element to the state while making the substantive claims of revealed law to be virtually indistinguishable from the rules deriving from the rational sources of legal obligation, qānūn and siyāsa. For example, he argues that the civic obligations that are the subject of civil freedom, whether arising out of revelation or positive law (al-takālīf al-shar‘iyya wa-l-siyāsiyya), are each consistent with rationality “because revealed law [i.e., Islamic law] and positive law are based on practical wisdom rationally accessible to us (li-anna al-sharī‘a wa-l-siyāsa mabniyyatān ‘alā al-ḥikma al-ma‘qūla lanā).” As a matter of proper theology, however, we cannot rely on what reason finds appealing or what it rejects as a stable foundation for our judgment until revelation confirms it as good or bad (wa innamā laysa lanā an

27 Ibid.
na’tamida ‘alā mā yuḥassīnuhu al-‘aql aw yuqabbīhu illā idhā warada al-shar‘ bi-
taḥsīnihi aw taqqīhihi).\textsuperscript{28}

His affirmation of the orthodox Ash‘arī theological position that reason cannot, on
its own, establish the goodness or evilness of an act, does not cause him to deny what he
calls “natural judgment which is derived from reason (al-ḥukm al-ṭabī‘ī al-mustanid ilā
al-‘aql).”\textsuperscript{29} This kind of judgment originates prior to the time that God sent messengers
with revealed law and was placed by God in human nature (al-quwā al-bashariyya) and
is shared universally among human beings without regard to the particular laws
(qawānīn) of each country with the purpose of directing them to what acts were
permissible.\textsuperscript{30} Moreover, every species, and every members of a species, human and
non-human, is itself subject to natural laws (nawāmīs ṭabī‘īyya) which under no normal
circumstances can be violated because they are constitutive of being a member of that
species.\textsuperscript{31}

Even though orthodox Islamic thought denies any power of causation to nature, a
doctrine Ṭaḥṭāwī affirms, human beings are bound, pursuant to the rules of “natural
laws,” to respect the observed order of causation in the natural world.\textsuperscript{32} Revealed rules
(al-aḥkām al-shar‘iyya) are largely, if not overwhelmingly, consistent with the rules of
“natural laws” because those rules are “dispositional, God most high having created them
in the human being and having made them co-extensive with him in existence, it being as

\textsuperscript{28} Ibid. 131.
\textsuperscript{29} Ibid. 131.
\textsuperscript{30} Ibid.
\textsuperscript{31} Ibid. 131-132.
\textsuperscript{32} Ibid. p. 132.
though they are a mold for him in which he was formed and stamped in accordance with its model, and it being as though they were written on the tablet of his heart as a kind of divine inspiration without mediation, after which the laws of the prophets came (fa hiya fiṭriyya khalaqahā allāhu subḥānahu wa taʿālā maʿa al-insān wa jaʿalahā mulāzima lahu fī al-wujūd fa-kaʾannahā qālib lahu nusijat ʿalā minwālihi wa ṭubiʿat ʿalā mithālihi fī al-wujūd wa ka-annamā hiya suṭirat fī lawh fuʿādihi bi-ilhām ilāhī bi-dūn wāsiṭa thumma jāʾat baʿdah āsharāʿ al-anbiyāʿ).” It was in reliance on these natural laws that the philosophers and the ancients could establish law during periods in which revelation was absent (azmān al-fatra).34

Despite the substantial congruence in substance between the rules advanced by revelation and the rules produced by reason, Ṭaḥṭāwī does not dissolve one into the other. Accordingly, there are times they can conflict, and when they do it is the distinguishing feature of Muslim states to give effect to revelation while states that depend exclusively on rational law making will of course adopt the rule that reason suggests. The one example that Ṭaḥṭāwī provides for such a conflict concerns women acting as heads of state: this can occur only in states whose laws recognize only positive law (al-bilād allatī qawānīnuhā mahḍ siyāsā waḍʿiyya).35 Because the rules of such countries are based on personal freedom without regard to revelation, it necessarily permits the unrestrained mixing of the sexes (ikhtilāṭ al-rijāl bi-l-nisāʿ) whereas in Muslim states, whose laws are founded on the lawful and unlawful as set forth in revelation, pure reason is not a basis

33 Ibid. p. 133.
34 Ibid.
for establishing a rule (\textit{tamaddun al-mamālik al-islāmiyya mu’assas ‘alā al-taḥlīl wa al-taḥrīm al-shar’iyyatayn bi-dīn madkhal li-l-‘aql taḥsīnan wa taqbiḥan fī dhālika}).\footnote{Ibid. p. 123.}

On the other hand, Ṭaḥṭāwī does not make non-religious reasoning (\textit{siyāsa}) irrelevant to law making in a Muslim state either. The ruler has the power, for example, when he notices that something is beneficial for the people, to prohibit what revelation otherwise permits to prevent a harm that could result to the people from practicing that otherwise permitted act (\textit{wa innamā yajūz li-l-ḥakīm idhā ra’ā maşlaḥa zāhīrā li-l-ra’iyya shar’iyya mar’iyya ka-makhāfat ḍarar yalḥaq al-ra’iyya fī dīniḥā aw dunyāhā an yanhā ‘an ba’ḍ al-mubāḥāt allatī yatarattab ‘alayhā al-ḍarar}). What is forbidden is for the government to issue rules based on revelation according to its own inclinations, and on these matters, it is bound by the historical rules of Islamic law as found in the opinions of the scholars and the great legal scholars (\textit{lā yasūgh li-mutawallī al-ḥākīm an yaḥkum fī al-taḥrīm wa-l-taḥlīl bimā yulā’im mizājahu mimmā yuḥkālif al-awdā‘ al-shar’iyya al-μanquīla ‘an al-a’imma al-mujtahīdīn wa lā ‘ibrata . . . bi-l-istiḥsān al-ṭaḥī‘i wa-l-akhdh bi-l-ra’y min ghayr dalīl shar‘ī bal ya’tamid mutawallī al-ḥākīm ‘alā fatāwā al-‘ulamā‘ wa aqwāl al-mujtahīdīn}). Ṭaḥṭāwī’s intent here is subtle: while he denies public officials the right to interpret religious law, he affirms their right to create rational law, but only on condition that they do not claim that their rational laws are themselves part of revealed law.

Accordingly, the ruler has the power, indeed the duty, to adopt political rules to protect and enhance the welfare of the people, and when he adopts such a rule, provided that it is based on the people’s welfare, it is binding (\textit{ṣār wa wājib}).\footnote{Ibid. pp. 123-124.} What is prohibited,
then, is for the ruler to make positive law based arbitrarily, or to permit acts that
t revelation has prohibited. Whatever revelation has prohibited is simply outside the scope
of civilization (mā yamma‘uḥu al-shar‘ ẓarāḥatan aw ẓamān fa-ghayru mubah wa lā
yu‘addu tamaddunan). On the other hand, the ruler is empowered to interfere with what
revelation has ruled is permissible (mubahāt) in accordance with what reason considers to
be good and bad by using his power as ruler to transfer them from one legal category,
e.g., permitted, to another category, e.g., forbidden or obligatory, with a resulting
improvement in the people’s condition. Whereas a ruler’s attempt to permit something
that revelation has forbidden cannot be deemed part of the civilizing project that is the
state’s duty, the ruler’s use of reason to improve the condition of the people by
supplementing revealed law with wise human law falls squarely within the domain of
civilization, and indeed, “is precisely the civilization of which we speak.”38

For Ṭahṭāwī rational law is not part of the sharī’a in the first instance, but it
becomes a legitimate part of that law – provided that it used to further the ends of
civilization, i.e., it furthers the public good – as a second order matter. Accordingly, one
can say that while revealed law is foundational for true civilization in Ṭahḥāwi’s view, it is
not sufficient to perfect civilization. For that, rational law-making is required, and for
this reason, siyāsa can be said to be revelation’s complement in Ṭahṭāwī’s thought rather
than its rival that seeks to eliminate it.

IV. Khayr al-Dīn and the Tanzīmāt
Khayr al-Dīn al-Tūnisī was an Ottoman statesman who first served as prime minister in
Tunisia where he implemented a series of wide-ranging political and administrative

38 Ibid. 123-124.
reforms. A fierce advocate of the internal Ottoman-reform movement known as the *tanẓīmāt*, he came to the attention of the Ottoman Sultan who appointed him as the grand vizier of the Ottoman Empire. Policy disagreements with the Sultan, however, led him to resign a mere eight months after his appointment. He lived out the rest of his days in retirement in Istanbul.

His work, *Aqwam al-Masālik fī Maʿrifat Aḥwāl al-Mamālik*, a treatise on government and comparison of European politics with that in the Islamic world, both in his day and across history, became famous among 19th century reformers, with Ṭaḥṭāwī referring to it in his work *al-Murshid al-Amīn*, and calling him “the greatest of the princes and the pride of the great (*amīr al-umarāʾ wa fakhr al-kubārāʾ*).”

*Aqwam al-Masālik*, unlike Ṭaḥṭāwī’s *al-Murshid al-Amīn*, does not attempt to lay out an ideal theory of the state in the fashion of his contemporary; rather, it is a book of practical statecraft whose goal is to give a defense of the *tanẓīmāt*. Generically, it bears closest resemblance to the genre of writing in the pre-modern Muslim world known as mirrors-for-princes. Such works were intended to encourage rulers to deal justly with their subjects, both for reasons of practical power politics and for the religious duty to rule justly. Typically, such works would be written by a member of the religious class to the ruler of his day. Instead of argument, these works consisted largely of hortatory statements praising just rulers and condemning tyrants, anecdotes of exemplary rulers, both good and bad, and various aphorisms that were considered illustrative of the demands of practical justice.

Khayr al-Dīn’s work is certainly not free of such elements, but what makes his work unique is that it is written by a politician primarily for religious scholars, in a radical reversal of the usual relationship between politicians and religious scholars.

39 Ibid. 98.
Khary al-Dīn’s decision to address directly the religious scholars was not motivated by a desire to author a theological treatise or to correct some long-standing theological error; rather, he believed that his reform program could only work if he was able to enlist the support of substantial numbers of the religious class. His need for their support was not limited to the necessity of neutralizing one potentially powerful source of opposition to the reforms; rather, he needed their affirmative support because he believed that a reformed Islamic law would play a critical role in making his proposed reforms effective, but for his vision to succeed, the religious scholars would need to revise dramatically their role in the governance of Islamic societies.

For Khayr al-Dīn, the prosperity and strength of a state were a function entirely of the quality of its governance. Under his theory, good governance produced security, which in turn encouraged the citizens of the state to invest, which in turn led to innovations and progress, as can be seen to have occurred in Europe.40 Good governance is in turn dependent upon just laws and their effective administration. Accordingly, European superiority was not on account of a more favorable climate, as evidenced by the fact that other regions of the world were equally blessed with natural resources. Nor can European superiority be attributed to Christianity as was evidenced by the backwardness of the Papal states and the fact that Christianity, at least in his opinion, is indifferent to secular affairs, being a religion devoted entirely to worship and asceticism. This means that the only explanation for European progress is their system of positive laws that fulfill the requirements of political justice to the point that justice has become natural in their lands (al-amn wa al-‘adl šārā ṭabī’tan fī buldānihim).

40 Aqwam al-Masālik, p. 89. His account of the relationship of justice and security to prosperity is substantially similar to the theory advocated by the medieval authors of the “Mirror for Princes” works.
It should come as no surprise to Muslims, Khayr al-Dīn argues, that justice is the centerpiece of European progress because the *Sharī’a* itself confirms the centrality of justice to the health of states and attributes their collapse to its absence.\(^{41}\) This much of his argument is lock, stock and barrel from the mirror-for-princes genre, and indeed he even manages to cite an oft-repeated aphorism found from this genre of works which states that “sovereignty is the foundation [of a state] and justice is the guardian.

Whatever lacks a foundation collapses, and whatever lacks a guardian is lost (*al-mulk asās wa al-‘adl ḥāris la yakūn lahu asās fa-madhūm wa mā lam yakun lahu ḥāris fa-dā’i’*).”\(^{42}\)

What is unique in his argument is that autocracy (*istibdād*) itself is identified as contrary to justice and must be replaced or brought under control with some combination of revealed law, rational law, or both. Wherever autocracy is entrenched, one finds injustice and backwardness; wherever it is checked, one finds freedom and progress, something that is confirmed both by Islamic history and European history. When Islamic civilization was advanced and prosperous, Muslim rulers respected the *Sharī’a* and did not rule autocratically. After the collapse of the caliphate into three warring factions – the ‘Abbāsids, the Fāṭimids and the Umayyads, the Ottomans rescued the Muslim community by reinstituting respect for the *Sharī’a* and promulgating just and rational laws (*qānūn*), in particular Sulaymān the Lawgiver in the 16\(^{th}\) century CE. The relative decline of Islamic civilization in the modern period is precisely attributable to the decline

\(^{41}\) Ibid. p. 98.

\(^{42}\) Ibid. p. 99. Interestingly, he chose to include a version of this aphorism which uses “justice” as the guardian of the state instead of the more common version which instead speaks of “religion” as its guardian.
in the efficacy of the *Sharī’a* and the *qānūn* as rulers began to ignore their requirements with impunity.

Respect for the *Sharī’a* is an important part of good governance because it entails numerous principles crucial for good governance, including: freeing individuals from the control of their arbitrary passion (*hawā*); respecting the rights of others, whether Muslim or non-Muslim; taking account of the public interest in light of changing circumstances; warding off harm rather than seeking new benefits; and, choosing the lesser of two evils. But, its most important political value in Khayr al-Dīn’s estimation is its mandate against autocracy through the requirement of consultation (*shūrā*) in all public matters. The centrality of consultation in public affairs to the *Sharī’a*’s conception of good governance is evidenced in Khayr al-Dīn’s opinion by the fact that God ordered the Prophet Muhammad, despite his infallibility as a prophet, to consult his companions in all matters of public concern.43

The *Sharī’a* also provides a mechanism for ensuring the maintenance of good governance: commanding the good and forbidding the evil. The *Sharī’a* thus provides a coherent answer to the dilemma posed by the state: the state is needed as a restraint (*wāzi‘*) against humans’ natural tendency to oppress one another, but without an effective mechanism that can restrain the state, the state, instead of protecting rights, can itself despoil the rights of the people. The function of commanding the good and forbidding the evil in the *Sharī’a* is precisely to monitor the state and assure that it complies with law. “Accordingly, there must be a countervailing force (*wāzi‘*) to the government, to stop it, whether in the form of divine law or rational politics. But, neither one of these

43 Ibid. p. 100.
can defend itself if it is violated, and for that reason, it is an obligation on the religious scholars of the community and its leading men to demand remediation when the law is violated (fa-lā budda li-l-wāzi‘ al-madhkūr min wāzi‘ yaqif ‘indahu immā shar‘ samāwī aw siyāsa ma‘qūla wa kull minhumā lā yudāfi‘ ‘an huqūqihi in untuhikat fa-li-dhālika wajaba ‘alā ‘ulamā‘ al-umma wa a‘yān rijālihā taghyīr al-munkarāt).\(^{44}\)

But there is another reason that the Sharī‘a categorically rejects autocracy in Khayr al-Dīn’s view that has nothing to do with the risk that the ruler will be tempted to use his powers to oppress the populace: the likelihood that an autocrat, even a well-intentioned one, will be incompetent. Khayr al-Dīn makes the point that it is trivial law that a ruler’s actions under the Sharī‘a are valid only to the extent that their decisions are consistent with the public good. Determination of the public good, however, is a complex matter, and it is unlikely to be achieved if the ruler attempts to formulate rules based on his own opinion. Involvement of the leading men of the state in the institutional decision-making of the state, far from constituting an interference in the ruler’s jurisdiction, is a mechanism to insure that his decisions are in fact consistent with the public good and are therefore lawful (wa ma‘lūm anna taṣarruf al-imām fī aḥwāl al-ra‘iyya lā yakhruj ‘an dā‘irat al-maṣlaḥa wa anna al-qiyām bi-maṣāliḥ al-umma wa tadbīr siyāsatihā mimmā lā yatayassar li-kull aḥad fa-ta‘īl al-irāda ḥīna’idhin innamā yaqa‘ fī Shay‘ khārij ‘an dā‘irat al-taṣarruf al-musawwagh lahu).\(^{45}\)

Khayr al-Dīn’s great innovation then is to argue that Islamic law, through the two principles of consultation and commanding the good and forbidding the evil, provides its own principled response to the problem of autocracy and despotism, and thus provides

\(^{44}\) Ibid. pp. 101-102.  
\(^{45}\) Ibid. p. 111.
the basic foundations for good governance. For this structure of governance to work, however, religious scholars must take their role in governance seriously, for the application of the Sharī’a in particular circumstances is not something that can be achieved merely through proficiency in textual interpretation. This is because of the nature of Sharī’a norms: typically, they are not specific rules, but rather provide general governing principles, and accordingly Muslims must resort to the tools of practical reasoning and good judgment to determine how best these general principles can be applied in specific circumstances. What is needed then is an effective partnership between knowledgeable men of state and religious scholars “so that they can cooperate, the entirety of them, as though they were one person, toward achieving the community’s welfare by discovering how to achieve the public good and ward off public harms . . . for it is men of state who grasp [questions of] what is beneficial and what is harmful while the religious scholars can then determine the form of the solution so that it is in accordance with the Sharī’a’s principles (yata‘āwanūna majmū’uhum hā’ulā i ‘alā naf’ al-umma bi-jalb mašāliḥiḥā wa dar’ mafāsidihā bi-ḥaythu yakūn al-jamī’ ka-l-shakhṣ al-wāḥid . . . fa-rijāl al-siyāsa yudrikūna al-mašāliḥ wa manāshi’ al-ḍarar wa al-‘ulamā’ yuṭabbiqūna al-‘amal bi-muqtaḍāḥā ‘alā uṣūl al-sharī’a).”

Religious scholars who choose to isolate themselves from the affairs of state and are ignorant of domestic and foreign affairs are incapable applying the Sharī’a’s norms effectively in the particular social circumstances of his society. By remaining aloof from public life in the mistaken assumption that it is immoral to participate in politics, religious scholars in fact aid the cause of despotism: by failing to discharge their duty to
provide appropriate norms of the Sharī‘a to restrict the power of rulers, they effectively
give them free reign to do as they wish.47 Indeed, he instead argues that the cooperation
of the learned religious scholars with the men of the state, with the aim of helping them
achieve the public good, is among the most important obligations of the law because that
is the only effective means for religious scholars to learn sufficiently about the world so
that they can effectively apply the Sharī‘a (min ahamm al-wājibāt shar‘an li-‘umūm al-
maṣlaḥa wa shiddat madkaliyyat al-khulṭa al-madhkūra fī ḫlā‘ al-‘ulamā‘ ʿalā al-
ḥawādīth allatī tatawaqqaf idārat al-sharī‘a ʿalā ma‘rifatih).48

Khayr al-Dīn is effectively calling for an alliance between the technocratic and
political elite of the Muslim world, on the one hand, and its religious scholars, on other
hand, to act in a coordinated fashion to develop a constitutional order (tartīb tanẓīmāt), an
order which would also include substantial positive legislation, that could effectively
control the autocracy of rulers and that is in accordance with the principles of the Sharī‘a
(al-uṣūl al-shar‘īyya) but at the same times incorporates the rational considerations of the
public good (mu‘tabirīn fī [al-tanẓīmāt] min al-maṣāliḥ aḥaqqahā wa min al-maḍārr al-
lāzima akhaffahā).49 Significantly, what he calls for is respect for the principles of the
Sharī‘a (al-uṣūl al-shar‘īyya) rather than the detailed substantive legal doctrines of the
jurists; the actual substance of the new constitutional and positive legal orders would be a
product of siyāsa, rational law-making that is based on the public good, rather than
textual interpretation of revelation. And for this reason, his rhetoric makes clear that
while he is calling for a partnership between the men of state and leading religious

48 Ibid. p. 152.
49 Ibid. p. 153.
scholars, the role of the latter is largely technical, i.e., confirming that the form of the new rules is as consistent with the principles of Islamic legality as practicable; it is the men of state, the experts in the empirical domain of what constitutes good policy, who are entrusted to making the substantive decisions regarding the contours of the public good.

The common belief of Europeans that Muslims’ adherence to the *Sharī’a* precludes Muslim states from achieving progress is, therefore, mistaken, but it is a mistake for which they must be excused in light of the reality of poor governance in Muslim countries. For Khayr al-Dīn, the blame for the reality of poor governance lies on the shoulders of two groups: the rulers of the day who lack sufficient fidelity to the *Sharī’a*, and the religious scholars’ neglect of their duty to keep abreast of current affairs so they can meaningfully assist the government pursue the public good.⁵⁰

While Khayr al-Dīn’s criticism of the religious class was relatively restrained, our next thinker, Rashīd Riḍā was not so gentle.

V. Rashīd Riḍā and the Relationship Between Political and Religious Despotism

Rashīd Riḍā, perhaps the most well-known discipline of the Egyptian religious reformer Muḥammad ‘Abduh, spent much of his life as a proselytizer for political, social, legal and religious reform in the Muslim world. A prolific writer and polemicist, he served as editor for the trans-national Islamic reform journal, *al-‘Urwa al-Wuthqā* [“The Firmest Bond”], authored a multi-volume commentary on the Quran from a modernist perspective, *Tafsīr al-Manār*, and authored numerous *fatwās* (opinions on Islamic law) in response to questions posed to him throughout the Islamic world. Indeed, one might

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⁵⁰ Ibid. p, 165.
consider Riḍā the first example of the modern, trans-national Muslim jurist. Given the breadth of his writings, a comprehensive treatment of his political theories is beyond the scope of this article. I will instead focus on his treatise with the title *The Caliphate* which he published in 1922, shortly after the declaration of the Turkish Republic. At the time of the book’s original publication, the Turkish Republic had not yet abolished the Ottoman Caliphate, although it had relegated his position to that of a “spiritual” leader.

Writings on the caliphate have a long history in Islamic theology and law. Anyone with familiarity with traditionalist writings on the caliphate, however, will immediately recognize Riḍā’s work as representing a radical departure from traditionalist discourse on Islamic government. Unlike traditional accounts of the caliphate, which were written largely from the perspective of defending the legitimacy of the early Muslim community’s political history against attacks from Muslim dissident groups whom the hegemonic Sunnīs believed were heretical, and which displayed little practical concern with how to implement those political ideals in their contemporary societies, Riḍā, on the other hand, both read and wrote on the caliphate with an eye toward reforming the actual political institutions of the contemporary Muslim world. This work then is an interesting blend of ideal theory combined with his own practical analysis of the choices facing the Muslim world in the wake of the collapse of the Ottoman Empire and the colonization of much of the Muslim world by European powers.

Although Riḍā does not make express reference to either Ṭahṭāwī or Khayr al-Dīn al-Tūnisī, he shares their concern with autocracy and despotism. His analysis, however, is unique insofar as he identifies a vicious circle at the heart of politics in the Muslim world in which religious and political despotism are mutually reinforcing. His solution to this
dilemma is popular sovereignty: Muslim peoples, in his view, need to understand that all power flows from them, and accordingly, they must demand representative government, if need be, by force. After liberating themselves from the forces of despotism, they then must establish a lawful caliphate, because only a lawful caliphate will be able to press forward successfully with needed religious, social, and economic reforms.

Only a lawful caliphate, in contrast to either the spiritual caliphate proposed by the Turkish Republic, or a revival of the caliphate of necessity (khilāfat al-ḍarūra) which is grounded in superior military force (taghallub) e.g., the Ottoman Empire, can successfully implement a reform program because under Islamic jurisprudence only a lawful government enjoys a moral entitlement to obedience. De facto governments, i.e., governments whose legitimacy is based solely on the necessity of recognizing the usurper’s overwhelming physical power, by contrast, enjoys no right to obedience; instead, Muslims are only obliged to recognize such a government on the ground of necessity (ḍarūra), and accordingly, they are entitled to ignore even worthwhile reforms whenever they believe such reforms are contrary to their own understanding of the Sharī’a. Reforms undertaken by a legitimate caliph, on the other hand, will effectively abrogate competing opinions and accordingly moral obligation will reinforce judgments of practical politics to establish firmly in Muslim lands the desired reforms. In short, Riḍā suggests that legitimate government is the only solution to the moral and legal pluralism that is the product of Sunnī commitments to individualistic interpretation of the Sharī’a.

Riḍā’s argument proceeds along three dimensions. The first can be understood as ideal theory, i.e., an account of what the institution of the caliphate is and why its ideals
ought to be relevant to Muslim political thinking in the wake of World War I. Islam, according to Riḍā, possesses both a spiritual message (hidāya ṭūḥīyya) and a particular conception of civic politics (siyāsa ʿijtimāʿīyya madaniyya). The two are regulated very differently, however: the former is set out expressly and in its entirety in scriptural sources, while revelation, in respect of the latter, has done no more than “set forth its foundational principles, delegating to the community the use of its judgment and discretion [to provide the detailed rules].” This difference in treatment is dictated by the difference in the substance of the spiritual and temporal: the canons of spiritual observances are not dependent on, nor a function of particular social contexts, whereas the rules governing political society are highly contextual. Accordingly, Islam’s substantive rules governing political society must, necessarily, “differ with time and place and advance in accordance with the advancement of civilization and human knowledge.”

In all cases, however, properly Islamic government is characterized by certain basic principles, which are “that authority belongs to the community (umma); that its power is to be exercised through mutual consultation (wa amruhā shūrā baynahā); that its government is a kind of republic (darb min al-jumhūriyya); that its rules apply equally to the rulers of the state as well as the common citizens; and, that the ruler, when enforcing a law, is only enforcing a rule of the Sharīʿa or the view of the community (raʿy al-umma).” In other words it is a kind of representative political community subject to its own conception of the rule of law that binds all within its jurisdiction and

51 Rashīd Riḍā, Al-Khilāfa, p. 9.
52 Ibid.
the coercive power of that political community can only be legitimately exercised either if it is in conformity with revealed law or law that it has made democratically; however, its power cannot be exercised to enforce the despotic personal will of the ruler. The ends of the caliphate are both civil and religious, as is evidenced by its adherence to both civil and revealed law. It aims to preserve and enhance both religion and human civilization and to reconcile moral virtues with material civilization and progress, and ultimately, “prepare the ground for universal human brotherhood (mumahhida li-ta’mīm al-ukhwwa al-insāniyya).”

Riḍā also sees the project of restoring a lawful caliphate to be something of universal interest. Writing in the immediate aftermath of World War I’s devastation, he was not as optimistic about European civilization as either Ṣaḥābī or Khayr al-Dīn had been. The barbarity of that war, and the instability it unleashed in the world, led him to conclude that European civilization had shown itself to be morally bankrupt, which he attributed to Europeans’ decision to exile religion from their civilization. Accordingly, restoration of the lawful caliphate in his opinion was a universal imperative if there was to be any hope for establishing a genuine human fraternity that cut across race and class. Even as he is encouraging the Turks to take advantage of their liberation from Ottoman despotism, and calls upon them to re-establish a lawful caliphate, he warns them against basing their state on a form of Islamic particularism; he instead calls upon them to establish a state which, for lack of a better term, could represent a kind of Islamic humanism that would offer the hope of cross-confessional solidarity:

53 Ibid.
54 Ibid.
“Oh Turks . . .! Undertake the [task] of renewing the government of the Islamic khilāfa, intending thereby to reconcile religious teachings with human civilization to serve humanity [li-khidmat al-insāniyya], not to establish an Islamic sectarian identity (‘aṣabiyya islāmiyya) that threatens western states. If you do so, and establish your sincerity and true intentions in [your] project, you will find among the learned, virtuous and free westerners those who will assist you, praise your work, and defend you against unjust politicians (al-sāsa al-muftarīn) . . .”55

Riḍā understands that major obstacles stand in the way of re-establishing a lawful caliphate, not the least of which was the clearly secular rhetoric that was emerging from the leadership of the Turkish Republic. He attributes this reluctance on the part of the Turkish republican leadership to adopt an Islamic politics to the legacy of despotism that characterized the Ottoman Empire, especially in the last 100 years of its history. It is understandable, then, that they would think there was a basic contradiction between republican ideals of self-government and the caliphate, since it had been the case that “the vast majority (jamāhīr) of Turkish, Indian, Egyptian and other Muslim clerics had made fidelity to the Ottoman caliphs and sultans obligatory so long as they did not openly display unbelief or commit overt apostasy, despite whatever injustice, corruption, social disintegration and oppression of the citizenry resulted from obedience to them, in reliance on the historically established rule of the jurists [regarding the obligation of obedience], without any deliberation or thought.”56

As a people who had just reclaimed their freedom from external invaders and internal oppressors, Riḍā clearly sympathized with the Turks’ reluctance to endorse anything that smacked of the old despotic political order.57 Accordingly, he rejects the

55  Ibid. p. 11.
56  Ibid. p. 46.
57  Ibid. p. 45.
traditional rule of Sunnī Islam that prohibited revolution against unjust rulers, even if they were usurpers, in favor of an obligation to resist usurpers and restore legality whenever practicable. He based this argument on both Islamic grounds and, for lack of a better term, sociological grounds. As for the Islamic grounds, Riḍā, as alluded to previously, suggested that Islamic law recognized different notions of obedience: when the ruler was legitimate, robust duties of obedience obtained, and citizens were bound morally and prudentially (zāhiran wa bāṭinan) to obey unless the command at issue was clearly illegal. The government of a usurper, however, lacks legitimacy in itself; it is obeyed only by virtue of necessity (al-ḍarūra). Therefore the duty of obedience to an illegitimate government is limited to the extent of the necessity itself (al-ḍarūra tuqaddar bi-qadarihā) and by the prudential principle that obedience represents the lesser of two evils (irtikāb akhaff al-ḍararayn). It therefore follows that whenever there is a realistic prospect of restoring a legal regime, the Muslim community, led by its leading men (ahl al-ḥall wa-l-‘aqd), is obliged to resist the unjust usurper and his oppression (ẓulm) and arbitrary rule (jawr). “An example of this is removing [systems] of personal, autocratic rule, as the Turks did with the power of the Ottomans. Even though they claimed the Islamic caliphate, they were unjust, relying in most cases – in the language current in our day – on the principle of absolute monarchy, and for that reason, the Turks began by imposing on them a basic law in imitation of the European nations.”

The sociological account was based on his understanding of the positive basis of sovereignty, and that all sovereignty is at its core popular. Accordingly, he argues that

58 Ibid. p. 50 and 87.
59 Ibid. p. 49.
the powers enjoyed by governments, even absolutist monarchs, are in reality never more than the power of their people. The people may surrender this power to a despot because they fail to understand the reality of popular sovereignty, and instead succumb to a false political idea such as the divine right of kings, or that religion obliges obedience, or the like, but that once a people overcomes such an ideology and discovers that it is its own true sovereign, it quickly overthrows usurpers and restores itself to the position of master of its own political affairs.60

In Riḍā’s account there is a direct link between a healthy politics and a healthy religious attitude. When Muslims lost the ability to govern themselves by accepting the oppression and humiliation (al-ẓulm wa-l-istidhlāl) of usurpers, religious observance became decadent too. Religious decadence manifested itself in two ways. The first was the introduction of superfluous rituals that lacked any firm scriptural basis with the result that discharge of those ritual observances could command the entirety or nearly the entirety of a person’s life, leaving no time to exert one’s self in any other endeavor.61 The second was fanatic attachment (taqlīd) by religious scholars, particularly jurists, especially to legal doctrines without exercising any independent judgment (ijtihād) regarding the continued vitality and relevance of such doctrines. The result was that religious leaders, and the law they upheld, no longer had any effective role to play in governance except to support the autocratic machinations of the unjust rulers

60  Ibid. p. 45.
61  Ibid. p. [9].
themselves.\textsuperscript{62} Having made these compromises with despotism, it was no surprise the Muslim populations came to accept colonization by foreigners.\textsuperscript{63}

The combination of excessive ritual observance and a failure to think independently about religion were the distinguishing features of the vast majority of the Muslim scholarly class and their followers among the masses. Politically, this class, whom Riḍā referred to contemptuously as “the party of the ignorant mass of rigid jurists (ḥizb hashwiyyat al-fuqahā’ al-jāmidīn)” could at best produce only Islamic sentiment among the populace; they were otherwise incapable of contributing to any substantial reform of Muslim society. Indeed, although they whole-heartedly supported the idea of an Islamic government, nothing worse could befall the Muslim people than a government entrusted to this party. According to Riḍā, because of their unthinking adherence to historical legal doctrines, they would have no objections to adopting rules of law that were entirely contradictory to the needs of modern civilization. To make matters worse, they would be utterly incapable of making rules for modern institutions such as the military, finance, or politics, since the traditional methods of jurisprudence cannot be used to derive rules for these subjects, yet they reject using independent judgment to produce new rules. Accordingly, were it to be the case that the affairs of state were delegated to this party, they would have been exemplary failures, whether in war or peace (\textit{wa law fiwwida ilayhim amr al-ḥukūma ‘alā an yanaḍū bihā la-‘ajazū qaṭ’an wa la-mā istaṭā’ū ḥarban wa lā ṣulḥan}).\textsuperscript{64}

\textsuperscript{62} Ibid. pp. 69-72.
\textsuperscript{63} Ibid. p. 55.
\textsuperscript{64} Ibid. 72.
Religious reform, therefore, had to proceed hand-in-hand with political reform. Religious reform meant first and foremost the rejection of what he called institutional religious authority (“ṣulṭa dīniyya”) in favor of simply the right of teaching and advice (“al-naṣīḥa wa-l-irshād”) grounded in learning that is open to all.\(^{65}\) Accordingly, there is no basis to believe that the Caliph represents a kind of divinely-sanctioned ruler whose determinations require acceptance on the pain of excommunication.\(^{66}\) So too, he denied that offices like that of a judge or muftī were religious in this sense because they lack the capacity to formulate either dogma or rules (\textit{inna al-islām lam yaj'al li-hā 'ulā'i adnā sulṭa 'alā al-'aqā'id wa taqrīr al-ḥkām}).\(^{67}\)

This rejection of institutional religious authority means that the only kind of authority that is recognized in Islam according to Riḍā is discursive, i.e., learning, and accordingly, there is no basis for the doctrine of \textit{taqlīd}, the obligation to defer to ancient authorities, especially as practiced by Riḍā’s contemporaries. A lawful caliphate could hardly be an instrument of reform if it was bound to this arbitrary conception of Islamic law, and accordingly, Riḍā devotes substantial energy to refuting the doctrine of \textit{taqlīd} and advocating the obligation to engage in independent reasoning (\textit{ijtihād}) in order to produce a legal order that would be consistent with both Islam and modern secular civilization. What is particularly interesting about his critique of \textit{taqlīd} is not simply that it is impractical or that it produces fanaticism, but rather that the entire system of reasoning used in pre-modern jurisprudence to generate legal rules, i.e., \textit{uṣūl al-fiqh}, was entirely inapplicable to the problems facing Muslims in the modern age. The diminished

\(^{65}\) Ibid. pp. 139-140.

\(^{66}\) Ibid. p. 141.

\(^{67}\) Ibid. p. 142.
relevance of traditional methods of jurisprudence is on account of their inability to produce general rules (ahkām ʿāmma);\(^{68}\) rather, traditional jurisprudence can at best provide individuals with answers to their particular questions and of relevance only to that problem, but it cannot solve structural problems that require general solutions.\(^{69}\)

A modern caliphate, therefore, must base its system of Islamic law on a different method of legislation, which Riḍā calls ishtirāʿ. He seems to have coined this term to differentiate his proposed method of legal reasoning from both that of traditional Muslim jurisprudence and secular legislation. It is distinguished from the former both by its goals and its methods. As for its goals, it seeks to determine where the public good of the Muslim community lies, rather than to determine the true meaning of a revelatory text.\(^{70}\) Its method is deliberative (shūrā) and therefore collective rather than individual because only through deliberation does it become possible to ascertain the public interest.\(^{71}\) The community expresses its conception of its public good, in accordance with the practice of the Prophet Muḥammad, through the deliberation of its leading men, a group which includes religious scholars, but is certainly not limited to them.\(^{72}\)

In articulating a deliberative method for Islamic legislation, Riḍā relies on two crucial ideas, one theological and the other political. The theological principle is that, although Islam regulates all areas of human life, its regulation of the spiritual domain is categorically distinct from its regulation of the mundane aspects of human existence.

\(^{68}\) Ibid. p. 98.

\(^{69}\) Ibid. p. 87.

\(^{70}\) Ibid. p. 101.

\(^{71}\) Ibid. p. 38.

\(^{72}\) Ibid. pp. 103-104.
While it is true that Muslim jurists have referred to all such obligations generically as *sharʾ*, i.e., revelation, or *dīn*, i.e., religion, the term bears different meanings when applied to spiritual and temporal affairs. When applied to the former, it refers to acts whose purpose is to draw close to one’s Creator; with respect to the latter, it refers only to the reality that God will hold one accountable for how one interacts with other human beings in the next life, but it does not entail any conception of worship or attempt to draw close to God. This distinction is confirmed by the fact that Islamic law divides human acts into the domain of ritual (*ʿibādāt*) and transactional (*muʿāmalāt*) and the fact that jurists will declare a certain course of conduct as valid before the courts (*qaḍāʾan*) but nevertheless describe it is condemnable on religious grounds (*diyānatan*). The task of Islamic legislation in the modern age is religious only in the sense that individuals are required to act sincerely, not that they are engaged in a ritualistic exercise involving careful interpretation of revelation.

Contrary to the commonly-held interpretation of Islamic law as a religious law that rejects the legitimacy of human law, Ridā argues that Islamic law expressly authorizes human law through its institutions of *ijtihād*, independent judgment, and *shūrā*, mutual deliberation. The principle of popular sovereignty is expressed through *shūrā*, whose agreement is binding on the caliph. Indeed, even were it not the case that the Quran had expressly ordered Muslims to engage in law-making through the deliberative procedure of *shūrā*, Islamic law’s general principles would require it: human

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73 Ibid. p. 103.
74 Ibid.
75 Ibid.
76 Ibid. p. 104.
law-making is a necessity for human civilization (*al-ijtimāʿ al-basharī*), and textually-based rules that are not religious in nature, i.e., in the sense of drawing near to God, but rather seek to secure temporal justice, can be revised in light of secular necessity, or even convenience based on the Islamic legal principle of removing difficulty (*rafʿ al-ḥaraj*).77

Muslims gradually lost the ability to govern themselves through when they acquiesced to the rule of usurpers who relied on jurists to administer the law based on conceptions of *taqlīd* rather than mutual deliberation on matters of the public good.78

Restoring the Muslim body politic to health therefore requires dismantling both political and religious despotism, represented in the former by absolutist rule, and the in the latter, by *taqlīd*, and replacing both with representative institutions tasked with identifying the public good.

Although Riḍā insists on distinguishing Islamic legislation from simple secular legislation *simpliciter*, it is not a topic that he dwells on in great depth. It appears for him that Islamic legislation is distinguished from non-Islamic, but otherwise democratic legislation, insofar as Islamic legislation continues to affirm expressly the religious basis of all laws (*al-sharʿ al-dīnī alladhī huwa asās al-ishtirāʿ al-basharī al-ijtihādī*).79 As a practical matter, this presumably means that clear texts of revelation must be taken into account by an Islamic legislator, although as we have seen, if such rules regulate temporal affairs, then they can be qualified or overridden in the name of the public interest. Presumably, it is only religious rules in the narrow sense that are absolutely

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77 Ibid. pp. 104-105.

78 Ibid. p. 106.

79 Ibid. p. 102.
binding and are not subject to legislative revision since imposition of difficulty is an essential part of what makes them religious rather than temporal obligations. 80

The decadence of the religious establishment, however, is particularly pernicious because it undermines the ability of Islam to discharge its primary mission, namely, serve as a source of spiritual guidance for people. Because of jurists’ irrational devotion to ancient rules, observers believe that Islam obligates Muslims to follow ancient and obsolete rules in social and political life, with the result that Muslims are destined to be poor, weak and debased as long as they adhere to Islam. 81 To put it differently, not only is the religious establishment partially responsible for the political despotism of the Islamic world, and its inability to defend itself from western colonialism, it is also responsible for a distorted image of Islam among non-Muslims, and the growth of atheism among Muslims themselves. 82 Indeed, Riḍā suggests that the motive for atheism and secularism among Muslims is not theological or philosophical as much as it is the product of traditionalist religious teachings which, if adhered to, would make it impossible for Muslims to live with any kind of political independence or dignity among other nations. 83

The secularists, whom he labels with the disparaging title of “The Party of the Would-Be Franks (Hizb al-mutafarnijīn),” seek to emulate European political and legal orders more out of desperation rather than reasoned conviction. Hence, he calls them “uncritical followers of European laws and orders (mugallidat al-qawānīn wa-l-nuẓum al-

80 Ibid. p. 104.
81 Ibid. p. 112.
82 Ibid. p. 70.
83 Ibid. pp. 70-72.
ūrūbiyya).

And although their errors can be excused to the extent they are largely born of frustration with the reactionary religious leaders of the Muslim world, they can nevertheless cause great harm to the body politic if they were to take power. The threat European secularism poses is both theological and practical. The theological threat is clear insofar as it seeks to displace Islam from its position as moral arbiter in the Islamic world. It also poses a practical political threat, however, for at least two reasons. First, it will lead to the wholesale and uncritical adoption of foreign laws that will inevitably be unsuitable for the Muslims societies that import such laws, with the result that disorder will increase, and thus subvert the goal of reform. Second, because secularists are only a minority of Muslims, they can only achieve their goal of transforming Muslim societies into replicas of European societies if they rely on oppression and despotic rule. Ironically, then, Riḍā’s two political adversaries, the traditionalists and the secularists, cannot provide political programs that can effectively deal with the backwardness of Muslim societies while at the same time guaranteeing non-despotic rule. For that reason, then, he argues that the Islamic reform party represents the only viable option for Muslim peoples, because it is the only political configuration in the Muslim world that reconciles modern civilization and Islam (ḥizb al-ʾislāḥ al-jāmiʿ bayna al-istiqlāl fī fahm fiqh al-dīn wa hukm al-sharʿ wa kunh al-ḥadāra al-ūrūbiyya).

VI. The Theo-Political in the Egyptian Revolution

All three of the thinkers surveyed in this article approach the problem of Islamic law from the perspective of the political, meaning, the idea of a just political order is prior to

84 Ibid. p. 69.
85 Ibid. p. 102.
86 Ibid. pp. 69-70
the specific rules of Islamic law. Islamic law then needs to be understood in a way that furthers each thinker’s conception of the political. This does not mean that modernist Islamic political thought is unprincipled or that it is merely results-oriented or crudely pragmatic. I have tried to show how each one of these thinkers, but especially Ṭahṭāwī and Riḍā, have thick conceptions of theology and how it relates to a just government, and how a just government in turn plays a crucial part in the religious aim of perfecting human potential.

Rather than advocating a separation of religion from political life, these thinkers instead articulate a theology in which revealed law, in the political context, plays a secondary role to practical reason in identifying the laws and policies necessary to develop a system of freedom and justice that will guarantee the state and its citizens dignity, independence and prosperity, and hopefully, because of the continued moral vitality of Islam, spiritual perfection as well. Because of the priority of the political, all of these thinkers agree that theological reasoning, after establishing the goals of the state, should play a relatively small role in political argument thereafter and instead, rational political deliberation should take center stage, whether that is discharged by Ṭahṭāwī’s just ruler, Khayr al-Dīn’s councils of the learned who are to share power with the ruler, or some kind of popular assembly representing the community on Riḍā’s theory. In addition to their tendency to subordinate theological reasoning to practical reasoning, each of these thinkers is at least neutral with respect to non-Islamic civilizations, in particular, European civilizations. Even Riḍā, who is the most skeptical of the three, nevertheless continues to think of Muslims as part of a universal human civilization and that Muslims
need to understand their own religious commitments in a manner that is consistent with universal human civilization.

It cannot be overemphasized, however, that their political thought does not start with an abstract conception of the individual and how such a person then relates to his fellows through political society. Rather, their political thought begins with the fixed reference point of the Islamic community’s existence as a reality. Accordingly, the reforms they advocate are justified entirely by reference to the rational good of the Muslim community, not out of an independent principle of mutual respect that pre-exists our religious commitments, as in the case of Rawlsian liberalism, for example. Nevertheless, each of these three thinkers expresses genuine commitments to important democratic values such as anti-despotism, rational law-making, the centrality of the public good, and the equality of citizens. They do not, however, understand pluralism as a problem that requires anything more than equal treatment under rules that are substantively just. Thus, Khayr al-Dīn understands the alienation of non-Muslims from the Ottoman Empire, and their desire to form ties with European powers as stemming from the weakness and arbitrary administration of justice in the Ottoman Empire, the implication being that if despotism is restrained, their loyalty will be assured. So too, while Riḍā agreed that certain historical rules of Islamic law which discriminated against non-Muslims, e.g., rules that did not admit their testimony against Muslims, were unfair and had to be revised to make them consistent with the norm of equality, he rejected the notion that the Islamic pedigree of the rules themselves, so long as they were substantively fair and exempted non-Muslims from the observance of what were strictly
religious requirements, gave non-Muslims in the Islamic world just cause to complain and agitate for the wholesale adoption of foreign laws.

Islamic modernist political thought, however, is markedly different from other conceptions of the theo-political in the modern Islamic world, and accordingly, when we ask a question like “Is the Egyptian or the Tunisian Revolution an Islamic Revolution?” we need to understand that there are different configurations of the theo-political in contemporary Muslim societies. Islamic modernist political thought differs from other Islamic conceptions insofar as it expressly seeks a reconciliation with modern secular civilization. Other Islamic theo-political conceptions, such as traditionalist Islamic political thought, whether in its Sunnī or Shī‘ī form, or in the form of revolutionary Sunnism, e.g., Sayyid Quṭb, or revolutionary Shī‘ism, e.g., Āyatullāh Khumaynī, do not seek such a reconciliation, but instead seek to transform the world according its own ideals.

While Egypt and Tunisia certainly have adherents of traditionalist and revolutionary Islamic political thought, both Egypt and Tunisia can be thought of as normative exemplars of Islamic modernist states. Their exemplary status in this regard can be evidenced not only in the constitutions of both states, but also by the fact that the dominant strands of religious opposition in both countries takes the national project as a foundational element in developing a proper understanding of Islamic commitments. The fact that both Egypt and Tunisia have labored under authoritarian one-party states for the better part of their post-independence histories means that, to a certain extent, modernist Islamic political thought continues, understandably perhaps, to be dominated by anti-authoritarian commitments rather than the problem of pluralism as such, but I expect that
will change as genuine multi-party systems come into existence in both Tunisia and Egypt.

VII. Conclusion

Despite the fact that Islamic modernist political thought begins with radically different premises than does modern liberalism, it nevertheless has sufficient overlap with its concerns that it ought not to be surprising that Islamic modernists would make common cause with both liberal and nationalist secularists. In liberalism, Islamic modernism can make common cause with other citizens who share an anti-authoritarian commitment and a commitment to the rule of law and in secular nationalists, Islamic modernism can also make common cause with those who value the historical identity of the community and desire to preserve what they perceive as its unique attributes. At the same time, modernist Islamic political thought’s insistence on making Islam the foundation of political commitment inevitably creates tensions with other groups in civil society: liberals are suspicious of their commitment to individual rights; secular nationalists may suspect them of harboring trans-national loyalties that can compete with loyalty to the nation; and religious minorities may suspect them of harboring an intention to marginalize them entirely from public life. From the perspective of political liberalism, then, the most we can reasonably expect from the Egyptian and Tunisian revolutions is the establishment of a formal democratic constitution that begins with a modus vivendi among these various contending groups, and can eventually, with some good luck, evolve into a deeper constitutional consensus and then perhaps an overlapping consensus, but this is clearly a multi-generational project, not something that will occur in the
foreseeable future. We should keep that in mind when we judge whether these revolutions should be considered successful from a democratic perspective.