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# GLOBAL SECULARITY. A SOURCEBOOK

VOLUME 2: THE MIDDLE EAST AND NORTH AFRICA

*Edited by Florian Zemmin, Nequin Yavari, Markus Dressler,  
and Nurit Stadler*



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**Global Secularity. A Sourcebook**  
**Volume 2: The Middle East and North Africa**

# **Global Secularity. A Sourcebook**



Edited by  
Christoph Kleine, Monika Wohlrab-Sahr, Florian Zemmin,  
and Judith Zimmermann

## **Volume 2**

# The Middle East and North Africa



Edited by  
Florian Zemmin, Nequin Yavari, Markus Dressler,  
and Nurit Stadler

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# Instructions for Use

## Structure of Entries

As the titles of some sources are very long, we have generally used short titles for the headings of the entries, reflecting the content of the text.

All entries are structured as follows:

- **Heading:** Name of author of the source text: *Short English title reflecting the content* (year)
- **Introduction:** Each text is preceded by a short introduction detailing the context in which the text was written, its reception, and its place in the author’s oeuvre.
- **Bibliographical information:** Information on the particular edition of the respective source, and on existing translations.

### – Translation

While some of the texts and extracts were originally written in English, the majority of our sources were originally published in another language, and appear here in translation. This applies particularly to volumes 2 to 7.

- Where a translation already existed prior to the publication of this sourcebook, we have – with the kind permission of the respective publishers – used these translations as the basis for the present edition. The sourcebook brings together three different types of translations:
  - Existing translations that were already very precise with regard to statements and contexts relevant here have been reproduced unchanged. They are labelled “Translation reproduced from. . .”.
  - Existing translations that we have substantially revised are labelled “Translation adopted from. . .”.
  - Finally, translations that have been produced entirely by us, and have not yet been published elsewhere, are labelled “Translation by . . .”.

## Footnotes

There are two types of footnotes in the sources: footnotes that were already included in the original source texts, and editorial footnotes added by our contributors and translators.

We have included footnotes from the original sources (footnotes included by the authors, or those added by the editors or translators of the edition in question) where these were relevant to the content. They appear in Arabic numerals, and contain a reference to the number of the footnote in the original edition of the source (example: 1 [note . . . in the original] . . .).

We have also integrated editorial footnotes from our contributors and translators, and have labelled the authors accordingly. Editorial footnotes are numbered in Latin numerals and begin with I for each new text.

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Florian Zemmin, Nequin Yavari, Markus Dressler, and Nurit Stadler

# Secularity in the Middle East and North Africa: Introduction

## 1 Secularity in the MENA Region

In the common narrative, the Middle East and North Africa (MENA) region is considered inhospitable to secularism, especially regarding the normative relationship between religion and politics. Depictions of Islam as a comprehensive way of life that, unlike Christianity, comprises both the spiritual and material aspects of human relations, or a belief system that lays claim to both religion and state, are commonplace in the contemporary public sphere. Academic iterations of this view and critical assessments thereof are presented in the first volume in our series. The present volume includes, in addition to academic discussions, views forwarded by intellectuals from the region. It stems from a pragmatic division of the sources, as explained in the General Introduction to the series, without discounting the theoretical relevance of texts assembled in this volume or, for that matter, the practical purchase of the texts collected in volume 1. We also refer our readers to that same General Introduction for a more comprehensive discussion of ‘secularity’ (and of ‘the global’) that underlies all seven volumes in the series. There remain, however, several points that pertain specifically to the study of secularity in the MENA region and merit further scrutiny.

This, firstly, concerns the differences between ‘secularism’ and ‘secularity’ as laid out in HCAS *Multiple Secularities*.<sup>1</sup> While secularism refers to a political ideology that aims at a greater separation of religion and the secular, especially, but not exclusively in the political sphere, secularity refers to epistemic distinctions and institutional differentiations in relation to religion. Actors may argue from either end of the spectrum, that is, both for greater separation and further connection between the spheres. Moreover, distinctions relating to religion may overlap with the distinction between

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<sup>1</sup> See Marian Burchardt and Monika Wohlrab-Sahr, “Multiple Secularities: Religion and Modernity in the Global Age,” *International Sociology* 28, no. 6 (2013): 605–11; Christoph Kleine and Monika Wohlrab-Sahr, “Comparative Secularities: Tracing Social and Epistemic Structures beyond the Modern West,” *Method and Theory in the Study of Religion* 33, no. 1 (2020): 43–72.

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immanent and transcendent orders. This latter is in fact a dominant mode of distinction within Islam, what Sherman Jackson has called “the Islamic secular.”<sup>II</sup> Jackson’s conception is an example of how an explicit rejection of secularism as full-out separation can still be regarded as an instance of secularity. Yet even a denunciation of secularism, or the claim to an intrinsic connection between religion and the secular presumes a conceptual distinction between these two spheres. Attention to basic distinctions regarding religion is of heightened importance in contexts in which explicit advocations of secularism are a minority position, which is the case for MENA.<sup>III</sup>

Secondly, while secularity may be found in both structural differentiations and conceptual distinctions, the focus in this volume is defined by the centrality of viewpoints forwarded by actual participants in the debates, thus emphasizing the latter. Nevertheless, conceptual distinctions were formulated in view of structural societal conditions and impacted upon these, especially in the modern age of ideologies. To abide the varied structural conditions across MENA, and to avail the advantages of a broad chronological structure, the texts collected in our *Sourcebook* are divided into five sections each preceded by a brief contextualizing introduction. Texts from the pre-modern period are followed by texts in Arabic, (Ottoman) Turkish, and Persian, with a final section comprising Jewish/Hebrew sources. Insofar as an investigation of secularity is concerned, the constitutions of all Arab states with the exception of Lebanon refer to Islam as a tenet of the state, in various iteration.<sup>IV</sup> In the Islamic Republic of Iran, political authority rests with clerics.<sup>V</sup> Secularity (*laiklik*) may be enshrined in Turkey’s constitution, but a closer scrutiny reveals more similarities with its Muslim neighbors than is often assumed, including a top down approach to religion, or a concerted policy of infusing religion-politics with nationalism.<sup>VI</sup> Finally, Israel was founded on the back of a Jewish identity and a long textual lineage in 1948, although the precise contours of this identity – religious, spiritual, ethnic national or cultural – remain contested.<sup>VII</sup>

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II Sherman A. Jackson, “The Islamic Secular,” *The American Journal of the Islamic Social Sciences* 34, no. 2 (2018): 1–38.

III See also Markus Dressler, Monika Wohlrab-Sahr, and Armando Salvatore, eds., *Islamicate Secularities in Past and Present*, special issue *Historical Social Research* 44, no. 3 (2019).

IV Jan Michiel Otto, ed. *Shari’a Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present* (Leiden: Brill, 2010); Clark B. Lombardi, “Constitutional Provisions Making Shari’a ‘A’ or ‘The’ Chief Source of Legislation: Where Did They Come From? What Do They Mean? Do They Matter?” *American University International Law Review* 28, no. 3 (2013), 733–74.

V Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic* (London: I. B. Tauris, 1997).

VI Mirjam Künkler, John T. S. Madeley, and Shylashri Shankar, eds., *A Secular Age Beyond the West: Religion, Law and the State in Asia, the Middle East and North Africa* (Cambridge: Cambridge University Press, 2008).

VII Yaacov Yadgar, *Israel’s Jewish Identity Crisis: State and Politics in the Middle East* (Cambridge: Cambridge University Press, 2020).

The historicity and normativity of the concept of ‘religion,’ and the serious hermeneutic challenges it poses, inform our third set of concerns. Religion is not alone in this regard, many of these challenges pertain to other constitutive concepts within the humanities and the social sciences that originated in a specific ideational context and were later transformed into analytical concepts with an allegedly universal nature.<sup>VIII</sup> Whether ‘religion’ as a normative concept pertains to the study of Islam has been the subject of vociferous debate from a variety of angles, emic and etic, and orientalist and postcolonial. Against such contestations, Rushain Abbasi has argued that the concept of religion is not only applicable to the study of premodern Islam but was born in that milieu.<sup>IX</sup>

Our concern, however, is not with primary occurrences or origins, which are often related to claims of authenticity and identity politics. Rather, we find it more fruitful to depart from the contemporary establishment of religion and trace in a genealogical manner its evolution in a variety of linguistic and regional contexts. To that end, we include premodern debates that point to earlier iterations of secularity as the proper relationship between the political/social and religious registers. Instead of positing the universal occurrence of religion, we use the term heuristically, to identify historical conceptions that speak to contemporary usages of ‘religion’. The same applies to our usage of ‘the secular’ as a sphere distinct from ‘religion’.

Similarly, that premodern debates form the opening salvo of our volume should not be read as an attempt to unearth beginnings or origins or favoring a universal conception of secularity traceable across temporal and spatial divides. Rather, secularity as practices of explicit distinction in relation to religion – especially with explicit reference to a distinguished secular sphere – dates to colonial modernity. However, this formulation appropriated earlier distinctions, evoking a lineage that merits further scrutiny.

Finally, the focus on a geographical rather than religious ecumene itself requires clarification. While the approach is not without its pitfalls, it highlights historical social relations and political orders at the expense of ideational and especially theological constellations and doctrines, despite the undeniable centrality of Islam to social life in the MENA region. Most people living in the region identify as Muslims and Islam informs the political order in manifold ways. Yet, MENA is not just about Islam. Significant as well are economic and demographic factors, environmental conditions, natural resources, regional and global political interests, and historical trajectories. Finally, caution must be taken against transposing the strict faith-based identity that segregates various religions or confessions in the modern period onto the past. To that end, we have included Jewish and Christian authors on secularity in both the premodern and modern periods.

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<sup>VIII</sup> Jason Ānanda Josephson Storm, *Metamodernism: The Future of Theory* (Chicago, IL: The University of Chicago Press, 2021), esp. Ch. 2.

<sup>IX</sup> Rushain Abbasi, “Islam and the Invention of Religion: A Study of Medieval Muslim Discourses on Dīn,” *Studia Islamica* 116 (2021): 1–106.

Furthermore, the intrinsic Eurocentrism of geopolitical monikers such as the “Near East” or the “Middle East” has come under increasing scrutiny.<sup>X</sup> If we nevertheless use MENA in this volume, it is for two reasons. Firstly, no territorial designation will prove innocent of extraterritorial considerations, nor will it successfully navigate competing claims. And in the second instance, economic ties, political borders, and cultural interactions are transient and shift noticeably over time. The Ottoman Empire, for one example, included large swaths of Eastern Europe for a couple of centuries, yet those regions are outside the purview of our volume. Lastly, the modern history of the countries under discussion is indelibly marked with a collective sense of belonging to a geopolitical unit, even if it was forged at a certain point in time. Settling for an imperfect established moniker is perhaps advantageous to conjuring up an alternative with no history.

## 2 Structure and Organization

### 2.1 Secularity in Colonial Modernity

Although European colonial ambitions affected MENA subregions in a variety of ways, colonial modernity brought with it a conceptual order shared across the region. Iran and the Turkish heartland of the Ottoman Empire were never officially colonized. In Arab countries, where political management largely followed European directives, possibilities ranged from a “veiled protectorate” (England’s preferred policy in Egypt from 1882 to 1914) to administrative units such as French *départements* (Algeria from 1848 until 1962). The foundation of the state of Israel in 1948 in former British mandate territory bears the marks of colonialism in yet other ways, complicating the debate on secularity in Israeli societies and marking its interactions with its neighbors. And whilst modernity in MENA is marked by European hegemony, cultural influences, entanglements, and appropriations were not unidirectional. European modernity itself was altered in the colonial encounter,<sup>XI</sup> culturally, economically as well as politically. In other words, modernity is colonial, both in Europe and in MENA.

The hegemony of European powers, mainly England and France but also Tsarist Russia, later the USSR, as well as the USA, is also intrinsic to modernity. On the epistemic, intellectual, and conceptual levels that our sources refract, it is evident in the engagement

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X See Hüseyin Yılmaz, “The Eastern Question and the Ottoman Empire: The Genesis of the Near and Middle East in the Nineteenth Century,” in *Is There a Middle East? Evolution of a Geopolitical Concept*, eds. Michael E. Bonine, Abbas Amanat, and Michael Ezekiel Gasper (Stanford, CA: Stanford University Press, 2011), 11–35; and for a constructive alternative: Nile Green, “Rethinking the ‘Middle East’ after the Oceanic Turn,” *Comparative Studies of South Asia, Africa and the Middle East* 34, no. 3 (2014): 556–64.

XI Dror Ze’evi, “Back to Napoleon? Thoughts on the Beginning of the Modern Era in the Middle East,” *Mediterranean Historical Review* 19, no. 1 (2004): 73–94.

with European ideas and concepts. Some authors discredit European arguments, others strive to adopt European ideas wholesale or to acclimatize them with local references and templates. While interregional exchanges should not be discounted, simultaneous reference to (contemporary) European and (classical) local sources abound in formulations of modernity in the Middle East, from the mid-19th to the mid-20th century.<sup>XII</sup>

The period also witnessed a crystallization of native terminologies. Although secularity – especially in contrast to ‘secularism’ – was yet to find a firm equivalent in the region’s languages, various conceptualizations of ‘secular’ appeared. In contemporary Arabic usage, secular is rendered as *‘almānī* or *‘ilmānī* – derived from *‘ilm* (science) hence *‘ilmānī* or from *‘ālam* (the world) and therefore *‘almānī* – reflecting divergent understandings of ‘the secular’. Such differences are not unusual as influential social and political concepts are often subject to multiple interpretations. Although by the 1950s, *‘almānī/ilmānī* are established equivalents for ‘the secular’, in the nominative, *‘almāniyya/ilmāniyya* continue to invoke negative connotations that approximate unbelief or atheism. Our selections also include several Arabic texts that attempt to redefine *‘almāniyya* or suggest formal distinctions between its variant meanings.

The Turkish term *laik*, derived from French *laïc*, gained prominence in the 1920s as an attribute of republican secularism, sharing vestiges of French anti-clericalism and a rather sceptical approach to public displays of religion, if not to religion altogether. The late Ottoman equivalent was *lā dīnī*, literally “non-religious”, which gained currency by the mid-19th century. Thus, it may be argued that the Turkish adjective *laik* and its substantivized form *laiklik*, refer to a distinction of religion, particularly from the state, but also politics. *Laiklik* was inscribed in the constitution of 1937 and, although perennially contested, continues to inform the self-understanding of the Turkish state and large segments of society.<sup>XIII</sup>

The case of Persian makes for an illuminating lexical contrast. While the terms *sikulār* and *lāik*, mere transcriptions of the English and French originals, were popular early 20th century transplants, a century later, *‘urfī* (customary) has emerged as the term of choice for signifying the extra-*shar‘ī* realm. Whether or not the *shar‘a* should accommodate *‘urf* (custom) is a long-standing debate dating to the 8th century.<sup>XIV</sup> Then as now, ramifications of validating variation based on history and custom are far-reaching: the *shar‘a* will be made responsive to differing contexts and changing cir-

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XII Florian Zemmin and Henning Sievert, “Conceptual History of the Near East: The *Sattelzeit* as a Heuristic Tool for Interrogating the Formation of a Multi-layered Modernity,” *Contributions to the History of Concepts* 16, no. 2 (2021), 1–26.

XIII Cemal Karakas, *Turkey: Islam and Laicism between the Interests of State, Politics, and Society*, PRIF Report 78 (Frankfurt a.M.: Peace Research Institute Frankfurt, 2007); Aslı Bâli, “A Kemalist Secular Age? Cultural Politics and Radical Republicanism in Turkey,” in *A Secular Age Beyond the West: Religion, Law and the State in Asia, the Middle East and North Africa*, eds. Mirjam Künkler, John T. S. Madeley, and Shylashri Shankar (Cambridge: Cambridge University Press, 2018), 234–64.

XIV Yosef Rapoport, “Problematizing Custom and Customary Laws,” *Islamic Law Blog*, 5 March 2020, <https://islamiclaw.blog/2020/03/05/problematizing-custom-and-customary-laws/>.

cumstances, and by consequence, conflicting interpretations. Furthermore, accommodating variation constricts the shari'a as it segregates, albeit incrementally, that which is within its purview.

Differently again, the Hebrew term *hiloni* (related to secularization), first appeared as a social category in the 19th century, with its influence peaking during the interwar period. Like the Hebrew world for religion, it bespeaks attempts to “normalize” Judaism within a by and large European ideational context, rather than an emic concept with a discernible lineage in Jewish scholarship.<sup>XV</sup>

The above caveats notwithstanding, it was in the period from 1850 to 1950 that conceptions of the secular entered political debates. The terms used to mark these distinctions varied, with no basic term for the secular yet established. Postcolonial elaborations of secularity refined the terminology, adding an increasing political valence as the control and organization of institutions in newly independent nation-states was at stake.

Our focus was on texts in which secularity is addressed through conceptual distinctions in relation to religion. This perspective excludes debates on nationalism, ideology, gender relations, civic and political rights, and freedom of expression, where religious norms and values or the role of religious authorities in social life are often relegated to the background, whether by design or as subterfuge. We also excluded writings concerned with distinguishing between different religions or confessions, usually undertaken to validate one over another, as in inter-religious debates or theological apologetics, as we did with atheist or agnostic writings that criticize or debunk religion without addressing secularity. Several of our texts attend to the question of true versus false religion, but only in debates primarily revolving around distinctions in relation to religion. In short, texts on religion are almost infinite, as are those that address secularity implicitly. Our preference was for texts with an explicit claim on secularity, that is, a matrix of distinctions in relation to religion.

## 2.2 Sources

In selecting our sources, we strove to maintain a balance between prominent authors and lesser-known contributors to the debates. Specialists may well be familiar with certain authors whose works are also more likely to be available in an English translation. Other readers will have never heard of those same. With the latter audience in mind, we have chosen to include influential texts even when available in translation.

Yet, important imbalances remain. In addition to local languages, several MENA intellectuals wrote in French or English, a number that would increase significantly if

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XV Yosi Fischer, “The Concepts of ‘Religion’ and ‘Secularism’ in the Hebrew Language and their Manifestations in Israel’s Socio-Political Dynamics,” in *Religion and Secularity: Transformations and Transfers of Religious Discourses in Europe and Asia*, eds. Marion Eggert and Lucian Hölscher (Leiden: Brill, 2013), 109–29.

we were to consider MENA emigres. We chose to include only one originally French text from Lebanon, one Jewish contribution written in English in New York, one French by an Ottoman intellectual and an English one by a Turkish writer.

In terms of gender, the striking dominance of male authors persists despite our efforts to redress the historical imbalance. For a variety of reasons, including limited access to education and opportunities for women to participate in intellectual debates, we did not find texts on secularity by women authors in the premodern period. Many of those limitations are highlighted in a text by a woman activist inspired by the Constitutional Revolution of 1906–1911 in Iran, calling for an end to gender segregation and advocated for the further participation of women in public life, including access to a modern education. Still, the participation of women in political debates remained woefully negligible throughout the 20th century. The rise of Islamist politics – especially palpable after the success of the Islamic revolution in Iran in 1979 – which sought to radically alter the public and even private lives of women, was instrumental in attracting a sizeable female voice, often raised in its repudiation. The newly acquired confidence is refracted in two texts on various aspects of secularity in modern Iran, one by a woman lawyer and another by a woman scholar of religious studies.

Regional biases are most apparent for the Arabic sources. Although premodern Islamic polities comprised a variety of ethnicities, languages and religious dispositions, Arabic was the undisputed primary language of learned exchange. Its hegemony, however, was increasingly undermined, beginning in the ninth century, by the spread of New Persian in the eastern part of the caliphate and what became the Persophone zone, which included parts of Central Asia, Afghanistan, and northern India. In that vein, our premodern section includes, apart from texts in Arabic and Persian, a text by a non-Muslim author living in Baghdad, and another in Chaghatay Turkish. For the modern period, Egypt and the Levant make for most texts, while the Maghrib and especially the Arabian Peninsula are less represented or not represented at all. In Ottoman Studies, research tends to focus on the administrative capital of the Empire and on Turkish sources. The inclusion of two Armenian texts in this volume speaks to the linguistic plurality that marked the Ottoman Empire, whilst evidently not being able to do justice to it. The Hebrew sources were chosen from a diverse range of perspectives, including female voices. Our aim was to showcase a variety of viewpoints and ideological currents within both Judaism and Zionism.

We also strove to include a variety of genres, although all our sources are written, including a few transcriptions of recorded speech. Secularity can be manifested in oral as well as visual and material culture, not least in architecture and when conceptual distinctions interplay with institutional differentiations. Think of churches and secular administrative buildings, or museums for that matter. It is, however, in official narratives, public debates or academic discussions that conceptual distinctions are articulated cogently and in a nuanced manner. While secularity is also addressed and negotiated in fiction and poetry, it tends to be less conceptually explicit and frequently requires reading between the lines in addition to heavy contextualization, as

illustrated in the four poems included in this volume. Journal and newspaper articles figure especially prominently in the colonial period when basic concepts were formulated in public debates. Academic contributions play a greater role in subsequent elaborations. Texts in the precolonial section include theological and legal treatises, advice literature as well as historical narratives.

As it turns out, most of our texts engage with political life, even though we looked for a wider diversity in the planning stages. From a theoretical vantage point, the political sphere is not the only facet of the human lifeworld that is distinguished from religion. Sciences, the economy, education, law, the arts, or medicine are all suitable candidates. However, our focus on explicit distinctions, which are best refracted in contestations and calls for a reorganization of power in a society, impacted the selection process. Politics, law, and to a lesser extent, education and science emerged as primary sites for formulation of secularity. The primacy of the political is even visible in debates on the relationship between religion and science, which are almost never confined to the realm of epistemology, bearing as well on the socio-political order. The overarching political valence of debates on secularity is also nurtured by modernity's unmistakable penchant for redrawing the socio-political order. In sum, the sources themselves determined the primacy of the political to the question of secularity.

How to best categorize our varied sources proved especially vexing. As mentioned, MENA is a modern conception, with considerable sub-regional, linguistic, and confessional variety. Religious affiliation would have little purchase on gauging secularity, as Islam is a common reference for most Arabic, (Ottoman)Turkish and Persian sources. Likewise, a thematic arrangement proved untenable, as the political rubric would subsume the bulk of our material.

Beyond religious affiliation and central themes, we considered categorizing sources according to three ideal-typical positions on secularity: (1) In support of stronger distinctions between religion and other spheres (the secularist position); (2) against such distinctions (the religionist position); (3) an accommodating middle position that may be qualified as less doctrinal and more pragmatic (the secular position). Significantly, arguments for a categorical critique of the religio-secular episteme were less prominent and overlapped with aspects of post-secularism.<sup>XVI</sup>

Reference problems bearing on secularity are identified in the research program of *Multiple Secularities*.<sup>XVII</sup> Good governance, social cohesion, and progress are major themes where distinctions with religion are discussed in our sources. It has been argued that the relationship between religion and the secular became unavoidable in

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XVI See Arvind-Pal S. Mandair and Markus Dressler, "Introduction: Modernity, Religion-Making, and the Postsecular," in *Secularism and Religion-Making*, ed. Markus Dressler and Arvind-Pal S. Mandair (Oxford: Oxford University Press, 2011), 3–36.

XVII Burchardt and Wohlrab-Sahr, "Multiple Secularities," 605–11.

colonial modernity, especially with the foundation of nation-states.<sup>XVIII</sup> Before then, questions of secularity manifested themselves in more confined and temporary problem spaces. Crucially, a discernible shift is evident in our contemporary sources, especially those from the 21st century. Increasingly, the decisive question is no longer whether one holds a religious or secular position on social matters. Rather, the rule of law and civil rights are foregrounded, which may be demanded on religious or secular grounds. In other words, secularity is increasingly conceived as a means, rather than an end in itself; or so at least is suggested by recent contributions in the Arabic, Persian, and Turkish sections.

## 2.3 Classes and Conventions

The volume begins with premodern debates on good governance and the proper relationship between the religious and political spheres. A historical section is not meant to reify a universalized secularity that cuts across temporal divides, or to trace an imagined origin to the concept. Rather, the historical debates suggest that in MENA, as in other regions, modern articulations of secularity draw upon classical debates and appropriate earlier conceptual distinctions, which they imbue with novel meanings, partially overwriting but rarely fully replacing earlier semantic layers.

Colonial formulations and postcolonial elaborations of secularity – the primary focus of the volume – are divided into four sections: Arab countries and Arabic debates; the late Ottoman period, Turkish Republic, and debates mainly in Ottoman/Modern Turkish; Iran and debates in Persian; and Israeli and Hebrew sources. On the one hand, the organizational principle reflects the research expertise of the individual editors. From a historical vantage point, however, it refracts linguistic and political boundaries spawned by the emergence of nation states. Intra-sectional commonalities are highlighted in the brief introductions. Unsurprisingly, such connections are markedly fewer for the Israeli and Hebrew sources, which are wholly absent from the smaller sections on premodern constellations and contemporary developments. All sections begin with an introduction by the responsible editor, while the individual sources are introduced by the respective contributors, who, in most cases, also translated the text.

A few words on formalities are in order. English translations undertaken for the first time in this volume indicate page breaks from the original in square brackets, e.g. [p. 1/2]. Existing translations reproduced here contain these references only if the original was consulted. Square brackets in translations indicate additions by the translator, while round brackets are part of the original text or serve to highlight key terms in transliteration. We used a modified version of the IJMES transliteration style,

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XVIII David Scott, *Conscripts of Modernity: The Tragedy of Colonial Enlightenment* (Durham, NC: Duke University Press, 2004), 3–4.



adding diacritics to proper names and titles. We refrained, however, from imposing our adopted style in instances when an author has rendered their own name in Roman letters, or a particular spelling of a personal name is widely used. For sources in Hebrew, we relied on the guidelines from ISO 259, published by the International Organization for Standardization (ISO) for the transliteration of Hebrew characters into Latin characters (Romanization). All references to the Qur'an are indicated according to M. A. S. Abdel Haleem's translation,<sup>XIX</sup> except when the reference is reproduced from a published translation.

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XIX M. A. S. Abdel Haleem, *The Qur'an: A New Translation* (Oxford: Oxford University Press, 2004 [reprint] 2016).



## **Premodern Debates: Politics in Religion**



Negin Yavari

## Introduction

The institution of the caliphate – a single Islamic polity under the command of a single heir to the Prophet – the pivot of Islamic political thought, may have captured many an imagination since its initial articulation in the ninth century, but it enjoyed a short material life. By the 11th century, the Islamic lands that stretched from North Africa to present day Afghanistan and northern India, had been fragmented politically for about 150 years, ideologically since perhaps the inception of Islam in the late seventh century and socially following the conquests and subsequent conversion of the population, principally in Iran and Egypt.

Conversion was accompanied by the gradual emergence of local rule in a variety of arenas: theological, political, and legal. Independent polities emerged throughout the Islamic lands, and religious experts (*ulamā*) and local elites lorded over the social and intellectual landscape. By the end of the 10th century, Baghdad alone remained within firm Abbasid (749–1258) control. From then on, a defanged caliphate with neither power nor authority coexisted with a succession of dynastic houses – often short-lived – in control of various parts of the caliphate. The caliphate was vibrant and influential only discursively – preserved and reiterated as a political ideal while undermined by the very military and social elites which gave it a plerhetorical praise but discarded it at will.

Nominal Abbasid rule ended with the Mongol invasion of Baghdad in 1258, and for the next three centuries, their former domains were divided among a variety of polities. Among the most consequential long-term developments was the gradual separation of the eastern parts of the Islamic lands (roughly present-day Iraq to Afghanistan and northern India, including Central Asia) from Egypt, Syria and the Maghrib. The divide was reinforced in the early modern period with the establishment of the Ottoman rule over much of the Arabic speaking world and Anatolia, and the Safavid empire in the eastern, Persianophone zone.

It would be a mistake to assume that the political and intellectual elites of the era were merely sleepwalking into a new world. The intellectual record preserves a fierce debate among competing conceptions of legitimate rule and good governance, often linked to varying theologies of what was conceived as true “Islam.” At stake was salvaging the authority of a rudderless empire. What brought the scholars, mystics, clerics, and politicians together was the realization that the polity would not hold without an overarching Islamic umbrella that could potentially resolve the latent tensions between incompatible logics of authority.

Most of the texts collected in this section engage with the definition of a proper Islamic polity in an age of fracture. Religiously inflected political language, or secularity, was the hallmark of premodern thought about good rule. An unspoken political

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concept, secularity is often nestled in debates on the *adab* (etiquette/manner) of religion's engagement with politics. The twinning of religion with kingship, a perennial in premodern literature on political thought from the Islamic world, is a locus classicus for elaborations on secularity. As are discussions of effective rule that refract the contours of secularity. While the good ruler is ipso facto pious, the scaffolding of good rule rests on several parameters, many of which are only remotely connected to piety. Ultimately, the true measure of good rule is procuring the common good.

The intricate imbrication of effective rulership with secular virtues is found in al-Māwardī's (d. 1058) treatise on the etiquette of religion and worldly affairs (text no. 4). Worldly prosperity rests on a religion willingly espoused by the people, an efficacious ruler, prevalent justice, widespread security, abundant wealth, and ubiquitous hope. Religion is a guarantor of order and prosperity in the world, yet a strong ruler who is feared by his people is more effective in preventing injustice than reason or religion. Al-Māwardī's advocacy for strong political rule for the betterment of human society is also echoed in al-Qarafi's (d. 1285) project of harmonizing the theoretical principles and substantive laws of the shari'a with an Islamic conception of the state, as pointed out by Rushain Abbasi. Al-Qarafi's strict boundary between the Prophet's divine mission and his capacity as a ruler is the cornerstone of a secular ethos of rulership measured by the ruler's ability to obtain coercive power and wield his authority to manage the worldly affairs of his people (text no. 6).

To the celebrated theoretician of societies, Ibn Khaldūn (d. 1406), political rule is similarly bifurcated from religious law, although the caliph is considered as a successor of sorts to the prophet. Rules and regimes of governance established by political thinkers and the elite forge reason-based politics and those decreed based on the revealed law conjure up a religion-based politics (text no. 9). The prominent litterateur al-Tawḥīdī (d. 1023) too subordinates the philosopher to the prophet to differentiate between them, although philosophy and revelation are both means to a transcendental truth. Although true, philosophy has nothing to do with religious law, and religious law, equally true, has nothing to do with philosophy. The former is the domain of investigation while the latter pertains to revelation (text no. 7).

Others elaborate on the distinctions between the religious sciences and other fields of knowledge. Saadia Gaon (d. 942) writes on the compatibility of religious law with the precepts of logical thinking. While the rules governing rituals of purity or the cleanliness or uncleanness of certain food items may appear, on the first glance, as arbitrary and disparate, they present, in fact, a coherent moral vision that aims to edify the human soul and enjoys other utilitarian benefits as well (text no. 1). Equally rationalist is the argument forwarded in al-Ghazali's (d. 1111) early 12th century compendium on Ash'arī theology, even though the matter of rulership is posited in the realm of jurisprudence rather than that of reason. While the good ruler enjoys a good number of qualifications, he concludes, reason dictates that the community settle for an imperfect candidate if no one is found to possess them all (text no. 5).

In more conventionally political literature such as mirrors for princes, the requisites of good rule – including flexibility, knowledge, and vigilance, as well as the inclination to heed the advice of knowledgeable trusted men – are praised alongside the piety and probity of the ruler. The vizier Niẓām al-Mulk (d. 1092) exhorts the ruler to justice and vigilance, liberality, and prudence, but at the same time, it is Islam itself that ultimately delivers the tools – material and moral – that procure the common good for the ordinary subjects (text no. 3). The Ziyārid prince Kay Kā’ūs b. Iskandar (d. after 1090) attends directly to that which distinguishes transcendent truth and theology from lived religion, or the lifeworld of clerics and jurists. In describing the minutiae of a religious vocation, the prince differentiates the duties of a judge from those of a preacher and instructs his son to implement the revealed law with caution and moderation and to exercise reason in its interpretation (text no. 2). Yusuf Khāṣṣ Ḥājib’s (d. 1077) mirror in rhyme twines wisdom with good fortune to offer an antidote to fate as well as a template for good rule that is explicitly distinguished from piety and religious commitment. To achieve stable rule or gain the favor of fortune in medieval parlance, the king is advised to seek edification and abide the laws of reason (text no. 8).

Procuring the common good is at the heart of the two anonymous mid-seventeenth century Ottoman treatises on good rule, “Kitāb-i Maṣāliḥi’l-Müslimīn ve Manāfi’i’l-mü’minīn” and “Kitāb-i Müstaṭâb”, that conclude the section. The first is an elaborate eulogy on the demise of proper religious leadership, lamenting the corruption and greed that holds sway among the religious classes and has eroded the moral fibre of Ottoman society and undermined public interests (text no. 10). In the second, the net is expanded to include politicians as well, whose proclivity to bribery and debauchery is blamed for the deficiencies that plague the Ottoman state and demoralize the populace (text no. 10).

# 1 Sa'adiah ben Yosef Gaon: *The Book of Beliefs and Opinions* (933)

Introduced by Menachem Lorberbaum

## Introduction

Sa'adiah ben Yosef Gaon (known in Arabic as Sa'īd b. Yūsuf al-Fayyūmī), was a native of Fayyum, Egypt and died in Baghdad in 942. At the height of his career, he headed the college (yeshivah) in Sura, a district of Baghdad at the time. Sa'adiah played a prominent role in the cultural reframing of Rabbinic Judaism in its shift from an Aramaic to an Abbasid/Arabic cultural milieu. In this effort he marshalled his linguistic abilities to translate the Pentateuch (and other books of the Bible) to Arabic. Indeed, Sura became a hub of innovation in Hebrew poetry, and its scholars pioneered the practice of incorporating philosophical theology, *kalām* in Arabic, in theoretical reflections on the Torah. Sa'adiah's tenure at Sura was marked by this multitudinous project of acculturation. Many of his innovations touched upon the very authority of rabbinic law in the interface with its Jewish Karaite opponents, as well as the contested hierarchies of authority in internal rabbinic debates. In more than one way, Sa'adiah crafted a theological turn in rabbinic Judaism and learning – one cognizant of the centrality of science and the burgeoning scientific community and shaping the theoretical toolbox not only of successful apologetics, but also of the theoretical second order, that is reflections on the religious significance of the halakhic way of life.

His major philosophical contribution is *The Book of Beliefs and Opinions* (*Kitāb al-Amānāt wa l-i'tiqādāt*) completed in 933, an excerpt from which is reproduced below. There Sa'adiah investigates the question of the rationality of the law, arguing that the principled rationality of most moral norms is inseparable from the very perfection of the law as divine. It therefore must be differentiated from the range of ritual laws expressive of divine authority and human submission so that it may ensure the integrity of laws that are indifferent to morality yet obligatory to the believer.

At the same time, the very distinction may provide a powerful argument for the precedence of morality over law, a step beyond Sa'adiah's explicit interest. To the extent that any interpretation of revelation depends on discerning right from wrong, it follows that moral rectitude cannot be forfeited without compromising the ability to comprehending the law and understanding what revelation seeks from us human beings.

Page references in the translation refer to Landauer's critical edition of Sa'adiah's Arabic original, published in 1880.

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## Translation Adopted from Samuel Rosenblatt

Inasmuch as all matters of religious belief, as imparted to us by our Master, can be attained by means of research and correct speculation, what was the reason that prompted [divine] wisdom to transmit them to us by way of prophecy and support them by means of visible proofs and miracles rather than intellectual demonstrations?

To this question we should like to give, with the help of God, exalted be He, an adequate answer. We say, then, [that] the All-Wise knew that the conclusions reached by means of the art of speculation could be attained only in the course of a certain measure of time. [p. 24/25] If, therefore, He had referred us for our acquaintance with His religion to that art alone, we would have remained without religious guidance whatsoever for a while, until the process of reasoning was completed by us so that we could make use of its conclusions. But many a one of us might never complete the process because of some flaw in his reasoning. Again, he might not succeed in making use of its conclusions because he is overcome by worry or overwhelmed by uncertainties that confuse and befuddle him. That is why God, exalted and magnified be He, afforded us a quick relief from all these burdens by sending us His messengers through whom He transmitted messages to us, and by letting us see with our own eyes the signs and the proofs supporting them about which no doubt could prevail and which we could not possibly reject. Thus He said: “Ye yourselves have seen that I have talked with you from heaven” (Exod. 20:19). Furthermore He addressed His messenger in our presence, and made it an obligation to believe him forever, as He said: “That the people may hear when I speak with thee, and may also believe thee forever” (Exod. 19:9).

Thus it became incumbent upon us immediately to accept the religion, together with all that was embraced in it, because its authenticity had been proven by the testimony of the senses. Its acceptance is also incumbent upon anybody to whom it has been transmitted because of the attestation of authentic tradition, as we shall explain. Now God commanded us to take our time with our speculation until we would arrive thereby at these selfsame conclusions. We must, therefore, persevere in this stand-

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point until the arguments in favor of it have become convincing for us, and we feel compelled to acknowledge God's Torah [that has already been authenticated] by what our eyes have seen and our ears have heard.

So, then, even if it should take a long time for one of us who indulges in speculation to complete his speculation, he is without worry. He who is held back from engaging in such an activity by some impediment will, then, not remain without religious guidance. Furthermore women and young people and those who have no aptitude for speculation can thus also have a perfect and accessible faith, for the knowledge of the senses is common to all men. Praised, then, be the All-Wise, who ordered things thus. Therefore, too, dost thou often see Him include in the Torah [p. 25/26] the children and the women together with the fathers whenever miracles and marvels are mentioned. [ . . . ]

It behooves us also to believe that even before the era of the children of Israel, God never left His creatures without a religion fortified by prophecy and miraculous signs and manifest proofs. Whoever witnessed the latter in person was convinced of their authenticity by what he had perceived with his sense of vision. He, again, to whom it was transmitted, was convinced by what he had grasped by means of his sense of hearing. Thus the Torah says about one of these [who lived before the rise of a Jewish nation]: "For I have known him, to the end that he may command his children" (Gen. 18:19). [ . . . p. 26–115 . . . ]

### Chapter 3 on Commanding and Forbidding

Now it is fitting that I proceed first to the discussion of the rational precepts of the Torah. I say, then, that divine Wisdom imposed a restraint upon bloodshed among men, because if license were to prevail in this matter, they would cause each other to disappear. The consequence would be, in addition to the pain experienced by the victims, a frustration of the purpose that the All-Wise had in mind with regard to them. For their murder would cut them off from the fulfilment of the function for which He had created them and in the execution of which He had employed them.

Furthermore [divine] Wisdom forbade fornication in order that men might not become like the beasts with the result that no one would know his father so as to show him reverence in return for having raised him. [Another reason for this prohibition was] that the father might bequeath [p. 115/116] unto his son his possessions just as the son had received from his father the gift of existence. [A further reason was] that a human being might know the rest of his relatives, such as his paternal and maternal uncles, and show them whatever tenderness he was capable of.

Theft was forbidden by [divine] Wisdom because, if it were permitted, some men would rely on stealing the others' wealth, and they would neither till the soil nor engage in any other lucrative occupation. And if all were to rely on this source of livelihood, even stealing would become impossible, because, with the disappearance of all property, there would be absolutely nothing in existence that might be stolen.

Finally, [divine] Wisdom has made it one of its first injunctions that we speak the truth and desist from lying. For the truth is an assertion about a thing as it really is and in accordance with its actual character, whereas telling a lie is making an assertion about a thing that does not correspond to what it really is or to its actual character. Then when the senses, perceiving it, find it to be constituted in one form whilst the soul, reasoning about it, asserts that it is constituted otherwise, these two contrary views set up in the soul will oppose each other, and, on account of their mutual exclusion, the thing will be regarded by the soul as something grotesque.

Let me say next that I have seen some people who are of the opinion that these four principal vices that have been listed above are not at all objectionable. Only that is objectionable in their view which causes them pain and worry and grief, whilst the good is what affords them pleasure and rest. This thesis will be refuted by me at considerable length in the fourth treatise of this book, in the chapter on "justice." I shall, however, cite a portion of that refutation here. [ . . . ]

I say, then, that the slaying of an enemy is an act that gives pleasure to the slayer but pain to the slain. Likewise, the taking of another man's possessions or his wife gives pleasure to the robber but pain to the robbed. In the opinion of those who hold this view, however, each of these two acts would have to be regarded as wisdom and folly at one and the same time – as wisdom because it affords pleasure to the murderer or the thief or the adulterer, and as folly because it inflicts pain on his opponent. Now, any theory that leads to such internal contradiction and mutual exclusion must be false. In fact, there are instances in which two such contrary things can both befall one and the same person, [p. 116/117] as when he eats honey into which some poison has fallen. This is something that gives pleasure and also causes death, and would consequently, according to their theory, have to be considered as wisdom and folly at one and the same time.

Let me proceed further now and discourse about the second general division of the laws of the Torah. This division consists of acts which from the standpoint of reason are optional. Yet the Law has made some of them obligatory and others forbidden, and left the rest optional as they had been. They include such matters as the consecration of certain days from among others, like the Sabbath and the festivals, and the consecration of certain human beings from among others, such as the prophet and the priest, and refraining from eating certain foods, and the avoidance of cohabitation with certain persons, and going into isolation immediately upon the occurrence of certain accidents because of defilement.

But even though the chief reason for the fulfilment of these principal precepts and their derivatives and whatever is connected with them is the fact that they represent the command of our Lord and enable us to reap a special advantage [i.e., future-life], yet I find that most of them have as their basis partially useful purposes. I see fit, therefore, to note some of these motivations and discuss them, although the wisdom of God, blessed and exalted be He, is above all that.

Now among the benefits accruing from the consecration of certain seasons, by desisting from work on them, there is first of all that of obtaining relaxation from much exertion. Furthermore, it presents the opportunity for the attainment of a little bit of knowledge and a little additional praying. It also affords men leisure to meet each other at gatherings where they can confer about matters of their religion and make public announcements about them, and perform other functions of the same order.

Some of the benefits accruing from consecrating a particular person from among others are that it makes it possible to obtain more knowledge from him and to secure his services as an intercessor. [It] also [enables him] to imbue his fellow men with the desire for righteousness so that they might thereby attain something like his own eminence. Finally [it permits him] to concern himself with the moral improvement of humanity, since he is qualified for such a task, and other things of this nature.

Among the advantages, again, that result from the prohibition against the eating of [only] certain animals is the prevention of any comparison between them and the Creator. For it is inconceivable that God would permit anything resembling Him to be eaten or, on the other hand, that [the eating of such a being] could cause defilement to man. This precept also serves to keep man from worshipping any of these animals, since it is not seemly for him to worship what has been given to him for food, nor what has been declared unclean for him.

As for the advantages accruing from the avoidance of cohabitation with certain women, [p. 117/118] those derived from observing this ruling in regard to a married woman are such as we have stated previously. As far as the mother, sister, and daughter are concerned, since the relationship with them is necessarily intimate, the licence to marry them would encourage dissoluteness on their part. There exists also the danger, if this were permitted, that men would be fascinated by those of their female relatives who have a beautiful figure, while those possessing homely features would be spurned even by strangers, since the latter would see that the male relatives [of these women] do not desire them.

Some of the benefits accruing from the observance of the laws of uncleanness and cleanliness are that man is thereby led to think humbly of his flesh, that it enhances for him the value of prayer by virtue of his being cut off therefrom for a while during the period of defilement, that it endears to him the Temple which he was prevented from entering in the state of impurity, and finally that it causes him to dedicate his heart to the fear of God.

Similarly, if one were to follow up most of these revealed precepts, one would discover that they are, to a large extent at least, partially justified and possess much utilitarian value, although the wisdom and the view that the Creator had in mind in decreeing them is far above anything that men can grasp, as Scripture says: "For as the heavens are higher than the earth, so are My ways higher than your ways" (Isa. 55:9).

# 2 'Unşur al-Ma'ālī: A Mirror for Princes (ca. Mid-late 11th Century)

Introduced by Neguin Yavari

## Introduction

Kaykāvūs b. Iskandar b. Qābūs b. Vushmgīr, known as 'Unşur al-Ma'ālī, was a prince of the Āl-i Ziyār ruling family (931–ca. 1090) that held sway in the Caspian coastland of Ṭabaristān, corresponding loosely to the modern Iranian province of Mazandaran. Their independence came to an end in the first half of the eleventh century, after suffering defeat first at the hands of the Ghaznavīs (977–1186) and in 1041, the Saljūqs (1040–1194). Our author was born in 1021 and is believed to have died in the last decade of the eleventh century. In 1082, sixty-three years old, he wrote *Qābūs-nāma*, a testament for his son Gilānshāh.<sup>1</sup> In the guise of advice on a variety of professions, 'Unşur al-Ma'ālī expounds on the pursuit of the good life, including preparations for the hereafter. The testament opens with the customary tribute to God and to his unicinity (*tawhīd*), followed by a brief description of the requisites of religion and a foray into morality, and then concentrates on the demands, rewards, and disadvantages of a variety of professions, including the religious sciences.

The inclusion of the religious vocation in a long list of potential professions itself refracts a distinction between the worldly duties of a cleric or a jurist and the transcendent purview of religion. It is further inflected by 'Unşur al-Ma'ālī exhortation to his son to temper the occasional harshness of the revealed law, and exercise reason in the derivation of positive law. The judge's verdict is regarded as that of the revealed law, he writes, so the jurist must be sufficiently well-versed in it to conduct his own interpretation. A rather mundane set of prescriptions, including paying attention to one's outward appearance, propriety, avoiding bribes, a pleasant countenance, and seriousness of purpose are complemented by an invitation to go beyond the letter of the law or even around it when necessary, as exemplified in the anecdote which valorises the testimony of a tree in the resolution of a lawsuit. Instructive as well is the contrast between requirements of judgeship and preaching, as Amin Banani has suggested. Whereas the judge is described in soberest terms, the profile of the preacher is pure satire without

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<sup>1</sup> For more on *Qābūs-nāma* and its author, apart from Ghulam Husayn Yusufi's "Introduction", see de Bruijn, J.T.P. de, "Kaykāvūs b. Iskandar," *Encyclopaedia Iranica Online*, [http://dx.doi.org/10.1163/2330-4804\\_EIRO\\_COM\\_10466](http://dx.doi.org/10.1163/2330-4804_EIRO_COM_10466).

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meaning to be. The difference is not meant to be a caricature, but a subtle sociological differentiation of roles of religion in different social contexts.<sup>II</sup>

The disparate subjects of ‘Unşur al-Ma’ālī’s mirror, which apart from the proper conduct of state, of the household and the self – i.e., politics, economics and ethics in Aristotelean terms – include as well, love, sex (*tamatu*), and choosing well in marriage reveal veiled strategies of circumventing or even subverting the revealed law – the equality established elsewhere in the text of women and lads (*ghilmān*) as objects of desire, platonic and sensual is one example.<sup>III</sup> In sum, the author’s viewpoint is one of amused accommodation, that is to survive in the world by hook or by crook (hence its encyclopaedic coverage of professions) through a pragmatically humane approach which condones getting away with murder but not harming others. To this medieval prince, half of the fun in the world is in twisting and bending religious rules for the sheer fun of it and all expressed in an elegant but light-hearted way.

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Original source: Unşur al-Ma’ālī Kaykāvvūs b. Iskandar b. Qābūs b. Vushmgīr b. Ziyār, *Qābūs-nāma*, ed.

Ghulam Husayn Yusufi (Tehran: 1966, 6th printing, Shirkat Intisharat ‘Ilmi Farhangi, 1992); 157–65.

Reuben’s translation has been annotated and revised by Nequin Yavari. Page breaks refer to the original source.

## Translation Adopted from Reuben Levy

### Chapter 31, On the Religious Vocation (*ṭālib-i ‘ilmī*), Judgeship (*faqīhī*) and Judges (*fuqahā’*)

You will remember, my son, that earlier in my discourse I said that I would give some account of various professions (*pīshah*). By profession I do not mean merely shop keeping, for every form of work which men undertake is regarded as a profession.

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<sup>II</sup> Amin Banani, “Conversion and Conformity in a Self-Conscious Elite,” in *Individualism and Conformity in Classical Islam*, ed. Amin Banani and Speros Vryonis Jr. (Wiesbaden: Otto Harrassowitz 1977), 19–31, at 29.

<sup>III</sup> Lutz Richter-Bernburg, “Plato of Mind and Joseph of Countenance: The Notion of Love and the Beloved in Kay Kā’ūs b. Iskandar’s *Andarz-nāma*,” *Oriens* 36 (2001): 276–87, at 280.

Whatever the trade, it is necessary to be well acquainted with its practice in order to derive advantage from it. In my view there is no trade or employment followed by human beings which is without its traditional system and methods; for all require to have their regulations.

The number of professions is very large and to expatiate on each separately impossible, since otherwise my book would become excessively long and be diverted from its original plan. Now whatever the quality of a profession, it must fall into one of three categories, namely, a science linked with a craft, a craft linked with a science or a craft existing independently. Of the science linked with a craft, examples are: geometry, medicine, surveying, versification and the like; of the craft linked with a science, examples are: musicianship, the veterinary art, architecture, the construction of underground irrigation channels<sup>1</sup> and the like. [p. 157/158] Each has its own subject-matter, even though you may be a master in other respects, in that respect you are no better than a poor slave.

The professions which are specifically so called need no further description, but I will set out the substance of each as far as is practicable, for you may one day, through an accident of fate or the vicissitudes of fortune need that knowledge and at that time of need, you will need to know the secrets of each. Or you may remain the prince that you are, and never need such knowledge, but even princes are obliged to know the science of professions (*ilm-i pīshah-hā*).

You must realize, my son, that you will never reap the benefits of any science except the science of the hereafter. For if you wish to derive any benefits from worldly science, you will not be able to do so except by mixing it with some guile and legerdemain. In the science of divine law, if you do not indulge in judging, probating, homiletics or preaching no worldly profit will accrue to the man of learning. Consider astronomy, which if not sullied with calendar making, horoscope production, and fortune telling, will not bring any worldly profit to the astronomer. Similarly with medicine, as long as there is no manipulation, quackery or prescribing bogus placebo remedies, the physician is unable to earn a livelihood. So as well in the case of the loftiest of the sciences, which is the science of religion, the principles (*uṣūl*, theory) of which are the ladder to unity of God (*tawhīd*) and its derived laws (*furū*) are the commands of the divine law, and its falsehood (*makhraq*, fraudulent trick) is worldly gain. Therefore my son, you should attend to the science of religion as much as possible, so that you may gain both worlds, and should you succeed first master the principles and then the derived laws, for the latter without the former is but imitation.

If on the basis of what I have recounted of the professions, you choose to be a student of religion (*tālib-i 'ilm*), you must be chaste, contented, the friend of learning and the foe of worldliness, patient, light of spirit, accustomed to retiring late and ris-

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<sup>1</sup> NY: *Kārīz*, Arabic *qanāt*, underground channel that carries fresh water from an elevated source in the mountains to an opening at a lower altitude for the purposes of irrigation – a perfect solution in a region with an abundance of mountains; <https://www.bbc.com/travel/article/20180619-irans-ancient-engineering-marvel>.

ing early, avid of writing and study, unassuming, untiring in work, retentive and constant in repetition of the principles of theology, [p. 158/159], eager in investigating the biographies and delving into mysteries, seek the company of scholars and hold them in respect. In learning you must be eager and insatiable and cognizant of the debt you owe your teachers. Your riches must be in books and pamphlets, pens, pen holders, inkwells and pen sharpening knives and similar articles. Your mind should dwell on nothing else. Retain in memory all that you hear, but speak little and think deep, and never be content with imitation, for every seeker of knowledge who is endowed with these qualities will swiftly become the unrivalled paragon of his age.

And if you become a jurisconsult (*mufti*),<sup>II</sup> be practicing, be assiduous in study and in memorizing the Qur'an, and perform the duties of worship, prayer, and fasting, and do not be duplicitous. Be pure in your religion, clean of raiment and ready of answer. Yet pronounce no decision on any matter until you have considered it well. Do not consent to take action where proof is inadequate or merely on your own precedent, nor blindly follow the example of others. Set a high standard for your own judgement and never be content with a few attributions or points of view. Trust only reliable sources, and do not consider every book or pamphlet/chapter as deserving respect.

When you hear a tradition (*riwāya*)<sup>III</sup> recited on the authority of the Prophet scrutinize the transmitters, do not accept a doubtful tradition from a recognized transmitter, and do not rely on uncorroborated accounts (*āḥād*)<sup>IV</sup> unless the transmitter is reliable, and do not evade a well-established tradition (*mutawātir*) that is corroborated by multiple reliable transmitters. Exert your faculties in the elucidation of points of law, but exercise no partiality and make no prejudiced utterance. When you engage in discussion, evaluate your opponent, if you have the wherewithal to defeat him in argument, then pose the questions you wish. Otherwise, shorten the conversation and focus only on a single point. Refrain from making a positive statement and countering it in a single syllogism,<sup>V</sup> so that the first part does not upend the last. If the discussion pertained to legal matters, prioritize the Qur'anic text to an account of tradition (*khābar*), and the precedence of tradition over inference (*qiyas*) and probability. In a discussion of jurisprudence, positive, negative, impossibilities and probabilities should not be lumped together – strive to make your meaning clear, present your case cogently, neither cryptic [p. 159/160] nor verbose language, and say nothing which is without value.

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II NY: Muftis are scholars who specialize in Muslim legal-religious interpretation. While their method is structurally similar to scriptural interpretation, they are worldly interpreters who address practical life problems posed by judges or lay questioners; see Brinkley Messick, "The Mufti, the Text, and the World: Legal Interpretation in Yemen," *Man* [N. S.] 21, no. 1 (1986): 102–19.

III NY: *Riwāya*, here meant as hadith, a record of a tradition or saying of Muhammad, relied on and revered as a source of law and moral guidance.

IV NY: Hadith quote by only one trustworthy authority.

V NY: *Ṭard wa 'aks*, literally the logical notion of "co-extensiveness and co-exclusiveness" according to Josef Van Ess; see his "The Logical Structure of Islamic Theology," in *Logic in Classical Islamic Culture*, ed. G. E. Von Grunebaum (Wiesbaden: Otto Harrassowitz, 1970), 21–50.

Should you become a preacher (*mudhakkir*) commit the Qur'an to memory and many other things as well, never engage in disputation or debate from the pulpit, except against a weak adversary. But you may make any statement you wish from there, and if anyone should ask questions, it makes no matter. Make your language eloquent and know that your audience are all stupid brutes, say what you want so that you may avoid being at a loss for words. You yourself must be immaculate in person and raiment, but gather for yourself a group of mindless disciples to sit among the audience and applaud loudly at every point you make, to keep the assembly warm. If the people in your audience cry, you too should shed a tear from time to time. Should you ever be at a loss for what to say, let it not trouble you; engage in prayer and recital of the creed. Never be dour or cold in your speech, otherwise your audience may become as heavy of spirit and dour as yourself, in accordance with the Arabic proverb that "What issues form the ponderous is itself ponderous."

During your discourse be animated, and do not suddenly in the midst of a lively speech fall into listlessness. Study your audience constantly; if it demands wit, speak wittily; if stories, tell stories; for you do not know what the public like. Once you have won success, fear nothing; offer the worst discourse as though it were the best of all things, for when you are successful with the audience they will eagerly accept it. Yet even when you are successful exercise some caution, for the preacher's adversaries appear when he is most successful. Avoid situations where you fail to find success. When faced with questions, reply to those to which you know the answer; but where you do not know the answer, retort: "Such questions are not suited for the pulpit; come to my house, so that I can answer you." No one will ever to your house for this purpose. If they insist and write you frequent questions, [p. 160/161] tear up the papers and say, "This is the kind of question put by misbelievers (*mulhidān*) and heretics (*zindīqān*); the questioner is a heretic." Everyone will call out, "Curses be upon the heretic and upon the misbeliever!" and thereafter no one will have the audacity to ask you such questions.

Memorize the sermon you give to an audience so as not to repeat it, you should always be a fresh face. Do not linger for long in any one city as the livelihood of preachers and fortune-tellers depends upon their legs and their success upon the unfamiliarity of their faces. Cherish the preacher's honor (*nāmūs*) and keep your person and raiment spotless and perform the commerce in religion regularly and wholeheartedly through supererogatory prayers (*taṭawu'*) and fasting. Be warm in your speech and make yourself scarce in the bazaar so that the public will like you.

Avoid unworthy associates and abide by the exigencies of the pulpit; I have mentioned this rule elsewhere. Keep your distance from haughtiness, lies, and bribery, and bid men to do only those things which you do yourself so that you may be a just man of religion (*'ālim-i munṣṣif*). Prize knowledge and expound that which you know with the most eloquent phrases so that you may not be shamed through meaningless words. In your discourses and sermons let all your utterances inspire either fear or expectation, but never allow your audience to despair completely of God's mercy, nor yet unflinchingly admit them to Paradise without regard to their probity. Speak on those



matters in which you are properly versed and of which you have a good knowledge, for the result of unsubstantiated exhortation (*da'wa*) is disgrace.

Should you achieve high distinction in your learning and become a judge, then be like judges forbearing and gentle, also quick-witted, discerning, of good judgment, perspicacious understanding of human nature, [p. 161/162] politically astute, profound in religious knowledge, and well-versed in the customs and the deceits of different classes and the organization of every creed (*madhhab*) and sect (*firqa*). You must be acquainted with the expedients open to judges, so that if an aggrieved person should appear for justice, having no witnesses and in danger of being victimised or of being deprived of what is lawfully due to him, you may come to his aid and by some contrivance or subterfuge convey to every possessor of a just claim what is duly his.

Anecdote. There was in Ṭabaristān a chief judge (*qādī al-quḍāt*) by the name of Abū al-Abbās Rūyānī. He was a person of distinction, endowed with learning and dignity, far-sighted and prudent. One day a man appeared in his court with a claim against another person for a hundred dinars. The judge questioned the defendant, who denied the debt; whereupon the judge asked the claimant if he had any witness. When he replied that he had not, the judge proposed to administer an oath to the defendant. At this the claimant burst into tears and appealed to the judge not to let the man swear an oath, because he would not scruple to swear falsely. "I cannot," said the judge, "go outside the provisions of the law. You are under an obligation to produce a witness, otherwise I must administer an oath to him." The claimant groveled in the dust before the judge. "I claim your protection," he cried, "I have no witness. He will swear a lying oath and I shall be deprived of justice. Devise some way of furthering my cause!" The judge saw the man's distress and knew that he was telling the truth. "Master," he said, "relate to me in exact terms the circumstances in which you gave the loan, so that I may understand the problem." The aggrieved said, "May the judge live a long life. This man was for several years my friend. It chanced that he fell in love with a slave-girl (*parastār*),<sup>VI</sup> whose price was a hundred and fifty dinars. But he had no money, [p. 162/163] and like other people distracted with love he went about day and night weeping and moaning.

One day he and I gone walking together for recreation into the open country. We sat down for a while and his man talked of the girl, weeping bitterly. My heart was so touched – he had been my friend for twenty years – that I said, 'My dear friend, you do not have this sum and I don't either, and you know that nobody who will come to your aid in a situation of this kind. However, I have, as the whole of my saving, the sum of a hundred dinars, which I have been gathering for years. I will give you these hundred dinars and you must by some method or other contrive to acquire the rest. With that sum buy the girl, keep her for a month and enjoy your pleasure with her,

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VI NY: *Parastār*, lit. caregiver, housekeeper, nurse in modern usage, elsewhere in the text the more common *kanīzak* is used for slave-girl.

then sell her and pay me back.' The man threw himself on the ground and swore many oaths that he would keep her for a month and then sell her to pay me back, even if at a loss. Thereupon I unloosed the money from my girdle and gave it to him. The only ones present were he and I and God Almighty. And now four months have passed and I have not seen my money, nor will he sell the slave-girl. "Where were you sitting, asked the judge, "at the moment when you gave him the money?" He answered: "Under a tree." The judge said, "Since you were sitting under a tree, why did you tell me that you had no witness?" He told the defendant to stay put and to the claimant he said, "Do not worry. Go to that tree; under it bow down twice in worship and call down blessings to the Prophet a hundred times then tell the tree that the judge wishes it to come and give evidence." The defendant smiled at this. The judge saw him doing so but kept the matter to himself. The claimant said, "O Judge, I fear the tree will not come at my bidding." To this the judge answered, "Take this seal of mine; tell the tree that it is the judge's and that he desires that it [the tree] will come [p. 163/164] before him and give testimony as in duty bound." Thereupon the claimant took the judge's seal and departed, with the defendant seating himself before the judge, who now busied himself with his other cases, all the time keeping an eye on the defendant. Suddenly and unexpectedly, in the middle of a case he was deciding, he turned to him and asked, "Can So-and-so have arrived there?" "Not yet," said the man, and the judge continued with the case.

The claimant meanwhile had displayed the judge's seal to the tree and told it that the judge required its presence. When he had waited a little while and began to realize that he would receive no answer from the tree, he sorrowfully returned into the presence of the judge, and reported that he had presented the seal but that the tree had not come. "You are wrong," retorted the judge. "The tree came and gave testimony." Turning to the defendant he said, "Give the man his money or I will sell the slave-girl and give him the sum" The man said, "O Judge, no tree has come since I have been sitting here." The judge said, "You are right, the tree did not come, but if you did not receive this money from him under that tree, why did you not say what tree when I asked you if the man had reached the tree yet. I do not know where he has gone." He exacted the money from him, and restored it to its rightful owner.

Not all decisions, therefore, should be made from books. Inferences may be drawn and devices invented on one's own initiative. In addition, you should be extremely unassuming at home, yet in a court of law you should be unapproachable, stern-faced and unsmiling, dignified, of few words, but never weary of listening to argument or of making decisions. And never display impatience, but be forbearing; if a problem occurs, do not be content to rely upon your own judgement, but seek advice of the jurisconsults (*muftiyān*) also. Keep your judgement unclouded and never rest from studying religion and problems of creed. As I mentioned earlier, put your practical experience to use, [p. 164/165] for in the work of the revealed law (*shari'a*), the judge's verdict is equivalent to the verdict of the revealed law, and there are many harsh judgments in the revealed law (*shari'a*) that are tempered by the judge,

and that is permissible because the judge is a qualified interpreter (*mujtahid*). So, the judge must be knowledgeable and a qualified interpreter, he must be a jurist (*faqih*) and self-controlled, for there are certain times at which he should refrain from sitting in judgement: when hungry or thirsty, on just emerging from a bath, when distressed or distracted with a worldly concern (*andīshah-i dunyāwī*). He needs to have competent clerks and not allow people to interject comments or tell their side of the story when the court is in session, for the judge's duty is to pass judgement, not to make investigation (and many an inquiry were better not made). He should be brief in his discourse and turn quickly to the witnesses and the administering of oaths.

In cases where he knows that large sums are at stake and the parties unscrupulous, he may bring to bear any form of investigation and examination possible. He must neglect nothing and assume nothing to be simple and should always have competent assessors with him. It behoves him always to keep his authority effective and firm. He should refuse to write deeds and decrees in his own hand, except where it is essential, for he should regard his script as something rare and valued. Let him have his decisions registered.

Should you not make this your vocation nor yet follow the military profession, then take the path of commerce, from which you may perhaps derive profit, as whatever accrues from trade is lawful (*halal*) and lauded by all.

# 3 Nizām al-Mulk: *Rules for Kings* (ca. 1080)

Introduced by Neguin Yavari

## Introduction

Nizām al-Mulk was a celebrated vizier and stalwart figure of power and authority in medieval Islamic society. For thirty years he was the *de facto* ruler of the vast Saljūq empire (1040–1194), leaving his imprint on every facet of society, especially during the reign of Malikshāh (r. 1073–92). An important part of his enduring legacy is a book of advice, *Siyar al-mulūk* (The ways of kings), composed near the end of his life, which can be summed up as a many-faceted exposition on the art of government and the means of preserving the state, both of which are in turn made contingent on good counsel and a prudent vizier.

One telling anecdote in *Siyar al-mulūk* features a wronged man for whom justice was recovered by a humble tailor in Baghdad. The tailor was well known for his unfettered access to the caliph, the Abbasid al-Mu'taṣim (r. 833–842) in Nizām al-Mulk's version. Having successfully intervened on the wronged man's behalf, the tailor set out to explain how his direct line to the caliph had come about.

Although the moral of this anecdote is multivalent, vigilance is the true hero of this tale. On the one hand, it is a clarion call for the Abbasid caliph to attend to his duties and protect Muslims from injustice. On the other hand, it glorifies vigilance, a staple requisite of good rulership as advised in mirrors for princes across the globe. It is vigilance that saves the king's throne by exhorting him to maintain an active presence in the affairs of government. But it is not the caliph that possesses vigilance. It is Islam that acts to right wrongs and deliver the common good, with the muezzin as the vessel through which Islam acts in history. The sovereign – caliphs and kings – are arms of the state; they act, or should act, to protect the people and promote the common good. But the sovereign both represents Islam and is accountable to it.<sup>I</sup> The purchase of justice, which promotes the common good, is the upholding of Islam. On the discursive plane, rather than a formal division of religion and politics into two bodies characteristic of medieval Christian literature,<sup>II</sup> the division in premodern Islam between politics and religion – the grammar of secularity – is informal and incorporeal.

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I Neguin Yavari, *The Future of Iran's Past: Nizam al-Mulk Remembered* (New York: Oxford University Press, 2018).

II Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton, NJ: Princeton University Press, 1957), 496–507; and Julia Smith, *Europe after Rome: A New Cultural History, 500–1500* (Oxford: Oxford University Press, 2005), 241–53.

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Hubert Darke’s translation has been annotated and revised by Nequīn Yavari. Page breaks refer to the original source.

## Translation Adopted From Hubert Darke

For the sake of justice and the common good (*maṣlaḥat-i khalq*) kings have always put in charge of affairs abstemious and God-fearing men who, [p. 56/57] being without self-interest, will on every occasion report on matters truthfully, as the Amīr al-Mū’minīn<sup>1</sup> al-Mu’ṭaṣīm did at Baghdad.

### Anecdote on Just Reward (*siyāsāt*)

And that was on this wise. Of the Abbasid caliphs none had such authority, such dignity, such profusion of wealth as al-Mu’ṭaṣīm; nor did any own as many Turkic slave soldiers (*bandah*) as he. They say he had 70,000 Turkic slave soldiers (*ghulām*); many of his slave soldiers he promoted and appointed to governorships. He always used to say there was none like the Turk for service.

One day an amir (military leader governor) summoned his steward (*wakīl*, lit. deputy) and said, “Do you know any of the denizens or merchants of Baghdad who would do business with me to the extent of five hundred dinars? I need that sum urgently and would give it back at harvest time.” The steward thought; he remembered a friend of his who had a small business in the bazaar and possessed six hundred caliphal gold dinars which he had acquired in the course of time. He said to the amir, “I have an acquaintance who has a shop in such-and-such bazaar, and from time to time I go to his shop and do business with him, he has got six hundred caliphal dinars. If you sent someone to invite him here, and if you placed him in a seat of honour, favoured him with constant attention, treated him with ceremony at dinner; and then

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I NY: Commander of the faithful, title favoured by Abbasid caliphs.

after eating, if you were to mention the financial matter, maybe he would feel abashed at your kindness and not be able to refuse." The amir did this; [p. 57/58] he sent someone with the following message, "Would you trouble yourself for a few moments, as I want to see you about something?" The man got up and went to the amir's house. He was not previously acquainted with this amir. He greeted him when he went in. The amir answered him and turned to his men, saying, "Is this the person?" They said, "Yes." The amir rose and had him ushered to a good seat. Then he said, "Sir, I have heard so much about your nobility, honesty and piety that I have been captivated by you without ever having seen you; they say that in all the bazaars of Baghdad there is no one of finer character or fairer business principles than yourself." He went on to say, "Why not discard ceremony and let me do something for you; I want you to regard this house as your own and treat me as a friend and brother." The man bowed at each thing the amir said; while the steward kept saying, "It is so – a hundred times so." After some time trays of food were brought in the amir placed the man next to himself and was assiduous in his attentions, constantly plying him with titbits.

The food was removed, they washed their hands and outsiders departed; only the amir's personal retainers remained. He turned to the man and said, "Do you know why I trouble you to come here?" He said, "The amir knows best." The amir said, "Know that in this city I have many friends who would not fail to carry out my slightest suggestion; if I were to ask them for five or ten thousand, they would give it at once without grudge, because they have profited much by doing business with me, and never suffered loss in any dealings or relations with me. At the present moment I am anxious that there should be friendship and informality between us. Although I have many creditors, in the present circumstances I would like you to assist me with a thousand dinars for four or five months. I will repay you at harvest time [p. 58/59] and present you with a suit of clothes for good measure; I know that you have this much and more, and will not refuse." The man was abashed at the amir's attentions and said, "It is for the amir to command; but I am not one of those merchants who have a thousand or two thousand dinars. One must speak nothing but the truth to one's superiors; my whole capital is six hundred dinars and with it I manage to scrape a living and do a little trade in the bazaar; it has taken much time and toil to accumulate this sum." The amir said, "I have plenty of fine [special standard] gold in my treasury, but it is unsuitable for my present purpose. My object in doing business with you is to gain your friendship. What profit do you get from your slender trade? Let me have the six hundred dinars and I will give you a receipt for seven hundred, witnessed by honourable persons, and a promise of payment at harvest time with a handsome present in addition," Meanwhile the steward was saying, "You have not got to know the amir yet; of all the pillars of the state (*arkān-i dawlat*) there is no one of stricter business principles than he." The man said, "It is for the amir to command. As much as I have I will not grudge." So he gave the amir the gold and took a receipt.

Ten days after the expiry of the term the man went to call on the amir. Verbally he made no request; he said to himself, "When the amir sees me, he will know that I have come for the money." He continued to visit the amir in this way until it was two months after the agreed date, and he had seen the amir ten times. The amir appeared not to understand that the man wanted anything or that he himself owed anything to the man. When the man saw that the amir kept silent, he wrote a petition and handed it to him; it said, "I now need that paltry sum of money, and it is two months after the agreed date. If the amir sees fit could he kindly advise his steward to deliver the money to his humble servant." The amir said, "Do you think that I have forgotten your case? Don't worry; be patient for a few days as I am arranging about your money; I will send it to you in a sealed purse by the hand of one of my confidants." [p. 59/60] The man waited another two months and saw no sign of his money. Once more he went to the amir's house and sent in another petition and also spoke personally. The amir put him off with a few pleasantries; and that man kept pressing his demand every two or three days, but without results. Then eight months passed from the due date.

The man was in distress. He persuaded people of the city to intercede for him; he went to the judge (*qāḍī*) and obtained a ruling [against him] (*ḥukm-i shar'*); there was not a single noble or grandee who had not spoken to the amir and interceded on the man's behalf. It had no effect. Even when he took fifty men from the judge's house, he was unable to bring the amir to court; nor did the amir listen to what the grandees said. Then a year and a half passed.

The man was desperate; he resigned himself to forgoing the interest and taking back a hundred dinars less than the full sum. But even that was no use. He abandoned hope of help from the nobles; and he was tired of running hither and thither. Instead he put his trust in God; he went into the Faqlūmand mosque and performed several *rak'ats* of prayer.<sup>1</sup> He murmured and moaned to God, saying, "O Lord, hear my prayer and restore me to my rights; extract justice from this oppressor." Now it chanced that a dervish was sitting in the mosque and heard his wailing and moaning. His heart was moved to sympathy; when the man had finished his supplications, he said, "O shaykh! What affliction has befallen you that you wail so loud? Tell me what it is." The man said, "My distress is such that it will not avail to speak to any mortal; only God (be He exalted) can succour me." He said, "Yet tell me, for there must be some reason." The man said, "O beggar, there remains only the caliph whom I have not spoken to. I have spoken to all the amirs and nobles, and I have been to the judge; but it has had no effect. If I tell you, what good will it do?" The dervish said, "You should tell me; even if it does you no good to tell me, neither will it do you any harm. Have you not heard what [p. 60/61] the sages say? – 'If you have a pain, you should tell everyone

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1 [translator's note 5 in the original] *Rak'at* is a cycle of prayers and prostrations, each of the five daily prayers consists of a prescribed number of *rak'ats*.

you meet; you may discover the remedy from the humblest of men.' If you tell me your case, maybe you will find some comfort, and even if you do not, you will be no worse off than you are now." The man said to himself, "He is right." Then, he told him what had happened.

When the dervish had heard the story, he said, "O noble sir, now that you have told me what your trouble is, a remedy has immediately presented itself. Don't worry, for if you do as I tell you, you will get back your gold this very day." The man said, "What am I to do?" He said, "Go at once to a certain quarter of the city where there is a mosque with a minaret; beside the mosque is a gate, and behind the gate is a shop. There is an old man sitting there, wearing ragged clothes and sewing canvas; one or two boys are also doing some sewing with him. Go into that shop and greet the old man; sit down in front of him and tell your story. When you have attained your object, remember me in your prayers. Do what I have told you without delay." The man came out of the mosque; he thought to himself, "Fancy! I appealed to all the nobles and amirs, and they earnestly pleaded on my behalf; but it was of no use. Now this beggar is directing me to a feeble old man and saying that I shall attain my object from him. This seems to me like a trick, but what am I to do? At all events I will go; even if no good comes out of it, things will not be any worse than they are at present." So he went to the gate of the mosque, entered the shop and, saluting the old man, sat down in front of him. Some time passed as the old man was doing some sewing. After putting it down he said, "Is there anything I can do for you?" The man told him his story from first to last.

After hearing all the circumstances the old tailor said, "It is God (to Him be power and glory) who orders the affairs of His servants. We can do no more than speak; so let me also speak to your debtor on your behalf. I hope that God will put things right and you will get what you want. Sit with your back to that wall [p. 61/62] and rest a while." Then he said to one of the two apprentices, "Put down your needles and go to the house of such-and-such amir. Sit outside the door of his private room, and if anyone goes in or comes out, ask them to tell the amir that a certain tailor's apprentice is waiting and has a message for him. When he calls you in, after greeting him, say, "My master sends his compliments and says that a man has come to him to complain against you; he has a receipt signed by you for seven hundred dinars, and it is now eighteen months after the due date. I request your forthwith to give the man his money in full and satisfy him completely without fail or delay." Bring me back his answer quickly."

The boy went in haste to the amir's house, while I was struck dumb with amazement, for no king would send his own slave (*bandah*) such a message as the tailor had just sent to the amir through the medium of a boy. After some time the boy came back and told his master, "I did as you said. I saw the amir and delivered the message. The amir got up and said, "Convey my greetings and respect to your master, and tell him that I thank him; I will do as he says. I am coming now bringing the money with me; I shall apologize for my fault and hand over the money in his presence." An hour had



not passed when the amir was on his way with a groom and two attendants. He dismounted from his horse, entered the shop and greeted the old tailor, kissing his hand. Then he sat down in front of him, took a purse of gold from an attendant and said, "Here is the gold. Please do not think that I was going to misappropriate this man's money. What happened was not my fault but my steward's." He apologized profusely, then said to an attendant, "Go and fetch an assayer (*ṣarrāf*) with a balance from the bazaar." He went and brought an assayer. The gold was assayed and weighed. It came to five hundred [p. 62/63] caliphal dinars. The amir said, "He should take these five hundred dinars from me today, and tomorrow when I return from the court, I will summon him and hand over another two hundred dinars to him. I will apologize for what had happened in the past and endeavour to win his approval in such a way that tomorrow, before the noon worship, he will come to you brimming with praise and thanks." The old man said, "Put these five hundred dinars into his skirt, and see that you do not go back on your word." He said, "Very well." He put the money into my skirt, kissed the old man's hand and departed; while I scarcely knew where I was for astonishment and happiness. I put out my hand, took hold of the balance and weighed out a hundred dinars; I laid them before the old man. He said, "What is this?" I said, "I was prepared to take back a hundred dinars less than the full amount; now that through your good offices I am going to receive my money in full, I freely grant you these hundred dinars as a reward for your efforts." The old man looked cross and frowned, saying, "I am content that as a result of what I said a Muslim found release from grief and trouble; but if I allowed myself to take one gain of your money, I should be a worse oppressor than your debtor. Arise and go in safety with the gold you have got and if he does not send you the other two hundred dinars tomorrow, let me know. Hereafter you had better know who your associates are before you do business with them." In spite of all my entreaties he would not take anything, so I got up and went joyfully back to my house. That night I slept free from care.

The next day I was sitting in the house, and about the middle of the morning someone came from the amir to see me and said, "The amir asks you to trouble yourself to visit him for a moment." I went to the amir's house. When I went in, he rose and put me in a seat of honour, he reviled his stewards, saying that they were to blame, and that he had been constantly busy in the service of the king. Then he said to his treasurer, "Bring the purse and the balance." He weighed out two hundred dinars and put them in my hands. [p. 63/64] I bowed and got up to go. He said, "Stay for a bit." Food was brought in. When we had finished eating and washed our hands, the amir whispered something in a servant's (*chākīr*) ear. The servant went out and came back with a robe of honour. The amir said, "Invest him," So they invested me with a cloak of great price and put a turban of fine linen on my head. Then the amir said to me, "Are you now genuinely satisfied?" I said, "Yes." He said, "Give me back my receipt and go this very hour to the old man and tell him that you have received your rights and obtained satisfaction from me." I said, "Certainly, and in any case he told me to report to him tomorrow." I rose and went from the amir's house to the tailor's

shop. I told him what had happened – how the amir had called me, and treated me well, and paid me the rest of the money, and presented me with the cloak and turban. I said, “I know that all this has come about through your good offices. How would it be if you accepted two hundred dinars from me?” Whatever I said he would take anything, so I got up and returned in good spirits to my own shop.

The next day I roasted a lamb and a few chickens, and took them with a plate of sweets and pastries to the old tailor. I said, “O shaykh, if you will not take money, please accept these few eatables with my best wishes; it is all from my legitimate earnings; I shall be very pleased if you will.” He said, “I accept.” He put out his hand and ate some of the food and gave some to his apprentices. Then I said to him, “I have one request to make, if you will permit me.” He said, “What is it?” I said, “All the nobles and amirs of Baghdad spoke to this amir on my behalf, and all without avail; he listened to nobody; even the judge was powerless to deal with him. Why did he listen to you and do what you said at once and give me my money? How did he come to have such respect for you? Please tell me.” He said, “Haven’t you hear what happened to me with The Commander of the Faithful?” I said, “No.” He said, “Listen and I will tell you.”

He began: “Know that I have proclaimed the hours of prayer from the minaret of this mosque for thirty years. I am a tailor by trade; I have never drunk wine, never indulged in adultery and sodomy, and never approved of improper acts. Now in this street is the house of an amir. One day after the afternoon prayer I left the mosque to come back to this shop; I saw the amir coming along in a drunken state, holding on to a young woman’s veil; he was dragging her by force and she [p. 64/65] was crying for help and saying, ‘O Muslims, rescue me; I am not a woman of this sort; I am the daughter of such-and-such and the wife of so-and-so, and my house is in a certain quarter; everyone knows of my chastity and virtue. This Turk is presumptuously and forcibly carrying me off with mischievous intent. Moreover my husband has sworn to divorce me if I am every away from the house at night.’ She was weeping and nobody went to her assistance, for this amir was too powerful and tyrannous; he had 5,000 horsemen, and nobody dared say anything to him. I shouted a bit, but it was useless, and he took the woman to his house. Thus frustrated, my religious ardour (*ḥamiyyat-i dīn*) was kindled and I could not restrain myself. I went and rallied the elders of the district, and we all went to the amir’s house and raised clamorous protests (*amr-i ma’rūf*), shouting, ‘Islam is no more, for in the city of Baghdad on the caliph’s doorstep women are presumptuously and forcibly seized in the street, carried off and raped. If you send this woman outside, well and good; but if you not, we shall go at once to al-Mu’taṣim’s court and complain.’ When the Turk heard our clamour, he came out of his house with a party of pages who beat us well and truly and broke our resistance.

When this happened we all fled and dispersed. It was the time of the evening prayer. I prayed. Later on I got into my night clothes and lay down upon the ground. I was so vexed and roused that I could not sleep. I lay awake half the night thinking; and then it occurred to me that if any mischief was going to be done it would have

happened by now and could not be helped. What made it worse was that the woman's husband had sworn to divorce her if she went out at night. I had heard that when wine-bibbers get drunk they fall asleep, and when they wake up they do not know how much of the night has passed. I decided immediately to go up the minaret and utter the call to prayer; when the Turk heard it he would think it was daybreak; he would let go of the woman and send her out of his house; inevitably she would pass the door of this mosque. Having sounded the call to prayer (*bāng-i namāz*) I would quickly come down from the minaret and stand at the door of the mosque; when the woman appeared I would escort her back to her husband's house [p. 65/66] so that at least the poor wretch would not forfeit her husband and her matronage.

So I did all this. I went up the minaret and uttered the call to prayer. Now The Commander of the Faithful al-Mu'taṣim was awake. When he heard the call to prayer at the wrong time he was very angry, and said, 'A man who sounds the call to prayer in the middle of the night is a miscreant (*mufsid*), for whoever hears it will think it is daytime; and as soon as he goes out into the street he will be caught by the night-watch and get into trouble.' He said to a servant, 'Go and tell the chamberlain (*hājib al-bāb*) that I want him to go at once and bring the muezzin who has sounded the call to prayer in the middle of the night; I shall punish him so severely that no muezzin will again utter the call to prayer at the wrong time.' I was standing at the door of the mosque waiting for this woman, when I saw the chamberlain coming with a torch. When he saw me standing there he said, 'Did you sound the call to prayer?' I said, 'Yes.' He said, 'Why did you sound it at the wrong time? The caliph has taken extreme exception to it and is very angry with you. He has sent me to find you so that he can punish (*adab kunad*) you.' I said, 'It is for the caliph to command; but a certain barbarian (*bī adab*) forced me to utter the call to prayer at the wrong time.' He said, 'Who is this barbarian?' I said, 'One who fears neither God nor the caliph.' He said, 'Who could that be?' I said, 'This is a matter which I can only tell to The Commander of the Faithful. If I did this with evil intent whatever punishment the caliph gives me will be less than my deserts.' He said, 'In the name of God, come, let us go to the caliph's palace.'

The servant (*khādim*) was waiting for us when we reached the palace. The chamberlain repeated to the servant what I had told him. The servant went and told al-Mu'taṣim. He said, 'Go and bring the man to me.' The servant took me before the caliph. He asked me why I had sounded the call to prayer at the wrong time. I then told him the story of the Turk and the woman from start to finish. On hearing it he was very disturbed; he told the servant to instruct the chamberlain as follows: 'Go with a hundred horsemen to the house of the such-and-such amir and tell him he is summoned by the caliph; having found him you are to rescue the woman whom he brought to the house yesterday and send her to her husband's house with this old man and two or three lackeys; [p. 66/67] call her husband to the door and say that al-Mu'taṣim sends his greetings and wishes to intercede on the woman's behalf and says that she was not at all at fault in what happened; he ought to look after his wife better in future; then bring the amir to me at once.' To me he said, 'Remain here for a

while.’ An hour later they brought the amir to al-Mu’taṣim; al-Mu’taṣim looked at him and said, ‘Wherefore do you suppose that I lack zeal (*ḥamiyyat*) for the religion of Islam? Or is there something wrong with religiosity (*musalmānī*) in my time? Am I not the same man who, to save a Muslim who had been taken prisoner by the Rūmīs (Byzantines), marched from Baghdad, defeated the Rūmī army and put the Caesar to flight, remaining to ravage the lands of Rūm (Byzantium) for six years and not returning until I had sacked and burned Constantinople, built the congregational mosque and delivered that man from captivity? Today through awe of me and my justice, wolf and sheep can drink together at one place, so how can you dare, here in Baghdad upon my very threshold, to seize a woman by force, take her to your house for a wicked purpose, and then when people protest (*amr-i ma’rūf konand*), to beat them?’ Then at his behest two clubs were procured, of the kind used for pounding plaster, and he told two men to stand on each side and beat the amir to pieces. They said, ‘O Commander of the Faithful, all his bones are minced.’ He ordered them to take the closed sack as it was and throw it into the Tigris. [p. 67/68]

Then he said to me, ‘O shaykh, know that a man who does not fear God (to Him be power and glory) will not be afraid of me, while the man who does fear God will of course not do an act for which he would be brought to book in both worlds. Since this man committed a crime, he has met his just reward. So I command you that in future if anyone wrongs another or unjustly hurts another or holds the shari’a in contempt and you become aware of it, you are to sound the call to prayer like this at the wrong time, so that I shall hear it and summon you and ask what is the matter, and deal with any malefactor as I did with this dog, even if it should be my own son or brother.’ Then he gave me a present and dismissed me. Now all the nobles and courtiers are aware of this story, so it was not out of respect for me that the amir gave back your money but rather for fear of that sack and the plaster-pounders and the river. For if he had failed, I would immediately have sounded the call to prayer and the same would have happened to him as happened to that Turk.”

There are many stories of this kind. I have related this much in order that The Master of the World (honorific for the sultan) may know how caliphs and kings have always guarded the sheep from the wolves, how they have kept their officials in check, what precautions they have taken against evil-doers, and how they have strengthened, upheld and cherished religion (*dīn*).

# 4 Al-Māwardī: *The Discipline of Religious and Worldly Matters* (ca. 1050)

Introduced by Neguin Yavari

## Introduction

Al-Māwardī (d. 1058) was an influential eleventh century Muslim jurist and scholar of politics. Recognized for the depth and scope of his knowledge, he was appointed to a judgeship in Baghdad, and worked closely with several Abbasid caliphs. As example, he served as an emissary for the Abbasid al-Qā'im (r. 1031–74) on a few occasions. A prolific writer, al-Māwardī is often credited for his efforts at restoring Sunni ascendancy in the Islamic lands at a time when Shi'i Āl-i Būyah (932–1062) lorded over Iraq, and Shi'i Fātimids (909–1171) were in charge in Egypt.

As mentioned earlier, the very survival of the caliphate and its role in the Islamic polity was fiercely debated in the eleventh century, and al-Māwardī is conventionally counted among those jurists who strove to shore up the caliphate against competing paradigms of leadership. Recent scholarship has brought that evaluation under question. In a particularly poignant critique, Frank E. Vogel argues that al-Māwardī and likeminded jurists advanced “a new theory of state legitimacy dominated by *fiqh* and scholars while subtly undermining older legitimacies, Islamic and non-Islamic, focused on the ruler.”<sup>1</sup> They vindicated their independence vis-à-vis the caliphate and clinched their monopoly over the law. The shari'a in other words, trumped the state. Al-Māwardī's later reputation as a champion of orthodoxy, therefore, was not so much on account of his support for the caliphate, but for his role in marginalizing the state in favour of legal authority. Nor should his favour for “orthodoxy” be mistaken for a hardliner or conservative position on the scope and demands of the shari'ah, as we shall learn from the text excerpted below.

Among the themes that animated the intellectual debates in the eleventh century, secularity, or the manifold ways in which religion and politics are juxtaposed to facilitate a theoretical analysis took pride of place. As Gudrun Krämer has noted, al-Māwardī's was a pioneering attempt to demarcate the boundaries between religion and

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1 Frank E. Vogel, “Tracing Nuance in Māwardī's Al-Aḥkām al-sulṭāniyyah: Implicit Framing of Constitutional Authority,” in *Islamic Law in Theory: Studies on Jurisprudence in Honor of Bernard Weiss*, ed. Kevin Reinhart and Robert Gleave (Leiden: Brill, 2014), 313–60, at 332, fn. 2. See as well, Irene Schneider, “The Jurist as a Mujtahid – the Hermeneutical Concept of Abū al-Ḥasan 'Alī al-Māwardī (d. 449/1058),” in *Law and Religion in the Eastern Mediterranean: From Antiquity to Early Islam*, eds. Anslem C. Hagedorn and Reinhard G. Kratz (Oxford: Oxford University Press, 2013), 365–69; and for an opposing view see Christopher Melchert, “Al-Māwardī's Legal Thinking,” *Uşûr al-Wustā* 23 (2015), 68–86.

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worldly affairs.<sup>11</sup> However, and as demonstrated in this selection, al-Māwardī also redefines that binary by replacing “worldly affairs” by “politics” early in the discussion.

The selection is excerpted from al-Māwardī’s chapter on “The Morals and Manners of the World,” in his *Adab al-dīn wa al-dunyā* (Morals and Manners in Religious and Worldly Affairs). Thoreya Mahdi Allam’s translation has been modified for accuracy, clarity, and readability, and the Arabic original of key terminologies has been added, as well as occasional annotations. Page breaks refer to the original source.

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Original source: Abū al-Ḥasan ‘Alī b Muhammad b. Ḥabīb al-Māwardī, *Adab al-dīn wa al-dunyā* (Beirut: Dar al-Minhaj, 2013); 217–23.

## Translation Adopted from Thoreya Mahdi Allam

### Ordinances for a Prosperous World

Know that the world will prosper, that is, it will be orderly, and its affairs will be properly established through six ordinances: a religion by the strictures of which people abide (*dīn muttaba’*) an efficacious ruler (*sulṭān qāhir*), prevalent justice, widespread security, abundant wealth and ubiquitous hope.

The first ordinance is a religion by the strictures of which people abide, that prevents them from abandoning themselves to carnal pleasure, and curbs the passion in their hearts so that their impulses are constrained, and their conscience (*nafs*) contends with their carnal self in their private to counsel against temptation. Such matters cannot be achieved without religion, nor can people pursue the good life unless they reject them. Religion is the strongest ordinance for the beneficence of the world and its stability, and the surest guarantor of its order and health. Therefore, God did not absolve any of his creation of religious obligation (*taklīf shar‘ī*) and religious belief, by the rules of which they are bound, on the precepts of which they are undi-

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**II** Gudrun Krämer, *Religion, Culture, and the Secular: The Case of Islam*, Working Paper Series of the CASHSS “Multiple Secularities – Beyond the West, Beyond Modernities” 23 (Leipzig: Leipzig University 2021), <https://doi.org/10.36730/2020.1.msbbwm.23>.

vided, and to the command of which they submit, whence the inability of desire to drive a wedge between them.

Scholars of religion are divided as to whether reason preceded revelation or whether they transpired simultaneously. One group held that religion and reason were coeval, none preceded the other. Another group claimed that reason was followed by revelation since the perfection of reason justified the soundness of revelation, as God has said:

“Does man think he will be left alone (or not taken to account)?” [Q 75:36] and this is not found except in a person with perfected reason. It is clear that religion is among the strongest of ordinances in regulating the expedience of the world (*ṣalāḥ al-dunyā*), and the singular path [p. 217/218] to the expedience of the hereafter and serves the expedience of the world and the hereafter, and it is evident to the rational [person] to adhere to it and protect it.

Some scholars have said that morals and manners (*adab*) are twofold: the moral and manner of that which has been revealed (*adab al-sharīʿa*), and the moral and manner of politics (*adab al-siyāsa*). The moral and manner of revelation is performing that which is stipulated and the moral and manner of politics is what transpires in the world, both of which depend upon justice, in turn attained by the rectitude of the ruler and the betterment of the realm. He who neglects what is stipulated hurts his own self, and he who damages the earth hurts others.

As the poet Saʿīd b. Ḥumayd [d. after 871 or 874]<sup>I</sup> has said:

No virtue would ever be of any use,  
Unless religion and morals are sound.

As for the second ordinance, it is an efficacious ruler who instills fear in the those inclined to err and wins their abidance. Thus, conflict between people would cease, since it is in the nature of man to do his utmost to obtain whatever he wants, and to fight whoever opposes him, unless he is prevented by a strong repelling force. The poet al-Mutanabbī [d. 965]<sup>II</sup> has elucidated this point:

The highest honor is never safe from harm,  
Unless the threat of spilled blood watches over it.  
Injustice is part of man’s nature, so  
If one is found to respect justice, there must  
Be a reason he defers from injustice.

The cause for eschewing injustice is of four types: reason that restrains, religion that prevents, a ruler who reins in, or a weakness that prevents. A fifth cannot be found. The most powerful is fear of the ruler, since reason and religion may be compromised

I NY: W. P. Heinrichs, “Saʿīd b. Ḥumayd,” *Encyclopaedia of Islam*, 2nd edition, eds. C. E. Bosworth, E. van Donzel, W. P. Heinrichs, and G. Lecomte (Leiden: Brill, 1995), II:856.

II NY: Margaret Larkin, *Al-Mutanabbī: Voice of the Abbasid Poetic Ideal* (Oxford: Oneworld, 2008).

by prejudice or temptation, but fear of the ruler has the more controlling effect and is a stronger curbing influence. [p. 218/219]

It has been related on the authority of the Prophet, peace and prayers be upon him, that: “A ruler is the shadow of God on Earth in whom the oppressed take refuge.”<sup>III</sup> It is also related on the authority of the Prophet, peace and prayers be upon him, that: “The ruler may be a greater deterrent than the Qur’an.”<sup>IV</sup> Also it is on his authority that: “God has His guards in heaven as well as His guards on earth. His guards in heavens are His angels, and His guards on earth are rulers who earn their livelihood for this, and they protect the people.”<sup>V</sup> On the Prophet’s authority again it is related that: “A tyrannical ruler is preferable to seditions (*fitan*, sing. *fitna*), while neither has any good in it, there is choice between several evils.” It is related on the authority of the ‘Abd Allāh b. Mas‘ūd [d. 653],<sup>VI</sup> that “A ruler may err, but God may cause good through him, and if he is just, he will be rewarded, and his subjects must be grateful to him. If he is unjust, he will be accountable before God, and his subjects must endure him patiently.”<sup>VII</sup> And the Companion Abū Hurayra [d. 678],<sup>VIII</sup> has relayed, “The Persians were once slandered before the Prophet, peace and blessings be upon him, and he forbade it saying, ‘Do not slander them, for they have built up the land of God and lived on it as devotees of God’s.’” And some learned men have said, “The king (sultan) is in himself an obeyed ruler and in his nature a legitimate religion (*fi sīratihī dīn mashrū*), if he oppresses, then not one person in his dominion will be just, and if he commits to justice, then not one person in his realm will dare to oppress.” [p. 219/220] And some religious scholars have said, “The prayer that is most likely to be answered is that of a good ruler, and he will receive the most excellent goods as reward and salvation for ordering affairs expediently.”

Such is the impact of the ruler on the conditions of the world and what he regulates of the affairs of the realm.

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III NY: The *ḥadīth* is recited on the authority of ‘Abdallāh b. ‘Umar (d. 693), among Muhammad’s prominent Companions; see p. 219, note 1 in the Arabic original.

IV NY: The *ḥadīth* is recited on the authority of ‘Umar b. al-Khaṭṭāb (r. 634–44), Muhammad’s Companion and the second of the Rāshidūn caliphs; see p. 219, note 2 in the Arabic original. in Khaṭīb al-Baghdādī’s (d. 1071) *Ta’rīkh Baghdād*, IV:329; and in al-Tha‘ālibī’s (d. 1039) *Al-Tamthīl wa al-muḥāḍara*, p. 29 and Ibn Shabba’s (d. 877) *Ta’rīkh al-Madīna*, III:988 on the authority of ‘Uthmān (r. 656–661), Muhammad’s Companion and the third of the Rāshidūn caliphs.

V NY: The *ḥadīth* is recited on the authority of Khālid b. Mu’dān (d. 721), a reliable transmitter of *ḥadīth* and among the Successor generation to the Companions, known as the *Ṭābī‘ūn*, see p. 219, note 3 in the Arabic original.

VI NY: An influential Companion of the Prophet.

VII NY: The *ḥadīth* is recited in Ibn Abī Shayba’s (d. 849) *Muṣannaf*, where it is attributed to ‘Abd Allāh b. Mas‘ūd (d. 650), one of the Prophet’s Companions; whereas in Bayhaqī’s *Shu‘ab al-imān*, and in Khaṭīb’s al-Baghdādī’s *Muḍīḥ awḥām al-jam’ wa al-tafriq*, it is attributed to Muhammad; see p. 219, note 4 in the Arabic original.

VIII NY: Another influential Companion of Muhammad.



The ruler also safeguards religion, protects it from prejudice and preserves it from distortion, and punishes those who deviate from it in heresy, undermine it with divisiveness, or spread corruption in it. He also constrains those who wrong the people and spread corruption. If these matters concerning religion are not constrained by a strong ruler and constant vigilance, distortion in it will accelerate, and the benighted will interpret it according to their own preferences. Every religion that loses its power will also see its teachings distorted. Every leader will introduce innovations in it, and every era will leave its own mark.

If the ruler had no religious faith around which the hearts of his subjects would gather, and which would mandate submission to him as a religious duty, and move them to sacrifice their lives for him, then his rule will not last, nor will his reign be peaceful. He will be a tyrant and a corrupter.

These two reasons, namely protecting religion and safeguarding the world, made necessary the appointment of a ruler to be sovereign of the time, and leader of the community, so that religion is protected by his sovereignty, and he adheres to the stipulations of religion and its commands.

The poet 'Abd Allāh b. Mu'tazz [d. 908]<sup>IX</sup> has said:

The kingdom will remain by religion,  
And religion will strengthen by the kingdom.

People disagree as to whether the above is necessitated by reason or by revelation. One group says that it is demanded by reason, for it is clear that rational people – even if in disagreement – [p. 220/221] will converge on a leader who will promote their interests. Another group maintain that it is a requirement on the basis of revelation, for the function of the ruler is to uphold the affairs of that which is revealed, such as implementing the punishments set out in the Qur'an for a specific set of crimes (*iqāma al-ḥudūd*) and protecting rights. Otherwise, some of these matters could be dispensed with since reason does not consider them to be a part of belief.

People also differed along the same lines on the necessity of prophethood and the mission of prophets to mankind. The same people who argued that electing a ruler is proscribed by reason said that similarly, the dispatching of prophets is a dictate of reason. And those who argued that electing a ruler is demanded by revelation and not by reason held that the objective of the prophetic mission is to reveal religious interests and expedients (*maṣāliḥ al-shar'yya*), and since some of these may be dismissed as unnecessary by those who prefer reason, they may even dismiss the prophetic mission as unnecessary.

As to recognizing two or three rulers coevally and in the same land, it was deemed by consensus to be impossible. As for distant garrison towns and lands, a

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<sup>IX</sup> NY: S. A. Bonebakker, "Ibn Mu'tazz and Kitāb al-Badī," in *Abbasid Belle Lettres*, ed. Julia Ashtiany et al. (Cambridge: Cambridge University Press, 1990), 338–411.

small group had conceded its permissibility, on the grounds that a ruler is appointed to promote the best interest (*maṣāliḥ*) [of the people]. If there were two rulers in different regions or lands, they would each be inclined to be more efficient and judicious in their responsibilities. Since the rise of two prophets in the same era is a recognized fact that did not lead to the abolition of prophethood, which is the supreme rulership, this does not lead to the abolition of rulership.

The majority however considered the appointment of two coeval rulers a contravention of revelation, according to that which has been relayed on the Prophet's, peace and prayers be upon him, authority: "If two rulers ask for allegiance, kill the other one."<sup>X</sup> [p. 221/222]

It is relayed on his authority, peace and prayers be upon him, that: "If you grant your allegiance to Abū Bakr, you will find him robust in the religion of God if frail in his body; and if you pledge your allegiance to 'Umar, you will find him powerful in the religion of God, strong in his body; and should you pledge allegiance to 'Ali, you will find him a well-guided guide."<sup>XI</sup> This makes clear that appointing the three of them at the same time was not correct, for had it been correct, he would have pointed to it and suggested it.

The ruler of the nation has seven duties:

The first duty is preserving religion from any distortion, urging the people to follow it and not to neglect it.

The second is to defend the realm and protect the nation from the enemies of religion, and against whoever wrong them or steals their wealth.

The third is to make the realm flourish by committing to its best interest, improving its roads, its ways and conduct (*subul* (sing. *sabīl*) *wa masālik*).

The fourth is to measure what is entrusted to him in riches in accordance with the stipulations of religion, without any deviation in its collection or distribution.

The fifth is to ensure equity in the courts and in the administration of justice for the people.

The sixth is to mete out punishment to those who deserve it, and to not to be excessive or lenient in the task.

The seventh is to choose representatives in the affairs of state that are competent and trustworthy. [p. 222/223]

If a ruler of a nation fulfils the seven duties we have mentioned, he would have fulfilled the commandments of God and thus earn the submission of his subjects, and be entitled to their support, sincerity, fealty, and loyalty. If he falls short in his duties and fails to render unto his subjects their rights and dues, then he would deserve pun-

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X NY: The *ḥadīth* is relayed on the authority of Companion Abū Sa'īd al-Khudrī (d. before 693), a reliable and prolific transmitter; see p. 221, note 3 in the Arabic original.

XI NY: The *ḥadīth* is recited on the authority of 'Ali b. Abī Ṭālib; see p. 222, note 1 in the Arabic original.

ishment. He would be repudiated by them, and they would seize the first opportunity to show it. As God has said, “Say, ‘He has power to send punishment on you from above or from under your very feet, or to divide you into discordant factions and make some taste the violence of others.’” [Q 6:65]

The phrase “punishment from above and from below,” has had two interpretations. According to ‘Abd Allāh b. ‘Abbās [d. 687–8]<sup>XII</sup>, punishment from above refers to corrupt officials and from below to corrupt subjects who perform the bidding of unjust rulers. And according to Mujāhid [d. 722–3]<sup>XIII</sup> and Sa‘īd b. Jubayr [d. 713–14],<sup>XIV</sup> punishment from above is death by stoning [presumably on Judgment Day] and the one from below is humiliation.

“Divide you into discordant factions,” also has had two interpretations. Ibn ‘Abbās has interpreted it to imply various inclinations of passion and Mujāhid has read it to mean sedition and civil strife.

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**XII** NY: Prominent Companion of Muhammad and among the earliest Qur’an commentators.

**XIII** NY: Meccan Qur’an exegete and scholar of the generation after Muhammad and his Companions, also a prominent student of ‘Abd Allāh b. al-‘Abbās.

**XIV** NY: Jurist and scholar of the generation after Muhammad and the Companions, another prominent student of ‘Abd Allāh b. al-‘Abbās.

# 5 Al-Ghazālī: *Balance in Belief* (ca. 1100)

Translated and introduced by Neguin Yavari

## Introduction

Abū Ḥāmid al-Ghazālī (d. 1111), among the most celebrated medieval theologians, was appointed at a young age to the highest-ranking educational institution in the Islamic world, the Nizāmiyya college (*madrassa*) in Baghdad. He was a prolific scholar who led a colourful life.<sup>I</sup> In many ways like the intellectual itinerary of St Augustine of Hippo (d. 430), Ghazali's legacy is to a large extent, self-fashioned, as he methodically wove his intellectual trajectory with his own life story. Ghazali rejected philosophy and the rational sciences to knowing God, and instead, advocated religious experience as the surest, most steadfast path to the divine. The proof was, in addition to several volumes on the perditions in Aristotelean logic and Avicennan philosophy, his own conversion, elaborated in much detail and on multiple occasions in his writings, especially in *al-Munqidh min al-ḍalāl* (Deliverance from error). In 1095, he resigned his position at the Nizāmiyya and travelled the Islamic world, living in solitude and poverty. The next few years were consumed by various aspects of the Sufi experience, culminating in his *Ihyā' 'ulūm al-dīn* (Revival of the religious sciences), which according to Gerhard Böwering, advocates Sufi spirituality as the fulcrum of Islam. It bears mention, however, that the real object of Ghazali's ire was not philosophical inquiry per se, but the elitism of the *falsafa* tradition and its totalizing claims that aligned them with the philosophical inclinations of the Ismailis, the political nemesis of both the Abbasid caliphs (750–945, fainéant 945–1258) and Saljūq sultans (1040–1194).

The present selection is an excerpt from his short compendium on Ash'arī theology,<sup>II</sup> *Al-Iqtisād fī al-i'tiqād* (*Balance in Belief*), considered an outlier in his corpus. *Iqti-*

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I For more on al-Ghazali's life see Gerhard Böwering, "Ġazālī, Abū Ḥāmed Moḥammad," *Encyclopaedia Iranica Online*, [https://referenceworks.brillonline.com/entries/encyclopaedia-iranica-online/gazali-abu-hamed-mohammad-COM\\_11017?s.num=144&s.start=140](https://referenceworks.brillonline.com/entries/encyclopaedia-iranica-online/gazali-abu-hamed-mohammad-COM_11017?s.num=144&s.start=140); and for a comprehensive account of authoritative rule in Islamic political thought see Mun'im Sirry, "Who Are Those in Authority? Early Muslim Exegesis of the Qur'anic Ulū'l Amr," *Religions* 12, no. 7 (2021): 4, <https://doi.org/10.3390/rel12070483>.

II On *kalām*, commonly termed "the science of the fundamental doctrines of Islam," or "the speculative science," Ash'arī theologians held that their science, though ultimately guided by revelation, is formally conceptual, logical, and critical and that it proves the truth of the basic articles of Muslim religious belief without formal appeal to any premise or thesis that is taken from religious belief as such, as Richard Frank has described it. In short, *kalām* is looked on as a rational metaphysics, which maintains the distinction between "science" and "opinion", but theology is not distinguished from philosophy; see Richard M. Frank, *Al-Ghazālī and the Ash'arite School* (Durham, NC: Duke University

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*ṣād* is an important contribution to the history of secularity in the Islamic world, on account of its careful and studied delineation between religion and politics, and perhaps even more consequentially, between the affairs of religion and the affairs of the world. Appointing a ruler, he argues, is an absolute necessity, for otherwise, worldly affairs will be in chaos, which will render in disarray the affairs of the hereafter, habitually the domain of religion.

On the conceptual register, al-Ghazali's aetiology of rulership is striking. Ordinance in the realm of religion is unequivocally differentiated from ordinance in the world and various aspects of social life, as are the rational sciences from legal studies, that is, the study of religious law. Piety is only one among a host of qualifications for rulership, and the pursuit of the common good is advocated both as a duty of the ruler and as the purpose of social life. And knowledge – presumably of the religious sciences – another perennial in the Islamic literature on rulership, is forfeited on the altar of expediency and political stability.

## Bibliographical Information

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## Translation by Nequin Yavari

### Book III: On Rulership (*al-Imāma*)

You should know that hypothesizing about rulership is neither a primary concern nor within the purview of the rational sciences (*fann al-ma'qūlāt*), but that of jurisprudence (*fiqhīyyāt*). It also incites partisanship (*ta'aṣṣubāt*). The person who avoids it is more secure than the one who engages with it, even if successfully, so [imagine] what will be if he fails? However, as this subject matter conventionally concludes investigations of creed, we abide it. Minds (*qulūb*) dislike a viewpoint that opposes convention. But we will be brief. Study of this subject matter comprises three topics:

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Press, 1994), 5. The basic tenets of Islam may be justified by autonomous reason, the Ash'aris maintained, and should be undertaken by most if not all Muslims, for simply acquiescing to the views of others, *taqlīd* is not a valid basis for religious belief. As such, their self-understanding was as a middle position on the spectrum of Islamic political theology in the tenth and the eleventh centuries, poled with the more freely speculative/interpretive Mu'tazilis on the one end, and the literalist Ḥanbalis who espoused *taqlīd* on the other.

## Topic 1: The Obligation to Appoint a Ruler

In our opinion, the obligation does not stem from reason (*‘aql*). We have shown [already] that obligations stem from revelation (*shar’*), except in the case of an obligation that stems from reason and regards a specific act that accrues benefit if performed and causes harm if averted. Accordingly, there is no denying that appointing a ruler is an obligation, for it is beneficial and shields the lifeworld (*dunyā*) against harm. Still, we will provide incontrovertible legal proof that it is obligatory. We will not rest on the unanimous opinion of the community of Muslims, instead we will highlight the principles of that consensus that are premised on the fact that ordinance in the matter of religion (*nizām amr al-dīn*) is an objective of the Lawgiver (*ṣāhib al-shar’*) (pbuh). This is an irrefutable premise [p. 234/235] which bears no dispute. We complement it with another premise, namely that the ordinance of religion (*nizām al-dīn*) is only possible by a ruler who commands obedience. The obligation to appoint a ruler rests on these two premises.

And if they say: The latter premise is not evident, namely that the ordinance of religion is unobtainable without a ruler, we will say: The proof is that the ordinance of religion does not obtain except through the ordinance of the world (*nizām al-dunyā*), and ordinance of the world is unobtainable without a ruler. These are two premises, which one is open to dispute?

And if they say: Why do you say that ordinance of religion does not obtain except through ordinance of the world? In fact, it does not obtain except through the destruction of the [material] world, for religion and the world are contraries (*diddān*), cultivating one will destroy the other.

We say: This would be the reasoning of a person who misunderstands what we mean by ‘the world’ here. It is a polyvalent word (*lafẓ mushtarak*) that may signify extravagance beyond what is needed or necessary, or it may imply all what is necessary [for existence]. One of them is opposed to religion and the other is the very condition [for its existence]. This is how the person who does not distinguish between the meanings of polyvalent words blunders.

And we say: The ordinance of religion rests on knowledge (*ma’rifa*) and worship (*‘ibāda*). These cannot be obtained without physical health, sustenance and satisfying basic needs such as clothing, shelter and food, and protection against all sorts of harm. How true it is that a man owns the world when he wakes up in the safety of his own kin, in good health and in possession of his daily sustenance. But peace of mind, health, wealth, shelter, and food are always only available in intervals. [p. 235/236] And religion is not ordered unless these necessities are met. For if continuously preoccupied with protecting himself against aggressors or squeezing his sustenance from the clutches of exploiters, where would a person find the time to work or to learn? These are the tools for happiness in the hereafter. This is why ordinance of the world – I have in mind the fulfilment of basic needs – is required for the ordinance of religion.

To the second premise, that the lifeworld and security of life and possessions is obtained only through a sultan<sup>I</sup> who is obeyed, the proof is in the incidences of instability and upheaval (*fitan*, sing. *fitna*) that follow the death of sultans and imams. Should the instability persist and not be snuffed out through the appointment of a sultan who is obeyed, chaos will continue, the sword will prevail, famine will spread, livestock will perish, and crafts will be shut down; and the victorious will plunder, and no person left to survive will be able to worship or to learn. Most will perish by the sword. This is why it is said that religion and the sultan are twins (*al-dīn wa al-sultān tū'amān*), or that religion is the foundation and the sultan the protector (*hāris*), and what lacks a foundation will collapse and what does not have a protector is forfeited.

In any case, a rational person (*al-āqil*) does not doubt that should mankind, with their disparities of [social] estate (*ṭabaqāt*), diverse desires, and opposing opinions, be left to their own devices without rules to abide, their divisions will intensify, and they will all perish. This is a contagion with no cure but a strong sultan who is obeyed and who solidifies their diverse views. It is [hereby] demonstrated that a sultan is necessary to ordinance of the world, that ordinance of the world is necessary to the ordinance of religion, and that the ordinance of religion is necessary to the attainment [p. 236/237] of happiness in the hereafter, the ultimate purpose of prophets. The obligation to appoint a ruler is among the requisites of revelation (*al-sharʿ*) from which there is no deviation.

## Topic 2: What Determines Who May be Appointed as a Ruler Among Men

We say: Obviously, it is impossible to designate a person as ruler because he desires to rule. [Rather], he must be distinguished by character traits that set him apart from the rest of mankind – traits that are innate and traits that are external. In his person he must be inclined to managing people and swaying them to pursue what is good for them, and this is by innate capability and knowledge, piety (*waraʿ*) – all in all, the character traits of judges – and Qurashi<sup>II</sup> descent. This fourth requisite is known through transmission (*samʿ*); the Prophet [pbuh] said: “Rulers are from the Quraysh.” Although these traits set him apart from most of mankind, there may be several Qurayshīs who possess them. Therefore, there must be another distinguishing trait, which is none other than investiture (*tawliya*) or delegation (*tafwīd*) by another person. For a

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I NY: Considering the intense rivalry between the Saljūq sultans and the Abbasid caliphs in the eleventh century, it is telling that Ghazali includes the ‘secular’ sultan on a par with the imam in a discourse on legitimate rulership in Islam.

II NY: Members of the Prophet’s kin, customarily referred to as the tribe of Quraysh.

person is appointed as ruler only when he gains the investiture of authority by someone other than himself.

What remains to be investigated is the quality of the appointer, as the position is not available to everyone, but to a person who possesses the [requisite] quality. It emanates in one of three ways: designation (*tanṣīṣ*) by the Prophet [pbuh], designation [p. 237/238] by a sitting ruler who appoints as crown prince a specific person from among his children or from the Quraysh, or delegation by a dignitary whose delegation conduces others to pledge their allegiance. This [quality] may be present at certain times in an eminent person who enjoys public influence. In this instance, his pledge of allegiance and delegation of authority would suffice without others having to do so, as the objective is to coalesce diverse opinions around one person who would be obeyed. He [the candidate] becomes ruler with the allegiance of the dignitary who is himself obeyed by many. It may happen that it [the standing to deliver a consensus] is not obtained by one person, but two, three or more people – they must gather to pledge their allegiance to one candidate and agree to invest him with authority until that [general] obeisance is obtained.

In fact, I say: If after the death of a ruler, there is a Qurashī who holds promise for being obeyed and followed, and he assumes rule by nominating himself, and attends to its duties, and through his power and ability earns the obedience of the people, and meets the qualifications for rulership, then rule is rightfully his and obedience to him is obligatory. As his appointment is owed to his power and ability, opposing him would be tantamount to sedition. [In any case], since it is unlikely that a person with these qualities fails to garner the allegiance of notables and eminent people of his time, which would dispel any doubt as to the veracity of his claim, it [the process of appointing a ruler] does not normally transpire except with a pledge of allegiance and delegation.

If they ask: If the objective is to acquire a person whose word is obeyed and unifies divergent views, prohibits the people [p. 238/239] from conflict and bloodshed and sways them to seek their interest in this world and in the next, and if that person who has attained this status satisfies all the requirements except for knowledge, yet consults with scholars and implements their prescriptions, then in your view is it obligatory to depose and oppose him, or must he be obeyed?

We say: We decree that there is an obligation to depose him if he is replaced by a person who satisfies all the requirements without causing unrest or bloodshed. If this is not possible except through violence, then he must be obeyed, and his rule is legitimate. For what we lose by him not being knowledgeable in his own right but still inclined to consult with others, is less than what we would lose if we were to submit to someone else and that were to result in unrest with unknown consequences. [Subsequent] loss of life and property is probable. The requirement of knowledge is a bonus (*mazīyya*) to further the common good (*maṣāliḥ*), but it is not permissible to sacrifice the highest good (*aṣlah al-maṣāliḥ*) for the pursuit of advantages or supplementary qualifications.



These are matters of law. He who is disquieted by what is self-evident should calm his fear, for it is far less grave than he thinks. We have fully investigated these subjects in *Al-Mustazhiri* to refute the Bāṭiniyya.<sup>III</sup> [p. 239/240]

Should it be said: If you are lenient regarding the attribute (*khiṣla*) of knowledge, then you must be lenient on justice and other attributes.

We say: It is not [a case of] leniency by choice, rather prohibitions demanded by exigencies. We know that eating carrion is prohibited but starving to death is a more severe prohibition. I wish I could understand the person who does not concede to this and claims that rulership in our present time is void because its qualifications are not met, while unable to come up with a replacement [candidate] who meets the requirements. Which is more preferable: to decree that all judges are dismissed, appointments are invalid, marriages are annulled, all governor edicts everywhere in the world are void, and all of mankind is dealing in what is prohibited by the law (haram); or to decree that [the present] rule is valid, and decrees and appointments are enforceable as necessitated by the present situation and its exigency (*al-iḍṭirār*)? He faces three possibilities: he forbids people from marriage and all other actions that require judges, but this is impossible as it results in shutting down all aspects of daily life, polarizing opinion, destroying community and inciting hooligans; or he decrees that the people may engage in marriage and other actions although these would be unlawful, and refrains from labelling them as prohibited or sinful in light of the exigencies of the situation; or we say that he decrees that [the present] rule is legitimate as demanded by circumstance, although its requirements have not been met.

It is evident that far is closer than further, and that the lesser of two evils is a relative good, hence it is incumbent upon the rational person to choose it.

This concludes the discussion. There is plenty in it for the attentive seeker, but he who does not grasp [p. 240/241] the truth of a matter and its cause has a fixed notion that stems from prolonged exposure to received opinion and an innate aversion to its opposite. For weaning the feeble-minded from the familiar is a difficult task that even prophets failed to achieve, let alone others.

It may be asked why I do not claim that designating a ruler is obligatory upon the Prophet (pbuh) and upon the caliph to avoid any subsequent discord, as claim some of the Shī'a.

We say: Were it an obligation, the Prophet would have made a designation, yet he did not and neither did 'Umar.<sup>IV</sup> In fact, Abū Bakr, 'Umar, 'Uthmān, and 'Ali (may God be pleased with them) were all confirmed [as ruler] by investiture. Do not waste [your] time with the person who pretends to be ignorant [of this] and claims that the

<sup>III</sup> NY: By the Bāṭiniyya (Esotericists), Ghazali has Ismaili Shī'is in mind; on his *Kitāb al-Mustazhiri* see Farouk Mitha, *Al-Ghazālī and the Ismailis: A Debate on Reason and Authority in Medieval Islam* (London: I. B. Tauris, 2001).

<sup>IV</sup> NY: After the Prophet's death the Muslim nation was ruled by the Rightly Guided Caliphs in succession: Abū Bakr (r. 632–34), 'Umar (r. 634–44), 'Uthmān (r. 644–56), and 'Ali (r. 656–61).

Prophet (pbuh) designated ‘Ali to rule in order to forestall conflict, but the Companions denied or concealed the designation.<sup>V</sup> Counter such an assertion by another assertion and ask: How would you refute someone’s claim that the Prophet designated Abū Bakr, and his Companions agreed to abide and obey his designation? This is readier than hypothesizing that they denied the designation [p. 241/242] or concealed it. Moreover, the obligation to designate is justified to forestall discord, but that is not unfeasible since a pledge of allegiance obviates the cause for discord [as well]. The proof is that there was no discord during the time of Abū Bakr and ‘Uthmān, may God be pleased with them, who were appointed by a pledge of allegiance from the people, while discord abounded during the time of ‘Ali, may God be pleased with him, whom the Shi’a believe was appointed by designation.

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<sup>V</sup> NY: The Companions (*ṣaḥāba*) were members of Muhammad’s inner circle.

# 6 Al-Qarāfī: *Distinguishing Legal Opinions from Judicial Rulings* (ca. 1250s)

Introduced by Rushain Abbasi

## Introduction

Does Islam recognize a distinction between religion and state? Most observers – scholarly and lay alike – would answer with a resounding no. Whereas Jesus, upon being presented the tribute penny famously responded with the dictum, “Render therefore unto Caesar the things which are Caesar’s; and unto God the things that are God’s,”<sup>I</sup> Muhammad, following his emigration to Medina, enacted a quasi-constitution in a city which made him the chief arbiter of all legal disputes and the authority to whom fixed taxes were to be paid.<sup>II</sup> The differences between these two foundational moments in the history of religions could not be clearer. But one is still left with the question of how Muslims would later come to understand the Prophet’s authority within the political realm. Did he unite the functions of prophet and ruler within a single office, or was it necessary to distinguish between his political and religious activities?

These were questions which deeply preoccupied one of the most renowned jurists in Mamlūk Egypt, the Mālikī scholar Shihāb al-Dīn al-Qarāfī (d. 1285). Grappling with a legal tradition which neglected to answer the most fundamental question of “what it meant to apply a divine law through the human instrumentality of the state,”<sup>III</sup> al-Qarāfī set out to resolve these internal tensions in an innovative legal treatise entitled *The Criterion for Distinguishing Legal Opinions from Judicial Rulings and the Administrative Acts of Judges and Rulers* (*al-Iḥkām fī tamyīz al-fatāwā ‘an al-aḥkām wa taṣarrufāt al-qāḍī wa-l-imām*), which aimed at nothing short of harmonizing the theoretical principles and substantive law of the shari’a with an Islamic conception of the state. In terms of structure, the text was comprised of a series of questions posed by

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I Matthew 22:21; Mark 12:17; Luke 20:25.

II Montgomery W. Watt, *Muhammad at Medina* (Oxford: Oxford University Press, 1956), 229–30, 254–55.

III Mohammad H. Fadel, “Translator’s Introduction”, in Shihab al-Din Ahmad ibn Idris al-Qarafi al-Maliki, *Criterion for distinguishing legal opinions from judicial rulings and the administrative acts of judges and rulers = Al-Iḥkām fī tamyīz al-fatāwā ‘an al-aḥkām wa taṣarrufāt al-qāḍī wa-l-imām*, trans. Mohammad H. Fadel (New Haven, CT: Yale University Press, 2017), 1–55, at 11.

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students and answers proffered by al-Qarāfi regarding the nature and scope of Islamic law, particularly vis-à-vis the state.

Though primarily aimed at expounding the function of law in medieval Islamic society, al-Qarāfi also endeavored to reign in the arbitrary rule of the Mamlūk military elite by advancing an Islamic constitutional theory of governance.<sup>IV</sup> Central to this effort was a clarification of the scope of the Prophet Muhammad's authority, given that his life appeared to collapse judicial, military, and economic functions into a single office. Al-Qarāfi's vision of Islamic society was, however, far more differentiated, which he believed was rooted in a closer examination of the Prophetic biography. In al-Qarāfi's view, the difference between the Prophet's authority *qua* Imam and *qua* prophet reflected the fact that the state performs a distinctively governmental function which is not intrinsic to other religious and judicial offices. With respect to his function as head of state, the Prophet's actions and decisions were not meant to be emulated by posterity without the explicit backing of the current state.

In other words, the state has independent jurisdiction to decide policies related to the economic and political welfare of its domain – something which must be distinguished from the judicial proceedings of the Muslim judge (*qāḍī*) as legal opinions issued by the jurists (*mufīṭī*). In taking this position, al-Qarāfi recognized that the Prophet acted in his capacity as a ruler but deemed this to be a contingent feature of the prophetic personality, one which had nothing to do with his essential and divinely ordained function as the Messenger of God. In this sense, al-Qarāfi rooted the enterprise of politics not within any religious foundation, but rather – following the Prophet – in the ability to obtain coercive power and govern the day-to-day needs of one's subjects. Against the view of many modern observers, then, for this medieval jurist Muhammad's life only served to further reinforce a functional differentiation between the religious and the political domains.

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<sup>IV</sup> Sherman A. Jackson, "From Prophetic Actions to Constitutional Theory: A Novel Chapter in Medieval Muslim Jurisprudence," *International Journal of Middle East Studies* 25 (1993): 71–90, at 80.

## Translation Adopted from Mohammad H. Fadel

Question 25. “What is the difference between the conduct of the Messenger of God, may God bless him and grant him peace, when he gives a legal opinion and when he communicates (*al-tablīgh*) God’s revelation to the people, and his conduct as a judge (*al-qāḍā*) and head of state (*al-imāma*)? Do these differences leave varying effects on the revealed law and particular rulings, or are they one and the same in their effect? Is there a difference between messengership (*al-risāla*) and these three matters, that is, communicating revelation and giving legal opinions, adjudicating cases, and exercising public power, or are messengership and giving legal opinions one and the same thing? Whether or not you say that giving legal opinions and messengership are one and the same thing, is prophethood (*al-nubuwwa*) similar to messengership, or is there a difference between it and messengership in that respect? These are lofty concerns which are related to great and noble realities which must be clarified and explained with great care, for knowledge is ennobled by the nobility of its subject.” [ . . ]

As for his conduct, may God bless him and grant him peace, as imam, that is something that is in addition to prophethood, messengership, giving legal opinions, and acting as a judge, because the imam is the one to whom the universal police and administrative power (*al-siyāsa al-‘amma*) to direct the public and their affairs has been delegated. This authority entails responsibility for securing the people’s well-being and protecting them from harm, repressing the unjust, killing tyrannical oppressors, and securing God’s servants throughout the state’s domains, in addition to other matters of this nature. And these matters do not fall under the categories of giving legal opinions, judicial decisions, messengership, or prophethood: giving legal opinions is solely a matter of reporting the content of God’s law on the basis of the indicants found in revelation; and judicial decisions are simply a matter of resolving litigants’ disputes without regard to whether the judge possesses any share of the universal police and administrative power. This is particularly clear in respect of a judge who lacks the power to enforce his decisions, as in the case of a weak judge ruling against a mighty king: he does no more than originate in his mind an obligation upon that mighty ruler, without the possibility of attempting to enforce it against him ever crossing his mind, because that would be impossible for him. Accordingly, a judge, insofar as he is a judge, has no role other than to originate judicial rulings, while the power [p. 93/94]<sup>1</sup> to enforce them is extrinsic to his role as judge. It is true that at times the power to enforce judicial rulings may be delegated to him, while at other

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<sup>1</sup> FZ: Page numbers in brackets refer to the following version of the Arabic original: *Al-Iḥkām fī ta-myīz al-fatāwa ‘an al-aḥkām wa taṣarrufāt al-qāḍī wa-l-imām*, ed. ‘Abd al-Fattāh Abū Ghudda (Aleppo:

times this authority may not be included in his jurisdiction, but it has become clear that having universal police and administrative power over all persons, which is the essence of being the imam, is different from giving judicial rulings insofar as it is a judicial ruling. As for the possibility of an imam who lacks universal police and administrative power, that is inconceivable unless “imam” is understood nonliterally, and here we are concerned only with primary meanings of terms. As for messengership, it is no more than communicating from God, Sublime is He, to others God’s will, and this function does not require the delegation of general police and administrative power to him, that is, the messenger. How many a messenger of God, sublime is He, throughout history was sent with divine messages but was not tasked with anything other than communicating the message in order to establish God’s proof before creation, without being commanded to consider the public good (*al-maṣlaḥa al-‘amma*).

Now that the difference between being an imam and messengership has become clear, a fortiori the difference between it and prophethood has become clear, for prophethood is particular to the one receiving revelation, without any consequences to others. The difference among all these categories has now become evident through their distinguishing features [p. 94/95].

As for the consequences these differences have in the revealed law, they are various. Whatever he, may God bless him and grant him peace, did in the capacity of imam, like dividing spoils of war seized from the enemy on the battlefield; disbursing public funds in accordance with the public good; enforcing criminal penalties; organizing armies; fighting rebels; distributing public lands, whether agricultural or mines; and similar matters, it is not permissible for any person to undertake any of these activities without the permission of the current imam, because he, may God bless him and grant him peace, undertook these activities exclusively in his capacity as imam, and these activities became licit only with the imam’s permission. This, therefore, is established as part of the revealed law, in accordance with God’s statement, sublime is He, “and follow him [i.e., Muhammad], that you may be led aright.”<sup>1</sup>

Whatever he, may God bless him and grant him peace, did in the capacity of a judge, like awarding ownership pursuant to a right of first refusal; annulling marriages and contracts; divorcing women on account of the bankruptcy of their husbands, a circumstance which renders discharge of the husband’s maintenance obligation impossible; or adjudicating cases of husbands who swear oaths to refrain from sexual relations with their wives and the consequences of their renunciation of such oaths, it is not permissible for anyone to undertake any of these acts without first obtaining a judicial ruling from a sitting judge, in accordance with his practice, may God bless him and grant him peace, because he, upon whom be peace, did not permit these claims to be vindi-

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Maktabat al-Maṭbū‘at al-Islāmiyya, 1967); see Fadel’s remark in the translation reprinted here in footnote 4, 259f.

1 [note 9 in the original] Al-A’rāf, 7:158.

cated without a judicial ruling, so his community after him, may God bless him and grant him peace, is subject to the same principle [p. 95/96].

As for his conduct, may God bless him and grant him peace, in giving legal opinions, messengership, and communicating revelation from God, all of that is constitutive of revealed law which applies to human beings until the Day of Judgment. We are obliged to follow every rule that he has communicated to us from his Lord in accordance with the existence or nonexistence of its legal causes, without regard to the ruling of a judge or the permission of the imam, because he, may God bless him and grant him peace, when acting in these three capacities, was communicating to us the connection between that rule and that legal cause, making clear the path between individuals and their Lord. In these cases he was not originating a judicial ruling from himself, nor was he acting in the capacity of an imam, that is, making rules in accordance with his perception of the public good. Rather, in these three cases, he merely reported from his Lord things like how to perform the daily prayers, pay the alms tax (*zakāt*) and perform different kinds of ritual, as well as the ways by which an individual may obtain private property, whether by contracts of sale, gifts, or other legal acts. All of humanity is entitled to pursue these legal causes directly and individually and obtain the benefits of their legal effects without recourse to any judge to originate a rule, or to the current imam for permission to act on, and obtain the benefit of, these legal causes.

Now that the different consequences that his conduct, may God bless him and grant him peace, as imam, judge, and mufti, had on the law has become manifest, you should know that his actions, may God bless him and grant him peace, fall into one of four categories. The first category is that in respect of which the scholars have agreed that it was an act in his capacity as imam, like granting land (*iqtā*), enforcing the mandatory rules of criminal law (*al-ḥudūd*), sending out armies, and similar matters. The second category is that in respect of which the scholars have agreed that it was an act in his capacity as a judge, like obliging the discharge of indebtedness, ordering sellers to deliver goods to their purchasers, ordering purchasers to pay the prices of the goods which they have bought, declaring marriages to be invalid, and similar matters. [p. 96/97] The third category is that which the scholars have agreed that he was acting in his capacity as a mufti (such as communicating the obligation to pray and the establishment of public prayer, and the establishment of the pilgrimage rites, and similar matters). The fourth category is that in respect of which his action, may God bless him and grant him peace, partakes in features of all three of these categories, and accordingly, the scholars differed as to the proper classification of the act. There are several cases that illustrate this principle.

# 7 Al-Tawḥīdī: *Delightful and Intimate Conversations* (983–985)

Translated and introduced by Rushain Abbasi

## Introduction

What is the relationship between reason and revelation? Or, to use an expression made famous by the North African Church Father Tertullian, “what has Jerusalem to do with Athens?” This is a question which has preoccupied numerous theologians and philosophers across the ages, and none more so than the Muslims of the medieval world, who became the heirs to two sophisticated but divergent intellectual traditions: the Arabo-Islamic and the Hellenic. The former, rooted primarily in the Qur’an and the Prophet Muhammad’s teachings, was frequently juxtaposed to the study of reason and nature, which given its universality was believed to have transcended the confessional divide between Muslim and pagan. In light of this development, a tension naturally ensued between the respective epistemic claims of the so-called “religious” and “philosophical” sciences, one which sparked a heated debate over where to precisely draw the boundaries between these two distinct modes of knowing. Of the many extended reflections on this issue, none is perhaps more explicit in its emphasis on differentiating between the two bodies of knowledge than that of the Baghdadi logician Abū Sulaymān al-Sijistānī (fl. 10th century).

Originally hailing from Iran, al-Sijistānī became one of the leading scholars in the 10th century Baghdad philosophical scene, obtaining celebrity more for his Socratic style of oral instruction than his writings.<sup>1</sup> This is exemplified by the work of his student Abū Ḥayyān al-Tawḥīdī (d. 1023), who composed two popular collections in which he presents the rich private teaching sessions of Sijistānī. It is in one of these compendia, entitled the *Book of Delightful and Intimate Conversations* (*al-Imtā’ wa’l-mu’ānasa*), that al-Tawḥīdī presents the sophisticated musings of his teacher on the relationship between religion and philosophy.

The text is comprised of 37 of the nightly scholarly gatherings at the court of Ibn Sa’dān (d. 985–86), vizier of the Buyid Ṣamṣām al-Dawla (r. 983–87) in Baghdad. On the seventeenth night of these captivating *majālis*, Ibn Sa’dān asks Tawḥīdī about a man in his inner circle by the name of Zayd b. Rifā’a (d. ca 1000), whose bizarre opin-

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<sup>1</sup> The best study of his life and impact on the Baghdad circle of philosophy is Joel L. Kramer, *Philosophy in the Renaissance of Islam: Abū Sulaymān al-Sijistānī and His Circle* (Leiden: Brill, 1986). See also the discussion of the sources and status of his school in ‘Abd al-Amīr al-A’sam, *Abū Ḥayyān al-Tawḥīdī fī Kitāb al-Muqābasāt* (Beirut: Dār al-Andalus, 1980), 255–62.

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ions on a variety of doctrinal matters provoked the curiosity of the vizier. Following some pleasantries, Ibn Sa'dān begins by inquiring into Zayd's scholastic affiliation, to which the latter responds by clarifying that Zayd had no particular attachment to any school of thought, though he gained a certain reputation for having spent a good deal of time in Basra with members of the Brethren of Purity, a secret group of philosophers who gained renown for their treatises (*Rasā'il*) on various topics ranging from physics to theology. It is clear that al-Tawḥīdī's identification of this figure with the elusive Brethren is spurious and driven by a polemic against Zayd;<sup>II</sup> nevertheless, what is important for our purposes is that he describes this group of thinkers as those who desire to purify religion through philosophy and, more specifically, advance the "claim that perfection will be reached once Greek philosophy and the Arab revelation are properly combined"<sup>III</sup> (precisely what we find in the Brethren's own writings, as well as other philosophers such as al-Fārābī, d. 950).

It is this objective which raises the ire of al-Tawḥīdī's renowned teacher, al-Sijistānī, to whom the former presents the epistles of the Brethren for the first time. After spending an extended amount of time examining their treatises, al-Sijistānī embarks on a relentless criticism of their position by emphasizing that religion and philosophy are concerned with entirely different things and must therefore be kept apart. Implicit in his critique is a deep commitment to preserving the autonomy of religion – as derived from Muhammad's revelation – from the encroachment of the metaphysics of the philosophers, which often required the abandonment of specific Islamic doctrines (like the belief in miracles). This goal leads al-Sijistānī to elaborate at great length the intrinsic differences between the study of religion and philosophy. Given that the latter included sciences like mathematics and astronomy, a better translation for modern readers may in fact be the much broader term "science," which in this case would imply that al-Sijistānī was arguing for the separation of religion and science.

Where al-Sijistānī would diverge from the modern secularist, however, is in his elevation of the former over the latter, given its distinctly divine origins. Nevertheless, this in no way suggests that he was not aware of the possibility of a secular mode of being: as the final passage below demonstrates, al-Sijistānī clearly conceived of the Greeks as a secular civilization par excellence, one based principally on the acquisition of this-worldly ends and thus lacking a religion in the proper sense of the term. What this implies, on al-Sijistānī's view, is that Athens in fact has nothing to do with Jerusalem (or perhaps Medina in the Islamic case), and though philosophy is a commendable form of knowledge, it operates best when kept at a distance from religion.

<sup>II</sup> See Abbas Hamdani, "Abū Ḥayyān al-Tawḥīdī and the Brethren of Purity," *International Journal of Middle East Studies* 9 (1978): 345–53.

<sup>III</sup> Abū Ḥayyān al-Tawḥīdī, *al-Imtā' wa'l-mu'ānasa*, 163; English translation in Frank Griffel and Klaud Hachmeier, "Prophets as Physicians of the Soul: A Dispute About the Relationship Between Reason and Revelation Reported by al-Tawḥīdī in his Book of Delightful and Intimate Conversations (*Kitāb al-Imtā' wa'l-mu'ānasa*)," *Melanges de l'Université Saint-Joseph* 63 (2010–2011): 223–57, at 235.

Likewise, against the popular modern view of Islam as an all-encompassing system, al-Sijistānī would assert that religion has little to teach us about the workings of the world and instead has primarily to do with understanding the will of God as manifested through His revelation.

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## Translation by Rushain Abbasi

[Abu Bakr al-Sijistānī] said: They [i.e., the Brethren of Purity] think that they can smuggle philosophy – i.e., astrology, astronomy, the *Almagest*, geometry, the natural sciences, music [. . .] and logic [. . .] – into the divine law (*shari'a*) and thereby unite religion with philosophy. This is a goal, [however], on the way to which are insurmountable obstacles [. . .]

Upon which [Abu al-'Abbās] al-Bukhārī<sup>I</sup> asked him: And why is that dear master?

The divine law (*shari'a*), [al-Sijistānī replies], is derived from God – high and exalted may He be – through the mediation of an emissary between Himself and humanity by way of revelation, intimate conversations with God, witnessing His signs, the appearance of miracles – sometimes in accordance with what reason demands, and sometimes with what it merely deems possible – for the sake of perfecting the masses and guiding – by way of clarification – those who have already attained perfection. At its core, the divine law is that which is inaccessible to investigation or deep examination; one must therefore submit completely to the individual who calls us to it and warns us about it. Therein, the [question of] ‘why’ is dropped, the [question of] ‘how’ becomes futile, the [question of] ‘is it not?’ ceases, the [question of] “were it that . . . ?” goes away, and the [question of] ‘if only?’ vanishes into thin air [. . .].

On the whole, the divine law encompasses [all that is] good and in its particulars remains connected to this [general aim] by way of positive reinforcement (*ḥusn al-taqabbul*). It alternates between concerning itself with the apparent conventional meaning [of scripture] and proposing hidden meanings by way of allegorical interpretation (*ta'wīl*). It helpfully makes use of common language and [yet] defends [the religion] from attack through clear argumentation (*jadal mubīn*) and repels [evil] through [prescribing] good deeds. It strikes well-known parables and relies on evident proofs. It establishes the law regarding what is allowed and forbidden. It relies on traditions

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<sup>I</sup> RA: A student of al-Sijistānī's about whom nothing else is known.

and reports which are widespread among the followers of Islam (*ahl al-milla*) and it bases itself on the general consensus of the community. The foundations of religion are piety and awareness of God, while its end is to worship God and draw nearer [to Him]. [p. 164/165]

Absent, [therefore], from it [i.e. the divine law] is the discourse of the astronomers on the influences of the planets, the movements of the spheres, the size of the celestial bodies, or where they ascend and descend [ . . . ]; as well as the discourse of the natural scientist who studies the effects of nature, the [four] prime elements, their immutability and divisibility, and their differences according to the different climes [ . . . ]; as well as the discourse of the geometrician, who examines the measures of things: points, lines, areas, bodies, sides, angles, and intersections [ . . . ]; as well as the discourse of the logician, who examines the different ranks of statements and the appropriate places that nouns, particles, and verbs have [therein]; [as well as] how one is connected to the other according to the teachings of a certain man from Greece, so that a man's claim to truth can be verified and falsity avoided. [ . . . ]

[Al-Bukhārī] then asked: Given all of this, how could the Brethren of Purity, of their own accord, embark on a mission to insert philosophical truths into the methodology of the divine law? [ . . . ]

[Al-Sijistānī] replied: If this were both possible and allowed then surely God – exalted is He – would have indicated it and the Lawgiver [i.e., the Prophet] would have organized the divine law in accordance with it [i.e., philosophy], perfected [the divine law] by employing it and would have made up for the divine law's deficiencies through the various enhancements discovered in other sources. Or [at the very least], he would have encouraged the practitioners of philosophy to clarify the divine law through philosophy, or directed them to perfect it, or required them to defend it to the extent their capacities allow. But he did not do this himself, nor did he delegate the task to others like his successors and those who preserved his religion. On the contrary, he prohibited people from delving into these matters, made it detestable for people to mention these sorts of things, and even threatened them not to do so. [ . . . p. 165/166 . . . ]

[Al-Sijistānī] then said: The Muslim community has always maintained various disagreements over the principles (*uṣūl*) and substantive rulings (*furū'*) [of the divine law], and [its adherents] were always engaged in numerous disputes over [such things as] the plain and ambiguous aspects of legal rulings, the permissible and the forbidden, Quranic exegesis (*tafsīr*) and allegorical interpretations (*ta'wīl*), knowledge derived from observation (*ʿiyān*) or through tradition (*khābar*), or custom-based (*āda*) and law made in consideration of the public good (*istiṣlāḥ*). But in none of these issues did they seek recourse in an astrologer, physician, logician, geometrician, or musician, nor in someone who practices charms, trickery, magic, or alchemy. This is because God the Exalted perfected the religion through His Prophet – peace and blessings be upon him – and after the arrival of the clear message through revelation He did not impose the need for another message based on mere subjective opinion (*ra'y*).

He then said: And just as we do not find anyone in this community who seeks recourse in the practitioners of philosophy in any question regarding their religion, the same applies to the community of Jesus – may God bless him – and these are the Christians, as well as the Zoroastrians.

[. . .]

Al-Sijistānī said: What, [therefore], has religion to do with philosophy (*ayna al-dīn min al-falsafa*)? What does something which is derived from the descent of revelation have to do with something derived from the fleeting perspective of man? Now, they [i.e., the philosophers] take pride in [their] reason, and reason is of course a gift from God – high and exalted He be – to each individual, though only to the extent that one recognizes what transcends it (just as it is made apparent what can in fact be grasped). Such is not the case, however, with revelation since it is [bestowed] through a far-reaching light and a clear message.

He then said: In sum, the prophet is superior to the philosopher, and the philosopher is inferior to the prophet. The philosopher is required to follow the prophet whereas the prophet is not required to follow the philosopher, since the prophet is the one sent [with a message] and the philosopher is the one to whom [the message] is sent.

He then continued: If reason were itself sufficient, then there would be no benefit to be gained from revelation. Moreover, people have different levels of intelligence, so if we were entirely reliant on reason rather than revelation how would we proceed? Reason as such is not contained within a single individual; rather, it belongs to humankind as a whole.

So, if someone were to say, out of ignorance or in jest, that every rational human being can rely on his own ability to reason and does not need to utilize the [reason] of others given that he is sufficient unto himself and requires nothing more, [p. 166/167] the response to him would be that it is sufficient to note that no one would agree or conform to this opinion of theirs. Moreover, were a single individual to rely on his reason [to navigate] his religious and secular affairs, then he would surely be able to rely on his power to see to all of his religious and secular affairs and carry out every craft and science by himself without anyone else from among his species. This, however, is an abominable position and a view that must be rejected! [. . . p. 167–171 . . .]

[Al-Jarīrī]:<sup>II</sup> philosophy is not of the same genus as the divine law (*jins al-sharī'a*), nor is the divine law [considered to be] part of the discipline of philosophy (*fann al-falsafa*); and between the two, many an arrow has been hurled and many a tear has been shed. [. . .]

[Al-Sijistānī] is of the opinion that philosophy is true (*ḥaqq*) but has nothing to do with the divine law and that the divine law is true but has nothing to do with philosophy. The lawgiver [i.e., the Prophet] is the one who is sent [revelation], [while] the prac-

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II RA: An attendee of the salon about whom nothing is known.

tioner of philosopher is the one to whom [this revelation] is directed (*ṣāhib al-sharī'a mab'ūth wa-ṣāhib al-falsafa mab'ūth ilayhi*). The first of the two is distinguished by revelation; the other through his [ability to] investigate (*baḥth*). The former is self-sufficient, the latter must work for it. The former says: "I was commanded and instructed, it was said to me, and I do not speak of my own accord," whereas the latter says: "I inquire, I reason, I approve, and I reject." The latter says: "I am guided by the light of reason," whereas the former says: "I possess the light of the Lord of creation, and I walk under its brightness." One says: "God the Exalted says, and the angel says . . .," while the other says: "Plato and Socrates said . . ." From the first, one hears about the apparent meaning of revelation, permissible allegorical interpretations, verified Prophetic precedents (*sunna*), and the consensus of the community; from the second, one hears about prime matter, form, nature, the four prime elements, what is essential and accidental, what exists and what is non-existing, and other such things that cannot be heard from a Muslim, a Jew, a Christian, a Zoroastrian, or a Manichean.

[Al-Sijistānī] also says: Whoever wants to practice philosophy (*yatafalsaf*) must divert his eyes from religions (*al-diyānāt*), and whoever prefers to practice religion (*al-tadayyun*) must turn his attention away from philosophy. He must utilize them separately, in different places, and on different occasions. Through religion (*dīn*) he should draw near to God the Exalted according to what He expounded to the Lawgiver [i.e., the Prophet]. And through philosophy (*ḥikma*) he should study the power of God the Exalted in this world, a world that is comprised of a splendor that dazzles every eye and confounds all reason. He should not spoil the one through the other; [p. 171/172] meaning, he should not reject what the Lawgiver has conveyed to him both in general and in particular [ . . . ] and he should not oppose those parts of the religious law [which speak about] the wonders of the prophetic signs, parts which he might find unlikely [to be true] according to his reason, his subjective opinion, and the laws of philosophy. For philosophy is derived from reason, which is deficient in reaching the ultimate aim [of life], whereas religion (*diyāna*) is rooted in revelation, which emanates from an omnipotent [form of] knowledge. [ . . . p. 172–174 . . . ]

Al-Sijistānī said: The Greeks are not known to have had a prophet or a true messenger sent from God. Instead, they relied on their philosophers to construct laws to bring their worldly wellbeing (*maṣāliḥ ḥayātihim*), social order (*nizām 'ayshihim*), and temporal interests (*manāfi' aḥwālihim fi 'ājilatihim*) into a harmonious state. Their kings loved philosophy and held its practitioners in high esteem, and they supported those who adorned themselves with any part of it. Those laws were [actually] enacted and relied upon such that when the passage of time [eventually] wore them out, [the philosophers] resumed [their efforts] and constructed other, newer laws by adding things which addressed a [new] development or an [exposed] deficiency arising out of the [new] conditions which prevailed over the people and to which they were susceptible. Thus, one cannot say that when, during the reign of Alexander [the Great], he moved from the West to the East his "religion" (*sharī'atuhu*) was "such-and-such," or

that there used to be talk of a prophet called “so-and-so,” or that he himself said: “I am a prophet!” [Rather,] he fought and overcame Darius and other kings according to [the logic] of conquest, [which is to say] to seek to [expand one’s] dominion, occupy lands, [levy] taxes, [capture] prisoners, and [procure] booty. If there had been some mention of prophecy or talk of a prophet, this would have been widely attested in the books of history.

# 8 Yūsuf Khāṣṣ Ḥājib: *Wisdom of Royal Glory* (ca. 1060s)

Introduced by Neguin Yavari

## Introduction

A few years before Nizām al-Mulk and living further east in the city of Kāshghar in present-day Chinese Turkestan, another statesman, Yūsuf Khāṣṣ Ḥājib (d. 1077) from Balāsāghūn (in today’s Kyrgyzstan), this one serving the ʿIlig Khānid (or Qarakhānid as the dynasty is known in the West) ruler Ṭavghāch Bughrā Khān (r. 1068–1103), authored a mirror for princes entitled *Ḳūtādġu Bīlīg* (The wisdom that conduces to royal glory or Fortune).

Yūsuf’s opus is a *mathnawi* – a Persian prosodic form – in 4468 couplets on the interface of fate with fortune, religion with reason, and kingship with divine sovereignty. The oldest extant work of Islamic Turkic literature, its language is substantially the same as Uighur, the language of the Orkhon inscriptions found in Mongolia that date to the eighth century, and is close to Chaghatay, the language of the later eastern Turkic literature, the content of which is mostly Buddhist. Remarkable in Yūsuf’s rhymed mirror is the explicit twinning of wisdom with good fortune in the pursuit of good rule. Like Nizām al-Mulk’s king who possesses *farr*,<sup>1</sup> or Machiavelli’s prince blessed with *fortuna*, Yūsuf’s king is privileged with that *‘je ne sais quoi’* (*kūt* in Ottoman Turkish and *qūt* in Chaghatay) that marks a just prince and elevates him into an exemplar of politics and of stable rule. *Fortuna*, *farr*, *dawla* or *kūt* is the very antithesis of politics and of stable rule, the fickleness of which only wisdom and virtue can overcome. In this mirror for princes, *kut* or good fortune is paired with *bīlīg* or wisdom as a recipe for staving off fate, good fortune’s unruly twin. The rule of fortune, the king is told, is only procured through abidance by the laws of reason, and likewise. As in other texts collected in the premodern section, religion is not just clearly differentiated from political rule, but also explicitly if indirectly subordinated to it. And God’s sovereignty is akin to legal fiction, for while the selection of the king can be conceived as strictly a divine prerogative, the craft of ruling is an entirely human affair. In medieval Islamic political language, although good kings are considered *ipso facto* pious, their success in this world is measured not by their piety but by their abil-

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<sup>1</sup> *Farr*, lit. glory, also rendered as *dawla* in premodern Arabic texts, is an old pre-Islamic Iranian import; for more on cognate concepts in Persian, Arabic, Turkish and Mongolian see Thomas Allsen, “A Note on Mongol Imperial Ideology,” in *The Early Mongols: Language, Culture and History, Studies in Honor of Igor de Rachewiltz*, ed. V. Rybatzki et al. (Bloomington: Indiana University Press, 2009), 1–8.

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ity to rule with wisdom and discernment. Their demise is brought about by bad judgment and not by Fortune.

The crossover between fortune and governance, as well as between fate and politics is also embodied in *Kutadgu Bilig*'s cast of characters.<sup>11</sup> There are four main characters in Yūsuf's mirror: the king named Kün Toğdı (Rising Sun), whose emblematic principle is justice, the vizier Ay Toldı (Full Moon), who represents vulnerability to the waning of fortune, the sage Ögdülmiş (Highly Praised), a stand in for wisdom, and the ascetic Ođğurmuş (Wide Awake), who represents man's final destiny. While the first part imparts familiar themes and tropes from Islamic mirrors for princes, the second half of the book is for the most part taken up with Wide Awake's exhortation to the virtues of the Sufi path.

The selection below (lines 1921–2180 of Arat's edition and pp. 103–111 in Dankoff's translation) furnishes a guide to good rule that firmly separates the requisites of politics from piety, religiosity, or any commitment to a higher truth. Noteworthy is the emphasis on virtue and moral exemplarity that defines kingship and good rule in *Kutadgu Bilig*, which stands in sharp contrast to the prescription for good rule forwarded by the author in *Qābūs-nāma*, who points to the outward appearance of piety as key to safeguarding the king's standing with his subjects. Likewise of interest is that while Yūsuf's mirror circulated in the Timurid court of Herat, *Qābūs-nāma* was favoured by Ottoman sultans.

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Original source: Yūsuf Kāṣṣ Ḥājib, *Ḳūtādġū Bilig I: Metin*, ed. Reşid Rahmeti Arat (Istanbul: 1947), I:1921–2180.

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<sup>11</sup> On the language and composition of *Kutadgu Bilig*, as well on the question of Buddhist influences on the text, see Dankoff's "Introduction," for its literary context, see Benedek Péri, "Two Central Asian Turkic Texts and their Relationship to the Persian Literary Tradition: Yūsuf Ḥāṣ Ḥājib's *Qutadġu Bilig* and Ḥaydar Ḥvārizmī's *Gulšan al-Asrār*," in *Proceedings of International Conference on Kutadgu Bilig – the Great Monument of World Turkic Studies: Topical Problems of its Study* (Tashkent: Tashkent State University of Oriental Studies, 2020), 132–37; and for more on the conceptual scaffolding of the text, see Nequin Yavari, "Fate, Fortune, and Governance in the Medieval World," in *Slavs and Tatars Presents Mirrors for Princes*, ed. Anthony Downey et al. (Zurich: JRP Ringier, 2015), 63–82.



## Translation Adopted from Robert Dankoff

### The Qualifications of a Prince (*beg*)

The king said:

“Now this is what I had to ask. God created mankind, some great, some small, some with a bad name, some a good; there are wise and foolish, poor and rich, intelligent and ignorant, wicked and virtuous.

Of what sort should be the prince, who is at the head of all these? How should he conduct his affairs so that his realm will prosper, his people grow rich, and his name be glorified when he passes on; so that he will lay up treasure of silver and precious stuffs; that he may crush the neck of the foe, and remove civil strife; so that he can muster troops effectively, and dispense justice equitably; that he may live contented and enjoy a long reign, and, when his life is cut off, enjoy the next world too?”

Highly Praised replied:

“This is a difficult question indeed. Only princes know what it is to be a prince. Law and custom and protocol derive from them. They are born for princely rule, and they study how to do it well. When God gives someone princely rule He gives him the mind and heart corresponding to the task. When God wishes to create a prince, He first gives him the proper character and mentality, wing and feather both. Rise is the business of princes, and only royal persons know how to perform it. The king knows this business better than I: his father was a prince, and so is he.”

The king said:

“Your words are true, and fragrant as musk. Still, the man who performs a task simply performs it, while one who observes knows its virtues and defects. I am the performer, you are the observer; and the performer can learn something from the observer. Now God has given you a good mind and you have grown intelligent and sage. Also you have served me since you were very young, and have learned by observation what good government is. You understand the essence of every matter. And you have been loyal to, both in word and deed. A man can ask advice of one who is loyal to him, for the loyal one will ransom his soul for that man. I can trust in your answer because of your loyalty. Speak then out of your loyalty, for loyalty is the head of humanity; as the poet says:

Praise the man who is true to you,  
Keep him close to your heart;

If you find a loyal man.  
Never let him part.<sup>1</sup>

Highly Praised answered:

May the king live long in health and power! The first requirement for being a prince is noble birth; (then he will be) a marksman brave, hardy and strong, with a solid heart. If the father is a prince, then the son is born a prince, just like his father before him.

Then he must be intelligent and wise, generous and virtuous. With wisdom the prince must rule the people, and with intellect govern the realm. In fact the word for 'wisdom' (*bilig*) and 'prince' (*beg*) are connected: take away the l from *bilig* and this leaves *beg*.<sup>2</sup> He needs to have a good mind because he will have many foes. A sage experienced in this regard has said:

Wise and wakeful a prince must be  
To ward off all calamity;  
Of myriad virtues, of vices few,  
To hold his name and keep his hue.

All of Adam's sons are of noble parentage, but the choices of all are the wise. One who comes from good seed will be wellborn, and so will rise to the place of honor. Favored of heaven is princely rule: it wants purity, and along with purity it wants vigilance in the realm. The choicest of the people must be a marksman, brave; he must be bold to deal with mighty matters. Here the mature words spoken by the Prince of Ötügen on this subject: The prince of the people must be the choicest among them, his heart and tongue upright, his character outstanding; wise and generous, with full eye and heart; his hand extended toward every good; modest, graceful, and even-tempered. Such a one is fit to be prince, and from him will come good seed in turn.

A man must undertake a task with wisdom, and apply intellect as well, if that task is to succeed. It is only by means of wisdom that princes the people in check. Where wisdom is lacking, their minds are unsuited to the task. When a prince errs, O glorious king, his rule becomes sick and requires treatment. But the only medicine is knowledge and wisdom. So use intellect to treat the sickness. O virtuous one! Only a person who is intelligent and sage can cure this illness. Such a ruler has a good place in both the worlds. And the person who gains both worlds is the very epitome of Fortune. As the poet says:

1 [translator's note 72 in the original] Play on words: *bağirsak* "loyal," *bağir* "heart" (lit. "liver"). The quatrain literally translates: "The man of intellect much praised the loyal man. Loyal men are precious to a man. If you find a loyal man, keep him on your liver. Thus have wisdom and intellect instructed me."

2 [translator's note 73 in the original] The word game works in Arabic script, which does not show the vowels.

The man endowed with brains will have  
 The Luck of both worlds as his share;  
 He'll live a happy life down here  
 And have a place of honour There.

The prince must be straight-dealing and upright; then his day will pass in joy. When God gives a man good character and good conduct, the world pours its favours upon him. He can enjoy them himself, or share them with others. It is God who favours His slave with Fortune so that his character is good and his conduct sound. Thus endowed, with virtues by the thousand, he disperses the fog and grasps the realm. What a fine thing is good character: it is a man's food and dress. But when God gives a man an unruly character, then Time's arrow harasses him. And if a prince is so endowed, then all his actions are contrary, and his joy turns to care.

The prince must be God-fearing and devout. The one of pure seed must practice purity. The pious man has a fearful heart, and the prince with a fearful heart governs equitably, while if the prince is not pious and pure his deeds are all unclean and uneven.

A quiet temper is the prince's ornament. Calm dignity is the tether by which his rule is bound.

The prince requires a good mind if he is to undertake affairs and bring them to a successful end. But mindless men must be kept away from affairs of state. Just as the eye is useless without the heart, so the heart is helpless without the mind. Hear the words of one whose heart is tried and true:

While a man possesses intellect  
 Let praise for him endure:  
 What seems bad in him is good,  
 What seems unripe, mature.<sup>3</sup>

What a fine thing a good mind is. The man with a good mind (*ög*) is rightly called 'Counselor' (*öge*).

Know that haste is evil in anyone; and when it appears in a prince, his face turns grey with shame. Rashness and quick temper are sure signs of folly. Things done in haste are undercooked; food and drink consumed in haste cause sickness. Prefer to be slow and steady in every action. The only exception is serving God: for that you may rush!

He should be full-eyed, modest, and forbearing, also open and frank in word and deed. A greedy-eyed man is insatiable; the food of this world is not enough for him. Greed is a sickness for which there is no remedy; the diviner of this world cannot cure it. When a hungry man eats and drinks, he is satisfied; but the greedy man stops

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3 [translator's note 74 in the original] Play on words: *Ög* "mind, intellect; mature," *ög* "to praise."

being hungry only when he dies. The greedy-eyed person never gets rich: he is still greedy and needy, although he has gained the entire world.

The prince should also be modest, for a modest character never wanes, but is full. When a man has modesty and purity, his hand never reaches out for what is improper. To whomever God gives modesty and water-of-eye (tears), He also gives Fortune and water-of-face (honour). It is modesty that holds one back from all that is improper, and joins one to all that is good. What a fine thing is modesty, an adornment to a man! It is the tether that binds him to all good things.

He should have a truthful tongue and an honest heart, if he is to be beneficial to the people, and his sun of good fortune is to rise. There is no hope for the prince who has a treacherous heart, and no benefit from him for the people. If he is not straightforward in his heart, his tongue, and his deeds, then Fortune has no way to him and will flee that realm. Despair for a prince who breaks his word; his life is vanity and regret.

The prince should be wakeful and alert; if he is negligent, he will suffer the consequences. There are two bonds which hold the state together. One is wakefulness; the other is justice, the root of government. If the prince is wakeful he keeps guard over his realm and crushes the foe's neck and tramples upon him. And if the prince dispenses justice, he keeps his realm in good order and causes its sun to shine. These are the two bonds of rulership, as long as they are perfect, princely state endures. And a stalwart warrior said: With wakefulness the prince defeats his enemy and increases his territory, with neglectfulness the foundation of princely rule is undermined. Be wakeful then, O prince, watch over all your realm, wrench the neck of your foe and deal justly with your subject. Then you will live in peace.

There are two things which undermine princely rule, and cause the ruler to stray from the straight path. One is injustice, the other is negligence. With these two the prince may ruin his realm. For if you wish to crush your foe, you must keep your ears and eyes alert. With wakefulness the prince pierces his enemy, with negligence he breaks the bond of rule. The careless prince cannot carry out his affairs or enjoy his rule securely. The careful man is always ready, lying in ambush for the neglectful. And if the enemy were not neglectful, who could defeat him? As long as the prince is wakeful, no hand can touch his realm without being thwarted with wise devices. As for the one who is unjust, he cannot enjoy his rule, nor can the people bear his injustice. A wise man has said that unjust rulers can never rule for long. Injustice is a blazing fire which burns whatever it comes near. And justice is water that bring forth blessing wherever it flows. The prince who desires to enjoy a long rule must promote justice and protect his people. With justice the territory will increase and the realm will thrive; with injustice the territory will diminish and the realm will fall to ruin. Many a royal court has been ruined by an unjust ruler, who himself grew weak and died of hunger in the end. As long as a prince keeps a steadfast heart and promotes justice, his rule will not collapse but long will stand upright.

Worst of all, glorious kings, is for the prince to get a name for dishonesty. He should be truthful in word and sincere in deed. Then the people will trust in him and share in his Fortune (*kut*). A dishonest man is treacherous, committing acts unsuited to the people in his charge. Here is how a trustworthy<sup>1</sup> man has put it:

The man with a lying tongue  
Is a treacherous-hearted brute.  
'Trust no the liar' – this advice  
Is of bitter years the fruit.

The prince should be brave and bold and steadfast against the foe. As army commander he must be courageous so that cowardly troops take heart from him. For when a brave man commands the cowardly, they all become brave. Witness the following verse:

A dog is leonine  
If he gets a lion's head;  
Give the dog's head to the lion,  
He becomes canine instead.

The prince should be generous, yet keep a humble heart and quiet demeanour. It is through generosity that the prince acquires a good name, and it is through his name and fame that the world becomes secure. He then attracts troops who crown about his standard, and with these he attains goal. Hear how a successful warrior has put it: O brave one! Strike, take, and give to your men. Be generous, give gifts, entertain with food and drink. And when you lack, then strike, take, and give again. The valiant man never lacks for wealth. The swooping falcon never lacks for prey. As long as a man has sword and battleaxe, bow and arrow – and a strong heart! – he has nothing to fear.

What need for a prince to hoard up treasure? Wherever he has ready troops, there treasure is at hand. Troops are needed to maintain the state, and wealth is needed to pay the troops; a prosperous people is needed to attain this wealth, and for the people to be prosperous, you must maintain justice. If any one of these is lacking, all four are left behind; and when this occurs, princely rule disintegrates.

In order to maintain his good repute, the prince should keep these five things far from him: haste, stinginess, quick temper, an unruly character, and a lying tongue. If he stays far from these his name will not go bad and his command will be effective. Worst of all is an unruly disposition. As the poet says:

The unruly man  
Gives himself much woe;  
The stubborn man's a captive,  
Foe to friend and friend to foe.

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I NY: Dankoff's "trusty" is replaced with "trustworthy" to indicate *vefalıg kiŝi*.

One who would rule over many lands should do these three: with his right hand wield a ready sword; with his left hand give out his gathered goods; and with its tongue speak sugar-sweet. Then prince and slave, great and small alike, will offer him their necks.

These things, O king, are what a prince requires in order to be loved by the people and raised in their esteem: a smiling face, a sweet tongue, a pure soul, and deeds befitting these. Such as he will know every virtue and keep far from every vice. He is the choicest of the people, flawless and complete. The world's people are all his slaves, and their prince attains all his desire of the world.

But a frowning face, a rough tongue, and a haughty mien: these make him incorrigible and despised. Immodesty, haste, and frivolity: these are the manners of commoners. The prince should keep such manners far from himself, for if they come near he will be sullied. White is the color nobles, black of commoners and slaves. Distinguish well between these! He who would be a noble prince must hold to noble virtues. He may have the name of 'prince,' but if his character is black, he will be called ignoble among the common people.<sup>4</sup>

The prince should be handsome and trim, and of middle stature. A fine appearance makes him loved and trusted by the people when they see him. His manliness then will be a hard blow to the enemy; while his beauty will bring tears of love to the eye. As for stature, if he is too tall, wisdom will not praise him, while if too short, he will not be graceful and refined. It were best for him to be of middle height. An aged and experienced man has said:

The man short of stature  
Is short-tempered and mean;  
The middling man is moderate  
And seeks the mean.

The prince should not drink or fornicate. Fortune flees from these two activities. While princes of the world enjoy sweet wine, their lands and subjects suffer bitter ills. When the ruler of the world gives himself up to sport, he ruins his land, and turns himself into a beggar. If he dissipates his rule during his reign, then he cannot recover it, though he hunt it down with hawks. Hear what a wise and abstemious man has said on this: Do not drink, for the wine-bibber is a slave to his throat, and by drinking opens the way to poverty. When a commoner drinks, his wealth turns to wind. When the prince drinks, how can the state endure?

Wine is an enemy, the tavern-keeper a highway robber, the drinker a brawler. When a man gets drunk he goes mad, and a madman's deeds cannot go right. Hear what a chaste-tongued man has said, and apply his words, you who are slave to your

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4 [translator's note 75 in the original] Play on words: *kara* "black; common, vulgar."

throat! How many a deed that should be done is left undone when wine is drunk. How many a deed that should not be done comes to pass when a man is drunk.

If a prince indulges in wine and sport, when will he set his mind on the business of state? Fornication spells the ruin of princely rule: wherever it is found. Fortune flees. For Fortune is pure, it seeks out purity and supports the pure. When the prince becomes a drinker, vile and corrupt, [p. 108/109] then all his subjects follow him to drink. It is up to the princes to set aright their subjects' improper acts: if the prince himself does what is improper, who is to guide *him*? Only water can clean out filth; if water itself is filthy, what can make *it* clean? When a person is sick, it is the physician who gives the medicine but who can treat the physician's sickness? Therefore princes must keep their actions pure and straight, for the prince's way makes straight the way of the people. Whatever customs the prince adopts, the people follow his example. Witness this charming verse:

Whatever way the master walks,  
The slave walks with a similar gait;  
If the master's way is straight and good,  
The slave's way is good and straight.

He should not be haughty and proud-hearted, for pride leads astray from the straight way. Princes become great by virtue of Fortune, and must keep their hearts humble if they are to maintain this lot. A virtuous sage has expressed this as follows: When a prince puffs himself up he is bound to be humbled, my son. Pride has never raised a man to heaven, though humility has kept him from ruin. Pride does not benefit a man, but only makes his heart cold; while a humble heart in fat raises a man's estate. Despair then of the prince who is haughty and proud. While the prince's heart should be lowly, it should also be open, and ready to forgive those who have sinned. Then his troops will love him, and his followers will be loyal and obedient.

The prince requires both moral purpose and fitting manliness. Thus he will get a good name, gain his desire, and be successful in the hunt. A man who lacks moral purpose is as good as dead: his lot in either world is lost. Along with moral purpose the prince needs authority as well as the quality of leadership necessary to enforce it. For it is by means of authority that he sets his realm in order, and puts aright the actions of his subjects. Witness this verse which proves the point:

Authority is an adornment  
Of the governor's gate;  
With it he cleanses civil strife  
And sets his province straight.

The cement of the state, that which holds its foundation firm, consists of two fundamental things. One is justice, which is the share of all the subjects; the other is silver, which is the share of the military. With justice the subjects will live happily, and with silver the military will obey cheerfully. As long as these two classes are happy with

their prince, he will be content, and his realm and court will prosper. When the prince stops administering justice and no longer guarantees his subjects security, then he has set a fire among them, and has undermined the foundations of this rule. And when the prince no longer inspires the love of his troops, from that moment on the sword stays in the scabbard. A prince maintains his power only by the sword; without the sword he cannot keep down his own realm. Sword and battleaxe are guardians of the land. It is by the sword that a ruler gains control of his land in the first place. Hear the words of this warlike emperor: A careless eater can eat poison, so take care, O noble one, and keep sword and battleaxe your guardians. The prince with a sword as guardian will enjoy contentment. While he brandishes the sword, the enemy will not move; but when the sword stays in the scabbard, his contentment will vanish. Therefore, O prince, keep happy the one who wields your sword. Then you shall ever live happy and carefree.

Highly Praised continued:

O glorious king! The business of state is great and difficult. It is a weighty thing to rule, full of hardship and headache. There is little joy in it, and much care. Few are those who praise it, and many who curse. Wherever you look, there is fear; and if you look for happiness from it, there is little to be found. Few are its lovers, many those who despise it; for there is too much strife in it, and too little pleasure. Everywhere it inspires lack of confidence, and where there is no confidence, there is distress. Everything it undertakes is full of risk, and when there is risk in a thing, the taste goes out of it. Listen to these words of wisdom, strung like pearls:

The kings' head is like a tower,  
His neck is like a thread,  
His rule is risky, like a sword  
Suspended over his head.

This is the way of princely rule. Some find satisfaction in it, others disillusionment. If you wish to enjoy both this world and the next, then pay attention to these things: Keep heart and tongue upright. Take refuge in God and obey His command. Be satisfied with whatever comes from the Lord, for servitude to Him is the basis of contentment. Have compassion for all creatures. Always do what is right and what benefits the people, and put down what is wrong and what does them harm. Then this world is yours, you may eat and sleep without anxiety as long as you live; and when your life is cut off, you may be of good hope that God will requite your goodness with a good road.

The virtues that pertain to princes are these, as I have explained to the king. Any man who possesses these virtues deserves the name of 'prince' and a high position in the state. The perfect prince is the head of his people, and from him every virtue is expected. A clever man summed it up this way: The prince should be intelligent, wise and just; also cunning and courageous to gain good repute. He must be generous and



forbearing, modest and pure; kindly and protective, full-eyed, patient, and humble; sparing and forgiving, and quiet-mannered. He must be a paragon of virtue among men, and deal justly with the people. Whatever realm has a prince such as this, its people's ills are gone, for Fortune's sun has risen on that land. Alas that men such as this must die!

This that I have offered you, O king, is the extent of what I know.”

The king said:

“You have spoken well and true.

Now I have yet another question to propose. Answer me openly. Once such a virtue-filled prince is found, of what sort should his vizier be, O excellent one? How can he best fill the treasury with gold and silver, and promote the state's prosperity and growth? How can he best direct the government and administer its laws? How can he stay on good terms with the military? How should he act in order that the people live in peace and security, and the prince acquire a name for goodness?

# 9 Ibn Khaldūn: *Religion-based and Reason-based Politics* (ca. 1380)

Translated and introduced by Neguin Yavari and Florian Zemmin

## Introduction

‘Abd al-Raḥmān Ibn Khaldūn (d. 1406) features today among the most prominent figures of Arab and Islamic thought. This prominence rests almost exclusively on his *Muqaddima*, originally written as the introduction to a multi-volume work on Arab and Berber history. While a significant number of modern scholars read the *Muqaddima* as a sociological text – some even consider Ibn Khaldūn as the founder of sociology<sup>I</sup> – others stress the medieval culture of which he partook.<sup>II</sup> What is certain is that the *Muqaddima* presents an ingenious and original philosophy of history, as well as a rich synthesis of Arab historiographical traditions, political thought, and Sunni religious discourse. We have selected for translation Ibn Khaldūn’s section on the meaning of the caliphate, which demonstrates apart from terminological clarity, a nuanced treatment of the multivalent differences between religion-based as opposed to reason-based government. Our version differs markedly from an extant English translation, both in style and in the rendering of key terms.<sup>III</sup>

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**I** For a nuanced elaboration of this widespread, if often selective and ahistorical sociological reading, see Syed Farid Alatas, *Applying Ibn Khaldūn: The Recovery of a Lost Tradition in Sociology* (London: Routledge, 2014).

**II** Robert Irwin, *Ibn Khaldun: An Intellectual Biography* (Princeton, NJ: Princeton University Press, 2018); and Aziz al-Azmeh, *Ibn Khaldun in Modern Scholarship* (London: Third World Centre for Research and Publishing, 1981).

**III** Cf. ‘Abd al-Rahman Ibn al-Khaldun, *The Muqaddimah: An Introduction to History*; trans. Franz Rosenthal, ed. and abbr. N. J. Dawood (Princeton, NJ: Princeton University Press, 2005), 251–53.

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## Translation by Nequin Yavari and Florian Zemmin

Sovereignty (*al-mulk*) is premised on social association (*al-ijtimā*), a necessity for mankind. It requires subjugation and force, which are signs of mankind's aggressive and animalistic nature. The decisions of the sovereign will therefore deviate from what is right and undermine the worldly interests of his subjects, for he will force upon them his own objectives and ambitions, which may exceed what they are willing to bear. The situation will differ in response to the ambitions of different generations. Compliance will be undermined as a result, and disobedience will rear its head, causing chaos and bloodshed.

It is therefore necessary to resort to entrenched political ordinances (*qawānīn siyāsa mafrūda*) acceptable to all, by the statutes (*aḥkām*) of which they will abide, as was the case with the Persians and with other nations. The state (*al-dawla*) that does not have such a form of politics will be unstable and will not prevail. "This has been God's practice with those who went before. You will find no change in God's practices." [Q 33:62]

When these ordinances are established by the knowledgeable, the notables and the great minds of the state, the result will be reason-based politics (*siyāsa 'aqliyya*), and when established by the exalted God through a Lawgiver who decrees and promulgates them, the result will be religion-based politics (*siyāsa dīniyya*) that will be beneficial for life in both the world and in the hereafter. [p. 326/327]

This is so because mankind is not merely intended for the world, which is wholly trifling and futile, ending as it does in death and annihilation. "Did you then think We had created you in vain . . . ?" [Q 23:115] The purpose of mankind is their religion that delivers them to happiness in the hereafter; "[t]he path of God, to whom belongs all that is in the heavens and earth . . .". [Q 42:53] Therefore, laws were revealed that steer them to such a course in their dealings with God and with their fellowmen. The same applies to sovereignty, which is intrinsic to human association. The revealed laws steer sovereignty along the path of religion, so that all matters accord with the opinion of the Lawgiver. Any endeavour by the sovereign impelled by force, subordination or naked aggression is tyranny and iniquity and repudiated by the revealed law and likewise by the requisites of political reason. Equally repudiated is any endeavour by the sovereign impelled by politics and its rules that diverges from the opinion of the Lawgiver, bereft as it would be from divine light. ". . . the one to whom God gives no light, has no light at all." [Q 24:40]. This is so because the Lawgiver is cognizant of the interests of the subjects in those matters pertaining to the hereafter that are unknown to themselves. At Resurrection, human beings are held accountable for all their deeds, concerning sovereignty or otherwise. He (pbuh) said: "These are your deeds that are brought back to you" (Hadith).

Political rules only consider worldly interests. "[T]hey know only the outer surface of this present life . . .," [Q 30:7] whereas the intention of the Lawgiver concerns wellbeing in the hereafter. Therefore, the command of revelation is to exhort the peo-

ple to the statutes of the revealed law in their affairs, both of this world and of the hereafter. This command was directed to the masters of the revealed law (*ahl al-sharī'a*), namely the prophets, and to those who succeeded them, namely the caliphs.

Now the meaning of the caliphate becomes evident. Natural sovereignty is that which exhorts the people to the requirements of [private] interests and passions. Political [sovereignty] is that which exhorts the people to the requirements [p. 327/328] of reason (*al-naẓar al-'aqlī*) in providing worldly benefits and avoiding harm. The caliphate is that which exhorts people to the requirements of religion (*al-naẓar al-sharī*) in their otherworldly interests as well as their this-worldly interests which impact on the former. For according to the Lawgiver all affairs of the world are to be assessed in light of the interests of the hereafter. Thus, the caliphate is, in truth, deputy to the Lawgiver in protecting religion and governing the world by it (*ḥirāsāt al-dīn wa-siyāsāt al-dunyā bi-hī*).

# 10 Anonymous: *On the Good of the Muslims* (ca. 1650) and Anonymous: *The Praised Book* (1620)

Translated and introduced by Alp Eren Topal

## Introduction

Around the middle of the 16th century, the Ottoman literary scene witnessed the emergence of the “decline treatise,” a genre of political writing focused on the “decline” of the Empire’s social and political order. Not content with merely describing the perfect prince or good governance in the abstract, the “decline treatises” transformed conventional advice literature into a tool for reflecting on the present and immediate problems of the Empire.<sup>I</sup> A significant number of the treatises that reached us are either anonymous or provide little more than a name in the way of authorship – indicating the popularity of the genre among the quickly broadening set of actors on the Ottoman political stage. Initially taken at face value by historians, the genre was interpreted as one of the surest signs of imperial decline. Later revisionist historians, however, highlighted the polemical character of the tracts and argued that at its core, the genre was a reaction to the fast-changing class structure of the Empire. The genre is highly revealing on the questions of power, sovereignty, the logic of rule, religion, legitimacy, and divinity as they were produced in a period of wide scale institutionalization across the Ottoman government.

The first text, *Kitāb-i Maşālihi’l-Muslimīn ve manāfi’i’l-mū’minīn* (The Book of the Good of Muslims and the Interests of Believers) is an early specimen. Initially dated to the first half of the seventeenth century, Baki Tezcan has recently argued for a mid-16th century production, at the height of Suleiman’s reign when the Empire was at its peak.<sup>II</sup> The emergence of the genre in a period of prosperity suggests that the transformations that were later perceived as decline had their roots in “the golden age.” The text is distinguished from other examples of the genre by its non-bureaucratic and occasionally vernacular prose. Textual features point to an author from the learned classes or a low-mid level employee at the chancery. In contradistinction to other practitioners of the genre, our anonymous author is more concerned with the

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I Marinos Sariyannis, *A History of the Ottoman Political Thought up to the Nineteenth Century* (Leiden: Brill, 2019).

II Baki Tezcan, “The Kanunnâme of Mehmed II: A Different Perspective,” in *The Great Ottoman-Turkish Civilization*, Vol. 3, ed. Kemal Çiçek et al. (Ankara: Yeni Türkiye, 2000), 657–65.

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question of piety and the status of the learned classes than the machinations of various palace actors and the bureaucracy.

The second text, *Kitāb-i Müstaṭāb* (The Praised Book) is dated to 1620, one of the most critical junctures in the history of the Empire, two years before the regicide of Osman II who had attempted to restore power to the dynasty. It is clearly written by a member of the scribal corps and textual evidence points to *devşirme* origins.<sup>III</sup> This is significant since the author is a clear proponent of sultanic prerogatives and advocates for restoring the strict hierarchies and boundaries that in his view, defined the Ottoman state and marked its success.

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Anonymous, “Kitāb-i Müstaṭāb” [The Praised Book], in *Osmanlı Devlet Teşkilatına Dair Kaynaklar*, ed. Yaşar Yücel (Ankara: Türk Tarih Kurumu, 1988), 23–27.

## Translation by Alp Eren Topal

### “Kitāb-i Maşāliḥi’l-Muslimīn ve manāfi’i’l-mū’minīn”

#### The First Chapter

[Regarding] the affairs of the high-ranking scholars of religion (*‘ulamā’*), for the order of the world (*niḫām-e ‘ālam*) rests with them, and [the prophet] said “An offering to a religious expert (*‘ālim*) is an offering to me.” As such, we shall see how one should provide for the scholars of religion so that they do not knock on other doors, spend five to six years unemployed and undignified; rather they shall spend their days and nights in contemplation, only occasionally apprenticing for the chief judge (*ḳādi-‘askar*). When Hamunoğlu the physician<sup>I</sup> was still alive, many a great judge tried to apprentice with him or with lowly people like him. Some took to selling their books out of poverty, becoming ignorant in the process. It is as bad today as it was then, for no one can find satisfactory employment in the ranks. One solution is to [select] those who are known for bribe-taking or ignorance whose attire and retinue are fit for cav-

<sup>III</sup> Instituted in 1395, *devşirme* was the Ottoman practice of forcibly recruiting and subsequently converting young Christian males from the Balkan provinces to serve in the Ottoman army, administration, or court.

<sup>I</sup> AET: Jewish physician about whom very little is known.

alry duty, [p. 91/92] and appoint them to regiments or provincial fiefs (*tīmār*) with a reduced salary. This would give the unemployed some space and at the same time cavalymen would benefit from having a learned man in their midst. As such, scholars of religion should not be unemployed for more than six months so that they may maintain their dignity and strength, and eventually when they arrive at their judgeship, they shall not fear the district governor or any other servant of the sultan, or fear removal from office. They shall not sell their books either; they shall carry out whatever the revealed law (shari'a) commands with probity, without being lured by bribes. If this matter is not rectified, judges will spend five to six years in a wretched state awaiting an appointment and remain beholden to the elite while incurring debts all around; and after [enduring] that no judge can uphold the revealed law with probity, even if they are granted an appointment and arrive at their judgeship. For fear of dismissal, they can oppose neither the district governor nor the voivodes, the fiefholders, or the populace. At best, they feign friendship with everyone and issue weak judgments, or they take bribes readily to avoid dismissal. Since the order of the world rests with them, one should take care of their affairs first so that Muslims may find peace. Should it happen, all men of knowledge will pray until Judgment Day for the soul of the grand vizier for resolving this matter, and his name will never be forgotten. Also, this scholarly crowd, poor and far away from home suffer much during their student years already – nearly as much as the janissaries; they mature properly, which makes them suitable for joining the cavalry. They are both valiant and intelligent and learned, they are well rounded in every way, and they are equal to any task put to them. Bayram Beg the judge is a good example. He is skilled in anything and everything and there is no notable more useful than he. A notable should be able to perform any service, as should a cavalryman. What good is an ignorant cavalryman who can do nothing but fight? It is thus obvious that cavalymen are a better fit for the scholars' crowd, may God help them succeed. It is hoped that this matter will be sorted during the tenure of our grand vizier, so that his name will not be forgotten, and he will be praised forever.

### **The Second Chapter**

Concerning the conditions of the descendants of the Prophet. Now, those who are genuine descendants of the Prophet [and have] a proper genealogical record, it is unbecoming that they suffer poverty or be forced to undertake lowly professions such as hawking or brokering. They shall have other crafts. Although it is true that poverty is a matter of pride for their lot, yet the elite should still honor them and provide for them through grants and pious foundations. It is not fair at all that others receive while this lot is left waiting. [p. 92/93] When a cavalryman is proved to be of [noble] descent, he is granted an estate. Why, then, would you neglect to honor descendants of the Prophet? If His Excellency the Grand Vizier honors the scholars of religion and the Prophet's lineage thusly, God willing he will be rewarded properly in the hereafter.

## “Kitāb-i Müstaṭāb”

### The Ninth Matter

Another item beyond those we have recounted is that men of rank in Istanbul have taken to bribery since twenty-five, thirty years ago and they have taken it so far that bribes have come to be exchanged in broad daylight as so-called gifts. It has indeed become such a welcome habit among both the scholars of religion (*‘ulamā’*) and the viziers that they consider it permissible (*mübāḥ*), May God save us from such. Say a person is somewhat pious and righteous or he is not known to be interested in young boys or other pleasures: not only is he passed over for a promotion or an appointment, but he is also denounced as a lost cause. Such is the present state of Istanbul. Judges in the countryside, governor generals and district governors and others in ruling positions, most of them are afflicted too.

Yet, the state of the scholars of religion is worse. For instance, a judge earning five hundred *akçe*,<sup>11</sup> residing in Istanbul and awaiting an appointment acquires luxury apartments, mansions, and gardens as well as a retinue of servants and young boys which he could not afford even with an income of one thousand *akçe* a day. As such, he incurs a debt of several thousand gold coins before he is appointed. Then, they appoint him as a provincial judge in say Aleppo, Damascus, or Thessaloniki, and note that this appointment is likely secured through bribes offered in the guise of gifts. He spends some more money moving his servants and retinue to his judgeship and he knows that in this post he will last a year and a half or at best two years if he has sufficient support, after which he will be recalled and replaced by another judge. Now, as it stands, in these two years this judge must service his debt and accumulate some money to lavish his associates and high-ranking men to whom he owed his appointment with “gifts”, and on top of that he needs to save some money to provide for his household when he is recalled and awaits a new appointment. This being the case, during a brief tenure, he strives to extract all that money from either the peasants or the orphans be it *halal* [licit according to Islamic law] or *ḥarām* [illicit according to Islamic law], never caring if the community is ruined or reformed in the process.

Amidst all the bickering with the governors to decide who receives more and who receives less, none of them will retain any sense of loyalty. Judgeship is the highest rank for the judges in our Well-Protected Domains (*mamālik-i maḥrūsah*), and as everyone knows it should not bring more than four to five thousand gold coins if it is carried out righteously and in accordance with the shari’a. And yet it is also clear and certain that this much income [p. 23/24] would not suffice to meet those expenses. Now, if those supposed to follow in the footsteps of the Prophet are in such a state and they stoop to dry ablution when there is water at hand, it shall not be possible to

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<sup>11</sup> AET: Silver coin, chief monetary unit of the Ottoman Empire.



recount or record the unbecoming state of the governors and others in various positions of power.

Come o scholar, vain not in your knowledge  
 Do not get blinded by your rank  
 Knowledge shall be useful, my sire  
 It shall rid you of carnal desire  
 O effendi, what good is philosophizing  
 Waste not your time, and keep walking  
 Come now, shy away from the futile  
 Seek refuge in God, and walk the mile  
 As the Blessed Prophet said,  
 “From the useless knowledge, I seek refuge in You”  
 Yes, useful knowledge one shall uphold and know  
 Yet, without practice, it is akin to a stringless bow  
 Knowledge that doth from practice stray  
 Bewilders its possessor, and leads him astray  
 Practice is what is desired with education  
 Surely not empty words and disputation  
 That scholar who practices what he knows  
 Will eventually get what he is also ignorant off

The Prophet [pbuh] said “Whoever acts upon what he knows, God will grant him knowledge of what he does not know.”

It came to pass those poor peasants, weary of the tyranny (*zulm*) and oppression, have come to praise and pray for the Jilālī rebels.<sup>III</sup> The chaos and decline of wealth in these provinces are mainly due to the tyranny and oppression of our rulers.

Let us recount here a story of Anūshīrvān the Just.<sup>IV</sup> One day, during a hunting expedition, he kills a prey and orders it cooked on the spot. The servants cannot find any salt and one is dispatched to fetch some salt from a nearby village. Anūshīrvān hears about this and says, “Tell my servant that he shall not ever take the salt without paying for it.” A person in his retinue says, “My Lord, it is merely a pinch of salt. The subjects would not be injured by such a small thing and in any case, they would consider it a small service for our Lord [p. 24/25] who clearly deserves more.” Anūshīrvān responds, “Once kings give license to take a pinch of salt from the subjects, next thing the servants will start taking eggs and then chicken and sheep and latecomers will turn the village upside down. Eventually we will be cursed forever for setting the example that found the custom.”

III AET: The Jilālī (Cilālī) rebellions featured bandits and unpaid irregular troops, led by a succession of commanders who ravaged Anatolia for the better part of the 16th and 17th centuries. The first revolt began in 1519 and was led by a Shi'i preacher, Jilāl (Cilāl).

IV AET: Sasanid dynast Khusruw I, r. 531–578.

Another story is related from the time of Sultan Suleiman [r. 1520–1566]. Passing through a village on his way to campaign in Rumelia, the Sultan spots a fig tree with its branches hanging over the walls of a courtyard, bearing ripe fruit. The Sultan observes that none of the soldiers riding ahead had touched the fruits. Shortly thereafter, they set up camp to get some rest. The Sultan commands the chamberlain, “There was a fig tree at the village we have just passed. I wonder if our servants following behind had picked its fruits. Send a trusted servant to inquire.” The chamberlain sends some servants who return to report that indeed, the fruits remain as they were, and none has been plucked. Upon this, the late Sultan gives thanks to God Almighty for his servants upholding justice.

If one of the rulers of that era was resurrected in ours and witnessed the acts and deviations (*bid’ā*) of present rulers, and the evil and disorder of the people, one wonders what they would say. Would they not say: “To what confession and religion and tradition do these people belong?” May the Creator reform us with his grace, blessing and virtue!

Now, if you ask how it came to pass that in certain places the revealed law of the prophet is ignored and the law of the House of ‘Uṣmān [Ottoman dynasty] is not observed, the scholars of religion do not practice what they preach, and notables shun the straight path, and if you ask how it this [situation] may be amended and with what measures, we shall respond after explaining several other matters . . .

### The Tenth Matter

Another matter to be considered is that our sultan, His Holiness, is the soul of the world whose sacred army are the righteous scholars of religion, his right arm the grand vizier and his left arm the chief eunuch of the harem. During the reign of the late Sultan Suleiman, Abū Su’ūd Efendi [d. 1574] was *shaykh al-Islam*,<sup>V</sup> and at the time of the late Sultan Murad [III]’s [r. 1574–1595] accession [p. 25/26], Mehmed Pasha [d. 1579]<sup>VI</sup> was the grand vizier and Mehmed Āġā [d. 1591] was the chief eunuch.<sup>VII</sup> After their time began the corruption of the law of House of Osman, the open and even ostentatious exchange of bribes, and the dissolution of the general order of the world.

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V AET: Ebussuud Efendi was a high-ranking Ḥanafī Māturīdī scholar of religion.

VI AET: Sokollu Mehmed Pasha, grand vizier from 1565–1579, was born an Orthodox Christian Serb, and forcibly recruited as a young lad as part of the Ottoman *devşirme* system to serve in the Janissary Corps. An illustrious career notwithstanding, he was assassinated in 1579.

VII AET: Murad III founded the office *qızlar āġası* or chief eunuch in 1588 to guard the imperial harem but more importantly to oversee the imperial pious foundations for the holy cities of Mecca and Medina. At its height, the office yielded considerable power, on the office and its first occupant Ḥabashi Mehmed Āġā, see Jane Hathaway, *The Chief Eunuch of the Ottoman Harem: From African Slave to Power-Broker* (Cambridge: Cambridge University Press, 2018).

The provinces have fallen into ruins, brigands and Jilālīs have emerged as well as other disruptions; and all of these have happened recently as witnessed by our generation. Some of those we have summarized so far, but another matter is the state of the chief eunuch. According to the law of the House of ʿUṣmān, the chief eunuch is the sultan’s vizier on his left side. After the grand vizier, he oversees domestic matters. It is ancient law for sultans to consult with the chief eunuch to gain information about certain affairs outside the capital. Yet, after the chief eunuch mentioned above, that office, too, has been rendered useless. The former law has been altered as well as the manners and customs, and a new law has been introduced to the imperial harem. According to the former law and custom in place since ancient days, pages would be picked from *devşirme* recruits or from proper servant folk. But now, those are mostly from among the Istanbul’s city boys, Turks, Armenians, and Gypsies, with maybe one in ten being a proper *devşirme* recruit. As such, once those boys leave the capital to become an officer over the servant folk or to become a governor somewhere, it is no secret what they become. We have seen and continue to see this. Now, if it was indeed permissible to employ such different types of persons in the palace, our wise predecessors would not have put it down as law to use *devşirme* recruits or servant folk. They would have picked people from Istanbul or other towns and use them instead. It is the ancient law that once a boy enters the palace service, no one from the outside would hear anything about him, or even know if he were dead or alive.

[. . . p. 26/27]

### **The Eleventh Matter**

Now that we have summarily recounted all these matters, there is no need for further ado. Either one is receptive and gets it, or if he is not, a thousand more would not suffice anyway. All these items cited from the beginning of this treatise: if you bring them up with those who are responsible for the disorder of the world and neglect of the law, they will respond, as we have heard from many a scholar of religion and intelligent person, that: “All strength, power and authority, making and unmaking, are God’s exclusive domain, and He will do as He wishes and as He has ordained.” But this does not mean that a person may choose evil instead of good, oppression instead of justice, consume outlawed food items instead of permitted ones, or take bribes and then say, “This was apparently predestined, God has ordained it so, what can we do?” Saying such a thing will separate one from Islam. For God Almighty does not wish His servants to spend their days in disobedience, taking bribes and engaging in oppression and sedition. He has granted mankind partial free will (*irâdah-i cüz’î*) and intelligence, He informed them of good and evil and informed them of what is harmful. If they wish, they seek to please God by following His book and acting in accordance

with it, or if they wish, they follow the cursed Satan, doing whatever they want. This much [warning] is enough for the faithful. For the ignorant and the lost, however, it would not suffice to repeat a thousand times; they are destined for hell. Hence, God Almighty says: “Say, ‘On the Day of Judgement it will be of no use for the disbelievers to believe; they will be granted no respite.’” [Q 32:29]



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**(Ottoman-) Turkish Secularities between Expediency  
and Ideology: A History of Entanglements  
and Distinctions**



Markus Dressler

## Introduction

The trajectory of secularity – epistemic distinctions and institutional differentiations regarding religion – in the late Ottoman to the early Turkish republican periods must be situated within the monumental transformations of the political order, beginning with the Tanzimat reforms (1839–1876), and the incremental ascent of secularism (*laiklik*) as one of the guiding principles of the nascent Republic of Turkey.

Until today, perspectives on the question of religion in the Turkish context are impacted by the legacy of Kemalism, which in the decade and a half following the foundation of the Republic of Turkey in 1923, refashioned the socio-political order to diminish the role of religion within it.<sup>I</sup> The “Kemalist revolution” also impacted Turkey’s global standing, not least to the West European and North American publics that were, for the most part, sympathetic to its principles. Moreover, global perspectives on the Ottoman past were tailored accordingly: either as a prelude to the Kemalist revolution, that is, as carrying the seeds of modernization and secularization that would bear fruit after 1923; or by following the Kemalist narrative that casts the modern and secularist republican order in a positive light as the alternative to sultanic despotism and religious fanaticism.<sup>II</sup> More recent scholarship has unpacked such biased readings and paved the way for more nuanced interpretations of Ottoman-Turkish developments in the modern period, for example within the framework of its entanglements with Western and/or global developments, rather than in terms of its alleged religious and cultural difference from the latter.<sup>III</sup>

The texts collected in this section illustrate the multivalent conceptual entanglement of religion with the political order, as well as the resistance against such entanglement, often articulated in the name of Islamic authenticity and superiority. The resistance itself finds expression in modern conceptual language and thus partakes in the contested discursive framework of religion and secularity – regardless of the role it assigns to religion in the modern state and in the social order.

In the aggregate, the selected texts (translations from Ottoman Turkish, Turkish, Armenian, French, and an English language original) shed light on the continuities

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**I** Umut Azak, *Islam and Secularism in Turkey: Kemalism, Religion and the Nation State* (London: I. B. Tauris, 2010).

**II** Erik J. Zürcher, *The Young Turk Legacy and Nation Building: From the Ottoman Empire to Atatürk’s Turkey*, (London: I. B. Tauris, 2010).

**III** M. Şükrü Hanioglu, *A Brief History of the Late Ottoman Empire* (Princeton, NJ: Princeton University Press, 2008); Brian Silverstein, *Islam and Modernity in Turkey* (New York: Palgrave Macmillan, 2011), part 1.

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and discontinuities of certain prominent arguments that have shaped the debate on secularity from the late Ottoman to the post-Ottoman Turkish context.

Şerif Mardin's influential study on the Young Ottomans,<sup>IV</sup> as well as the wave of scholarship that followed in its wake, has often emphasized the groups' integrative approach to the role of religion in modern government (see also Ziya Paşa 1870, text no. 12). However, the political discourses during the late Tanzimat period, especially concerning the role of religion in modern, constitutional government, were anything but settled, and allowed for a considerable variety of argumentation. Thus, next to Ziya Paşa's conservatism on religion-state matters, an explicit secularist position could emerge from within the Young Ottoman circle (Mustafa Fazıl Paşa 1867, text no. 11). It is in the discourses of this period that new conceptual distinctions surfaced, drawing on both Ottoman/Islamic and European examples and thus illustrative of the entanglement between European and Ottoman political concepts.<sup>V</sup>

Key factors that accelerated the tendency to (re)define the relationship between spiritual and worldly matters, religious and worldly domains and the crucial question of where to place politics in relation to these distinctions were (1) the Tanzimat reform project that promised unity and equality of the different ethnic and religious elements and introduced a new political subjecthood which transformed the subjects of the sultan, heretofore identified on the basis of religious affiliation, to citizens with individual rights; and (2) growing nationalism in the Balkans, which in time, altered the self-understanding of religious communities and politicized communal difference in relation to ethnic and religious factors.<sup>VI</sup>

The Young Turks came to power in 1908, following the reign of Abdülhamid II (1876–1909), with its firm grip over the public sphere. The ensuing political opening allowed for serious debates on the role of Islam in the modernizing empire and for the emergence of Turkish nationalism as an influential political discourse. Unsurprisingly, representatives of the Islamic establishment advocated for the sharia as a source of political authority, and – against the modern “Christian” models – for the comprehensive character of Islam that regulated material as well as worldly dimensions (Elmalılı 1909, text no. 14).

In the shadows of World War I, the Young Turks took significant steps in secularizing the state, transferring authority from religious institutions (such as the sheikh ül-Islam) to secular ministries. Such initiatives were contested even within the gov-

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IV Şerif Mardin, *The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas* (Syracuse, NY: Syracuse University Press, 2000).

V Markus Dressler, “Tracing the Nationalisation of Millet in the Late Ottoman Period: A Conceptual History Approach,” *Welt des Islams* 62, no. 3–4 (2022): 360–388; Einar Wigen, *State of Translation: Turkey in Interlingual Relations* (Ann Arbor: University of Michigan Press, 2018).

VI Kemal H. Karpat, “Millets and Nationality: The Roots of the Incongruity of Nation and State in the Post-Ottoman Era,” in *Christians and Jews in the Ottoman Empire*, ed. Benjamin Braude (New York: Holmes & Meier, 1982), 141–169; Hanioglu, *A Brief History*, 74–75.

erning Committee of Union and Progress. Significantly, the government strove to present this not as an attack on Islam, but as a reform measure in accordance with the authentic traditions of Islam (Ziya Gökalp 1916 and 1918, texts no. 17 and 18),<sup>VII</sup> even if it remained vulnerable to the charge of undermining the role of sharia as a principle and justification for governance (cf. Said Halim Pasha 1922, text no. 19). The early Young Turk period also witnessed a renewed call for equality for various ethnoreligious communities. Among the measures implemented during the Tanzimat had been the formation of secular, lay governance councils alongside the clergy within the now more centrally organized non-Muslim *millet*s. The reforms of the Young Turk period thus troubled the patriarchate as well, which feared losing what little remained of its worldly authority with the renewed calls for equality (Anonymous 1908, text no. 13; Koçunyan 1910, text no. 15).

The Turkish republic, founded in 1923 in the aftermath of the First World War and the Greco-Turkish War, pursued an aggressive top-down secularism (*laiklik*), abolishing major Islamic institutions such as the caliphate (1924) and the Sufi brotherhoods (1925), and radically secularizing the educational (1924) as well as the legal systems (1926). Religion was effectively confined to the private sphere (Ahmet Cevdet 1928, text no. 20). These secularist policies provoked massive uprisings, including the Sheikh Said uprising of 1925 that was suppressed violently. The Kemalist elite was forced to justify the reforms and defend the new socio-political order (Gölpınarlı 1928–1929, text no. 21). An aggressive nationalism designed as a substitute for religion in its role as a marker of communal identity for the Muslim majority population, was the twin sibling of Turkish secularism. The subordination of religion to nationalism, and the racializing dimensions of the latter were controversial and criticized by Muslim intellectuals, who emphasized the manifold ways in which Islamic political concepts clashed with modern ones (Said Nursi 1928–1935, text no. 16).

Following the period of “high-Kemalism” – roughly the first two decades of the Republican era – critical voices that questioned its rigid secularism gained steam and gradually led to a more accommodating approach to religion/Islam in the closing years of the 1940s, when the Turkish political sphere was still dominated by the Republican People’s Party (CHP). Behind this shift was a recognition that religious sensibilities were deeply engrained in the majoritarian Sunni Muslim population on the one hand (Adivar 1935, text no. 22; Tanpınar 1944, text no. 23), coupled with the emergence of a multi-party system that availed the immediate victory of the Democratic Party in the elections of 1950, and the onset of Cold War politics on a global scale. For Turkey, which joined NATO in 1952, this meant, above all else, a significant degree of political and economic liberalization. In this context, liberal interpretations of secularism that regarded Islam, in principle, as compatible with the modern state entered

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VII Markus Dressler, “Rereading Ziya Gökalp: Secularism and Reform of the Islamic State in the Late Young Turk Period,” *International Journal of Middle East Studies* 47, no. 3 (2015): 511–31.

the public arena, bringing with it debates on topics such as the separation of religion and state (rather than the submission of religion to the state), and freedom of religion rather than freedom from religion (Başgil 1954, text no. 24; Yörükan 1957, text no. 25). It provided visibility and a growing influence to political voices with a more conservative outlook, hitherto marginalized by the centralist nation-state. As a result, Islamic sentiments were reintegrated into political debates. Although economic policies and the nation's future direction were of more immediate concern during the Cold War period, the role of religion in state and society remained a divisive issue.<sup>VIII</sup>

Following the coup d'état of 1980, the military junta supported the "Turkish Islamic synthesis", an elitist conservative project which foresaw a deepening alliance between nationalist and Islamic sentiments within a pro-Western, broadly liberal order. It attributed to Islam a decisive role as a bulwark against socialism and communism, seen as major political threats to the country. In the post-Cold War era, again in line with global political developments, Turkish politics underwent another shift which brought identity politics to the fore. Henceforward, questions of ethnic and religious difference and rights became major political considerations. Variants of Turkish nationalism were contested by cognates drawn from Kurdish nationalism. Alongside the fault lines of nationalist politics, the debate on religion and secularism became a major political battleground as political Islam was on the ascendance, beginning in the 1990s, evidenced in the electoral victories of first the Welfare Party and then the Justice and Development Party (AKP) in the 2000s. The continuing debate on the role of religion in the contemporary Turkish state and the role of Islam in the modern political order has not been particularly innovative, resting on parameters developed in the early decades of the 20th century. While some Islamist authors have advanced explicit critiques of secularism and the appropriation of Western epistemes (Dilipak 2020, text no. 27), others have followed the reformist-modernist paradigm and defend an accommodating secularism from within an Islamic framework – which in the present context of Turkey under AKP rule, is frequently articulated as explicit opposition to what is seen as the abuse of religion for political and economic interests (Eliçık 2006, text no. 26; Gültekin 2020, text no. 28).<sup>IX</sup>

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VIII Hakan M. Yavuz, *Islamic Political Identity in Turkey* (Oxford: Oxford University Press, 2003).

IX See also Philip Dorroll, *Islamic Theology in the Turkish Republic* (Edinburgh: Edinburgh University Press, 2021).

# 11 Mustafa Fazıl Paşa: *Letter to Sultan Abdülaziz (1867)*

Translated and introduced by Alp Eren Topal

## Introduction

Mustafa Fazıl Pasha (1830–1875) was a grandson of Muhammad Ali Pasha of Egypt and an heir to the Egyptian Khedivate until the Ottoman government altered the succession system in 1866 to restrict it to the sons of Khedive Ismail, Mustafa Fazıl's elder brother. Just prior to that move, Mustafa Fazıl had been sent away from Istanbul to Paris because of his critical stance vis-à-vis the Sublime Porte. Highly disgruntled with two successive blows to his prospects, Mustafa Fazıl Pasha continued his dissident activities in Paris. The letter excerpted below is his most significant contribution to Ottoman politics. It was first published in French, in the newspaper *Liberté* (early 1867), and then issued as a pamphlet, copies of which were distributed to European statesmen and diplomats by Mustafa Fazıl. Although there are some rumours that the author of the letters was a French journalist, the signature and the contents point to the Pasha's direct agency. The involvement of French journalists was probably limited to editing the letter. Soon thereafter, on 22 March 1867 a Turkish version of the letter in Pasha's own handwriting was presented to Sultan Abdülaziz (r. 1861–1876).<sup>1</sup> The Turkish edition was both printed in newspapers and published as a pamphlet to be distributed in Istanbul. Namık Kemal and other dissident journalists were involved in the dissemination and because of it, were forced to escape to Paris a couple of months after the letter was made public. Exiled to remote Ottoman provinces by the Sublime Porte, Namık Kemal, Ali Suavi and Ziya Bey took up the invitation of Mustafa Fazıl Pasha and met in Paris to officially launch the Young Ottoman movement. Soon after, Mustafa Fazıl Pasha was pardoned by the Sultan. He returned to Istanbul as part of the Ottoman cabinet, but he continued to support the Young Ottomans financially for a while more.

The letter is quite long and presents highly significant propositions for reform in the Empire. It promotes a broad set of quasi-liberal political principles. The most striking passage for the purposes of this anthology is towards the end, where the author differentiates religion from law/politics, arguing for their separation. Mustafa Fazıl Paşa explicitly rejects the proposition that Muslims and Christians have different poli-

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<sup>1</sup> More on the letter and its history as well as the transcript of its French edition and responses to it in the French press are found in Kaya Bilgegil, *Yeni Çağ Kültür ve Edebiyatı üzerine Araştırmalar I: Yeni Osmanlılar* (Ankara: Atatürk Üniversitesi Yayınları, 1976), 12–50.

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cies and highlights that justice is universal. Arguably, this statement may be considered as the earliest documented instance of an argument for a decisively “secular” politics in the Muslim world. Moreover, the willingness with which the press in Istanbul published and disseminated the letter and the curious absence of any objection to this specific point in the responses may be understood as a tacit approval.<sup>11</sup>

## Bibliographical Information

The original text was published as:

Mustafa Fazıl Paşa, *Bir Eser-i Siyasi* (Dersaadet: Değirmenciyan Edeb Matbaası, 1326 [1910]).

A modern Turkish transcription of the text is contained in:

Alp Eren Topal, ed., *Sürgünde Muhalefet: Namık Kemal'in Hürriyet Gazetesi* (Istanbul: VBKY, 2019), II:435–446.

Pages in square brackets refer to this edition.

## Translation by Alp Eren Topal

### Mustafa Fazıl Paşa’s letter to Sultan Abdülaziz

My august Lord! The evidence of unrest demonstrated by the Christian subjects of your state are all due to the provocations of our enemies abroad. Yet, the present administration too bears full responsibility. For those things that were once acceptable appear as oppression and injustice to all your subjects now. Europeans think it is only the Christian subjects that face injustice [p. 435/436] and suffer persecution in Turkestan. But that is not so. Muslims are not protected by any foreign state, and they have been oppressed more than non-Muslims. Muslims have suffered through all this thanks to their chivalrous perseverance and patience. Europeans do not know this, but Muslims, sharing the blood of your Highness, consider their love and reverence to your throne a religious duty. However, your Highness, allow me to say this: The Muslim nation (*millet-i İslamiyye*) can no longer bear sacrifice or suffering. Voices of discontent are being heard all around despite efforts to quiet them. Hence, allowing them to such despair would bring great harm to both your dynasty and to them. [. . .]

My august Lord! It is four hundred years since our fathers have removed the Eastern [Roman] state from the face of the earth, victoriously settled in the famous city that Constantine [r. 306–337] himself regarded as the capital of the world and made history. But their success in attaining such glorious conquests was not merely due to their religious fervour (*gayret-i diniyye*) and courage on the battlefield, in fact,

<sup>11</sup> See also Şerif Mardin, *The Genesis of the Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas* (Syracuse, NY: Syracuse University Press, 2000), 276–82.

that fervour and courage reflected their national ethos (*ahlak-ı milliyye*). For, they were obedient to their superiors. Yet, this obedience was voluntary, based on the principle of freedom and liberty, and hence their hearts and minds were free. I do not know what kind of innate sense of freedom and disposition [p. 436/437] for greatness came together to create an order that granted them probity and a proper temperament. Virtue and refinement resided with them. Now, that is the reason why they were easily victorious against such mighty state where tyranny held and all types of sin and crime abounded. [. . . p. 437–439 . . .]

My august Lord! Here the Europeans bemoan our nation (*millet*) and our creed (*mezheb*). They claim that our nation is suitable for nothing but soldiering and that our submission [to God’s will] stands in the [p. 439/440] way of industriousness! Yet our folk are the same as those of other peoples. If our ancestors were soldiers, it was because they had to carve out a space for themselves, and they were not alone in that. They took after the Franks, Germans and Arabs who came before them. The composition of humankind is the same in soldiering and industry. Any tribe known for its bravery will do equally well in agriculture and industry once the pressure for war making is removed. The French and the English are two examples of this. As for our creed, it is not different from others in surrendering to the divine will. Absolution (*afv-ı günah*) in the Christian faith is similar to our belief in destiny and submission to God’s will. Peter the Apostle said in a sermon, “In the hands of God, humans are like clay in the hands of a potter.” Clearly, this belief has not prohibited Christians from their incredible use of reason and producing wealth. Reason and wisdom dictate that we, too, follow their example.

The only obstacle in the way of our nation becoming active and industrious like others is the corruption of our political administration. Wherever a person can exploit his peers, he will not expend any effort to reap the fruits of his own mind or those of the earth. Wherever tyranny and injustice hold sway, nobody will work as they realize that they will not benefit from the fruits of their own labour. [. . . p. 440–441 . . .]

My august Sultan! Save the state by changing its administration. Adorn it with liberal laws (*nizamat-ı serbestane*) and thus redeem it. The liberal laws shall be true, comprehensive, and efficient, and they shall be judiciously examined to ensure that they are implemented properly and without compromise. Yes, my Sultan, the liberal laws will comprise the equality of Muslims and Christians in all rights and duties, and as such, will lead to parity between the ruling [community, i.e., the Muslims] and the ruled [community, i.e., the non-Muslims], [a feat] that Europeans deem impossible. [. . .]

O my august Lord! I can already see how those traitors and ignoramuses in your council will interpret talk of a liberal constitution. They will try to trick Your Highness by claiming: “A liberal constitution will strip the ruler of his autonomy and power, reducing him to a tool,” just as they will trick the people by saying: “It will force Muslims to abandon their most beloved religion and change their customs down to their attire.” Be they traitors or ignoramuses, you shall ignore the opinions of those councillors. Neither shall the people heed their provocations. What we call a liberal constitu-

tion only limits absolute authority, that is, it curbs the unnecessary excesses of an independent power, and the only thing it takes away from the ruler is the possibility of deception and error. Regarding the nation, a liberal constitution does not challenge the law (*namus*) or the good of the people, on the contrary it protects religion as it protects property and wealth. It guarantees individual liberties just as it provides security. From another perspective, a liberal constitution would intrinsically and rapidly reform our relations with European nations. [p. 441–444 . . .]

There are many other examples that may be brought to the attention of Your Highness. For instance, Austria too saved itself by instituting a liberal constitution when it had sunk to the depths of decline. Of note is the Prussian state, which emerged victorious against the Austrians last year. Your Highness has been informed that it was brought about by needle guns. In fact, the victory was availed by the liberties Prussia has granted its people. These examples and evidence should suffice to demonstrate that in this age, the strength of a nation derives from liberties granted to the people. Now, why would Turkestan be an exception to this general rule? Is the Turkish stock, with its celebrated achievements, inferior to other nations? How is the Turk different in his temperament? Is it our religion that dictates that we live without peace and security?!

But, my Lord, you know much better than I [p. 444/445] that religion and creed rule the spirit and promise salvation in the afterlife. Nevertheless, it is neither religion nor creed that prescribe the law of nations (*milletlerin hukuku*). If religion does not remain in the realm of eternal truths, that is, it interferes in worldly affairs (*umur-ı dünyeviyye*) as well, it will ruin all and ruin itself in the process.

My august Lord! Christians and Muslims do not have different politics (*politika*). For, justice in this world is but one. And what we call politics is true justice (*adalet-i sahiha*).

We are in ruins because of our outmoded ways. The outmoded way has corrupted our public servants. And in their corruption, they further corrupted those outmoded ways. Let us leave this outmoded way and relinquish these dated principles that ruin the government they are supposed to preserve. Let us adopt new regulations which have been well established in other states and have granted them peace and prosperity.

# 12 Ziya Paşa: *Law and Courts* (1870)

Translated and introduced by Alp Eren Topal

## Introduction

Ziya Pasha or Ziya Bey (1829–1880) was an Ottoman statesman best known for his political and literary activities as a founding member of the Young Ottoman (*Yeni Osmanlılar*) movement. Like his well-known comrades Namık Kemal (1840–1888) and Ali Suavi (1839–1878), he was a very prolific writer who left his mark on late Ottoman prose and poetry with numerous titles including but not limited to translations from French literature, historical works, newspaper articles, satire, poetry, and essays. He received a good classical education and served in the palace from a young age, assuming various positions in the Ottoman administration, eventually including provincial governor. From the early 1860s onwards, he wrote articles in the nascent Ottoman Muslim press. One of his articles on the shortcoming of the educational system was the first newspaper piece to be penalized by the government. He shared the basic premises of the Young Ottomans such as the necessity of establishing a constitutional monarchy in the Empire to counter arbitrary rule and widespread corruption of the bureaucracy in the Tanzimat period of reform (1839–76). Despite his highly critical stance towards Ottoman politics of the time, he and his like-minded peers held an unwavering belief in Sunni Islam and the ‘exceptional’ role of the Ottoman Empire in Muslim history. Like Kemal and Suavi he wrote extensively on the contemporary problems of society and politics, often describing in vivid detail the day-to-day suffering of Ottoman subjects. Together with Kemal and Midhat Pasha he led the constitutional cause. After Sultan Abdülhamid II suspended parliament in 1877, Ziya was exiled to Adana as governor, where he passed away a few years later.

The following excerpt is from an article in the journal/newspaper *Hürriyet (La Liberté)*, published in London by Kemal and later Ziya himself, during their exile. It discusses changes in Ottoman law against the background of two systematic distinctions: (1) between worldly and religious laws, including Islamic law (2) between religious laws on spiritual matters and religious laws on worldly matters. Ziya Bey argues that French law, which would be a model for reforming the Ottoman legal system, contained elements of sharia law. Contemporary reformers missed this fact and the comprehensive character of sharia law, which addresses both worldly and spiritual matters, and would, if properly reformed, continue to be the best and most efficacious basis for Ottoman law.<sup>1</sup>

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<sup>1</sup> See also Şerif Mardin, *The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas* (Syracuse, NY: Syracuse University Press, 2000), 337–59.

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## Bibliographical Information

Original Ottoman Turkish appeared as:

Ziya Bey, "Hukuk ve Mehakim," *Hürriyet*, no. 85, 7 February 1870: 1–3.

Page numbers in square brackets in the text refer to this edition.

A modern Turkish transcription is included in:

Alp Eren Topal, ed., *Sürgünde Muhalefet: Namık Kemal'in Hürriyet Gazetesi* (Istanbul: VBKY, 2019), II:200–203.

## Translation by Alp Eren Topal

If we read carefully every single legal compendium of nations and peoples who have passed from the face of this world, we will see that those laws and regulations intended for the protection of the rights of a people fall into two categories: some pertain to worldly transactions (*muamelat-ı dünyeviyye*), and social relations, and stay clear of spiritual matters (*ruhaniyyet*). Laws drafted by the Greek philosophers and the Roman Republic, conceived and instituted by humans, are one such example. And since it is human to err, each law lasted a few centuries at most before becoming obsolete, challenged by the demands of a new era. The legal degeneration led to moral corruption, and that corruption spawned schisms and the collapse of civilization. The other category is the religious laws (*kavanin-i şer'iyye*), which are likewise divided into two sub-categories: one concerns purely spiritual affairs (*umur-ı ruhaniyye*). They do not propose any limits or sanctions on worldly affairs, and some are so narrowly defined that they can only cater to the needs of their original context. They are wholly unresponsive to extension or emendation in tandem with the demands of changing times. As such, scholars and learned people were forced to legislate from scratch for worldly transactions, emulating earlier prophets, and since these laws were not immune to the vagaries of time, they too were transformed to eventually lose all sanctity.

Among these [religious laws], we find the sharia of Muhammad (*şeriat-ı Ahmediye*) which brought together and bound worldly and otherworldly affairs (*umur-ı dünyeviyye ve uhreviyye*) in a sacred circle (*daire-i mukaddesiyyet*), and as such, has been protected from the erosion of time despite the twelve hundred [p. 1/2] years that have passed since its institution. Yes, we are of that blessed faction – that is Islam, and yet we remain completely impartial – for the sake of objectivity – when we say: study all the laws and regulations recorded in histories until the present and for the sake of humanity and for fairness, do so impartially. We shall then see if – by the measure of reason, nature or wisdom, a law more comprehensive, fairer, or more protective of the rights of humans than the sharia of Islam may be found. Here is the book, the Glorious Qur'an. See the glorious verses in it, they contain political clauses. Verses with clear proscriptions (*muhkemat*) comprise one fourth of the Qur'an; and the hadiths of the prophet, which have been a source for legal interpretation in procedural matters (*muamelat*), are in perfect

accordance with the principles contained in these verses. It will be clear that the Islamic books on legal interpretation and precedence produced by great imams and celebrated legal scholars are prolific and comprehensive enough to match the knowledge produced by Europeans ever since they joined the ranks of civilization, profiting from print technology. And even though the gates of interpretation (*bab-ı ictihad*) have been closed, it is in the foundations of Islamic law (*usul-i fiqh*) that, in procedural matters, rules will change with the passage of time, that is, legal opinions will be extended based on the principles of justice and fairness (*hakkaniyet*) upon which sharia is built. And there is room for expansion and proliferation of topics in procedural matters as long as the world remains, and humanity progresses as decreed. This explains why there has been no change at all in its foundational principles for twelve hundred years, while it has been upheld and honored in diverse geographies and climates, and those peoples who have abided by its provisions have preserved their sacred rights. Nor does it come as a surprise. For not only is the sharia of Islam perfect in overcoming the flaws of the two types of law mentioned above, but in addition, each matter in the sharia is distilled from the Glorious Qur'an. And since, to the Muslim creed, the Qur'an is the word of God, each provision of sharia has assumed a sacred tone implicitly, as if they were commands of God Himself. And that supreme science called *fiqh* was produced and compiled meticulously in the five to six centuries following the age of the Prophet, in a succession of opinions and a vast sequence of books produced by Muslim ulema in Arabia, Persia and Andalusia. One wonders: what other people in what other age has exhibited equal interest and appetite for the political sciences? It is the French who produced more knowledge on human laws than any other nation in the modern period. Yet when you study the laws that the French compiled, you will see that it is an imitation of and a commentary on the essential principles of sharia. Almost all the political regulations, known as the Napoleonic Code and the Civil Code, are no more than translations and summaries of the books on *fiqh* that Napoleon acquired when he invaded Egypt, as well as books inherited from Andalusia.

The courts that the Sublime Porte claims to have invented following a thousand rounds of deliberation – translating *Cour d'appel* to create *Meclis-i Istinaf* and *Cour de cessation* to create *Divan-ı Ahkam-ı Adliye* – we had them all before. But the many ills that plague the administration of the Exalted State have ravaged this branch [the courts] as well, and frankly, those in charge are incapable of distinguishing *fiqh* from the French code. And as such, they have deemed it impossible to reconcile the provisions of sharia with the imperatives of the age and have moved subsequently to abolish not reform the sharia courts. They have established several councils and adopted the French Code to secure the rights of Ottoman subjects from different denominations. Yet even the imitation was not sincere; rather it was motivated by the desire of those in charge to appease the Europeans by saying “See, we too have taken up your ways,” to retain their positions. Thus, reform attempts involving the imitation of Europe [p. 2/3] have produced a slew of problems.

# 13 Anonymous: *Visit of Archbishop İzmirliyan to the Sultan (1908)*

Translated and introduced by Aylin Koçunyan

## Introduction

The Armenian Patriarchate of Constantinople, founded in the fifteenth century by Mehmed II (r. 1444–46 and 1451–81) shortly after the conquest of the city, was a new administrative structure for the Armenian Church under the spiritual jurisdiction of the Mother See of Holy Etchmiadzin, then located on Russian soil. In the nineteenth century as the Ottoman state strove to streamline governance, recognised religious communities, including the Armenian Church, were further institutionalised and secularised. The 1856 Treaty of Paris at the conclusion of the Crimean War was a clear watershed in the history of minority relations in the Ottoman state.<sup>I</sup> The Reform Decree proclaimed in 1856, recognised the equality of all Ottoman subjects before the law but more importantly provided for the codification of the rights and privileges *ab antiquo* of non-Muslims. The ordinance governing the Armenian community, titled *Ermeni Patrikliği Nizamâtı* (Regulation of the Armenian Patriarchate) in the Ottoman translation, and *Azkayin Sahmanatroutyoun Hayots* (National<sup>II</sup> Constitution of Armenians) in the Armenian original, was promulgated by the Sublime Porte in March 1863. The Armenian Patriarchate remained the official interlocutor for the Sublime Porte, assisted by several assemblies and subcommittees such as the religious and civil councils. The Armenian Patriarch himself was to be elected by the National Assembly, which was dominated by lay members.

The anonymous essay translated below was published in the Armenian daily *Jamanak*, or “times” in Armenian, which was founded by the Koçunyan brothers Misak and Sarkis in Istanbul on 28 October 1908, following the Young Turk Revolution.<sup>III</sup> It describes the investiture of the newly elected Armenian Patriarch İzmirliyan in 1908. The fact that lay members (and more particularly the president of the Armenian Na-

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I Cf. Jacques-Alain de Sédouy, “Les Chrétiens d’Orient et le Congrès de Paris,” in *Le Congrès de Paris (1856): un événement fondateur*, ed. Gilbert Ameil, Isabelle Nathan, and Georges-Henri Soutou (Bruxelles: Peter Lang, 2009), 82.

II The terms “nation” and “national” refer to the Armenian equivalents “azk” and “azkayin”, and refer to both the millet, or an ethno-religious community as was prevalent in the Ottoman administration, and the more modern sense of a secular/national entity.

III Still held by the same family, *Jamanak* has been published without interruption since 1908, making it the oldest Armenian daily in circulation today. For another text from *Jamanak*, see Koçunyan 1910, text no. 15.

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**Aylin Koçunyan**, L’École des hautes études en science sociales, Centre d’études turques, ottomanes, balkaniques et centrasiatiques

tional Assembly and the head of the Civil Assembly) as well as clergymen accompany the Armenian patriarch on his way to the Yıldız Palace and participate in the investiture points to the dual structure of authority in the Armenian patriarchate – the distribution of power and responsibility among lay and religious administrative bodies – although both are embodied by the patriarch. Encounters between the patriarch and the state bureaucracy prior to his visit to the sheikh ül-Islam demonstrate that he enjoyed a trans-confessional authority as the head of his *millet* while also a part of the Ottoman bureaucracy. The complex imbrication of religious and secular authority in the Armenian patriarchate differs from Western European templates of secularity.

The celebration of this patriarchal investiture by other Christian communities and varied strata of Ottoman society, including religious, civil, and military leaders and Muslims and non-Muslims alike, and the perception of patriarchal succession as a public Ottoman matter, point to an incremental secularity despite lingering ethno-religious differences. Secularity is found in the perception of religion as a general societal matter beyond ethno-religious divides and ties. Moreover, the patriarch's oath itself comprises explicitly secular concerns, including loyalty to the Ottoman constitution, constitutional rights, commitment to the advancement of the homeland, etc.

The Armenian Patriarch İzmirlıyan was simultaneously elected Catholicos of All Armenians. This explains why he met the Ottoman minister of foreign affairs. His election as catholicos and its ratification by the Tsar added a diplomatic dimension, refracting the management of religious diversity in imperial contexts as a secular matter at the crossroads of diplomacy and politics that transcended confessional concerns.

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Anonymus, “İzmirlıyan Srpazan Hayriguin Hantısavor Aytıseloutıyoune Vehapar Gayser” [The Solemn Visit of Archbishop Father İzmirlıyan to His Majesty the Emperor], *Jamanak*, 30 November 1908: 1–2.

## Translation by Aylin Koçunyan

### My August Sultan

[Archbishop İzmirlıyan: “]The election of the vacant position of the Armenian Patriarchate of Constantinople and related dioceses being carried out in conformity to the laws by the General National Assembly, I was nominated to that patriarchate and this nomination was ratified by the imperial order. On this occasion, I cannot but express my gratitude for the imperial authorisation with which I have the honour to appear before you, Your Majesty the Sultan.

Your Majesty the Sultan, since it is the duty of all Ottomans to bear all kinds of sacrifices to protect the integrity of the rights guaranteed by our constitution that ensures the progress and the future of the sacred homeland, for the continuity of brotherhood and sincerity established among the various elements in the Ottoman Empire, I will try in this respect to devotedly accomplish the sacred (*nviragan*) responsibility that falls on my shoulders with all the members of my nation (*azk*). Consequently, I am entirely sure that the ministers of your Majesty the Sultan and of the Ottoman Empire will not withhold the necessary support in this regard. I would like to express the fact that I will dully vow my loyalty to the continuity of the Ottoman state, loyalty on which I had publicly made my vows and on which I had taken oath personally and on behalf of my nation in the mother church.

May the Lord Most High crown with providential success the efforts of your Majesty the Sultan that make for the happiness and the peace of the holy Ottoman homeland and keep your Majesty the Sultan unshaken on the Ottoman throne.[”]

The Sultan responded as follows:

### The Sultan’s Reply

[“I congratulate you on your election as patriarch by the Armenian nation and I am very glad of your good wishes. A spirit of disagreement had reigned for long among the Turkish and Armenian peoples by which I was myself affected. I am now glad that it has disappeared, and that brotherhood, justice and equality prevail among all Ottomans thanks to the [Ottoman] constitution for the protection of which we also took oath publicly. I am also glad that you made a vow from the church stage to make every effort for its judicious execution. My ministers and I will not spare any support for the happiness of the Armenians. I assure you of it. Please give my regards to the Armenian people.[”]

The patriarch, after having renewed his compliments and respects, left the throne hall.

[. . .]

Students of both sexes from the Beşiktaş National School, guided by their principal, Harutyun Efendi Migirdiçyan, walked to Beşiktaş via Yıldız, holding in their hands a placard which read, “Long live freedom, long live Archbishop İzmirliyan.” It attracted the crowd’s attention because of its immense size. [. . .] The priests of the Beşiktaş Church too participated in this welcoming reception. [. . .] When the procession proceeded on its itinerary and reached Galata, the bells of the [quarter’s] church rang to join the endless applauses of the crowds gathered across the street to greet the patriarch and express their admiration and strong support. Military tribute was also paid to the procession in front of the Aziziye police station. The patriarch passed through the bridge with similar greetings from the police department and military stations and was ushered towards the Sublime Porte amid the crowd’s endless applause.

## At the Sublime Porte

A dense crowd of different communities (*millet*s) stood in front of the Sublime Porte to see the Armenian patriarch. [ . . . ] The aides-de-camp of the grand vizier and the master of ceremonies of the Sublime Porte, who immediately appeared from the interior to greet His Holiness at the top of the stairs, ushered him together with his followers towards the great reception hall where the grand vizier Kâmil Pasha welcomed the patriarch at the door and honoured him with warm salutations.

Kâmil Pasha congratulated the patriarch, [saying]: I am glad that a dignitary such as yourself, who has gained the respect of his nation, is elected for this sensitive task. I am truly hopeful that from now on we will strive to accomplish our missions amicably and productively, always on behalf of the Ottoman homeland, which needs such sincere, competent and devoted workers.

[p. 1/2] The patriarch responded to the grand vizier: [“Fraternity creates love, and it is evident that it is not possible to find in the world a power stronger, more durable, or invincible than a bond founded on love. This freedom has united all Ottomans, who have become one heart and one soul to ensure the prosperity and the development of the homeland.”] [ . . . ]

The Minister of the Interior Hakkı Bey similarly received His Holiness with exceptional honours by emphasizing the last election and said: [“Armenian-Turkish brotherhood, as has been stressed in the past week, is henceforth truly unshakable. I could not hold back my tears when *imams* and *vartabeds*<sup>I</sup> as well as *mullahs* and priests sat in the same car to come to the Sublime Porte with the ballot box. What enthusiasm there was among Turks and Armenians!”] [ . . . ]

After visiting Ziya Bey, advisor to the Ministry of the Interior, the patriarch also paid a visit to [both] Tefvik Pashas, the president of the Council of State and the Minister of Foreign Affairs.

[ . . . ]

“Who is the current Catholicos?” asked the Minister [of Foreign Affairs].

“Our patriarch has been elected Catholicos”, responded Bishop Hmayak.

The minister addressed his words to the patriarch:

“I am sad”, he said, “that you will leave your seat in Constantinople to go to Etchmiadzin when Armenians living on Ottoman soil need you so much.”

The patriarch was met with great applause as he left the Ministry of Foreign Affairs and officials bade him farewell.

[ . . . ]

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<sup>I</sup> AK: A title used in the Armenian Apostolic and Catholic churches to refer to clergymen who hold a doctorate in theology.

The Minister of Justice welcomed His Holiness at the door and met with him for about a quarter [of an hour]. The Director of [Affairs of] Confessions, Şevket Bey was also present. [. . .]<sup>II</sup>

His Holiness took leave of the minister and was seen off to the Patriarchate with the same solemn procession and amid the same manifestations of admiration by the crowd.

On his way, Archbishop İzmirliyan descended from the carriage and prayed at Sultan Mahmud's tomb.

## At the Mother Church

Beginning at nine o'clock, the mother church was surrounded by a curious crowd, the majority of which were women. On the route of His Holiness' procession, two triumphal arches were erected bearing the epigram "Long live justice, long live brotherhood and long live İzmirliyan" with Ottoman flags attached, which made for quite a solemn spectacle. [. . .]

The church bells rang as the procession approached the patriarchate, and applause arose from the crowd that had been waiting impatiently for hours.

At eleven o'clock, amid rare and enthusiastic manifestations of respect, His Holiness, surrounded by ecclesiastical and lay officials with the aide-de-camp of the grand vizier, Yumni Bey, on his side, moved with *Te Deum* prayers towards the church, which was fully illuminated. Accompanied by his followers, Archbishop İzmirliyan headed towards the lectern and addressed the people with the following speech:

[“]The Armenian people . . . Thanks to the many Armenian martyrs, several martyrs of our Turkish compatriots and the conditions of freedom provided by the Ottoman army, I had the honour to present myself to His Majesty the Sultan Abdülhamid II as the Armenian Patriarch. His Majesty expressed his highest appreciation for constitutionalism and for all his Ottoman compatriots. He particularly expressed his contentment for the Armenian people. He promised to protect constitutional order and its implementation (applause). He particularly expressed his contentment for the vows I addressed in this church to remain faithful to the constitutional state (again applause) and transmits his imperial regards to every one of you. The Grand Vizier Kâmil Pasha and all the ministers are endowed by the spirit that the constitutional order is unalterable for this country (applause).

Consequently, the Armenian people . . .

learn how to derive advantage from the constitutional order, without exaggeration, without superfluous manifestations. We should also learn to protect our Armenian National constitution as well as the Ottoman constitution (applause).

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<sup>II</sup> AK: The omitted section is a record of the conversation between the patriarch and the minister, who emphasized Armenian-Turkish solidarity by minimizing the importance of localized conflicts that occur in some provinces. The minister also expressed hope that such unpleasant incidents would come to an end with the proclamation of freedom and brotherhood.

Long live the Ottoman army (applause) . . .

This homeland belongs to all of us, Armenians, Turks, Greeks, may it remain unshaken (applause) . . .

Filled with these sentiments, we the Armenian people should follow such process in our national affairs, so we do not act outside the limits of laws. The benefits of freedom can only be obtained by obeying laws.

After 1894, this is the second instance that I exhort you to live in love and solidarity with one another and to respect this solidarity with all our compatriots whether they are Turks, Greeks or others. It will be possible to protect this homeland only in this spirit of solidarity. May it be under the protection of God. Amen (applause).

Long live the Ottoman army (applause).

Long live the ministry (applause).

Long live the imperial throne (applause)".

This allocution was received by enthusiastic applause after which His Holiness prayed for a while at the tomb of Archbishop Varjabedian and returned to the patriarchate. All the while, the choristers sang the “song of martyrs”. Archbishop İzmirliyan accepted the congratulations of the participants in the grand hall of the patriarchate. Further, the patriarch will visit today with the sheikh ül-Islam and all the other ministers.



# 14 Elmalılı Muhammed Hamdi (Yazır): *Islam, the Caliphate, and the Sheikh ül-Islam (1909)*

Translated and introduced by Markus Dressler

## Introduction

Elmalılı Muhammed Hamdi (Yazır) (1878–1942) belonged to the last generation of Ottoman/Turkish ulema to receive an education in the range of classical Islamic sciences. He was also interested in European philosophy, the arts and not least in politics. His career, which ranged from prestigious appointments in religious institutions to high political office, reflected the breadth of these interests. In 1906, Elmalılı was appointed as secretary to the Office of the Sheikh ül-Islam while continuing to teach and lecture at various madrasas and prominent mosques of Istanbul. Following the Young Turk revolution in 1908 and the reinstatement of the constitution, he became a member of parliament. After the sheikh ül-Islam declined to do so, Elmalılı is said to have written the fatwa that provided the legal basis for the abduction of Sultan Abdülhamid II in 1909.

Elmalılı Hamdi argued for a constitutionalism in harmony with the sharia. He was first a member of the Islamic reformist wing of the Union and Progress Party, but later switched allegiance to the oppositional Freedom and Understanding Party (*Hürriyet ve İtilaf Fırkası*). Against advocates of secularization in the late Ottoman period, he continued to defend the concept of an Islamic state and the political function of the sheikh ül-Islam until 1919.<sup>I</sup> After the establishment of the republic, he wrote, on Mustafa Kemal's (the later Atatürk) request, the first Turkish commentary on the Qur'an (*tafsir*). Published in nine volumes from 1935 to 1939, Elmalılı's commentary remains popular in Turkey today.<sup>II</sup>

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I Amit Bein, *Ottoman Ulema, Turkish Republic. Agents of Change and Guardians of Tradition* (Redwood City, CA: Stanford University Press, 2011), 21.

II The *tafsir* includes an interesting reflection on the Qur'anic concept of *din* as “a divine institution that leads those possessed of intellect to the absolute good through [the use of] their free will”; see Ahmet Karamustafa, “Elmalılı Muhammed Hamdi Yazır's (1878–1942) Philosophy of Religion,” *Archivum Ottomanicum* 19 (2001): 273–79, here 275. Directly to the question of secularity, Elmalılı posits a distinction between *din* (religion) and *diyanet* (religiosity). Whereas the former would be “a true and objective concept” and “a divine institution”, the latter would be “a human attribute and a subjective concept;” see Elmalılı Muhammed Hamdi Yazır, *Hak Dini Kuran Dili*, vol. 1 (Istanbul: Ebuzziya, 1935–39), 84, as cited in Karamustafa, *Elmalılı*, 276. On Elmalılı see also Yusuf Şevki Yavuz, “ELMALILI MUHAMMED HAMDI”, *TDV İslâm Ansiklopedisi*, <https://islamansiklopedisi.org.tr/elmalili-muhammed-hamdi>.

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The excerpt translated below dates to the early Young Turk period, after the Ottoman state had reinstated in 1908 the constitution that had been suspended in 1878. It was written in the context of a debate in the Ottoman parliament on the duties of the sheikh ül-Islam, which continued throughout 1909.<sup>III</sup> The text reflects on the relationship between religious and political authority from an Islamic perspective.<sup>IV</sup> In an apologetic argument, he denounces describing Islam in Western Christian terminology that reduces religious authority to spiritual authority, and strives to legitimate a more broadly conceived Islamic authority within a constitutional system. He defines the Office of the Sheikh ül-Islam as a political, executive power in contradistinction to the spiritual authority accorded to the priesthood and bishopric in Christianity. Elmalılı applies various conceptual distinctions, such as between the spiritual and the material, this world, and the hereafter, and the political and the religious. Striking is the markedly material and this-worldly character that is attributed throughout the discussion to Islamic faith and practice.

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Original text was published in:

Yazır, Elmalılı Muhammed Hamdi, “İslâmiyet ve Hilafet ve Meşihat Meselesi,” in *Beyanu’l-Hak* 1, no. 22 (1327/1909): 511–14.

Modern Turkish transliteration of the text:

Yazır, Elmalılı Muhammed Hamdi, “İslâmiyet ve Hilafet ve Meşihat Meselesi” [Islam, the Caliphate and the Office of the Sheikh ül-Islam], in *Türkiye’de İslamcılık Düşüncesi 1 – Metinler Kişiler*, ed. İsmail Kara (Istanbul: Dergah, 2020), 479–83.

Page numbers in square brackets refer to this edition.

## Translation by Markus Dressler

The 76th issue of the newspaper *Mizan* includes an article titled “Should the Sheikh ül-Islam Join the Parliament?” It was maintained that until judicial affairs (*umûr-ı kaza*) are transferred from sharia courts to the Ministry of Justice, and [until] the Office of the Sheikh ül-Islam is barred from interfering with the affairs of governance, the sheikh ül-Islam should not become a member of the cabinet.<sup>I</sup> As the caliph’s deputy and head of

<sup>III</sup> Esra Yakut, *Şeyhülislamlık: Yenileşme Döneminde Devlet ve Din* (Istanbul: Kitap, 2005), 118–21.

<sup>IV</sup> The debate on the political functions of the Office of Sheikh ül-Islam continued until the last days of the Ottoman empire, with an increasing focus on the potential tensions between its religious and political components. *Ibid.*, 199–204.

<sup>I</sup> MD: The sheikh ül-Islam was a member of the Ottoman cabinet. Following the restitution of the constitution in 1908, the cabinet, and thus also the sheikh ül-Islam, became accountable to parliament, which further exacerbated the tension between the religious and political duties of his office. See *ibid.*, 121.

the Islamic community, he should only serve as a temporary member of the cabinet and therefore cannot join the parliament.

The referenced essay insinuates that in adopting a constitutional format, the Ottoman state would almost no longer be an Islamic state and that therefore Islam could not harmonize with modern civilization and constitutionalism. [In this line of argument], the caliphate and the [Office of the] Sheikh ül-Islam are regarded as [mere] spiritual leaders (*reis-i ruhanî*). This implied that they would acquiesce to being [merely] additions to the deputies in the constitutional system.

First, Islam has never accepted a clergy (*rahbaniyet*)<sup>II</sup> based spiritual leadership (*riyaset-i ruhaniye*), and spirituality (*ruhaniyet*) is not found among the provisions of sharia. If there is anything that may be called spiritual in Islam, it is religious knowledge (*ilim ve marifet*). [Islam] does not grant its religious scholars (*ulema*) a title other than masters of learning (*erbab-ı maarif*). The spirituality [in Christianity] of spiritual and scrupulous (*vicdani*) sentiments of worship is necessitated by a philosophy based on principles of faith, according to which there can be no worship through physical praxis (*iştigâlât-ı maddiye*). For example, earning an honest living to avoid the forbidden (*haram*) cannot be considered [a form of] worship. None of the affairs of the world (*dünya umuru*) can hint at otherworldly (*uhrevî*) reward. Hence, those who follow the principle of spirituality are obliged to abandon worldly needs (*dünyalık*) should they wish to devote themselves to worship.

Furthermore, since there is a doctrine of incarnation (*felsefe-i hulûl*) at the foundation of spirituality [in Christianity], and since spiritual leaders (*rüesa-yı ruhaniye*), are cast as possessing sacrality (*mukaddeslik*) and infallibility (*lâ-yuhtîlik*), and as possessing superhuman powers (*kudret-i fevka'l-beşer*), their veneration acquires a distinct hue. [. . . p. 479/480 . . .]

Compared to the provisions of Islam, the priesthood in Christianity was – based on the [Qur'anic] verse “but monasticism was something they invented . . .” [Q 57:27] – a later accretion, and as evidenced by the statement “. . . and even so, they did not observe it properly” (same verse), it failed to serve its original purpose. As a matter of fact, with the advancement of civilization, it was compelled to withdraw from political affairs (*umûr-ı siyasiye*). The question of the separation (*tefrik*) of spirituality from materiality (*cismaniyet*) has therefore occupied a good portion of books on political law written in Europe. The reason is that the issue has been discussed without reflection on the nature of Islam.

However, relying on the doctrine “there is no priesthood in Islam”, Islam uprooted that philosophy of spirituality and, obviating the principal factors that prevent religions (*edyan*) from participating in politics, it also abolished priesthood, and has, by reinforcing social matters comprehensively, regulated, and systematized human obligations.

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II MD: *Rahbaniyet* can also mean monkhood.

Since the basic provisions of Islam that make for an innate intrinsic religion (*din-i fitrî*) are the requisites of a civilized world, today civilization [all but] practices the religion of Islam, [albeit] not in its name. However, it doesn't practice it as religion. Not even worship (*ibadât*) in Islam requires a spiritual foundation. For the principles of faith and doctrine are based in religious knowledge (*ilim ve marifet*). However, the sources of faith are material (*maddî*). Prayer, fasting, almsgiving, and pilgrimage are services by God's servants, the distinction between what is permissible and what is forbidden in human affairs, applying justice and equality, learning the religious sciences, and striving for knowledge, spreading compassion and engagement for humanity, and fear of God – the practice of all these things may be termed material.<sup>III</sup>

In books on philosophy and comparative religion, religious professionals (*ruhaniyyun*) look to accuse Islam of materializing worship. As a matter of fact, it [Islam] condones this judgment.

Acknowledging the spirit (*ruh*) in Islam does not entail an acceptance of spirituality. It is not even clear if spirit is considered a substance (*madde*), material.

While congregational practices (*ibadât-ı içtimaiyye*) that signify Islam, such as the Friday prayer, religious holidays and the hajj, give utmost importance to awakening and counselling people through the edification of their thoughts (*tenvir-i efkâr*), and informing [them] of the world (*dünya*) and the hereafter (*ahiret*) whilst preserving the unity of Islam, [Islam] considered the sermon at the Friday prayer as a political [act] and [therefore] the designation of the speaker was left to the caliph – and this was also driven by material rather than spiritual concerns. Islam requires an authority to execute the principles of sharia and gave it the titles of imam and caliph. [These principles] consist of political, legal, [including] penal, social and more such regulations, summarized as the 'application and execution of public laws'. By ensuring orderliness of human transactions (*muamelat-ı beşeriye*) and social laws, [these principles] aim to discard with the matter of evil in mankind; the greatest step toward felicity they achieve through propagating the element of beauty inherent [both] in religious (*dini*) obligations as well as obligations concerning the after world (*uhrevî*) – in sum, through safeguarding what is rightfully owed to God (*hukukullah*) and the right of His servants (*hukuk-ı ibâd*) in their entirety.

[p. 480/481] The caliph has, on the one side, vicegerency (*vekâlet*) over the [Muslim] nation (*ümmet*) that has sworn allegiance to him, and on the other side stewardship (*niyabet*) in the implementation of laws (*kanun*) and the application of the sharia, [both of] which he is himself obliged to abide, just as ordinary subjects are. And he must never violate this law through despotic judgment. Should he do so, the sovereignty of the people will execute its verdict. Therefore, since the caliphate in Islam is nothing more than stewardship with the authority to execute the laws of sharia, it bears no similarity to a spiritual leadership. The caliphate is the office of the leader of

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III MD: This thesis may have developed to counter the anti-religious accounts of materialism in the period, as Deniz Ali Gür has brought to my attention.

a constitutional Islamic government. This explains why Muslims residing abroad are not subject to its authority. However, Muslims enjoy an emotional attachment to the caliph. Since [the concept of] sultanate contains meanings of tyranny and oppression, as well as despotism, it is now necessary to recognize [the concept of the] caliphate – to which, in the age of freedom, some suspicious notions unbefitting to constitutionalism have been attached – as a requisite for constitutionalism. The apodictic and definitive justice and equality [enshrined] in the Islamic constitution (*kanun-ı esası*) is such that it cannot be undermined by disagreements between various nations and religions among its subjects. This is so because they all share the same positions vis-a-vis the legitimate governance. [Thus,] in the same manner that rulers are regularly indicated by a variety of titles such as sultan, emperor, or king among different nations, the use of the term caliphate in Islam is unproblematic as well.

As explained in books on Islamic governance (*siyaset-i şer'îye*), the caliph appoints Muslim as well as non-Muslim ministers and deputies in fields such as jurisprudence (*kaza*), administration, the military, etc. in accordance with the requisites of time and place. If necessary, he can delegate all affairs of leadership [of the Islamic community] (*imamet*) and government to a grand vizier or prime minister, keeping only the power to delegate authority in his own hands. Among these deputies can also be a chief judge (*kadı'l-kudat*) and a mufti of the people (*müfti'l-enam*), who, however, must be Muslim. During the period of the Rightly Guided Caliphs, and in the Umayyad, Abbasid, and Seljuk eras, the Office of Sheikh ül-Islam was [filled] from among these chief judges, and the Muslims have never considered any of them a spiritual leader (*reis-i ruhanî*).

During previous Ottoman administrations, [occupants of the Office of] Sheikh ül-Islam were, with some differences in their special and fundamental obligations, moulded in this manner and executed the affairs of justice (*adliye*) and education (*maarif*) in this way. They deputized certain caliphal duties that were compartmentalized in different administrations. Regarding learning, they oversaw the madrasas [and] with regard to justice, the courts. Since the establishment of the cabinet of ministers (*heyet-i vükela*), they were included ex officio in the entourage of the grand vizier in the Council of Ministers (*meclis-i has*). In recent years, science education was terminated at the madrasas, public elementary schools were founded, and eventually the Ministry of Education was formed. As madrasas and judicial training colleges (*mekteb-i nüvvab*) were officially part of the Ministry of Education but remained within the remit of the Office of the Sheikh ül-Islam, the Nizamiye (regular) courts were established to address certain matters necessitated by relations with [other] states and nations, as well as present contractual commitments that are obligatory in our country but are not among the provisions of Islamic law (*kavaid-ı fıkhîye*).<sup>IV</sup> In

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IV MD: On the refashioning of the Ottoman judicial system in the 19th century and the Nizamiye courts, which were established parallel to the sharia courts, the authority of which was thus limited, see Avi Rubin, *Ottoman Nizamiye Courts: Law and Modernity* (New York: Palgrave Macmillan, 2011).

that vein, the Ministry of Justice was established to handle minor offenses and criminal cases. [p. 481/482] Thus, although judicial authority in our country was divided into two due to the necessities of context, neither the fundamental duties of the Office of the Sheikh ül-Islam were abandoned, nor could the regular cases be integrated into the comprehensive domain of Islamic jurisprudence (*fikh*) to render the Ministry of Justice obsolete. It seems obvious, thereupon, that there are two instances of redundancy in our cabinet: First that there is both a Ministry of Justice and the Office of the Sheikh ül-Islam, and second that by the caliph's appointment, it [the cabinet] includes both the grand vizier and the sheikh ül-Islam.

According to the custom of our predecessors (*salaf*), deputizing for the caliph is not exclusively the domain of the sheikh ül-Islam and has no relation with spirituality; hence, the sheikh ül-Islam has no place in Islam beyond his position as a member of the cabinet and part of the executive branch. And he may never be called a spiritual leader. Thus, his elevated status cannot be attributed to any factor other than the respect Islam accords to [Islamic] sciences (*ilm*). [ . . . ]

In countries governed by constitutions, the head of government appoints only the prime minister. And in some, the prime minister also leads a ministry. If there is any evidence for adding this as a biding amendment to the constitutional order and by so doing push the East to imitate the West, then it should be done. Since there is no obstacle to combining the Office of the Prime Minister with the Office of the Sheikh ül-Islam, it is [also] possible to integrate the one that may be superfluous into the other. But under no circumstance should the Office of the Sheikh ül-Islam be [considered] transient. Should that transpire, however, Muslims would not look for a spiritual leader, because the head of the community of Islam cannot be other than the head of the government of Islam. Bifurcating government in this manner [separating spiritual from political leadership] leads to a government within a government. Therefore, the sheikh ül-Islam is in any case accountable to the parliament. From the perspective of Islam, however, the ulema have the greatest responsibility. That the sheikh ül-Islam comes to parliament can never conflict with the regulations of Islam. By deferring this and surrendering an important institution to the forces of absolutism and to thus abuse, [and] granting infallibility and holiness (*mukaddesiyet*) [to the sheikh ül-Islam] akin to [that enjoyed by the] papacy contradicts the essential wisdom of the Islamic sharia.

It is in no way permissible to consider the sovereignty of a nation, which the sharia allows to lord over the caliph, as lesser than that of a person [i.e., the sheikh ül-Islam] who substitutes [only] for a small portion of the capacities of the caliphate. In short, the sheikh ül-Islam is nothing but a government official and comes to the parliament in this capacity. If he is worthy of his office, then he is applauded both as the holder of that office and as a person. [p. 482/483] This is the rule of Islam, which judges its caliph just as [it judges] its poor subjects, and all else is erroneous belief.

# 15 Misak Koçunyan: *Dismantling the Patriarchates* (1910)

Translated and introduced by Aylin Koçunyan

## Introduction

From 1908 until his death in 1913, Misak Koçunyan's column "Daily Thoughts" was published regularly in the Armenian daily *Jamanak*, which he had founded.<sup>I</sup> The article translated below is excerpted from his column. It discusses legal pluralism, the management of diversity against the backdrop of constitutional rights and equality, and the survival of the patriarchates as bearers of cultural legacy.

Legal pluralism, an essential feature of the Ottoman legal structure, provided for the application of different laws – against the backdrop of imperial law – to different groups based on ethno-religious identity or geography. In this framework, non-Muslims enjoyed a certain level of autonomy by having their own patriarchal tribunals with jurisdiction over personal and family law while Islamic law prevailed in criminal matters. Although non-Muslim communities had the right to choose among different legal jurisdictions, they were inevitably drawn into the hegemonic imperial legal structure, undermining the reach of communal authority and challenging its laws – as in matters of divorce and inheritance in which Islamic courts delivered more moderate verdicts.<sup>II</sup> In 1856, the Ottoman government promulgated a Reform Edict stipulating that non-Muslim communities take measure of their privileges and exemptions as subjects of the Sublime Porte and put their laws into writing under state supervision. This would lead to the Armenian "community regulation" in 1863.

Article 11 of the 1876 Ottoman constitution recognised Islam as the state religion while protecting the free exercise of other religions professed in the Ottoman Empire, and the application of religious privileges, previously granted to various communities of faith. Under the Young Turks, the Ottoman constitution was amended in 1909, 1914, 1915, 1916 and 1918, but Article 11 remained in force, guaranteeing state protection for religious privileges,<sup>III</sup> which in effect, were synonymous with "religious rights." Furthermore, the Armenian community regulation was published in the Ottoman law digests in the aftermath of its promulgation in 1863 and thus became a part of Ottoman law.

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I These were compiled in an eponymous volume on the anniversary of his death in 2014; see Misak Koçunyan, *Orouan Mdadzumner, 1908–1913*, ed. Sevan Değirmenciyan (Istanbul: Jamanak, 2014).

II Karen Barkey, "Aspects of Legal Pluralism in the Ottoman Empire," in *Legal Pluralism and Empires, 1500–1850*, ed. Richard J. Ross and Laura Benton (New York: NYU Press, 2013), 83–87, 93–95.

III Filiz Karaca, *Osmanlı Anayasası: Kanûn-i Esâsî* (Istanbul: Doğu Kütüphanesi, 2009), 24–25.

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The Armenian patriarch of Constantinople was recognized as the head of all lay and religious bodies institutionalised by this legal arrangement, and representative of their executive authority. In tandem with the principle of separation of powers between secular and spiritual authorities, the patriarch referred all business that came before him to the relevant lay or religious assemblies. Thus, decisions issued by the patriarch were made official only if sealed and counter-signed by the relevant assembly.<sup>IV</sup>

These principles, which reorganised the patriarchate along an explicit distinction between secular and religious authorities, bureaucratized the institution in a Weberian sense. The bureaucratization of the patriarchate, which distinguished between administrative and religious tasks, spawned secularity. In this new structure, the patriarchates are tasked with better enabling the reproduction of the religious and cultural ethos of their communities. As a civil right, freedom of religion does not contradict constitutional rule. Its exercise depends on the one hand on a legal order and on the other, on an institutional infrastructure that provides for a coherent content and continuity. As the free exercise of religion in the public space is defined by the state in its legal framework, the patriarchate is better secured in its task of shaping religious content on the basis of cultural heritage, coherence and continuity.

The validity of government documents (internal passports, real estate transactions, etc.) that lack patriarchal authentication, the subject matter of the excerpt translated below, abides by logic of the secular modern state. The author takes issue with officials in the Young Turk government who claim that the survival of patriarchates is incompatible with the constitutional principle of equality since the management of religions extends beyond matters of confession and dogma and may acquire economic, political, and social dimensions. Koçunyan argues that restricting patriarchal authority to religious obligations both contradicts the stipulations of Ottoman law and ignores the various trans-confessional issues entailed by the management of religions and beliefs at the social and political levels.<sup>V</sup>

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IV For a more comprehensive presentation, see Aylin Beşiryan (Koçunyan), *Hopes of Secularization in the Ottoman Empire: The Armenian National Constitution and the Newspaper Masis, 1856–1863*, Unpublished MA Thesis (Istanbul: Boğaziçi University, 2007).

V For more on this topic see the second article from *Jamanak* in this volume, see Anonymous 1908, text no. 13.



## Translation by Aylin Koçunyan

Finally, the government has found a practical solution to ensuring the survival of the patriarchates.

An implicit attack on patriarchal privileges has ensued in the aftermath of the proclamation of the constitution. We insist on preserving the longstanding privileges of the patriarchates, sanctioned by imperial edict, any deviation from which may upend our church order and its internal organisation. The government stipulates implicitly or indirectly that the very proclamation of the constitution abolishes all such privileges as they stand in contradistinction to the constitutional [principle of] equality.

The struggle continued in that manner on paper. Although the officials did not initiate a change in policy and maintained relations with the patriarchates to save face, instructions were given to governors and provincial administrators to ensure that the jurisdiction of the prelates was curtailed to the extent possible, and they be recognised solely as clergymen. The same ground was implicitly prepared for the patriarchs.

We remain adamant that the privileges of patriarchates and prelates persist, although government is aiming to render them obsolete, even if it has not publicly declared a policy to that effect. This is why the patriarch's frequent requests to the Sublime Porte on this or that matter are superficially welcomed but effectively ignored. The government has sought to justify its conduct by questioning the capacity of the patriarch to refer a matter to the Sublime Porte or intervene in state affairs: he is neither a deputy nor a senator. Nor is he a state official. His duty is to ordain clergymen (*kahana*), lead religious ceremonies (*araroghutioun*) and preach to his people. He does not have the right to interfere in temporal administrative (*ashkharhayin varchagan*) affairs.

Ultimately, this pantomime has its limits and one day one would need to openly declare to the patriarchs that they no longer have anything to do at the Sublime Porte and that the prelates will no longer sit in the administrative provincial assemblies. Such a categorical process could give way, however, to serious problems. Consequently, the government has chosen to shut off the water at the source and to indirectly force the patriarchates to shut their doors.

The measures to be taken on that occasion are very simple: the first is to organize the quotidian affairs of the people in such a way that they no longer need to approach the patriarchate; and the second, to dry up the sources of its income, thus putting an end to the applications made to the patriarchate. As is obvious, the relations of the Christian communities with the state were organised in such a way that it was not possible to obtain a passport, buy or sell real estate or claim inheritance rights without the testimony of the church councils and the patriarchate attesting to the authenticity of documents.

The government abolished the passports<sup>I</sup> and the patriarchate thus lost a part of its income. Nowadays, the new instructions stipulate that neither the testimony of church councils nor patriarchal authentication are necessary for real estate transactions. Since the income from the purchase and sale procedures takes pride of place in the miserable budget of this national institution, this is a lethal attack on the foundations of the patriarchate. But the government would not be satisfied by all of this. It would promulgate a law on civil marriage the consequence of which would be a progressive decline in the number of applications made to the patriarchate and a further diminution of income. [ . . . ]<sup>II</sup> In the interest of fairness, one should confess that only reforms in Anatolia and the oppression of feudal lords are exempt from these policy changes. Not a day passes without a telegraph, a complaint, or a protest from the population deprived of their rights by one oppressor or another, and the government is content with issuing its usual efficacious orders without any willingness to clarify that the old days are gone, and that constitutional rule prevails.

We believe that the patriarchates and their privileges do not pose any immediate threat to the government, and not any more than the feudal lords of Anatolia whose impunity will encourage others and sharpen their appetite. The patriarchates, with all their offices, prelates and church councils, have always been gratis officials at the service of the government and have frequently contributed to it.

The government should slowly curtail this impetuous policy, which does not strengthen solidarity between communities. The patriarchates retain the right to survive, from which the government itself will derive many advantages. Should the patriarchates no longer have legitimate existence, they will peter out by themselves without any additional impetus.

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I AK: Misak Koçunyan is probably referring to “mürur tezkeresi”, travel permits that were necessary for travel within Ottoman lands in the nineteenth century. The travel permits were abolished in 1910 under Young Turk rule, which introduced a passport law in 1911.

II AK: In the omitted section the author cites other examples for the loss of patriarchal authority.

# 16 Bediüzzaman Said Nursi: *The Problem of Nationalism* (1911 and 1928–1935)

Translated and introduced by Markus Dressler

## Introduction

Bediüzzaman (“Exemplar of His Time”) Said Nursi (1876–1960), an ethnic Kurd from Bitlis, received a traditional training in Islamic sciences and was also influenced by Sufism. He was one of the most influential and controversial religious personalities of the late Ottoman through early Turkish Republican period, whose legacy remains contested today.

Said Nursi’s public life was marked by ambivalent relations with the changing political landscape. In 1907, he petitioned the Ottoman sultan Abdülhamid II (r. 1876–1909) with a plan to build in the Eastern provinces a new kind of madrasa that also included the positive sciences. The petition led to a first short prison stay. Soon thereafter, Said Nursi established ties to the Union and Progress Party. In 1909, he was among the founding members of an alternative political association, the Party of Islamic Union (*İttihad-ı Muhammedi Fırkası*). During World War I, he enrolled in the Ottoman army and formed a voluntary unit that fought in the Eastern provinces against Armenian and Russian forces. Following the defeat and occupation by the Allied armies, he came out in support of the nationalist resistance movement organized by Mustafa Kemal. He continued his political activities after the formation of the Turkish Republic, but his views never quite squared with the hegemonic discourses of the time. This led to a life marked by frequent periods of imprisonment and exile. Said Nursi’s main legacy is, however, religious. He left an impressive oeuvre, most famous of which is a collection of texts known as the “Epistles of Light” (*Risale-i Nur*), cherished by his followers as the most authoritative commentary on the Qur’an. His writings were tinged with millenarian themes, and some of his followers tied him to the Mahdi. As an Islamic reformer, he was a modernist in so far as his texts emphasized the compatibility of religion with science. In present day Turkey, several religious communities labelled by outsiders as “Nurcus”, derive guidance from Nursi’s works, which they hold secondary only to the Qur’an.

Politically, Said Nursi rejected ethnic or racial nationalism. To him, proper patriotism or nationalism was rooted in religion rather than ethnicity, race, or language. The authority of Islam exceeded all other claims to communal identity. The two texts below reveal how Nursi distinguished between religious/Islamic and national (i.e., ethnic, or racial) patriotism. The first text was written in the early Young Turk period, when nationalism was still a rather new political discourse, and the question of its relation to religion a matter of controversy. The second text was written in the heyday

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of high Kemalism (mid-1920s through 1930s), when Turkish nationalism had acquired rather aggressive, even racist connotations, which Nursi countered with a “positive nationalism” based on religion.<sup>1</sup>

## Bibliographical Information

The translation of both texts was undertaken from:

Bediüzzaman Said Nursi, “Milliyetçilik Meselesi” [The Question of Nationalism], in *Türkiye’de İslamcılık Düşüncesi. Metinler/Kişiler*, ed. İsmail Kara (Istanbul: Dergah, 2011), II: 1001, 1003–4.

Page numbers in square brackets refer to this edition.

Text 1 appeared originally in Ottoman Turkish as:

Bediüzzaman Said Nursi, “Arabî Hutbe-i Şâmiye’nin Zeylinin Kısa Bir Tercümesi” [A Short Translation of the Addendum to the Arabic Sermon of Damascus], 1922 [based on a Friday sermon in the Umayyad Mosque in Damascus and published originally in Arabic in Damascus in 1911].

Text 2 originally appeared in:

Said Nursi, “Üçüncü Mebhas” [Third Discourse], in *Mektubat* [collection of letters and discourses the main parts of which stem from the years 1928 to 1935; original publication unclear].

## Translation by Markus Dressler

### [Text 1]

#### The Matter of Nationalism

At the start of [the era of] liberty (*hürriyet*) (1911), I accompanied Sultan [Mehmed V] Reşad [r. 1909–1918] on his journey to Rumelia, in the direction of the Eastern Provinces. On the train, a conversation developed with two chaps who were students of science. They asked me:

Is religious patriotism (*hamiyet-i diniye*) stronger, more necessary, or national patriotism (*hamiyet-i milliyet*)?

I said:

For us as Muslims, religion (*din*) and nationality (*milliyet*) are united, with [only] a nominal, superficial, and incidental separation. It is possible [to regard] religion as the life and soul of nationhood (*milliyet*). If the two are considered as separate and different, then religious patriotism is professed by both commoners and the elite . . . [while] national patriotism is reserved for one out of a hundred, that is for the person who sub-

<sup>1</sup> On Said Nursi see Alparslan Açıkgenç, “SAİD NURSİ”, *TDV İslâm Ansiklopedisi*, <https://islamansiklopedisi.org.tr/said-nursi>; Şerif Mardin, *Religion and Social Change in Turkey: The Case of Bediüzzaman Said Nursi* (Albany: State University of New York Press, 1989).

ordinates his personal interests to the [interests of the] nation (*millet*). This being the case, in public law, religious patriotism should be fundamental, and national patriotism should be its servant, its strength and its fortress. Besides, we Easterners (*şarklılar*) are not like the Westerners (*garblılar*). It is the sentiment of religion that prevails in us and in our hearts. The fact that Eternal Destiny (*kader-i ezeli*) sent most of the prophets to the East indicates that only the sentiment of religion can awaken the East and lead it to progress. The felicitous era of the immediate followers [of the Prophet] (*asr-i saadet ve tâbiin*) is clear proof of this.

O my fellow classmates in this mobile madrasa known as a train, who have asked which of these two, religious or national patriotism, is more important, and also all you students who are now riding with me in the train of time toward the future, I call on you:

Among Turks and Arabs, religious patriotism, and the nationality of Islam (*İslâm-iyyet milliyeti*) have become completely intermingled and are indistinguishable. Islamic patriotism (*hamiyet-i İslâmiye*) is a thread of light of the strongest kind and stems from the text and the heavens. It is an unbreakable, indivisible, surest handhold (*ürvetü'l-vüska*) [Q 2:256 and 31:22], an indestructible and invincible sacred (*kudsî*) fortress.

## [Text 2]

Nationalism (*fıkr-i milliyet*) has gone too far in our time. The deceitful European oppressors spread it among the Muslims with negative ramifications, to tear them apart and devour them.

In nationalism, there is something charming to the soul, a taste that leaves one unworried, an inauspicious force. Therefore, at the present, we cannot simply tell those who are occupied with social life (*hayat-ı ictimaiye*) to “let go of nationalism”. However, the idea of nationalism consists of two parts. One part is negative, inauspicious, and harmful, it feeds on devouring the other, it is hostile to others, and acts recklessly. It causes enmity and turmoil. For this reason, a *hadith-i şarîf* [trusted saying of Muhammad] has commanded: “Islam has eradicated the tribal solidarity (*asabiyyet*) of the time of ignorance (*cahiliyyet*)”. And the Qur’an has also decreed: “While the disbelievers had stirred up fury in their hearts – the fury of ignorance – God sent His tranquility down on to His Messenger and the believers and made binding on them [their] promise to obey God, for that was more appropriate and fitting for them. God has full knowledge of all things.” [Q 48:26]

This *hadith-i şarîf* and this Qur’anic verse reject negative nationhood and ethnic nationalism (*fıkr-i unsuriyyet*) in a sufficiently clear manner. For the positive and holy (*mükaddes*) nationality of Islam leaves no need for it.

Yes, I wonder what race (*unsur*) is three hundred and fifty million [members] large? Can ethnic nationalism win over so many brothers and sisters, even eternal

brothers and sisters, for itself, as Islam does? Clearly, the many ills of negative nationhood are evident throughout history.

To summarize [these ills]: Ever since the Umayyads injected an element of nationalism into their politics, they not only offended the world of Islam but also brought many catastrophes upon themselves. On the one hand, the European nations took the idea of nationalism in this age to such an extreme that, in addition to the inauspicious eternal enmity of the French and the Germans, the catastrophic events of the Great War, too, proved how harmful negative nationhood is to humanity. On the other hand, from our side, at the beginning of [the period of] liberty (the Second Constitutional Era, ca. 1908–1920) quite a few, mostly Greek Orthodox and Armenian, separatist “clubs” or refugee communities were established brandishing negative nationalism – like the dissolution of people into tribes described as the confusion of languages among people and their subsequent dispersal with the destruction of the tower of Babel. And from these [activities], in the plight of those who attack foreigners and the destitute, we see the dangers of negative nationalism that linger until today.

Thus, it will be an indescribable disaster if the races and tribes of Islam – in need of one another, one poorer and more oppressed than the other, and squeezed by foreign domination – come to see each other as strangers and enemies because of nationalism. It is akin to the folly of turning one’s back on giant snakes to avoid a mosquito bite, equating it [the danger posed by the snakes] with a mosquito bite. Or similar to ignoring Europe at a time when, under the rule of great dragons, it has developed an insatiable appetite and extended its claws, and to perhaps [even] help it [Europe, that is] maximally, by – spellbound with negative nationalism – showing hostility to our compatriots in the Eastern Provinces [the Kurds], or by nurturing enmity towards our fellow believers in the South [the Arabs] and siding against them, with the many adversities and dangers that it entails. [p. 1003/1004] Among these peoples of the South there are no enemies to side against. The light of the Qur’an comes from the South, the light of Islam has come, it is within us and everywhere.

It is exactly the enmity towards fellow believers that harms Islam and the Qur’an. And this enmity towards Islam and the Qur’an is an enmity towards the worldly (*dünyeviye*) and otherworldly (*uhreviye*) life of all these citizens. Destroying the cornerstones of these two domains of life in the name of patriotism is not patriotism, it is idiocy!

[. . .] Positive nationhood stems from the inner needs of social life, it is a cause of cooperation and solidarity, it is a productive force, it will be a means for strengthening Islamic fraternity.

This positive nationalism must be a servant, a fortress, the armour of Islam . . . it must not replace it. Because the fraternity afforded by Islam comprises a thousand fraternities and extends itself to the hereafter (*âlem-i beka*) and the purgatory (*âlem-i*

*berzah*).<sup>I</sup> Therefore, it has more authority than nationalist fraternity, no matter how solid the latter may be. To replace it [Islam] with the other [national fraternity] would be a foolish crime, akin to placing the stones in a fortress in its treasury and throwing out the diamonds it housed.

O children of this homeland, the people of the Qur'an! Not only for six hundred years, but perhaps for a thousand years, since the time of the Abbasids, you have, as the banner-bearers of the sage Qur'an (*Kur'an-ı hakîm*), defied the world and proclaimed the Qur'an. You have made your nationhood (*milliyet*) a fortress for the Qur'an and Islam. You have silenced the world, you have repelled dreadful attacks, you have faithfully adhered to the verse "You who believe, if any of you go back on your faith, God will soon replace you with people He loves and who love Him, people who are humble towards the believers, hard on the disbelievers, and who strive in God's way without fearing anyone's reproach . . ." [Q 5:54] [ . . . ]

*A case that deserves attention:* The Turkish nation is the largest among the peoples of Islam, for Turks all over the world are Muslims. Unlike other races, they are not divided into two parts: Muslim and non-Muslim. Wherever there is a Turkish tribe, it is Muslim. Turks who left Islam or did not become Muslims have left Turkishness altogether (such as the Hungarians). [ . . . ]

O Turkish brother! Be careful, especially you! Your nationality has become one with Islam, it cannot be separated from it.<sup>II</sup> If you separate yourself from it, you will be ruined! All your past glories have been recorded for Islam. If all the forces on earth failed to erase this glory, then do you not erase this glory from your heart by following the delusions and deceptions of the devils?

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<sup>I</sup> MD: In Islamic cosmology, the station in the heavens where souls await Judgment Day.

<sup>II</sup> MD: The interface between national and Islamic identity was a prominent theme in early Turkish nationalist discourse. Even to hardcore laicists, the communal boundaries of the nation were drawn by religion. See Soner Cagaptay, *Islam, Secularism and Nationalism in Modern Turkey: Who Is a Turk?* (London: Routledge, 2006), 83–84.

# 17 Ziya Gökalp: *Religion, Religiosity, and the State* (1916)

Translated and introduced by Markus Dressler

## Introduction

The sections translated below were part of a series that appeared on *Tanin*'s front page column "Politics" under the title "The Union and Progress Congress". The series was published soon after the annual congress of the Committee of Union and Progress (CUP, *İttihat ve Terakki Fırkası*), which took place in Istanbul from 28 September to 3 October in 1916, in the midst of the Great War. *Tanin* was the semi-official newspaper of the CUP and the text had the character of a public progress report on the deliberations of the congress and justifications for its decisions. The section on the question of religious reform appeared in parts six to eight of the series (published 12–14 October). Although no author is mentioned, the content and the style clearly point to Ziya Gökalp (1876–1924).

Gökalp was a leading ideologue of the later Young Turk movement and the CUP. He occupied leading positions in the CUP and Turkish nationalist organizations in its orbit and was influential in shaping the Young Turks' nationalist, cultural and religious policies. A prolific writer, he wrote on a wide range of mainly sociological, but also historical and political topics. As editor and author, he contributed to several academic and political journals. The first university professor of sociology at the Darülfünun (later Istanbul University), Gökalp was strongly influenced by French sociology (especially Durkheim). Widely recognized as one of the masterminds of the Turkist movement and Turkish nationalism, he had considerable influence on the cultural policies of the CUP. Contested until today is his impact on Turkish secularism, aspects related to which are addressed in the text translated below.<sup>1</sup>

Often forgotten in accounts of Turkish secularization are the important steps towards secularization taken in the late Ottoman era, especially since the Tanzimat period (1839–1876). The CUP Congress of 1916 was a watershed in this history. Keen on restricting the influence of religious institutions on the state apparatus, the CUP took advantage of the turmoil caused by the Great War to push for significant restrictions on the religious establishment. These restrictions had already been presented and jus-

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<sup>1</sup> See also Andrew Davison, "Secularization and Modernization in Turkey: The Ideas of Ziya Gökalp," *Economy and Society* 24, no. 2 (1995): 189–224; Markus Dressler, "Rereading Ziya Gökalp: Secularism and Reform of the Islamic State in the Late Young Turk Period," *International Journal of Middle East Studies* 47, no. 3 (2015): 511–31.

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tified in a written manifesto submitted by Gökalp in advance of the party congress.<sup>11</sup> Among the major reforms sought by the CUP congress that were rationalized in the *Tanin* series and subsequently implemented was the transfer of the sharia courts, previously part of the Office of the Sheikh ül-Islam, to the Ministry of Justice – a major step toward the secularization of law. The text in *Tanin* argues for a clear distinction between the practice of issuing fatwas (*ifta*) by the mufti, and the practice of jurisdiction (*kaza*) as implemented in the sharia courts by the judge (*kadı*). Associating fatwas with religion/religiosity (*diyanet*), a domain of an otherworldly (*uhrevi*) order not subject to judgement by temporal authorities, he distinguished it clearly from worldly (*dünyevi*) matters, the jurisdiction (*kaza*) of which belongs to the courts. This distinction is predicated on a notion of Islamic religion (*din*) that unites matters of religiosity (*diyanet*) and matters of jurisdiction (*kaza*), in nature worldly and thus sanctioned by human government. In this sense Gökalp's distinction between *diyanet* and *kaza* can be read as a type of inner-Islamic secularization. The text is thus, where it argues for an institutional differentiation of worldly and otherworldly domains of Islamic law, very cautious to remain within an Islamic imaginary, justifying its arguments with Islamic and Ottoman traditions. Charting an in-between path between anti-Western Islamism (“the zealots of the madrasa”) and anti-Islamic Westernism (“the zealots of Europe”), Gökalp combines a rhetoric of Islamic authenticity and renewal with an emphasis on the requisites of the modern state to highlight their compatibility.

## Bibliographical information

The original text is included in:

[Ziya Gökalp] “Siyaset: İttihad ve Terakki Kongresi” [no. 6,7,8; ‘Politics: The Union and Progress Congress’], in *Tanin*, publ. consecutively 12 to 14 October 1916 [front pages].

An English translation, though in parts more a paraphrasing than a close translation, is published as: Ziya Gökalp, “State and Religion,” in *Turkish Nationalism and Western Civilization. Selected Essays of Ziya Gökalp*, ed. Niyazi Berkes (New York: Columbia University Press, 1959), 202–14.

## Translation by Markus Dressler

### [no. 6]

This year’s congress of the Union and Progress (*İttihat ve Terakki*) has, following a scientific debate, displayed a transparent position that reveals the party’s proclivities.

<sup>11</sup> The manifesto was first published in Osman Nuri Ergin, *Mecelle-i Umur-ı Belediye. Tarih-i Teşkilat-ı Belediye*, vol. 1 (Istanbul: Matbaa-ı Osmaniye, 1922), 275–84.

The core of this position is trust in the complete compatibility of Islam (*İslamiyet*) with modern civilization.

There never has been a shortage of men in our country who entertain this view. Among them Namık Kemal<sup>I</sup> [1840–1888] and [Ahmed] Cevdet Paşa<sup>II</sup> [1822–1895] deserve special mention. There is, however, another group that holds the opposite. According to the belief of this latter group, Islam would never reconcile or harmonize with modern civilization. The weird thing is that this [last] group contains within it two completely opposing factions.

These two factions begin from the same theoretical premises but effectively arrive at opposite results. We can call one of these parties the “zealots of Europe” and the other the “zealots of the madrasa”. According to the zealots of Europe, since the principles of Islam cannot be reconciled with contemporary civilization, we need to leave these principles behind altogether and adapt our entire material (*maddi*) and spiritual (*manevi*) being to [the norms of] European civilization.

The zealots of the madrasa, on the other hand, believe in the opposite: since it is impossible to reconcile modern civilization with the principles of Islam, it is necessary that we cleanse ourselves from all elements of this civilization and content ourselves with our existing traditions. It is obvious that both factions are extremely distant from social realities. Our nation can neither abandon its sacred religion (*mukaddes din*), nor can it escape from the necessities of modern life. It is a requisite of reason not to sacrifice one of these aspirations for the other, but rather to try and reconcile them. Hence, the congress of the Union and Progress has accepted this magisterial path and began to apply it in its program for this year.

It is the duty of a political party to develop an orderly and strong state organization. By accepting this principle as its ideal, its conception of the state has also acquired clarity. Henceforward, the goal of this party may be to work towards the creation of a state that is both Islamic and modern. Since a committee that accepts the compatibility of modern civilization with Islam necessarily accepts that an Islamic state can at the same time have the characteristics of a modern state, or put another way, a modern state may simultaneously lie on the principles of an Islamic state. Unfortunately, however, the Tanzimatists, who took the first steps on the path to renewal, did not think or act in this direction. Not only did they fail to move the Ottomans toward a modern state, but furthermore and based upon their misinterpretations, they moved the state into a non-organic condition and removed it completely from an Islamic model of state. Therefore, Union and Progress is not dutybound to follow blindly its predecessors on the path to rejuvenation, the Tanzimatists, but instead, to search for and identify their mistakes and thus establish the right path. The first mistake of the Tanzimatists was that they assumed the Islamic caliphate and the Islamic state to be different things.

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I MD: Influential member of the reformist Young Ottoman movement.

II MD: Historian and Ottoman statesman.

However, in Islam, the caliph is the person endowed with political chairmanship and the caliphate is the arrangement of the state. The sultanate, as is understood from Imam Mawardi's<sup>III</sup> [d. 1058] "The Ordinances of Government" (*Ahkam-ı Sultaniye*), is appended to the sovereignty of the caliphate and is not separate from it.<sup>IV</sup> The caliph, [the word] meaning "sultan-souverein", is himself the sultan. Therefore, caliphate and sultanate are not, contrary to the assumptions of the Tanzimatists, two distinct attributes united in the same person. The grand vizier is not the primary deputy (*vekil-i mutlak*) of sultanic authority, which is alleged to possess a quality independent of caliphal authority, but himself the primary deputy of the caliph and the imperial seal that he carries is the caliphal seal, bestowed to the viziers in the time of the Abbasid caliphs. Comparing the caliphate with a spiritual (*ruhani*) leadership such as that of the Catholic papacy and assuming that the sheikh ül-Islam is its primary deputy is, from the perspective of the sacred sharia, a rather exorbitant mistake.

The second mistake of the Tanzimatists is their notion of two types of judicial power (*hakk-ı kaza*). To them, while the caliphate and the sultanate came together in one person despite being two distinct and independent forces, the caliphate and the sultanate had differing jurisdictions – the first of which was granted to the Office of the Sheikh ül-Islam (*bab-ı meşihat*) as a deputy of the caliphate, and the second to the grand vizier's office as deputy of the sultanate. Based on this theory, they [the Ottomans] placed the chief qadi (*kaziasker*) and the qadi of Istanbul in 1252 [1836/7 CE] [under the authority of the] Office of the Sheikh ül-Islam. Since the sharia courts are bound to the *kaziaskers*, their transfer to the Office of the Sheikh ül-Islam places them officially under its authority. Yet until that time, the *kaziaskers* and qadis in general were bound to the grand vizier. Just as there are no two types of jurisdictions in Islam, it is also not possible to unite the practice of issuing fatwas (*ifta*) and adjudicating (*kaza*) in the same person. Judicial power belonged exclusively to the caliph and the primary deputy of the caliph was the grand vizier. Since the qadis, as deputies of the caliph, practiced jurisdiction in his name, they were put forward as candidates, elected, and appointed by his primary deputy [the grand vizier]. The muftis, on the other hand, were not servants of the caliph as the qadis, but [merely] proclaimers of divine commands. Therefore, since their position was rather elevated, they could not serve a worldly (*dünyevi*) master. Since no one person can unite at the same time the tasks of the mufti and the qadi, both the Grand Imam [Abu Hanifa, d. 767, leading authority of Islamic law] and Zenbeli Ali Efendi [sheikh ül-Islam, d. 1526] rejected the idea that a mufti switched to the position of a head qadi, or a *kaziasker*. These examples sufficiently demonstrate how distinguished and sacred the office of fatwa issuance is regarded in the Islamic perspective.

Given that both the mufti and the qadi take their guidance from the provisions of Islamic law (*ahkam-ı fıkhıye*), how may one account for the difference in esteem ac-

III MD: Eminent scholar of law and political theory.

IV MD: See Al-Mawardi ca. 1050, text no. 4.

corded to them? The explanation is that the provisions of Islamic law comprise two parts, concerning religiosity (*diyani*) and jurisdiction (*kazai*), respectively; while the muftis disseminate the provisions of religiosity (*ahkam-ı diyaniye*) purely for the love of God, the qadis are servants [of the state], tasked with the execution of the provisions of jurisprudence (*ahkam-ı kazaiye*).

The authority of commands of religiosity (*ahkam-ı diyaniye*) pertain exclusively to otherworldly (*uhrevi*) religious duties (*tekalif-i diniye*), while commands of jurisdiction (*ahkam-ı kazaiye*) pertain to religious duties with a worldly (*dünyevi*) authority. Hence, commands of jurisdiction, even when pertaining to religious duties, are distinct from religious commands (*ahkam-ı diniye*). In contemporary terms, commands of jurisdiction are those principles that we refer to as law (*hukuk*). Thus, in Islam, law does not belong to the commands of religiosity, although it falls within the purview of religious commands (*ahkam-ı diniye*).

Religious commands are essentially one, but since they result from two types of sanctioning authority, worldly and otherworldly, their provisions are necessarily divided into two.

Since the qadi, as an institution of the worldly order, is charged with the duty of securing general social needs, he must take into consideration all of life's necessities. This is why the qadi is obliged to execute himself, or accept that others execute, many rulings that are not lawful according to religiosity (*diyane*). To accept interest is, for example, not permissible under any circumstance according to religious norms. All Muslims are brothers from a religious perspective, and it is unseemly according to the ethics of all communities to charge interest among brothers. The qadi, compelled by social necessities, has himself been obliged to allow for this practice, although it is strictly forbidden according to religion (*diyane*); for example, [the principle of] obligatory interest (*ribh-i mulzim*) compels him to charge interest on a loan from an orphan's money. [. . .] Contemporary juridical demands force us to accept alcoholic beverages as established goods. However, the fact that Islamic jurisdiction must accept [such practices] does not imply that Islamic religion (*diyane*) has to accept them as well.

Uniting the issuance of fatwas (*ifta*) and the practice of jurisdiction (*kaza*) in the same office and entrusting the judicial decrees of the sharia courts to the authority of the mufti gives the impression that things permitted by law are also permitted by religion (*diyane*). How harmful this impression is from the point of view of both religion and morality is self-evident. Islam has revealed its ethical order in its provisions concerning religiosity (*diyane*). The provisions of jurisdiction are religious indulgences (*müsamahat-ı diniye*) that are necessary in every age. When the Prophet said, "I was sent with the most generous faith (*buistu bi-l-hanifiyati-s semha*)", he meant with straight faith (*haneflik*) the provisions of religiosity and with generosity (*semhlik*) the indulgences of jurisdiction (*müsamahat-ı kazaiye*). [. . .]

Just as regarding morality as a matter of law (*hukuk*) is a sign of spiritual degeneration in a nation, the identification of religiosity (*diyane*) with jurisdiction (*kaza*) is equally indicative of moral decline.

Unfortunately, connecting the commands of sharia to the Office of the Sheikh ül-Islam had adverse ramifications on religiosity. Commoners, realizing that the Office of the Sheikh ül-Islam, as the qadis, scared people with worldly punishment, gradually lost sight of the otherworldly sanctioning authority. When muftis are involved in the business of jurisdiction and ratify juridical decisions, it is natural for a conception of sharia as [a series of] legal rulings to arise. Violating the probity of the commands of religion and holding the caliphate and the sultanate as two distinct powers, multiple jurisdictions gave rise to the idea that there are two types of Islamic rule in our country. As a result, there is no dearth of people who believe that Islam is a religion with two governments, one a worldly (*cismani*) government, the other a spiritual (*ruhani*) government, as is the case with Catholicism.

By fostering such unsound (*batıl*) beliefs, the erroneous interpretations of the Tanzimatists discussed above have gradually removed our state from [the model of] the Islamic state.

## [no. 7]

It is held that Tanzimatist support for communities with a degree of autonomy is based on their belief in the principle of religious freedom (*serbest-i edyan*).<sup>V</sup> While they called these groups religious communities (*cemaat-i diniye*), they labelled the legal provisions that rendered them autonomous as “matters of faith communities” (*umur-u mezhebiye*) – as if personal status laws were not legal affairs, but affairs of a religious community. However, all experts agree that “regulations that bear a sanctioning power in law” are legal regulations. Matters in family affairs that are not brought before the qadi, that show no need for the sanctioning authority of the court, are naturally not legal affairs. Among those, the ones that abide common sense have a moral (*ahlaki*) component and the ones that are based on an otherworldly sanctioning power a religious (*diyani*) component.

The Tanzimatists, exploiting the ambiguity in the word “*mezhep*”, coined the term “matters of faith communities” (*umur-u mezhebiye*) for all such cases. However, the term *mezhep* is the exact equivalent of the French word “doctrine” [in Latin letters].<sup>VI</sup> The *mezhep* of every creed is at its heart a legal doctrine (*fikhi bir doktrin*).<sup>VII</sup>

The French use the term “affaires culturelles” [in Latin letters] for matters that we call affairs of faith communities and employ the term “Ministère des cultes” [in Latin

V MD: Reference here is to the recognized Christian and Jewish communities – often referred to as millet – whose status was consolidated in the Tanzimat era.

VI MD: The term is used mainly for religious orientations or communities, to point to doctrinal differences, but also for the various Islamic traditions of law.

VII MD: This interpretation is probably inspired by the fact that the four classical schools of Sunni law and theology are also referred to as *mezhep*.

letters] instead of Ministry of Faith Communities (*mezahib nezareti*). Since the equivalent of the term culte [in Latin letters] is worship (*ibadet*), the translations of these terms must be affairs of worship (*umur-u taabbüdiye*) and Ministry of Worship (*ibadet nezareti*). Affairs related to worship is an exact equivalent of affairs of religiosity (*umur-u diyaniye*). Hence, freedom of religion means freedom in affairs of worship, that is, affairs of religiosity. To obtain this, it is not necessary to form political communities from communities of worship (*taabbüdi zümreler*) and to grant them political privileges. Ali Pasha,<sup>VIII</sup> however, saw no harm in giving the Armenian community, in addition to existing privileges, the right to a type of national parliament and a national constitution.

A necessary consequence of the administrative theory explained above is that an Islamic community will form parallel to the other religious communities. If connecting the sharia courts to the Office of the Sheikh ül-Islam was a first step towards this goal, the second step were attempts to form Islamic communities. Praise be to the Almighty God that the organization of an Islamic community (*cemaat-i İslamiye teşkilatı*) formed in Edirne [in 1881] was not replicated in the other provinces. As is understood from the above analysis, [these] communities were akin to a semi-state, with a political character. It is not necessary to add that our state will suffer adversity if it – already an Islamic state under the leadership of the caliph – establishes a second Islamic state under the label of community. Apart the rifts that this would create between the two Islamic organizations, another great danger would be that we will have conceded with our own actions the legality of domestic and foreign capitulations<sup>IX</sup> and thus consent to their persistence. However, if not establishing an organization of Islamic community, another equally vile act was committed, namely, a second order of jurisprudence was created within the Islamic religion and appended to the Office of the Sheikh ül-Islam (*bab-i fetva* [other name for the (*bab-i meşihat*)], alongside state law. It implied that acceptance of multiple legal orders and the nonseparation of the affairs of religiosity from the affairs of jurisprudence were regarded as harmonious with the principles of Islam. In this manner, the Islamic state, as long claimed by some European scholars, will never become a modern state, and consequently will never become independent. Furthermore, we may never undo the capitulations. This, however, was not to blame for the [major] problems [caused by] attaching the sharia courts to the Office of the Sheikh ül-Islam. As is well known, when the Ministry of Justice spots a deficiency in our judicial provisions, or a law that is in opposition to modern necessities, it drafts a law and submits it to the Legislative Assembly (*meclis-i teşriye*). By being approved, in its original form or a modified version, the deficiencies of our laws are continuously rectified.

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VIII MD: Leading Ottoman statesman of the Tanzimat era, grand vizier 1852–1871.

IX MD: Refers to binational agreements between the Ottomans and other states that conferred privileges to foreign citizens and sometimes also Ottoman non-Muslims – which often also received foreign citizenships – in the empire. The capitulations were since the Tanzimat a major reason for the sense of the Muslim population that they were disadvantaged in relation to the non-Muslims.

The same need is also felt in the Office of the Sheikh ül-Islam. If it finds no opinion in the Hanafi tradition of law (*fiqh*) [concerning a particular problem] that is conducive to modern necessities, it searches either within the Hanafi tradition among other opinions that were not yet formulated as fatwas, or among the opinions of the other traditions of law; then, the amir decides on which opinion to adopt [. . .] and submits the issue to the caliph for confirmation. This procedure, which stems from appending sharia courts to the Office of the Sheikh ül-Islam, complies neither with the constitution nor the sharia. The procedure does not comply with the constitution since every caliphal decree has the character of law and accordingly it is possible to pass bills without prior submission to the Legislative Assembly. It also does not comply with the sharia since the authority to issue fatwas belongs not to the caliph, but to the texts, and interpreting the texts and announcing them [those interpretations] is in the hands of the muftis. Since an *ijtihad* cannot overrule another *ijtihad*, a caliphal decree cannot compel a mufti in any way. Since the order of the commander [the caliph] has the validity of a law (*kanun*), and since the qadis are deputies of the caliph, it is only binding for the qadis. Hence, the practice of preference regarding problems that are subject to *ijtihad* has always been applied by the legislative authority in the promulgation of laws and is not dependent on the order of a mufti. In the end, through acceptance of this procedure, a practice is endorsed that is both contrary to the religious law in that it has the commander of the faithful approve fatwas and disregards the constitution since laws are issued through the Office of the Sheikh ül-Islam independent of the government and the legislative.

Another handicap of multiple legal orders is that since there is no codified compilation of sharia (*mecelle-i şeriye*), when a case is brought to the court, the Office of the Sheikh ül-Islam is consulted about the matter's jurisdiction. The fatwa issued in this way from the Office of the Sheikh ül-Islam has the character of a law that is only applicable retrospectively. [. . .] With this practice, the Office of the Sheikh ül-Islam performs a legislative role in one reading, and in another, legal consultation alone. The deliberations between Sultan Selim [r. 1512–1520], one of our greatest caliphs, and Zenbili Ali Efendi, among our greatest sheikh ül-Islams, included in the yearbooks (*salname*) of the Office of the Sheikh ül-Islam, exhibit well the manner of separation between religion (*dîyanet*) and jurisdiction (*kaza*) and that it is under no circumstances permissible for the Office of the Sheikh ül-Islam to act as a legal consultant to sharia courts. Yet another handicap of the plurality of jurisdiction is that the Nizamiye courts<sup>X</sup> and the sharia courts, if they pass differing and contradicting judgements on the same case, leave the executing branch in a difficult position.

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X MD: The gradual establishment of the Nizamiye courts between 1864 and 1879 limited the authority of the shari'a courts, although they were more than secular courts. They constituted an amalgamation of Ottoman and Islamic legal practices with borrowings from the French legal system. See Avi Rubin, *Ottoman Nizamiye Courts: Law and Modernity* (New York: Palgrave Macmillan, 2011).

All these matters we have listed are fitting neither to a modern state nor to an Islamic state. A state's religious (*diyanet*) affairs and its juridical (*kaza*) affairs constitute entirely different public services. Therefore, they need different ministries.

As the Ministry of Justice is the ministry of juridical affairs, and in principle, the connection and incorporation of jurisdictional governance to that ministry is incumbent, the administration of the institutions of religion ought to be entrusted to the sublime Office of the Sheikh ül-Islam, as it is the ministry of religious (*diyanet*) affairs. When the sharia courts, the Council for Legal Investigations (*tedkikat-ı şeriye*) and the organizations of the *kaziasker* institution are incorporated into the Ministry of Justice, neither their organization, nor the characteristics of their activities shall in any way be harmed. Anyhow, article 118 of the constitution ascertains that provisions of fiqh must be a basis for drafting of laws and all the scholars of law concede that family law has, in comparison to other legal provisions, a more traditional (*ananevi*) character.

The advantage achieved by entrusting the affairs of religiosity and the affairs of jurisdiction to two separate ministries is evident not only from the perspective of the distribution of justice. The greatest benefit that we reap from this separation will regard religiosity. The Office of the Sheikh ül-Islam has until now, on account of its time-consuming preoccupation with material issues, such as how to charge interest on the property of orphans and the administration of the family courts, not found the time to pay careful attention to the affairs of religiosity; finally, however, it will disavow such transient preoccupations and will work properly, to use an expression from Zenbili Ali Efendi, "for the care of our matters concerning the afterlife", and it shall be successful in giving the Islamic *umma* the needed religious training (*terbiye-i diniyei*).

## [no. 8]

In the last articles, we explained that it is the obligation of the Office of the Sheikh ül-Islam to occupy itself with affairs of religiosity. Religious affairs may be divided in two parts, namely creed (*itikat*) and worship (*ibadat*).

Rites of worship may be performed anywhere, and those that ought to be done in congregation are generally performed in the mosques. Planting dogmas in the soul and teaching the conditions of worship are achieved either by way of knowledge (*ilm*) or by way of experience (*hal*). Medreses are centres of knowledge, and the Sufi lodges (*tekye*) are schools for experiential education. Hence, "the mosque, the medrese and the lodge" are the three principal Islamic institutions overseen by the Office of the Sheikh ül-Islam.

Up until the present, the Ministry for Pious Endowments has overseen these institutions. Since the Ministry for Pious Endowments is a ministry of finance of sorts, it could only regulate their material and financial activities, their knowledge and experiential dimensions were neglected. Transitioning the administration of these institutions to the



Office of the Sheikh ül-Islam will lead to a new period of progress and order in religious affairs. It is so because the Office of the Sheikh ül-Islam has two distinguished counsels with excellent competence in knowledge and education related matters that could not exist within the Ministry for Pious Endowments. The first of these is jurisdiction over fatwas which is governed by the “Fiqh Counsel”, and the second is the Counsel of Sufi Sheikhs that operates as a “board of Sufism”.

[. . .]

Since Islam is a religion that follows knowledge (*ilm*) and mystical wisdom (*irfan*), the only guides that it accepts in matters of religiosity (*diyanet*) are the ulema and sages (*urefa*). If we are looking for examples of religious (*diyani*) organizations in Islam, untainted by the priesthood (*ruhbaniyet*) and by innovations such as spiritual government (*hükümet-i ruhaniye*), we may find it exclusively in [Islamic] institutions of knowledge. According to Islam, religion consists of the knowledge of the mind and of the wisdom of the heart. For Muslims, a mufti is not but a scholar accomplished in the science of fiqh, not a theologian but a judge proficient in the dogmas of Islam, and a [Sufi] sheikh not but a wise man with a special affinity for matters of conscience. It is due to this superior characteristic of Islam that we can consider the boards as consultative religious committees.

# 18 Ziya Gökalp: *The State* (1918) and *The Office of the Sheikh ül-Islam* (1918)

Translated and introduced by Markus Dressler

## Introduction

The poetry of Ziya Gökalp (1876–1924)<sup>I</sup> had a markedly didactic character, educating the nation on the new knowledge that characterized the Young Turks' nationalism as well as their conceptions of Turkish modernity and culture. Gökalp used his poetry also as a propagandist tool to sway public opinion in favour of secularizing reforms. To that end, he adopted a mystical approach to Islam that conceived of religion more in terms of individual sentiment than in social and political terms, and at the same time emphasized the social contributions of religion.<sup>II</sup>

Ziya Gökalp's modernist interpretations of religion as expressed in the poems below distinguish between political (worldly) and religious (otherworldly) domains and responsibilities and have been criticized by traditionalists as incommensurable with conventional understandings of Islam. The poem "Meşihat" ("The Office of the Sheikh ül-Islam") was, as was the poem "Devlet" ("The State"), part of Gökalp's collection of poems "Yeni Hayat" (1918), but unlike the former excised from most extant copies of the book on account of objections from the CUP leadership.<sup>III</sup> A particularly poignant refutation argues that "the ideas presented by Ziya Gökalp in his poem 'Meşihat' contradict the basic principles of Islam. He argues that law is not a concern of religion and that the Office of the Sheikh ül-Islam must stay away from state affairs. However, as is well known, there is no separation between religion and state in Islam. Together, in unity, they form the Islamic order. The totality of rules that comprise the religious order are called the sharia. Sharia is a totality that comprises all kinds of regulations, from the most intimate aspects of the individual's private life to state administration."<sup>IV</sup>

This critical response to Gökalp's attempt to demonstrate that certain distinctions between legal and religious affairs are in line with Islamic tradition shows that the debate continued well into the Turkish republican period. Indeed, as other articles collected in this volume corroborate, it remains vibrant today.

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I For a general introduction, see the introduction to Gökalp 1916, text no. 17.

II Cf. Erol Köroğlu, *Ottoman Propaganda and Turkish Identity. Literature in Turkey during World War I* (London: I.B. Tauris & Company, 2007), 123–24.

III Turgut Akpınar, "Ziya Gökalp Hakkında Dinsizlik İddiaları ve Nedenleri," *Tarih ve Toplum* 69 (1989): 48.

IV Ibid.

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The original Ottoman Turkish poems are included in:

Ziya Gökalp, *Yeni Hayat* (Istanbul: Yeni Mecmua, 1918).

Modern Turkish transcriptions of the poems are included in:

Fevziye Abdullah Tansel, ed., *Şiirler ve Halk Masalları. Ziya Gökalp Külliyyatı I* (Ankara: Türk Tarih Kurumu 1989); 116–17, 316–17.

Page numbers in square brackets refer to this edition.

## Translation by Markus Dressler

### [The State]

The Qur'an says:

Obey God (*Hakk*), then the Prophet, and the state!..

The dominant sentiment of my conscience is loyalty

To the laws, the hadith and the Qur'an . . . [p. 116/117]

In worship and faith (*i'tikād*)

Will the [sacred] book and the sunna always be my guides,

If I have doubts in these matters, I will

Definitely listen to the fatwas of the muftis . . .

Law, however, is an affair separate from religion,

Left to the rulers and the state.

Change the law if it doesn't suit custom (*örf*),

*Make it fit with custom*, God (*Tanrı*) instructed the nation!

In my state, the customs of the people are sovereign,

No force can confine these.

Law does not rule over truth (*hakk*), it serves it.

Without reason it cannot restrict the individual! . . .

### [The Office of the Sheikh ül-Islam]

A state unable to make itself a law,

That calls its laws "divine, unchangeable",

Is really not a state, will not stand sovereign,

The world cannot bear anything that does not change!

An Office of the Sheikh ül-Islam (*meşihat*) that counts

Dealing with matters of law and science as service to religion,

Destroys on the one hand justice and wisdom,

While on the other hand spreading indifference among the people! [p. 316/317]

Who is sovereign: the nation, or the Office of the Sheikh ül-Islam?

And who the national parliament: the delegates? Or the Fatwa Office (*Bâb-ı Fetvâ*)<sup>I</sup>?  
 Is the constitution but a ruse of the sharia?  
 Is our being a free nation just a dream?

Legislative, judiciary, courts and verdicts all come in pairs,  
 The state makes laws for religion, and religion for the state . . .  
 The turbaned become civil servants.. and the fez-headed<sup>II</sup> imams:  
 The state resembles the Office of the Sheikh ül-Islam, and religion the government!

A state can get along with an office of the sheikh ül-Islam, but  
 Two states joined within one country is impossible,  
 Science and religion may harmonize within one conscience, but  
 Two kinds of science, law, religion – impossible!

Leave science to the university, judicature to the state,  
 Focus you, [Office of the Sheikh ül-Islam,] on spreading religiosity (*diyânet*)!  
 If you aim at acquiring deserved respect,  
 Focus on those of your duties that befit the time!

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I MD: Another name for the Office of the Sheikh ül-Islam.

II MD: In 1829, the fez was introduced as a mandatory headgear for Ottoman civil servants. In contradistinction to religious headgears, it became the symbol of a common Ottoman identity.

# 19 Said Halim Pasha: *Reform of Muslim Society* (1922)

Translated and introduced by Laurent Mignon

## Introduction

The last page of the pamphlet “Notes pour servir à la réforme de la société musulmane”, from which the section below has been excerpted, contains a dramatic footnote inserted by the editor of the first volume of the journal *Orient & Occident* indicating that “Prince Said Halim was about to publish this article when he was the victim of an assassination” (54). Indeed, Said Halim Pasha (1864–1921) was assassinated on 6 December 1921, while in exile in Rome, presumably because of his role in the Armenian genocide. Grand vizier of the Ottoman Empire between 1913 and 1917, this grandson of the reformist governor of Egypt Mehmed Ali Pasha (1769–1849), had ordered the deportation of the Armenian population in 1915. While as a member of the Committee for Union and Progress (CUP) he occupied lofty political positions, it is as an Islamist thinker that he has left a mark on Ottoman Turkish intellectual history, advocating a critical approach to westernisation, which he nevertheless saw as unavoidable, promoting Islam over nationalism and disfavoured women’s rights. Unlike other Islamist thinkers who defended the moral superiority of Islam over Western thought and civilisation, Said Halim Pasha engaged in a more systematically apologetic discussion of Islamic teachings in matters of social organisation, political life and the promotion of science. In this context, the emphasis on Islamic law (sharia) plays a fundamental role. In his “Notes pour servir à la réforme de la société musulmane”, he defines national sovereignty as “the recognition of the right of the majority to impose its will on the minority” (26), therefore a deficient form of governance unless it is submitted to the principles of the sharia that ought to be a “source of inspiration and the criterion for Muslim rulers” (25). It accorded with his views on Islam as a superior principle to nationalism, which he considered as the impetus for the tensions within the CUP, and on the incompatibility of Western political institutions with Islamic principles, such as, for instance, an elected parliament as a legislative power.

Said Halim Pasha’s essay, written in French, was a revised version of his pamphlet *Les institutions politiques dans la société musulmane* (Rome, 1921), written while he was in exile in Malta after being court-martialled at the close of WWI. Eventually published in the journal *Orient & Occident* in the first quarter of 1922, the text attracted significant international attention. An English translation was included in Marmaduke Pickthall’s (1875–1936) *Islamic Culture: The Hyderabad Quarterly Review*

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with the title “The Reform of Muslim Society” in January 1927. It was also partially translated into Turkish by Celal Nuri [İleri] (1881–1938) and serialised in *İleri* newspaper in February–March 1922. The original pamphlet published in Rome was translated by Mehmed Âkif [Ersoy] (1873–1936), an Islamist poet and writer, and serialised in the influential *Sebilürreşad* periodical between February and May 1922. It is noteworthy that Âkif’s translation removed the section on national sovereignty.<sup>1</sup>

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Said Halim Pasha, “Notes pour servir à la réforme de la société musulmane,” *Orient & Occident* 1 (1922): 18–54; 24–27.

## Translation by Laurent Mignon

Despite the obvious superiority of Muslim teachings on social organization, the Muslim mentality is nowadays so distorted that it prefers the principle of the sovereignty of an omnipotent and unaccountable national will to the principles of the sharia, from which the said organization derives, even though the [former] principle was born yesterday and, although considered infallible, it has certainly failed to achieve its purpose anywhere.

Dazzled by the material power and prosperity of Western society, a growing number of Muslim intellectuals look to attribute this situation – the object of their unbounded admiration – to the ‘miraculous’ consequence of the principle of ‘national sovereignty’. [p. 24/25]

Having had this principle adopted in some Muslim countries – in form [only] since its implementation has remained completely superficial – they would strive to discard the sharia as a source of inspiration and the criterion for Muslim rulers.

But this conception of an omnipotent national sovereignty is as false as all the other conceptions of sovereignty that have preceded it in the West. It is based on an imaginary right that the nation bestows upon itself by its own initiative and authority, emulating its former masters, the Church and the Monarchy that had also proclaimed in turn their omnipotent, unaccountable, and infallible sovereignty by their own authority.

The basis of these sovereignties is always the same principle: power. The result is a constant struggle for power, in which social hatreds fester and national energies

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<sup>1</sup> See also M. Hanefi Bostan, “Said Halim Paşa,” *TDV İslâm Ansiklopedisi*, <https://islamansiklopedisi.org.tr/said-halim-pasa>; Syed Tanvir Wasti, “Said Halim Pasha-Philosopher Prince,” *Middle Eastern Studies* 44, no. 1 (2008): 85–104.

crumble. These sovereignties are therefore prerogatives imposed by force, not principles which impose themselves in recognition of their intrinsic moral value; consequently, they represent usurpations, that is to say injustices.

This is so because in reality a true right (*droit réel*) is only born from the fulfilment of a duty. It is earned by the performance of a duty. Otherwise, it is merely injustice and usurpation.

Conventionally, claiming that human beings are born with certain natural rights, including the right to be free, is heralded as an emblem of lofty liberalism. But nothing could be further from the truth, or even, we would argue, further from liberalism. Man has no natural rights. He possesses by nature only the ability to adapt himself to his environment, that is, to observe the natural laws to which his moral and physical existence is subject, and to conform to them, in other words, to fulfil duties.

It is by fulfilling his duty to study that he acquires the right to be listened to, it is by practicing virtue that he acquires the right to be respected, and it is by complying with his moral and social duties that he acquires the right to a certain degree of freedom, the value of which is very precisely determined by the intrinsic moral and [p. 25/26] social value of the duties he performs and by the manner in which he performs them.

This is why, furthermore, Islam, through the sharia, only instructed man in his essential duties, the perfect fulfilment of which will in consequence secure his right to enjoy complete and eternal happiness.

Being born of the evolution of a false principle, national sovereignty is destined to disappear, as did its predecessors as a result of the same evolutionary process.

Moreover, what is known as the national will is in reality the will of the majority of the nation, a majority which might represent only half the nation, plus one vote, i.e., the will of a very small majority opposing a very large minority, a minority almost equal to the majority.

The principle of national sovereignty is therefore simply recognition of the right of the majority to impose its will on the minority, a will that becomes law in all things and decides without appeal, consequently an absolute will that prevails solely on numerical strength, a strength that even if not artificial, as it often is, most unlikely to be inspired by truth and wisdom.

If we remember that in past centuries the same right belonged to an aristocratic or clerical minority who did not fail to abuse it at whim, one will agree that the sovereign national will is only the revenge of the majority on the minority, an instance of revenge that will not fail to attract, sooner or later, a well-deserved act of revenge in return.

It would be absurd to ignore or to look to diminish the value of a national will expressed with precision and not to admit that it represents a set of individual wills that are the most valuable manifestation of the conscience of a society, the exercise of a right on its behalf and the fulfilment of a duty. It must therefore enjoy a certain consideration and respect. But however great this deference may be, it should not be

forgotten that everything here on earth is subject to natural laws, [p. 26/27] to social and physical phenomena, and that every human will in any of these areas must be guided by the laws that govern each of them and that, therefore, wisdom consists in making the human will conform to the laws of nature.

If the national will is not sovereign and omnipotent in the physical realm, if it is obliged to respect the rules governing that realm, it cannot claim sovereignty and omnipotence in the moral and social realm and must similarly respect the laws pertaining thereto.

Since determining these laws is not possible by observation or reasoning, abiding by the sovereignty of the sharia is a necessity, [and] national sovereignty must be relegated to a secondary position and expected to defer and submit to the sharia.



# 20 Ahmed Cevdet [Oran]: *The Secular State* (1928)

Translated and introduced by Markus Dressler and Sümeyye Hoşgör Büke

## Introduction

The daily newspaper *İkdam* was published, intermittently, in Istanbul from 1894 to 1924. The proprietor Ahmed Cevdet [Oran] (1862–1935), a Turkist of the first hour, was also its editorial writer. The editorial below shows strong support for then newly announced secularizing amendments to the constitution. Three days after its publication, the phrase “The religion of the state of Turkey is Islam,” was removed from the constitution.

The text draws on a very clear distinction between material and immaterial/otherworldly affairs, a perennial theme in the modernist ideology behind early Kemalist nation-building. It develops a stark scenario that associates secularization with democracy and progress and casts the intervention of religion in worldly matters as a threat to the new order. In so doing, it implicitly distinguishes between the public and private dimensions of religion. It carefully tunes its critique of religion to its public and its political aspirations, emphasizing that the private dimensions of religion are valuable and to be protected, but not to be enforced by worldly powers – not even by religious institutions.



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## Translation by Markus Dressler and Sümeyye Hoşgör Büke

With the proposals of the prime minister, the Honourable Deputy from Malatya İsmet Pasha, and his friends for an amendment, the People's Party<sup>I</sup> decided to delete completely the non-secular (*laik olmayan*) elements from our constitution (*teşkilat-ı esasîye*). Obviously, our nationalist, democratic and laicist (*laik*) republic could not have stayed with clauses that are based on contradictory principles.

As the Honourable Minister of Justice Mahmud Esad [Bozkurt] Bey described very nicely in an interview conducted about a week ago, the “Hajji State” (*Hacı Devlet Efendi*) was buried in yesterday's assembly of the People's Party, and left in its wake a thoroughly modern blueprint for the state.

In this manner, with its decision yesterday, the People's Party has added to the thorough measures that it had already implemented in the country another legal provision of equal importance, submitted with a catchy expression in the justification for the proposed amendment: “since the persona of the state is principally immaterial (*manevî*), it is primarily an abstract concept”. Therefore, “it is not authorized to process the obligations and requirements that religion imposes on material (*maddî*) persons”.

Legal institutions that were established with the aim of regulating the religious affairs (*din işleri*) of the nation, cannot, of course, constitute a basis for determining the details of the relationship between God and his servants. If we recall the judicial issues during the constitutional period,<sup>II</sup> without recourse to the dominance of the sheikh ül-Islams in [earlier] Ottoman history, we can see the important role the sharia and fatwas played and the strong presence of the hereafter (*ahiret*) in the convoluted, closely interrelated social and economic conditions in our country.

Even that wretched family decree, which aimed at organizing the nucleus of Turkish society, was brought into a ridiculous situation when it got under the influence of the Directorate for Fetwas (*fetvahane*, [led by the sheikh ül-Islam])! After the Republic removed the Minister of Sharia [and Pious Foundations] from the government [in 1924], it of course also needed to remove those stipulations from our constitution that were subject to the authority of the Minister of Sharia. Almighty God has limited the executive power of religion to matters of the conscience and punishment in the hereafter (*ukuba*). The police, which is the executive arm of religion, certainly does not have the authority to go beyond the limits of its authority and [also] perform these punishments. The constitution of the Republic of Turkey that will emerge after the amendment will undoubtedly take the pride of place among those existing legal institutions that were from the beginning genuinely supportive of this cause and shared the same mindset.

I MD: Halk Partisi, later Cumhuriyet Halk Partisi (Republican People's Party).

II MD: Unclear whether this is a reference to the first (1876–1878) or second (1908–1920) constitutional period, or to both.

Our civil code (*kanun-ı medeni*) has thoroughly transformed Turkish society in a modern direction and prepared it [for modernity]. Future generations of Turks will be born into the same conditions as the civilized people of Switzerland.<sup>III</sup> The life paths that they will create will always be implemented through a cadre of the same formation. This transformation that occurs in the Turkish nucleus determines the social relations, which aggregate in the public domain and among individuals through the institution of the state. It is the contract of our society, born from our constitution and formed in this manner. The subject of this contract are the people and events that live, advance, and generate life and activity.

The people and their affairs should not be affected in any way by mystical (*mistik*) and otherworldly (*uhrevi*) flavours that could have the effect of opium on their prosperous productive actions and bodies. The deeds and intentions of all citizens, who inspect their conscience before God at their places of worship with acts of reverence and contemplation, are determined only by the eternal and absolute law of God Almighty. It is, of course, futile for mortals to encroach on this field in any way whatsoever, or to act as if they are obligated to ensure the prevalence or the application of the divine law. The command “Give to Allah what belongs to Allah, and to Caesar what belongs to Caesar” is the fundamental principle to be expressed by every pure and comprehending mind that hopes to save his community regarding its worldly (*dünyevi*) activities. It is a command that has remained unchanged from the time of the Romans to today’s Republic of Turkey. Those who changed it and allowed for theocratic governments devoured each other with their inquisitions, religious wars, incessant preaching, interpretations (*tafsir*), texts and comments, and unending councils (*konsil*) and fatwas. We suppose that they could not even please their Almighty God [with this].

[Oh you] free and cherished compatriot of the Turkish Republic, the ancestral religion (*din*) and creed (*akide*) that your conscience has accepted are dignified by the highest reverence for this homeland (*vatan*). The humility and submission in the mosques and churches deserve unabated respect and admiration. All actions inspired by the dictates of the conscience enjoy – as long as they are not in conflict with the laws of the country – the highest degree of liberty and freedom. However, be aware that your individual and ethical conceptions can never impose a blanket compulsion on your compatriots; you would not want that your actions or thoughts that aim solely at perpetuating worldly activities, preserving national honour and attaining prosperity for your land, to be subjected to voices from the unseen world (*alem el-gayb*) rather than rules inspired by contemporary exigencies!

It is for this reason and with these objectives that our constitution, which ensures and regulates our citizenry’s mutual relations, and is the basic contract of our state, will be amended by the People’s Party.

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III MD: The Turkish civil code was adopted from the Swiss model and enacted in 1926.

# 21 Abdülbaki Gölpınarlı: *Religious Education for the Republican Child (1928–1929)*

Translated and introduced by Markus Dressler

## Introduction

Abdülbaki (Gölpınarlı) (1900–1982) was one of the most influential and prolific Turkish historians of Islam whose work remains widely read today. Immersed in Turkish Sufi culture since childhood, he was initiated in several Sufi communities, but exhibited a special affinity for the Mevlevi path throughout his life. The breadth and depth of his expertise in Sufi history and institutions in the Turkish context is evidenced in his groundbreaking scholarship, which often ran against the grain of established academic wisdom, and remains important.

Gölpınarlı enjoyed a long career in education. He worked as a teacher since the late 1920s before being appointed in 1939 first as a lecturer and later assistant professor at Ankara University, where he taught Persian language and literature. He next joined the faculty of Istanbul University in 1942, teaching on the history and literature of Islamic mysticism. In 1945, he was accused of communist affinities and imprisoned, but was eventually acquitted and reinstated to his teaching position. Early in 1949, Gölpınarlı resigned his teaching post and dedicated his full energy to Sufi scholarship and related activities.<sup>1</sup>

As a young man, still at the beginning of his academic career, Gölpınarlı published three booklets on religious instruction for elementary schools in 1928–29. The excerpt translated below, taken from one such booklet for fifth graders, is permeated by the euphoric spirit of nationalism and secularism that defined the new republic. This was the heyday of Turkish secularism or laicism (*laiklik*). In 1928, the clause that had defined Islam as the state religion of Turkey was deleted from the constitution. Drawing on religious sources, primarily prophetic hadiths, as well as history, the text below makes a clear case for the separation of religious and worldly affairs and for a (re)definition of religion as an essentially private matter between an individual and God. Doing so, it challenges the religious authority not only of the sultan and the sheikh ül-Islam, but especially of the *hocas* (i.e., the mullas, or religious leaders). A didactic text, it must be considered itself as part of the secularization drive that it aims to justify.

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<sup>1</sup> Ömer Faruk Akün, “Gölpınarlı, Abdülbaki,” *TDV İslâm Ansiklopedisi*, <https://islamansiklopedisi.org.tr/golpinarli-abdulbaki>.

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## Translation by Markus Dressler

### Religious Affairs Are Separate from Worldly Affairs

[...]One day, our Prophet saw some people budding date trees and was about to say something like “don’t do it like this, do it like that”. But then, when he realized that what they did was right, he said: “You understand worldly affairs (*dünya işleri*) better than I do”. You see, the matters of religion (*din işi*) are one thing, worldly matters (*dünya işi*) are completely different.

In earlier times, however, those who took care of religious affairs would also try to take care of worldly affairs. [p. 16/17] The sultans, as deputies of the prophet, took the name caliph and ruled as they wished. The mullas (*hoca*) would say that everything they [the sultans] say is true, and they would say absurd things to the people, such as “one sultan has the power of seven prophets.” In short, religious affairs and worldly affairs were not separated.

Even for the most insignificant things the mullas were asked “is it in accordance with religion, or not?” – [only] then it was done. For example, as you read in history, the printing press was invented in Europe. They were printing their books in printing houses, everyone could buy books for cheap, the ignorant were getting fewer.

In our case, however, due to the condition of having to ask the mullas, and to get their consent, printing houses opened much later and we wasted so much.

In these times, war and peace were decided upon by the mullas. There was no one who asked for the wishes of the nation, or thought about its interests. [p. 17/18] Once the sultan agreed with the sheikh ül-Islam and the mullas, the most impossible things could happen, heads would be cut off, fireplaces extinguished.

However, as you also know, religion is a matter of conscience. When a man believes in Allah and the Prophet, he becomes a Muslim. This belief of his has nothing to do with worldly affairs.

We learn about religious matters such as fasting and the ritual prayer from our holy book, the Qur’an, or from the mullas. Worldly affairs are governed by the laws and regulations made, through conversation and consent, by the deputies elected by our nation. These laws have nothing to do with religion. After all, religion is subject to a man’s faith (*itikad*). However, the laws governing world affairs change over time and according to the needs of the nation. Men with no understanding of such a thing, who are clueless, cannot interfere in such important matters. [p. 18/19]

For example, if our great Gazi [Kemal Atatrk] had not guided us and if we had not followed the path that he has illuminated, could we [then] have achieved our independence[?]

Furthermore, the religion of Islam has ordered that worldly affairs be entrusted to people who understand. The Prophet said: "If a matter is entrusted to a man who is not competent, this matter will be doomed."

Therefore, religious affairs are separate from worldly affairs.

# 22 Halide Edip Adivar: *The Clown and His Daughter* (1935)

Introduced by İřtar Gözaydın

## Introduction



Halide Edip Adivar (1882–1964) was a Turkish author, academic, and politician. She received a secular education at the American Academy for Girls in Üsküdar, Istanbul. Halide Edip escaped to Anatolia in 1920 to join the War of Independence led by Mustafa Kemal and his associates. After the establishment of the Republic of Turkey she got into several conflicts with the ruling Republican Peoples' Party (Cumhuriyet Halk Partisi). Adivar left Turkey with her second husband Adnan Adivar and lived abroad until 1939. Upon her return to Turkey, she became the chair of the English Literature Department at the University of Istanbul. Halide Edip Adivar was elected as an independent MP in 1950, although she resigned her position in 1954. In her novels, Adivar sought to analyse the rapid transition of Turkish society and to depict the deep-seated social conflict generated by the clash between Eastern and Western culture. *The Clown and His Daughter* was originally published in 1935. Adivar then translated the story with minor amendments into Turkish and published it as *Sinekli Bakkal* (The Fly-Infested Grocer) in 1936. The name *Sinekli Bakkal* is the fictitious name of a street as well as the neighbourhood in Istanbul in the last quarter of the nineteenth century where the novel takes place. The selections below, with distinctions between Christianity and Islam, religiosity and faithlessness, and East and West reflect Halide Edip Adivar's analysis of Ottoman-Turkish modernity/modernization. The West's insatiable appetite for scientific research and the heroine's conflicted thoughts on abortion in a situation where the mother's life is in danger are presented against the background of a series of distinctions that considered collectively, may be read to refract secularity.

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## The Clown and His Daughter

[. . .] “That Koran-chanter of yours is a great discovery,” [Hilmi] said, lisping a little more than he usually did. He was, indeed, a little excited. [. . .]

“[W]hat a contralto, what a treasure of a voice!” he continued. [p. 39/40] “But she must be cured of that constant legato, that whining, monotonous Arab diction.”

Selim Pasha knitted his bushy brows. He had not the slightest idea as to what legato or contralto might mean, but he liked the girl’s style. He would prefer to have her mannerisms emphasized than corrected. With hidden irony in his voice he asked:

“How would you do that, sir?”

“I should engage Peregrini as her music master. Two years under his tutelage would improve her voice so greatly . . . she would be good enough for a European stage”.

“What an ass!” thought Selim Pasha. He knew Peregrini gave music lessons to members of Turkish families, including his own son [Hilmi], who was one of those who believed that the culture and learning, and even the music of Europe, were superior to those of Turkey. As Peregrini taught in the Palace also, the Pasha had him watched by the secret office. But Peregrini was politically harmless. He was a Catholic monk who had abandoned his Order. Like all orthodox persons, Selim Pasha disliked people who abandoned the faith in which they had been reared. If the fellow had embraced Islam it might have redeemed him in the Pasha’s eyes. As to what Peregrini could teach, Selim Pasha had a very definite idea.

“Are the ladies who grace the European stage all pupils of Peregrini?”

“It isn’t that . . . well . . . you naturally wouldn’t know the kind of music European artists sing.”

Though Hilmi spoke seriously, his tone was a little patronising.

“Don’t I though?” The bushy eyebrows were once more raised. “Doesn’t my position as the Minister of Public Security oblige me to attend all the performances European artists give in the city?” [p. 40/41]

“Don’t you think it good music, sir?”

“Good music? If there were no Capitulations I would give orders to have those foreign singers silenced and drive away the gaping fools who compose their audience. Do you call the studied screech of those promiscuous, half-naked, spectacular women good music? They do nothing but vie with each other to reach the topmost note in the scale. Their men are no better. They bellow like bulls. Good music indeed . . . nothing but a concert of yells and howls in a lunatic asylum!”

“You could not be expected to understand, sir” Hilmi remarked exasperatingly.



“Well, you tell me that European music and literature is based on life. Who ever saw such bustle and hustle, such unnecessary fuss made over the simple acts of life? Can you imagine any sane human being making love or dying in that spectacular manner? Fancy hiring that wizened old devil with the Satanic beard to teach a little Turkish girl such tricks! No, I shall ask Vehbi Effendi to train the Imam’s granddaughter.”

There was finality in the last sentence of the Pasha’s satirical tirade. Yet Hilmi could not help saying: “There is both life and science in Western music. As to ours . . . poof! . . .”

“What is wrong with ours?”

“I should say that the contentment of the masses, the idle luxury of the rich, are both due to the sleepy, moaning, insinuating melodies of the East. The rottenness of our social structure, the degradation of our women . . .”

“Leave our women out of it!” interrupted his father sternly. “They are infinitely better behaved than the European women! I see nothing but rapaciousness, a gross materialism, hypocrisy, and lack of reserve in Europeans, men and women.” [. . . p. 41/42]

“You shouldn’t try to undermine the civilization of an Islamic nation,” he said to his son, by way of ending the discussion.

“Islamic civilization?” Hilmi sneered, and quoted Zia Pasha: “I have walked through infidel domains, and beheld palaces and castles; I have wandered through Moslem realms and seen nothing but ruins.” [. . . p. 42–58]

The three young men, who admired [Peregrini], and had regarded him as a master, had never before seen him in this curious state of mind. Apart from his musical talents, his wit and learning, [p. 58/59] his knowledge of the Turkish language, literature, and philosophy, and his quick judgement, had enabled him to impose himself upon them as a pattern. The fact that he had defied the all-powerful Catholic Church was a factor in their friendship for him. They believed that they had cast off the bonds of religion, holding as they did that Islam was responsible for every obstacle to progress. They thought of Peregrini as a kindred soul in his bitter and critical attitude to religion, but Rabia’s chanting seemed to have thrown the man into almost a religious mood. [. . . p. 59–346]

[Rabia] decided to leave the matter in [Peregrini/Osman’s] hands; even promised not to go near the house until it was ready to receive her. She begged him only that he would not give too alien an appearance to the place.

“What fanatical hatred for all the things of Europe” he remarked ironically.

“Not at all,” she protested. She couldn’t make the reason of her aversion to the European style clear to him. Her objections arose from basically different aesthetic conceptions. She was all for extreme simplicity; beauty was a thing of line; it was inherent in the structural form; it wasn’t a matter of ornament. That incomprehensible West, which was Osman’s cultural background, was a thing of bewildering complications. To Rabia its sense of beauty was measured by the amount of complications it could weave into things. [. . .]

Rabia could hardly see her surroundings because of the swelling of her eyelids, but it was alarming to her to know [p. 346/347] that two men were going to examine her. The only doctor she knew was Selim Pasha's old house-physician. He was a fatherly, easy going person. The two men who entered her room were totally different. They were both newly risen stars of the medical school which called itself "German." Its craze for laboratories seemed to her new-fangled. It savoured of black magic. [. . . p. 347/348]

"What is the matter with me?"

"There is an excess of albumin, they suppose, in your urine. The urine must be regularly examined. The swelling of your lids denotes that." [. . .]

"There is something else," she said without opening her eyes.

"There is, my dear." He was trying to be cheerful. "Your delivery would demand a difficult operation; what they call [p. 348/349] the Caesarean operation." He explained what it meant and then, in a coaxing tone. He added: "It is of no use to go on like this. The doctors propose . . ."

"Abortion," she said in a terrible voice.

"It would be quite easy."

"Is this Caesarean operation necessarily dangerous?"

"I can't take any chances with your life . . ." He was pleading with her, begging to give up the child for his sake. She didn't listen. What he had told her already had made her realise the gravity of her situation. Life was sweet, and she was young, but her instinct for her offspring outweighed all reasoning. She recalled a chemist's window, with glass jars in a row. They contained fetuses preserved in alcohol. "Three months old," was written on red labels on each jar. The creatures had no hair, hardly any limbs; masses of featureless flesh. The jars expanded in her mind, they grew into seas of alcohol, in which fetuses swam sluggishly, blindly. In spite of the shapelessness, even the hideousness of the vision, waves of infinite tenderness and pity surged through her mind.

"No abortion," she said between her clenched teeth. "I will have the Caesarean operation when the time comes."

# 23 Ahmet Hamdi Tanpınar: *Mahur Beste* (1944)

Translated and introduced by İřtar Gözaydın

## Introduction

Ahmet Hamdi Tanpınar (1901–1962) was a Turkish writer, scholar, and politician. The son of a qadi, he attended a secular school and completed a BA in Turkish literature at Istanbul University. Afterwards, Tanpınar worked as a teacher and administrator at various secular schools and universities. He served as a member of parliament from 1943 to 1946 and returned to his job as instructor in the Department of Turkish Literature at the end of his term. Tanpınar presents religion (Islam) as a pillar of Turkish civilization and an influential factor in shaping daily life. To him, religion is a lifestyle, a form of art, in short, a corpus of traditions. This characterization is best expressed in his novel *Mahur Beste*. Among the protagonists is İsmail Molla, a late 19th century intellectual, whose dialogues with his friend Sabri Hoca capture a Muslimness (*Müslümanlık*) impregnated by materiality and worldly sensibilities. Tanpınar refuses to subordinate this secular notion of Muslimness to the idea of a “pure,” superior Islamic religion (*din*).

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## Translation by İřtar Gözaydın

The meaning of some eternal aspects of divinity (*uluhiyet*) has changed for me. I have slowly come to see a *Kandil* pastry,<sup>I</sup> a Ramadan poem (*mani*), a well-constructed *mahya*,<sup>II</sup> or a flea-ridden beggar in his shapeless cloak of a thousand patches holding a begging-bowl and stave in his hand and wearing tortoise shell or god-knows-which-animal-bone talismans and amulets around his neck as Muslimness. I also understand

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I IG: A savoury (rind-shaped biscuit) baked only on the five Islamic sacred nights (Kandil) that are celebrated in Turkey and among Muslim communities in the Balkans.

II IG: A lit scroll placed between two minarets of a mosque during Ramadan.

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that the East, Muslimness, what we register as this and that are manners that we create by living in this land. Divinity is reflected in the writings of Hamdullah,<sup>III</sup> in Itri's<sup>IV</sup> *takbir*,<sup>V</sup> in a mihrab built by an unknown worker.

"Beware Molla Bey, you are not thinking like a pure Muslim."

On the contrary I am exactly thinking like a Muslim, however not as an abstract Muslim but one that lives around this city, and consequently in this country. [. . .] A Muslimness that is an inheritance from my grandfathers, who had lived in this country and been assimilated in it for the past two hundred years. There are traces in this Muslimness of a watermelon from Tekirdağ, a cantaloupe from Manisa, an apricot from Amasya, a composition by Itri, Kandilli cloth (*yazma*),<sup>VI</sup> a Hacibekir<sup>VII</sup> delight, or woven textile from Bursa. Some aspects of this Muslimness may change every thirty to forty years – Ramadan spreads, mosques' fountains, coffeehouses on Fatih Street, the Küçükpazar market, or Divanyolu Street [. . .] There are dogmatic aspects (*akidelere*) of this Muslimness that I believe in as do others. However, there are lives beneath them that illuminate them, give them meaning. This is the real magic that comes neither from a madrasa nor from a dervish lodge (*tekke*). It comes not from the portal of the sheikh ül-Islam or the gates of a kaziasker's (military judge) mansion – it emerges from the lives of people. Hence it serves those lives, its spirituality (*ruhaniyet*) moves with them. European inventions may even be included, but the view remains ours.

I was chatting with a group of friends in the *Fetvahane*<sup>VIII</sup> one day, when one of them said, [p. 96/97] "We should abolish these Ramadan excursions with carriages and fancy dresses and lantern processions. They lead to blasphemy. What do all these have to do with Ramadan?" "No," I said, "leave these alone. They are the very spirit of Ramadan." They all rose in protest. "Ramadan is about the lives of people," I went on, "and if Islam belongs to the people, let them live it and shape it as they please. If, on the other hand, it is yours alone, and you consider yourselves something other than this country, then take your holidays and Ramadans and just leave." Then, one of them said, "It is the invention of the infidel, promenading men and women together, not ours." "Well, but Ramadan, too, carries our footprint in Şehzadebaşı.<sup>IX</sup> You know what it is like?" I asked. "It's the same as saying photography is the invention of the infidels."

III IG: Shorthand for "Alhamdulillah", an Arabic phrase meaning 'praise be to God'.

IV IG: Buhurizade Mustafa Itri; Ottoman musician, composer, singer, and poet; 1640–1712.

V IG: Arabic term for the phrase Allahu Akbar; literally meaning 'God is great'.

VI IG: A cloth used to make headscarves and quilt covers, ornamented by painted, brushed, or printed folkloric designs.

VII IG: An Ottoman confectionary shop founded in 1777.

VIII IG: The administrative body in charge of fatwas under the Ottomans.

IX IG: An Istanbul neighbourhood home to the entertainment industry in the Ottoman period.

Last Ramadan I went to visit a sick friend. I was driving through Küçükpazar in a car. Suddenly I heard a song by the late Zekai Efendi.<sup>X</sup> I looked back and saw a phonograph on a windowsill. Can you believe it! Since then, I cannot imagine Ramadan without a phonograph. There is a people living here. It has a life of its own. This life is what I like, what I believe in. Religion (*din*), dogmatic beliefs, all form and modify this life.

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X IG: Ottoman composer; 1825–1897.

# 24 Ali Fuad Başgil: *Religion and Secularism* (1954)

Translated and introduced by Markus Dressler

## Introduction

Ali Fuad Başgil (1893–1967) was a liberal Turkish academic and politician. A jurist educated in France, he taught as professor of law at Istanbul University from 1930 until 1960. His connections to the Democrat Party – which following the introduction of a multiparty system had taken over the government from the Kemalist Republican People's Party in 1950 – led to his expulsion from the university following the military coup of 1960. He ran as a candidate for the liberal conservative Justice Party in the presidential elections of 1961 but was urged to withdraw his candidacy and emigrated to Genève. There he worked for the chair of Turkish Language and Literature at the local university, before returning to Turkey in 1965 to be elected to parliament for the liberal conservative Justice Party.

Başgil's argument against authoritarian Kemalist laicism spawned the growth of liberal conservative laicism in Turkey. His advocacy for religious freedom that predated the formation of the Democrat Party earned him considerable support in conservative circles. Although Islam is a constitutive element of the Turkish nation, Başgil argued, religion must be separated from the state. At the same time and drawing on Islamic legal discourse, he sought to dispel the notion that Islamic teachings and traditions were incompatible with a modern secular state. The excerpt translated below from his *Din ve Lâiklik* ("Religion and Secularism"), a milestone modernist contribution to post-Kemalist Turkish debates on laicism, highlights several distinctions – such as the separation of the religious (*dini*) from the civil (*medeni*) sphere, or of the spiritual (*manevi*) from the material (*maddi*) sphere. Başgil thus advances an implicit conceptual distinction between state and religion, which Islam should, adapting to the necessities of modern times, pragmatically adjust to.<sup>1</sup>

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<sup>1</sup> On Başgil see Umüt Azak, *Islam and Secularism in Turkey* (New York: I. B. Tauris, 2010), 76–78; Tanıl Bora, *Çerçeveler. Türkiye'de Siyasi İdeolojiler* (Istanbul: İletişim, 2017), 530–32.

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## Translation by Markus Dressler

### Religion and State Relations in Contemporary Societies

Religion (*din*) is not just belief (*inanç*). We cannot repeat this enough. Religion is also a way of life, a divine law (*ilâhî bir kanun*) comprising commands and prohibitions. It is necessary for a religious (*dindar*) person, as a duty of conscience, to walk on this path, to fulfil the commands of this law, and to avoid the practices that it prohibits. From the vantage point of religion, the person who does not obey its laws and does not follow its commands is a transgressor.

But we should bear in mind that this individual is not only a religious [person], but also a citizen in the society in which he lives and as such subject of a specific state. As a duty of citizenship, it is incumbent upon the individual to follow the path set by his state he is citizen of and to be bound to its laws.

As a result, a religious person is faced with two kinds of duties and obligations. [p. 85/86] One set of his/her duties are religious, and the obligations resulting from it are spiritual (*manevî*). The other is “civil” (*sivil*), that is, related to the polity (*medenî*). The obligation arising from this is legal, that is, material (*maddî*).<sup>1</sup>

Considered closely, these two types of duties and obligations sometimes necessitate, and sometimes negate each other. When religion and state are united, they need each other. When they are apart, these two kinds of duties and obligations come into conflict and attack each other. In fact, if the order of the state, its laws and prohibitions, are identical with religious law, religious commands and prohibitions, and the state has an official religion, in such a circumstance, the two duties and obligations, religious and civil, are mutually necessary rather than negating or opposing each other. Thus, a person who obeys religion is by definition and simultaneously regarded as loyal to the state. In such a circumstance and to this extent, religious and civil, material and spiritual duties and obligations, although preferring duality in form, are in

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<sup>1</sup> A spiritual obligation is an obligation sanctioned by an individual’s conscience. Religious and ethical (ahlâkî) obligations are all spiritual. A legal obligation, on the other hand, is an obligation sanctioned and circumscribed by material forces outside the individual’s conscience. A person who does not abide by the laws of the state is, by means of armed forces such as police and gendarmerie, coerced into compliance.

reality one and consist of obedience to “Allah, His Messenger and those charged with authority” [Q 4:59], that is, in present terms, the state.

Again, it should be noted that in the past, both in Europe and in our country, such was the relationship between religion and state that temple and state proceeded hand in hand. In the old times, the laws and prohibitions of the state coincided with the spirituality (*maneviyat*) of religion, the state was the guardian of religion, and for this reason these two centres of power, one spiritual and the other material and corporal (*cismanî*), coexisted with each other. [p. 86/87] This condition and this situation changed in Europe beginning with the Renaissance, that is, from the sixteenth century onwards, and in our country with the Tanzimat, that is, from the mid-nineteenth century onwards. At the present, however, religion and state are completely separated.

Should religion and state be separated from each other and each stand against the other with its own particular system, laws, commands and prohibitions, numerous problems and difficulties will arise, and inevitably a grim struggle will break out between them. First, it is possible that the laws, commands and prohibitions of both religion and state may be in total or partial contradiction. While one of them allows a certain action, for example, to give or receive interest, the other may declare it forbidden. Second, it is also possible that either religion or the state, considering the other as a competitor, uses the forces and means at its disposal, openly or covertly, to provoke the other and strive to appropriate the individual exclusively for itself. The possibilities enumerated here are not mere theoretical considerations, the history of the engagement of religion with the state is replete with such divisions, rivalries and conflict.

Today it must be admitted that this division and conflict has climaxed, especially in Turkey. Therefore, it is necessary to rectify the situation as soon as possible to ensure social peace and create tranquillity and security in the hearts. To achieve this goal and to maintain the peaceful coexistence of religion and state in a country, modern state law has set forth several fundamental principles, foremost among which are the principles of freedom of religion and laicism (*lâyiklik*), which I will address in this brief study. [. . . p. 87–169]

## **The Relationship Between Religion and State is Based on Necessity**

I believe that historical factors and social realities determine the bond between religion and state, as well as its form. Let us ignore the primitive ages and look at the great religions. As is generally known, Christianity encountered a strong and centralized state and a relatively advanced social milieu in Rome. However, while the Roman state appeared to be strong at the time when Christianity was spreading, it was [in fact] weak and showed signs of decline. A religion emerging in a state in such a situation has two options: Either it participates in the affairs of that state and declines in



tandem with it, or it stays away from such affairs and preserves its purity and protects its fledgling existence from the dangers of politics. Establishing the motto “Give to Caesar what belongs to Caesar, and give to God what belongs to God”, the great Christian Saint Paul cautioned Christianity to choose the second option and [thus] determined the shape of the coming relationship between Christianity and the state.

In comparison, Islam faced an entirely different situation. On the lands where it was born, Islam was confronted with anarchy and inexhaustible tribal fighting on the political level, and with deep ignorance (*cahiliyet*) on the social level. Consequently, and inevitably, it had to meet the demand for government, authority and order in the anarchic society in which it found itself. Thence originated the proximity and connection to state and authority in the structure of Islam. The transformation of this connection into a system – which in Islamic states took the form of a “state within religion (*din içinde devlet*)” – and the development of the sultanate begins with Abu Sufyan’s son Muaviyeh [r. 661–80]. [p. 169/170] He was the first of the Umayyad caliphs, who united religion and state to form a magnificent sultanate, supplanting the existing primitive patriarchal administration, and establishing a new administration based on political and bureaucratic organization which became the template for all Islamic states.

Today, exigencies and the realities from which they arise are completely different. It is a rule in Islam that provisions for the practice of religion change in tandem with the passage of time. The relationship between religion and state does not pertain to the doctrinal (*itikadî*) provisions of the religion of Islam, but only to its practical (*âmelî*) provisions. Religion and state may have been united and may have developed hand in hand in the past, perhaps even from the very beginning. There are Islamic decrees that require the unison of religion and state, even ordering the state to adopt a purely religious character. However, since we suggest that this is not a doctrinal provision but a practical one, and since the practice of religion changes in response to changing times and altered circumstances, it is no longer necessary today, as it may have been yesterday, to unite religion and state. [ . . . ] We are obliged to act accordingly, and to consider and settle this issue just like every other practical matter pertaining to religion, in tandem with the demands of the times and [prevailing] circumstances.

# 25 Yusuf Ziya Yörükan: *İslam* (1957)

Translated and introduced by Markus Dressler

## Introduction

Yusuf Ziya Yörükan (1887–1954), was the son of a madrasa teacher. He attended a secular school and also received training at a madrasa in Istanbul. Yörükan worked as teacher and administrator at various secular and religious schools while continuing his own education at the madrasa and the Darülfünun (later Istanbul University). He taught at the madrasa until the madrasas were closed in 1924. In 1926 he began a career as professor in the Islamic theology department of the Darülfünun, where he remained until 1933 when the department was closed. As a young scholar, he conducted pioneering ethnographic research on Anatolian Alevism, which led to a series of extremely important articles in the 1920s, remarkably detached from the nationalist and secularist interpretations of Alevism that characterized most contemporary work written on the subject. Later he worked for the Directorate of Religious Affairs and Ankara University's new Islamic theology department. In this later phase, his interpretation of Alevism became more nationalist, and his interpretations of Islam began to follow a reformist trajectory based on a firmly secularist ground in line with Kemalism.<sup>I</sup>

The selection below is taken from a book that was originally designed as course book on religion in the secondary education for teacher training, but never used as such and eventually published in an academic series.<sup>II</sup> It proposes an ideal-typical distinction between the affairs of the world and the affairs of religion, separating the essential message of religion from temporal interpretations of it. The latter may and must be responsive to changing times. To Yörükan, granting such ephemeral interpretations of religion the status of unchanging religious provisions is wrong and harmful to religion.<sup>III</sup>

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I Philip Dorroll, "The Turkish Understanding of Religion': Rethinking Tradition and Modernity in Contemporary Turkish Islamic Thought," *Journal of the American Academy of Religion* 82, no. 4 (2014): 1040–44.

II Hilmi Ziya Ülken, "Eser Hakkında," [Foreword to] Yusuf Ziya Yörükan, *Müslümanlık* (Ankara: Türkiye Ticaret Odaları, 1957), 5.

III See also Turhan Yörükan, "YÖRÜKÂN, Yusuf Ziya", *TDV İslâm Ansiklopedisi*, <https://islamansiklopedisi.org.tr/yorukan-yusuf-ziya>.

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Yusuf Ziya Yörükan, *Müslümanlık* [Islam] (Ankara: Türkiye Ticaret Odaları, 1957); 110–12.

## Translation by Markus Dressler

### Laicism

When we read in the above two chapters about the expediencies (*maslahat*) and demands, as well as about the rights and duties of men/women on which religion depends, we saw that these include some worldly matters (*dünyevî maslahatlar*) such as personal rights and communal duties. These types of human activity are affairs of the world (*dünya işleri*). Non-religious (*dini olmayan*) matters, or worldly affairs (*dünyevi olan işler*) are called laicism (*lâyiklik*) to separate them from religion (*din*). The Prophet said: “You know your worldly affairs better [than me],”<sup>1</sup> and when they asked him to do certain things, he commanded: “Don’t ask me about them. You would curtail Islam (*Müslümanlık*)”. Another hadith has decreed: “The licit (*halal*) and the illicit (*haram*) are known. In between them are the suspicious things. Those who avoid the suspicious things that will lead to haram protect their religion and themselves. However, they should know that there are rights and boundaries protected by the state. The boundaries that God protects are those that are haram. They should also know that refinement of a person’s heart leads also to refinement of his [worldly] business, and when his heart is harmed, his entire existence is harmed.” While these hadiths explain the separation of worldly from religious affairs (*din işleri*), the hadith “Knowledge is the property of the Muslim, he gets it wherever he finds it” shows that in knowledge and learning we are not bound by stipulations.

Knowledge and learning are obligatory in Islam. When a scholar is conducting a physics or a chemistry experiment, he does not think about whether these experiments are in [the domain of] religion or not, because these are not matters of religion. You fertilize the field, you plough [it] well, you prune a tree, you breed a horse race, you do not interfere with what anybody wears on their head, feet, back, or with women’s clothing – these are affairs of the world, not items of religion, they are the needs, rights, and interests of the people.

Islam commands marriage. [p. 110/111] Yet, how it is done is determined by the necessities of the time. Relationships between husbands and wives change over time, and it is necessary to protect the rights of both men and women according to the times. Murder is the biggest prohibition in religion. But it is necessary to protect the rights of the decedent’s kin according to the demands of the time and to determine

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I MD: The same hadith, for the same argument is used by Gölpınarlı 1928–29, text no. 21.

the punishment for murder accordingly. If a person steals, God will make them pay for their sin, but the government should punish them in accordance with the time and in a way that sets an example and should work toward the improvement of such people. In such matters too, the affairs of state are separate from items of religion.

While the blessed Prophet was in Mecca, he was occupied only with matters of religion. A while after coming to Medina, it became necessary to form a government. Blood feuds were customary at the time. This had to be stopped. It was decreed that retribution must be administered through a court decision. The hands of thieves were cut off. It was ordered to abide by conventions of the time and by local custom. Before long, the demands of the time changed and the esteemed Umar [2nd caliph, r. 634–44] said that if somebody has thieved and his hand is cut off he will not be able to hold a sword on the battlefield. And he suspended severing the hand of a thief. He also made retribution contingent on certain conditions. When the Abbasid caliphs [750–1258] were mired in fanaticism, they failed in administering the state. [Afterwards], sultans attended to the affairs of the world, and caliphs to religion. Yavuz Selim [Ottoman sultan, r. 1512–1520] reunited the sultanate with the caliphate, and fanaticism surged. Those who made a living as officials of religion interfered everywhere. In the madrasas, only religious topics were taught, [and] others were forbidden. Those who claimed to foster religion, destroyed it. Meanwhile, Western countries had awakened and separated the affairs of the world from the affairs of religion. Those who learnt from them in the Tanzimat period [1839–1876] separated education and court affairs from the affairs of religion. Engineering and medical faculties were founded. Criminal courts were established. Finally, in the Republican period [after 1923], marriage and inheritance were placed within the remit of state courts. The parallel system of madrasa and [secular] school (*mektep*) was abolished. The necessities of the time were met and the path of expediency (*maslahat*), which began under the esteemed Umar, was resumed. But it is necessary to work harder and to act vigilantly. It is both our religious and national (*millî*) duty to attain the [same] level of civilization as the world community and to surpass them.

This short history also shows us that it is necessary to segregate the affairs of religion from the world. Faith (*iman*) and worship (*ibadet*), halal and haram are affairs of religion. [p. 111/112] The rest are affairs of the world. These were necessarily conducted in tandem during the Prophet's time. However, once no longer necessary, it is important to abide by the exigencies of good governance and keep them [these affairs] apart. This is not irreligion (*dinsizlik*), it is giving God's due to God, man's due to man, and government's due to government – it is laicism. At some point, interventions were made regarding what is permissible (*mübah*) in food and drink, clothing and matters of hygiene. It was said not to wear trousers, a hat or a fez, not to wear a tie, or a button-down shirt, not trim one's moustache or beard, not to use cutlery, not to eat from the same plate in mealtime, to avoid doctors, to ignore dental cavities, to refrain from wearing cologne and from cooking with alcohol. However, these are rather personal not religious matters. According to the unanimous consensus of the ulema, attributing to religion something that does not belong to religion is as sinful as

denying a religious principle. For example, there is no provision in religion concerning the consumption of coffee, tea or tobacco. Passing a religious judgment on them, saying for example that wearing perfume is haram, or that one cannot be an imam without wearing a turban or a robe is interfering in religion. Undoubtedly, specific provisions change according to the demands of the time, but these types of baseless judgments must not be forwarded, because religion is not a toy in the hands of one person or another, but a divine (*ilahî*) institution. It is perfected by God. Humans cannot add to it as they see fit.

# 26 İhsan Eliaçık: *A Religion of Life* (2006)

Translated and introduced by Markus Dressler

## Introduction

Recep İhsan Eliaçık (b. 1961) is a prolific writer and belongs to the group of reformist Muslim Turkish theologians who challenge traditionalist interpretations of Islam and its canonical texts with an emphasis on hermeneutics and the contextuality of the Qur’anic message. He is particularly critical of the involvement of the hegemonic, conservative religious establishment with political power. Eliaçık is one of the most fervent adversaries of political Islam in the AKP period, which he challenges from an Islamic perspective.<sup>1</sup> During the Gezi protests in Istanbul in 2013, he became the intellectual and spiritual mentor of a movement comprised mainly of university students that has come to be known as the “Anti-capitalist Muslims” (*AntiKapitalist Müslümanlar*) and decries the union of Islamism and liberal capitalism from a decisively leftist religious position.

The text selected for translation is an example of modernist Islamic reformism, emphasizing interpretation and contextuality rather than dogmatic approaches to text and law. From this vantage point, secularity is a nonissue since true Islam, in the tradition of the Prophet Muhammad, has developed a harmony of reason and revelation. Eliaçık argues, rather conventionally, that the religion-state binary is based on the Christian experience, wherein state authority contended with religious authority. This Western model is not compatible with Islam, which boasts concepts of reason, justice and consultation that are in harmony with revelation – even setting the example for later Christian reform movements including the Protestant reformation and the enlightenment.

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I Texts, interviews, and videos (almost entirely in Turkish) of Eliaçık are found on his website: <https://ihsaneliacik.com>.

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## Translation by Markus Dressler

### Islam as Reform

[. . .] While it is most apparent that Islam has generated great reforms in the human lifeworld and especially the religious world, in this text we will investigate its position relative to other world religions, and particularly its approach to “religious professionals” (*din adamları*). I am convinced that this will prove helpful in discussions on Islam, laicism (*lâiklik*), and the religious state (*din devleti*) in Turkey.

To discuss religion-state relations in Turkey on a sound premise, it is imperative to avoid repeating two major misconceptions:

- [1] sermonizing about the issue in a way that corners one segment [of the population];
- [2] and, treating Islam as if it was just one among many religions, i.e., to treat it as [the same as] “Christianity”.

Both are misconceptions. The reason [is this]: Ultimately, Turkey has no time left for the luxury of engaging blindly with religion-state relations (*din-devlet ilişkileri*) or the crucial issues concerning Islam, laicism, and republic[anism]. [. . . p. 64/65]

It is necessary to ignore slandering tactics and fetishist attacks [. . .] such as “you are negating the sharia” or “you are going against Atatürk” and to instead continue to “deconstruct and rebuild”. [. . .]

Returning to our dilemma: continuously treating Islam as similar to Christianity or defending it with arguments derived from Christianity prevents us from approaching it from the proper perspective. Unfortunately, both camps treat each other in [just] that manner.

On laicism, one side speaks of a “class of religious specialists” to argue that the administration cannot submit to them etc., [whereas] the other side, when discussing Islam, confirms that there is a “sharia” and that it needs to be applied.

However, neither does Islam have something akin to a class of religious specialists, nor is there a sharia descended from heaven that eagerly awaits implementation as a detailed body of eternally valid law.

To the contrary, thanks to the principle of legal interpretation (*içtihat*) that represents a commitment to keeping with the times, we have a constantly renewing dynamic sharia. As M[uhammad] Iqbal has stated: “The sharia revealed to the Prophet is a good fit with the customs, way of life and other particularities of the tribe in which he lived. On the other hand, the Prophet, who strives for all-encompassing principles, can neither justify varied principles to different tribes, nor can he allow them to act [as they wish]. The goal of a prophet is to educate a specific people and use them as a nucleus to construct a universal sharia. In this way, he has specified the principles

that form the basis of the social life of the entire human race. He applies them to specific occasions in light of the particular customs and rites of his people. The principles of the sharia (that is, commands concerning crimes and punishments) obtained as a consequence of this practice are, in a certain sense, reserved for this people. Given that these commands are not objectives in themselves, they cannot be considered as a fixed obligation for future generations.”<sup>I</sup> [ . . . p. 65/66]

This being the case, why [then talk of] dogma and a sharia frozen [in time]?

According to the opposing side in this debate, which has turned into a deadlock, laicism denotes the separation of religion from state, and also the separation of Islam from the affairs of state. [They ask:] “Well, how may Islam and the affairs of religion be separated? Because it is approached like the separation of church from state affairs in the West, it implies that Islam too needs a church. Where is this church?” Is this question not meaningless?

Answers given to this [dilemma] include the claim that at some point Islam included a hierarchical structure that created and consolidated classes such as the “religious professionals” (*ulema*) or the “sharia”, even if not in the form of a church, or that fixed dogmas were created that must be [treated as] separate from the affairs of state.

However, Islam has neither a hierarchical class structure that crystallizes under the rubric of an “ulema”, nor, as mentioned earlier, a frozen body of law consolidated under the rubric of a “sharia”. [ . . . ]

An ordinary Jewish or Christian person who reads the Qur’an for the first time will find in the sura al-Baqara [Qur’an, sura 2], verses 40 to 152, an extensive and rather harsh criticism of the Judaeo-Christian notion of scripture (*Kitab-ı Mukaddes*). It is impossible to remain unmoved by the criticism therein.

Actually, these criticisms are not directed at the ordinary Jew or Christian on the street, but solely at the class of “religious professionals” (that is, rabbis and priests). [ . . . p. 66/67 . . . ]

It is futile to raise claims in the name of “political Islam” (*siyasal İslâm*), such as: if measured in the same way as Western Christianity and its experiences with the church, it [Islam] would have to be [considered as just] one among many religions and also require a class of “religious specialists”. Reason dictates that contrary to that pretence, “political Islam” is not at all [a thing] as pretended. In fact, and at best, political Islam is, in the matter of the existence of a class of religious specialists who earn their living from administration (of places of worship and society) in the name of God,<sup>II</sup> that which brings down such a system. For this is precisely “what happened” fourteen centuries ago.

Essentially, from the viewpoint of the West, the concept of a “religious state” (*din devleti*) refers to the conceptualization of a state produced in response to the religio-

I MD: No source provided.

II MD: Reference to the Directorate of Religious Affairs, the competencies of which have expanded considerably in the AKP era.



political demands of the Roman Catholic Empire that emerged in the past, especially in Italy. [p. 67/68] In this manner, the religio-political imagination of the Western and Eastern Roman Empires, which originated in the Italian capital of Rome and gradually spread throughout the Mediterranean basin, forms a historical unit that led to the three great revolutions (English, French and American) of the West.

We see that in this historical time the “Catholic Pope Mythology” on the Western side of the empire and the “Orthodox Empire Ideology” on the Eastern side were created coeval with Christianity. Essentially, the concept of a religious state refers to the [notion of the] religion-state that resulted from these two experiences. The first foresees the absolute hegemony of religion (the church) over state, the second the absolute hegemony of the state over religion.<sup>III</sup> In these two [models], it is claimed that God (*Tanrı*) has given the authority to govern the world to the pope, or the emperor, respectively. In this understanding of the Roman Empire we see the heritage of the religio-political experiences of the old world. In the evolution of this thought within the Western world, we encounter many famous characters from the past, such as Polybius, Cicero, Seneca, Paul, Constantine, Augustine, Thomas Aquinas, Dante and others.

Islam, on the other hand, has surpassed these temple religions (*tapınak dinleri*) and theocracies (*tanrı devletleri*) fourteen centuries ago with a magnificent revolution and has written its great reform in gold letters into the history of mankind. We see that “Muhammad the orphan” (pbuh) has achieved two historical greats in this regard:

He brought the religions, gods and temples monopolized by the old-world religions (Judaism, Christianity, Mazdeism, Manichaeism, Hinduism, Buddhism etc.) in a form that resonates with the reason and the conscience of everyday people. He crafted the religious imagination into a more rational mould. He has buried the authority of all types of rabbis, clerics, brahmans, shamans, etc. in history. For example, by stating that “worship is the ascension of the people” he rendered the “ascension”, which was reserved for religious professionals alone, into an “individual” act for the everyday man. Declaring that “there is no clergy (*ruhbanlık*), only the great struggle (*cihad*)”, he uprooted the class of religious professionals. God has not given the authority to rule to religious professionals or to the emperor/king, but he brought “competence, justice, security and consultation” [to the table] and thus achieved a critical reform in the realm of the religio-political imagination. [p. 68/69] Henceforth [what need is there for] theocracy (*tanrı devleti*) or a vicegerent [of God] on earth?

Heralding the end of prophethood, he [Muhammad] initiated an entirely new age for mankind. It became apparent that mankind no longer had to await a saviour and could go forward with its own reason and conscience, and if they lost their evidence, it meant that the time has come to move on in tandem with the evolving revelation (*vahiy*). Was it possible for a mahdi, a messiah, a revelation to oppose reason, or for reason to contradict revelation?

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III MD: This echoes Abdurrahman Dilipak’s criticism of theocracy and caesaropapism (“Byzantinism”). See Dilipak 2020, text no. 27.

We understand that contrary to conventional wisdom, the “great reform” did not begin in the West with Protestantism. Protestantism may at best be a bad imitation [of Islam], an attempt to bring Christianity closer to Islam. Hence, the age of Western enlightenment too, may, due to the wit of the last prophet, be [regarded as] a putrid current, pruned and deviated from its origin, the great reform of “the orphan” [Muhammad] who initiated the age of harmony between reason, conscience and revelation [ . . . ] From this perspective, both are deviations. Why [would we still need] a Protestant Reformation, or an age of enlightenment?

# 27 Abdurrahman Dilipak: *Secularism* (2020)

Translated and introduced by Markus Dressler

## Introduction

Abdurrahman Dilipak (b. 1949), journalist and self-made theologian, is one of the most influential Islamist intellectuals of contemporary Turkey. He has been active as a prolific writer, editor, and publisher since the 1970s. Dilipak is known for his staunch anti-secularism and support for president Recep Tayyip Erdoğan.

The excerpts from his writings translated below comprise a quintessentially Islamist rejection of secularism, defined as the differentiation between religion and state. Dilipak also denies the compatibility of Islam with theocracy or caesaropapism. He rejects any conceptualization of Islam based on Western rather than Islamic terminology. On Turkey, Dilipak polemically points out that Kemalism did not recognize a differentiation between religion and state and constituted instead a “civilizational religion.”

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## Translation by Markus Dressler

### “Three Styles of Politics”<sup>I</sup> in Church-State Relations (Laicism, Theocracy and Byzantinism)

The relationship between religion (*din*) and state (*devlet*) is typically classified in three categories:

[. . .]

A– *Laicism* (laiklik).<sup>II</sup> separation of religion from the state, broadly defined;

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<sup>I</sup> MD: Reference to Yusuf Akçura’s popular 1904 essay by that name, which programmatically laid out the boundaries between Ottomanism, Islam, and Turkism, arguing for the superiority of the latter.

<sup>II</sup> MD: Italicized text preserves the layout in the Turkish original.

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- B– *Theocracy*: religious state;  
 C– *Byzantinism*: state domination over religion.<sup>III</sup>

This distinction may sound very meaningful for Christianity and the Western world. However, these terms and [their] contemporary encyclopaedic definitions cannot explain the existing/necessary relations in any Islamic society.

Again, none of these definitions apply readily to the government in Turkey.<sup>IV</sup> If you consider the constitution and other documents, Turkey is a secular (*laik*) state. However, its manifestations in the Turkish state do not show any parallels with the Western notion of a secular state. In a secular state, a religious organization is probably not a part of the bureaucracy, as is the case in Turkey. [In a secular state], the state does not plan to degrade the faith (*inanç*) of its people through compulsory religion education, and imams are not civil servants. [p. 59/60] Especially in a belief system such as Islam that has no priesthood, it should not be upon the secular state to invent an official religion.

It is not possible to explain the situation in Turkey as a theocracy, because religion has been isolated from economic, social and political life, separate from worship and creed (*itikat*). Such a claim would be criminal.

However, the regime also exhibits theocratic features on many fronts. In the *dictionaries of the Turkish Language Association* published before 1950, “*Kemalism is the Religion of the Turk*”. This is what is written in the entry on religion. Islam is an “*Arab Ideology*” in the eyes of these circles. They say: “*Let the Arabs have the Ka’ba, Çankaya<sup>V</sup> will be enough for us*”. They try to explain that “*our qibla is Anıtkabir [the mausoleum of Atatürk]*”.

*Kemalism and Atatürk’s principles and reforms are almost like a religion*. It is not possible for society to change them. Atatürk is protected by law. The president and the deputies swear that they will abide by Atatürk’s principles and reforms. Atatürk is a value sworn on. Loyalty to Atatürk is a duty for every citizen. Civil servants, students, and especially the army will do their part to adhere to these values and to protect and watch over the state establishment against those who dare to challenge these values.

If Kemalism is really a religion (with set confessional practices (*amentü*) and mevlûts<sup>VI</sup> written in its name) and the entry on religion in the *1946 edition of the dictio-*

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III MD: What Dilipak calls Byzantinism is conventionally referred to as Caesaropapism in the pertinent literature.

IV MD: This and the next paragraphs critique Kemalism and the Kemalist state, and do not speak to the current post-Kemalist AKP order.

V MD: The neighbourhood in Ankara in where the Turkish president resided until 2014; symbol of Kemalism.

VI MD: Religious songs normally commemorating the birth of Prophet Muhammad.

nary of the *Turkish Language Association* is correct,<sup>VII</sup> we can talk about a Kemalist theocracy in Turkey. In this sense, Kemalism is not an ethical, philosophical and celestial (*semavi*) religion, it is a civilizational religion (*uygarlık dini*). Had there been complete laicism in Turkey, separating Kemalism, which has indisputably become a religion, from the institutional order of the state would be an urgent necessity.

Undoubtedly, all these are examples given to illustrate a logical dilemma.

Political parties in Turkey today reveal the Byzantine, rather than secular or theocratic, character of the regime. In other words, the state dominates religion. [p. 60/61] The confidential proceedings of the Grand National Assembly of Turkey [in the early republic] [include the minutes of a] discussion on expunging the *Medinan verses of the Qur'an, which contain practical rulings (ahkam), claiming that they are against laicism, and replacing them with excerpts from the speech (nutuk)*.<sup>VIII</sup> [ . . . ]

Which of these systems complies with Islam?

I do not think that Islam is compatible with any of these three systems. In short: although the separation of religion and state is incompatible with Islam, Islam also does not lend itself to a theocratic system. Nor can it [Islam] be explained with Byzantinism. Islam is neither a religion whose framework has been determined by the state, nor does it demand that in a state established in the name of religion, everyone should be governed by Islamic law. Islam leaves everyone free in his/her own belief. There is no compulsion in religion. The “*zimmi status*” defines the rights of people of other faiths according to the laws of their confessions. This contract determines the economic, social, cultural and political rights of *zimmis* – as long as they do not violate basic rights! [ . . . ] Basic rights in Islam are grouped under five main rubrics: property, life, honour, mind and faith, and wellbeing of (future) generations. In fact, these basic conditions are a guarantee for everyone and requisites for coexistence.

In less developed countries, intellectual types under [state] protection define all religious systems as theocracy. They assume that religious people tend to impose their beliefs on society. [p. 61/62] The structure they envision as religion is generally that of Christianity and they put all religions in this framework.

Neither can it be said that Islam is compatible with laicism. Because Islam exacts a decisive legal order, economic, social and political rules for its followers.

Those who interpret laicism as each religious community living its own religion and none able to impose laws for the others can identify Islam with laicism in this sense.

Again, those who question the state, including its legislative, executive and judicial powers, as a total sovereignty in the contemporary sense, may mistake Islam as constituting a theocratic structure when they equate Islam with this notion of the state. The main problem here is that they do not know Islam and the economic, social and political system that Islam promises. It is necessary to question and try to under-

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VII MD: Logically, this must refer to the above-mentioned entries.

VIII MD: Reference to Mustafa Kemal's famous October 1927 speech.

stand the Islamic social order with its own logic. Otherwise, there will be no end to these misconceptions, and half a century will be lost trying to understand the exploits of laicism in an Islamic country. [. . . p. 65]

## Islam and Laicism

In the first instance, it is of course necessary to treat Islam as religion, and it is necessary to question the religion/state relationship in this sense.

Secondly, it is necessary to consider and evaluate Islam separately from other monotheistic (*semavi*) and ethical religions. There is no conflict between religion and science in Islam and nor can a clergy exist in the Islamic faith. Again, Islam does not exclude reason. Religion is not a composite of dogmas. The religion of Islam, in addition to information about worship and the hereafter, provides solutions to the problems of the world we live in. In this sense, it has rules about the economic, social, cultural and even the political order. It questions history, addresses the individual and blesses him. It accepts him as a responsible person who has universal responsibilities, sees, knows, hears, participates and opposes.

There can be no conflict between religion and science in Islam. The Creator cannot have erred with regard to what He has created. This is not befitting the deity of Muslims. He is the one who knows, sees and creates out of nothing. He has absolute knowledge and encompasses knowledge eternally. Remember, there can be no mistake or negligence.

If there is something known as an Islamic rule and it does not correspond to an empirical truth, either the latter is false or we have an incorrect understanding of that provision of religion.

Islam tells us that “*we can have faith and do good [only] to the extent of our understanding*”. [p. 65/66] Further, Islam informs us that “*scholars, however, will understand the book truly [hakki ile]*”.<sup>IX</sup> Only intelligent people can fully comprehend the divine will.

The religion of Islam glorifies science and scholars. It presents worship not only as an outward behaviour, but as a struggle on the path of life to understand the good, the truth and the beauty that encompasses all of it. Instead of a priesthood separated from life, it emphasizes asceticism (*zühhd*) and godliness (*takva*) and wants people to achieve wisdom. It stipulates that they should be individuals with a developed mind and intuition, aesthetic values and enlightened ideas. Because God is beautiful, and He loves beauty. Ignorance (*cehalet*), however, is the shortest route to blasphemy. The scholar’s slumber is preferable to the useless worship of the ignorant.

Thought is exalted, and one moment of mindfulness is preferable to a thousand years of purposeless worship.

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IX MD: This clause is probably paraphrased from a hadith.

(Wo)man is God's vicegerent on earth. (S)he is His seeing eye, His hearing ear, His holding hand. Silence in the face of injustice is [akin to] becoming the devil. For everything (s)he does and every word (s)he holds back, (s)he will be held accountable. No matter who perpetrates injustice or against whom it is perpetrated, (s)he will stand on the side of the just and against the unjust. (S)he will not heed who says a word, but whether the word is true or not. The same holds for actions. Islam is not a threat to anyone's legitimate rights, but a security that was earned at no cost. Because God (may his glory be exalted) (*c.c.*) has commanded Muslims to protect the laws of His creation. In return, those willing to sacrifice their property, lives and loved ones for the sake of God, were promised gardens with flowing rivers.

# 28 Levent Gültekin: *Why Is Liberal Laicism Important?* (2020)

Translated and introduced by Markus Dressler

## Introduction

Levent Gültekin (b. 1972) is a Turkish journalist from a Kurdish background. He was active as editor and writer for newspapers and journals close to the Islamist movement until the 2000s but distanced himself from it thereafter. Gültekin now works for oppositional media outlets (such as *Medyascope*, *Gazete Duvar* and *Halk TV*), critiquing the AKP government from a perspective that resonates with religious sensibilities and with liberal theological positions that are critical of nationalist and authoritarian projects. As Philip Dorroll has argued, “these liberal theological critiques defend a basic conception of secularity as a natural part of Muslim governance and society. These theologians argue that secularism, if it is understood to protect individual freedom of religion rather than suppress it, can be seen as compatible with Islamic religious ideals.”<sup>1</sup>

In that same vein, Gültekin’s online “coffee lecture” translated below reflects a staunchly secularist position by a believer deeply disappointed with what he perceives as the abuse of religion by the Islamist movement. The translation preserves the conversational tone of the original lecture.

## Bibliographical Information

Levent Gültekin, “Özgürlükçü Laiklik niçin Önemli?” [Why is Liberal Laicism Important?], *Bi Kahve* 19, Medyascope live stream from 14 January 2020, <https://www.youtube.com/watch?v=ovWokf3IzRA>.

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<sup>1</sup> Philip Dorroll, *Islamic Theology in the Turkish Republic* (Edinburgh: Edinburgh University Press, 2021), 78.

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## Translation by Markus Dressler

Turkey is being dragged to one side, deliberately. It is not just drifting; the government has a conscious policy. Somehow, it tries to make faith (*inanç*), our Islam, religion (*din*) a determining factor in the governance of the country.

I will talk about liberal laicism (*özgürlükçü laiklik*) today, but I don't think laicism exists in Turkey anymore, as the basic philosophy of laicism is to distance politics from religion. Actually, laicism (*laiklik*) does not entail opposing religion (*din karşıtlığı*), but not using religion, not exploiting religion, not using religion as a means of self-interest, and moreover, not taking religion as a virtue to be placed in the marketplace of politics.

Yes, in the past it was misapplied, incompletely applied, abused. Living in this country we did not know liberal laicism, we did not experience it. However, as I have said before, perhaps even here: [even] when a virtue is abused by someone, if the country derives benefit from that virtue, it cannot be abandoned. Similarly, let's assume that our government is abusing our belief and religion – we [still] cannot abandon it, because a large part of the society believes in and strive to live according to their own Muslim upbringing. More than that, Islam is among the significant values that shape the identity of this country. Whether we are Muslims or not, whether we think differently, live differently, it doesn't matter. Whether we are atheists or Muslims, each of us lives in this country with the culture of Islam.

The late Atilla İlhan<sup>I</sup> [1925–2005] said something very beautiful – we interviewed him once. He said: “Atheists in Turkey are Muslims too”. Because Islam is not only a belief system, but in Turkey also implies a culture. When we marry off our offspring, have him circumcised, send our son to the military, in our interactions with our neighbours, or in our business dealings, at the heart of our ethos we find a religious education.

Well, we will not be able to give [this] up because today's government is found to exploit belief and use it as a tool for its own misdeeds and as a veil across its own misdeeds. The same is true for laicism. Unfortunately, the government has gradually made laicism completely meaningless in Turkey. I wish it had learned from the mistakes of the past and moved to a more liberal understanding of laicism.

Let me restate it: in the past, yes, there was exploitation, there was misuse. In the same manner that people gain power through piety (*dindarlık*) today, others have profited from laicism in the past. They horrified one section of society with laicism and through that drew the other section to their camp. Unfortunately, laicism could not perform satisfactorily in Turkey.

I repeat: we cannot give up on it only because it could not perform, because it was misused, and abused. Why? Fundamentally, laicism is a significant asset for pre-

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**Note:** Transcribed and translated with permission from Medyascope.

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I MD: Turkish poet and journalist.

servicing the sparkling light of our faith, the strength of our faith, and the purity of our faith. In other words, laicism tells us: “We cannot allow some people to make religion into a tool for politics.”

Laicism tells us this: “The state should not impose belief.” Laicism tells us this: “Everyone can believe as he/she wants, live as he/she wants, and make the choices that he/she prefers.” Without laicism, the state will impose a way of life on you. This is why I think that it is one of the basic values that enables Turkey to come together, ensure peace, establish social cohesion and take its place among the respected nations of the world. I would like to say the following to our dear comrades, especially to comrades from the AKP who maybe listening:

When laicism was being abused, I too was among those who thought that Islamic education (*Müslümanlık terbiyesi*) would solve many of Turkey’s problems. I used to say the following: “Matters would be much improved if people with an Islamic education, fear of God, and a life based on the Islamic faith participate in the administration of the country.” For 20 years, that is, from the age of twelve or 13 until my 30s, I believed this.

I thought based on this [conviction], read based on it, worked based on it, struggled based on it, and fought based on it. Well, why? On the one hand, I was looking at the demeanour and attitude, at the belligerent, discriminating and othering style of some politicians who used laicism as a shield and I told [myself]: “It cannot be accomplished with laicism. Turkey can only resolve its difficulties with an understanding derived from a proper Islamic education.” That’s what I was thinking. [ . . . ] What is it that I may have experienced for me – [who used] to think that Islamic education made a significant contribution to inclining people to virtue, doing their jobs more accurately – to claim today that: “No, Islamic education should remain in the private sphere.” [ . . . ] I realized that a huge conflict brews if Islam, faith, our religion is turned into a norm that determines social relations.

Moreover, I realized that when Islam is used as materiel for politics, faith suffers the most. Faith loses a [unique] warmth in the hands of politics. Faith loses its sparkle in the hands of politics. The bill for all the damage done by the state to augment itself through faith is incurred by faith.

For example, when someone engages in politics by saying “I am a Muslim” and over-emphasizes religion, religious rituals, Qur’anic verses, the Qur’an, hadith, and ritual prayer, we will attribute too much significance to him/her being a Muslim. Afterwards, when he/she makes a mistake, the entire bill will be incurred by Muslims, or rather, by Islam.

Today, Islam is more discredited than ever in the history of the republic. [ . . . ]

My dear pious friends, dear AKP members, I especially call on you: You especially must do something about this, you especially must worry about this – to protect your Islam, to preserve your faith and its value, to safeguard it, to spread a peaceful Islam in Turkey, to make it acceptable to society, to keep the dignity of our faith, to allow

you to live according to your belief, and to make it possible for you to dress as you wish and worship as you wish. We all need to defend liberal laicism.

The government deliberately abolished laicism completely, [if] incrementally. I repeat, it could have [said] something like “It was applied wrongly in the past, but now I, we have come and will apply it correctly,” but it didn’t. This does not imply distancing Turkey from religion. Turkey’s commitment to its understanding of laicism does not imply non-religion, turning away from religion, disrespecting religion, or insulting religion. On the contrary, it means protecting religion, preserving the value of religion. [ . . . ]

When you look at Saudi Arabia, you say, “This is not real Islam”. That Islam has been disgraced, since laicism is absent and since [Islam] has intermingled with the state and been abused. You look at Iran and you say: “This is not true Islam,” and that’s exactly how it has come to be – as the distance between the state, politics and religion has been completely removed. This is how religion has been marginalized, diminished in value, debased (*lümpeleşti*) and become meaningless, it has lost its impact. When belief is imposed by the state, when people live under state pressure, they feel disgusted by [that type of] religion.

At the same time, because it has been imposed by the state, the peace that religion brings to people, the flavour that it adds [to their lives], the taste – have [all] disappeared. [ . . . ]

In the past, they [the Kemalists] propagandized with so many useless and meaningless topics that “laicism is dying, sharia is coming” that now that that scenario has been realized, they cannot speak up, because no one believes [anymore]. Well, you’re probably going to ask me a question like this: “What is it that you’re so worried about? What? Where is it going? What happened? Is it bothering you that the president is leading prayers, reading the Qur’an, visiting the shaykh of a brotherhood, or that [he accompanies] the head of the [Directorate of] Religious Affairs in reciting prayers at an inauguration?” Or concerning religious education in schools that it [already] begins in kindergarten – you will probably ask: “Is this what is bothering you?”

When all these things come together, a picture emerges. Otherwise, of course, the president may practice religion privately, read the Qur’an, conduct the ritual prayers, believe in God, and valorise Islamic education. None of this is a problem! People who practice true religion should exist throughout Turkey, and they do. However, when they turn it into a political tool, it becomes something else. [ . . . ]

I’m not saying this only because it is Erdoğan who is committing these [acts]. I was among the first to criticize Ekrem İmamoğlu<sup>II</sup> when he recited the Qur’an in a mosque: wrong! [I was] the first contender when he called the imam to his office – why did he call an imam? To say to one section of society that “I too am a Muslim”. Why should we who reach an office in our country feel the need to declare that “I too

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<sup>II</sup> MD: Ekrem İmamoğlu (b. 1970) is a popular politician with the oppositional Republican People’s Party (Cumhuriyet Halk Partisi) and mayor of Istanbul since 2019.

am a Muslim”? Shouldn’t we be saying [to those in an office]: “We do not care about your Islam. We do not care about who you believe in, what you believe in. We expect from you a satisfactory performance as mayor! We expect from you a presidency that performs and serves! We expect from you a Ministry of National Education that will provide our children with a solid education! We [expect from you] a Ministry of Transportation that builds our roads and bridges properly! What do I care about what you believe?” [ . . . ]

Let us not accept [it], let us not surrender! Let us shout out that we will live our Islam how we wish. Let us say: “You can’t interfere with our religion, our freedom!” Let us say: “We decide what kind of Muslim our children will be, you may not interfere!” Let us say: “We want you to provide a solid education, thriving agricultural production, we want a strong economy, roads and bridges. We want proper service, leave our belief to us!” [ . . . ]

Look at the countries around the world where faith and politics are united. Look at Israel, too. In Israel, faith and politics are united. There, too exists an authoritarian mania. This is not just about Islam. Whatever state has brought religion and politics together will not prosper! Because politicians use religion as a veil to hide their own wrongdoings. Because politicians use that religion to justify their own wrongdoings. If we want to be a true, liberal, democratic, constitutional state, our first value, our first priority is liberal laicism.



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**Colonial Formations and Postcolonial Elaborations  
in Arab Countries: Reason, Law, Socialism, Islamism,  
Secularism, and Civil Rights**



Florian Zemmin

# Introduction

## 1 The Variety of Arab Countries and Common Characteristics

Today, there are 23 nation-states in which Arabic is an official language. Most of these countries gained independence from Great Britain or France between 1920 and 1962. Throughout the nineteenth century and partly until the end of the First World War, the Ottoman sultan was, at least formally, the sovereign or suzerain over most of the Arabic-speaking world. The political situation of Arab countries in the colonial period is thus marked by a complex interplay of Ottoman sovereignty or suzerainty, local autonomy, and later nationalist sentiments, as well as French and British influence or actual political rule. While the varied historical trajectories undermine attempts at differentiating phases in as detailed a manner as is possible in the case of individual nation-states, there are nevertheless commonalities that deserve closer attention.

At the institutional level, almost all the constitutions of Arab nation-states refer to Islam as the religion of the state and/or the shari'a as a/the source of legislation.<sup>I</sup> In most of these states, there is one field of law in which this reference is not merely symbolic, but actual legislation is derived from Islamic norms, namely that of personal status affairs (marriage, divorce, inheritance, adoption).<sup>II</sup> What this then actually amounts to, still requires dissecting for each case individually, especially since power constellations between actors striving for a greater scope of Islamic norms in legislation and those wanting to further marginalize Islamic norms have been shifting.<sup>III</sup> What is certain is that the relationship between civil and religious norms in legislation on the institutional level is at the heart of secularity in Arab countries, as is the relationship between state and church in the Christian context.

On the intellectual register, which operates within and impacts institutional arrangements, the relation of religion to reason or science is central to discussions on the relation of religious and civil norms. More fundamentally still, Arab debates on secularity were sparked by the question of whether and to what extent society and

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**I** Clark B. Lombardi, "Constitutional Provisions Making Shari'a 'A' or 'The' Chief Source of Legislation: Where Did They Come From? What Do They Mean? Do They Matter?" *American University International Law Review* 28, no. 3 (2013): 733–74.

**II** Jan Michiel Otto, ed., *Shari'a Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present* (Leiden: Brill, 2010).

**III** For the Egyptian case, see Rachel M. Scott, *Recasting Islamic Law: Religion and the Nation State in Egyptian Constitution Making* (Ithaca, NY: Cornell University Press, 2021).

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the socio-political order need religion and must be responsive to its demands. Indeed, it was in reaction to propositions of secular self-sufficiency which denied a role for religion in the legal or political sphere or even in society at large, that Arabic contributions to secularity were engendered. This option of secular self-sufficiency, of dismissing religion as a factor in legal and political arrangements, is what distinguishes modern debates of secularity from pre-modern ones.

This much holds true for Christian and European contexts, too. In the latter, however, debates and rivalries between religious and secular actors were largely perceived and configured as internal ones. In turn, in Arab settings, propositions of secular self-sufficiency have commonly been identified as European and Christian in provenance and hence rejected as alien to Muslim societies. This overt rejection does not necessarily amount to an outright denial of secularity, let alone the absence of distinctions with regard to religion. Rather, a typical mode of justifying and managing such distinctions has been from within Islam, not against it. This mode, which may draw on earlier distinctions within Islam, is fuelled by claims to authenticity and moreover, is a means for Muslim intellectuals to sustain their arguments and gain agency in modern debates on secularity. Typically, this produces arguments such as Islam as opposed to Christianity does not need secularizing because at its core, it has always been secular, i.e., it grants a sizeable scope to reason, which according to these intellectuals, was suppressed by the Church in the Christian context (see 'Abduh, text no. 32).

On the theoretical level, it is significant that arguments for secularity have often been made from within Islam or in positive reference to it, notably also by non-Muslim Arabs who referred to Islam as 'culture' (see Mūsā, text no. 35; Aflaq, text no. 37). The ubiquitous reference to Islam in political and public debates rendered 'Islam' almost into an "empty signifier".<sup>IV</sup> While reference to 'Islam' to sustain a political position is not particularly revelatory, it cannot be denied that this mode of argumentation empowers certain societal actors, especially religious Muslim men, to the disadvantage of others, especially non-Muslims and women.

All the contributions in the postcolonial section of this sourcebook have male Muslim authors, with the exception of Aflaq and Nassar (texts no. 37 and 43), whose writings, however, hardly betray their Christian background. In turn, half of the eight texts illustrating colonial formations are authored by Christian Arabs, which may be indicative of their affinity with Christian European conceptions of secularity. An alternative explanation might be that non-religious political arrangements benefit minorities, whereas religion-based discrimination, in addition to public references to Islam that strengthen cultural and national identity serve the Muslim majority. In short, public political debates were dominated by and promoted the interests of Muslim men.

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<sup>IV</sup> Dietrich Jung and Kristine Sinclair, "Multiple Modernities, Modern Subjectivities, and Social Order: Unity and Difference in the Rise of Islamic Modernities," *Thesis Eleven* 130, no. 1 (2015): 22–42, esp. 37.

## 2 Formations in Colonial Modernity

### Constitution and Civil Legislation

The earliest contribution on the formation of secularity in colonial modernity dates to 1877 (Salīm al-Bustānī, text no. 29). This does not mean that no distinctions in relation to religion were made in the preceding decades and centuries. However, it highlights the proposition that secularity became a central problem space in that period, especially with regard to an autonomous or even self-sufficient secular order. Such claims and the responses they elicited led to a more categorical demarcation of the religious and the secular realms, with strong institutional ramifications. It was evident foremost in the realm of legislation, where certain aspects of the law were based on religious norms while others derived from secular ones. The latter were largely inspired or derived, if not directly copied, from European civil legislation. More fundamentally consequential was the widespread conviction among Near Eastern intellectuals that modern constitutions were central to European progress. As a matter of principle, constitutions considered all citizens equal before the law, regardless of religious affiliation. The Ottoman constitution of 1876 implemented such a manner of legal equality. In addition to internal demands, European pressure was also instrumental in swaying the Ottoman sultan. In that vein, this section opens with a commentary on the Ottoman constitution by al-Bustānī, a Christian intellectual from Ottoman Beirut.

### Reason and Science

Equally contested was the relation between religion and reason, or religion and science. Jamāl al-Dīn al-Afghānī's treatise *The Refutation of the Materialists* from the 1880s frames the struggle between religion and reason in a quasi-ontological manner. Throughout human history, he writes, from the ancient Greeks to Darwin today, there have been proponents of reason who deny existence beyond the natural world. They have however always been refuted and overcome by those who know that religion is necessary to society and civilization. Al-Afghānī thereby almost equates religion to civilization (text no. 30). His argument for the necessity of religion from the perspective of societal and civilizational needs proved constitutive for Islamic reformists in the following decades. Due to the influence of the Arabic translation of al-Afghānī's treatise, we include it in this section, even though it was originally written in Persian.

The endorsement of reason and science is explicit in the writings of Shibli Shumayyil, a Syrian intellectual and journalist of Christian background who popularized Darwinian thought in Arabic (text no. 31). To Shumayyil, science is nothing short of "the true religion of mankind". Shumayyil's argument that socio-political order must be constructed on scientific premisses, underscores the eminently political regard of the relation between religion and reason.

## Religious Authorities and Civil Government

Is Christianity or Islam more supportive of the civil arrangement of government, distinct from religious authority? Debated by Anṭūn and ‘Abduh in 1900 (text no. 32), the question remains relevant today, as do some of the other arguments dating to the formative, colonial modernity phase of secularity. ‘Abduh’s argument that in Islam, unlike in Christianity, no separation of civil from religious authority is necessary as the distinction between them is a given, is one such example.

The next two treatises advocate for founding political institutions that are independent from religious sources. ‘Alī ‘Abd al-Rāziq’s 1925 treatise on *Islam and the Foundations of Power* is among the earliest Arabic arguments for secularism made on Islamic grounds (text no. 34). Much less well-known is a treatise by Rafīq al-‘Aẓm published in *al-Manār* in 1904, the very journal that 20 years later would come to attack ‘Abd al-Rāziq. In this treatise (text no. 33), al-‘Aẓm identifies the mixing of politics with religion as the fundamental reason for the fall and backwardness of Muslims, as it was widely perceived at the time. Al-‘Aẓm’s argument was immediately countered in *al-Manār* by the Indian reformist Ṣāliḥ bin ‘Alī al-Yāfi‘ī. Interestingly, both authors agreed on the need to establish a consultative, quasi-democratic government to overcome despotic, absolutist rule. The question of whether a consultative, democratic government must be construed on Islamic premises or on the principle of separating political structures from religious stricture continues to resonate today.

The contribution by Salāma Mūsā, an explicit advocate of secularism, communism, and scientism in a sense shares in a hallmark of Muslim reformist thought in colonial modernity. His 1927 treatise on *Freedom of Thought* namely separates, as reformists would do, the core of transcendental religion from its corrupt, immanent manifestations (text no. 35). Mūsā’s scathing critique of religion targets those clerics who instrumentalize religion for the sake of power. Although a secular humanist from a Christian background, he resorts, at times, to Qur’anic verses to sustain an argument, offering what amounts to a secular perspective that casts religion as culture.

## 3 Post-colonial Elaborations

### Socialist usages of Islam as Culture

Islam *qua* culture is even more pronounced and politically saturated in the first two socialist treatises that date to the postcolonial period, following the formation of independent nation states. *From here we start* by the Egyptian intellectual Khālīd Muḥammad Khālīd, was re-published a dozen of times after its initial release in 1950, during the socialist, pan-Arabist rule of Gamal ‘Abd al-Nasser. Khalid attacks those religious scholars who abuse religion for their own interests, calling for the separation of reli-

gion and state (text no. 36). The second treatise is written by Michel Aflaq, Christian co-founder of the socialist Arab Baʿth party. To Aflaq, the true meaning of Islam – again in categorical distinct from prevailing understandings and practices of religion – is a national spirit uniting all Arabs (text no. 37).

With independence came popular participation and representation in the political process, at least nominally. Intellectuals and politicians vied for influence, staking out a position on the thorny question of the relation between religion and politics. A major contestation in this regard was between socialist and Islamist positions.<sup>V</sup> While socialist and pan-Arabist discourse dominated in the period from the 1950s to the 1970s, the tide shifted to Islamist positions by the 1980s, on the political register, and even more so in social and cultural matters. Khālid is one of several intellectuals whose works illustrate this shift since by the 1980s, he was writing on the decidedly Islamic nature of democratic structures. The relation between Islam and secularity became both more politically laden and explicit beginning in the 1980s, leading to novel conceptualizations.

## Islamists, Secularists and (im)possible Bridges

One of several contributions that coined new concepts in regards to Islam and secularity is a treatise on “political Islam (*al-islām al-siyāsī*)” by the Egyptian judge Muḥammad Saʿīd al-ʿAshmāwī, written in 1987. Against Islamist positions that claimed a political dimension as inherent to Islam and strove for a greater role for religious norms in Egypt’s legislative processes, al-ʿAshmāwī argued that such a political understanding of Islam is but one of many possibilities, and therefore can not claim to represent Islam. In the excerpt translated below, al-ʿAshmāwī dwells on the possible meanings of the then-ubiquitous slogan that Islam is religion and state (*al-islām dīn wa-dawla*), a slogan that is, all else aside, decidedly modern, as he rightly points out (text no. 38).

On his part, the Syrian intellectual Muḥammad Bārūt coined the term *ʿalmānawīyya* (secularism) in 1994, in distinction from the already well-established *ʿalmāniyya* (secularity). In so doing, he argued for a possible secularization of Islam and called for increased dialogue between secularist and Islamic actors (text no. 40). It was during one such exchange with Mohammed Abed Al Jabri that the Egyptian philosopher Ḥasan Ḥanafī proposed the concept of an “Islamic secularism (*al-ʿalmāniyya al-islāmiyya*)” (text no. 39), nestled in his larger framework of an Islamic left, developed after quitting the Muslim Brotherhood in the 1950s. For his part, the Moroccan philosopher Al Jabri, active earlier in a socialist party, argued that in the Islamic context, a focus on secularism is misguided. Islam is a given reference, he suggested, with religious connotations

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<sup>V</sup> Fawaz A. Gerges, *Making the Arab World: Nasser, Qutb, and the Clash That Shaped the Middle East* (Princeton, NJ: Princeton University Press, 2018).

for Muslims, and cultural reverberations for all Arabs. Hence, an Islamic secularism, as proposed by Ḥanafī, is neither possible nor necessary.

## Secularism as a Particular Ideology

Distinguishing between two types of *‘almāniyya*, the Egyptian philosopher ‘Abdelwahab Elmessiri wrote in 2002 for distinguishing between a partial and a comprehensive version of *‘almāniyya* (text no. 41). To Elmessiri, the latter represents an outright ideology and worldview, discredited for its association with consumerism, nihilism, and amorality. Partial secularism, in turn, does not encroach on questions of ultimate reality, but represents a foray by secularism looking to achieve societal harmony by differentiating between religion and state. Such differentiation was needed in Christian Europe, and is not wholly incompatible with Islamic societies, Elmessiri argues. While on the one hand he suggests that at least one type of *‘almāniyya* is palatable to a Muslim audience, his emphasis on the ideologization of *‘almāniyya* makes good fodder for the anti-secularist camp. The Moroccan philosopher ‘Abderrahman Taha’s (text no. 45) book *The Misery of Secularism* offers a decidedly comprehensive critique of secularism, denouncing societal differentiation on moral grounds and condemning any attempt at separating ethics from religion.

## Secularism as a Universal Necessity

By way of contrast, the Syrian intellectual George Tarabichi (text no. 42), embraces secularism as necessary to both European-Christian and Arab-Islamic societies. Whilst Muslim thinkers often confine secularism to the Christian European context as a salve for religious warfare, Tarabichi 2008 characterizes secularism as an “inner-Islamic problem”, as well, since that history too has seen its share of religiously-driven conflict.

Likewise, Nassīf Naṣṣār (text no. 43), writing from a confessionally fragmented Lebanon, considers secularism critical to freeing politics from religious domination. His 2009 text associates secularity with reason and rational politics, an argument we have previously encountered in the debate between ‘Abduh and Anṭūn in 1900 (text no. 32). Whilst Naṣṣār favors a broad secularity unconfined to the political realm, he sees it as reflecting universal enlightened reason rather than an ideological worldview (contra Elmessiri, text no. 41).

Ahmad Beydoun (text no. 46) defends secularism as a comprehensive strategy necessary to counter equally comprehensive Islamist attempts at influencing state and society in his 2019 piece. While the Lebanese intellectual writes in French, he specifically picks on the Arabic concepts of a civil state (*al-dawla al-madaniyya*), which became popular in the wake of the Arab uprisings of 2011. At the time, the slogan was directed against both military and Islamist rule. However, it remains an empty notion

which secularists should avoid as a substitute for a secular state, Beydoun argues. In his view, institutionalized secularity alone ensures the freedom and equality of citizens.

## Democracy and Civil Rights

A focus on democracy and civil rights, already formulated by Bārūt (text no. 40) and Al Jabri (text no. 39), is ever more central to the contributions by the Tunisian politician al-Ghannouchi (text no. 44) and the Syro-Palestinian sociologist Sari Hanafi (text no. 47), both of whom advocate for state neutrality on matters of religion as a necessary step in ensuring such rights for all citizens. Al-Ghannouchi did so in a lecture delivered in 2012, to set the stage for a coalition between his own Islamist Nahḍa party and secular parties in the Tunisian parliament. Validating secularism (*‘almāniyya*) as a positive means collides with the prevalent understanding of *‘almāniyya* as an irreligious ideology among Arab publics. The two conflicting conceptions are the subject of an interview with Sari Hanafi conducted in 2021, in which the interviewer – representing the conventional understanding of *‘almāniyya* as an ideology – confesses to having never heard of *‘almāniyya* defined primarily as a tool before.

Such recent validations of secularity as a means to availing civil rights and liberties for the citizenry hint at an emerging current that transcends the ideologized straitjacket of secularism or Islam as exclusive solutions to socio-political malaise. This novel development is perhaps catalysed by the accumulated experience of suppression at the hands of both Islamic and secular authoritarian regimes. Still, and even if considered merely a means, the institutional relation between religion and politics will remain on the table and be contested; discursively at the least. With unemployment, corruption, and widening inequality, economic issues are more pressing concerns for large segments of Arab societies than questions of secularism or even democracy.<sup>VI</sup> Then again, on the conceptual level on which figure the sources assembled here, secularity remains a central issue of contestation for the foreseeable future.

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VI A survey of the Arab Barometer in 2022 underlines that the attractiveness of democracy hinges on its improving economic conditions: Jessie Williams, Sarah Habershon, and Becky Dale, “Arabs Believe Economy is Weak Under Democracy,” *arabbarometer.org*, 06.07.2022, <https://www.arabbarometer.org/media-news/arabs-believe-economy-is-weak-under-democracy/>. This connection is not particular to Arab citizens, as currently shown by the global rise of undemocratic forces and parties in times of economic uncertainty.

# 29 Salīm al-Bustānī: *On the Constitution* (1877)

Translated and introduced by Mohammad Magout

## Introduction

Salīm al-Bustānī (1846–1884) was a prominent figure in Beirut’s literary scene and the nascent profession of journalism in the second half of the 19th century, even though he was often eclipsed by his more prominent father Buṭrus al-Bustānī – one of the most celebrated figures of the *Nahḍa* (Arab cultural renaissance) at the time. Salīm received his education at Protestant missionary schools and followed in his father’s footsteps by working as a translator at the American consulate in Beirut. Furthermore, he assisted him in his ambitious educational and cultural projects, including the founding of the first non-confessional school in the Arab world (*al-Madrasa al-Waṭaniyya*), the first modern Arabic encyclopaedia (*Dā’irat al-Ma’ārif*), and three important early periodicals – most notably the literary-scientific biweekly *al-Jinān* (1870–1886), from which the text below is taken. *Al-Jinān* enjoyed wide circulation among the Arab political and religious elites in Syria, Iraq, Istanbul, and Egypt. It promoted a pan-Syrian Arab identity that transcended confessional boundaries while supporting reformists in the Ottoman administration who envisioned a constitutional and pluralist Ottoman Empire in which individuals could enjoy equal rights regardless of their religion and ethnicity. Accordingly, news of the promulgation of the Ottoman Constitution in December 1876 was received with exuberance by *al-Jinān*, which published a series of six articles between February and May 1877 to clarify and comment on the individual articles of the constitution. The selection below is excerpted from three articles in this series, in which four articles of the constitution relating to religion and its public role were expounded upon in detail (Articles 3, 4, 8, and 11). These explanations provide valuable insights into how Salīm al-Bustānī and, perhaps, a considerable portion of Arab cultural elites – Syrian Christians in particular – perceived of the Ottoman constitution and what hopes and aspirations they placed in it.

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## Translation by Mohammad Magout

### [*al-Jinān* 8, no. 4]

[. . .] Article 3 – The sublime Ottoman sultanate, holder (*ḥāʾiza*) of the great Islamic caliphate, belongs to the eldest son of the House of Osman in accordance with the old established rules.<sup>1</sup> End.

This article is quite self-evident, but the phrase “holder of the great Islamic caliphate” may require interpretation here, and more details will follow in the commentary on Article 4.

We say that the Ottoman state possesses religious authority (*idāra dīniyya*) acquired through its rightful succession to the Prophetic station (*ḥaḍra*), and therefrom to the sultanate. According to the new constitution (*al-nizām al-jadīd*), the sultan is the holder (*ṣāhib*) of the great caliphate and the sultan of the Ottomans.

Europeans have a similar system. The English queen is both the head of the High (*ʿāliya*) Church of England and the Queen of England and Ireland as well as the Empress of India. The emperor of Russia is both the head of the Orthodox Church and the emperor of all Russians. In the old days, this was common. The caliphate was qualified with ‘great’ (*kubrā*) to imply the great caliphate and exclude the lesser caliphate (*al-khilāfa al-ṣuḡhrā*). According to the sharia, the caliphate is rulership (*al-imāma*). Some Sufis maintain that there are two types of the caliphate: a lesser caliphate, which consists of external rulership and leadership (*al-imāma wa-l-riyāsa al-zāhiriyya*), and a greater caliphate that regards inner rulership and leadership (*al-imāma wa-l-riyāsa al-bāṭiniyya*), and is not restricted to the exterior (*al-zāhir*).

According to this article, the caliphate together with the sultanate belong to the eldest of the House of Osman. The principles of succession (*al-irth*) have never been consistent throughout the world, and they are still not so. In republics, it is by elections and in England it is by inheritance (*al-irth*), where women can ascend to the throne, which was not possible in France. In our case, the eldest male of Ottoman descent succeeds his predecessor to the caliphate and to the sultanate while maintaining the old principles such as the pledge of allegiance (*al-mubāyaʿa*) and so forth.

Article 4 – His majesty the sultan in his capacity as the holder of the caliphate is the protector (*al-hāmi*) of the religion of Islam, and he is the king of all Ottoman subjects and their sultan. End.

The first clause of this article is in accordance with the noble revealed law (*al-sharʿ al-sharīf*) as well as the customs of European states. The kings of Austria and Russia and the Queen of England, among others, protect official religions (*al-adyān al-rasmiyya*) in their countries in accordance with the texts of that religion or in accordance with an

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<sup>1</sup> MM: The constitution was officially released in two languages: Ottoman Turkish and French. Al-Bustānī used an official Arabic translation released by the Porte, drawing occasionally on the French text for comparison or clarification.



agreement concluded between the state and the head of the religion (*al-ra'īs al-dīnī*) in question, as in France, where there is an agreement between its government and the Vatican on current religious matters. Most states, however, have diverted from the ways of religion and substituted them with political expediciencies (*al-ṣawālīḥ al-siyāsiyya*). According to the constitution (*al-qānūn al-asāsī*), his majesty the sultan is the protector of the religion of Islam in his capacity as caliph, and he protects (*yahfaz*) the rights of all religions in his country as we shall see. One of the reasons for protecting religion (*al-dīn*) [i.e., Islam] is to enforce it among its followers (*ahliḥ*), to maintain it and to rule their affairs in accordance with its texts (*nuṣūṣih*), which is achieved through the enforcement of the revealed law among them. The second clause [p. 132/133] made his majesty the sultan the king of all peoples as he was before. There is nothing new in this article but a reaffirmation of how things used to be before the promulgation of the constitution. We will publish clarifications of the following articles, God willing, in the future.

**[*al-jinān* 8, no. 6]**

[. . .] Article 8 – All Ottoman subjects, of any religion or denomination, are called Ottoman without exception. The qualifier Ottoman (*al-ṣifa al-'uthmāniyya*) is acquired or lost in accordance with the rules defined by law. End.

The purpose of this article is clear and important given the history of the Ottoman state and the many nations that fell under its sovereignty (*tā'atihā*) by conquest. The people of the sultanate were initially divided into many groups. The primary two divisions were firstly between Muslims and non-Muslims, and in the second instance, between Turks and non-Turks. Each group had different rights. The group enjoying the highest privileges were the Muslim Turks, because the other division is between conqueror and conquered or ruler and ruled. It was the Turks who established the foundations of their state and gathered several races (*ajnās*) under its rule. With the constitution (*nizām*), these divisions have disappeared by decree (*kitābatan*) and all of them became Ottoman with equal rights. This is imperative to sustain sovereignty (*mulk*) when the conquering nation is too small compared to the conquered nation, unless the conquerors were far advanced in civilization, knowledge, wealth, determination, boldness, and courage. In either case, it is proper to make them [i.e. the subjects] into one [nation] so that everyone enjoys the same rights and all divisions and privileges disappear, for sovereignty will not thrive if they persist. One of the essential matters in the new Ottoman era is to erase all grounds for primacy among subjects, so that are no conquerors and conquered, or masters and slaves, but Ottomans in spite of differences in race, status, or religion. In fact, some old nations have been amalgamated into a new nation, such as the English nation, which descends from native Britons, Norwegians, Saxons, and Scots. They have become with time one nation known now as the British or the English nation. Unity was the impetus for its strength superseding the divisions that had caused its civil wars and weakness. Thus, if the Ottomans were actually united as one nation – and the ruling Turkish nation realizes

(*arafat*) that its interests lie with the interests of other nations under its dominion so that they all become truly Ottomans – then its reign would be invigorated by acquiring the necessary strength to thwart the evils of aggressors.

The second clause of this article states that “the qualifier Ottoman is acquired or lost in accordance with the rules defined by law.” This means that an Ottoman may lose his Ottoman citizenship (*jinsiyya*) and a non-Ottoman may become Ottoman in accordance with the law, and this law is usually based on treaties. Thus, an Ottoman who lives for a certain period of time in a foreign country, say France, may declare his intention of acquiring citizenship and fulfil the legal requirements by obtaining approvals (*bi-istiḥṣāl al-awāmir*), becoming thereby French and losing his Ottoman qualifier, i.e. his citizenship. Similarly, if a French person wishes to acquire the Ottoman qualifier, he needs to be resident in Ottoman lands, declare his intention thereto, and fulfill the legal requirements so that he may acquire it. This is what is meant by acquiring and losing. Losing the Ottoman qualifier is not limited, however, to naturalization (*tajannus*), for there are other legal violations (*taqṣīrāt*) that could result in a person losing his citizenship.

**[*al-Jinān* 8, no. 7]**

Article 11 – The religion of the Ottoman state is the religion of Islam. While maintaining this principle (*asās*), the liberty of all recognized religions in Ottoman territories and all privileges accorded to different communities are under the protection of the state, provided public order and morality are not disturbed. End.

The importance of this article is clear, and it becomes more evident when reviewing the history of nations since ancient times, especially in the Middle Ages when states did not grant religious liberty to their subjects, [a practice] which persists in some states until the present. States whose subjects [p. 237/238] do not enjoy religious liberty do not only keep an official religion but also force their subjects to follow its religion and prohibit them from abandoning it. Religious liberty has three principles (*mabānī*): first, permitting people to preach any religion they wish; second, freedom to adhere to any religion they choose; third, abandoning any religion they wish to leave. Some countries allow only one or two of these principles. In Spain, for example, until some time ago, preaching a faith other than the Catholic one was not allowed, nor could any Catholic person abandon his religion to convert to another faith, which resulted in the oppression of many of its people. Currently in Russia, the Greek Orthodox are not allowed to convert or to call to other religions, even though it recognizes communities of different religions. A review of Arab history reveals that the state did not always adhere to the principle of restricting people to the religion of Islam. Therefore disbelief appeared among them, to such an extent that some claimed prophethood and composed religious scriptures. A look at the history of the Ottoman state reveals that freedom of religion did not exist (*lam takun jāriya*) in its territories. Islam, (*al-islāmiyya*) became the religion of state after it was born, in the same way

that Catholicism has become the religion of the Austrian and Spanish states since it spread there, and in England is the Protestant denomination known as the High Church of England became the official religion.

The majority of states in the world (if not all with rare exceptions), like ours, have an official religion, as we have seen in the first part of the above-mentioned article, which states that “the religion of the Ottoman state is the religion of Islam”. It did not state, though, “the religion of the Ottoman nation,” because it consists of many nations. The state is the king and his ministers, and their religion is Islam, even though there are among them people who do not belong to that same religion, such as the present commissioner of commerce – yet he is required to fulfill official religious obligations as if he were Muslim. In Lebanon, for example, the *mutaşarrıf*<sup>II</sup> is Christian and the majority in the administration are Christians, yet departments in the administration are required to close on Fridays and to celebrate the holy eids of al-Fitr and al-Adha. The same is true for England. If an official is Jewish (*isrā’ūlī*), he is nevertheless required to close his office on Sundays and to participate in religious festivals as decreed by the government. Furthermore, England does not hold official celebrations for Catholic festivals nor does France for Protestant festivals, as does our state except for Islamic festivals in accordance with the religion of the state, which is the official religion. This does not infringe on universal liberty (*al-ḥurriyya al-‘umūmiyya*), provided it remains limited to the state, or on the rights of individual equality (*al-musāwa al-ifrādiyya*). However, it does accord with the principle of universal equality (*al-musāwa al-‘umūmiyya*), which has not been perfected even in states where the principle of liberty is strongly entrenched, such as the republic of the United States of America. For example, its law mandates that all public businesses close on Sundays and on Christmas Day, even though these are religious holidays. On these days therefore, Jews do not have the same privileges that are accorded to Protestants. It seems that society (*al-hay’a al-ijtimā’iyya*) is unable, in the current state of affairs in the world to reach the stage of universal equality, violation of which undermines the equality of individuals as well. Similarly, in our sultanate a constitution (*nizām*) amenable to its circumstances has been adopted, which is similar to the constitution of other countries. In the late 18th C, when France sought perfect liberty and equality, it went too far in the opposite direction, persecuting religious people and executing clergy men among others. When it came to official celebrations, it was committed to abolishing Sundays and [religious] festivals. However, it enacted legislation declaring that one of every ten days be a holiday, in the interest of the wellbeing of the populace, [p. 238/239] and it imposed penalties on those who worked on that holiday even though there is no punishment for it in the Hereafter. France could not implement

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<sup>II</sup> MM: *Al-mutaşarrıf* was the title of the governor of Mount Lebanon after it had been made into a special administrative unit called *mutaşarrıfiyya* in the aftermath of the civil war of 1860 between Druze and Christians. It was stipulated that the position of *mutaşarrıf* was to be filled by a non-Lebanese Ottoman Catholic.

total equality without abolishing all religious customs against the will of many, so it violated liberty and equality in one regard to achieve it in another. Thus, it is not wrong to say that there needs to be an official religion – i.e., a state religion – especially in the East. Based on the political conditions of the sultanate alone (aside from the rights of the greater caliphate and the religious customs it encompasses), we say that it is proper that the religion of the majority of the subjects is made the *state religion*. Perhaps it is more correct to say that the religion of the majority of the subjects is made the *official religion*, even though this is not the case in India, where the majority are not Christian, but the official religion is the religion of the empress. Granting her the title of empress has saved them from the humiliating status (*al-taba'iyya al-mudhillā*) as 'conquered subjects' by transforming them into 'subjects of the queen', just as the English are her subjects. She is their empress [as much as] she is the queen of the English.

The second section, even though ambiguous, is of importance: "While maintaining this principle (*asās*), the liberty of all recognized religions in Ottoman territories and all privileges accorded to various communities are under the protection of the state, provided public order and morality are not disturbed." This short paragraph comprises five matters. First, "while maintaining this basis"; that is, the state may allow many things that may seem to be violating that principle – that its religion is Islam (*al-Islāmiyya*) – even though it was determined to implement them without violating it, that is, while maintaining it. Accordingly, one understands that what follows is to be implemented while maintaining the above principle. There is no doubt that fidelity to both matters at the same time entails several difficulties, were we to understand it the way the English understand the religious clause in their constitution. [Since] we have not yet attained that stage [of development], we should not ask for what they have, because religious liberty for the English is absolute. Hence, the [Ottoman] state has placed in the constitution four robust, meaningful limitations on liberty, which are included in the five matters that we mentioned previously. The first limitation is that the liberty of all recognized religions in Ottoman territories is under the protection of the state. This means that the state enables the followers of recognized religions to perform their religious duties freely. Thus, Zayd,<sup>III</sup> for one example, would not be penalized for holding prayers in his church. Similarly, a priest or a *shaykh 'aql* cannot be humiliated for holding mass or prayers in a *khalwa*,<sup>IV</sup> nor a rabbi for observing Passover. To the contrary, when a person opposes or insults them for it or prevents them from observing [their religious duties], he will be punished by law because he has violated a state protected liberty. It says "recognized in Ottoman territories" in order to exclude religions that are not recognized. For example, if a

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III MM: 'Zayd' is a common male placeholder name in Arabic as 'John Smith' in English or 'Max Mustermann' in German.

IV MM: For the Druze, *shaykh 'aql* is a religious leader and *khalwa* is the house of prayer.

Buddhist arrived in Ottoman territories and wanted to preach (*yu'allim*) his religion or observe his religious duties, he would not enjoy such protection. [. . . p. 239/240]

It is important to identify recognized religions in order to distinguish them from their unrecognized counterparts. We assume that every religion existing in Ottoman lands at the time of the writing of this constitution – enjoying the rights of membership in [representative] councils in proportion to the size of (*akthariyya*) its constituency, registered in government records and declared upon litigation (*taqāḍī*) in councils – is a recognized religion by the state. This applies even to the religion of the Yazīdīs, who worship Satan, God forbid,<sup>V</sup> and the Nuṣayrīs,<sup>VI</sup> although their religions contravenes the three other remaining matters in this clause, because [these religions] they are well established in their own communities. However, if Zoroastrians were to come and embark on worshipping the sun and revering fire openly, we do not believe that they will be accorded that same protection in case their creed or deities were insulted. [. . .]

The third limitation<sup>VII</sup> is that “all privileges accorded to various communities are under the protection of the state”. Needless to say, what is meant here is what we call *milal*<sup>VIII</sup> and *ṭawā'if*<sup>IX</sup> in Syria. It implies that the constitution will not infringe on any of the privileges granted to the various religious communities. There is no doubt that among these privileges is the right of each religious group to manage its confessional affairs (*umūrihā al-madhhabiyya*) in accordance with its confessional laws or its laws pertaining to charity, religious teachings, endowments, management of the properties of minors, custody, and so forth. [. . . p. 240/241]

The fourth limitation is that the liberty of all recognized religions in Ottoman territories and all privileges accorded to the various communities are under the protection of the state, provided they do not disturb public order. There is nothing apparent in this limitation that infringes on accorded liberties, but some may ask why it is that recognized religions and privileges are limited? The answer is that in some countries that continue to hold on to old traditions, it is often the case that religious liberty dis-

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V MM: Because outsiders have often mistakenly identified Malak Ṭā'ūs (a central figure in Yazīdī mythology) with the Devil, there is a common misconception about Yazīdīs as Devil worshippers, which persists until today.

VI MM: Alawites in Syria were known for most of their history as the Nuṣayrīs, but today it is considered a pejorative epithet.

VII MM: The text does not name a ‘second limitation’ (the list jumps from first to third) and it is not clear what al-Bustānī understood as the ‘second limitation’ on religious liberty stipulated in this article.

VIII MM: *Milla* (plural *milal*) is an Arabic word that has been used to mean ‘religion’. Its Ottoman-Turkish derivative *millet* was used in the Ottoman Empire (mostly in the 19th century) to refer to officially sanctioned non-Muslim communities, especially the Greek Orthodox, the Armenian Orthodox, and Jews.

IX MM: *Ṭā'ifa* (plural *ṭawā'if*), particularly in the context of Ottoman Syria, meant ‘confessional’ or ‘sectarian community’, from which the Arabic term for ‘sectarianism’, *ṭā'ifiyya*, is derived.

turbs public order because of fanaticism (*ta'aṣṣub*) or strict fidelity to religious texts. For example, the conversion of a Nuṣayrī to Judaism in the land of the Nuṣayrīs may cause him harm [ . . . ] There is no such limitation in fully liberal countries. All religions are equal in the matter of conversion unless it violates enacted laws and public order or morality are disturbed. In the United States of America, for example, a man can only marry one woman by law. Yet the Mormons have invented a new religion and practice polygamy without opposition except in cases where their leaders have engaged in fraud or committed civil offenses. Our situation, however, is very different from theirs. Let us restrict religious liberty because we are not worthy of enjoying it to the fullest yet. The unrestricted liberty that we have in the constitution already, if properly enforced, will suffice to unrestrict that which is restricted. Otherwise, the restricted may restrict that which is free.

The fifth limitation is that the liberty of all recognized religions in Ottoman territories and all privileges accorded to various communities are under the protection of the state, provided that public morality is not disturbed. This limitation is imperative, but the multiplicity of religions in the sultanate and the strangeness of some of them encumbers any attempt at generalization. If some of what we have heard of the religion of the Yazīdis is correct, the enforcement of this clause will entail the prohibition of portions of their rites (*rusūmihim*), and for the Nuṣayrīs as well. Disturbing public morality regards not the actual incidence of disturbance but the possibility of its occurrence. If, for example, it is proven that Nuṣayrīs and Yazīdis include in their religion [doctrines or practices] that offend the religion of the people of the book, this clause will ban them. In our view, these [practices and doctrines] should be left intact, because they are long established (*qadīm al-'ahd*) and they have become familiar to the local population in their respective regions.

Unsurprisingly, the explanation for this article [i.e., article 11 of the constitution] has overtaken the entire essay [in this issue of *al-Jinān*]. It is because of its significance and the fact that in countries where religious antagonism is common religious matters are given grave consideration. It must be borne in mind, however, that such antagonism is among the greatest causes for the weakness of nations, as it fosters the transgressions of rulers and corrupt judges who are prone to bribery and favouritism. What reasonable person would wish to advance the cause of injustice in his homeland [p. 241/242] by his own actions (*bi-mā yatba'uh*)? Eschewing fanaticism is a necessary duty particularly in our age. As long as compatriots fail to solidarize, they will not be able to attain their significant rights. The readers of *al-Jinān*, except for a minority of prominent visionaries, should strive to achieve unity and to eradicate fanaticism with leniency (*bi-l-līn*), reasoning, setting an example, and kindness, even if [in so doing] they would only succeed in killing one small child among its [i.e., of fanaticism's] many mighty titans.

# 30 Jamāl al-Dīn al-Afghānī: *The Truth about the Neicheri Sect (1880/1881)*

Introduced by Florian Zemmin

## Introduction

Jamāl al-Dīn al-Afghānī (1838/39–1897) was a cosmopolitan intellectual and political activist and is considered among the founding figures of Islamic modernism and pan-Islamism.<sup>I</sup> In all likelihood, he adopted the moniker “the Afghan” to conceal his Persian and thus Shi‘i origin, since following his education in Iran and Iraq, al-Afghānī was mostly active outside of Shi‘i circles. He studied the natural sciences in India, advised the ruler of Afghanistan, worked as a journalist in Paris, and inspired a significant group of Islamic modernists while resident in Cairo. Foremost among the latter was his pupil and collaborator Muḥammad ‘Abduh (1849–1905) (see text no. 32), with whom he later split after ‘Abduh shunned his mentor’s anti-colonial and revolutionary stance in favor of gradual reform.

Al-Afghānī’s anti-colonial politics was in fact the most stable of his ideological positions. He waived on other issues, not least in response to the diverse set of debaters and the varied audiences he encountered. Thus, in a debate with the French historian Ernest Renan, he argued that religion shall eventually be overcome by philosophy.<sup>II</sup> In other contexts, al-Afghānī emphatically stressed the need for religion in modern civilization and society. In this, his was an early prominent functionalist perspective on religion from the viewpoint of society. Al-Afghānī upheld the need for religion most categorically against a supposedly purely naturalist and materialist view of the world. In India, he attributed such a view to the Islamic modernist Sayyid Ahmad Khan (d. 1898),<sup>III</sup> with whom he also – and probably in fact primarily – disagreed over the issue of collaboration with the British.

In 1881, al-Afghānī was asked to explain the meaning of *neicheri* (naturalist), a ubiquitous moniker in India at the time. He took this occasion to pen “The Truth about the Neicheri Sect”, where the struggle between believers and naturalists is presented in an almost

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**I** For a biography of his and a translation of several of his writings, see Keddīe’s *An Islamic Response to Imperialism*, referenced below.

**II** For a translation of his “Answer to Renan”, see Nikki R. Keddīe, *An Islamic Response to Imperialism. Political and Religious Writings of Sayyid Jamāl ad-Dīn “al-Afghānī”. Including a Translation of the “Refutation of the Materialists” from the Original Persian by Nikkie R. Keddīe and Hamid Algar* (Berkeley: University of California Press, 1968). Renan’s racialized arguments about Arabs and Islam provoked responses by other Muslim intellectuals as well; see Birgit Schähler, *Moderne Muslime: Ernest Renan und die Geschichte der ersten Islamdebatte 1883* (Paderborn: Ferdinand Schöningh, 2016).

**III** On him, see Hussain, Khurram, *Islam as Critique: Sayyid Ahmad Khan and the Challenge of Modernity* (London: Bloomsbury, 2019).

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cosmological manner. Naturalism, he writes, is mentioned in classical Greek philosophy, and today espoused by adherents of Darwinian teachings, but religion always has and will prevail again. An Arabic translation of the treatise – authorized and at least officially undertaken by ‘Abduh who however was heavily assisted in this regard – was published in 1886, as *The Refutation of the Materialists (al-Radd ‘alā al-Dahriyyin)*.<sup>IV</sup> The translation intervened in the debate on the natural sciences and evolutionism in the Arab world (see also Shumayyil, text no. 31), to become al-Afghānī’s most influential work. Although the Arabic translation faithfully renders the Persian original, it is perhaps best characterized as a lengthy paraphrase of al-Afghānī’s original rather than its translation. An excerpt of Keddie and Algar’s English translation, made from the Persian original is reprinted below.

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## Translation (Reproduced from the Above Source)

It has become plain to the reader that the first teaching of the naturalists, or *neicheris*, is the rejection of those two beliefs that are the foundation of all religions;<sup>1</sup> and their last teaching is license and communism. Thus these are the people who are throwing the social order to the winds. They are the destroyers of civilization and the corrupters of morals; the destroyers of the pillars of knowledge and wisdom. They are the annihilators of peoples; the obliterators of pride, zeal, and honor; the roots of baseness and treachery; and the plants of vices and vileness. They are the bases of sordidness and depravity; the standards of lying and falsehood; and the callers to animality. Their love is deceit, their companionship a trick, and their gentleness perfidy. Their kindness is a ruse, their truthfulness a deceit, their claim to humanity imaginary, and

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IV A more accessible re-edition is al-Afghānī, Jamāl al-Dīn, *al-Radd ‘alā al-Dahriyyin*. In *Rasā’il fī al-Falsafa wa-l-Irfān*, al-Āthār al-Kāmila, vol. 2 (Cairo: Maktabat al-Shurūq al-Dawliyya, 2002), 127–98.

I FZ: These two beliefs are mentioned on p. 166–67. in Keddie’s translation, namely, “the belief that the world has a Creator, wise and powerful; and the belief that for good and evil deeds there is a fixed recompense after this life.”



their call to science and knowledge a snare and a forgery. They make trustworthiness into treachery; will not keep a secret; and will sell their closest friend for a copper coin. They are slaves to the belly and bound by lust.

They do not refuse to perpetrate any kind of base and low act in order to fulfill their passions. They in no way recognize honor, pride, or shame, and they know nothing of nobility of soul. Sons in this group are not safe from their fathers, nor can either of them be barred from daughters according to the ways of nature.

If someone is deceived by their snakelike smoothness to touch and becomes contaminated by their viperous spots and stripes; if the allurements of their speech attract him, and their tricks find a place in his heart, he then comes to believe that these people are the motive force of civilization and the cause of the order of the land and of the spread of knowledge and wisdom. Or else he believes that they are friends and supporters and keepers of secrets in time of need. One must both laugh and cry at his intelligence because it is an occasion for both laughter and tears.

Thus, from all we have expounded, it becomes clear in the most evident manner that religion, even if it be false and the basest of religions, because of those two firm pillars – belief in a Creator and faith in rewards and punishments – and because of the six principles that are enshrined in religions,<sup>II</sup> is better than the way of the materialists, or *neicheris*. [It is better] in the realm of civilization, the social order, and the organization of relationships; indeed in all human societies and all progress of mankind in this world.

Since the order of the world has been laid according to the ways of wisdom, and the order of human affairs is a part of the total order, whenever these disrupters of the social order, the *neicheris*, have appeared, human souls have striven to eradicate them, and the lords of the true order of civilization, which is religion, have expended great efforts to remove them. The nature of a great man, according to his God-given intelligence, which is an effect of the universal intelligence, will not accept these men [the *neicheris*]. He rejects them like waste matter.

Therefore this sect has never become firm and durable, although they appeared in this world long ago and some treacherous souls from among the powerful, because of their own aims, have strengthened them in every age. In whatever age they have appeared they have soon dispersed and disappeared like summer clouds, and the true order of the human realm, that is, religion, remained firm and well established, while these sources of disorder passed away and disappeared.

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II FZ: This refers to the three beliefs and the three qualities of religion expounded on p. 140–47 of Keddie's translation. The three beliefs are, the belief, "that there is a terrestrial angel (man), and that he is the noblest of creatures. [Second] is the certainty that his community is the noblest one, and that all outside his community are in error and deviation. The third is the firm belief that man has come into the world in order to acquire accomplishments worthy of transferring him to a world more excellent, higher, vaster, and more perfect than this narrow and dark world that really deserves the name of the Abode of Sorrows" (p. 140). The three qualities are shame (p. 144–45), trustworthiness (p. 145ff.), and truthfulness and honesty (p. 147).

Since it is known that religion is unquestionably the source of man's welfare, therefore, if it is placed on firm foundations and sound bases, that religion will naturally become the complete source of total happiness and perfect tranquillity. Above all it will be the cause of material and moral progress. It will elevate the banner of civilization among its followers. It will cause those who are religious to attain all intellectual and spiritual perfections and to achieve good fortune in this world and the next.

If we think deeply about religions we will find no religion resting on such firm and sure foundations as the religion of Islam.

For, the rise of nations on the ranks of perfection; the climbing of peoples on the steps of knowledge; the ascent of groups on the stairs of virtue; the awareness of the nations of humanity of the details of truth; and their acquisition of true and complete happiness in this world and the hereafter – all these depend on several things: [First] That the slate of the minds of tribes and nations be clear of the muddiness of superstition, and the rust of vain and groundless beliefs. For superstitious belief is a dirty curtain that intervenes between the holder of such a belief and truth and reality. It prevents the discovery of the reality of a matter. When someone accepts a superstition his reason comes to a stop and he refrains from intellectual movement. Then he will take up many similar beliefs, and will accept all superstitions and fancies. This will cause him to fall far short of true perfection, and the truths of existent beings will be hidden from him. It will even cause him to spend all his life in fantasies, loneliness, fear, terror, and dread. He will fall into shuddering from the movements of birds and the stirrings of beasts. He will be upset by the blowing of winds, the sound of thunder, and the gleam of lightning. He will be kept from most of the occasions of his happiness through belief in evil omens, and he will submit to every trick, ruse, and impostor. What misfortune, ill luck, or bad life could be worse than such a life?

The first pillar of the Islamic religion is that by the luster of unity [*tauḥīd* – the absolute unity of God] it purifies and cleans off the rust of superstition, the turbidity of fantasies, and the contamination of imaginings. Its first teaching is that man should not consider another man or an inanimate object, high or low, to be the Creator, the Possessor, the Omnipotent, the Giver, the Preventer, the Strengthened, the Debaser, the Healer, and the Destroyer. Nor should he believe that the First Cause has appeared, or will appear, in human guise to improve or worsen things. Nor that Pure Being in order [to secure] some benefits bore, in human guise, pains and illnesses; nor other such superstitions, any one of which alone suffices to blind reason. Most existing religions are not free of these fancies and superstitions. Look at the Christian, Brahman, and Zoroastrian religions.

[Second] Their souls must be characterized by the greatest nobility. This means that every member of that community considers himself worthy and suited for any human rank and stage, except for the rank of prophecy, which is a divine rank. He does not imagine in himself deficiencies, decadence, and lack of ability. When the souls of men are endowed with this quality, each one competes with others in the

wide arena of virtues, and enters into contest and competition; and they spare nothing to attain greatness and honor, and to acquire a high rank in the world.

If some men believe that their nature and character has less nobility than others, and that their rank is lower than others, naturally there will be defects in their zeal, languor in their movements, and weakness in their perception. They will remain deprived of many perfections, of high degree and worldly happiness, and will remain within the boundaries of a narrow arena.

The Islamic religion opens the doors of nobility before souls; strengthens the right of each soul to every excellence and perfection; and removes the distinction of nobility of race and occupation, basing distinctions among human beings only on intellectual and spiritual perfection.

Few religions can be found with this advantage. Look how the Brahman religion divides men into four classes – first the Brahmans, second the Kshatriyas, third the Vaishyas, and fourth the Shudras – and reserves the highest degree of natural nobility to the Brahmans and the next to the Kshatriyas, while the fourth class is considered the lowest of all in all human distinctions. This may be considered one of the main causes for the lack of proper progress among the followers of this religion in the sciences, knowledge, and the arts, despite the fact that they are the most ancient of peoples.

The Christian religion, according to the Gospel, affirms nobility for the race of the sons of Israel, and refers to other races in contemptuous terms. The followers of that religion, however, refused this rule and denied race distinctions, but they gave so much honor to the class of priests that it became a cause for lowering others. For the priests were given control over the acceptance of belief and the forgiveness of sins. They said that other men, even if they had reached the highest degree of perfection, did not have the power to present their own sins before the divine threshold and seek forgiveness. This has to be achieved through the mediation of priests.

Similarly they said that the acceptance of faith in the eyes of God Almighty depends on the acceptance of a priest. They took this rule, which debases people, from the Gospel, since in it was written: “Whatever you unbind on earth will be unbound in heaven, and whatever you bind on earth will be bound in heaven.”<sup>1</sup> As long as this debasing belief was firm and well established among the Christian community in European lands no progress was achieved among that community.

Luther, the leader of the Protestants, who rejected this rule, in opposition to the Gospels, was following the example of the Muslims. [The third foundation of human virtues] is that the members of each community must found their beliefs, which are the first things written on the slates of their minds, on certain proofs and firm evi-

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1 [note 20 in the original] Matt. 16:19. As Afghānī implies, this passage is part of one that has been taken as legitimizing the Catholic church, though this is unclear without the full passage. Christ says to Peter: “And I say also unto thee, that thou art Peter, and upon this rock I will build my church; and the gates of hell shall not prevail against it. And I will give thee the keys of the kingdom of heaven: and whatsoever thou shalt bind on earth shall be bound in heaven; and whatsoever thou shalt loose on earth shall be loosed in heaven.”

dence. In their beliefs they must shun submission to conjectures and not be content with mere imitation (*taqlīd*) of their ancestors. For if man believes in things without proof or reason, makes a practice of following unproven opinions, and is satisfied to imitate and follow his ancestors, his mind inevitably desists from intellectual movement, and little by little stupidity and imbecility overcome him – until his mind becomes completely idle and he becomes unable to perceive his own good and evil; and adversity and misfortune overtake him from all sides.

It is no wonder that Guizot, the French minister who wrote the history of civilisation,<sup>2</sup> said as follows: One of the greatest causes for European civilization was that a group appeared, saying: “Although our religion is the Christian religion, we are seeking the proofs of the fundamentals of our beliefs.” The corpus of priests did not give permission, and they said that religion was founded on imitation. When the group became strong their ideas spread; minds emerged from their state of stupidity and dullness into movement and progress; and men made efforts to achieve the attributes of civilization.

The Islamic religion is the only religion that censures belief without proof and the following of conjectures; reproves blind submission; seeks to show proof of things to its followers; everywhere addresses itself to reason; considers all happiness the result of wisdom and clearheadedness; attributes perdition to stupidity and lack of insight; and sets up proofs for each fundamental belief in such a way that it will be useful to all people. It even, when it mentions most of its rules, states their purposes and benefits. (Refer to the Holy Koran.)

There is no other religion having this excellence. I believe that the non-Muslims will also acknowledge these distinctions. It is no secret that the foundation of the Christian religion is the worship of the Trinity. All Christians confess that it is not possible for reason to understand it, which means that one must abandon reason in order to comprehend it.

As to the principles of the Brahman religion, it is clear to everyone that most of them are contrary to plain reason, whether the followers of that religion acknowledge it or not.

Fourth, there must be in each community a group of people who are constantly occupied with teaching the others, who do not shirk from adorning their intellects with true knowledge, and who do not fail to teach the ways of felicity. And there must be another group that always strives to straighten and rectify souls; to explain virtuous qualities and describe their benefits; and explain wicked manners and elucidate their harm and injuries. They should not neglect to enjoin the good and forbid the evil.<sup>3</sup> For naturally all man’s knowledge is acquired, and if man does not have a teacher he will not derive advantage or benefit from his reason. And he will live in this world like the animals and will leave this world barred from the happiness of both this world and the next.

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2 [note 21 in the original] The reference is to Guizot’s *History of Civilization in Europe*, which assigns to the Reformation a key role in the progress of freedom of thought and of civilization. This book had recently been translated into Arabic.

3 [note 22 in the original] A Koranic phrase found, with some variation, in several different passages in the Koran.

Thus a teacher is indispensable. And since the lust and desires of man have no limit or measure, if there is no straightener and adjuster it will inevitably result in transgressions and oppression, and the possessor of those desires will deprive others of tranquillity and safety, and even burn himself on the fire of his passions. Man will then go to the abode of misfortune in the greatest wretchedness. Thus an joiner of the good, a forbiddener of evil, and a rectifier of morals are indispensable.

The greatest duties and obligations of the Islamic religion are these two matters. (Refer to the noble Koran.)

In other religions there has not been such concern for these two matters, and since there are many pillars of the Islamic religion, and to explain the benefits of each one for civilization and to describe how each of them is the source of perfect felicity would cause me to go beyond the subject of my discourse, I have considered it incumbent on me to write a separate treatise on this matter; in that treatise I will explain why the virtuous city for which philosophers have died hoping will only be achieved by man with the Islamic religion.<sup>4</sup>

If someone says: If the Islamic religion is as you say, then why are the Muslims in such a sad condition? I will answer: When they were [truly] Muslims, they were what they were and the world bears witness to their excellence. As for the present, I will content myself with this holy text: “Verily, God does not change the state of a people until they change themselves inwardly.”<sup>5</sup>

This is a summary of what I wished to explain about the evils and corruption of the *neicheri* path for civilization and the social order, and the benefits of religions and of Islam. Completed by the writer Jamāl ad-Dīn Husainī.

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4 [note 23 in the original] This is the third approving reference to the “virtuous city,” the others being on pp. n o and 144 above. The phrase is part of the title of a popular work of political philosophy by al-Fārābī, and was used also by later philosophers.

5 [note 24 in the original] Koran 13:11. Since Afghānī first used it, this has become a favorite passage for modernists exhorting the Muslims to self-improvement. According to a statement by Professor H. A. R. Gibb in the autumn of 1963, however, the verb used for “change,” *ghayyara*, had, at that time, the sense of “to change for the worse.” This is certainly its sense in this Koranic passage, which reads (in ‘Abdallāh Yūsuf ‘Alī’s translation): “Verily never will God change the condition of a people until they change it themselves. But when God willeth a people’s punishment, there can be no turning it back, nor will they find, besides Him, any to protect.” In Afghānī’s brief citation here it is unclear whether he is thinking of the Muslims’ past decline, their future improvement, or, most likely, both.

# 31 Shiblī Shumayyil: *The Philosophy of Evolution* (1910)

Translated and introduced by Florian Zemmin

## Introduction

Shiblī Shumayyil (1850–1917) was a medical doctor and advocate for social reform based on science and reason. He is best known for his dissemination of Darwinian evolutionist thought in Arabic.<sup>I</sup> Born to a Greek Catholic family in Lebanon, Shumayyil studied medicine at the Syrian Protestant College in Beirut, and then in Paris and Istanbul. Like many intellectuals from Syria and Lebanon, he moved to Cairo, where he founded the medical journal *al-Shifāʾ* (*The Cure*) in 1886, and together with Salāma Mūsā with whom he shared socialist and secularist convictions (on Mūsā, see text no. 35), the journal *al-Mustaqbal* (*The Future*) in 1914. He published a translation of Ludwig Büchner’s lectures on Darwinian theory in 1884.<sup>II</sup> A second edition, with an extensive new preface was issued in 1910 as the first volume of Shumayyil’s collected works. The translation presented below is excerpted from the preface to the 1910 edition, reprinted in 1983.<sup>III</sup> Shumayyil promotes the supremacy of scientific knowledge, as it has made obsolete all traditional religions, which in his telling, spawn from attempts to come to terms with natural phenomena (see p. 23). At one point, he refers to natural science as “the true religion of mankind (*dīn al-bashariyya al-ḥaqq*)” (p. 70). Advocating materialism (*al-māddiyya*) and what may be termed scientific monism, Shumayyil thus does not argue for the autonomy of science from religion, but rather for the former replacing the latter. The unicity of nature (*tawḥīd al-ṭabīʿa*), in his argument, does not know a distinction between matter and force and allows only for one order of truth. This argument extends beyond ontological and epistemological questions to include the socio-political order, which to Shumayyil ought to be constructed on the basis of insights from scientific reasoning.

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I For both Shumayyil and the reception of Darwinian thought in Arabic, see Marwa Elshakry, *Reading Darwin in Arabic, 1860–1950* (London: The University of Chicago Press, 2013).

II Shiblī Shumayyil, *Kitāb Falsafat al-Nushūʾ wa-l-Irtiqāʾ* (Cairo: Matbaʾat al-Muqtataf, 1910); these lectures were probably Ludwig Büchner, *Sechs Vorlesungen über die Darwin’sche Theorie von der Verwandlung der Arten und die erste Entstehung der Organismenwelt. Sowie über die Anwendung der Umwandlungstheorie auf den Menschen, das Verhältniß dieser Theorie zur Lehre vom Fortschritt und den Zusammenhang derselben mit der materialistischen Philosophie der Vergangenheit und Gegenwart. In allgemein verständlicher Darstellung* (Leipzig: Thomas, 1886).

III It should be noted that the later edition is identical in text and pagination, and the preface runs from pages 39–77 in the 1983 edition and pages 1–37 in the 1910 edition.

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### Translation by Florian Zemmin

The natural sciences are the mother of the true sciences (*al-ʿulūm al-ḥaqīqiyya*), and they ought to be the mother of all human sciences, given preference over everything and included in the teaching of everything. Should that be the case, humans will have a sound understanding of language, their analogical reasoning will be based on sound proof, their philosophy will be strengthened through its unitedness (*bi-irtibāṭihā*), their morals will be elevated to practical application, their laws will be reformed to conform to the natural social order, and their intellect will be broadened to set them free from self-contradictory chains and bound them instead to a single, comprehensive order whose reach is limitless, and their judgments will be correct because they are found on sound reasoning, and their progress will be assured as they move forward because it [i.e. this comprehensive order] agrees with the laws of the universe.

If you recognize that only in the last century, the circle of human natural knowledge has widened somewhat and the forces of nature have become interconnected to a certain extent, and you see rapid human progress, especially in the last quarter of that century, then you may grasp the significance of the natural sciences. [p. 48/49] This progress, which is in its early stages and will yield more than reason can fathom and will in the future extend to agriculture, trade, industry, and also medicine, if not in curing illnesses, then in prevention. Unfortunately, however, man has yet to make proper use of it until the present, insofar as laws and governments are concerned, even though wars have become more infrequent because of it and noticeably so, and the sovereignty of nations has been strengthened, and kings are descending from the heaven of their Olympus to come face to face with mankind. This [i.e. men making limited use of scientific progress] is only due to the difficulty in severing the lingering influence [on nations] of received conventions and doctrines that governments continue to nurture, founding institutes to propagate them [i.e. these teachings] and building universities for them that some people still praise, the harmful effects of which will only end if they [i.e. these institutes and universities] disappear, and disappear they will and with them will disappear all those higher sciences (*al-ʿulūm al-ʿāliyya*) as they are called today, and their influence will be obliterated. And this from the day man takes the proper steps forward in the natural sciences that will deliver a death blow to them [i.e., these so-called higher sciences]. Today, one year on this path is equivalent to centuries in the past [regarding how much progress is made in this timespan].

It seems that society (*al-ijtimā*) is not in a proper state to guarantee that the influence of these sciences will be obliterated, unless languages are united and peoples are united. This is unavoidable and the path towards it is accessible today. The rise of the peoples of the East from their slumber is proof of this. Look to Japan: the light of natural science has reached it and lifted it to the peak of the advanced nations in a short time, after it had remained in deep slumber for hundreds of years, or even look to the great nation of China that was asleep for 1000 years and recumbent: it stirred and opened its eyes. Don't think that the awakening of nations today is as it was in the past, a brutal triumph and a barbarian victory in which states were erected on the remains of [other] states and nations on the rubble of [other] nations. Rather it will be a peaceful infection that spreads from the healthy to the ailing to cure him and make him healthy, while the other [i.e., the one that was healthy before] remains healthy. How unusual is the example of the transformation of the Ottoman nation (*in-qilāb al-umma al-'uthmāniyya*) through an astonishingly peaceful revolution (*fī thaw-ratihā al-silmīyya al-'ajība*), when in similar cases in the past, blood flew in the rivers.

All this belongs to the wonders of natural science, despite its recentness, its narrow reach, its limited supply and the perseverance of old teachings. Where are [compared with that] the wonderous achievements of the godly science, stained as it is with blood? The unification of nations and languages, the spread of true humanity, fraternity [p. 49/50], and regarding the world as one homeland for humankind – none of this was accomplished through the latter [i.e., the godly] science, despite its claim to it. Nothing was accomplished through it but the “wonders” of war and sedition, one brother pitted against another – nothing will be accomplished and nothing is accomplished (*wa-lan yatimm ayḍan wa-lā yatimm*) except if the true sciences spread equally and the mysteries of nature are explained satisfactorily. [. . . p. 69/70]

Without natural science man would not have advanced to the stage of perceiving the truth, explaining mysteries and manufacturing artefacts (*al-maṣnūāt*). The miracles of all religions and their dreamlike fantasies were incapable of it. And not to mention the true social objective of this science, which is to regard man in every place a brother of man and call for the mutual forgiveness of people beyond the borders of one's homeland (*min fawq hudūd al-awṭān*). This to me is the high expectation for this science, the true religion of mankind (*dīn al-bashariyya al-ḥaqq*), and unattainable by any other body of teaching. It is nothing but tolerance (*al-tasāmuḥ aw al-tasāhul*), which calls for true solidarity that is germane to civilization, and is founded on knowledge of the truth and of duty, not on pity (*al-rifq*) or charity (*al-iḥsān*). [. . .]

Not long after I found myself subscribing to [belief in] the material world (*mād-dīyyat al-kawn*), I recognized the superiority of the scientific philosophy of evolution and transformation that is based [p. 70/71] on the principle of natural monism (*mabda' al-tawḥīd al-ṭabī'ī*) over and above all other schools of thought based on the principle of dualism (*mabda' al-tathniyya*), which claims that matter is essentially separate from the force that organizes it, in accordance with a preconceived objective. The universe, according to this latter [view], is a deliberate creation, and everything in it is created ac-



according to an objective held by the will of the creating force. Our knowledge, then, [according to this view], has no purpose other than ensuring that instances of creation abide by the plan/objective of this will, rather than the exigencies of the physical reality or any investigation of its natural causes. Should we be presented with a useless thing, such as vestigial organs that are of no use to living beings, we pause to establish its causes, and acknowledge our failure to grasp the purpose of this will, the essence of which is not graspable. With this acknowledgment, we refrain from searching for natural causes that may have triggered it [i.e., that useless thing]. By so doing, we twine knowledge to the chain of trust in the will of God (*quyūd al-tawakkul*) and make it sterile (*‘aqīman*).

We have explained that the doctrine of unplanned evolution based on the principle of natural unicity entices us to resort to the tools of research and examination and rely on ourselves, so that in front of us will open a space for knowledge (*al-‘ilm*) that is boundless. How remarkable are the fruits that follow from this regarding knowledge and how splendid the practical benefits. The empirical proof for this evident difference derives from the comparison of humans in these two states, not only concerning their sciences, but also concerning everything that is based upon these, such as their social conditions, as we mentioned previously.

The unifier (*al-muwahhid*) in nature, then, does not admit anything that is foreign to it [i.e. nature], whether acting upon it or being enacted by it, but rather it [i.e. the unifier] considers all occurrences that happen in it, with it, and to it [i.e. nature] as evolving from one another and as attributable to one another, never attaining an ultimate state and never fixed in one form; and survival is only envisaged for the whole (*al-baqā’ ghayr mutawaffar fihā illā li-l-kull*). This principle annihilates talk of an absolute power and of independent souls, to which we resort in our ignorance to explain all that is unclear to us, and it [i.e., this principle] leads us to search for the causes of unclear phenomena in nature itself.

# 32 Faraḥ Anṭūn and Muḥammad ‘Abduh: *A Debate on Secularity, Christianity and Islam (1902/03)*

Translated and introduced by Mohammad Magout

## Introduction

There is rarely a study of the debate between secularism and Islamism in the Arab world that does not mention the famous exchange between Faraḥ Anṭūn (1874–1922) – a Syrian Christian journalist based in Alexandria, Egypt – and Muḥammad ‘Abduh (1849–1905) – the Grand Mufti of Egypt – on the role of religion in the political and social spheres. Born in Tripoli (now in Lebanon), Anṭūn and his fellow Tripoli-native Rashīd Riḍā (1865–1935) left Ottoman Syria for Egypt in 1897, lured by the greater press freedom in the Khedivate of Egypt, then under British domination. Each one of them went to publish his own periodical: Anṭūn founded *al-Jāmi‘a* (The Bond), and Riḍā founded *al-Manār* (The Lighthouse), which rose to become the voice of Islamic reformism in the Muslim world. Riḍā collaborated with Muḥammad ‘Abduh, the most prominent thinker of the nascent movement of Islamic reformism, which saw a return to a ‘purer’ form of Islam and a greater role for religion in public life as key to modernization in the Muslim world. Anṭūn, on the other hand, similar to many of the Christian intelligentsia in Ottoman Syria of the time, was suspicious of the (traditional) clergy and viewed religious loyalties as a destructive social force. Both sides – secularists and Islamic reformists – frequently joined forces against the traditional political and religious elites, pushing for educational and social reform to catch up with what they perceived as the scientific, political, and social progress achieved in Europe. However, they diverged on the question of the public role of religion and eventually clashed, as evidenced in this debate.

It was Anṭūn’s 1902 essay in *al-Jāmi‘a* about the life and thought of the Andalusian philosopher Ibn Rushd (d. 1198, known in the West as Averroes) that sparked the exchange.<sup>I</sup> ‘Abduh reacted to a brief note appended to the essay titled “Persecution in Islam and Christianity”<sup>II</sup> that argued that Islam is less tolerant than Christianity towards science and philosophy because it combines religious with political rule. In Christian societies, Anṭūn claimed, the separation between civil and religious authority mandated by the biblical command “Render unto Caesar the things that are Caesar’s, and unto God the things that are God’s”, allowed political authority to protect science from religious intervention.

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I Faraḥ Anṭūn, “Tārīkh Ibn Rushd wa-Falsafatuhu,” *al-Jāmi‘a* 3, no. 8 (1902): 517–40.

II Ibid., 537–39.

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‘Abduh responded to Anṭūn’s claims with a series of six articles published in *al-Manār* from August to November in the same year, in which he rejected Anṭūn’s claims and presented a detailed comparison between the foundations of Islam and Christianity, emphasizing the nature of authority and their respective attitudes towards science. Anṭūn initially responded with an article in his own journal,<sup>III</sup> but then produced a monograph to refute ‘Abduh’s compelling criticisms. Published in 1903, *Ibn Rushd wa-Falsafatuhu* was considered by many as a bold move on the part of a relatively little-known journalist to engage with one of the intellectual giants of his era, but most, including Anṭūn’s ideological allies, deemed his arguments inferior to those of the “Master” (as ‘Abduh was customarily referred to by Anṭūn himself). Yet Anṭūn’s text is significant for being one of the first detailed and systematic attempts to justify the separation between religious and civil authority produced in Arabic. The exchange, moreover, set the stage for countless debates between secularists and Islamists in the Arab world over the course of the 20th century.

The translations presented below are excerpted from two of ‘Abduh’s articles in *al-Manār*<sup>IV</sup> and from Anṭūn’s book. They both deal with the nature of religious authority and its relationship to political authority in Christianity and Islam.

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Faraḥ Anṭūn, *Ibn Rushd wa-Falsafatuhu* (Alexandria: al-Jami’a, 1903); 160–72.

## Translation by Mohammad Magout

‘Abduh

[*al-Manār* 5, no. 11]

### [. . .] Separation between the two authorities in Christianity

There remains to discuss what *al-Jāmi’a* considered as the basis of the separation between religious and royal authorities that inclined the Christian religion to a more tolerant stance vis-à-vis science. Let us assume for the sake of argument that that phrase [“Render unto Caesar the things that are Caesar’s, and unto God the things that are God’s”] entails separation – as *al-Jāmi’a* and many others who resist religious authority claim. But what is the point of separation if the king’s own religion commands him to oppose science? Would not the king’s faith and what rules his soul (*wa-mā yamluk naf-*

III Faraḥ Anṭūn, “Radd Imām Jalīl,” *al-Jāmi’a* 3, no. 9 (1902): 626–39.

IV Footnotes by Rashīd Riḍā have been dropped from the translation.

*sah*) to salvation overpower the exigencies of governance (*maṭālib al-mulk*)? How many kings have sacrificed the interests of their kingdom for the authority of their faith? Suppose that the interests of rule were more dominant over the soul than the authority of creed and the might of faith and conscience; and suppose that religion established two separate authorities – one that rules in Heaven and on Earth in matters of religion, and another that rules on Earth on matters pertaining to the world (*dunyā*). Would not this separation lead to conflict between the two authorities with each trying to overcome the other in their overlapping jurisdictions? Would religious authority simply [surrender and] allow kings to manage (*tataşarraf fi*) the bodies, the possessions, and even the minds of its subjects as demanded by the interests of mortal rule when this management contradicts what is in the treasures of knowledge (*kanz al-ma'ārif*), that is, the holy books, the commentaries by spiritual leaders and their traditions (*sunan*)? And should it incline to oppose this arrangement, will the other party acquiesce? [p. 431/432] This is what has occurred in the Christian world since the emergence of religious authority.

How would it be possible for civil authority to overcome religious authority and keep it in check, when the latter derives its power from God and uses it to extend its sway into the depths of people's hearts, steering them as it pleases, when the king has no power except through those same people who are beholden to religious authority? The king is only able to overcome that power by taking all kinds of measures to weaken its authority. Yes, this separation would only facilitate tolerance, if those bodies under the king's rule could function separately and independently of the souls that animate them, and if the souls, on their part, could function without the bodies that carry them.

Furthermore, is this the true meaning of the biblical phrase? According to the Bible, a few hypocrites (*al-murā'īn*) hoped to trick Christ into making a mistake to slander him. They asked him if they were permitted to pay tribute to Caesar. He answered: why are you testing me (*tujarrībūnī*)? Bring me a coin to look at it, so they brought him one and he asked if they could recognize the images and the writing on the coin. They said that both were Caesar's. He responded: render unto Caesar what is Caesar's and unto God what is God's. Considered in its context, the anecdote implies that you are obliged to pay the owner of the currency you use, should he ask for a share of it, whereas your hearts and minds and everything that is from God and bears his mark (*'alayh ṭābi' ṣan'atih*) should not be given to Caesar at all. Science does not carry the mark of Caesar but the mark of God, hence science may be subjected only to religious, spiritual authority (*al-sulṭa al-rūḥāniya al-dīniyya*). How is this tolerance of science?

[*al-Manār* 5, no. 12]

[. . .] **The Fourth Foundation (*aşl*) of Islam  
Overthrowing religious authority (*Qalb al-Sulṭa al-Dīniyya*)**

I move now to another foundation of Islam – what an exalted foundation it is – namely eradicating religious authority and tearing it down. Islam demolished the structure of that authority and eradicated it so that nothing remained of it among Muslims, not a name or a trace. Except for God and the Prophet, Islam granted no one

authority over the beliefs of people or domination over their faith. The Prophet (peace be upon him) was a messenger and a reminder (*muballighan wa-mudhakkiran*), not a master or an overseer (*muhayminan wa-musayṭiran*). God says “Then remind them! Thou art only a reminder; thou art not charged to oversee them” [Q 88:21–22]. God has not even given the family [of the Prophet] authority to decide on any matter, whether in Heaven or on Earth. Faith frees the believer from masters of all types – for no one except God stands between him and God – and frees the believer from all manners of subjugation, except for servitude to Himself. No Muslim, however exalted or lowly his status in Islam, is entitled to any privilege other than the right to counsel and guide. God saves those who “counsel each other unto the truth, and counsel each other to be steadfast” [Q 103:3]. He also commands “Let there be one nation of you, calling to good, and bidding to honour, and forbidding dishonour; those are the prosperers” [Q 3:104] [p. 449/450]; and adds “but why should not a party of every section of them go forth, to become learned in religion, and to warn their people when they return to them, that haply they may beware?” [Q 9:122]. Muslims advise one another when they establish a nation that calls to the good, overseeing it, and steering it to the right path, if it deviates from it. This nation may do nothing but call and remind, warn and caution. Neither it nor any member of the public is to track the faults of anyone. It is not justifiable for anyone, strong or weak, to spy on the faith of others. No Muslim is required to learn his faith or to receive guidance on his actions from any source other than the Book of God and the Sunna of His Messenger (God’s blessing and peace be upon him). Each Muslim is to learn about God through His Book and about His Messenger from his own speeches, without intermediaries from early or later generations (*bi-dūn tawsīṭ aḥad min salaf wa-lā khalaf*). Before that, however, he has to attain the necessary tools to understand, such as the grammar of the Arabic language, its literatures and styles, the conditions of the Arabs – especially at the time of the mission of the Prophet and everyday life in the time of the Prophet (God’s blessing and peace be upon him) and what happened at the time of revelation – and something of the abrogating and the abrogated [rules] (*al-nāsikh wa-l-mansūkh*) from the traditions. If he is unable to attain what is necessary to comprehend the Sunna and the Qur’an properly, he has only to ask those who are knowledgeable about them. In fact, he should demand from the respondent to bring forth evidence for his responses, whether the question concerns a matter of belief or practice. Thus, there is absolutely no such thing in Islam as what some might call religious authority.

### **Authority (*al-sulṭān*) in Islam**

Islam, however, is religion and law (*dīn wa-sharʿ*) and hence it prescribes punishments (*ḥudūd*) and defines rights. Not everyone who appears to believe in a rule will abide by it in his own actions, as whims may prevail and lust may assume control, therefore truth will be denied and aggressors will transgress boundaries. There is no wisdom [p. 450/451] in issuing rules if there is no power to enforce punishments, execute the just ruling of the judge, and preserve the social system. This power cannot be

wielded chaotically by many parties; so it must be unified in one person, and that is the person of the sultan or the caliph.

The caliph for Muslims is not infallible. He neither receives revelation nor has an exclusive right to the interpretation of the Book and the Sunna. Yes, he is required to be a *mujtahid*<sup>I</sup> and be knowledgeable about the Arabic language and the other topics mentioned above, so that he can comprehend the rules he needs in the Book and the Sunna, and he can himself distinguish between right and wrong, between proper and corrupt, and implement justice as demanded by religion and the community (*umma*) alike.

Religion thus does not accord [the caliph] a special status for his knowledge of the Book and the rules, or elevate him to a higher rank. He is equal to other knowledge seekers, with no privilege except for clarity of mind and the ability to issue as many correct judgements as possible. He is to be obeyed as long as he follows the correct path and the way of the Book and the Sunna. Muslims are to remain vigilant, so that should he divert from the [correct] way, they will bring him back (to it). And should he become corrupt, they will set him straight with counsel and caution (*al-iḏhār*). “There is no obedience to any created being if it involves disobedience to Allah.”<sup>II</sup> Should he depart from the Book and the Sunna in his work, it is imperative that they replace him, unless replacing him produces greater harm than good [p. 451/452]. The community (*umma*) or its representatives are the one who appoint him and have rightful authority over him. They can remove him from office whenever they see fit. He is a civil ruler in all regards.

A rational person will not mistake the Muslim caliph for what the Europeans call ‘*tiyūkarātīk*’ [‘theocratic’]; that is, a divine ruler. For them, he is the only one entitled to receive law from God and holds the exclusive right (*ḥaqq al-athara*) to legislate. Obedience to him is demanded not on the basis of a pledge of allegiance (*bay'a*), which entails justice and the preservation of boundaries (*al-ḥawza*), but on the basis of faith. The faithful, for as long as they remain faithful, have no right to oppose him – even if they consider him as an enemy of God’s religion and witness with their own eyes deeds that are incompatible with what they know of their laws – because whatever the wielder of religious authority says or does is religion and law. So was the authority of the Church in the Middle Ages, which it claims to this day, as has been mentioned above.

One of the achievements of modern civilization is the separation between religious and civil authority, leaving it to the Church to preside over belief and practices pertaining to the relationship between the worshipper and his God, decreeing and abrogating whatever it sees fit, monitoring and holding accountable however it sees fit, and depriving and granting whatever it wills. Civil authority, on the other hand, is in charge of transactions (*mu'āmalāt*) among people, as well as matters concerning their

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I MM: *Ijtihād* in Islamic law is the application of independent reasoning to find a solution to a legal question. Mujtahid is the person who has the necessary expertise and knowledge to exercise *ijtihad*.

II MM: This is a hadith (saying) of the Prophet Muḥammad.

social system and their business, not their hereafter. They [Europeans] consider the separation as a greater good and accuse Islam, among others, of combining the two authorities in one person [p. 452/453]. They assume that in the opinion of Muslims the ruler is the decision-maker (*muqarrir*) in religion and the maker and enforcer of its laws, and that faith is an instrument in his hands to rule the hearts with submission and the minds with conviction. They think that the minds and the hearts of Muslims are nothing but possessions in the hands of the ruler, and deduce from it that the Muslim is a slave to his ruler by means of religion. Since religious authority in their case has been an enemy of science and a guardian of ignorance, they conclude that it is impossible for the Islamic religion to tolerate science, given that one of its founding principles is the religious imperative to establish [political] authority. It has become clear to you that this is all sheer falsehood and [stems from] ignorance of the meaning of that foundation of Islam. You have become aware that there is no religious authority in Islam except for the authority of good counsel, exhortation to the good and abnegation of evil, which is an authority assigned by God to the humblest of Muslims to chide his highest superiors as much as He assigned it to the most superior to discipline his inferiors. On that basis, *al-Jāmi'a* should be aware that the notion of authority in the religion of Islam does not make it intolerant or unwilling to tolerate science. We have mentioned above how Abbasid, Umayyad, and Andalusian caliphs supported science and scientists. To another point that they raise, namely that religious authority rests, if not with the caliph, then with judges, muftis or the Shaykh al-Islam, I say that Islam has not granted any of them the slightest authority over belief or legislation. Every authority wielded by any of them is a civil authority assigned by Islamic law. None of them is entitled to adjudicate the faith or the practice of people or to challenge their beliefs.

### **Anṭūn**

#### **[*Ibn Rushd wa-Falsafatuhu*]**

[. . .] Having proven that no country can achieve tolerance – the kind of tolerance described above that produced the current civil culture (*al-tamaddun al-madani*) in Europe, the only true tolerance – without separating religious authority from civil authority (*faṣl al-sulṭa al-dīniyya 'an al-sulṭa al-madaniyya*), we move to the Master's (*al-ustādh*) objection to this chapter [. . .]. He wonders how it [i.e., separation] may come to be since, first the ruler will have to disentangle himself from his own religion; secondly, the bodies administered by the ruler are also inhabited by souls that are administered by religious leaders; and third, the verse (*āya*) “render unto Caesar what is Caesar's and unto God what is God's” does not imply separation between the two authorities.

We will first respond to the [objection regarding the correct] meaning of the verse by saying that we do not intervene in its interpretation, as it does not pertain to our discussion. Our point is that European kings and nations have forced religious

leaders to separate civil and temporal authorities [sic]<sup>III</sup> by means of this verse and another verse, namely “my kingdom is not of this world”. On the one hand, the leaders of the Christian religion were defending their authority by saying the same thing as the Master, that such separation is impossible and an innovation (*bid'ā*). Pope Leo XIII is still saying to this day – in every public official proclamation he issues to nations around the world – that depriving him of civil authority degrades and debases religion. The Master, thus, is in agreement with the leaders of the Christian religion because he interprets the verse in the same vein. Kings and philosophers, the soldiers of civil authority, on the other hand, interpret it to mandate separation, which is the opinion of the philosopher Renan as we have reported it in *Tārīkh al-Masīh*.<sup>IV</sup> Regardless, the actual occurrence of this separation and its persistence until today – and forever – clearly shows that the power of truth and the truth of interpretation are on the side of the supporters of separation. [p. 160/161]

Let us grant that the Christian religion itself prescribes the unification of these two authorities and that the Master and the [Christian] religious leaders have interpreted the verse correctly – what will be the outcome? What will be the outcome if peoples and advanced nations realized that the domination of religious authority over civil authority weakens both and leads to the decline of the nations under their rule for the five reasons mentioned earlier?<sup>V</sup> Will not the advanced nations – once they realize their true interest – rise up to separate these two authorities with force, even if it violates [the rules of] religion? It is better, therefore, to interpret what could be interpreted in books in accordance with separating religion. Otherwise, religion, which God has ordained for the good of humanity, will become an obstacle to civilization.

Consequently, we agree without any further investigation or discussion with anyone who says every scripture includes verses permitting the separation of civil from religious authority.

This is what we say about “give to Caesar what is Caesar’s”, that is, we abide by the rule that we have set earlier that scripture must only be interpreted to derive virtues. Now we proceed to the other two objections by the Master: first, his statement that even with separation between the two authorities, the ruler cannot detach himself from his religion; and second, his claim that separation is not possible when the bodies administered by the ruler are inhabited by souls administered by the clergy.

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III MM: In the original: “al-sulṭa al-madaniyya wa-l-sulṭa al-zamāniyya,” which is almost certainly an error. Anṭūn most likely intended to say “al-sulṭa al-dīniyya wa-l-zamāniyya” (religious and temporal authorities).

IV MM: *Tārīkh al-Masīh* is the title of Anṭūn’s translation of Ernest Renan’s popular book *Life of Jesus* (*Vie de Jésus*, 1863).

V MM: Earlier in his book (p. 151–60), Anṭūn lists five main justifications for separating civil from religious authority: freedom of thought; individual equality; religions are meant for the hereafter only; weakness caused by combining the two authorities; and the impossibility of religious unity.



Our answer to the first objection is that the job of a king is to serve a nation, not to possess it. Therefore, his authority is checked by consultative councils composed of wisemen from various strata of the kingdom. Whenever the king seeks to deviate from the path of justice and absolute equality and favor one group over another or one confession over another, he should find the counsellors standing steadfastly in his face like a wall blocking him from harming a group of his subjects. In fact, we would be wrong to identify such councils as ‘consultative councils’ – a common mistake. The proper name for them is ‘directive’ not ‘consultative’ councils. ‘Consultation’ implies that the king consults with his men, but ultimately he has the right to hold on to his opinion and execute it irrespective of their opinions. The representative councils of Europe, on the other hand, *which are based on true tolerance and true justice*,<sup>VI</sup> issue laws that are to be enforced *with the approval of the king*. In other words, the king has no right [p. 161/162] to revoke the laws decreed by the representatives of the nation. He is, indeed, the first one to be subjected to them. If a king disagrees with a specific law passed by the councils, he has no right other than to return it to be reconsidered once, twice, and a final third time. Should the councils insist on it, he will only have two options: either yield to the will of the representatives of the nation and accept the law or dissolve the councils and call for new elections, which is to resort to the will of the nation. In both cases, then, the nation is a higher authority overseeing the king and the councils, and his will is limited by theirs, as they are above him. This is the meaning of *a constitutional government* and a *constitutional monarchy* – the form of government in all of Europe except Russia, which is understandable given that only half of Russia is in Europe and the other half is in the Orient.

If this is the status of the king relative to the nation in this era – i.e., he is exiled in his own country as the European proverb goes – the king’s religion is irrelevant, because his will is checked by the will of the nation so that he cannot implement or block anything (of its internal politics) without the approval of the representatives of the nation. If he had any liberty in his position, it would be in foreign affairs only. Furthermore, this supplemental liberty exists for a legitimate reason, namely, the necessity for secrecy and caution in [the conduct of] foreign affairs, for which deliberation in representative councils is not appropriate. Nevertheless, any action by the king in the realm of foreign affairs, secret or public, is neither effective nor official until it is submitted to the representative councils for deliberation. At any rate, the king is a servant of the nation, while the true king is the nation with an efficacious will. This is another advantage to separation between religious and civil authority, for religious authority cannot be subordinated to the will of the people in the same way. How can the pope, for example, be bound by such limitations when he considers himself to be God’s representative on Earth with authority that stems from God and not

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VI MM: Angle brackets in the original text function both as quotation marks and to highlight a phrase. In the latter cases, the text has been italicized in the translation.

from the people? Authority that does not derive from the people may rightfully reject oversight, even if it has acquiesced to a degree of it.

Should a person claim that the above applies only to Christian not to Islamic religious leaders because the authority of the latter derives not from God but from the people as a pledge of allegiance (*mubāya‘a*), we would counter that the pledge of allegiance is itself a form of election. Popes, patriarchs, and bishops are after all appointed through elections. The only difference between the two is that in Islam, the people elect the caliph, whereas it falls to the elite to do so in Christianity. In fact, Christianity too [p. 162/163] relies on the people [to elect a leader], as is the case with the election of patriarchs in the East. [. . . p. 163–165 . . .]

Islamic spiritual authority and Christian spiritual authority share a common source and are of the same nature albeit with different terminologies. No religious government can be established on Earth without them. Therefore, the authority of the king who combines civil with religious authority cannot be placed under those civil limitations that preserve *the rights of the human being as a human being* and *the rights of the nation as a nation*. In fact, the king who possesses both civil and religious authority is always above human rights (*ḥuqūq al-insān*) and above the nation, because he is God’s viceroy who mediates between God and his people. Even if it is denied [that the king is above his people in this case], then it is only denied in word but not in deed. This is different from the case of a civil king, i.e., a constitutional king who is subordinate to his people in deed on many levels, even if it is said otherwise, for he is no more than one among them whom they have selected to implement their will. His religious counterpart, on the other hand, is selected by God – through the medium of the nation – to enforce His will.

On that basis, whenever religion is separated from civil authority in a nation, the head of this authority (that is, the king) can belong to any religion (Islam, Christianity, Buddhism, or paganism), and it would have no effect whatsoever on the affairs of state, given that authority lies with the nation and not with the king. This is not the case when civil authority is combined with religious authority.

This is our response to the first objection raised by the Master. And our summary response to his second objection follows.

The Master says that separation [between the two authorities] is impossible because the bodies administered by the ruler are the same bodies that are inhabited by souls administered by the clergy. Hence, a conflict between the two authorities [p. 165/166] is inevitable should they be separated. To counter this objection, we begin with an introductory remark.

If religious authority is combined with civil authority, which of the two calls for separation? There is no doubt that civil authority will demand it for its people to enjoy civil liberties. Religious authority, on the other hand, does not demand it, because with separation it loses its influence and power. Thus, whenever separation has taken place, it has been imposed on religious authority against its will. It is, in other words, subordi-

nated. Civil authority is above religious authority in states because the interests of humanity in general take priority over the interests of a particular subset of it.

Whenever civil authority is given precedence over religious authority, the latter easily remains within the set boundaries as it seeks to avoid retribution. This is observed in Ottoman territories, where the Christian clergy is in complete submission to the Ottoman government and does not come into conflict with the governing civil authority. Conflict can be seen in countries such as France, where the clergy is inclined to intervene in state affairs to the benefit of the monarchy against the republican government. In such a case, the clergy acts as a deposed king demanding to regain authority. The civil government is allowed to exert pressure on religious authority to force it back to its proper domain, provided it refrains from oppression and humiliation, which would be counterproductive. Except for such instances, civil authority does not intervene in religious affairs. It would not be a just government otherwise. For this reason, Cavour, the leader of Italy's reunification – as Bismarck led Germany's reunification – regularly declared before conquering Rome and removing the pope from any temporal authority that “the aim of Italy in conquering Rome is to make the Church free under a free state.”. It is as if civil and religious authorities become after their separation two sisters that respect the rights of one another absolutely. As long as the two sisters are sincere and upright, no conflict will ever arise between the two and each will keep to its own domain. This is why we do not hear of conflict between the church and the state in the republic of the United States, where the land is new and virgin; the people are new and energetic; liberty has not aged yet; and parties are less prone to disagreement and bickering.

We refute the statement that separation is difficult because the bodies administered by the ruler are inhabited by souls administered by the clergy by recalling the definition of government [p. 166/167 . . .] The purpose of government is not to administer a body or a soul. Its function is negative not positive, which is merely to “protect personal liberty”. This is the original function of government. No other function may be considered. It is well known among philosophers and sociologists that the best service a government can render to its subjects is to minimize – as much as possible – interference in their affairs. It was not founded to act as a merchant, a craftsman, an administrator, or a teacher of rights and obligations. Its first function is “the protection of personal liberty” as we have mentioned. The only limit on the liberty of a person, as the fourth article of ‘Human Rights’<sup>VII</sup> states, is the liberty of another person. Thus, everyone is free to do whatever under the sky they wish, say whatever they wish, and believe whatever they wish, provided that their liberty does not harm the liberty of another person. [ . . . ]

In this vein, religious authority will be violating the sanctity of every constitution and system and infringing upon the conditions of the separation it concluded with civil authority, if it claims that this or that liberty – or anything else allowed by the

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VII MM: He means *The Declaration of the Rights of Man and of the Citizen* of the French Revolution.

constitution of the civil authority – harms religious authority or contradicts its principles. This is because such a declaration aims at nothing other than aggression against others and gaining the upper hand over civil authority. Civil authority will in such a case stand up to religious authority and declare: this matter does not concern you [p. 167/168] and you do not have the right to intervene in it because we have separated only so that I have absolute jurisdiction over the laws that I put forth, and you have absolute jurisdiction over yours. Your complaint is a violation of my rights. When the Master calls it a dispute over authority or a dispute over souls and bodies, then his eminence is among those who reject this separation in absolute terms, or put differently, he wants it in word but maintain the connection between the two authorities in deed. We, on the other hand, are more amenable to an explicit connection than to an empty separation in word without deeds, because we may not call it separation unless civil authority is given precedence and authority *within the limits prescribed by the constitution* over religious authority. There is nothing strange about this statement, given that the *constitution* is above both government and king, and its status is inferior to none except for the will of the nation, from which it was spawned.

Yet we must admit that we do not properly understand the meaning intended by the Master in his statement regarding the conflict between civil and religious authority over bodies and souls. We have considered this statement from various perspectives in order to grasp it, and we have concluded the following: no person in a nation can do without the clergy, which leads to the civil authority laying claim to a person’s body and the religious authority doing the same for their soul. If this is the Master’s intended meaning, then our views are far apart! We believe a nation’s elite can easily do without a clergy, as it can worship God directly without an intermediary. Whenever a man with a refined mind and an intelligent heart sees the majesty of the morning light, the beauty of nightfall, the flourishing of a plant, the singing of a bird, the sun shining over dewdrops on tree leaves – whenever he sees any of these, he praises God for His grace and His blessings, which is one of the best forms of worship. We do not claim that this is the only way to worship, because collective worship in churches and mosques, i.e., praying there in a group is of great beauty and majesty and move every soul that is truly aware of the Creator, provided this worship is undertaken in sobriety, reverence, and good manners. However, we insist that the elite of the nation, those with refined minds and souls, may dispense with attending the mosque or the church and consulting with the priest or the sheikh or praying behind them, since they are guided by a cultured mind and a natural simple heart. According to [Abū al-‘Alā’] al-Ma‘arrī [(d. 1057)], these are the best guides. Their church or their mosque is the vast, majestic nature created by God, which is greater than any mosque or church. As long as the elite of the nation do not rely on others for administering their souls, given that they can do it themselves, half of the argument of our Master is already refuted, which leaves [p. 168/169] only the souls of the common people in need for guidance and refinement. To refute the second half of his argument, we argue that in our time, socialist principles have, unfortunately, greater sway over the common people

than religious principles. This is so because religious principles promise happiness and felicity in the hereafter, whereas socialist principles promise happiness in this world – and human beings are invariably predisposed to immediate gratification – by convincing them that the wealth of the rich is nothing but deposits for the poor and that a day will come when the rich and the poor will be equal, as business owners will share their profits with workers. Consequently, there are strikes and disputes between workers and capital owners in Europe, where socialism has advanced to the extent that the wealthy and the royalty now fear for the future of their wealth and positions. The most fearful king of all is Emperor Wilhelm [II], who does not spare any effort to counter socialism, relying on religion and the clergy. Therefore, he constantly reiterates in his speeches that a nation that does not rely on God and religion is a nation without a future.

Consequently, two things become clear. First, science has deprived the clergy of the souls of the elite, and socialist principles have deprived them or are depriving them of the souls of common people, thanks to the misconduct of the clergy and the greed of business owners. What remains of this conflict between the two authorities over bodies and souls, if the souls of both the elite and the common people are no longer enthralled by religion? Second, kings and [religious] leaders in Europe have reverted to using religion in their public affairs not to administer the souls of their subjects but to fight socialist and republican principles, because of which they fear for their positions. If religion has any significance in the palaces of European kings – those kings who defy every single line of their Bible by their actions – it is for this purpose. We have no doubt that religion loses much of its dignity and efficacy when deployed as an instrument of private interest and not for its own sake or for the sake of its sublime virtues. [. . . p. 169/170]

Religion in Europe today is nothing but an instrument, but we shall not under any circumstances generalize this proposition. What we have in mind here is religion that is associated with governments and inhabits royal palaces. The religion found in the huts of the poor and the houses of the exploited and middle classes, on the other hand, commands our greatest respect. This is the religion of humanity regardless of its content. Whichever religion provides solace to human beings in their suffering on this earth, eases the struggles of life, urges them towards virtue, and teaches them forgiveness and beneficence – even toward enemies – is a religion of humanity, be it Islamic, Christian, or Buddhist. This type of religion is among the needs of the human *heart* and will persist in the world for as long as human beings remain human, unless the clergy propel them to socialism by their misconduct and mismanagement. [. . . p. 170/171]

Should someone respond that what has happened and continues to happen with Christianity will not happen in Islam, because with the latter religion can be inserted in everything and used for every purpose without suffering from any of these grave consequences, we will point out that this proposition is sheer speculation. The philosopher Tolstoy said in an interview with the newspaper *al-Ṭān*<sup>VIII</sup> in this month that

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VIII MM: Probably, the Parisian daily *Le Temps* (1862–1943).

nothing has harmed Jews more than the conviction that their religion is superior to all others and that they are God’s chosen people to whom all other nations should submit and adopt its religion. This conviction makes it see perfection in itself and inferiority in others. Whenever someone believes in such an idea, he will hold all else in disdain and erect high walls to separate himself from the rest of humanity. As long as he who believes in such an idea is strong and invincible and as long as he enjoys glory and might, there is little harm to him from this belief; except if it pushes him to surrender and take refuge behind its own walls, as discussed by the esteemed scholar Ibn Khaldūn in his *Muqaddima*<sup>IX</sup> and evidenced in the empire of Napoleon III. However, should he who believes in such an idea lose his glory and might but hang on to his belief, it [religion] will become an empty shell that will hinder his progress and transformation. We know many sages from among our Muslim and Christian brothers who are fully aware of their rights and obligations and have no interest in pretension or flattery, who have no concern but to fight these diseases that afflict all inclination to progress in a nation. One of these esteemed sages, who are the worthiest exemplars of the Egyptian nation, is the diligent and courageous scholar Qāsim Amīn [(1863–1908)], author of *The Liberation of Women* and *The New Woman*,<sup>X</sup> who wrote in the final chapter of the latter book that “human perfection lies ahead of humanity not behind it.”<sup>XI</sup> Humans are one race and one species and share similar virtues and vices. The same applies to religion – which comes from one source; that is, God – and its different denominations, which share similar ways and methods. Each offers something to the elite (*al-khāṣṣa*) and other things to the common people (*al-‘amma*). What is offered to the elite in one denomination is also found in the others, and the same applies to what is offered to the common people. The claim that one of them does not experience what the others do under the same conditions and circumstances would make the philosopher chuckle, no matter how much the clergy insisted on it, because the philosopher judges religions on the basis of their history and their records.

Based on the above, we believe that the reader is convinced that the religion of the king and his personal whims have no bearing on the condition of his kingdom, as long as his authority is civil and constitutional. There is no fear [p. 171/172] of a conflict between the two authorities over the bodies and the souls of the nation as long as civil authority is granted precedence over religious authority *within the limits prescribed by the constitution*. Should religion insist on intervening in the affairs of civil authority to administer souls in whatever manner it sees fit in support of this authority, it will become an instrument used for the benefit of others. And instruments, no matter what, are of a lowly nature, because they always serve, and they are never served.

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IX MM: See text no. 9.

X MM: Qāsim Amīn, *The Liberation of Women and The New Woman: Two documents in the History of Egyptian Feminism*, trans. Samiha Sidhom Peterson (Cairo: The American University of Cairo Press, 2000).

XI MM: This is a paraphrase, not a verbatim quote of Amīn.

# 33 Rafīq al-‘Aẓm: *The Weakness of Muslims* (1904)

Translated and introduced by Florian Zemmin

## Introduction

Rafīq al-‘Aẓm (1865–1925) was a Syrian intellectual best known for his historical and sociological writings.<sup>I</sup> He hailed from an aristocratic Syrian family that had long enjoyed high-ranking offices in the Ottoman administration. Al-‘Aẓm was a close collaborator of Rashīd Riḍā (1865–1935), editor of the journal *al-Manār*, the mouthpiece of Islamic reformism in the Arabic world. At the same time, he published in a variety of other venues, including *al-Siyāsa*, the journal associated with the aristocratic Party of Liberal Constitutionalists. Riḍā, who in 1925 published al-‘Aẓm’s collected works and praised him in an extensive eulogy, was perhaps trying to align al-‘Aẓm still closer with his own views. Overall, al-‘Aẓm represented a rather explicit secular(ist) perspective within the spectrum of Islamic reformism.

This is evident in his articles published in *al-Manār* in 1904, in which al-‘Aẓm anticipates the argument for the separation of religion and politics that ‘Alī ‘Abd al-Rāziq (1888–1966) became (in)famous for in 1925 (see text no. 34), with the caveat that al-‘Aẓm’s short contribution was based on historical rather than theological premises. Still, it is remarkable, that Riḍā, who severely attacked ‘Abd al-Rāziq’s book in 1925, had published al-‘Aẓm’s article in his own journal. Then again, al-‘Aẓm was instantly criticized in *al-Manār* itself, by Ṣāliḥ bin ‘Alī al-Yāfi‘ī, who was to become a member of India’s Khilafat movement. Al-Yāfi‘ī turned the table on al-‘Aẓm, arguing that it is not the mixing of religion with politics but the lack of true religion as a basis for politics that has caused the alleged weakness of Muslim nations. This led to a response by al-‘Aẓm and another reply by al-Yāfi‘ī, each refining his arguments.<sup>II</sup> It should be mentioned that al-‘Aẓm did not consistently deny Islamic principles to government and in an article published posthumously in *al-Manār* even conceptualized an Islamic form

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I On al-‘Aẓm and particular his sociological and secular perspective, see Florian Zemmin, “Validating Secularity in Islam: The Sociological Perspective of the Muslim Intellectual Rafīq al-‘Aẓm (1865–1925),” *Historical Social Research*; special issue on Islamicate Secularities 44, no. 3 (2019): 74–100; for an extensive biography and presentation of al-‘Aẓm’s work, see al-Baṭūsh, Bassām ‘Abd al-Salām, *Rafīq al-‘Aẓm: Mufakkiran wa-Musliḥan; Dirāsa fī Fikrihi wa-Dawrihi fī al-Ḥaraka al-Isḫlāḥiyya al-‘Arabiyya*, (Amman: Dar Kunuz al-Misriyya, 2007).

II For a summary of this debate, see Florian Zemmin, *Modernity in Islamic Tradition: The Concept of ‘Society’ in the Journal al-Manar (Cairo, 1898–1940)*, (Berlin: De Gruyter, 2018), 311–25.

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of government.<sup>III</sup> Such equivocations notwithstanding, there remains his remarkably early argument for secularism on Islamic grounds. While this was expressed already clearly in his initial article that sparked the mentioned debate,<sup>IV</sup> I here translate al-'Az̄m's response to al-Yāfiī, where he elaborates on his arguments.

## Bibliographical Information

Rafiq al-'Az̄m, "Ḍa'f al-Muslimīn bi-mazj al-siyāsa bi-l-dīn," *al-Manār* 7, no. 17 (1904): 660–67.

## Translation by Florian Zemmin

### The Weakness of Muslims is Due to the Mixing of Politics With Religion (*mazj al-siyāsa bi-l-dīn*): Response of Rafiq Bey al-'Az̄m to Shaykh Šāliḥ Bin 'Alī al-Yāfiī

In my article "This is the Time of Warning (Hadhā Awān al-'Ibar)", published in *al-Manār*, I investigated the backwardness (*taqaḥqur*) of Muslims and its reason. Based on premises that I had presented, I found that the despotism of the government (*istib-dād al-ḥukūma*) is the cause of this comprehensive weakness which makes Muslims suffer and subordinates them to other nations. I said that it was the mixing of politics with religion that lulled them into [accepting] the despotism of rulers and undermined their hope in political life. This mixing led to the caliphs' monopolization of authority and control over all affairs of governance, to the extent that Islamic government turned absolutist, the fire that consumes empires and annihilates peoples' lives. If Arabs, when forming a state, had realized that political life is distinct from religious life (*al-ḥayāt al-siyāsiyya ḡhayr al-ḥayāt al-dīniyya*) and had founded [p. 660/661] this great power [of theirs] on the basis of democratic rule like their neighbours the Romans, then the plague of despotism would not have run amok in the Islamic state.

Since I only summarized most of my premises to attend to the consequences of absolute rule, they [seem to have] remained ambiguous to the distinguished Indian author of the article "The Weakness of Muslims and Its Remedy (Ḍa'f al-Muslimīn wa-'Ilā-juhu)". For he presented my argument in a way that I had not intended and wrote a lengthy refutation in *al-Manār*. In his article, he presented his views about the disease and its remedy in a manner that demonstrated command of the affairs of the Muslims and unmatched knowledge about them. Yet, he objected to some of my premises in the

III Rafiq al-'Az̄m, "al-Ḥukūma al-Islāmiyya," *al-Manār* 26, no. 7 (1926): 512–22.

IV Rafiq al-'Az̄m, "Hadhā Awān al-'Ibar," *al-Manār* 7, no. 7–8 (1904): 269–71, 304–12.



manner of someone who misunderstood their intended meaning. Thus, he set out to enumerate the virtues of the Islamic religion and its suitability for the progress of Muslims – as if he supposes that by arguing that politics is distinct from religion, I call on Muslims to abandon religion or maintain that Islam is not amenable to the progress of the nation (*al-umma*). God forbid that any Muslim with a speck of knowledge about the truth of Islam and any sense of Islamic history should make such an argument. In order to remove any doubt that he may harbour and to rectify his superficial reading of my argument, I – with all due respect to his strong dedication and his sound intention – wish to dispute some of the premises forwarded in his article “The Weakness of Muslims and Its Remedy”. This in order to clarify the truth and elucidate the true meaning [of my words]. So, I say:

In his first premise concerning the reasons of Muslim backwardness, he submits that the main and principal reason was that those who were unworthy of the caliphate seized it from those who were worthy and turned it into unjust rule availed with the might of the sword. The second reason [according to him] is that Muslims shunned (*nabadha*) the Book and the Sunna and split into different religious groups.

As to the second reason, it is incontestable, and the esteemed author presented it in an adequate manner, expressing what troubles the hearts and minds of the intellectuals in our community (*al-‘uqalā’ min al-umma*). Only haughty or ignorant persons can deny the significance of this factor to the downfall (*tadallī*) of Muslims. We certainly do not object to him, but agree with him here, and I have argued this extensively in many chapters of my books *Ashhar Mashāhīr al-Islām* and *Tanbīh al-Afhām*, to which the reader may refer, should they so wish.

As to the first reason,<sup>1</sup> our honourable brother made it fundamental. Yet, in truth it results from premises (*muqaddimāt*) as well as reasons, and had he heeded these, he would not have disagreed with my view. This becomes clear from the fact that I based my argument for Muslim backwardness on three issues: despotism, form of government, and the Muslims’ mixing of religious life with political life. This last point is divided into two parts, namely: form of government and despotism. The wellspring of despotism is absolute rule, and the latter’s origin is in the caliphs’ monopolization [p. 661/662] of power (*isti’tihār al-sulṭa al-‘amma*) in the name of religion, because they considered the political life of the community to be religious. Our distinguished Indian brother agrees with me when he places the first reason above the second, that is despotism. However, he denies that it originates from the mixing of politics with religion, and opines that the origin of despotism lies in the fact that power-thirsty persons who were not entitled to the caliphate overpowered those entitled to it and dispersed them in all corners of the earth. Thus, the caliphate was seized in a violent act and not through the selection of qualified leaders of the community (*ahl al-ḥall wa-l-‘aqd*). After seizing it by the sword, they turned it into unjust rule, and they fared with this power as selfish and

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I FZ: The original erroneously states again “the second reason”.

arrogant people do. They derailed it from the path sanctioned by religion (*ṭarīq al-shar'*) and instead selected ignorant and corrupt leaders. This opinion of his implies that had the caliphate still been [the result] of selection by qualified leaders of the community and entrusted to the qualified [people] whom the distinguished writer has in mind, then the calamities of despotism would not have befallen the community and weakness would not have overtaken the Islamic nations. Since he agreed with this premise of ours, he should have investigated the reason for which the caliphate had fallen to unqualified people and [should have] explained the path that would ensure that it [i.e., the caliphate] remained as the early caliphs had left it, the product of truth and justice, so that those thirsting for power and striving to pounce upon the caliphate would be prevented from violating its sanctity and overpowering those who are qualified and worthier of it. And he ought to have seen that which caused oppression to settle in the office of the caliphate from the time of the third caliph (may God be pleased with him) who was besieged by the storms of seditions and overpowered by usurpers. This came to be the first in a series of schisms and internal struggles that brought misfortune upon the community and gave it a taste for the despotism of rulers, whence it [i.e., the community] ended up in the disgraceful state we observe today with our own eyes.

Had the honourable author considered the reason [sparking this development] and studied this investigation [of mine] closely, then he would have known that I did not deviate from this view and did not address the basis (*aṣl*) of the shari'a, which according to him, would have safeguarded the community from injustice (*jawr*) only if the caliphs had remained loyal to it. This truth cannot be doubted. My article then, did not revolve around this [truth] but rather around the foundation upon which the pillars of state ought to be laid which guarantees the fidelity of the rulers to the principle of justice and to the instructions (*awāmīr*) of the shari'a, and curbs transgressors by the law. This very basis that in this age is known as the constitutional order (*al-nizām al-asāsī*), and upon which democratic states (*al-duwal al-shūriyya*) and parliamentary governments are erected, and in the absence of which parliamentary rule (*al-ḥukm al-niyābī*) will not persist.

It is this order which guarantees the implementation of religious and positive laws (*al-qawānīn al-shar'iyya wa-l-waḍ'iyya*) and grants to people [p. 662/663] the right to steer the government and to participate in it with their views. It [i.e., this order] limits the authority of rulers in a manner that prevents them from governing nations according to their whims, and from becoming masters with the people as their lackeys. It is this order which allowed the nations of the West to rise to the height of strength, glory, and domination over the earth. It made Japan leave its shameful pit and join the ranks of the great nations that hold strength and power. This is what I meant by the political life of nations and it being distinct from religious life. I said: By misconstruing political life as a form of religious life, the Arabs paved the way for their rulers to monopolize power/authority in the name of religion, to rule arbitrarily and according to their whim instead of the interest of the nation and that of religion (*maṣlaḥat al-umma wa-l-shar'*). If our distinguished brother is under the delusion that

this [political] life is not a good and happy one unless coated by religion, then what is his view on the Japanese, who are pagans?

The distinguished Indian author finds my argument strange that the Arabs failed to do as their closest neighbours, namely the Romans, in establishing the laws of the state or the principles of government with a constitutional character, such as in a republic, or a consulship, or limited rule. He presents as outrageous my argument that religion should be left on the one side and politics on the other, to the extent that the reader imagines I am calling for a new sect (*niḥla*), so remote from religion and the truth that no one would respond to it, even if I summon my people to Judgment Day. It is supported by him saying, after a long exposition, that, calling them (meaning the Muslims) to their true religion is more useful for their ailment, etc. It proves the extent to which he doubts me. I ask God to pardon both him and me [for our mistakes], as long as we both aspire to the truth and to providing good counsel. However, the discussant misunderstood the central points of my words, which he misrepresented. So perhaps now I can clarify it for him, clarify that my argument concerned [not religion as such, but] the constitutional form of the state, and convince the distinguished writer that by the separation of politics from religion I did not have in mind the abandonment of religious rules or teachings. Rather, I mean that the basic institutions of states should abide by interest and depend upon individual reason. They [i.e., these institutions] are not an inseparable part of religion. And to express the truth evidenced by revelation and by reason, I summarize here what I wrote at the beginning of the first part of [my book] *Ashhar Mashāhīr al-Islām* where I dealt with the caliphate of Abū Bakr<sup>II</sup> (may God be pleased with him), and I will elaborate on that which remained obscure concerning this important issue. So, I say:

The task of prophets is to propagate divine rules (*tablīgh al-sharāʿi*), to lay down the bases of the call (*waḍʿ uṣūl al-daʿwa*) and organize them (*taqrīruhā*) in a manner [p. 663/664] that guarantees the felicity of people. Since these laws have to remain among his people after the passing of the prophet to arbitrate between them in justice, a successor is necessary. So, his [i.e., this successor's] task was a worldly one (*wazīfatahu duniyawiyya*), pertaining to the implementation of the rules of the shari'a that guarantee the protection of security, peace and rights. The task of the prophet [in turn] is a religious one (*wazīfat al-rasūl dīniyya*), pertaining to the declaration of religion and the organization of the principles of the shari'a (*taqrīr uṣūl al-sharī'a*). For this reason, our Prophet Muhammad (pbuh), before departing from this world and ascending to the heavens did not leave his successorship (*al-khilāfa*) to anyone, except that he appointed Abū Bakr (may God be pleased with him) as his successor in [leading] the prayer, which is a pillar of religion. Afterwards, the Companions approved of him [i.e., Abū

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II FZ: Abū Bakr succeeded Muhammad in 632 as the first head of the nascent community of Islam in Medina until his death in 634.

Bakr] as a worldly leader (*ra'īsan li-l-dunyā*). This is evidenced by 'Alī's<sup>III</sup> (may God be pleased with him) dictum: "The Messenger of God approved of him for [leading] our religion, so shall we not approve of him for [leading] our world [?]" This unequivocally demonstrates that the state is distinct from religion (*al-dawla ghayr al-dīn*). And it is self-evident that laws, whether religious or positive, require someone to implement them. This implementor is the state; and the first head of state in Islam was Abū Bakr (may God be pleased with him). Abū Bakr was even a head of state by necessity, since Islam has laws that require implementation. The Messenger of God (peace be upon him) did not found a state, rather, he enacted a law (*sharā'a shar'an*) and united the people in religion. In order to preserve and implement revelation, one has to choose the procedure that guarantees its establishment and sublimates its followers (*yu'azziz ahlahu*). There is no specific stipulation (*naṣṣ bi-'aynihi*) that explicates the manner in which a state shall be founded (*kayfiyyat ta'sīs al-dawla*). If the people settle on the right foundation, they will benefit, and if they make a mistake, they have only themselves to blame. The revealed law (*al-shar'*) does not demand a republican state, nor an absolute one or a limited one. Rather, it demands that they act in accordance with its rules (*yuṭālibuhum bi-l-'amal bi-aḥkāmihī*) and strive to enact these rules and to protect them from misuse and neglect. They are required to choose the type of government that vouches for procedures in accordance with revelation (*al-'amal bi-l-shar'*). Which government, then, would be better for Muslims, and for all mankind than a parliamentary government, by which all the people vouch collectively for the integrity of the law, whether civil or religious (*al-qānūn aw al-shar'*).

This is one premise. Another one is that revelation consists of two parts: one that pertains to religion, and this is the practice of piety (*al-'ibādāt*), and another that pertains to the world, and this is the part of interaction and exchange among people (*al-mu'āmalāt*). The part pertaining to religion consists of definite statements about which there is no independent reasoning. The Qur'an and the Sunna clearly instruct the people about it [i.e., this part and the rules it contains]. Who differs from it is punished and who heeds it is rewarded [by God].

The part pertaining to the world regards interactions among people. Its rules comprise rights and sanctions, including retributions and punishments. So, some rules of this section are fixed, and some are subject to independent reasoning (*ijtihād*), and these are the majority. The meaning of *ijtihād*, as everyone knows, is to establish fixed rules in the face of variable conditions that change [p. 664/665] with the passage of time and differ with the diversity of interests. If the Lawgiver, then, has permitted *ijtihād* in this worldly part (*dunyawi*) pertaining to the societal interests of the people (*maṣāliḥ al-umma al-ijtimā'iyya*), it would be meaningless to say that the political life of Muslims (to which belong the worldly demands of state and of power) in the na-

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III FZ: 'Alī b. Abī Ṭālib (r. 656–661), Muḥammad's cousin and son-in-law and the fourth caliph of Islam, who was among Abū Bakr's main contenders to the caliphate.

scent state was religious life, about which the rational insight that one should establish the state on the principles of those states entrenched in power is not allowed.

A third premise is that theoreticians of Islamic law determined that the prophets (peace upon them) may err in their *ijtihād*. Since the Arabs at the beginning of Islam did not have a history of organizing government that they could resort to, they were unable to establish a state on the firm principles of consultation. If we assume that they made an effort but failed, does this mean we should underscore this error? The fact is that [in doing so] they are like the prophets (peace upon them). So why did the distinguished writer and interlocutor find my assertion that the Arabs were unable to establish a state and sovereign rule so outrageous?

Fourth premise: If the political life of Muslims is religious life and politics is not distinct from religion, and if it is [also] known that one cannot assume that religion has failed to explain any aspect of those interests pertaining to the wellbeing of Muslims, then what is the explanation for the disorder that plagued the early caliphate or the seditions and catastrophes that befell the community, as everyone with an understanding of history recognizes? Is it neglect of religion? Or the ignorance of the Companions of its [i.e., religion's] rules, on which depends the welfare of the Muslims' state (*dawlat al-muslimīn*) and by which the political inclinations of the believers are united? If it was neither this nor that, then there remains [as explanation] only what we mentioned.

From these premises it follows – and I deem this to be the truth – that politics is distinct from religion; that the foundation of the state depends on interest (*al-maṣlaḥa*) which is determined by the needs of Muslims; that the Companions (may God be pleased with them) did not manage to unite the political voice of the community as the Prophet (peace be upon him) had united its religious voices, for they failed to establish a state on the principles of firm parliamentary rule, by which the interests of peoples are united, even if they are split into factions and parties. Their (may God be pleased with them) efforts in *ijtihād* were confined to uniting the forces of the community around the leadership of the believers (*imārat al-mu'minīn*) in the name of religion, even though the community at that time was not divided in religion, but in politics. However, when this division occurred, it planted in the minds of the masses [the idea] that politics is religion and that this or that person is religiously more entitled to lead the believers. The Companions hoped to unite the forces of the community in the name of religion, because they believed that religion can best permeate hearts and take hold of minds. They are in any case rewarded and compensated [by God], for they only had the best intentions for the community. Yet they could not possibly [p. 665/666] unite the political voice of Muslims, which can only be united when the constitutional order of every state is in the custody of the people in its entirety, not of a single ruler. It was to this that I referred in my previous article when I said: The Arabs failed to do like their closest neighbours, namely the Romans, in establishing a government with a constitutional character. I was not referring to any other ancient or modern state, contrary to the accusations by my distinguished interlocutor. This is, because it was the Romans who had established parliamentary rule granting the people the right to participate

in government with their opinions and by which states establish solidarity (*al-takāful*) among factions. It is not learned from the Persians, the Indians, or others. It is true that the Roman state had already become weak and senile and lost the principles of consultation by the time of the first Islamic conquests and the emergence of the Islamic state. However, its governments have a known history that may be resorted to. Therefore, the spirit of consultation and parliamentary rule took root in the West, not in the East. At times it [i.e., that spirit] became visible and at others it was hidden. Then there occurred the famous French Revolution. It demolished the foundations of absolute rule in the French monarchy, and other European monarchies followed its example. The [positive] ramifications of parliamentary government in Europe hardly need explaining, since they are self-evident.

The Rightly Guided Caliphs<sup>IV</sup> adopted many aspects of government from the Persians, such as the *dīwān*<sup>V</sup> and the like. So what fault is there in our argument that it would have been more beneficial for Muslims had they taken over the foundations of consultative government from the Romans. Indeed, God in His noble book praised a group of people who practiced consultation (*shūrā*) and ordered His Prophet (peace be upon him) to consultation (*al-mushāwara*). So, the Rightly Guided Caliphs (may God be pleased with them) tended to seek consultation (*al-istishāra*) in some matters of state, proceeding according to God's order. This was due to their piety, righteousness, and justice. Yet, it was only because of their will and deference to the Lawgiver that they promulgated the lofty principle of consultation. They did not implement it as a general basic principle and did not erect the structure of the state upon it in a manner that allows for every member of the community the right to join and participate in government, as is the case with genuine parliamentary governments. Rather, they maintained that all state affairs must emanate from the caliph, and that everything pertaining to the political and religious affairs of the community depends on him. Thus, when their age passed, which was the best era of Islam, the caliphs shunned the Muslims, monopolized all assets (*maṣāliḥ*) of the state, and wielded the name of the imamate and the caliphate as a weapon to strike Muslims in the face and subjugated the community in the worst manner. They [could do so because they] planted in the souls [p. 666/667] of the people the belief that the imamate is a pillar of religion and that the imam is the vicegerent of God and His Prophet and presides over believers. They monopolized power and lorded over the community ever more excessively, so that one day (the Umayyad caliph) 'Abd al-Malik b. Marwān [r. 685–705] declared at the end of a sermon: By God, should anyone instruct me to fear God, given my own position, I will cut off his head. The Abbasid ca-

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IV FZ: Reference is to the first four caliphs of Islam, who succeeded Muḥammad in turn and reigned from the Prophet's death in 632 until 661 and are upheld as exemplars of good Muslim governance.

V FZ: *Dīwān* refers to the government chancery or archive, the model for which was imported from Sasanid Iran and Byzantine Syria, see C.E. Bosworth, "Divān ii, Government Office," *Encyclopaedia Iranica Online*, 1995, [https://referenceworks.brillonline.com/entries/encyclopaedia-iranica-online/divan-COM\\_8431?s.num=0&s.rows=20&s.f.s2\\_parent=s.f.book.encyclopaedia-iranica-online&s.q=divan](https://referenceworks.brillonline.com/entries/encyclopaedia-iranica-online/divan-COM_8431?s.num=0&s.rows=20&s.f.s2_parent=s.f.book.encyclopaedia-iranica-online&s.q=divan).

liph [750–1258] hid in the palaces from the eyes of the people and towards the end of their rule they had become means and tools to sanctify and glorify [the rule of others], without holding any actual power [themselves]. The Fatimid caliphs [909–1171] in Egypt claimed godliness and made the people glorify them as gods, not as rulers. Then the might of the caliphate ended, its prestige among the people declined, power fell to kings and sultans who belonged to new ethnic groups, and the community submitted to subjugation and was lulled to sleep by the workings of despotism. They [i.e., the kings and sultans] savoured the fruits of absolute power over the community and seized it with force and coercion, until the community was habituated to weakness and succumbed to despotic rule. It hence became incapable of freedom and refused to escape from this captivity, for it saw with its own eyes the consequences of [demands to] freedom and justice among other nations and witnessed the sacrifice and fatigue of peoples in their attempts to escape from the snares of despotism. None of its members shed a drop of sweat or moved a finger. Whenever there was a Muslim who called for reform and severing the bonds of captivity and escaping the prison of slavery and coercion, they brandished him a deserter and erected a thousand obstacles in his path in the name of religion, until they made religion into a laughingstock for Westerners and a means to restrict minds. God, the Angels, and the Prophets testify that Islam calls to the good and guides those nations that believe to happiness. Yet, their attaching everything to religion and modifying religion however they wished, left us stranded in the darkness of this bewilderment (*ḥayra*), which annihilated us like no other nation. Our distinguished Indian brother indeed pointed to this in his article, so we don't have to prolong this investigation or dwell further on our agonies. This testimony sufficiently points to the present plight of Muslims and Islam. May God show us all the way, for He is the best of guides. (Rafīq [al-'Aẓm])

(*al-Manār*)<sup>VI</sup> The readers of *al-Manār* are aware of its position on the questions discussed by these two writers concerned with their community and nation (*millatihimā wa-ummatihimā*), with the exception of the question of the caliphate. The discussion suggests that it [i.e., this office] is one of the pillars of religion (*aṣl min uṣūl al-dīn*), but this is not the case. Rather, it belongs to those practical religious rules established through independent reasoning (*al-aḥkām al-shar'īyya al-'amaliyya al-ijtihādiyya*). [Then again,] the Qur'an indeed established the foundation of consultation (*asās al-shūrā*), and the Prophet enacted it so that the Muslims may erect upon it the structure of their government, leaving the details to their independent reasoning (*ijtihādihim*). Thus, politics is partly religious and partly subject to independent reasoning (*fa-l-siyāsa dīniyya min jiha ijtihādiyya min jiha ukhrā*). We will elucidate this in a separate article that will settle the debate, God willing.

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VI FZ: This almost certainly is a comment by the editor of the journal, Rashīd Riḍā.

# 34 ‘Alī ‘Abd al-Rāziq: *Islam and the Foundations of Power* (1925)

Introduced by Florian Zemmin

## Introduction

‘Alī ‘Abd al-Rāziq (1888–1966) is (in)famous for having elaborated the supposedly first Islamic argument for secularism in Arabic. His book *Islam and the Foundations of Power* (*al-Islām wa-Uṣūl al-Ḥukm*) was published in 1925,<sup>I</sup> right after the demise of the caliphate and in the wake of attempts to revive it. There he argued that as Qur’an and Sunna do not stipulate a specific form of government and as a scholarly consensus on the subject never materialized, Muslims are free to determine the form of government that best suits their interests. In the contemporary period, he implicitly suggests, this may only be a parliamentary democracy. ‘Abd al-Rāziq faced heavy criticism from the religious establishment and Muslim public intellectuals, both because of the political climate of the time and his own pedigree as an Azhari scholar. Twenty years earlier, Rafīq al-‘Azm’s similar but less famous argument for the separation of religion and politics – penned by a historian and a sociological intellectual – had spurred much less controversy (see text no. 33). In line with its fame, ‘Abd al-Rāziq’s work received considerable scholarly attention and was translated into several European languages. We refer readers to these works,<sup>II</sup> and include here only the brief, unedited conclusion from the recent translation referenced below.<sup>III</sup>

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I ‘Alī ‘Abd al-Rāziq, *al-Islām wa-Uṣūl al-Ḥukm: Bahth fī al-Khilāfa wa-l-Ḥukūma fī al-Islām* (Cairo: Maṭba‘at Miṣr, 1925).

II Next to the English translation used here, see ‘Alī ‘Abd al-Rāziq, *L’Islam et les Fondements du Pouvoir*; trans. Abdou Filali-Ansary (Cairo: Éditions La Découverte/CEDEJ, 1994); Souad T. Ali, *A Religion, Not a State: Ali ‘Abd al-Rāziq’s Islamic Justification of Political Secularism* (Salt Lake City: The University of Utah Press, 2009); Hans-Georg Ebert, Assem Hefny, *Der Islam und die Grundlagen der Herrschaft: Übersetzung und Kommentar des Werkes von Alī ‘Abd al-Rāziq* (Frankfurt a.M.: Peter Lang, 2010).

III In the original (‘Abd al-Rāziq, *al-Islām wa-Uṣūl al-Ḥukm*), this passage is to be found on p. 103.

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## Bibliographical Information

Ali Abdel Razek, *Islam and the Foundations of Political Power*, transl. Maryam Loutfi, ed. Abdou Filali-Ansary (Edinburgh: Edinburgh University Press and Aga Khan University, Institute for the Study of Muslim Civilization, 2012); 117–18.

## Translation (Reproduced from the Above Source)

12. In truth, this institution which Muslims generally know as the caliphate has nothing to do with religion. It has no more to do with it than the lust for power and the exercise of intimidation that has been associated with this institution. The caliphate is not among the tenets of the faith – no more so than the judiciary or some other governmental function or state position. These exist by dint of nothing else but political fiat, with which religion has nothing to do whatsoever, which it wants neither to know nor to ignore; which it neither advocates nor repudiates. It is a matter which religion has left to humankind, for people to organise in accordance with the principles of reason, the experience of nations and the rules of politics.

What holds true in this case applies equally to the setting up of Islamic armies, the construction of towns and fortifications, the organisation of government – all matters which are of no interest to religion, but pertain rather to reason and experience, to rules of engagement in battle, to the art of building and the opinions of experts.

There is not a single principle of the faith that forbids Muslims to co-operate with other nations in the total enterprise of the social and political sciences. There is no principle that prevents them from dismantling this obsolete system, a system which has demeaned and subjugated them, crushing them in its iron grip. Nothing stops them from building their state and their system of government on the basis of past constructions of human reason, of systems whose sturdiness has stood the test of time, which the experience of nations has shown to be effective.

Praise be to God, who guided us onto the right path, and whose guidance was indispensable to the progress of this work. And greetings be on Muhammad, His Prophet, his companions, and all those who followed his path.

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# 35 Salāma Mūsā: *Freedom of Thought* (1927)

Translated and introduced by Florian Zemmin

## Introduction

Salāma Mūsā (1887–1958) was an Egyptian intellectual and a prolific writer, most prominent for his early adoption of socialism.<sup>1</sup> Mūsā, who hailed from a wealthy Coptic family, spent several years in Paris and London in his twenties. Upon returning to Egypt in 1914, he devoted his energies to advocating for secularism, socialism, and the scientific method. While holding great affinity for European culture, Mūsā demanded the independence of Egypt from England, combining class struggle with a struggle for independence. And while he was an open critique of established religion, he repeatedly resorted to biblical and Qur’anic verses to sustain and illustrate his arguments. This may be understood as a secular perspective that regards religion primarily as culture.

The passages translated here are drawn from his book on *Freedom of Thought and Its Heroes in History*. The work’s content and aim are summarized in its subtitle: “this is the story of intellectual freedom, freeing human reason from the chains of tradition (*quyūd al-taqālīd*) and the victory of tolerance over fanaticism, with an account of the varieties of oppression (*ḡurūb al-iḡṡihād*) that freethinking men have encountered from old times until today”. Mūsā chooses to limit his investigation to European and Islamic history in light of the myriad ways in which quotidian life in Egypt at the time related to European culture, on the one hand, and the continuing influence of inherited Arab-Islamic traditions, on the other (p. 55). His exemplars are European thinkers of the Renaissance and Enlightenment, along with Muslim and Christian reformists active at the turn of the twentieth century – prominent among them Muḡammad ‘Abduh and Faraḡ Anṡūn. In fact, Mūsā refers to the debate between ‘Abduh and Anṡūn (see text no. 32), quoting ‘Abduh at length to show that tolerance and the enticement of sciences can also be advocated from an Islamic vantage point (p. 67–71).

Similar to Christian and Islamic reformers of the time, the secular humanist Salāma Mūsā notably exonerates the so-called essence and origins of religion from the accusation of opposition to reason and freedom, blaming instead unfortunate historical accretions and vested political interests for any such instances of oppression. His humanism is also evident in his claim that the French Revolution was French only in name and, in fact, a global incident (p. 184). Moreover, he attests – optimistically –

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<sup>1</sup> On him, see Vernon Egger, *A Fabian in Egypt: Salamah Musa and the Rise of the Professional Classes in Egypt, 1909–1939* (Lanham, MD: University Press of America, 1986); Ibrahim A. Ibrahim, “Salama Musa: An Essay on Cultural Alienation,” *Middle Eastern Studies* 15, no. 3 (1979): 346–57.

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that the entire world is coming to consider religion as a private matter of conscience (p. 192). Mūsā's text is an example of the more widely conceived nexus between secularity, rationality, and freedom of thought from a secularist perspective, which shares in the distinction of a (tentatively positive) religious essence and (negative) later developments in religion.

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Salāma Mūsā, *Hurriyyat al-Fikr wa-Abṭāluhā fī al-Tārīkh* (Cairo: al-Hilāl, 1927); 26–27, 61–63, 154–55.

## Translation by Florian Zemmin

### Taboo and God

Before we end this chapter, we ought to stress two points that the reader must keep in mind: First, the religious viewpoint was originally an unblemished scientific view that allowed for debate and examination. It later became a religious viewpoint based on resolve, largely due to the scarcity of instruments of verification at the disposal of primitive humans (*al-insān al-awwal*), as well as the determination of a certain class of people who deemed it beneficial to propagate religious belief to profit from it. In fact, the temples of old were sites of scientific study and the priest was a scientist (*‘ālim*).

Secondly, religion in itself cannot oppress science. Oppression emanates from the priests (*al-kahna*). Yet even the priests themselves cannot oppress anyone as long as they do not hold power (*al-sulṭa*). Therefore, the culprit in constraining freedom of thought and oppressing people is governmental power (*al-sulṭa al-ḥukūmiyya*). And as long as religion remains distant from government, neither it nor the priests have the power to oppress. When, however, the state and religion become one body, the men of religion (*rijāl al-dīn*) can oppress whomever they wish and constrain thought however they choose. Thus, when people suffered oppression at the hands of the men of religion in the past, they did so because these men held the reins of state power in their hands. Every mention of religious oppression throughout this study, therefore, [p. 26/27] refers not to a vice of religion as such, but rather to the conduct of a ruler armed with religion.

Those in power (*rijāl al-ḥukm*) are fond of religion and use it as a weapon to frighten the people – more so than the men of religion are fond of and use power. The latter might even tend towards ascetism, but statesmen and governments need religion to cow the masses, as it enhances their power by extending it beyond this world to the other. Therefore, we find a man such as Machiavelli [1469–1527] claiming that the prince, that is, the ruler, has to protect religion, even when he himself does

not believe in it for religion helps him to rule over the masses and solidify his power. [ . . . p. 27–61]

## The Appearance of Islam

In the seventh century, the Near East had wearied of Byzantine rule as the incompetency of its administration had peaked and sectarian conflict (*al-ṭawāʿif*) had turned the people against their local government. And then the Arab zephyr blew on the people of Syria and Egypt who received it as those suffering from heatstroke receive a fresh breeze. The breath of Islam was one of conciliation and neutrality, which since its first appearance stopped at collecting tribute from non-Muslim monotheists (*al-jizya min al-dhimmīyīn*) and leaving them to manage their own internal affairs. As for the Arab soldiers, they stayed at the outskirts of cities, far from their inhabitants. This eased the burden on the inhabitants who preferred them over the Romans.

To grasp the spirit of Islam, we have to understand the spirit of the desert dweller Arabs of the Arabian Peninsula. It is the Bedouin spirit. The Bedouin, by virtue of his way of life, clings most fanatically to the unicity of God and abhors every type of luxury, whether intellectual or material. The Wahhābīs today perhaps come closest to embodying the explosion of Islam and the furious Arab storm that fell upon the Roman state.

Islam distinguishes itself from all other religions in that it does not include divinely ordained authorities, except for one, namely the caliph. By saying this, I do not ignore the valiant attempts of modern authors who depict the caliphate as an exclusively civil office (*manṣīb madanī*). Theirs are noble intentions, but they contravene the historical record. [p. 61/62] For in reality, the caliph is both a civil and a religious ruler (*ḥākim madanī wa-dīnī maʿan*) [ . . . ] It may be claimed that the Qurʾān did not stipulate the caliphate. And this is quite true. However, neither did the Bible stipulate the papacy. Just as we cannot free Christianity from the consequences of the papacy, it is not possible to free Islam from those of the caliphate. The truth, then, is that both the papacy and the caliphate are traceable in transmitted traditions (*al-taqālid al-maʿthūra*) and not in the Bible or the Qurʾān.

Islam indeed benefitted from the absence of a clergy in its organizational structure (*fī nizāmihi*), but the legacy of the religious regard of the caliphate almost neutralized this peculiarity of Islam in comparison to the Christian church. After all, al-Mahdī [Abbasid caliph from 775 to 785] and al-Hādī [Abbasid caliph from 785 to 786], for example, abused the office of the caliphate thoroughly to persecute unbelievers, just as the [Christian] clergy launched the inquisition to persecute heretics. Whoever reads the sermons of some of the caliphs [p. 62/63] will realize that their claim to the divine right of religious and worldly rule (*daʿwāhum bi-l-ḥaqq al-ilāhī fī al-ḥukm al-dīnī wa-l-dunyawī*) exceeds the claim of the popes in Rome. [ . . . p. 63–154]

## Religion as Law (*al-dīn sharī'a*)

The purpose of this book is not to entice hatred of religion, but rather to defend the freedom of individuals to choose their religion as they perceive of it in the mirror of their mind and conscience. In other words, we are saying that religion is harmful to the people if it is imposed by the government, for it hinders freedom of thought and freedom of belief.

There is no man who can live without religion, as long as he is not utterly stupid or apathetic, for religion is in truth nothing but an attempt by individuals to maintain a balanced relationship with the universe, its origin, its aim, and its human and animal denizens. Thus, the pillar of religion has to be an internal force emerging from the mind in which we have faith, like our faith in scientifically established truths, and not an external force that commands us to believe, and if disobeyed, will punish us by beatings, imprisonment or death.

We may recall that those tenets (*'aqā'id*) that are imposed by an external force and demand adherence are no more than rules (*qawā'id*). And a rule is rigid (*jāmida*) – as rigid as the letters of which its words are composed. But human life is constantly evolving. And evolution (*al-taṭawwur*) implies change by passing from one state to another. These tenets, therefore, are bound to contradict life and to block the progress of mankind (*ruqīy al-insān*) – unless religious scholars are permitted to interpret them so that they do not contradict the spirit of the age. If this is withheld, then by necessity either the *umma* stagnates and perishes or these tenets are purged from it. We will in this chapter discuss two instances [p. 154/155] when religion was transformed into an unchanging set of norms (*sharī'a jāmida*).<sup>1</sup>

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I FZ: The two examples are Calvin's Geneva and the Anabaptist commune of Münster. Mūsā adds that the reader should not take the matter lightly, since only forty years ago we (Arabs) had to live through an identical drama with the emergence of the Mahdi movement in the Sudan.

# 36 Khālid Muḥammad Khālid: *Religion, not Priesthood* (1950)

Translated and introduced by Florian Zemmin

## Introduction

Khālid Muḥammad Khālid (1920–1996) was an Egyptian intellectual and prolific writer on societal and religious topics. Khālid graduated from the Sharia Faculty of al-Azhar University in 1947 and after the Revolution of 1952 worked for the Egyptian Ministries of Culture and Education, respectively. *From Here We Start* was his first book, released in 1950 and republished a dozen times by the mid-70s. The book has been translated into English already in 1953.<sup>I</sup> Under its previous title of *Whose Country? (Bilād Man?)*, the work had been censored by governmental authorities who aligned with a verdict by the Azhar Council of High Scholars (Hay'at Kibār 'Ulamā' al-Azhar) that it violated the interests of the people and of religion. Under a new government, the District Court of Cairo in May 1950 ordered the release of the book. Khālid included in his book this court verdict and recounted the previous fate of his work (p. 9–42). Next to sketching a socialist societal program, the book primarily is an argument for the separation of religion and state. An Islamist reaction to Khālid's secularist argument was Muḥammad al-Ghazālī's *From Here We Know (Min Hunā Na'lam)*,<sup>II</sup> translated into English quasi-simultaneously.<sup>III</sup> Khālid continued to uphold a secularist position through the 1960s and 1970s, while also writing as a decidedly Muslim intellectual, devoting several works to the Prophet Muhammad. In the 1980s, he shifted to conceptualizing the state as part of Islamic teachings and principles. He notably maintained a distinction of religion and the state, but now validated democratic procedures as decidedly Islamic, arguing that – unlike he had thought previously – Islam is, in contrast to Christianity, not susceptible to corrupting priesthood.<sup>IV</sup> This reflects a wider trend of cultural and intellectual Islamization in Egypt and other Arab countries after the heydays of socialism. In *From Here We Start*, Khālid defended the societal need for religion, but categorically distinguished

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I Khālid Muḥammad Khālid, *From Here We Start*; transl. Isma'īl R. ElFaruqi (Washington, DC: American Council of Learned Societies, 1953). This is a rather free translation, differing significantly from the present one.

II On these two works, see Abd al-Tafahum, “A Cairo Debate on Islam and Some Christian Implications,” *Muslim World* 44 (1954): 236–52.

III Muḥammad al-Ghazālī, *Our Beginning in Wisdom*, transl. Isma'īl R. ElFaruqi (Washington, DC: American Council of Learned Societies, 1953).

IV Khālid Muḥammad Khālid, *al-Dawla fi al-Islām* (Cairo: Dār Thābit, 1981).

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between (true, socialized) religion and (corrupting, politicized) priesthood. The following translation renders sections from the first chapter of the book in which Khālid makes this distinction, on which his later argument for a national and against a religious government rests.

## Bibliographical Information

Khālid Muḥammad Khālid, *Min Hunā .. Nabda'*, 12 ed. (Beirut: Dār al-Kitāb al-'Arabī, 1974 [1950]); 48–51, 83–89.

## Translation by Florian Zemmin

### Religion – Not Priesthood (*al-Dīn . . . lā al-Kahāna*)

The foolish, ignorant man of religion, entices our disdain, the evil, vicious man of religion generates fear in our souls – but the mature and tolerant one, free of superstitions, is worthy of our love and our respect

Voltaire

[p. 48/49] Clarifying the relation between society and religion is the beginning of the path to growth and stability.

Nothing arouses as much distaste in people for religion as does its presentation in the form of a deferring power, which opposes their rights and stifles their ambitions!

In all human societies, religion represents a “social necessity” that people cannot dispense of; even though nations differ in the ways they benefit from it, and are inspired by its principles and instructions, as well as in the extent to which they ensure that it [i.e. religion] remains how the Lord wanted it to be: a source of strength, fraternity, and equality – not a supporter of egoism and enmity.

In order for religion to remain on its glorious throne, two conditions have to be fulfilled:

First, its constant interaction with the needs of the people, so that mankind can find in it an unceasing support that enables it [i.e. mankind] to meet its novel challenges and its contingent necessities and that blesses its constant strife to progress and leap forward.

Secondly, its preserving its great and essential properties, and its goals for which God has prescribed and revealed it, namely to bring actual felicity to mankind [p. 49/50], through that exalted equality which it came to announce and to which it incites.

We hear today people screaming that one must return to religion – but which religion are they calling to?!

There is a thing called priesthood (*al-kahāna*), which has come down to us from the first centuries, and which essentially consists of harmful and deadly teachings and principles! It wanted to exploit people's allegiance to religion and to that end dressed in its garments and imitated it. It [i.e. priesthood] even managed to impose itself on it [i.e. religion] and to interfere with some of its teachings. Then it began to spit its destructive poison with persistence and diligence by blessing social and economic reactionism and advocating the advantages of poverty, ignorance, and illness!!

The only thing governments and societies that respected their religion and clinged to it (*taḥarraṣa 'alayhi*) could do, was to quickly and by all possible means try and isolate this priesthood and to clean religion from its stains. This led to people no longer adhering (*walā*) to it [i.e. religion] or admiring it. The first chapter of this book is nothing than a modest attempt in this direction [i.e. adherence and admiration of religion]. We want to distinguish between wretched priesthood (*al-kāhina al-ka'iba*) and sound religion (*al-dīn al-rashīd*). We thereby hope to offer a chance to those whom priesthood turned away from religion. We hope that they will try it again and will find in it, in its true form, a pleasant companion that brings felicity throughout the whole journey of life.

And we are calling those who scream for the need to return to religion and who demonstrate a sense of honor for religion to walk down the same path. So that everyone according to their abilities will try and spread the true teachings of religion and apply its humanist principles in a manner that lifts from society its load and the shackles of necessities that [p. 50/51] made its life an unbearable burden.

Now, what is that thing that religion calls to?

But before that, what is priesthood? [. . . p. 51–83]

## The Difference (*al-farq*) Between Religion and Priesthood

I think that the difference (*al-fāriq*) between religion and priesthood has become manifest and clear over the course of the preceding pages. Still, we in this last part of this chapter want to bring together these differentiating factors (*al-fawāriq*) in a concentrated manner.

*The first of these differences:* religion is humane by its nature and its revealed law (*shir'atihi*), whereas priesthood by its natural impulse is selfishness. The humanness of religion becomes clear through its passionate call to honor human beings and to subjugate the heavens and the earth and everything they contain to this human being, who is the most precious jewel in the crown of the great universe. And the selfishness of priesthood becomes clear through its erroneous philosophy, with which it introduced its hollow and dried-out life – this philosophy which claims that the earth is the property of gods, who dwell inside the temple and that the gods granted one class of people the right to use them for their own interests in any way they want. It is an established historical truth that the priests participated in creating a class of “slaves of the earth” and enslaved the laboring masses to their own advantage and the advantage of the feu-



dal lords (*al-iqtā'iyīn*). They remained enslaved and subservient to them [i.e. the priests] until religions came with their message of liberation and salvation. Moses (pbuh) shouted into the face of the Egyptian priests: “Hand over the servants of God to me. I am truly a trustworthy messenger to you” [Qur’an 44:18]. The meaning of this precious verse is obvious; and its depiction of the cruel state of slavery in whose shackles humans were tied is striking. He said to the priests and the pharaohs: hand over the servants of God to me, that is, turn over to me, surrender to me, and set these human commodities free – these human commodities [p. 83/84] that have been enslaved for so long, distressed by exhaustion, and oppressed by dispossession!

Before Moses and after him, the messengers of God, one after another, voiced the same call, preached the same principle; all declared (*mu'linatan*) the rights of human beings.

*The second of these differences:* the attitude of religion is “democratic”. For religion, properly understood, does not acknowledge the fabricated differences that divide the children of the common human family into animal herd and wolf, servant and masters. God is one, and all authority, power, and majesty belongs to Him, and none other. This unicity is nothing other than a sacred chant that fills humanity with assurance and cordiality (*al-amn wa-l-īnās*). In its passionate breath dissolve all our weaknesses, including fear, dread, and brokenness, as well as our [supposed] strength, including haughtiness, lordliness, and arrogance, so that all humanity comes together in freedom, fraternity, and equality.

Priesthood, in turn, does not believe in democracy, not the slightest bit!

The priests got accustomed to the people bowing before them, prostrating themselves before them and then gratifying them with kisses. Likewise, they got accustomed to their orders being obeyed, for they are the children of heaven, or the children of the temple. Woe to anyone who asks their shaykh or priest: why? They are clinging to this inherited tradition, and cannot help but doing so, because of their obdurate instincts deeply rooted in error.

[p. 84/85] The vast gap and enormous difference between religion and priesthood concerning their understanding of and belief in democracy thus becomes clear from the foregoing comparison of the manner in which they address human beings.

Religion calls on them: “Oh, you people”; and the Exalted Truth addresses them: “Oh, you, my worshippers (*‘ubbādī*)”.

Priesthood, in turn, is represented in “a religious caliphate and a religious government”, and it once wrote to the governor of Egypt: “inform the slave of our Sublime Porte”!

*The third of these differences* consists of the belief of religion in reason and the priesthood’s open disbelief in it.

Religion honors reason and makes it the criterion of deciding what is blameworthy and what is rewardable, that is, it accords it every freedom to autonomously investigate and discuss matters.

This truth was realized by the most distinguished figures of Islamic law, such as [the founders of the four Sunni schools of law] Abū Ḥanīfa, al-Shāfi‘ī, Mālik, and Aḥmad [bin Ḥanbal]. They crafted a legislative power and a method from personal opinion and the verdict of reason. The school of Abū Ḥanīfa (God rest his soul) was even called “the adherents of opinion”. And when al-Shāfi‘ī came to Cairo [from Baghdad, in 814], he renounced his previous approach (*madhhab*) and created a new *madhhab*. When he was asked why he did so, he responded: I saw something that I had not seen before, and heard an argument I had not heard before!!

Likewise, the school of Mālik created the principle of “*al-maṣāliḥ al-mursala*”, and the school of Aḥmad bin Ḥanbal advocated the principle of “*i’tibār al-maṣlaḥa*” and prioritized rational consideration of public benefit (*al-maṣlaḥa*) over religious texts.<sup>1</sup> All this [p. 85/86] proofs the extent to which [religion] elevates and respects reason and accords it its proper rights.

Priesthood, in turn, – as we saw before with the learned scholar [H.G.] Wells – does not allow reason to nourish and feed itself, except with the crumbs and rotten pieces that it throws to it! It fights [rational] investigation, consideration, and proof, and fills their [rightful] place with illusions and fears, with which it tries to subjugate/enslave (*tata’abbad*) and loathe (*tastakriḥ*) human reason.

We recall with a smile the moment when reason announced the news of its dazzling triumph of discovering that the earth is round and does move, while the gatekeepers of Christian priesthood told to the world their prophecies (*nubū‘āt*) replete with lies about the nearing end of the world and the day of judgment. They did so in order to distract the people from the discoveries of science and the victory of reason. Some of these priests even determined/calculated (*ḥaddada*) the exact day and hour when this was going to happen, as had done before them an English clergyman in the seventeenth century, who declared: “The Holy Trinity created man on the twenty-fourth of October in the year 4004 before Christ, exactly at nine o’clock in the morning”!!

True religion knows that reason is its lung with which it breathes. Therefore, the Qur’an in hundreds of verses incites people to persistently use this lung, and to take deep breaths, until every last corner of this lung is filled. These deep breaths to which religion spurs us on are nothing other than deep examination, guided consideration, and immersed reflection on and of God’s vast and fertile universe. Take these Qur’anic verses – “Will you not then reflect?” [Q 6:50], “Do you not understand?” [Q 3:65], “Travel throughout the land and see how He originated the creation” [Q 29:20], “I advise you to do only one thing: stand up [p. 86/87] for the sake of Allah – individually or in pairs – then reflect” [Q 34:46], “Surely in this are signs for those who understand” [Q 16:12] – and the saying of the Prophet Muhammad (pbuh) – reflecting for

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<sup>1</sup> FZ: On the legal concept of *maṣlaḥa*, see: Abdul Aziz bin Sattam, *Sharia and the Concept of Benefit: The Use and Function of Maslaḥa in Islamic Jurisprudence* (London: I.B. Tauris, 2015).

one hour is better than worshipping for one year (*tafakkur sā'a wāhida khayr min 'ibādat sanna*). All these guidances are meant to train people to respect reason, to believe in it, to proceed with it in life and to be guided by it.

Priesthood might also believe in this, but it maintains that by this reflection is meant a reflection on death, and only on death, on annihilation, and on the dust from which we were made and to which we will return. This scanty interpretation brings us to the fourth difference between religion and priesthood.

*The fourth difference between both*, then, is that religion believes in life, loves it, and considers it a place worthy of love. It is full of joys and delights; to abstain from it would be stupidity, and to try and escape from its responsibilities (*tabi'ātihā*) would be a crime. The priests, in turn, make humans feel that these [joys] are the most detestable of things, so that they turn away from them. They [i.e. the priests] make them [i.e. humans] abstain from [life and its pleasures] so that they alone can roam its goods!!

Religion interacts with life and science and knows that its vitality hinges on it developing continuously, for it cannot stand still while thinking advances. We have seen how within only a year, and sometimes within a day, one judgment abrogated another or one principle replaced another. This follows the law of development, namely of change and of continuous improvement (*al-intiqāl min al-ṣāliḥ ilā al-aṣlah*). "If We ever abrogate a verse or cause it to be forgotten, We replace it with a better or similar one" [Q 2:106]. We ought to be aware of the fact that this development was not merely an adjustment to the [developing] interests of people, but rather it was intended to train people to adjust to life and its changes, and to make them understand that it is impossible to oblige themselves to one state, one order, and one procedure (*ṭarīqa*) in the course of their life (*uṣlūb ḥayātihim*) [p. 87/88], even when the obliged procedure (*al-ṭarīqa al-multazama*) pertains to worship and religion. This was, for example, the case when the Muslims' first direction of prayer was abrogated [with Mecca replacing Jerusalem]; and even prayer itself underwent such a development. In contrast to all this, priesthood is rigid, does not change a bit and does not allow any development or advancement, neither for itself nor for the people. Society today [in this understanding] is the same society of a thousand years ago; this is the way it ought to be, and this is how it must remain – every progress is a harmful innovation and every development is an error.

Despite the gigantic distance that separates priesthood from religion, the former's threat to the latter alarms those who are earnestly concerned for it [i.e. religion]; for it [i.e. priesthood] constantly advances towards it [i.e. religion], and oftentimes mixes its [false] teachings with the [true] teachings of the latter. The masses cannot evaluate the priesthood's instructions in a perceptible and critical manner, for they lack the ability to do so and don't find a way to attain it.

Thus, priesthood continues to advance with the [supposed] teachings of religion, and makes the people believe that it [itself] actually is religion, which they must submit to and not question. This bears two dangerous and harmful consequences:

First, the people listen to and emulate them [i.e. the priests' teachings], so that they drive them to the abyss, after seducing them with [alleged] teachings of [religion], which absolves them of upholding the injunctions honored by the virtuous. So they remain subjugated to fatal, annihilating, and deceptive texts that were not inspired, nor revealed by God (*lam ya'ti bi-hā min allāh waḥiy wa-lā kitāb*).

Second, over the course of time, there inevitably will appear a class of cultured people in society that believes in freedom and thought and despises superstition. They will see that the people [p. 88/89] are guided towards death and darkness. They will wonder about the wicked and erring leader that guides them and ask: who is he? They will be told that it is religion, when in truth it is false priesthood that intruded into religion and subsequently began to grow in it, until it took possession of its personality and became characterized by its features and traits. Then, these cultured people pour the cup of their wrath onto religion, inflict violent campaigns on it, and call upon people to distrust it and rebel against it. This is what happened in Europe and the West and what we fear will happen in the East if we don't hasten to remove priesthood from religion, to clean the latter from the dirt of the former, and to present it [i.e. religion] to the people as pure and bright as it was on the day it descended from the Allknowing and Allwise.

## Let us Then Terminate the Calamities of Priesthood

It is an enormous and difficult task to terminate the calamities of this priesthood and remove its harm. But sincere dedication is able to do so if it proceeds in the right way. The way to fight priesthood is the same way that one fights any plague: immunization – isolation – (re)orientation. [. . .]<sup>II</sup>

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II FZ: Khālid ends the chapter by sketching how religious instruction in schools and mosques ought to be reorganized and mentions that such reorganization must take place in the Christian church (in Egypt), too.

# 37 Michel Aflaq: *Our View on Religion* (1956)

Translated and introduced by David Jordan

## Introduction

Miṣḥīl (Michel) ‘Aflaq (1910–1989) was – with the Sunni Muslim Ṣalāḥ al-Dīn al-Biṭār (1912–1980) – one of the founding figures and the principal theoretician of the Socialist Arab Resurrection Party (Ḥizb al-Ba‘th al-‘Arabī al-Ishtirākī), among the most successful secular nationalist movements in the Arab world that ruled in Iraq from 1968 to 2003 and in Syria from 1963 to the present. Born into a Greek Orthodox family in Ottoman Damascus that resided in the middle class *al-Miḍān* quarter, ‘Aflaq was an Arab intellectual who although educated and cultivated in French missionary schools developed a strong and radical opposition to the French mandate in Syria and to imperialism in general.<sup>I</sup> Central to his intellectual formation were his years as a student of history at the Sorbonne in Paris (1928–1932). He returned to Syria and took up a position as a teacher of history and devoted the rest of his days to the Ba‘th Party, which he founded in the late 1930s and early 1940s. ‘Aflaq’s works reflect his own “Arab nationalist” interpretations of the ideas and theories of, inter alia, Bergson, Hegel, Marx, Nietzsche, particularly André Gide’s vitalism and, as shown by Max Weiss, Emmanuel Mounier’s Catholic left-personalism. His thinking has often been branded, perhaps prematurely, as incoherent, contradictory, eclectic, and vague.<sup>II</sup>

In the following speech from 1956, translated in excerpts, ‘Aflaq does not yet use the now commonplace term for the secular (*‘almānī*), but hints at an understanding of secularity in his vision of the relationship between the social aspects of the Ba‘thist-nationalist revolution and the social role of religion. Here, he differentiates between a true meaning of religion, that is of Islam in particular, which he conceptualizes as the national spirit that unites the Arab people, and the outward manifestation of religion as religious beliefs, doctrines, and practices that he rejects because of their vulnerability to corruption and injustice. In this way, ‘Aflaq demarcates the Ba‘thist movement from its main political rivals, the Islamists and the Communists, by taking a middle

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I N. Salem. Babikian, “Michel ‘Aflaq: A Biographical Study of His Approach to Arabism,” *Arab Studies Quarterly* 2, no. 2 (Spring 1980): 162–79.

II Max Weiss, “Genealogies of Ba‘thism: Michel ‘Aflaq Between Personalism and Arabic Nationalism,” *Modern Intellectual History* 17 IV (2020): 1193–224, <https://doi.org/10.1017/S1479244319000088>.

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course.<sup>III</sup> In his notion of spirituality, the true meaning of religion is something fundamental to man in general and the Arab nation in particular.

Already in his more famous speech, *Remembering the Arab Messenger* (*Dhikrā al-rasūl al-‘arabī*) from 1943, he drew heavily on the Prophet Muhammad and Islam as principal and ideal sources of emulation.<sup>IV</sup> For ‘Aflaq, the life of the Prophet refracted Islam primarily as an ideal revolutionary movement that had brought unity to the Arab people for the first time in their history.<sup>V</sup> In his interpretation, the Arabs only achieved this higher unity (*waḥda ‘ulyā*) with Islam. However, ‘Aflaq was only concerned with the revolutionary spirit of the Prophet and of Islam, not with “its form” or “its letter”, that is, not with the content of the Islamic message and religion.

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## Translation by David Jordan

### Our View of Religion (*Naẓratunā ilā l-dīn*)

Before we talk about the attitude of the imminent Arab state to religion, about the foothold of religion in the life of the nations and peoples in general, and about its foothold in the life of the Arab nation, I urge you at this stage, the stage of liberation and resurrection, to make your culture a strong culture, to strive to attain more from culture and from thought, and to arm yourself above all with the freedom of thought. For without freedom of thought, it is impossible for you to reach the truth . . .,<sup>I</sup> or a beneficial solution for you and your nation.

Religion as it appears to us from the critical examination of the history of mankind from the ancient times until the present, is something fundamental to the life of

III See also Samuel Helfont, “The Legacy of Saddam’s Islam,” *The Caravan* 1820, 04 December 2018, <https://www.hoover.org/research/legacy-saddams-islam>.

IV See David Jordan, “‘So Let Today Be All the Arabs Muḥammad:’ The Prophet in the Discourse of the Iraqi Ba‘th Party,” in *The Presence of the Prophet in Early Modern and Contemporary Islam. Heirs of the Prophet: Authority and Power*, 1st ed., vol. 2, 3 vols, Handbook of Oriental Studies (Leiden: E. J. Brill, 2021).

V Carlotta Stegagno, “Miṣhīl ‘Aflaq’s Thought between Nationalism and Socialism,” *Oriente Moderno* no. 97 (2017): 159.

I DJ: ‘Aflaq uses these three periods without brackets throughout his speech.

man. In this case, we discard the cheap disdain for religion that appears among some of the frivolous youth. For the problem of religion is a serious problem and we cannot solve it with a passing and superficial remark or judgement, but we have to distinguish between religion in its true meaning and objectives, and religion as it assumes a concrete form in concepts, traditions, customs, and interests, in a particular time and place.

The problem, then, is in the separation between the true meaning of religion and the outward appearance of religion (*al-farq bayna ḥaqīqat al-dīn wa-zāhir al-dīn*), because it has a true meaning and it has an outward appearance, and the problem arises when the chasm between the two expands. Sometimes it amounts to an utter incompatibility, and sometimes the outward appearance is completely contrary to the original aims of religion and to its true meaning, and then there is a crisis with the peoples and individuals. The crisis takes on different shapes among the people, depending on their intellectual level, on their imperviousness to [general] interests, or their beholdenness to private interests. The issue is complicated and involves thinking and knowledge, it involves passion and affection, it involves interest and benefit, and the Arab youth today must see with the utmost reflection and calm, and earnestness and clarity of mind . . . they have to see this problem and they will know how much of it is due to passion and how much to private interest. At that moment, [the youth] may arrive at a more or less sound judgment that approximates the truth and holds general utility.

In our national life, there is a significant event and that is the appearance of Islam . . . a national, [p. 116/117] global human event. I do not find that young Arabs give this event the attention it deserves. I do not find that they study it or fully understand it in all its dimensions, details, and accompanying phenomena, because it includes a far-reaching lesson, an extraordinary experience of humanity that can avail to them a practical and political culture, and more still.

Does the young generation believe that Islam was a revolutionary movement (*ḥaraka thawriyya*) at its birth, rebelling against the status quo: beliefs, traditions . . . and interests? Accordingly, do they consider that no one fully understands Islam but the revolutionaries? And this is natural because the condition of the revolution is a single condition that is not divisible, it is an eternal condition that does not change. Thus, the revolution one thousand years ago, two thousand years ago, five thousand years ago, now, and after thousands of years: the revolution is one. It has the same mental conditions, it has also to a great extent, the same objective conditions. It is very strange, and this is what is worth for you to ponder and reflect upon, that the outward defenders of Islam who demonstrate their zeal more than others, they are the ones most distant from the revolution in the present day. It does not hold to reason, therefore that they are the ones who understand Islam. It is therefore [also] quite natural that the people closest to Islam with regard to understanding, experience, and agreement are the revolutionary generation, the generation that rebels against the ancient, the corrupt, naturally. And this is what we do not see, namely, that the revolutionary generation does not, neither the whole nor the most of it, recognize the connection between itself and Islam when those who claim this con-

nection and hold fast to it, are the [actual] enemies of the revolution. They are the remnants of the old order that must disappear before new life is brought to the Arab nation. [. . . p. 117–119 . . .]

The youth are reclaiming to envisage this bright vision (*al-naẓra al-naẓīfa*), that no religion is on the side of corruption, tyranny, and exploitation, and that true religion (*al-dīn al-ḥaqīqī*) is always on the side of the ill-treated and of the revolutionaries against corruption. It means that many have slandered religion in our countries<sup>II</sup> and our lands, just as many have slandered it in other countries and other lands. For [instance,] the Christian religion in Europe, until today, and the majority of its official representatives, regularly side with corruption and tyranny, shielding both, and legitimating them to allow them to persist. Therefore, it has lost its prestige and heresy (*ilhād*) prevails in the West, not as mere mockery but because of this contradiction, because religion and its representatives stumbled into this contradiction, for religion was borne to encourage love and brotherhood, to protect the weak, but it became, together with its representatives, a bulwark for all those evils.

The crisis then is not a simple matter. It is a human crisis, that is, it befalls the depths of the human mind in individuals, but only a small number of individuals have understood its true nature, and most people understand it only superficially. In the superficial understanding, we conclude hastily that as long as the phenomenon of religion in the present, along with its official representatives, stand with the corrupt reality and not with the revolution against corruption, then religion is in its foundation corrupt, there is no obligation to it and no good in it. Thus, the emancipation from religion (*al-takhalluṣ min al-dīn*) seems necessary because it is a weapon in the hand of tyrants and scoundrels. This is the superficial view and leads to a benighted conclusion. It is the view at which Communism comes to a standstill. For Communism is not profound in all its teachings – if only it were seriously profound in many of its positions – but it remains negative in many attitudes: Marxism observed, and its observation is correct, that religion in Europe became a weapon in the hands of the colonialist, exploiting tyrant so that the people remain subjugated to exploitation and enslavement. [p. 119/120] And this is true – this observation is correct and at the core of reality – hence [Marxism] says: Religion is the opiate of the masses . . . it is the drug . . . the poison that prevents people from revolution, and has therefore declared heresy as a tenet (*‘aqīda*) . . . heresy in everything beyond that which is perceptible with the senses. This is an emotive view, in it is passion, hatred, and a pressure of pain from tyranny and its circumstances: in view of the fact that the true obligation of religion and its true and original aim is the spreading of justice and the removal of

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II DJ: In accordance with his ultimate goal and ideal of a united Arab nation, ‘Aflaq uses *bilād* here not in the sense of one single country such as Syria but for all Arab countries from the Maghrib to the Mashriq which he divides into different regions (*aqṭār*) such as the region (*quṭr*) of Syria, Sudan, or Egypt (see also, Mīshīl ‘Aflaq, ‘Naẓratunā li-l-waḥda al-‘arabiyya’, in *Fī sabīl al-Ba’th*, 1st ed., vol. 1, 5 vols. (Beirut: Dar al-Tali’a, 1959), 209–18.



tyranny, and in view of the fact that religion has become an instrument for tyranny, the human being must consequently liberate itself from it.

We did not stop at this superficial and negative view, and we were not deceived by it, but we moved beyond it since the early days of our movement, and in the earliest declarations of our movement. They do not include this negativity, for we moved along a different path. After hopelessness, we experienced hope and optimism in the human being. After vengeance and hatred, we experienced . . . we experienced the spring of love and brotherhood. We have not made a final judgement on a distorted, transient and disturbing situation, and accordingly, our idea was a spiritual one (*fikra rūḥiyya*). Yet, we have to differentiate between our thinking and the thinking of others because between them is as much difference as between black and white. For we knew and examined the rightness of the negative campaign against the phenomenon of religion in our age, the negative campaign which we recall now, which we knew and whose rightness we examined, and we agree that it is legitimate in its attack on the phenomenon of religion, but we went beyond that, and we said: the predicament of religion is not preordained. Religion is capable of returning to its true meaning if there exist selfless and believing individuals who return religion to its former purity. Religion is something fundamental and it will return to its essence and triumph over vengeance. [. . . p. 120–122]

I said that heresy is a fallacy, and that means that the heretic is a conflicted human being who claims one thing and does its opposite. The revolution against religion in Europe is [itself] a religion, it is a faith with an ideal and with high human values, and it is closer to religion in its original true meaning (*fi ḥaqīqatihi al-aṣliyya*). This revolution bore the seeds of morality and reform because it shook up society and individuals. It brought them back to themselves, it made clear the deception that had fooled them, and liberated them and their humanity. It liberated their personality. But this is a faulty standpoint. When [the revolution] demanded that they reject religion, it addressed only half of the problem. [Outward] religion under the present circumstances is that which is faulty, it is that which supports their misery and slavery, but when the people wake up and reclaim their rights and their dignity, they will not be satisfied with heresy [either]. At that stage, they will gain a new stride, they will complete the imperfect with a positive stride, and they will return to a clear and sound religion that fully conforms with its original aims.

# 38 Muḥammad Saʿīd al-ʿAshmāwī: *The Truth of the Slogan “Islam is State and Religion”* (1987)

Translated and introduced by Florian Zemmin

## Introduction

Muḥammad Saʿīd al-ʿAshmāwī (1932–2013) was the chief judge at Cairo’s High Court of Appeals, the High Criminal Court, and the High Court of State Security in Egypt.<sup>I</sup> His book on *Political Islam* (a collection of articles and among some 30 titles published by him) was a first prominent usage (albeit not the very first, cf. p. 6) of the concept “political Islam” (*al-islām al-siyāsī*). Al-ʿAshmāwī criticized it for suggesting a political and legal order based on the shariʿa that would reduce religion to an ideology. More fundamentally, he denied the very possibility of Islam as a comprehensive blueprint for constructing a society, and especially the legal and political order of the modern state. By so doing, al-ʿAshmāwī intervened in the debate on the practical consequences of the explicit designation of the shariʿa as the principal source of legislation in the Egyptian constitution. His argument was criticized by religious scholars and thinkers who advocated for an Islamic basis to politics. Among them was the prominent Islamic intellectual Muḥammad ʿImāra (1931–2020), who dedicated an entire polemical treatise to refuting al-ʿAshmāwī’s arguments, which he characterized as “secular excess” (*al-ghulūw al-almānī*).<sup>II</sup> He also denounced al-ʿAshmāwī as a Western sympathizer and accused him of faulting not a specific understanding of Islam, but rather its very essence. ʿImāra positions Islam as a middle way between extremes, in this case, the absence of a political dimension to Islam on the one hand, and the fusion of religion and politics on the other, a commonplace among Islamist intellectuals. In a newspaper article reprinted in *al-Islām al-siyāsī* and translated here in full, al-ʿAshmāwī discusses four interpretations of the slogan “Islam is state and religion” (*al-islām dawla wa-dīn*, more commonly paired as “religion and state”).

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I On al-ʿAshmāwī and his political as well intellectual context and genealogy, see William E. Shepard, “Muhammad Saʿīd al-Ashmawi and the Application of the Shariʿa in Egypt.” *International Journal of Middle East Studies* 28 (1996): 39–58; for a French translation of the introduction to *al-Islām al-Siyāsī*, see G. C. Anawati, “Un plaidoyer pour un Islam éclairé (mustanīr): Le livre du juge Moḥammad Saʿīd al-ʿAshmāwī, *al-Islām al-siyāsī* (L’Islam politique),” *MIDÉO* 19 (1989): 91–128, here 104–23.

II Muḥammad ʿImāra, *Suqūṭ al-Ghulūw al-ʿAlmānī* (Cairo: Dār al-Shurūq, 2002 [1995]).

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## Translation by Florian Zemmin

### The Truth of the Slogan “Islam is State and Religion”

(This article was first published in the newspaper *Akhbār al-Yawm* on 13 July 1985)

In the wake of the First World War, the earth under the throne of the Islamic caliphate (entrusted to the Ottomans and at the time, theirs in Constantinople) was trembling as a result of the defeat of the Ottoman Empire in the war and internal calls for reform. Thus, deposing the caliph and abolishing the institution of the caliphate presented itself as a possibility, and this is actually what happened subsequently.

Following the abolition of the caliphate, many Muslims were afraid of the consequences, harbingers of which had appeared on the horizon. They believed that the caliphate was the pivot that held together all countries of the Islamic world. Deposing the caliph or abolishing the caliphate would scatter that world into pieces. Thus, they rallied emotionally around the idea of the caliphate and their affinity to the significance of the caliphate was aroused. They totally forgot or pretended to have forgotten what had resulted from the caliphate – throughout Islamic history, following the [reign of the] Rightly Guided caliphs Abū Bakr and ʿUmar – of tragedies, seditions, and wars that had afflicted Muslims and infringed upon their beliefs (*dākhālat ʿaqāʾidahum*), and they ignored or pretended to ignore the injustices, ordeals and heinous acts at the core of the Ottoman caliphate, by which it wronged Muslims and made them suffer.

In this feverish atmosphere of agitated sentiments and raw emotions, there appeared a study in the journal *al-Muḥimmāt al-Sharʿiyya* by Dr. ʿAbd al-Razzāq al-Sanhūrī (in October 1929), with the title “Religion and State in Islam” (*al-Dīn wa-l-dawla fī al-Islām*), which in its first paragraph states that “Islam is state and religion” (*al-islām dawla wa-dīn*). The goal of the article was to advance a slogan and not to analyse a stance, and to stir up sentiments and emotions instead of awakening reason, critical faculties, and analytical prowess.

Since sentiments were agitated and emotions boiling and this is a glittering phrase, every Muslim sympathized with it [p. 199/200] when the caliphate was in crisis. Moreover, since the slogan is obscure, it can be understood according to any position or interpreted to any purpose. Indeed, the slogan circulated, and the argument spread and was eventually seized upon by plaintiffs who hoped to enter the political arena by piggybacking on it. With it they aimed to change the system of rule in Islamic countries, including Egypt, and this is what transpired and became apparent.

Despite the commonness of the slogan, its wide circulation, and the mixed emotional baggage that refracted its varied contexts, and despite its lingering influence on the political and societal planes, not one attempted to define it, explain what is meant by it, delineate its aims, or formulate a clear roadmap to implement it, let alone the dimensions of that implementation. Those brandishing the slogan do not want, do not know how, or are unable to come up with a definition or present a program. They are people of abstruseness, doing things ambivalently, they are opportunists, temporizers, and they are like mist, disguising discord and disagreement. As to the others, awestruck (*ḥayārā*) by the slogan, they try to sift through its vagueness. They are unable to jettison the obscurity or are afraid of entering the well-known perils of engaging with it. There was an attempt made in this regard, however, it was not built on a scientific premise and burdened the slogan with another slogan: "Islam is state and religion, but there is no politics in religion and no religion in politics". This proved ambiguous and ineffective due to the vagueness of both slogans and the contradictions between them.

The fact of the matter is that the slogan "Islam is state and religion" carries multiple meanings, which may be divided in four [categories]:

- [1.] it may mean that the system of rule in Islamic countries – including Egypt – is at the core of the Islamic religion (*min ṣamīm al-dīn al-islāmī*);
- [2.] it may mean that religion is a part of politics, that political activity is religious activity, that there is nothing that separates religion from politics, and that a victim of political activity is a martyr before God;
- [3.] it may mean that the Islamic state – any state – is based on a historical Islamic order – whether based on law or on religious law (*siwā' kāna qānūniyyan aw fiqhīyyan*) – that is, it applies the Islamic shari'a or the law of God; [p. 200/201]
- [4.] it may mean that the foundation of Islamic states – including Egypt – is the Islamic way (*al-manhaj al-islāmī*), the Islamic moral order, and Islamic traditions and customs.

[On 1.:] If the slogan is meant to imply that the system of rule in Islamic countries – including Egypt – is at the core of the Islamic religion, then this is a grave error of understanding and a severe danger to religion. For the Noble Qur'an does not contain a single verse on (political) rule or delineating its structure (*nizām*), and the corpus of the noble prophetic traditions do not contain any hadith in this regard. If there was a verse – only one – or a hadith – a clear and self-evident one – then one of the companions, accompaniers or helpers of the Prophet (pbuh) would have referred to it upon his death or when a successor for any of the four rightly-guided caliphs was sought.

God Most High, being all-knowing and wise concerning His servants, therefore wanted the system of rule in Islam to be a civil one (that is, issuing from the will of the people), not a religious one (that is, emanating from divine will or godly authorization), for humanity has suffered a lot – and is still suffering – from the [kind of rule] that claims a heavenly basis for power and relies on it to grant rulers infallibility and inviolability, with which they inflict the greatest of wrongs on their subjects and bend their

wills to accord with the [alleged] will of God, and make them believe – erroneously and presumptuously – that their deeds are His will Most High ([God] forbid their lies).

The Companions of the Prophet and the first Muslims grasped the civil foundation of rule in Islam, based on the will of the people rather than religion or some divine matter. Abū Bakr (the first caliph) said when he ascended to the caliphate: “. . . I have been given authority over you, and I am not the best among you. If I do well, help me, and if I do wrong, set me right”. And ‘Umar b. al-Khaṭṭāb (the second caliph) said: “if you find me deviating [from the straight path], then set me right”. This means that they found (*waḍa‘ā*) Islamic rule to emanate from the people and charged them with overseeing the ruler and setting him right.

What might be most confusing to some is that Abū Bakr was known as the caliph. For some mistakenly believe that the expression “successor” (*“khalīfa”*) means that, he is the successor of the Prophet (pbuh), [in the sense of] having all his rights, including religious leadership (*al-riyāsa al-dīniyya*). In reality, the title *“khalīfa”* by which Abū Bakr was known, designates he who follows and succeeds the Prophet in time, not the successor of the Prophet in all his rights. This is supported by the fact that ‘Umar b. al-Khaṭṭāb, upon receiving the pledge of allegiance, was designated as the successor of the successor of the Messenger of God, that is, Abū Bakr is the successor of “the Messenger of God” and ‘Umar is the successor of Abū Bakr, meaning that both of them succeed their predecessor and do not succeed the Messenger of God in [p. 201/202] his rights. It is transmitted that Abū Bakr had said: “I succeed the Prophet (pbuh) but I am not his successor”, that is, he follows the Prophet (pbuh) in time but does not succeed him in rights.

The vast majority of Muslim scholars of law agree that the system of rule in Islam does not stem from religion or the shari‘a (*uṣūl al-dīn aw al-sharī‘a*). Those who say the opposite are Shi‘is (not Sunnis) who add a pillar to the five pillars of religion, namely guardianship (*al-wilāya*), that is, the duty of a Shi‘i Muslim to emulate an Imam, lest his Islam be afflicted with an irreparable hole (*wa-illā uṣība islāmuḥu bi-thulma*). Thus, according to their interpretation and belief, the imamate or the caliphate or any rulership, that is every “system of rule”, is at the core of Islam.

Enquiry into the system of rule “or the imamate” first emerged in Shi‘i jurisprudence and crept into Sunni thought subsequently, along with many of their concepts and even their terms and expressions. This caused confusion among many Muslims who came to believe – erroneously, as Shi‘is believe – that a system of rule rests at the core of Islam. Based on this [assumption] they derived conclusions that have nothing to do with the spirit of Islam and are alien to its principles.

This corrupted interpretation served oppressive caliphs who used it for their own interests rather than the interest of religion or the interests of Muslims. To this end, their dependents (*biṭānātuhum*) among the legal scholars justified it by grounding it in Islamic thought. [The first Umayyad caliph] Mu‘āwiya b. Abī Sufyān said: “The earth belongs to God, and I am the deputy of God, so what I take belongs to me and what I leave for the people, this is a gift from me.” And [the second Abbasid caliph] Abū Ja‘far al-Manṣūr al-‘Abbāsī said: “Oh you people, we have become your leader

and your protector, we are ruling you by the divine right entrusted to us and by His power given to us; I am the deputy of God on earth and the guardian of His property." These caliphs, then, – not the Qur'an or the Sunna – maintained that their rule is the rule of God and that the system of rule belongs at the core of religion.

The gist of all this is that any slogan that claims that a system of rule reflects the core of Islam is an erroneous slogan that conflates meanings and concepts. It confuses the Sunni conception (and this is the majority's conception) with the Shi'i conception, and inadvertently legitimates the corruption of caliphs and their despotism and their [absolute] rule over the people. It grants the rulers sacerdotal authority (*sulṭa kahnūtiyya*) and the accursed infallibility (*iṣma mamqūta*) that God Most High had willed Islam to be rid of.

[On 2.:] If the slogan is meant to imply that politics belongs to religion, that political activity is religious activity, [p. 202/203] and that there is no difference between religion and politics, then it deserves attention and demands explanation and elucidation.

There is a dividing line in Islam – defined and clear – between the works of God and the deeds of humans. Everything that emanates from humans is their doing, they are responsible for it and accountable for it, even though [the impetus] behind it is divine volition: "and you do not will except that God wills" [Q 81:29]. To claim otherwise either grants humans [if they are fully autonomous] the type of inviolability that Islam hoped to undo completely, or [if no will or agency is attributed to humans] exempts them from responsibility, and the verses of the Noble Qur'an reject this completely [-] "So whoever does an atom's weight of good, will see it. And whoever does an atom's weight of evil, will see it" [Q 99: 7–8].

The correct understanding of Islam is that any human action, even if based on one verse or more from the Qur'an, is a human activity. The contraction of marriage, contracts of sales and rentals, and others are civil contracts and human actions, even if they are based (*buniyat*) on a verse from the Qur'an or a saying of the Prophet (pbuh).

The management of the affairs of people, opposing some politicians, contradicting their opinion, or demanding to implement a specific program, all these belong to the works of humans and not to the core of religion, even if they are based on a verse from the Qur'an or a saying of the Prophet (pbuh).

The [Qur'anic] verses and the sayings [of the Prophet] are texts that don't apply themselves, but are objects of interpretation, and interpretation or commentary will inevitably lead to differing opinions. It is transmitted that 'Alī b. Abī Ṭālib ordered his messenger sent to a group that disobeyed him: "do not oppose them based on the Qur'an, for the Qur'an has many dimensions (*ḥammāl awjah*)". This interpretation was contradicted by [the companion] 'Ammar bin Yāsir when he said: "we fight them based on interpretation just like we fought them based on revelation". That is, on the question of war, he made no distinction between his own or his own group's interpretation and verses from the Noble Qur'an.

This defective understanding catalysed all seditions, wars and tragedies in Islam, since it inevitably divides it [i.e., Islam] into groups, factions, and parties, each claiming to be the party of God and their opposite to be the party of the devil.

The conflict between ‘Uthmān b. ‘Affān (the third of the rightly guided caliphs) and other Muslims was a political conflict over the method of rule, but both sides confused politics with religion, the works of humans with God’s revelation, and both claimed to have sincere faith and cast their opponents as apostates. This caused [p. 203/204] the great sedition in Islam that had a grave and lasting effect on Muslims and on doctrine itself.

Political activities [for or against a certain policy, law, or government] may be characterized as misguided or correct, but they – most certainly – must not be characterized as sanctioned or prohibited by religion, so that they do not lead to the slippery slope of accusations of apostasy, trading accusations between opponents, or starting wars and seditions in the name of religion. Islam is free from this.

Misunderstanding and misconceiving is the cause for every misfortune that has afflicted Islam and every feebleness and weakness that has afflicted Muslims. Has the time come to change the situation?

The great sedition occurred in the name of Islam, as did the conflict between ‘Alī b. Abī Ṭālib and Mu‘āwiyya b. Abū Sufyān, between al-Ḥusayn b. ‘Alī and Yazīd b. Mu‘āwiyya, between ‘Alī Abī Ṭālib and the Kharijites, between the Umayyads and the Shi‘is, between the Umayyads and the Abbasids, between the Abbasids and the Shi‘is, and so on. Although they were all political conflicts, they used religion as a slogan and thereby [sowed] corruption and perversion on earth. Here we have a lesson from history. If [we do] not [heed this lesson], we become like the savage who is without history, does not benefit from its lessons and does not take a warning from its incidents.

[On 3.:] If the slogan is meant to imply that the Islamic state – any state, such as Egypt – is premised on the application of the Islamic shari‘a and implementing the law of God, then it needs a whole lot of clarification.

Those using the slogan in this manner have never clarified what they mean by the expression “the Islamic shari‘a” or “the law of God”. It is completely obvious that they are confusing the rules of religion on matters of worship and ritual practice with the religious and ethical program of Islam, and regulations in the Qur’an and the Sunna on social interaction with the subjective opinions of Islamic law.

The religious and ethical program of Islam is a refined template (*uslūb rāqqīn*) for human behaviour practiced by every individual in society. It has no connection with the ruling system or politics, except when the former prohibits it by force or inhibits it by violence – a matter [p. 204/205] no reasonable person would advocate. For the most part, summoning to this program abides by the Qur’anic saying: “Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best” [Q 16:125.]

Rules on social interaction in the Qur’an and the Prophetic Sunna are very few, and Egyptian law abides by them for the most part, except for [a number of] minor issues. These must be put to open discussion and [subjected to] proper individual reasoning without fear of retribution, slander, charges of apostasy and unbelief or rousing immature and improper emotions, while taking into consideration social conditions, past developments, the purpose of laws (*‘ilal al-aḥkām*) and the greater intention of the lawgiver behind them (*qaṣad al-musharri‘ al-a‘zam minhā*).

Regarding the subjective opinions of Islamic law – which most Muslims confuse with the shari'a – these are human opinions without any sacrality. Confusing them with the shari'a is to confuse what God has revealed with what humans have brought to light. Such confusion has a very negative impact on Islam as it makes opinions by scholars of law and statements by commentators into God's rules or at least akin to the rules of God.

We have to take from Islamic law what is appropriate to this age and conforms with [its] circumstances. The laws of the Egyptian courts (since the last century) comprise what is known as a new jurisprudence (*fiqhan jadīdan*), which is closer to the social context and the nature of the age.

However, those who uphold the slogan that Islam is state and religion – in the sense of applying the shari'a and implementing the law of God (the vague nature of their call and their messy situation notwithstanding) – constantly repeat verses from the Noble Qur'an: "And those who do not judge by what God has revealed, those are the disbelievers" [Q 5:44], "and those who do not judge by what God has revealed are truly the wrongdoers" [Q 5:45], "and those who do not judge by what God has revealed, those are the rebellious" [Q 5:47]. This in order to declare as apostates those who oppose them, to argue with them or to demand an explanation or interpretation.

All commentators of the Noble Qur'an are in agreement that these verses do not address Muslims and that no Muslim is addressed by them. Rather, they were addressed at the People of the Book alone, when they refrained from applying what was in the Torah and the Bible. Thus, [the historian and Qur'an interpreter] al-Ṭabarī [d. 923] says that it was transmitted from the Messenger of God (pbuh) that these verses were revealed concerning the People of the Book and do not pertain to the people of Islam at all. Al-Zamakhsharī [d. 1144, another exegete] transmits the same interpretation from Ibn 'Abbās [p. 205/206] (the sage of the Islamic community); and according to [the Qur'an interpreter] al-Qurṭubī (d. 1272), all of those revealed verses pertained to the People of the Book.

Thus, these verses are not directed at Muslims and were not revealed for them. To interpret them in a sense other than that transmitted from the Messenger of God (pbuh) and agreed upon by the authoritative commentators is to take the words out of context and apply the word of God to something other than what it was revealed for. This matter has become [a] severe [problem] recently – either as a result of ignorance or to serve a certain agenda. For some hope to excite emotions and provoke precarity (*ithārat al-akhtār*), even with distortion and duplicitous interpretation.

In addition, the word "*al-ḥukm*" in the mentioned verses – and in all verses of the Qur'an – does not refer to political authority and what results from it. Rather, it refers to the settling of quarrels between people, and may also refer to reason and wisdom.

[On 4.:] If the slogan is meant to imply that the political system in Islamic states – and in Egypt – rests on an Islamic program, Islamic moral order or traditions and conventions, then it is true and it would be wrong to call it a slogan. It rather is a description of reality, and one must not brandish the slogan to suggest that it has not been realized yet.



The political system in Egypt – and in all Islamic countries with a few exceptions – is fundamentally based on Islamic and general religious morality. Islamic traditions and customs, in particular, are upheld by rulers and the ruled alike. If there are transgressions in society they are the responsibility of society itself, for its members are expected to “urge each other to the truth, and urge each other to perseverance” [Q 103:3]. It is a grave error to ask the government to prescribe the mores of a society, to impose a certain form of dress upon them [i.e. the members of society], or to coerce them into a [certain type of] social behavior. Correcting transgressions occurs through proper exemplars, gentle exhortation and the inclination of every member of society to set a good example.

Those who accuse society or the government of apostasy on account of transgressions in the behavior of individuals, their manner of dress or their customs, should return to the history books to learn about what transpired in Islamic history following [the caliphate of] ‘Umar b. al-Khaṭṭāb. There were pecuniary and moral transgressions and fascist behavior in society, which angered righteous believers of every age. This was especially true in the Umayyad period, in Baghdad [p. 206/207] of the fourth (hijri) century, and in Andalusia, especially after the fourth century (hijri). It occurred during the golden age of Islam, when there was no corrupting colonialism or conquering West. This is all demonstrated and explained in detail in the books of Muslim men of letters and historians.

All governmental systems of the world – except atheist systems – inevitably base themselves on the religious values, traditions, and customs of the majority of their people. The governments in all American and European countries suspend work on Sunday (the Christian weekly holiday) and on all Christian holidays. The prohibition of polygyny in their laws is based on the related Christian principle. The constraints on divorce go back to this principle as well, and the prohibition (*ḥazr*) against interest in some legislation occurred as a result of the laws of the church, and so on.

Slogans, no matter how passionate, and expressions, no matter how vivid, do not make a religion victorious, do not establish a state, and do not elevate an individual. Religion is victorious, states flourish, and individuals are elevated through sublime character, complete knowledge, incessant motion, and persistent struggle.

In the Noble Qur’an [we find] on sublime character [the invocation to] “urge each other to the truth, and urge each other to perseverance” [Q 103:3], on knowledge: “God will elevate those of you who are faithful, and raise those gifted with knowledge in rank” [Q 58:11], and on incessant motion: “He has something to bring about” [Q 55:29], and on persistent struggle: “O mankind, indeed you are laboring toward your Lord with [great] exertion and will meet it” [Q 84:6].

This is the true Islamic program (*manhaj al-islām al-ḥaqīqī*), which brings forth the sound human, the virtuous society, and the Islamic government. All other programs are no more than an empty slogan or a deceiving mirage.

# 39 Ḥasan Ḥanafī and Muḥammad ‘Ābid al-Jābrī: *Dialogue of East and West* (1990)

Translated and introduced by Housamedden Darwish

## Introduction

The book from which we translate two excerpts here documents one of the most popular debates between two Arab intellectuals – Ḥasan Ḥanafī and Muḥammad ‘Ābid al-Jābrī – on the topic of secularism, Ḥasan Ḥanafī and Muḥammad ‘Ābid al-Jābrī.

Born in Cairo, Ḥasan Ḥanafī (1935–2021) graduated from the Department of Philosophy at Cairo University in 1956. He obtained his MA and PhD from Sorbonne University in Paris between 1956 and 1966. He became one of the main theorists of the “Islamic left” and a pioneer of Occidentalism in the Arab-Islamic world. He was among those contemporary Arab thinkers who looked to Islamic history to rekindle Islamic and Arab (political) thought. He joined the Muslim Brotherhood in the 1950s, but eventually distanced himself from the movement due to its espousal of violence and its opposition to the progressive left. He became a Nasserist in 1956, then in the 1970s joined the (left-wing) National Progressive Unionist Party, which he later left due to its negative attitude towards “enlightened or progressive Islam”.

Between 1966 and 2018, Ḥanafī was a professor in the Department of Philosophy at Cairo University, which he headed between 1988 and 1995. During the same period, he served as vice president of the Arab Philosophical Society and secretary general of the Egyptian Philosophical Society. He taught at many other universities, including Ain Shams (Egypt), Alexandria, Beni-Suef (Egypt), Bremen, Sana‘a, Frankfurt, Tampere (Finland), Rome, Milan, Sicily, and Temple (USA). Between 1985 and 1987, he served as scientific advisor at the United Nations University in Tokyo. He received the highest awards in Egypt (the State Appreciation Award in Social Sciences 2007, the Nile Grand Prize in 2015), the Free Thinker Prize from Poland, and the Shirazi Prize from Iran. In 1981, Ḥanafī was among seventy professors expelled from Cairo University and transferred to administrative positions in various governmental departments. He was declared an infidel by some Salafist sheikhs for his writings and prosecuted by the Ministry of Religious Endowments. After multiple attempts on his life, the Egyptian government provided security guards who protected him for the next nine years.

In an essay on “The Islamic left”, Ḥanafī combines science with ideology, leftism with Islamism. In the text that we have chosen to translate, this combination appears in his adoption of what he called “Islamic secularism” (*al-ilmāniyya al-islāmiyya*). For Ḥanafī, the main question facing the Islamic left is how to preserve the Islamic heritage

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as popular culture and at the same time use it to defend the interests of the masses and the rights of the poor. Ḥanafī considered the writings of the Islamic left as a continuation of Jamāl al-Dīn al-Afghānī's (see text no. 30) project of resisting colonialism, fighting backwardness, calling for (individual) freedoms and social justice, and uniting Muslims in the Islamic or the Eastern League (*al-Jāmi'a al-Islāmiyya/al-Sharqiyya*). Generally, he oscillated between Arabist and Islamist trends and borrowed from both.

Muḥammad 'Ābid al-Jābrī (1935–2010) was a Moroccan philosopher and considered among the most influential contemporary Arab thinkers. He was born in the city of Figuig in south-eastern Morocco and studied philosophy and social sciences at the University of Mohammed V in Rabat, where he obtained the first state doctorate in philosophy awarded in Morocco in 1970. He worked in the field of education for 45 years, first as a teacher, then as a school manager (1962–1965), an educational supervisor for philosophy professors in secondary education (1965–1967), and finally as a professor of philosophy and Arab and Islamic thought at Mohammed V University in Rabat (1967–2002).

Al-Jābrī was involved with the resistance movement against French colonialism in the early 1950s. After the country achieved independence in 1956, he was arrested twice for his political activity, in 1963 and 1965. He was a prominent leader in the Socialist Union Party for the Popular Forces for a long period before resigning from party responsibilities in 1981 and withdrawing from political activity to devote himself to intellectual endeavours. Al-Jābrī received many awards, including the Baghdad Prize for Arab Culture from UNESCO in 1988, the Maghreb Prize for Culture 1999, the Prize for Intellectual Studies in the Arab World 2005, the Pioneers Prize from the Arab Thought Foundation 2005, the Avicenna Medal from UNESCO on the occasion of World Philosophy Day 2006, and the Ibn Rushd Prize for Free Thought 2008.

He published dozens of books on different topics, which can be divided roughly into four distinct areas:<sup>1</sup> reading in Arab and Islamic heritage, contemporary Arab thought, Western and global thought and its relationship to Arab thought and reality, and Moroccan affairs. Al-Jābrī advocated for engaging in a critical dialogue with Arab and Islamic heritage in order to understand it in light of its distinct historical development, its ideological specificities, and to establish appropriate connections to it. On this basis, al-Jābrī posited a complementarity between authenticity and contemporaneity, between heritage and modernity.

The text translated below includes al-Jābrī's discussion on secularism, directed at both secularists and Islamists. In his address to modernists calling for secularism, whether nationalist, liberal or Marxist, al-Jābrī argues that secularism defined as the separation of church and state is a false problem in contemporary Arab thought, and instead, the focus should be on the subject of democracy and rationality. Addressing Salafis and

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<sup>1</sup> See Muḥammad Muḥammad al-Shaykh, *'Ābid al-Jābrī: Masārāt mufakkir 'arabī* (Beirut: Markaz Dir-asat al-Wahda al-'Arabiyya, 2011).

anti-secular traditionalists in general, al-Jābrī argues that secularism has been a perennial in Islamic history since the time of the Umayyad caliph Mu‘āwiya (r. 661–680).

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## Translation by Housamedden Darwish

### Secularism and Islam: Islam does not Need Western Secularism (*‘ilmāniyya gharbiyya*)

**Dr. Ḥasan Ḥanafī**

Dear Muhammad,

Secularism (*al-‘ilmāniyya*) is not an authentic Arabic term. It is an Arabised term that translates the word *secularism*, derived from the Latin word *saeculum* which means “the era”. It is a term that belongs to Western civilisation and as such, must be explained to make it comprehensible to the proponents of secularism; at the same time, it receives the most vociferous opposition from supporters of authenticity, who reject this newcomer altogether.

In the West, this term refers to the separation of church and state, of religious authority (*al-sulṭa al-dīniyya*) and political authority (*al-sulṭa al-siyāsiyya*). This was the only roadmap for the Europeans to achieve progress after the church took control of the state and conflict arose between the popes in Rome on the one hand, and the kings and emperors of Europe on the other. First the popes were victorious, and then, since the French Revolution, the kings: “Let the last king be strangled with the bowels of the last priest.” The separation of the two authorities, the church for religious affairs and the state for worldly affairs, was the solution, thus resonating with Christ’s words: “Render unto Caesar the things that are Caesar’s, and unto God the things that are God’s.” The separation of the spiritual and the temporal authorities (*al-sulṭatayn al-dīniyya wa-l-rūḥiyya*) in the modern era is a return to the spirit of early Christianity.

Secularism has become quotidian in Western civilisation. It is the basis of European constitutions, for there is no official state religion, no religious affiliation as a prerequisite for the presidency, no ecclesiastical law regulating relations between individuals, such as [p. 34/35] personal status law or criminal law, no religious education in schools and no religious propagation (*da‘awāt*) in the media.

Nevertheless, after the kings were victorious over the popes, the church was used to promote the interests of state. Thus, the church was a precursor to colonialism and

then its successor. Colonialism was linked to missionary activity, and vice versa. In that process, non-Europeans were domesticated, first by converting them from their indigenous religions (*al-diyānāt al-waṭaniyya al-maḥaliyya*) to Western Christianity, and then by substituting loyalty to the West for loyalty to their homeland. In this manner, belief in Western religion is transformed into loyalty to the political West. Furthermore, given that missionary activity paved the way for colonialism and had shared interests with it, colonialism supported missionary activity with material and military aid. Later on, this led to the emergence of national churches harbouring national religions for the defense of national independence, as is the case with the black church in the United States of America (Martin Luther King) and in South Africa (Bishop Tutu).

This topic has nothing to do with us, as it is purely a matter of European history. However, the concepts of Western culture spread among us and we came to understand ourselves, to express our wishes, and to defend our rights with concepts such as secularism and liberalism after they became widespread among us. These concepts were among the factors that led to progress in the West. Since progress is one [there is only one kind of progress], peoples are one, and the law of history is one, there is no doubt that the defense of, adherence to, and advocacy of these concepts will achieve progress in our societies, regardless of the specificities of the peoples and the different historical stages societies undergo, and in spite of the lack of a single blueprint for progress.<sup>I</sup> The truth is that we are unable to invent new paths to progress inspired by reality, the intellectual capacity of people, their experiences, and their historical depth.

Secularists in our land, since Shiblī Shumayyil [see text no. 31], Ya'qūb Ṣarūf, Faraḥ Antūn [see text no. 32], Nīqūlā Ḥaddād, Salāma Mūsā [see text no. 35], to Walī al-Dīn Yakan, Luwīs 'Awaḍ, and others, called for secularism in the Western sense, that is the separation of religion from state – religion is for God and the homeland is for all (*al-dīn li-llāh wa-l-waṭan li-l-jamī*). It is noteworthy that they were all Christians (*naṣāra*), [p. 35/36] mostly Levantines with civilisational and cultural loyalties to the West, and they held no affinity to Islam either as a religion or as a civilisation. They were also educated in foreign schools and in missionary institutions. Therefore, it was easier in their sincere call for progress and advancement in their lands, to adopt the Western style that they knew, called for, and saw represented in the current progress of the West.

They were followed in this matter by some Muslims, such as Qāsīm Amīn in his “The Liberation of Women” and “The New Woman”, 'Alī 'Abd al-Rāziq in “Islam and the Foundation of Political Power” [see text no. 34], Khālid Muḥammad Khālid [see text no. 36] in his early works such as “From Here We Begin”<sup>II</sup> and several others before he advocated for the unification of the two authorities in “Religion and State”

I HD: In this paragraph, Ḥanafī moves between paraphrasing a common view that he is actually not sharing and criticizing this view.

II HD: The original, erroneously, gives the title “From Here We Know”, which was Muḥammad al-Ghazālī's refutation of Khālid. On these two works, see 'Abd al-Tafahum, “A Cairo Debate on Islam and Some Christian Implications,” *Muslim World* 44 (1954): 236–52.

from the 1980s, Ismā‘īl Mazhar in his call for Darwinism before he turned to “Islam forever” by the 1960s, Zakī Najīb Maḥmūd before changing his stance in the 1970s with “Renewal of Arab Thought”, even though Western scientific thought was still the criterion of renewal, and Fu‘ād Zakariyya and most of the traditional Marxists who espoused the first half of Marx’s statement “religion is the opium of the people” while ignoring the second half, “and the sigh of the oppressed”.

This has led Islamic movements to reject secularism rightly, associating it with Westernisation, including colonialism and missionary activity, and to adhere to Islam which ties religion to the world. These movements raised the slogan of “God’s sovereignty” (*al-ḥākimiyya*) according to the Qur’anic verse “and those who do not judge by God’s revelations are the infidels” [5:44] that is, those who reject the requirements of faith, sinners who accept faith in theory and reject it in practice, and the losers who do not know what is best for them in this world.

The first mistake – the importation of Western secularism – caused a second misguided reaction: God’s sovereignty. Two wrongs do not make a right. The challenge for us is how to achieve the goals of the secularist camp for which our societies are striving, such as freedom and progress, and at the same time appease the demands of the second group, including the implementation of Islamic law (*sharī‘a*), in such a way as to prevent any ambivalence between the world and religion (*al-izdiwājiyya bayna al-duryā wa-l-dīn*), deed [p. 36/37] to faith, revealed law (*al-sharī‘a*) to creed (*al-‘aqīda*).

This is feasible given that the *sharī‘a* is a positive system of law (*sharī‘a waḍ‘iyya*) based on the fulfilment of public interests. These are the so-called objectives of *sharī‘a* that the traditionalists (*al-uṣūliyyūn*) have expounded upon, namely, posit the *sharī‘a* first, and then [attend to] necessities, exigencies and refinements. There are five necessities essential to life: the preservation of religion, life, intellect, honour, and wealth. Religion is objective truth (*al-ḥaqīqa al-mawḍū‘iyya*) independent of human whim, human life is *sui generis* valuable, intellect without which there is no responsibility or accountability, honour without which man has no dignity, and wealth which establishes the sustenance of life and guarantees its survival and its continuation. These five necessities are what secularists defend, but they derive them from Western civilisation rather than the Islamic *sharī‘a*, from the other and not from the self, as imitation and not as innovation. What the secularists fear, i.e., the severity of the law of fixed punishments (*al-ḥudūd*) – which the Islamists defend in reaction to secularist condemnation – is, in fact, an illusion. It stems from the split in national unity, the civil strife that is the product of enshrining the anathematisation of all sects except one in our national consciousness. *Sharī‘a*-based legal rulings are of two types: declaratory and compulsory (*aḥkām al-waḍ‘ wa-aḥkām al-taklīf*). The first encompasses actions that are conditioned by their structure and fabric in a real-world setting. Each action has a cause and can only be realised conditionally or be hampered by an obstacle. It may come in the form of an ideal image, as it should be, or of a realistic image of what is attainable. This action can be accomplished with honesty and (good) intent or with falsehood, equivocation and fraud. For example, the fixed punishment for theft can only be applied when

the motive is clear, namely infringement upon the rights of others, and not the pursuit of sustenance. Moreover, this punishment hinges upon other conditions [that the perpetrator must possess] such as maturity, accountability and self-sufficiency. The penalty is also waived if the perpetrator is impeded by a hindrance, such as hunger, or wealth disparity that cannot be explained by employment status or insufficient effort [to gain a livelihood]. Man may do what he is able to do in tandem with his capacity and qualifications, and as no one should be made to carry an unbearable obligation, there should be neither harm nor reciprocal harm. Man should also act out of honesty and (good) intent rather than superficiality, hypocrisy, vanity, or a desire for fame or status.

As for the idea that the shari'a stifles people, an accusation that secularists have exhausted, [p. 37/38] this also arises as a result of misunderstanding the spirit of the shari'a, as if it were about objection, restraint, and prohibition, and not about satisfying desires, fulfilling needs and unleashing the energies of human beings and their appreciation of nature. The shari'a's five classes of rulings (*al-ahkām al-shar'iyya*) – obligatory, recommended, forbidden, discouraged and permissible – reflect the levels of natural human action. The obligatory is what man does by nature instinctively, such as performing deeds in their time. The forbidden is what man ceases to do, also out of nature and instinctively, such as aggression towards the honour and possessions of others. The recommended is what man does voluntarily, if willing and able. The discouraged is what man also refrains from doing voluntarily for the sake of ethical perfection. The permissible is the natural act that is outside the scope of formal laws, it is the instinctive act that reflects man's natural tendency to do good, it is the performance of innocence and childhood. In this manner, and according to this natural understanding, the five classes of rulings describe natural human actions, exactly as the secularists desire, outside the circle of the formal categories of the permissible, *ḥalāl* and the forbidden, *ḥarām* that are imposed from outside.

The shari'a provides general principles from which jurisprudence (*fiqh*) is derived. The general principles are fixed, as is the preservation of the objectives of the shari'a, while the actual laws change in accordance with needs and interests. If previous generations developed their jurisprudence in response to their circumstances, we too may create a jurisprudence that fulfils our needs, is in accordance with our circumstances, and realises our changing interests, generation after generation. Why should we fear legislation and boldness in exercising it? They were men and we are men, we learn from them but do not emulate them.

In its essence (*fi jawharihi*), Islam is a secular religion (*dīn 'ilmānī*), and therefore does not need additional secularism derived from Western civilisation. But it is our backwardness that has turned Islam into a priesthood (*kahanūt*), religious authority, ceremonies, rituals, observances, sanctions and fixed punishments until people were fed up and turned to Western secularism with all that it represents, namely, rationality, liberalism, freedom, democracy and progress. The fault is with us and not with others, with our imitation of others and not with our own creativity. [p. 38/39]

## Islam is not a Church to be Separated from State (al-Islām laysa kanīsa kay nafīlahu ‘an al-dawla)

Dr. Muḥammad ‘Ābid al-Jābrī

Dear Ḥasan,

Once again, I am offered the opportunity to express my opinion on one of the most controversial topics in contemporary Arab thought. I have already written an article entitled “Democracy and Rationality as an Alternative to Secularism”<sup>III</sup> (*al-Yawm al-Sābi‘*, 224, 22 August 1988) in my monthly series in the “Horizons” column of this magazine. In the article, I pointed out that the slogan of “secularism” (*‘al-ilmāniyya*) was first raised in Lebanon, perhaps in the mid-19th century, to demand independence from the Ottoman caliphate, or at least, to demand democracy and the respect of minority rights . . . At the end of the article, I came to the following conclusion: “[T]he question of secularism in the Arab world is a false one, because it indicates needs that do not correspond with that term: the need for democracy which respects minority rights and the need for the rational exercise of politics, both objective needs indeed. They are all reasonable and urgent needs in the Arab world. But they lose their rationality and urgency, even their legitimacy, when they are expressed by a controversial slogan such as ‘secularism’. . . . In my opinion, we should remove the slogan of ‘secularism’ from the dictionary of Arab thought and replace it with two slogans: democracy and rationality (*al-dīmuqrāṭiyya wa-l-aqlāniyya*). Only these two express the real needs of Arab society: democracy implies protecting rights, the rights of individuals and groups, while rationality implies exercising politics according to reason and its logical and moral criteria and not in accordance with whims, fanaticism [p. 39/40] and capricious moods.” I then added: “Neither democracy nor rationality implies, in any way, the exclusion of Islam. Indeed, judging by objective facts alone leads us to say that if Arabs really are the ‘substance of Islam’ (*‘māddat al-islām*), then Islam is the soul of the Arabs (*rūḥ al-‘arab*). Hence, Islam should be considered a basic element of Arab existence: spiritual Islam (*al-islām al-rūḥī*) for Muslim Arabs, and cultural Islam (*al-islām al-ḥaḍarī*) for all Arabs, Muslim and non-Muslim alike.”

This is a summary of what I said in that article, and I bring it up here because the argument (*al-khiṭāb*) there was addressed to those contemporary Arabs who are calling for “secularism” (*‘al-ilmāniyya*), such as nationalists, liberals and Marxist thinkers. But here, in this part of our dialogue, the argument is basically directed to the opponents of secularism, Salafists and others. Every context requires its own rationale (*li-*

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III HD: Al-Jābrī later republished the aforementioned text in two of his books: Muḥammad ‘Ābid al-Jābrī, *Wujhat naẓar: naḥwa i‘adāt binā’ qaḍaya al-fīkr al-‘arabī al-mu‘āṣir* (Beirut: Markaz Dirasat al-Wahda al-‘Arabiyya, 1992): 102–5; idem., *al-Dīn wa-l-Dawla wa-Taṭbiq al-Sharī‘a* (Beirut: Markaz Dirasat al-Wahda al-‘Arabiyya, 1996). There is an English version of the text in Mohammed Abed al-Jabri, *Democracy, Human Rights and Law in Islamic Thought* (London: I.B. Tauris, 2009): 53–56. We will use this translation whenever al-Jābrī quotes from it, with minor modifications.



*kull maqām maqāl*). Therefore, my starting point will be the idea that you – my brother Hasan – expressed at the beginning of the last paragraph of your article, where you wrote: “In its essence, Islam is a secular religion, and it therefore does not need additional secularism derived from Western civilisation.” Here I find myself compelled to say that although I agree with you on what I think you wish to say, I consider your manner of expression to be unsuitable. The phrase “Islam is a secular religion” is, in my view, no different from other statements such as “Islam is a socialist religion”, “Islam is a capitalist religion”, or “Islam is a liberal religion”, etc. These and similar statements do not solve the problem and do not lead to mutual understanding.

In my view, the core problem is the “form of the state” (*shakl al-dawla*) and I think this problem needs to be dealt with in a clear and simple language that expands its scope. Outlined below is my point of view on the topic:

1. I think Islam is the world and religion (*dunyā wa-dīn*), and that it established a state (*aqāma dawla*) at the time of the Prophet (pbuh), and that the pillars of that state were consolidated during the time of [the first and second caliphs] Abū Bakr and ʿUmar. Therefore, to say [p. 40/41] that Islam is a religion and not a state is, in my view, a statement that ignores history.
2. I am completely convinced that Islam, which is a religion and a state at the same time, does not specify the form of the state – be it in the Qurʾan or in a prophetic Hadith. This issue was left to the independent reasoning (*ijtihād*) of Muslims, because it belongs to the type of affairs included in the scope of the Prophet’s (pbuh) saying, “You are more knowledgeable [than me] about the affairs of your worldly life”. This is evidenced by the disagreement of the Companions in the assembly room (*Saqīfa*) of Banū Sāʿida<sup>IV</sup> as they debated at length [the issue of succession to the Prophet] to settle finally for Abū Bakr. This is also indicated by how each of the Rightly Guided Caliphs appointed his own successor. Abū Bakr consulted the Companions and appointed ʿUmar b. al-Khaṭṭāb with their consent. The latter left the issue to “the people of consultation” (*ahl al-shūrā*), six senior Companions who represented various strands of public opinion (*ittijāhāt al-raʾ al-ʿām*) at that time. The latter discussed it for a long time and ended up appointing ʿUthmān. The Companions were of differing views on the unrest and uprising against ʿUthmān, just as they were [on the matter of succession] after he was mur-

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IV HD: Immediately following the Prophet Muḥammad’s death in 632, the Anṣār, Medinese Muslims who supported the Prophet Muḥammad, and the Muslims who emigrated with him from Mecca to Medina, the Muhājirūn, gathered in the resting place (*saqīfa*) of the Banū Sāʿida tribe to choose his successor. The choice of the Anṣār fell on Saʿd b. ʿUbāda (d. sometime in 635–37), leader of the Khazraj tribe, the largest among the Anṣār. Three prominent emigrant companions, Abū Bakr al-Ṣiddīq (r. 632–34), ʿUmar b. al-Khaṭṭāb (r. 634–44) and Abū ʿUbaida b. al-Jarrāḥ (d. sometime in 638–40), later joined the meeting and argued for the right of the immigrants from Quraysh to the caliphate. The meeting ended with everyone present pledging their allegiance to Abū Bakr al-Ṣiddīq as Muḥammad’s successor.

dered. The Battle of the Camel<sup>V</sup> and the Battle of Ṣiffīn<sup>VI</sup> were fought over this question of leadership (*al-imāma*), clearly a contentious matter.

3. Opinions and theories on proper rule in Islam emerged after the Battle of Ṣiffīn between ‘Alī and Mu‘āwiya: The Shi‘is opined that the caliphate should be restricted to the descendants of ‘Alī . . . and the Khawārij initially designated it as a right of every free Arab, and then, when a group of *mawālī*<sup>VII</sup> joined them, the right of every just Muslim.<sup>VIII</sup> As for Mu‘āwiya, he established a “political state” (*“dawlat al-siyāsa”*),<sup>IX</sup> and the great Companions, including al-Ḥasan, al-Ḥusayn, Ibn ‘Abbās, Ibn al-Zubayr and still others, as well as the overwhelming majority of Muslims, pledged their allegiance to him.
4. Muslims are united in the opinion that the [true] caliphate lasted for thirty years. According to some, it later became “tyrannical rule” (*“mulk ‘aḏūḏ”*) and according to others “political rule” (*“mulk siyāsī”*). All Sunnis also agree that this shift from “the prophetic caliphate” to political rule could not have been staved off. Others saw this shift as innate to the evolution and “nature of human civilisation”, as Ibn Khaldūn [see text no. 9] put it. Furthermore, Abū Bakr b. al-‘Arabī [d. 1148], the Maliki and Ash‘ari Andalusian jurist explains the difference [p. 41/42] between the prophetic caliphate at the time of the Rightly Guided caliphs, and the political rule that was established since the time of Mu‘āwiya. Representing the Maghrebi point of view on this subject, Ibn al-‘Arabī states:

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V HD: A battle that took place in Baṣra in 656 between the forces of ‘Alī b. Abī Ṭālib (r. 656–61; Muḥammad’s cousin and son-in-law) and the army led by two of the Prophet’s closest companions, Ṭalḥa b. ‘Ubayd Allah (d. 656) and al-Zubayr b. al-‘Awwām (d. 656) in addition to ‘Ā’isha bint Abī Bakr (d. 678; the Prophet’s young and favourite wife), who was said to have gone with the army on a camel, hence it became known as the Battle of the Camel. The ostensible reason for the battle was the slowness of ‘Alī b. Abī Ṭālib – who led the Islamic polity as the fourth of the Rightly Guided caliphs after the assassination of ‘Uthmān b. ‘Affān (the third Rightly Guided caliph) – to punish ‘Uthmān’s murderers. The battle ended with victory for ‘Alī, the killing of Ṭalḥa and al-Zubayr, and the capture of ‘Ā’isha.

VI HD: This battle took place near the banks of the Euphrates in the Ṣiffīn area, close to the present-day Syrian-Iraqi border in 657, between ‘Alī b. Abī Ṭālib, leader of the Islamic polity, and the armies of Mu‘āwiya (r. 661–80), governor of Syria and one of Muḥammad’s companions who had risen in rebellion and later became the first ruler of the Umayyad dynasty (661–749). Mu‘āwiya refused to pledge allegiance to ‘Alī as the new caliph before justice for the murder of his kinsman, the third caliph, ‘Uthmān, was done. The battle did not conclude with a decisive outcome, and it was stopped to conduct an arbitration process between the two parties at the request some of Mu‘āwiya’s supporters, whose army was suffering heavy losses. The arbitration found in Mu‘āwiya’s favour and paved the way for the establishment of the Umayyad dynasty.

VII HD: In this context, the term *mawālī* refers to the new converts to Islam.

VIII HD: A just Muslim is a person who adopts Islam and adheres to its basic beliefs and values, in his words and actions, especially in his dealings with others.

IX HD: The word politics is derived from the Greek polis (city) thus, politics deals with the affairs of the city. The Arabic word for politics *siyāsa* is derived from the word *sāsa*, which means “to steer or hold the rein of the horse”, thus making politics the art of governance. The expression “state of politics” approximates the Arabic “state of governance”.

Before this day and in the early days of Islam, the leaders were scholars and the subjects were soldiers, then the state was settled. And leaders of the commoners were one group and military leaders another. Then God in His great wisdom and in His eternal judgement ruled in the matter, thus dividing the scholars into one group and the military leaders into another. In this manner, the subjects became one class and the soldiers another, so things conflicted . . .

This is, in my point of view, an accurate and realistic description of what happened. If we want to put it in simpler and clearer terms, we could say that at the time of the Prophet and the caliphs the state was a conquest state led by military leaders who were at the same time men of religion (*rijāl al-dīn*) and missionaries, while at the base the subjects were all soldiers, as all Arab tribes had been enlisted. There was therefore no separation between what might be called “political society” (*“al-mujtama’ al-siyāsī”*), i.e., the different apparatuses of state, and what might be called “civil society” (*“al-mujtama’ al-madani”*), i.e., scholars, political parties, social organisations and the common people. In the reign of Mu‘āwiya, this conquest state turned into a kingship in which military leaders were separated from scholars and soldiers were separated from subjects. Thus, a “political society” mainly comprising military leaders and soldiers, and a “civil society” mainly consisting of scholars and subjects, emerged. In my opinion, it was impossible for the status quo to be maintained, as this would have required all of the scholars, whose numbers had multiplied to join the rulers (*al-umarā*) in order to form a single leadership bloc, as was the case at the time of the Prophet and the Rightly Guided caliphs. Moreover, it would have required all Muslims, Arabs and non-Arabs, from all corners of the kingdom to join the ranks of the military. The number of scholars, such as Hadith scholars, exegetes, jurists, and linguists etc. increased, and it was therefore necessary for them to be separate from the rulers. Likewise, the number of Muslims in the West and the East<sup>X</sup> also increased, so it was necessary for a small number of them to be employed by the military and a large number of them to work for the benefit of society as a whole, in crafts and professions such as agriculture and industry, etc. The separation of scholars from rulers and subjects from [p. 42/43] the military was inevitable.

On the other hand, given the evolution that had taken place, it was no longer possible for Mu‘āwiya to follow in the path of Abū Bakr, ‘Umar, and ‘Uthmān, even if he so wished. They had been leaders of a community of scholars/rulers and soldiers/subjects, but Mu‘āwiya and those who came after him, whether in the Umayyad era or afterwards, headed a community comprised of rulers and soldiers and of scholars and subjects. Mu‘āwiya expressed so much in a sermon he delivered to the people of Medina when he visited the city for the first time after his victory. He said to them: “I wanted to make myself follow in the path of Abū Bakr, ‘Umar, and ‘Uthmān, but felt strongly repulsed by the idea.” He then added: “So I have taken a path that is beneficial for me and for you, that is sharing good food and drink on good terms, but if you

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X HD: In this text, “West” and “East” refer to the western and eastern parts of the Islamic caliphate and not the West and East in the common contemporary meaning.

do not find me the best among you, then I am the best for you as a governor (*wāli*).” As it is well known, Mu‘āwiya was a Companion, one of those who wrote down the revelation to the Prophet (pbuh), and the governor of Syria (*al-Shām*) in the time of ‘Umar and ‘Uthmān. Those whom Mu‘āwiya addressed in Medina and those who listened to his words were the Companions and their Successors.<sup>XI</sup> All of them approved of what he said because they saw nothing in it that contradicted religion. He told them he would lead them based on [public] interest and benefit, but that he could not follow the path of Abū Bakr and ‘Umar. They accepted this claim and all Muslims agreed unanimously, with the exception of the minority Khawārij, on the validity of his mandate, and all, including al-Ḥasan and al-Ḥusayn pledged their allegiance to him. This year became known as “the year of community”.

This is a historical reality, and it is part of Islam, because it is a reality that Muslims, including the senior Companions have acknowledged. Since there are no legal texts from the Qur’an or from Hadith that determine the form, style, method, and apparatus, etc. of governance, all that remains for Muslims is their history. This is the historical experience of the Arab Islamic community (*al-umma al-‘arabiyya al-islāmiyya*), which is a long and rich experience that included the Rightly Guided Caliphs as well as Mu‘āwiya, ‘Umar b. ‘Abd al-‘Azīz, Hārūn al-Rashīd, al-Ma‘mūn and others, in both the East and the West. Indeed, the rule of the Rightly Guided Caliphs will remain as an ideal of governance in Islam. I do not think it possible to [p. 43/44] revive, because it requires the founding of a “conquest state” wherein rulers and scholars are placed together in one group and soldiers and subjects in another. This is unlikely, at least in the foreseeable future. What may be possible in the foreseeable future is the establishment of a state based on interests and benefits, and not on the path taken by Mu‘āwiya who relied on his fellow tribesmen and allies, but in a manner that befits our time, by striving to involve the entire community (*al-umma kullihā*) in the election and monitoring rulers according to legal and constitutional stipulations.

The form of the state is not prescribed by Islam. It is one of the matters left to the *ijtihād* of Muslims, so they act in accordance with the exigencies of [public] benefit and interest and in accordance with the norms of each era. The phrase “Islam is a secular religion” therefore does not differ in my view from the phrase “Islam is a non-secular religion”. Secularism, in the sense of separating religion from the state has nothing to do with Islam, because it has [no] church to be separated from the state. But, if what is meant is the separation of scholars from rulers and soldiers from subjects, i.e., what we express today in separating religion from politics and preventing the army from engaging in politics, then this is what has actually transpired since the time of Mu‘āwiya, as we have seen. It constitutes the bulk of the historical experience of the Muslim community.

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XI HD: “Successors (*al-tābi‘ūn*)” refers to those Islamic dignitaries who were the trusted companions of Muḥammad’s companions, the next generation of community leaders.

# 40 Muḥammad Bārūt: *On Islamic Secularisation* (1994)

Translated and introduced by Housamedden Darwish

## Introduction

Muḥammad Jamāl Bārūt is a Syrian intellectual and researcher born in the village of Dayr Hāfir, Aleppo in 1958. He obtained his BA in French Language and Literature from Aleppo University in 1981. His first book, *Poetry Writes its Name* (1982), was in literary criticism, but he later turned his focus to research and writing on political, religious and social issues as well as human development in Syria and in the Arab world at large. He is the main author of the second national report on human development, and director of the “Syria 2025” project, sponsored by United Nations Development Programme UNDP to draft a vision statement on progressive development in Syria (2007). He worked as a resident researcher at the French Institute of the Near East (“Institut français du Proche-Orient”, IFPO) between 2007 and 2010, a lecturer at St Antony’s College, Oxford University in 2008, and a visiting professor at the School of Advanced Studies in the Social Sciences (École des Hautes Études en Sciences Sociales, EHESS) in Paris in 2009. He has been at the Arab Centre for Research and Policy Studies since its establishment in 2010, formerly as head of the research department, now as an associate researcher and academic editor.

In *New Yathrib: An Analysis of Contemporary Islamic Movements*, from which we have translated an excerpt, Bārūt explicitly calls for dialogue between secular and Islamic elites, arguing that such a dialogue could transcend secularist and takfirī/jihadist understandings of secularity and facilitate a move towards a new (Islamic) paradigm for secularisation. Bārūt formulates the initial methodological and epistemological features of such a new (Islamic) secularisation or secularism through a historical reading and conceptual analysis. Among current Islamist movements, he distinguishes between reformist discourse, discourse promoted by the Muslim Brotherhood, and jihadist discourse, and between popular Islam, political Islam, and official Islam, and finally, between the application of shari’a as advanced by the Brotherhood and the Jihadist concept of *al-ḥākimiyya*. To Bārūt dialogue between secularists and Islamists offers the only escape from the impasse of a political spectrum that has authoritarianism on the one end and violent jihadism on the other. However, he stresses that this strategy and its goals will not be achieved unless the relationship between state and society is transformed from one based on violence to one based on law, including a commitment to

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the peaceful transition of power and a civil society founded on pluralism, democratic freedoms, and guarantees of democratic citizenship rights.

In the text below, Bārūt emphasises the significance of a clear distinction between secularity (*al-'almāniyya/laïcité*) and secularism (*al-'almānawīyya/laïcisme*). This distinction is not yet commonplace in Arabic discourse on the subject, and rarely features in texts translated into Arabic. Also, as evident in the chapter's title, Bārūt advocates for the concept of "Islamic secularisation", against many detractors who see a contradiction between its two constitutive terms. To him, while Islamic secularisation may be incompatible with secularism or Islamism, it could be in total accord with secularity or Islam.

## Bibliographical Information

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## Translation by Housamedden Darwish

### On Islamic Secularisation: A Possible Approach

The term "Islamic secularisation" (*al-'almana al-islāmiyya*) prompts thorny questions. At first sight it appears vague, contradictory, unclear and difficult to accept, if not difficult to understand. How can it be right to combine "secularity" (*al-'almāniyya*), which is the separation of religion and state, with Islam, which is religion and state, according to the current political and activist Islam of the [Muslim] Brotherhood and Jihadists, both Sunni and Shi'a. The most important ambiguity in the reception of this term arises from the failure to mark a distinction between *laïcité* (secularity, *al-'almāniyya*) and *laïcisme* (the secular creed, *al-'aqīda al-'almāniyya*), in investigating and delimiting these concepts. It is similar to the distinction between *modernité* (modernity, *al-ḥadātha*) and *modernisme* (modernism, *al-ḥadāthawīyya*) or between *historicité* (historicity, *al-tārīkhīyya*) and *historicisme* (historicism, *al-tārīkhāniyya*). In line with this distinction, "secularism" (*al-'almānawīyya*) is the inversion of a religious creed. More precisely, it is a worldly creed (*'aqīda dunyawīyya*) characterised by mechanisms of religiosity, rite, and sacralisation. This type of "secularism" was proclaimed in 1793 by [Pierre-Gaspard] Chaumette (d. 1794), president of the Paris Commune during the French Revolution, who transformed the churches of Paris into temples of reason and designated the Church of Notre Dame as the temple of reason.

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**Note:** Translated with permission from El Rayyes Books.

“Secularity”, in its pedestrian sense, or even in its official institutionalised form, refers to a ritual manifestation, such as the state of Algeria’s ban on officials growing a beard or wearing traditional clothes, the inclination [p. 229/230] of protagonists of the Arab Renaissance [in the late nineteenth and early twentieth centuries] to don “the European hat” or modernist ritualism as exemplified by Kemalism in Turkey, or [Ḥabīb] Būrgība (d. 2000) dubbing himself as “imam of the nation” and sipping juice while constricted to justify breaking the fast during Ramadan in the interest of development. On the other hand, “secularism” in its deepest sense emanates from the identification of “secularity” (*al-‘almāniyya*, relative to the world, *al-‘ālam*) with “scientism” (*al-‘ilmāniyya*, quality of being scientific, *‘ilmī*), especially in its materialist distinction that dominated nineteenth century reason and was characterised by the sacralisation of progress and the infallibility of reason in the discovery of the laws that govern the social and natural universe. In this sense, the textual overlap or the intertextuality between the terms “secularism” and “secularity” is rooted in the fact that their subject matter – the world or the visible and perceptible universe – is identical. This overlap became possible when European science reached its peak at the end of the nineteenth century. Optimism of the triumph of science over all problems and obstacles facing humanity bedazzled reason even in Europe itself.<sup>I</sup> However, there is no conceptual link between “secularity” and “materialism” (*al-māddiyya*) in the philosophical sense, as the Catholic clergy, for one example, has been at the forefront of testing experimental scientific methodology<sup>II</sup> without being “secularist” or “materialist” in the philosophical sense or “atheistic” in the simplified commonplace sense of “materialism”.

Thus, and as a result of the Arab Renaissance’s “secularist” reception of “secularity”, which was closely related to the nineteenth-century European mind [p. 230/231] and its sacralisation of science, a simplified and naive schema of the concept of “secularity” circulated in the literature of Islamist movements, wherein it was reduced to irreligiosity (*al-lādiniyya*), in the sense of “materialism” or “atheism”. This commonality was not simply a response to what Islamist movements saw as “Westernisation” in the Arab Renaissance project. It also aimed at the restricting the term in the context of “materialism” and wielding this restriction ideologically to erect a barrier between “secularity” and the consciousness of the Muslim masses, a false and delusional way to confront the West and challenge its compulsive presence in the subjectivity of persecuted and oppressed communities. This type of usage has produced a reversed Orientalist logic in which the “spirit” characterizes the East while “materialism” is characteristic of the

I Fu’ād Zakariyya, “al-‘Almāniyya qarūra ḥaḍariyya,” *Qadāyā Fikriyya* 8 October (1989): 273. For details on the meaning of the term, see Zakariyya’s paper and Azīz al-‘Aẓma’s, *al-‘Almāniyya min manẓūr mukhtalif* (Beirut: Markaz Dirasat al-Wahda al-‘Arabiyya, 1992), 17–19. As for the distinction between secularity and secularism, see the references of Wajīh Kawtharānī’s contribution in a symposium on *The Arab Future* 6, no. 171 (1993): 126–27.

II al-‘Aẓma, *al-‘Almāniyya min manẓūr mukhtalif*, 27.

West,<sup>III</sup> that is, a logic that falls within the mechanisms and consequences of Orientalist discourse while harbouring the illusion of being free from it and against it.

If this distinction between “secularism” and “secularity” is correct, then Islamist discourse is in fact discussing “secularism” when it intends to discuss “secularity”; while lexically, “secularity” does not necessarily imply “materialism”, since it is a term that only means “temporality” or “worldliness”, as Dr. Fu’ād Zakariyya<sup>IV</sup> has shown. In its original sense, “secularism” is derived from the Latin *saeculum*, which never means “non-religious” in the sense of materialist or atheist, but merely “a century” or “a generation of people”. Nothing shows this more than the fact that the French language, which usually uses the term “secularity”, has introduced “secularism” in the sense of “mundane/worldly”, from which the implication of “materialism” is derived (this meaning is also used by the master and imam Muḥammad ‘Abduh (d. 1905) in his exchange [p. 231/232] with Faraḥ Antūn) (see text no. 32). For example, *le bras séculair* in French refers to civil authority. In this sense, “secularism” is a space of “secularity” that transcends it and is not reducible to it, as not every secular [person] is “secularist”, it [secularism] is exactly the type of these dogmatic spaces about truth that we find in any other space. In this sense, it is a limited current, albeit a powerful one, in French revolutionary thought that more than one Islamist theorist has cast as the root of the tree of evil, a so-called Masonic-Jewish conspiracy that existed not just to undermine Christianity but all religions. On the other hand, Islamists who wish to be fair attribute the hostility of the French revolution to Christianity as a by-product of the opposition of the “clergy” or the “priesthood” to European modernity, whereas Islam, free of a priesthood, avoids these problems of “secularisation”. They remain Western-Christian problems, not Islamic problems. [. . . p. 232–242]

It is impossible to explain “theocracy” in current “jihadist” Islam through the Sunni theory of sovereignty (*al-ḥākimiyya*) or the Shi’i theory of the guardianship of the jurist (*wilāyat al-faqīh*). This is a “theocratic” Islam in the strict sense of the word, unknown to Islamic history, to the point where we can say – almost without hesitation – that this Islam, in its fundamental and profound “paradigm”, is a byproduct of the radically secularist modern Arab state and its inverse image. The main methodological basis for this claim is that while in Arab societies, the ideological sphere is the most dominant, it is the economic sphere that prevails in modern Western societies. If we were to write the history of Arab societies in Samir Amin’s language, the title of the book would be “Authority” instead of *Capital* and the first chapter “Authority is a fetish” [p. 242/243] instead of “Commodity is a fetish”). Here, in Arab societies, meta-physical alienation “still” prevails in the cognitive consciousness, whereas economic

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III We find this exemplified in Abū al-Ḥasan Nadwī’s book, *Mādhā khasir al-‘ālam bi-inḥitāt al-muslimīn?*

IV Zakariyya, “al-‘Almāniyya”: 273.



alienation [prevails] in Western societies.<sup>1</sup> This means everything is adapted to the requirements of the state in its narrow sense, that is, authority, [including] coercive apparatus and tools. This is where the “theocratic” image of “jihadist” Islam, an inverse image of the “secularism” of the state, mistakenly described as “secularity”, originates.

The so-called “secularity” of the modern Arab state is only and prosaically a simplified and authoritative “secularist” ideology, which disguises, in the name of a claimed “secular” modernity, oligarchic control over the state, even if this oligarchy is a minority in the political, confessional, familial, modern or traditional sense. This has actually transformed the state into a foreign entity, separate from the nation (*umma*), and its compulsive nature excites metaphysical terror. Hence, this simplified totalitarian “secularism” arises in the form of a charismatic and ritual ideology that worships the nation for the ruler (*al-sultān*) – the state that resembles Hobbes’ Leviathan, who holds religious authority in his right hand and civil authority in his left and is the only one in charge of religious and worldly affairs. In this sense, the supposed “secular” state paves the way for a simplified authoritarian type of “secular” or “secularist” doctrine, which pushes “the young jihadists to confront the governance of human tyrants with the governance of God” and subsequently, oppose absolutely [any form of] civil human governance. The ruler – the state in its charismatic ideology – arrogates metaphysical and creative titles that are celebrated ritualistically and automatically, similar to the spontaneous celebration that every mention of the Prophet’s name [p. 243/244] or every time the name of God pronounced. What is compelling in its reality, is transformed – in the hysteria of enslavement – into a mechanism independent of the person, who rules it and is not ruled by it and directs it and is not directed by it.

However, this “secularism” is not the “secularism” of a king who deals with his subjects in a paternalistic manner, but rather that of a usurper, which infallibly assumes a formal and hostile ritualism, violating the shari’a politically, destroying the classical distinction between shari’a and politics that runs through Islamic history, and rendering the shari’a as one of its tools and a source of its legitimacy. In this vein, we saw the “secularist” and supreme militant Ḥabīb Būrgība as “the imam of the nation”, issuing a religious verdict to break the Ramadan fast in the interest of securing development objectives, and drinking a glass of orange juice [in public] during this period of abstinence. Likewise, we see the “secularist” bureaucratic Algerian ritual that forbids state employees from sporting a beard and threatens them with sanctions. Meanwhile, we see Egyptian bureaucratic “secularism” rushing to normalise re-

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<sup>1</sup> [note 18 in the original] Dr. Samir Amīn, *Naḥwa Naẓariyya li-l-Thaqāfa*, 1st edition (Beirut: Ma’had al-Inma’ al-‘Arabi, 1989), 6–7. It is clear here that we are making a slight modification to Amin’s thesis, which talks about pre-capitalist societies. This modification focuses on the implicit consideration of pre-capitalist relations and their metaphysics as an ongoing relationship until now, despite their involvement in global capitalist relations.

lations with Israel and its humiliating consequences, [and] erasing Qur'anic verses that urge Muslims to fight Jews. And we see another [instance of] authoritarian “secularism” of the state in [the form of] a state fighting “obscurantist” forces by destroying all the minarets and celebrating the birthday of the president and leader, may God protect him and be pleased with him, in concocted ritual and pagan festivals (is not authority a fetish!), while the nation goes to waste.<sup>v</sup> In other words, the process of violating symbolic, subjective and Islamic values is carried out by a despotic state in the name of a new “charismatic” authority that interferes in worldly and religious affairs [alike], based on a crude, hideous and gross “secularism” that has nothing to do with the meaning of “secularity” and its ethics of respecting the rights of the other to their own symbols, subjectivity and conscience.

Jihadist “theocracy”, or current “Islamism” (*al-islāmānawīyya*) [if you will], consciousness of which was formulated in the detention camps of the so-called modern state, is a complete, charismatic, and totalitarian state with an Islamic hue or clad in a turban and robe. It is, therefore, profoundly one of the symptoms of the predicament of this state in its hostile relation [p. 244/245] to society, its subjectivity and will. Jihadist “theocracy” will remain an expression of the crisis rather than a solution and will not succeed if it is beholden to the mechanisms of a “secularist” ideology clad in an Islamic turban.

A new secularity that transcends the “secularism” of the despotic state and the “theocracy” of the “Islamist” Jihadists can only come into being through the subjectivity of the nation, the negation of a “secularist” or “Islamist” guardianship of the elite, and the transformation of authority from a monopoly in the name of the blessedness of “secularism” or the blessedness of “*al-wilāyatiyya/al-ḥākimiyya*” to the lawful transition of power. Likewise, a new secularity that separates shari'a from politics, accepts civil society rights that are independent of the state, does not meddle with subjectivities and beliefs, cannot be but an Islamic secularity which derives its dynamism from subjectivity but abides universality. It separates shari'a from politics yet acknowledges the relationship between the state and collective subjectivity. Thus, the project of this new secularisation necessarily proceeds through a reform of subjectivity of which itself is a by-product. Then [we ask], are the significations of Islamic secularisation all present now?

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<sup>v</sup> HD: Armies have bombed mosques and demolished minarets during armed confrontation with Islamists in more than one Arab country, for example, in Syria in the 1960s and 1980s. However, Bārūt is likely referring here to Algeria and Iraq where the president's birthday is officially celebrated, which was not the case in Syria.

# 41 Abdelwahab Elmessiri: *Partial and Comprehensive Secularism* (2002)

Translated and introduced by Haggag Ali

## Introduction

Abdelwahab Elmessiri<sup>I</sup> (1938–2008) was a prominent Egyptian scholar and public figure. He studied English literature and received his BA from Alexandria University, his MA from Columbia University, and his PhD from Rutgers University. Upon his return to Egypt, however, he devoted himself to the study of Judaism, Zionism and secularism in Western and Arab discourse.<sup>II</sup> The passages translated here are excerpted from his book on *Partial and Comprehensive Secularism*.

Drawing on the Islamic discursive tradition, humanist Marxism, and social critical theory, Elmessiri in this book introduces two major terms to transcend simplistic definitions and understandings of secularism: partial secularism (*al-'almāniyya al-juz'iyya*) and comprehensive secularism (*al-'almāniyya al-shāmila*).

Exploring the incremental materialization of the processes of secularization and their consequences in both the public and the private sphere, Elmessiri presents secularism as a comprehensive worldview that operates on all levels of reality. Given the eclipse of utopian ideologies and grand narratives, Elmessiri argues that secularism can no longer be understood merely as the separation of religion and state or even the separation of any particular value from the state. Rather, it signals the separation of all religious, moral and humane values from the world as a whole. He does not claim that his argument is entirely new, since it can be traced in the writings of prominent Western intellectuals such as Max Weber, Herbert Marcuse, Irving Kristol, Ágnes Heller, and Zygmunt Bauman (vol. 1, p. 101–108).

Despite his rigorous critique of both partial secularism and comprehensive secularism, Elmessiri points out that partial secularism (the separation of religion from politics and perhaps economics) is consistent with Islam, since it is a form of 'moral

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I This spelling of his name in Latin characters, deviating from the formal transliteration given in the bibliographical information, has become established.

II On Elmessiri, see Haggag Ali, *Mapping the Secular Mind* (Washington, DC: IIIT, 2013); "Modernity in the Discourse of Abdelwahab Elmessiri," *Intellectual Discourse*, 19, no. 1 (2011): 71–96; "Max Weber and the Revision of Secularism in Egypt," in *Max Weber in der Welt*, ed. Michael Kaiser (Tübingen: Mohr Siebeck, 2013): 47–63; "Abdelwahab Elmessiri's Islamic Humanism," *International Sociology* 33, no. 5 (2018): 568–76.

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secularism' or 'humanistic secularism' that does not collapse into absolute relativism and nihilism.<sup>III</sup>

## Bibliographical Information

'Abd al-Wahhāb al-Masīrī, *Al-'Almāniyya al-juz'īyya wa-l-'almāniyya al-shāmila*, 2 vols. (Cairo: Dar al-Shuruq, 2002), I:219–22.

## Translation by Haggag Ali

### The Definition and the Dynamic Sequence of the Paradigms of Secularism

The term “secularism” (*al-'almāniyya*) is too vague and narrow to describe many phenomena of modern society. Therefore a much more complex and comprehensive term is required. It would be of no avail to promote the middle ground in defining secularism since it ignores the complexity of the secular realm in both the East and the West. Thus, we need to introduce a more sophisticated and analytical definition that can encompass the largest number of the relevant phenomena and ideas of the Western project of modernity as cause or effect, even if some of these ideas and phenomena might appear unrelated and contradictory. The proposed definition, however, should not be static, but capable of underlining the incremental materialisation of secularism in time and space, whether in the West or in the East.

### Defining Secularism

Amongst the most important reasons for the confusion associated with the term “secularism” is what I refer to as the problematic of the two secularisms. The core of the problematic is that the signifier “secularism,” whether in Western or Arab analytical discourse, actually refers to more than one signified. In order to effectively approach this problematic, I assume a continuum of signifieds, with “partial secularism” (*al-'almāniyya al-juz'īyya*) at one end, and “comprehensive secularism” (*al-'almāniyya al-shāmila*) at the other. These signifieds, however, overlap, intersect, coexist, conflict and struggle with one another. Despite the overlapping of the two proposed terms, they are two ends in one and the same continuum or [p. 219/220] two overlapping circles. Therefore,

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III See also 'Abd al-Wahhāb al-Masīrī, *Rihlatī al-fikriyya* (Cairo: Dar al-Shuruq, 2005), 389–90.

I will attempt to approach them separately as if they were completely independent. This is an acceptable heuristic strategy that holds significant explanatory power.

## 1 Partial Secularism

Partial secularism is a partial view of reality (pragmatic and procedural) that does not address all its (epistemic) dimensions, and that consequently cannot lay a claim to comprehensiveness. It considers it necessary to separate religion from the world of politics (*faṣl al-dīn ‘an ‘ālam al-siyāsa*), and perhaps economics, as manifested in the common definition of secularism as the separation of religion and state (*faṣl al-dīn ‘an al-dawla*). This view is necessarily silent regarding all other aspects of life, but it does not necessarily deny the existence of moral, human, and perhaps religious absolutes, totalities, metaphysics, and extramundane phenomena. Therefore, it does not yield epistemic or moral systems. Rather, it is a defining vision of human beings, i.e., it might reduce them to natural-material beings in some aspects of their lives (those that pertain to public life) yet is silent on the other aspects of their lives. As for the duality of human existence and the human power of transcendence, partial secularism does not fall into naturalistic-materialistic monism (*al-wāḥidiyya al-ṭabī‘iyya/al-māddiyya*), but rather leaves human beings their own human space for action (should they so desire).

## 2 Comprehensive Secularism

Comprehensive secularism is an entire worldview with an epistemic dimension (total and ultimate) that rigorously seeks to determine the relationship of religion, absolutes, metaphysics, and extramundane phenomena to all realms of life. It is a rationalistic and materialistic view revolving around the frame of immanent reference (*al-marjī‘iyya al-kāmina*) and materialistic monism, seeing the centre of the universe as immanent in it without any potential for transcendence. Thus, comprehensive secularism is an expression of materialist pantheism (*waḥdat wujūd mādiyya*). This worldview also sees the entire world as composed of a single matter [an intrinsic materialist principle] devoid of any sanctity or mysteries (*asrār*), existing instead in a state of permanent and purposeless flux that does not care for specificities, uniqueness, absolutes, or constants. This intrinsic materialist principle, according to this worldview, shapes both human beings and nature; and therefore, it represents a monistic, naturalistic, and materialistic worldview.

This worldview yields epistemic systems (the five senses and the material world are the sources of knowledge; and therefore, the world given to our senses contains what can self-sufficiently interpret and handle the world). It also yields a moral outlook (material knowledge is the only source of morals), a historical outlook (history moves in one direction, even when it moves in different directions, it will ultimately

lead to the same destination), [p. 220/221] and a vision of human beings (human beings as an indivisible part of nature/matter without independent boundaries, thus transforming them into one-dimensional and oversimple phenomena or beings devoid of independent consciousness and incapable of transcendence and free moral choice). It is precisely for this reason that comprehensive secularism is an expression of the ‘return to the womb’ proclivity (*al-naz’a al- ħulūliyya al-janīniyya*). Everything, in the final analysis, is inherently profane, temporal, relative, and unsanctified, i.e., merely utilisable matter.

Comprehensive secularism, in this sense, is not simply a separation of religion, clergy or any particular value from the state or what is called “public life”. Rather, it is the separation of all religious, moral and human values (which transcend all laws of motion and the material senses) from the world as a whole, i.e., from both human beings (in their public and private lives) and nature. It thus desacralizes them and transforms the entire world into a relative and unsanctified matter to be utilised by the most powerful and the fittest for their own interest. Based on this, I argue that comprehensive secularism is an expression of imperialism, which rationalised Western human beings within the materialist paradigm – the most powerful and the fittest of all human beings – transformed into a useful matter to be utilised for their own interests by mobilising great armies and invading the world.

I assume that the best way to approach secularism and secularization (*al-’almana*) is to study its frame of reference (whether immanent or transcendent). Secularism might be neither atheistic nor anti-humanistic in its statements and declarations (for it might not explicitly deny the existence of the Creator, the centrality of human beings in the universe, or absolute values, be they human, moral, or religious); but on the operative paradigmatic level and in the ultimate frame of reference, it excludes God, absolutes and constants from the process of gaining knowledge and from the process of formulating moral systems. Moreover, it fiercely excludes human beings from the centre of the universe and denies them their centrality and freedom.

It is commonplace to define secularism as simply the separation of religion and state, or to use other similarly partial definitions. Many imagine that they actually manage their lives in terms of partial secularism. However, if we probe a little deeper, [p. 221/222] we will discover that when it comes to theoretical definitions they usually operate in terms of partial secularism, whereas their actual practice in most aspects of quotidian life operates in terms of comprehensive secularism (through what I call ‘structural secularization’ and other mechanisms such as the pleasure industry and the centralized state).

The difference between “partial secularism” and “comprehensive secularism” actually refers to the differences between various historical stages of the same paradigm. Secularism is not simply a fixed definition, but a phenomenon that reveals itself in history and in successive sequences. Therefore, rather than ‘the paradigm of secularism’ (and the term “paradigm” entails a great degree of fixity), it is better to speak of ‘sequence of paradigms’ (*mutatāliyya namādhijīyya*) that materializes over

time and in space. It can be argued that in the early stages of this sequence, partial secularism prevails, i.e., when its realm is confined to politics and economics, or when there are residues of Christian and human absolutes, and when the state, mass media and the pleasure industry are too weak and impotent to infiltrate (or colonise) all realms of life; and when humanist and materialist normativity still exists. But in the later stages, and given the gradual increase in state power, mass media and the pleasure industry, as well as in their ability to infiltrate individuals and control them externally and internally, as well as the ubiquity of secularisation, the eclipse and disappearance of absolutes, the marginalisation of human beings, and the dominance of both moral relativism and epistemic relativism, comprehensive secularism emerges in its two stages: the solid and the liquid.

# 42 Georges Tarabichi: *Secularism as an Islamic-Islamic Problematic* (2008)

Translated and introduced by Housamedden Darwish

## Introduction

Georges Tarabichi (Jūrj Ṭarābīshī, 1939–2016) was a Syrian thinker, critic and translator. Born into a Christian family in Aleppo, he became an agnostic at the age of 14, in spite of his religious upbringing.<sup>I</sup> He earned a B.A. in Arabic and an M.A. in Education from the University of Damascus. A professional journalist, he was director of the Syrian radio (1963–1964) and editor in chief of two journals, *Dirāsāt ‘Arabīyya* [Arabic Studies] (1972–1984) and *al-Waḥda* [Unity] (1984–1989). He settled in Beirut in 1972 and remained there until the early 1980s. He later moved to Paris, where he remained until his death.

Tarabichi was a member of the Ba’th Party in Syria but left the Party a year after it seized power in 1963 and was subsequently arrested on political charges. His ideological and intellectual vision underwent major transformations, from Arab nationalism and Ba’athism to leftism (and) Marxism, then to Freudianism and psychoanalysis. Throughout, his writings were marked with a poignant critical dimension. Tarabichi translated dozens of books from a variety of disciplines, including texts by Hegel, Sartre, Simone de Beauvoir and Garaudy. He used psychoanalysis as an analytical and critical tool in his literary criticism of Arabic novels.<sup>II</sup> His critique of the writings of the Moroccan philosopher Muḥammad ‘Ābid al-Jābrī (see text no. 39) and especially of the latter’s *Critique of Arab Reason*,<sup>III</sup> is his most famous and widely read work. Tarabichi spent about 25 years on his *Critique of the Critique of Arab Reason*, which was published as a five-part series.<sup>IV</sup>

In his studies of the causes of “the backwardness of the Arab world”, Tarabichi saw the need to focus on internal rather than external, and in his view subordinate factors. He emphasized the outsized influence of cultural and religious factors, and saw these, rather than political factors, as the most basic and structural causes of

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I Jūrj Ṭarābīshī, “Sitt Maḥaṭat fī Ḥayātī,” *Jarīdat al-Nahar*, 18 March 2016.

II See Jūrj Ṭarābīshī, *Al-‘Āmāl al-Naqdiyya al-Kāmīla*, 3 vols. (Dubai: Dar Madarik, 2013).

III Muḥammad ‘Ābid al-Jābrī, *Naqd al-‘Aql al-‘Arabī* 1–4, (1)- *Takwīn al-‘Aql al-‘Arabī*, 1984; (2)- *Bunyāt al-‘Aql al-‘Arabī*, 1986; (3)- *al-‘Aql al-siyāsī al-‘Arabī*, 1990; (4)- *al-‘Aql al-Akhlaqī al-‘Arabī*, 2001, (Beirut: Markaz Dirasat al-Waḥda al-‘Arabīyya, 1984–2001).

IV Ṭarābīshī, *Naqd Naqd al-‘Aql al-‘Arabī* 1–4. Jūrj Ṭarābīshī, *Min Islām al-Ḥadīth ilā Islām al-Nash’a: al-Nash’a al-Musta’nafa* (Beirut: Dar al-Saqī and Rabītat al-‘Aqlaniyyin al-‘Arab, 2010) is considered the fifth part of this series.

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backwardness in the Arab world. In contrast to the slogan “Islam is the solution”, he considered secularism and modernity in general as the solution or at least a sizeable portion of it. Tarabichi is therefore considered a culturalist.

In the selection below, Tarabichi argues that secularism is as necessary in the Western or Christian world as it is in the Arab and Islamic world, not just to regulate relations between Muslims and Christians, but also between Muslims of different sects and denominations.

## Bibliographical Information

Jūrj Ṭarābīshī, *Hartaqāt 2: ‘An al-‘Almāniyya ka-Ishkāliyya Islāmiyya – Islāmiyya* (Beirut: Dar al-Saqi and Rabitat al-‘Aqlaniyyin al-‘Arab, 2008).

## Translation by Housamedden Darwish

### Secularism as an Islamic-Islamic Problematic (*al-‘Almāniyya ka-ishkāliyya Islāmiyya – Islāmiyya*)

Opponents of secularism in the contemporary Arab cultural arena, whether advocates (*du‘āt*) for modernity or proponents of traditionalism (*al-qadāma*), agree that it is a quintessentially *imported problematic*. Secularism, in their opinion, surfaced first in the West, specifically the Christian West. It emerged in response to a problematic that was unique to the Christian West: namely, theological, and political conflict in the form of successive wars between the Catholic majority and a Protestant minority that lasted over one hundred years. Through translation and shabby imitation, [a process] known as “westernisation” (*al-tafarnuj*), this Western problematic was implanted in modern Arabic culture which did not have a real need for it. Hence, it did not meet an actual – or imaginary for that matter – demand, except among a minority group that volunteered to import it: i.e., the Christians (*al-naṣāra*) of the East.

Thus, Burhān Ghalyūn, had claimed previously in his *al-Mas‘ala al-Ṭa‘ifiyya wa-Mushkilat al-Aqalliyyāt* – and let us acknowledge his precedence in this matter – that secularism is an “artificial and transplanted problematic from the West.” After him, Muḥammad ‘Ābid al-Jābrī declared secularism a superfluous solution to an inexistent problem, since secularism means “separating the church from the state, and Islam

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**Note:** Translated with permission from Dar al-Saqi. Jūrj Ṭarābīshī, *Hartaqāt 2: ‘An al-‘Almāniyya ka-Ishkāliyya Islāmiyya – Islāmiyya*. Copyright © 2008 Dar al-Saqi, Beirut, Lebanon. This excerpt was published with permission from Dar al-Saqi.

does not have a church to be separated from the state.”<sup>1</sup> Though Burhān Ghalyūn and al-Jābrī linked importing the problematic of secularism to the need of the Christian minority to rearrange its relations with the Muslim majority, a third supposed proponent of modernity went much further by accusing the importers, i.e. the Christians of the East, [p. 9/10] of civilizational treason for the benefit of the West, saying: “Secularists in our land, since Shibli Shumayyil [see text no. 31], Ya‘qūb Ṣarūf, Faraḥ Antūn [see text no. 32], Niqūlā Ḥaddād, Salāma Mūsā [see text no. 35], to Walī al-Dīn Yakan, Luwīs ‘Awaḍ, and others, called for secularism in the Western sense, that is the separation of religion from state. It is noteworthy that they were all Christians (*naṣāra*), mostly Levantines with civilisational and cultural loyalties to the West, and they held no affinity to Islam either as a religion or as a civilisation.”<sup>2</sup>

Such is the case with the presumed advocates for modernity. As for the proponents of traditionalism – not yet accused of apostasy (*riḍḍa*) – they claim in unison: “It is not odd that the first one to call for secularism under its true banner or in different epithets, such as nationalism or patriotism, were the Christians of the East. Indeed, the secure life (*al-ḥayāt al-muṭma‘inna*), or rather the largely excessive affection (*al-muḥābāt*), that Islamic society has provided for them did not extinguish the burning hatred in their hearts. And since they were aware that the hegemony of shari‘a is the greatest obstacle to fueling their rage and unleashing their hatred, they have made desperate efforts to end this hegemony and replace it with non-religious regimes . . . in order to destroy Islam.”<sup>3</sup>

Clearly, we do not dispute that secularism in one of its aspects – but most definitely not in all of them – could serve as a minority insofar as it can provide them with a guarantee of complete equality before the law. However, what we dispute is that the minorities with whom we are concerned within the Arab-Islamic circle are exclusively Christian. This is so because secularism is a philosophy and a mechanism for regulating relations, not only between different religions, but also between different confessions (*tawā‘if*) within a religion.<sup>4</sup> The fact is that plurality in the Arab-Islamic context (*dā‘ira*) is not limited to religion or ethnicity but extends as well to [p. 10/11] confession. The Arab Islam, in its current demographic reality, consists of a

1 [note 1 in the original] The quotation from al-Jābrī and the subsequent quotation from Ḥasan Ḥanafī are from their debate on secularism in: *Ḥiwār al-Mashriq wa-l-Maghrib*. Casablanca: Dar Tubqal, 1990 [see text no. 39].

2 [note 2 in the original] Let us note that Ḥasan Ḥanafī is not content here with the removal of the names of prominent secular Muslim advocates of a renaissance, including al-Kawākibī, Qāsim Amīn, Ahmad Luṭfi al-Sayyid, ‘Alī ‘Abd al-Rāziq [see text no. 34], Ṭaha Ḥusayn, Ismā‘il Adham and Ismā‘il Maḥzar. In his haste to adopt “a culture of sedition” – as described by George Qurum – he includes among the “Christians of the Levant” a pioneering Muslim advocate for the cause, Walī al-Dīn Yakan.

3 [note 3 in the original] Dr. Safar bin ‘Abd al-Raḥmān al-Ḥawālī, al-‘Almāniyya: *Nash‘atuhā wa-Taṭawwuruhā wa-Atharuhā fi al-Ḥayāt al-Islāmiyya*, Mawqī‘ al-Sahwa al-Ilktruni.

4 [note 4 in the original] We say it is both a philosophy and a mechanism without losing sight of the fact that there are those who consider secularism – like democracy in the first place – as just a legal mechanism, while some consider it a philosophy at the same time.

Sunni majority, that is certain, but also of Shi'i, Nusayris, Zaydi, Ismaili, Druze and Ibadi minorities.<sup>5</sup> From the perspective of this confessional Islamic plurality, the matter of secularism in the Arab world is not only a Christian-Islamic matter, as the opponents of secularism like to portray it, but is also, and perhaps fundamentally, an *Islamic-Islamic matter*. We may even go so far as to claim that the focus of the opponents of secularism on the minoritarian Christian dimension of the problematic of secularism in the Arab world, hides, like any other expression (*al-manṭūq bihi*), an *unspoken dimension* that is far more dangerous and lethal, namely, a sectarian Islamic dimension. It took the catastrophic American occupation of Iraq for this unspoken dimension to explode with an absolutely unstoppable force that had been repressed for so long. Nevertheless, the naïve strategy of *blaming others for one's own defects* was quick to blame the eruption of a culture of civil war (*al-fitna*) in today's Iraq to the American intervention. We do not dispute the role played by this intervention but believe that it only removed the lid from a cauldron of repressed rage, which as we will prove shortly, was burning for over a thousand years. In the words of Ash'ari theologians, let us say that the American intervention did nothing more than provide an *opportunity* for the eruption of civil war, but it was not a *causal* agent. At the causal level, we have to return to history, a long history that cannot be measured in terms of decades – as is the case with the Catholic-Protestant war that planted secularism in the West as a legal mechanism to regulate relations among various denominations – but in terms of centuries of Sunni-Shi'i conflict. This conflict remains rooted in the quagmire of medieval sectarianism because its secular resolution remains absent and unavailable to this day.

Because the self-rootedness is what the theory of an exogenous intervention – here the American occupation – obfuscates, this study will do nothing but uncover this obfuscated history.

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5 [note 5 in the original] We are talking here exclusively about Arab Islam. Non-Arab Islam includes an even larger number of sects.

# 43 Nassif Nassar: *Secularity as a Victory for Justice* (2009)

Translated and introduced by Michael Frey

## Introduction

Nassif Nassar (Nāṣif Naṣṣār) has been an outspoken proponent of secularity in the Arab world since the late 1960s. Born in 1940 to a Maronite Christian family in the Lebanese village of Nabay (Nābaih), he studied philosophy and social sciences at the Lebanese University in Beirut and at the Sorbonne in Paris, where he obtained his doctorate in philosophy in 1967 with a study on Ibn Khaldun's realist thought.<sup>I</sup> Working as a philosophy professor at the Lebanese University since his return from Paris in the same year, he has written articles, essays and books mostly in Arabic on a wide range of topics.<sup>II</sup>

Nassar is a strong critic of sectarian and totalitarian political and social structures. These structures, according to him, are supported by ideology, i.e., a way of thinking that uncritically subscribes to the totalizing beliefs and interests of a particular group or community. It is therefore one of Nassar's main concerns to further an undogmatic type of rationalism that focuses on societal and universal human truths and interests and is self-critical and open to all strands of thought.<sup>III</sup>

This conceptualization of rationalism also informs Nassar's assessment of secularity in his essay "Secularity as a victory for justice",<sup>IV</sup> where he first distinguishes between narrow (or politicized) and broad (or enlightened) secularity. He then argues in the excerpt translated below that even in its broad conceptualization, secularity should not be understood as a comprehensive or metaphysical view of the world, but rather as the unshackling of reason and politics from religious domination. This un-

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I Nassif Nassar, *La pensée réaliste d'Ibn Khaldūn* (Paris: Presses Universitaires de France, 1967).

II For a comprehensive treatment of Nassar's life, work and thought see Michael Frey, *Liberalismus mit Gemeinsinn: Die politische Philosophie Nassif Nassars im libanesischen Kontext* (Weilerswist: Velbrück, 2019). The studies on Nassar's thought in Arabic are numerous. See especially Muḥammad al-Miṣbāḥī, *Jadaliyyat al-'aql wa-l-madīna fī al-falsafa al-'arabiyya al-mu'āṣira* (Beirut: Dar al-Ma'arif, 2013), 63–116.

III See for example Nāṣif Naṣṣār, *al-Aydiyūlijīyya 'alā l-miḥakk. Fuṣūl jadīda fī taḥlīl al-aydiyūlijīyya wa-naqādhā* (Beirut: Dar al-Talī'a, 1994), 37–96; *Bāb al-ḥurriyya. Inbithāq al-wujūd bi-l-fī'l* (Beirut: Dar al-Talī'a, 2003), 107–23.

IV The text was first presented at two conferences held in 2009, one at Muhammad V University in Rabat, Morocco, and another at Université Saint-Esprit de Kaslik, Lebanon. The text was first published in the proceedings of the latter conference: Nāṣif Naṣṣār, "Al-'Almāniyya intiṣāran li-l-'adl," *Annales de Philosophie & des Sciences Humaines* 25 (2009): 15–48.

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derstanding of secularity, according to him, forms part of a just epistemological and political order in which every 'foundational authority' (*sulṭa aṣliyya*), such as reason or religion, is granted its natural rights.

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## Translation by Michael Frey

### Secularity as a Victory for Justice

A predilection for the independence of reason (*istiqlālīyyat al-'aql*) and its freedom originates from the growth of human consciousness and dignity. It is therefore part of what human beings owe themselves. What is most significant about this keen interest is that it does not decide in advance what reason is allowed or not allowed to do. It leaves it to reason itself to decide, within the limits of its specific faculties, what it explores and what it claims on theoretical and practical truths related to the universe and to the human being, and especially on the absolute [p. 260/261] and its relationship with humans. For secularity (*'almāniyya*) is not a metaphysical philosophy. It is a philosophy that defends the right of reason in the pursuit of metaphysical inquiry and the right to criticise this pursuit. The world in its entirety is its subject, as it is for religion; however, what is most significant in the secular stance is that reason's approach to the world takes place independently of what religion, in principle, says about it. Therefore, it is not correct to define secularity as 'a comprehensive view' (*naẓra shāmila*) of the world, i.e., of all of humanity and the universe as a whole, one that affirms the autonomy of worldly elements, dimensions and values from religious elements, dimensions and values'.<sup>1</sup> The comprehensive view of the world results from reflecting on the world's arenas (*mayādīn*), their phenomena and principles by way of rational inquiry (*istikshāf 'aqlī*), or it is based on the certainty of faith (*ḥads imānī muṭlaq*). This is not what secularity does. For the independence which it affirms is not that of the world from religion,

1 [note 1 in the original] This is the definition of secularity in a founding document of the Permanent General Conference of the Secularist Movement in Lebanon (al-Mu'tamar al-'Āmm al-Dā'im li-l-Tayār al-'Almānī fi Lubnān). See *Min al-fikr al-ḥurr ilā al-'almāniyya* [From Free Thinking to Secularity], Albert Bayet and L[ouis] de Naurois, translation with additions by 'Ātif 'Ulabī, Dār aṭ-Ṭalī'a, Bairūt, 1986, p.122. [MF: The book Nassar mentions here contains, among others, Arabic translations of two chapters of Albert Bayet's *Histoire de la Libre Pensée*, and a translation of Louis de Naurois' article "Laïcité" in the second edition of the *Encyclopaedia Universalis*.]

but that of reason and the state from religion. It is so because if what is meant by religion is God and His relationship to the world, then talk of the autonomy of the world is metaphysical talk, the truth of which cannot be ascertained. Furthermore, it sustains several interpretations, materialism being [only] one of them. If, however, what is meant by religion is a faith-based view of the world (*naẓra īmāniyya ilā al-‘ālam*), then talk of the autonomy of the world contradicts idealism. This can be applied to religion as well as to [different] kinds of realism. And if what is meant by the world is limited to the human being’s world only, then the proposition of its autonomy from religion contains a negation or an exclusion of experiencing religious belief (*iḥtibār al-īmān al-dīnī*) or of what is religious in humans. This is all cause for severe, if not ruinous confusions. The way to eliminate them is to say that the world is [simply] the world, that it existed before the human being and remains after it. We are from it and in it and we arrange our affairs in it with all our capacities (*qudrāt*), according to their essences (*māhiyyāt*), their functions (*waẓā’if*), and their destinies (*maṣā’ir*). This arrangement is without pre-dominance of any one [of these capacities] over the other.<sup>2</sup>

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2 [note 2 in the original] ‘Abd al-Waḥḥāb al-Masīrī is a researcher specialised in the history of the Jews and Zionism. His “Partial secularity and comprehensive secularity” (*al-‘Almāniyya al-juz’iyya wa-l-‘almāniyya al-shāmila*) – which is in reality a book on Western modernity from the angle of secularity – posits a distinction between partial and comprehensive secularity [see text no. 41]. Comprehensive secularity refers to a comprehensive rationalist view (*naẓra ‘aqlāniyya shāmila*) of the lifeworld. It is closely connected to a specific metaphysical philosophy, which is the philosophy of materialist monism (*falsafat al-wāḥidiyya al-māddiyya*). The latter completely reduces human beings to nature and nature to matter and confirms the principle of physical force (*mabda’ al-quwwa*) and its logic as prevalent in human relations. Consequently, whereas partial secularity implies the separation of the state from religion, comprehensive secularity denotes the ‘exclusion of human moral and religious values from both spheres of life, the public and the private’ (first volume, p.6, see also p.16). This is a definition that offers a model for interpreting latent structures, and as such, falls prey to reductionism and exaggerations. We content ourselves here with asking the following question: Is al-Masīrī’s assumption that secularity, which transcends the separation of the state from religion and deprives the lifeworld from human moral and religious values, really true – in both principle and in reality? In other words, if it is necessary to understand secularity as exceeding the separation of the state from religion, is it also necessary, in principle and in reality, to connect it to the philosophy of materialist monism? For in Western civilisation, which has adopted secularity gradually since the Renaissance, the philosophy of materialist monism does not prevail as a sole worldview despite the overwhelming influence of the trinity of capitalism, science, and technology. Despite the multifaceted application of the politics of power and control, humanism (*al-naz’a al-insāniyya*) cannot be separated from the renewal of and adherence to those moral and legal principles founded on human dignity. From a general theoretical point of view, it is necessary to distinguish between reason as a source of knowledge (*maṣḍar li-l-ma’rifa*) on the one hand, and the deployment of reason and its application (*tawẓīf al-‘aql wa-istiḥdāmihi*), as well as the scientific, philosophical, and technological achievements it generates, on the other. In fact, as long as rationalism does not transform the autonomy of reason into an imperialism or a cult of reason, secularity remains an open space safeguarding the freedom of reason and of thinking with it and about it and critiquing it and its achievements. And it also protects religious freedom, as well as thinking with it and about it and critiquing it and its achievements. It is so because secularity is not metaphysics, and it is not dependent on a specifically defined metaphysics.

[p.261/262] In these circumstances, it is natural that secularity opens a new social space (*faḍā' ijtimā'ī jadīd*) and that progression towards secularity comprises a bricolage of interwoven changes. At times, these changes yield drastic conflicts, setbacks, stumbling blocks, and deviations. However, their effects soon fade under the general law of the development of consciousness. The development of secularity is open to several possibilities, depending on the ability of religion to affirm itself in human existence and the human search for meaning.

It is therefore not surprising that secularity meets strong resistance from traditional religious movements and institutions that persevere from the time when religion dominated [p. 262/263] cultural and political life. This was the case with the Christian church, and today with regard to Jewish fundamentalist and Islamic Salafist movements and institutions. However, talk of Islam's total rejection of secularity is nothing but simplistic, having to do with politics and populism more so than with the truth or future possibilities. For in the history of medieval Arab culture, when Islam undisputedly shaped the view of the world, a rationalist humanist trend (*ittijāh 'aq-lānī insānī*) arose in which outstanding minds participated. They were, like the Mu'tazila, unafraid of thinking about religion with remarkable courage from a theological perspective, or, like al-Farabi and Ibn Ṭufayl, from a philosophical one, or like Ibn Khaldun, from a historical point of view.<sup>I</sup> We do not mean to imply with this claim that secularity has roots in the Arab heritage of the Middle Ages. Rather, thinking about the state from the vantage point of the science of human civilisation (*'ilm al-'umrān al-basharī*)<sup>II</sup> with the aim of discovering the social structure (*bunya ijtimā'iyya*) that creates it [the state], thinking about Islam from within Islam with the aim of understanding its dogmas in a rational manner, and thinking about religion from outside religion with the aim of specifying the position of religion as a view of the universe and the human being in relation to philosophy – these are matters that Arab culture had been familiar with before the age of decadence and before it found itself confronted with the tremendous challenges posed by European modernity. Therefore, one cannot say that the issue of secularity (*qaḍiyyat al-'almāniyya*) came by surprise as something novel and strange. Likewise, the ignorance of the people, the Machiavelianism of the West, and the influence of various Salafist movements are not unsurmountable obstacles in the path to secularity. These obstacles are without a doubt huge and complex. But they do not amount to an inevitable and sealed fate. The real issue is, as 'Adil Dahir has shown in several studies, either a false interpretation of the nature of Islam as a religion and its relationship to politics, or the concession that

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I MF: Mu'tazila: Rationalist school of Islamic speculative theology (*kalām*), founded in the 8th century in Basra, Iraq; Abū Naṣr al-Fārābī (d. 950): one of the most important medieval Muslim philosophers, also referred to as 'the second teacher', Aristotle being the first one; Abū Bakr b. Ṭufayl (d. 1185): philosopher from Muslim Spain who in his famous philosophical novel *Living Son of the Awake* (*Ḥayy ibn Yaqqān*) emphasised the autonomy of the human intellect; on Ibn Khaldun, see text no. 9.

II MF: Ibn Khaldūn's own designation for his way of writing history.

Islam suffers from internal contradictions.<sup>3</sup> And from the perspective of future possibilities, the issue is a practical and conflictual one, multivalent and multifaceted. In the long term, either [p.263/264] the will to participate in global civilisation (*ḥa-ḍāra 'ālamīyya*) from within will prevail, or the will to remain at the edge of history. [. . . p. 264–266] There is therefore a stable, universal anthropological core in the depths of the secular position, the true expression of which finds its natural habitat in the surroundings of the principle of justice. Why? Because every plurality in the world of the human being needs organisation (*tanẓīm*) and organising the particular case of the plurality of foundational authorities (*suluṭāt aṣliyya*) in the world of human beings refers to justice by necessity. This is because every foundational authority is a right in itself and enjoys specific rights in principle and in application. Justice is the reference (*marja'*) to determine these rights and all that is related to them.

This basic and central idea contains two sub-ideas: first, just secularity guarantees justice between religious authority and other foundational authorities in the world of the human being; second, just secularity guarantees justice between religions and religious denominations (*madhāhib dīniyya*). Let us explain these two ideas so that we can pinpoint the foundation of the proposition that secularity denotes the emancipation of humans from the domination of religion over their political and mental life.

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3 [note 1 in the original] 'Ādil Ḍāhir: *al-Usus al-falsafīyya li-l-'almāniyya* [The Philosophical Foundations for Secularity]. Beirut: Dar al-Saqī, 1993, p.7. Also see his book: *Awwaliyyāt al-'aql, Naqd uṭrūḥāt al-islām as-siyāsī* [The Priority of Reason. Critique of the Theses of Political Islam]. Beirut: Dar al-Amwaj, 2001.



# 44 Rached Ghannouchi: *Secularism and the Relation of Religion to the State* (2012)

Translated and introduced by Florian Zemmin

## Introduction

Rached Ghannouchi (Rashīd Ghannūshī) (born 1941) is a Tunisian politician and intellectual and co-founder of “The Movement of Islamic Tendency” in 1981. The group was renamed as “Ennahda Movement” in 1989, with Ghannouchi serving as its president until 2019. Ennahda shared certain ideological affinities with the Muslim Brotherhood, although it placed greater emphasis on democratic values and procedures. Under Ben ‘Ali’s secular authoritarian regime, Ghannouchi was imprisoned twice (1981–1984 and 1987–1988). He went into exile in Great Britain after his second prison term. Ghannouchi returned to Tunisia after the revolution that ousted Ben ‘Ali in 2011 and established the Ennahda Party, drawing on the ideological platform and the popular support of the original Movement. Even though Ennahda’s share of votes dropped from 37% in the 2011 elections to 19% in the one held in 2019, the party continues to form the largest faction in the Tunisian parliament, which was suspended at the time of writing this introduction in early 2022. As head of the party and speaker of the parliament, Ghannouchi advocated and enacted coalitions with secular parties, trying to assuage both the skepticism of secularists who considered Ennahda as an Islamist party, and that of Islamists wary of close ties with secular parties. In the text translated here, Ghannouchi argues for the compatibility of Islam and secularism, based on the historical distinction between religion and politics in Islamic societies. Furthermore, he stresses civil rights and freedoms as areas of primary concern, describing the latter as the most fundamental value and principle of Islam. The text is based on a talk delivered at the Center for the Study of Islam and Democracy (Markaz Dirāsāt al-Islām wa-l-Dimuqrātiyya) in Tunis on 2 March 2012.<sup>1</sup>

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<sup>1</sup> Available online: <https://vimeo.com/38088417>.

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### Translation by Florian Zemmin

The topic is quite problematic by its nature, for it deals with the relationship between “Islam” and “secularism” (*al-‘almāniyya*). Is this relationship one of conflict (*taḍārub*) and mutual exclusion (*takhāruj*) or is it one of mutual inclusion (*tadākhu*)? The question comprises thorny issues such as the relationship between “Islam and political rule” and “Islam and law”. It seems that when we talk about “secularism” and “Islam”, we are talking about clear and evident matters, when in fact we are confronted with a number of ambiguities and a variety of understandings, especially since we are not dealing with a singular secularism (*‘almāniyya wāḥida*), [p. 7/8] but with secularisms (*‘almāniyyāt*). The same holds for Islam, since based on what is proposed in the public, we are dealing with more than one Islam, that is, more than one understanding [of Islam].

Secularism may appear to be a philosophy and the fruit of philosophical reflections intended to counter and contradict idealistic and religious conceptions. In fact, however, this is not the case. Secularism appeared and crystallized in the West not as a philosophy or a worldview, but as a series of procedural arrangements (*tartībāt ijrā’iyya*) crafted to address problems that had arisen in the European milieu. The most consequential of these challenges was the Protestant movement that in the course of the religious wars of the 16th and 17th centuries, tore at the fabric of European society which had hitherto pivoted around the Catholic church. In this way, secularism began [ . . . ].

I mentioned that secularism emerged as a series of procedural arrangements to restore the consensus disrupted by religious conflict. This leads to the question of whether *we* [emphasis added] are in need of secularism in its sense of procedural arrangements. Perhaps the most important idea behind these arrangements is state neutrality, that is a state that is neutral towards religion and does not interfere with the conscience of its people. The sphere of state activity is the “public”, whereas religion is relegated to the “private” sphere. [ . . . p. 8/9] We are asking ourselves whether Islam is in need of such a procedural arrangement, i.e., a state that is neutral toward religion.

Islam combined religion with politics (*jama‘ bayna al-dīn wa-l-siyāsa*) and religion with state (*al-dīn wa-l-dawla*) since its very inception. For the Prophet (pbuh) founded coevally, a religion and a state, and the first pledge of allegiance of his Meccan followers who came to Medina was a religious pledge to believe in God and His Messenger, and the second pledge was to protect the Muslim community, even with the sword, should Medina be attacked. [ . . . p. 9/10] The Prophet prayed with the people in the mosque; he was a religious leader (*īmāman li-l-dīn*) and at the same time a political leader (*īmāman li-l-siyāsa*) who arbitrated between the people, led armies, concluded

treatises and attended to all procedures. Among the most important measures that concern us here is the first one he [i.e. the Prophet] took in Medina, which was to establish a mosque, and the second measure, which was to establish a constitution, known as “al-Ṣaḥīfa” [and, in English, known as “The Constitution of Medina”]. You have a precedent here, Muṣṭafā<sup>I</sup>! The Ṣaḥīfa of Medina, probably among the oldest constitutions in the world, included a set of compacts (*mawāthiq*) between the *muhājirūn* [emigrants<sup>II</sup>] and the *anṣār* [helpers<sup>III</sup>] who came from different tribes as part of the same *umma*, on the one side, and the Jewish tribes of Medina who were similarly considered an *umma*. Consequently, a single *umma* was formed, and here we have in mind not a religious community (*ummat al-dīn*), but a political community (*ummat al-siyāsa*). This is the most significant neologism coined by modern Islamic thought, in particular by Muḥammad Salīm al-ʿAwwa<sup>IV</sup> [born 1942] and Muḥammad ʿUmar. It points to the differentiation between the religious and the political (*al-tamāyuz bayna al-dīnī wa-l-siyāsī*) – akin to the doctrine of the separation of religion from politics (*al-faṣl bayna al-dīn wa-l-siyāsa*).

In this Ṣaḥīfa, the differentiation between the religious and the political is clear, for Muslims are one creedal community (*ummat ʿaqīda*) and the Jews another. Yet, in their union, together with those among the polytheists who followed them, they form a single community distinct from others, and this is the political concept of community (*mafḥūm al-umma al-siyāsī*). This differentiation persisted in the conduct of the Prophet (pbuh), in spite of occasional ambiguity as to what pertains to “religious” and the scope of obligation and compulsion (*sabīluhu al-taqayyud wa-l-ilzām*), and what is political, which is the space for independent reasoning (*majāl li-l-ijtihād*). If his Companions were unclear about whether a matter was an obligation mandated by revelation or by opinion and deliberation, the Prophet (pbuh) would so indicate if it was part of revelation, and likewise when it was part of politics, he would say that it pertained to the domain of opinion and consultation. On the latter, they sometimes diverged from his opinions. On more than one occasion, the Companions contradicted the Prophet (pbuh) in his role as head of state. Shaykh Ṭāhīr bin ʿAshūr [d. 1973, modernist Tunisian theologian] has detailed the different offices (*maqāmāt*) of the Prophet: as Prophet, he was followed and obeyed, but as political and military ruler, it is quite possible that on occasions when a Companion disagreed with a military decision he had made, the Prophet withdrew his own opinion and adopted that of the Companion.

Once, the Prophet (pbuh) came across a group of people in Medina pollinating date palm trees, and he said (a Meccan, he knew nothing about agriculture): I do not see the [p. 10/11] benefit of doing this. The people of Medina, or a group from among them, assuming that the dicta was included in revelation, did not pollinate the palm

I FZ: Referring to Muṣṭafā bin Jaʿfar, president of the constitutional assembly who probably was among the attendees.

II FZ: I.e., those who followed the Prophet Muḥammad from Mecca to Medina.

III FZ: I.e., those in Medina who helped and welcomed Muḥammad and his companions.

IV FZ: The Egyptian jurist and general secretary of the Union of Muslim scholars.

trees that year and the harvest became bitter. They asked him: why did you command us with this? To which he replied: you are more knowledgeable concerning your worldly affairs (*umūr dunyākum*). Thus, it is not the task of religion to teach us about the methods of agriculture or industry, or the methods of rule or how to run government. Reason is equipped (*mu'ahhil*) with arriving at the truth of all of these skills through the accumulation of experiences. The task of religion is to provide answers to big questions concerning our existence, origin, destiny and the purpose for which we have been created, a system of values and principles that can guide our thinking and our behaviour, and the state institutions we aspire to create.

Hence, throughout its history, Islam has not known the separation of religion and state, in the sense of excising (*iqṣā'*) religion from public life. Muslims from the time of the Prophet until today have been influenced, to one degree or another, by their self-understanding as Muslims, and have sought inspiration from Islam and its teachings to steer their civil life, although the distinction has remained clear. The distinction between that which is religious and that which is political is clear even to the jurists (*al-fuqahā'*), for they have distinguished between the register of social interactions (*al-mu'āmalāt*) and that of worship (*al-'ibādāt*). The latter they considered as the sphere of obligation (prayer, fasting, why pray five times a day, and why some sets include three rounds of genuflecting and prostrating while others require four). This sphere includes that which is fixed and obligatory. Reason is not qualified to act in this sphere, as it is not capable of perceiving the truth in the sphere of belief (*aqā'id*) and religious practice. The sphere of social interaction, on the other hand, concerns debating the common good (*al-baḥṭh 'an al-maṣlaḥa*), for Islam has recognized the importance of procuring the good (*al-maṣāliḥ*) of the people (*al-'ubbād*). Great legal scholars, from al-Shaṭībī (d. 1388) to Ibn 'Āshūr have established (*aqarra*) that the loftiest objective of revelation is procuring justice and the common good, which is realized through the application of reason in light of the guidance, objectives, principles and values of religion. Hence, there remains an evolving space of social interactions that comprises the state – in contrast to what pertains to creed, ritual, values, and morals that is unchanging.

Therefore, throughout Islamic history, the state was influenced by Islam in one way or another, and laws were established by humans in the light of Islamic values, as they understood them. Still, the states were Islamic not in the sense that their laws, procedures and arrangements derived from revelation, but rather that they were conceived by human reasoning, even though disagreements remained. [. . . p. 11/12].

For in the absence of “a church” in Islam, what remains is the freedom of human reasoning (*hurriyyat al-ijtihād*), and these deliberations (*ijtihādāt*) will naturally vary, even though they are based on the same source. There is no harm in this, except that when we attempt to issue a law in view of this plurality, we need a mechanism, and perhaps the best mechanism that humanity has devised is democracy and the electoral mechanism, which selects representatives of the people so that deliberation is no longer an individual, but a collective matter. The electoral mechanism establishes

the elected representatives of the people, and this in spite of the absence of “a church” that represents the sacred above the world, or a spokesperson for the Qur’an and the divine will. The only manifestation of the divine will is in the people, who express it through their sodality (*tudāfi’ihā*), and not through the monopoly of a leader, a party or a state.

Whence the revolt of Imam Aḥmad ibn Ḥanbal (d. 855) at the time of [the Abbasid caliph] al-Ma’mūn [r. 813–833], the cultured caliph who, perturbed by the discrepancies between various creeds, wished to unite the umma around one interpretation. He was influenced by the rationalist Mu’tazila school, but oftentimes men of reason are misled by their minds, and try to impose their own thoughts on other people. And Ma’mūn indeed wanted to impose on the people a single interpretation of the Qur’an and of Islamic doctrine. The rebellion of Imam Aḥmad ibn Ḥanbal was to reject the dominion of the state over religion. For this he was persecuted and tortured, but in the end he managed to incite public opinion against the state until Ma’mūn retracted from his plan, which is why the Islamic world today is not dominated by a church, different schools of law prevail in different regions, and the state does not enjoy authority over religion. [p. 12/13]

Thus, while the Western *problématique* revolves around the question of how to best liberate the state from religion, an objective that requires great revolutions to attain, the *problématique* in our case (*’indānā*) is how to best liberate religion from the state and prevent the latter from yielding authority over its affairs, so that religion remains a societal matter (*sha’nan mujtama’iyyan*), and all Muslims are free to read and understand the Qur’an as they will. There is no harm in plurality, which requires a great deal of tolerance. And when Muslims need to [establish] a law, then the democratic mechanism is the best embodiment of consultation (*shūrā*), a highly valued procedure in Islam, even if deliberation in the contemporary instance is not individual but collective, conducted through the representatives of the people.

It is significant that a “church” is absent from our tradition. Perhaps our Shi’i brethren are the only ones with a religious institution. In the Sunni world, there exists no religious institution; only religious scholars which may be regarded as an institution, although they naturally differ among themselves and hold different opinions. Clearly, we still need a mechanism to establish laws, which requires not one scholar, but a collectivity of scholars and cultured men to deliberate (*yutadāwilūna*) freely, and ultimately, the legislative institution, as an elected body, is the only one authorized to establish laws.

There is a debate taking place in our country today between secularist currents, which may be characterized as extremist, and Islamist trends which may be characterized in the same manner. One of them wants to impose a certain understanding (*ijtihādān*) of Islam from above, through the institution of the state. The other hopes to strip the state from every influence of Islam, and the law, the educational curricula, and culture from every religious influence. This is the strangest aspect of this affair, since unlike the rest of the world, our society is not experiencing religious decline but rather

a religious awakening. Our situation is not that different from the Eastern European experience and the role played by the Catholic Church beginning with the Polish Pope John Paul II, or the role played by religion in sending Putin to the position of president with support from the Orthodox Archbishop. At a time when the world, and especially the Islamic world, is witnessing a religious revival, there are some who oppose every religious influence on the educational and cultural policies of the state. Actually, we are not in need of imposing Islam, because it is a people's religion (*dīn sha'b*) and not that of an elite (*dīn nukhba*), nor did it persist due to the power of the state, but because of the acquiescence of those who embrace it. The state has often been a burden on Islam. As I mentioned, many of those who belong to the Islamist trend, as well as others, are afraid of freeing religion from the state, and leaving it to be a matter for the people. Why does the state train imams? Why does it control the mosques?

State neutrality is a tricky subject. By separating religion from politics, we mean [p. 13/14] that the state is a human product and religion a godly revelation, as the distinction was evident to the first Muslims who separated that which belongs to revelation from what belongs to politics. However, if we understand separation in the French manner or according to the Marxists, then we are taking a risk that may harm both [i.e. religion and the state]. Freeing politics from religion (*taḥarrur al-siyāsa min al-dīn*) amounts to turning the state into a mafia, the global economy into a plundering system, and politics into a genus of treachery and swindle. This is where the matter ended up in the Western experience, several positive aspects notwithstanding. Global politics has become dominated by a group of brokers who possess money and use it to control the media, and ultimately politicians.

The need of people for religion is deep-seated, as humans require spiritual orientation and value guidance. Confronted with ambiguity, one needs an understanding of what is [religiously] permissible and what is prohibited (*mafhūm al-ḥalāl wa-l-ḥarām*) and how to distinguish between the two. In the absence of a church that monopolizes the designation of things as permissible or prohibited, there remains the space for the people and the elites to exchange views, facilitated by intellectuals and various media.

Religion freed from politics and the state also comprises an element of risk, as deviations (*infilātāt*) may occur and it may get out of hand, undermining harmony in society. What, then, is the way of finding a formula (*mu'ādila*) that guarantees the freedoms of the people and their rights – both of which are the objectives of religion as well? To achieve this, we must return to the distinction (*al-tamyīz*) between religion and politics and determine what belongs to the fixed aspects of religion and what are its changing ones. We need legislators to be immersed in (*mutashabbi*) religious values, so that in promulgating laws, they are not in need of oversight from the Ministry of Endowments or from religious scholars. The same applies to other politicians. All of them should be motivated not externally by coercion but by their conviction, for there is no value to any religious practice that stems from coercion. Likewise, there is no benefit derived from resorting to state coercion to sway disobedient people to hy-

pocrisy. God Most High created humankind as free, and while it is possible to control their outward behaviour (*zawāhir al-nās*), it is impossible to control their inner selves (*bawāṭinihim*).

For this reason, we have witnessed, to take one example, the emergence of two models regarding the hijab: one, in which it is imposed by the state and another one where it is prohibited by the state. On one occasion, I was in the airport in an Islamic country where all the women were veiled, but the veils were dropped at the very moment the plane took off. This is truly a failure of education, as it proved incapable of availing piety except [p. 14/15] through coercion. In another country, like the one in which we used to live [i.e. Tunisia before the revolution], women were prevented by equally coercive means from choosing their appearance, a similar failure.

The principal orbit of religion (*al-dīn midāruhu al-asāsī*) is not the instruments of state, but personal conviction (*al-qanā'āt al-shakhṣiyya*). On the state, its task is above all to provide services to the people, including employment opportunities, public health, and a proper education. The hearts of citizens and their piety is left to God. For this reason, I have opposed every attempt at coercing people on any matter, and I have addressed the controversial issue of apostasy, arguing that the task of the state is not to limit freedom of belief. Conceding that “there is no compulsion in religion” [Q 2:256], I defend the principle of freedom in both regards: the freedom to adopt religion and the freedom to leave it, for there is no significance to belief based on coercion, and the Islamic community is in no need of hypocrites who inwardly hold unbelief and outwardly profess belief and Islam. Its ranks do not flourish by additions of this kind. Freedom is the principal value for which humans enter the fold of Islam (*dār al-islām*). Whoever declares the two testaments<sup>V</sup> expresses a voluntary and individual decision based on recognition and conviction. Therefore, the state adheres to Islam (*muntasiba li-l-islām*) to the extent that it conforms (*tatamāthil*), unsupervised by a religious institution, to its [i.e. Islam’s] values. For there is no such institution in Islam, except for a people (*sha'b*) and a community (*umma*), who decide for themselves, through their institutions, what is religion. Hence the greatest value in Islam is freedom. [ . . ]

A great deal of the discussions and the debates in our country today are triggered by ambiguities in the conceptions of both secularism and Islam. I hope to have demonstrated that secularism is not an atheist philosophy, but a set of procedures and arrangements intended to procure freedom of belief and thought. Therefore, ‘Abd al-Wahhāb al-Masīri [see text no. 41], in his writings distinguished between partial and comprehensive secularism. [ . . . p. 15/16] As our revolution overthrew a dictator, we are obliged to recognize the principle of citizenship and the fact that this country does not belong to one person or another, or to this or that party. Rather, it belongs to

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V FZ: I.e., there is no god but God, and Muḥammad is the Messenger of God.

all its citizens – to all of them, irrespective of their belief, ethnicity, or sexual orientation. Islam gives and grants them the right to be citizens with equal rights: to believe in what they want, as long as they exhibit respect for the rights of others and for the laws that they enact through their representatives in parliament.

This is my understanding and my assessment of the relationship between “Islam” and “secularism”. I hope that I have addressed some of the key issues. Thank you very much.



# 45 Abderrahmane Taha: *The Misery of Secularism* (2014)

Translated and introduced by Fouad Touzani and Florian Zemmin

## Introduction

Abderrahmane Taha (ʿAbd al-Raḥmān Ṭaha)<sup>I</sup> (born 1944) is a Moroccan philosopher. After studying at Mohammed V University in Rabat and the Sorbonne in Paris, he served as professor of philosophy of language and logic in Rabat from 1970 to 2005. His philosophical project culminated in an attempt to construct an authentically Islamic, yet universal philosophy.<sup>II</sup> We have selected a section from the introduction to his 2014 book *The Misery of Secularism: A Trusteeship Critique of the Separation of Morality from Religion*. Building on his earlier critique of the separation of politics from religion and his coinage of the paradigm of trusteeship (*al-iʿtimān*), Taha advocates for a religiously grounded ethics and a multi-dimensional rationality.

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**I** The author recently clarified that Taha is his surname, even though in all his Arabic publications his name is given as Ṭaha ʿAbd al-Raḥmān; see Wael B. Hallaq, *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha* (New York: Columbia University Press, 2019), 277.

**II** For a sympathetic evaluation of this project, see Hallaq, *Reforming Modernity*; and for a more critical take Farid Suleiman, “The Philosophy of Taha Abderrahman: A Critical Study,” *Die Welt des Islams* 61, no. 1 (2021): 39–71.

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## Translation by Fouad Touzani and Florian Zemmin

### General Introduction: What is the Trusteeship Critique of Modernity (*al-naqd al-i'timānī li-l-ḥadātha*)?

One of the most prominent mechanisms that modernity has used to establish its secular project (*mashrū'ahā al-dunyawī*) is “the tool of apportioning the whole (*tafrīq al-majmū*)”<sup>1</sup> or one might say “the tool of separating the connected (*faṣl al-muttaṣal*)”. Religion was connected to various spheres of life, and this connection came in different forms and varying intensities (*aqdār*). Hence, modernity contravened these myriad connections to suspend the law of religion (*qānūn al-dīn*) in these vital spheres, until they became autonomous on the theoretical and practical registers (*tadbīran wa-taqdīran*).

In this manner, modernity separated science, arts and law from religion as well as from politics and ethics. We may call its [i.e., modernity's] work in uprooting sectors of life from religion by a general name: “*al-dunyāniyya*”.<sup>1</sup> Consequently, these multiple separations pluralized *al-dunyāniyya*. For example, *al-'almāniyya* (with an ‘a’ on the letter ‘ayn’)<sup>II</sup> is a form of *al-dunyāniyya* peculiar to the separation of politics from religion, and *al-'ilmāniyya* (with an ‘i’ on the letter ‘ayn’) is a form of *al-dunyāniyya* peculiar to the separation of science from religion.<sup>2</sup> The same applies to the other spheres if we can coin terms that express specific aspects of their [i.e., these spheres'] separation from religion.

It is noted that the repercussions of these worldly separations (*al-fuṣūl al-dunyāniyya*) on religion are not uniform [p. 11/12]. Rather, they differ with the different forms of these separations. Thus, separating law from religion is not akin to separating science from it, and the separation of politics is not like the separation of arts. It seems that the most dangerous and the most consequential of these separations is “*the separation of ethics from religion*”, for it has severely undermined the link between ethics and faith (*īmān*) as well as religion and faith. It also paved the way for some contemporaries to claim unprecedented emotional states and behavioral types

1 [note 1 in the original] In coining the term “*al-dunyāniyya*”, we have not interwoven (*lam nuḥāk*) any foreign term, even though it may be close in meaning to the English term “secularisation”, in the sense of “averting religion from the organization of the spheres of life”.

2 [note 2 in the original] We are distinguishing “*al-'ilmāniyya*” from “*al-'ilmawīyya*” (scientism), which is the position that maintains that the examination of human and social phenomena has to apply methods of the natural and mathematical sciences. That being said, this distinction does not deny that there is a partial overlap between the two. Thus, there may be some scienticists who are secularists and some secularists who are scienticists.

I FT, FZ: All terms italicized are bold in the original.

II FT, FZ: There are two ways of pronouncing the Arabic term for secularism, which highlight two different aspects and genealogies of the term: *'almāniyya* and *'ilmāniyya*. The first alternative refers to the world (*'alam*), the second to science (*'ilm*); the first is more common in the Mashriq and is also etymologically more plausible, the second is more common in the Maghrib.

that clash with conscience as much as they clash with reason. This is the case, for example, when one depicts oneself as having “a morality without deity”,<sup>3</sup> savouring in a “spirituality without god”,<sup>4</sup> “spirituality without religion” or “spirituality without belief”, to say nothing of “religion without religion”,<sup>5</sup> “the religious without religion”<sup>6</sup> or even “being before God and with God, without God”.<sup>7</sup> Therefore, we name this distinct form of *al-dunyāniyya* as “*al-dahrāniyya*”,<sup>8</sup> [p. 12/13] pointing out that separating ethics from religion strips ethics from its spiritual garment (*libāsahā al-rūḥī*) and drapes it in a temporal garment (*libāsan zamaniyyan*). Thus, *al-dahrāniyya* is a sister to *al-almāniyya*, as it is a sister to *al-ilmāniyya*, for all of them are daughters of *al-dunyāniyya*.

The critical method we have adopted to approach *al-dahrāniyya* is called “the trusteeship critique” (*al-naqd al-i’timānī*). We have previously presented the concept of “trusteeship” (*al-i’timān*) in our book *The Spirit of Religion* (Ruḥ al-Dīn);<sup>III</sup> God willing, we will further clarify it. To avail the concept of “a philosophy based on the paradigm of trusteeship” to the reader, we mention here the first principles upon which its rationality (*‘aqlāniyyatuhā*) is built.

It is known that philosophy is predominantly understood as an “abstract rational knowledge”. However, abstract reasoning occupies a lower rank among the types of reasoning. There is also “guided reasoning (*al-‘aqlāniyya al-musaddada*)” which inhab-

3 [note 3 in the original] See Jacques Steiwer: *Une morale sans Dieu*.

4 [note 4 in the original] See André Comte-Sponville: *L’esprit de l’athéisme, Introduction à une spiritualité sans Dieu*.

5 [note 5 in the original] This expression is attributed to J. Derrida.

6 [note 6 in the original] See Luc Ferry et Marcel Gauchet: *le religieux après la religion*.

7 [note 7 in the original] This expression, which is as paradoxical as it gets, is attributed to the German theologian Dietrich Bonhoeffer. The Nazis executed him on charge of an attempted coup; see Dietrich Bonhoeffer: *Résistance et soumission, Lettres et notes de captivité*.

8 [note 8 in the original] It was mentioned that Jamāl al-Dīn al-Afghānī wrote a book entitled *Refutation of the Materialists* (al-Radd ‘alā al-Dahriyyin) [see text no. 30]. By “*al-dahriyyin*” he meant the group of materialists. We, in turn, are using the wording of “*al-dahrāniyya*” instead of “*al-dahriyya*”, in the sense of “separating morality from religion”, whether the one arguing for this separation is more conducive to the materialist approach or to the spiritual one. It seems that this expression more than others renders faithfully the first sense of the term, as it was invented by the English secularist G.J. Holyoake (1817–1906) in the year 1851, namely “*sikūlārīzm*” (Secularism). Its definition was established in the book *English Secularism* (al-Dahrāniyya al-Injlīziyya) as follows: “Secularism is a code of duty pertaining to this life, founded on considerations purely human, and intended mainly for those who find theology indefinite or inadequate, unreliable or unbelievable. Its essential principles are three: (1) The improvement of this life by material means. (2) That science is the available Providence of man. (3) That it is good to do good. Whether there be other good or not, the good of the present life is good, and it is good to seek that good.[”]

François André Isambert confirms this [i.e., that Holyoake wanted to separate morality from religion] in his book *De la religion à l’éthique* [ . . . ].

III FT, FZ: Ṭaha ‘Abd al-Raḥmān, *Rūḥ al-dīn: min ḍayq al-‘almāniyya ilā sa‘at al-i’timāniyya* (Casablanca: al-Markaz al-Thaqafi al-‘Arabi, 2012).

its a higher level, and above that “supported reasoning (*al-aqlāniyya al-mu’ayyada*)”, and both of these are classified under what is known as “practical rationality (*al-aqlāniyya al-‘amaliyya*)”. If there is no certainty concerning the benefit of a higher aim (*nafal-maqāṣid*), nor concerning the usefulness of means when it comes to pure reason, there is certainty concerning the benefit of a higher aim when it comes to guided reason, and there is certainty concerning the benefit of aims and the usefulness of means when it comes to supported reason. This means that the higher reason encompasses all rational possibilities of the lower reason – problematics and inferences – and complements them with possibilities that are beyond its [i.e., the lower reason’s] capacity and repel its infections. Guided reason thus comprises pure reason and deters from its harmful effects, while supported reason comprises guided reason and overcomes its impediments.

Put differently, reason, contrary to how it became known and was described in conventional philosophical wisdom, is not an intelligible, deeply rooted entity in humans. Rather, it is an internal perceptual act that emanates from the heart of humans, just as external acts of perception emanate from their senses. Since reason is a perceptual act, *it is necessarily associated with a purpose (al-qasḍ)*.<sup>9</sup> Since there is no purpose without direction, reason has to have *a specific direction*. In fact, reason has [p. 13/14] two directions: *a horizontal direction* that concerns it with the appearances of things in their mutually connected existence, and *a vertical direction* that propels it to the hidden significations [of these appearances] pertaining to its existence. For reason to preserve its horizontal direction, *and not be reversed*, it *has to be guided* towards a specific goal. For reason to preserve its horizontal direction, *and not be inverted*, it *has to be supported* by a specific means. The only way to *ascertain* the proper direction of the aspired goal and the support of the required means is through *the practice of true religious activity (mumārasat al-‘amal al-dīnī al-ḥaqq)*. When abstract reason does not attach any importance to religious practice, it risks subjugation to uncertainty as to whether its goals are reversed or its means are inverted. Insofar as guided reason confines itself to the tangible aspect of these practices, it does not risk a reverse in its purposes and ascertains the utility of these purposes. However, it still risks an inversion of its means. In turn, supported reason, when unsatisfied with the visible dimension of religious practice and transcending it to [grasp] its *hidden dimension (bāṭinihā)*, does not risk a reversal of its purposes, as it is certain of their utility. It is also protected from the inversion of its means as it is certain of their efficacy.

Since secularist philosophy (*al-falsafa al-dahrāniyya*) resorts only to abstract reason, it succumbs to the risk of reversal and inversion. By contrast, trusteeship philosophy is based on supported reason, which protects it from the harmful effects of pure reason and the impediments of guided reason. The disparity in reasoning between

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9 [note 9 in the original] See Ṭaha ‘Abd al-Raḥmān: *Language and Balance* (al-Lisān wa-l-Mizān), p. 41–42.

trusteeship philosophy and other philosophies such as “secularist philosophy” become evident if we compare the principles of the two rationalities that set them apart. [. . . p. 14–19]<sup>IV</sup>

Based on these three rational principles – “the principle of testimony” (*mabda’ al-shahāda*), “the principle of entrusted property” (*mabda’ al-amāna*), and “the principle of self-purification” (*mabda’ al-tazkiya*), it becomes clear that trusteeship philosophy derives the rationality of support from the Islamic heritage to integrate three kinds of philosophy: “the philosophy of testimony”, “the philosophy of entrusted property”, and “the philosophy of self-purification”. Therefore, it can rightfully be described as a *true Islamic philosophy* or even a *pure Islamic philosophy*.

It is also clear that trusteeship philosophy does not belong to the genre (*jins*) of philosophy associated with the so-called “philosophers of Islam” [p. 19/20], such as al-Kindī, al-Fārābī, Ibn Sinā, and Ibn Rushd, or to what is known as “Islamic philosophy”. Despite the abundance of their knowledge and the wealth of their gift, these scholars only examined “Greek philosophy”, which is based on the rationality of abstraction (*‘aqlāniyyat al-tajrīd*). On Islam, they confined themselves to attempts at reconciling a number of the propositions of this philosophy with the religion of Islam, accepting some and refuting others. Therefore, despite its value for the general culture embraced by Islamic society, designating what they produced as “Islamic philosophy” should not be taken to reflect the Islamic roots of this culture. This designation is passable, however, if it is taken to mean that the protagonists of this enterprise were Muslims, despite the fact that their hearts were infused with a non-Islamic philosophy.

As for the pseudo-philosophers (*mutafalsafa*) among Muslims today, they don’t even bother to reconcile Western philosophy with Islam. Instead, they adopt [Western philosophy’s] premises rather than receiving them critically and imitate its thinkers blindly, oblivious to the negative impact of this imitation on their ability to philosophize, and believing themselves to be thriving. These [would-be philosophers] remain further from Islamic philosophy than the earlier [philosophers], for they are neither able to actively process what they receive nor capable of conceiving something other than what they mimic.

Based on the three laws of the trusteeship paradigm, whose truths will avail the rebirth of mankind and serve as the fount of change and development in every society, we have in this book constructed our argument on the separation of morality from religion in modernist thought after having closely examined the separation of politics from religion in our book *The Spirit of Religion*. We were prompted to do so by our observation of our fellow Muslim intellectuals immersed in a mimicry that has chained their minds, dampened their resolve and cut them off from the path of inde-

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IV FT, FZ: Ṭaha’s elaborate discussion of the comparison and the three principles of his own philosophy is excluded as it cannot be properly understood without further contextualization and clarification. For that, see Suleiman, “The Philosophy of Taha Abderrahman”, 49–53.

pendent reasoning, whereas they think that it has freed their intellects, sharpened their resolve and allowed them to be creative – as if they were unconsciously deceived from afar. Hence, they imitated the “modernist thinkers”<sup>10</sup> in their separating politics [p. 20/21] from religion without bringing forward any claim, proof, objection or inquiry distinct from the claims, proofs, objections or inquiries offered by those thinkers. It makes one think that their reasons are identical with the reasons of others and their conditions the same, as if their intellects were paralyzed, their hearts dispossessed, and they have passed away. [ . . . ]

Our critique did not include modernist thinkers who have expressed antagonism towards religion or religious people in general. This is because those who reject religion and are fed up with its adherents are more likely to advocate for its separation from one of the aspects of human life. Hence, we limited our critique to prominent examples of thinkers who have not attacked religion or defamed its followers. Instead, they have engaged with constructing their own conceptions of ethics and religion. While the first group rejects the reality of religion, the second group is in a truce with it although not adhering to it. In fact, some of them may preserve traces of a religious upbringing received in childhood. It is not surprising to find the imitators of modernity following the opinions and theories of this second group of thinkers. Their objective [p. 21/22] is to *make their readers understand that thinkers who cling to religion as they – the readers – may do, advocate for the separation of ethics and religion, unlike [the readers] themselves. Thus, they try to seduce their readers into following the example of those who are opposite to them, and into arguing for that separation.*

Therefore, the proof for our critique of the secularists (*al-dahrīyīn*) – both the thinkers and the imitators – has to build upon three fundamental premises:

*First*, the call to separate ethics from religion advocated by the secularists is a false claim.

*Second*, the invalidity of the secularists’ claim of separating ethics from religion [logically] invalidates their conception of both ethics and religion.

*Third*, emulating these thinkers in their invalid conceptions of ethics and religion is not helpful to their Arab and Muslim counterparts in inciting their readers to submit to the separation of ethics from religion by resorting to crooked or dubious methods.

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<sup>10</sup> [note 15 in the original] By the expression “modernist thinkers” are not meant those thinkers who reflected the formation of modernity, but exclusively those Western intellectuals who are affiliated with it [i.e., with modernity].

# 46 Ahmad Beydoun: *Accommodating Secularism* (2019)

Translated and introduced by Michael Frey

## Introduction

Ahmad Beydoun (Aḥmad Baydūn), born 1943 in the village of Bint Jbeil, is a Lebanese historian, sociologist, and philosopher who in his essays and monographs reflects on Lebanese social and political life as well as on Arab culture more broadly. He has also authored collections of poetry, as well as the script for the cult movie *Beirut, the Encounter* (*Bairūt al-liqāʾ*, 1981).<sup>I</sup>

Beydoun, like many Lebanese intellectuals, writes in Arabic as well as in French. In an autobiographical text, he describes how growing up in a society and an educational system shaped by French colonial hegemony, his linguistic and cultural identity was infused by French language and literature from the age of ten.<sup>II</sup> After graduating from the Lebanese University in 1963 with a degree in philosophy, he spent two years in Paris at the Sorbonne and the Collège de France, pursuing a PhD in philosophy, which he did not complete. Returning to Beirut in 1965, he became a founding member of the short-lived intellectual group Socialist Lebanon (Lubnan al-Ishirakiyya).<sup>III</sup> He left the group to become an independent writer unaffiliated with any ideological or sectarian group.<sup>IV</sup> In 1982, Beydoun completed a PhD in history at the Sorbonne, with a thesis on the manifold ways in which Lebanese historiography bears the imprint of confessional identities.<sup>V</sup> In the same year, he was appointed professor of the social sciences at the Lebanese University.

In *Accommodating secularism*, Beydoun argues that in recent years, secularity (*laïcité*) has given way to the less adversarial notion of *dawla madaniyya* or civil government in Arab political discourse.<sup>VI</sup> The turn to the concept of *dawla mada-*

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I Fadi A. Bardawil, *Revolution and Disenchantment: Arab Marxism and the Bonds of Emancipation* (Durham, NC: Duke University Press, 2020), 2.

II Ahmad Beydoun, “En guise d’introduction: Heurs et malheurs d’un volontaire du bilinguisme,” in *Libérations arabes en souffrance. Approches aléatoires d’une modernisation entravée* ([Beirut]: L’Orient des livres; [Arles]: Sinbad/Actes Sud, 2019), 11–27.

III On the group and Beydoun’s role therein see Bardawil, *Revolution and Disenchantment*.

IV Bardawil, *Revolution and Disenchantment*, 156.

V Ahmad Beydoun, *Identité confessionnelle et temps social chez les historiens libanais contemporains* (Beyrouth: Publications de l’Université Libanaise, 1984).

VI The text is written in French, but also refers to and identifies key concepts in Arabic and English.

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*niyya* is counterproductive, according to him, as both religious as well as military regimes may claim civilian status by not being affiliated with the military or with the official religious establishment, respectively. It is therefore imperative, Beydoun argues, to safeguard the core idea of secularity, which is the freedom and equality of the citizenry.

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## Translation by Michael Frey

### Accommodating Secularism? Relevance and Limits

Secularism (*laïcité*) has had rather bad press in the Arab Orient<sup>1</sup>. Reactions to secularist claims differ, of course, from country to country. In Egypt, one may risk being called to order sharply, if not violently, should one venture to express public support for a secular system of government or even for the secularization of civil law, despite the latter’s self-conscious claim to be exactly this. It is nonetheless true that regime changes accentuate or, conversely, weaken aspirations to extend the empire of religion to those areas of socio-political life that remain beyond its control.

In Lebanon, supporters of secularity form such a small minority that they are easily dismissed as lunatics. They are undoubtedly sympathetic, but still far from posing a danger to the status quo, as [p. 139/140] incurably crippled as it may be. Nevertheless, these non-realists do not lay down their weapons, they never have. Occasionally, they obtain minor concessions. But when it comes to the political system, to the processes and structures of socialization and to interpersonal relations, sectarianism prevails.

In Iraq as well, the secular ideal, the socializing legacy of which has long become obsolete, saw a new moment of glory in the aftermath of the American invasion in 2003. Before being suffocated by the ravages of sectarian strife, intellectuals drew on Machiavelli or Locke to formulate civic responses conducive to the problems of the post-dictatorship period and to the various ideological congregations, be they confessional, ethnic, tribal etc.

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1 [note 1 in the original] Lecture at the symposium entitled “For a ‘contextualised’ Eastern secularism” (Pour une laïcité orientale ‘contextualisée’), convened on the initiative of the Paris-Beirut commission of the Paris Bar Association at the Maison du Barreau in Paris on 4 November 2014.



Despite the courage and willingness to bear the costs, the beleaguered Arab supporters of secularity – its fortunes ebbing globally – resigned themselves, as others had done, to retreating from an explicitly secular (*almāniyya*) stance to a position that they designate as ‘civil’ (*madaniyya*). It is a notion with a less overtly anticlerical undertone. Under this banner that hides secularism without disavowing it, the reforms in question were subordinated to the strategic claim of a ‘*dawla madaniyya*’, a ‘civil government’, one should say to adopt the terminology of Locke, seemingly the implicit and explicit reference point of these brave reformers. ‘Civil government’, therefore, rather than ‘civil state’ or, *a fortiori*, ‘état civil’, which refers to a different order of things. As a notion, ‘*dawla madaniyya*’ has indisputable Anglo-Saxon roots. Used simultaneously by Egyptians and Iraqis, it has also been appropriated by the Lebanese intelligentsia concerned with making the future it seeks to foster less worrying. [p. 140/141]

Now, this notion of civil government aims, as the Arab context would have it, to oppose military rule on the one hand and religious or confessional rule on the other. But by wanting it all, it may, unsurprisingly, lose it all. The notion could easily turn into sophistry or rhetorical acrobatics by succumbing to the ambition of serving as an alternative to both types of governance that often appear to be opposed to each other or, at least, have very few common features. Indeed, and drawing on this amalgam, the religious government could call itself civil for not being military, and the military government could claim to be civil for not being religious. Ultimately, it reduces the proposed alternative to an empty notion. This will be the case unless the principle of secularity is emphasized at its very core and armed with its philosophical premises, namely the freedom and equality of citizens. They are both the foundations and the limits of popular sovereignty. By recognizing the entitlement of the community of citizens as the source of the law, it prohibits any subordination of the state to a religious power and, accordingly, any discrimination against citizens based on religion.

In the wake of the Revolution of 25 January 2011, discussions about the character of the new Egyptian government brought the notion of ‘*dawla madaniyya*’ back into the spotlight. One attempt to revive this model in an Islamic garb deserves further attention. It is proposed by Ahmad Salim who, under the nickname Abu Fihri al-Salafi, penned a short and quite brilliant essay on civil government. There he explains, drawing on the arguments by Ibn Taymiyya (d. 1328) and other scholars of Islamic law, that the leaders of an Islamic state must hold the law of God (*le char’ de Dieu*) as their sole point of reference. However, these people, who [p. 141/142] are appointed by other men and not by divine decree, are by no means infallible. Therefore, their interpretation of the law (*loi*), as well as their own observance of it, remain eminently disputable. Their power may be called ‘civil’ insofar as it is not a theocratic power and cannot claim a divine source. In its execution of the *shar’*, this power also remains captive to the unavoidable human limits on the acumen and will of its holders. A state thus conceived, Abu Fihri explains, is not a religious state. Rather, it is a civil state which should by no means prevent it from being called an Islamic state. Clearly,

an Islamic state would be altogether different from a religious state. Last but not least, this state, whose adherence to the sharia is the only guarantor of its legitimacy, is not secular, as Abu Fihir does not fail to mention.

What does it lose by not being secular? It is not difficult to grasp that it is the equality of citizens which is the first to be sacrificed, as believers (here: the Muslims) are automatically privileged over non-believers. Various other freedoms are equally threatened, which may in particular affect the most vulnerable subjects, i.e., the non-Muslims. However, what is sorely missing in the mental universe of Abu Fihir is the type of freedom which is at the very heart of the concept of secularity, i.e., the freedom of conscience. Muslims who are not free to change their faith suffer even more from it than those who are forced to resign themselves to a subaltern status in exchange for what little freedom is apportioned to them. Even before considering the macro-diversity of creeds in a society, secularity must acknowledge the right of each citizen to adopt the creed he prefers, and the right to change it in accordance with what he learns from his own experience.

In our predominantly Muslim societies, do secularists really have any interest in making fundamental or even formal concessions [p. 142/143] by raising, for example, the banner of civil government instead of the more abrasive one of a secular state? How far can one go along the path of appeasement and accommodation if one still hopes to salvage what is essential to secularity? Is it useful to sweeten the pill or possible to smuggle in, so to speak, an entire system of government that is known to be despised by the concerned parties? Can one, on the other hand, sacrifice the principle of popular sovereignty, guarantor of the freedom and equality of citizens? Can one accept that this sovereignty may be denied its status as the source of law? And most significantly, is freedom of conscience not a source of diversity, even outside of communal pluralisms? And if a secular state must make it its duty to protect religious communities and to guarantee the practice of their rites within the limits of public order, is it legitimate to rely on a confessional scheme to coral individuals into groups automatically, as in Lebanon, even if they happen to reject the tenets of that creed? Is this practice, which defines the Lebanese legal-political system, not a violation of fundamental freedoms guaranteed by the Universal Declaration of Human Rights?

The religious or confessional state takes as its starting point the symbolic designation of masters, and the demarcation of their territory and that of their subject community. It veils women and imposes on them an excessively meticulous code of conduct to project its power into the very corner of bodies and homes. Now, in the bodies of women and the darkness of homes also lies the honour of men. Monitored so in their honour, it is of men that the holders of religious power make themselves masters when taking control of women. Those masters may now intensify the rituals, to the point of making them hallucinatory, all the while collectivizing them. In this manner they believe they can tame society's active or passive resistance to domination . . .

[p. 143/144] While it is diverse and fragmented, the totalitarian project of the religious state in the contemporary Arab world possesses immense resources of various kinds. It calls upon tried and tested techniques of action. Its general schemes are, one should mention, Islamic only in their terminology, and even then, only partially. The power thus emanated is never that of God. It is that of a caste with multidirectional ripple effects – actual or potential.

It is not with sophistry and even less so with substantial concessions and strategic compromises that the secularist current can marshal a sustainable front against the mastodon of religious power. The resistance must be as comprehensive as the strategy of the adversary. However, the first task of the secularist current is to survive. For today – it must be acknowledged – the Arab secularist current is reduced to its basest expression. Above all, it provides for a depressing spectacle against the robust flowering of its contender.

Groups most capable of carrying the burden of secular resistance take refuge in the timid bosom of minority logic. They fear for their freedoms, a fear as legitimate as it is realistic. But can advocacy for blanket discrimination or the defence of despots protect the minority? Does it not, by having self-definition against the majority as its only watchword, enhance the latter's monolithic character? Is it not wiser and less demeaning to advocate for the eradication of all discrimination, instead of continuing by mere force of habit to nestle in an allegedly protective discrimination that only grows more chimerical with each passing day?

# 47 Sari Hanafi: *Secularism and its Types* (2021)

Translated by Mohammad Magout; introduced by Florian Zemmin

## Introduction

Sari Hanafi (born 1962) is Professor of Sociology at the American University of Beirut, where he also heads the Islamic Studies department. The Palestinian-Syrian Hanafi studied engineering and social sciences at the University of Damascus and pursued graduate education at the University of Strasbourg (MA, 1989) and the L'École des hautes études en sciences sociales in Paris (PhD, 1994). He has authored numerous publications in French, Arabic, and English and is one of the best-known public sociologists in the Arab world and beyond, and a member of the British Academy. The interview transcribed and translated here on types of secularism, was broadcast by Al-'Arabi TV channel in March 2021. Whereas the interviewer voices a conventional view harboured by many among the Arab public on secularism as a philosophy or even (hostile) ideology, Sari Hanafi attempts to breach a more technical, less normatively laden understanding of secularism as a set of procedures and a mechanism centred on the values of citizenship, equality, and liberty, manifesting itself in the differentiation between religious and political institutions and the “relative neutrality of the state”. This arrangement, he underlines, plays out differently in different contexts, making for several types of secularism. What is more, the desired values are theorized in both the concept of *ilmāniyya* and *al-dawla al-madaniyya* (civil state). Pointing to the significance of content over terminology, Hanafi favors *al-ilmāniyya* for its greater universality. The interview documents an increasingly loud and explicitly positive view on – a particular understanding of – secularism in Arab publics. Moreover, it testifies to the vibrancy of the debate on re-evaluating secularism in Arabic-language mass media, which reaches beyond political and intellectual circles. To underline the significance of the genre, the speech tics of the interview are left unedited in the translation below.

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“al-‘Ilmāniyya wa-anwā‘uhā” [al-‘Ilmāniyya and Its Types], Interview with Sari Hanafi on the program Qirā‘a Thāniyya on al-‘Arabi TV, 10 March 2021, <https://www.alaraby.com/program/show-12244>.

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## Translation by Mohammad Magout, Approved of by Sari Hanafi

#6:30

Anchor (A): When we talk about the concept of *‘ilmāniyya* [conventionally: ‘secularism’<sup>1</sup>], it is very usual to talk about or maybe to dedicate a section of the conversation to the concept itself. The concept is still problematic. In Arab debates, still talking about the definition, about the concept, where *‘ilmāniyya* frequently intersects with *madaniyya* [conventionally: ‘civilization’, here implying reference to a civil state], with liberalism, and with other concepts to the extent that they are mixed up. Would you please at the beginning define the term?

#07:00

Sari Hanafi (SH): In actual fact, the term in its most basic sense, means differentiation (*al-tamāyuz*) concerning domains (*majālāt*), especially the political domain and the religious domain. And if we want to define it further, it signifies the relative neutrality (*ḥiyādiyya nisbiyya*) of the state. I will later clarify the term “relative”, because there is no absolute neutrality (*ḥiyādiyya kulliyya*) of the state when it comes to the common good (*al-khayr al-‘amm*). This is the basic meaning, but we find that with its evolution other meanings were added to it. Perhaps we will talk about them shortly. But let me in the beginning explain that secularism is not a value (*qīma*). The values are equality (*musāwa*) and liberty (*ḥurriyya*), which are the two keywords of liberalism. Consequently, the highest aim of any society is to have a liberal democratic system – in the world generally, I am speaking in general. Secularism is merely a mechanism to achieve differentiation, to achieve equality – especially with regard to the issue of citizenship – and to grant individual liberties (*al-ḥurriyāt al-fardiyya*). Hence, we need right at the beginning to not get carried away with the concept of secularism, as if it were a philosophy in itself or a value in itself.

#08:50

A: Secularism, then, in your definition or in your conceptualization, is limited to the domain of citizenship and the domain of individual liberties. Is this the only domain of secularism in your view?

#09:04

SH: Secularism constitutes mechanisms to realize equality and individual liberties, including religious liberties. Hence, it is more of a means than an end in itself.

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I MM: Used in this interview by Sari Hanafi also in the sense of ‘secularity’.

#09:23

A: It is not a school of thought (*madhhab*), a philosophy or a comprehensive view (*fikra muktamila*) of all domains of life, is it?

#09:33

SH: No. It is an idea (*fikra*) that needs to be brought down to reality constantly, so that we know how in a given society, with a certain tradition, a certain deployment (*istikhdām*) of religion, a certain significance of religion, we design schemes and concepts to realize citizenship, to realize individual liberties of citizens and collective liberties of ethnic groups, cultural groups or religious groups.

#10:15

A: If you allow me, doctor, it is the first time that I hear that *secularism* is a mechanism. Secularism is a position (*mawqif*). What I understand is that it is a position toward the status of religion in society, toward the status of religion in public life. There are those who go to the extreme by extending secularism over all domains of life, and there are others who restrict it to policy, such as Elmessiri, who distinguishes between comprehensive secularism (*al-ilmāniyya al-shāmila*) and partial secularism (*al-ilmāniyya al-juz'iyya*) [see text no. 41]. However, when we define secularism as a mechanism, it is as if it provides us with a system (*nizām*), certain measures (*ijrā'āt mu'ayyana*), whereas in actual fact it is merely an idea. Where did this idea that secularism is merely a mechanism come from?

#11:00

SH: . . . merely a mechanism to realize values. Let me give an example. In a society where 99% of the people are Muslims, for example, stating in the constitution that the religion of the state is Islam is different than the case of a state whose religion we define as Judaism, as in Israel, for example, which has a recent history, meaning that the majority of the Jewish population arrived 70 or 80 years ago, and there is at least 30% of the population that is not Jewish, if we define it as a Jewish state, it would be problematic. Thus, defining Islam as the religion of the state in Tunisia is not problematic, whereas it is problematic for Israel, the same article in the constitution. The goal therefore is to think constantly about how to achieve equality between individuals. The other issue is how to best achieve liberties, including religious liberties. Let us take a clearer example. I have observed in a study that I have carried out but not yet published that many leftist Arab scholars who adopt secularism in its French version insist vehemently that they do not want any reference to a religion of the state in the constitution, even though there are 152 states that have a reference to religion in their constitutions. Hence, we need to study the context of having a reference to a religion of the state in a given country to decide whether or not it is a violation of the concept of equality, whether or not it alienates groups who feel that they have been historically persecuted, whether or not it

restricts the religious freedom of groups whose religion is not mentioned in the constitution. This is the important issue. We can mention that in some country there are values that are derived from a certain religion, Christianity for example. In Europe, they often say that states are founded on Christian or Judeo-Christian values. However, when there is something in the constitution or in the law transforms these values into *ma'āyir*, norms, then there is a problem. In that case, the individual has to follow Christianity, otherwise he is outside the law. In that case, it is problematic. Therefore, I insist that secularism is merely procedural mechanisms (*ālīyāt ijrā'iyya*); surely, mechanisms that include concepts. I am not downplaying its significance, but when we transform it into a value in itself, it creates many problems, so we turn away from searching for universal liberal values, which are now adopted by almost the entire world, and deservedly so: equality and liberty, liberties. So instead of concentrating on them, we concentrate on how to attain other values that would collide with primary liberal values. I do not consider as values or as a philosophy. It is merely essential procedural mechanisms. There can be no equality without secularism or what many Islamist movements in the Arab world call *al-dawla al-madaniyya* [civil state]. Hence, I am among those who say that terminology is not important. It does not matter what we call things. These are terms, what matters is their content. Hence, we ought to become sensitive, so that we do not stigmatize an opponent as secularist in order to insult him, as we sometimes use liberal, as if to declare him an apostate. This is utterly unhelpful. Therefore, the expression does not matter. Do we use *ilmāniyya*, *almāniyya*, do we use *dawla madaniyya* – what matters is the content, what is inside. By the way, let me elaborate here, say a word. I prefer to use words that are universally recognized. If you asked me, I prefer *ilmāniyya*, not *dawla madaniyya*, because there is confusion in any new term crafted for a specific context.

#17:25

A: OK, this problem, if you allow me: You have mentioned that you prefer not to use the term *madaniyya* because it has problematic aspects. I believe that problematic aspects in the concept of *ilmāniyya* are also plentiful and innumerable. You have therefore now proposed a new concept of secularism, whereas prominent advocates of secularism in the Arab world have a different opinion; I may mention Aziz al-Azmeh, for instance [see first volume of this series]. Aziz al-Azmeh considers secularism to be parity between (*al-musāwā*) religious authority (*al-marji'iyya al-dīniyya*) and other authorities (*baqiyyat al-marji'iyāt*) in a society that is internally differentiated (*mujtama' mutamayiz dākhiliyyan*). Society, thus, is exclusively subject to the authority of reason (*sulṭat al-'aql*), while other authorities are considered equal. This is one conceptualization. Abdelwahab Elmessiri speaks of a total secularism and a partial one. Mohammed

Abed al-Jabri prefers to avoid the term *‘ilmāniyya* altogether and use rationalism (*‘aqlāniyya*) and democracy instead [see text no. 39]. Tayyeb Tizini has other definitions. George Tarabishi approaches it from another angle [see text no. 42]. You approach it from a fifth or sixth angle. The concept is still problematic. If you speak of the problematics of the term *madaniyya* and advocate *‘ilmāniyya* instead, *‘ilmāniyya* will not be conceptually less problematic than *madaniyya*.

**#18:50**

SH: This is the problem with any concept. We say democracy, the Egyptian government speaks of itself as democratic. A government does not become a democracy when someone claims it to be so. This is a problem that is not limited to this term alone. Historically, secularism has a European trajectory. This European trajectory had, shall we say, a vendetta against the Church, which ruled religiously as well as temporally (*dīniyyan wa-zamāniyyan*), punishing scientists such as Galileo who came up with ideas that contravened biblical interpretations of the time. This context spawned a concept of secularism that focuses on rationalism, on reason as an authority – absolute or not absolute depending on the country. I focused on separation (*faṣl*) between institutions of the state and religious institutions. Let us take two models (*namūdhaḡ*). If we take the French model, it is total and absolute separation, whereas the American model entails separation, but at the same time we see President Biden taking his oath on the Bible, ruling America in the name of God, and so on, because the Americans discovered that this act does not alienate groups that do not believe in God. Hence, there is no contradiction in America, whereas in France they excluded religion completely from civil life and so on. What I am trying to say is that there are many models of secularism, and our role as researchers in the social sciences is to expose instances when the implementation of the model contradicts its own theoretical foundations.

**#21:30**

A: A minor point, if you allow me, doctor. You have mentioned now that there are differences in the models, as if there existed a uniformity in the concept, unity in the concept, or agreement in the concept, and the differences are with the models. [ . . . ] Now on a theoretical level, intellectual level, theorizing level, is there a conceptual consensus among theoreticians on the question of secularism?

**#21:57**

SH: No.

A: Then, the question of the model is not subject to discussion now, because intellectuals and theoreticians in this field have not even reached an agreement. We may talk about models in other contexts or other sections. But now in the



theoretical domain, how can we propose the concept in light of such disagreements, even among intellectuals?

#22:25

SH: Yes, because in its basic meaning it entails a very, very important conceptualization, which is the differentiation between political and religious institutions. There is total agreement on that.

#22:53

A: Differentiation in institutions?

SH: In institutions. Now each model adds upon this differentiation, and from there disagreements begin. For example, if we take the Lebanese philosopher Adel Dahir, he considers secularism to be a philosophy that fully adopts reason, and consequently, he reduces religion to something that is transmitted [ . . . ] – to him, religious knowledge is only historical knowledge. Hence, at a particular juncture, we may leave it aside in the face of the authority of rational knowledge. In so doing, he negates the significance of faith (*īmān*) for religion. Accordingly, he goes beyond the topic of differentiation between the political and the religious to talk about something epistemological, which is subject to disagreement. It is not there. Now in the critique of modernity in the West, religious knowledge is rehabilitated, and religion is recognized. as a driver of our emotions, its role in our view of the world and our view of the relationship with the environment, society, and the question of stewardship (*khilāfa*), and so on. There is indeed a reconsideration and a rejection of those rigid concepts, which have been discussed even by some in the Arab world, such as the important philosopher Adel Dahir. Elmessiri spoke of comprehensive and partial secularism. Comprehensive secularism is the secularism that he describes as religion-like (*ka-annahā dīn*), encompassing values and competing with other religions. And he is right, the French model is very close to this total secularism. Instead, he advocates for a partial secularism that entails differentiation between religious and political authorities.

#25:45

[break]

#26:15

A: You have mentioned that in Arab societies the vast majority are Muslims, reaching up to 90 or 99% in some societies. In that case, what is the need to talk about secularism in societies where the overwhelming majority are of one religion, which is the Islamic religion?

#26:45

SH: Of course, there is a need. Let us take an example that has recently stirred controversy, that is, the normalization of relations [with Israel] by the Kingdom of

Morocco. In actual fact, I find the way that the main Islamist movement there, the Movement for al-Tawḥīd wa-l-Iṣlāḥ (Unity and Reform), the proselytization wing (*al-janāḥ al-da'awī*) of The Party for Justice and Development, which is the main party in the governmental coalition. This shows us the importance of differentiation, which was advocated and theoretically formulated a long time ago by Sa'd al-Dīn al-Uthmānī, the current Prime Minister of Morocco. This separation is very important, since if the Moroccan government took certain positions – such as the normalization of relations with Israel, which I would condemn as an intellectual, as a Palestinian – I would feel comfortable to condemn it, because it would not mean that I am taking a doctrinal or religious position against the Islamist movement in Morocco. To be clear, the final decision on foreign affairs is taken by the king, not the foreign minister or the prime minister, which is the French system. So, I would not under any circumstances feel that the position taken by Prime Minister Sa'd al-Dīn al-Uthmānī has a religious bearing rather than a political one that would be subject to temporal considerations. For this reason, differentiation is very important. Let us consider what is happening in Tunisia today. In Tunisia, there is a dialogue between elites that have historically never spoken to each other: a leftist secular elite that believes in reform in accordance with the Western model and another model represented by the Nahḍa Movement and other movements in North Africa, including some nationalists, such as the group of Moncef Marzouki. During the time of the late [President] al-Sibsi – two years ago – a debate erupted on reforming the inheritance laws to grant women an equal share to men. A societal debate erupted, each one expressed their opinion each using a variety of concepts – textual, sociological, and legal – showing that they made sense of and interpreted the constitution. Actually, there would not be a problem if someday someone would come and tell al-Nahḍa that this opinion or position of yours is in conflict with the Qur'an, because the movement is working within an agreement, it is seeking consensus among Tunisian citizens, and this is different than the proselytizing (*da'awī*) agenda of the movement, which deals with partisan believers that adhere to the movement, which entails taking a clear position on the issue of inheritance for example, which could be different than its position as a movement seeking societal consensus. Even when 99% of the population in one country are Muslim, we tend to simplify things, as if there was no disagreement among them. Indeed, there are many disagreements. I do not see societies that are as divided over ideas and understandings of modernity as Tunisia and Morocco, and these are two countries with more than 90% of Muslims.

### #31:30

A: When secularism is proposed in this manner and as if it were a solution, what would be the problem? The problem is that we live in Arab, Islamic societies,

where there are differences in the understanding of religious texts and religious disagreements too. There is, as you have mentioned, disagreement about modernity in Tunisia, for example. When secularism is mentioned, there is also disagreement about secularism. Could we propose secularism as a solution and strip it of its historical baggage? It is burdened with historical experiences and contexts. If we take Arab societies in which the differences are primarily on derivative religious matters (*al-nāhiya al-dīniyya al-far'iyya*) – not necessarily on the principles of religion (*al-uṣūl*) but in jurisprudence or some laws – they disagree on modernity, on their understanding of modernity. How would secularism be a savior when it is itself a problematic concept?

### #32:30

SH: I have never said so. In my opinion, what can save us are democratic systems that encompass the concept of equality and citizenship and the concept of individual and collective liberties. This is what I consider a solution. And I cannot conceive of implementing a concept of citizenship without differentiating between religious and political institutions – exactly as we see in Tunisia and Morocco today, despite the flaw or even flaws, shall we say, of the Moroccan model. This is why I started the conversation by saying that secularism is a mechanism to implement the concepts of citizenship and equality. And when we say equality, it entails social justice. And when we say liberties, it means we make sure that there is a difference between preaching (*da'wa*) and politics. Let me cite clear examples. There is a difference between preaching to believers and Muslims that alcohol is unlawful (*ḥarām*) – even explaining why it is unlawful – on the one hand, and, as jurists (*fuqahā*) have done throughout history, that is to allow the Christian wife to drink [alcohol] in the house of the Muslim [husband], on the other. Historically, this differentiation has been there. There is a difference between the state permitting the sale of alcohol because it is a state for all citizens and the Islamic movement and jurists calling for and preaching the banning of alcohol [sales] and the consumption of alcohol. Thus, I see this differentiation to be very important. Differentiating between an Islamic movement calling on women to wear the hijab and imposing hijab, as in Iran today where every Muslim must wear it in public spaces, regardless of whether or not she is a believer, Christian, Jewish, etc. This differentiation is very important, and this is what avails individual liberty. Let me emphasize a point. Liberal thought has evolved since the time of John Rawls. John Rawls said that we should leave religious concepts outside the public sphere. Then Habermas came along and said that it may remain in the public sphere but only outside a formal setting such as the parliament, meaning no one can convince the other using a hadith or a verse from the Bible or the Qur'an. Now liberal thought has evolved further with Maeve Cooke – an Irish philosopher who says that one may as well bring up a Qur'anic verse, there is

no objection to it. There is a specific way to talk, to carry out practical reasoning in the public sphere, to make an argument in a non-authoritarian manner. If formulated in a non-authoritarian manner, religious references are most welcome. They can be [discussed] in the parliament, included in prologues to legislation – not a problem. We need not be afraid. Differentiation is necessary to ensure equality between citizens. If people feel strongly about something, they will act upon it.

#37:00

A: Despite these differences and levels of secularism that you have presented, the fact remains that in Arab societies – on almost every opportunity that any Arab society has had to express itself in elections, even in a partially free atmosphere – secularism is rejected and defeated, and the Islamic voice rejecting secularism prevails. What is your interpretation for this?

#37:30

SH: Yes, because as you mentioned, secularism has a dark history, a despotic history. On Al Jazeera three days ago, there was a program about the former French President Sarkozy and the late [Libyan ruler] al-Gaddafi. Actually, there was nothing more abhorrent [in it] than an interview they showed with Sarkozy where he said that he had invited al-Gaddafi to France because al-Gaddafi was secular (*ilmānī*), as if the word secular suffices to prove that someone is supportive of equality and liberties. No, this is not right. Secularism has a dark history in our region, from the social repression practiced by Atatürk to the Ba'hist regimes in Syria and Iraq and in other countries. This is why people are afraid, and this is why some use *dawla madaniyya* [civil state] to turn the page and talk about differentiations that are different from those in the past. By the way, this is not the position of [Rachid] Ghannouchi [see text no. 44]. Ghannouchi was clear, he said: come on, actually without secularism I would not have been able to go to London, and the British would not have allowed me to speak, preach, or hold meetings. No problem, I say let us go beyond terminologies. I don't care that they say today that they don't want certain parties to use secularism. Alright, no problem, what do you want to use, *dawla madaniyya*? Come and describe *dawla madaniyya* to me. I am indeed very happy with the concept of *dawla madaniyya* used by many Islamist movements. I see incredible evolution in some of the movements such as the Muslim Brothers in Syria, Tunisia, etc. There is in fact maturity, because we need to achieve differentiations. Without this differentiation we would be pressuring a group because it is not religious, or because it is Christian or atheist, no matter how small. They would not feel equal as citizens, which is bad, a bad thing. We can preserve our Islamic values and respect individual liberties simultaneously. *Dawla madaniyya* or secular state is the magic bullet for it.

## #40:50

A: Regimes such as that of Saddam Hussein, the regime of Bashar al-Assad, the regime of Gaddafi, experiments (*tajārib*) such as the one by Atatürk in Turkey, Bourguiba in Tunisia. These were all experiments using our *umma*, the Arab and Islamic *umma*, secular experiments. You have spoken about the French model (*tajriba*), which is rejected. Don't you see then that most secular experiments, specifically in our Arab and Islamic world, were not successful or productive and did not become a model to be upheld?

## #41:20

SH: Actually, in my opinion we need to examine this statement more carefully. Can we say that given that [Umar] al-Bashir implemented an Islamic regime in Sudan, then any Islamic movement that comes to power will automatically yield to despotism? In my opinion, we cannot say that. I would say the same thing about the regimes that you mentioned. What is problematic about these regimes is that they are despotic, is that they used secularism despite their sectarian proclivity (*ṭā'ifiyya*). The situation of Syria makes you laugh and cry at the same time: a state whose grand slogans (*shi'ārāt*) are all secular, yet it is a sectarian state. When we study those who hold power and those who control the state, we see too much sectarianism. Hence, we can neither automatically deduce that every secular state is necessarily despotic, nor can we similarly conclude that there is agreement between Islam and democracy. This question is meaningless in my view. And the same applies to secularism. Atatürk could have achieved a minimal degree of differentiation between religious and political institutions without oppression, without forcing women to remove their hijab, without imposing on men to wear hats. This is all despotism. We can achieve the minimal level. This is why Erdoğan in his famous visit to Egypt said that he defends secularism, but which secularism? A secularism without oppression, a secularism that does not prevent women from wearing the hijab. Today in France, the fundamental problem in France is that they understand religion in a Christian manner only: that religion must be reduced to the private sphere (*al-majāl al-khāṣṣ*) and to the church alone. Praxis, such as donning the hijab, becomes, according to French *laïcité*, a matter outside of religion (*khārij al-dīn*), not vital, not essential to religion (*min asāsiyāt al-dīn*), whereas many Muslim believers perceive of it as essential to religion. Hence, French secularism today is the imposed Christianization of Islam, by coercion. But this is against something essential to secularism, namely religious liberty, the freedom of religious practice. This is what we should point out. This is where we should point out past mistakes and learn from them, so that we do not repeat them. [Spurious] correlations (*tarābuṭāt*) such as claiming that everything secular is despotic or that everything religious is despotic are not correct. We should go beyond stigmas. Concepts only work when they have specific mean-

ings, when we endow them with procedures. This is what we want to do. This is why I don't care if people say they don't like [the word] *'ilmāniyya*.

**#45:20**

A: Do we need, for the Arab world, to propose *'ilmāniyya* as a slogan, whether for elections or by parties, as if it were the solution to a problem that plagues our societies? Is it possible? Do we need it as a slogan? Let us leave aside for now the content that you have presented.

**#45:40**

SH: I am very, very happy that in Arab newspapers – according to content analysis undertaken for a study that I have yet to publish – there is for the first time a clear discourse of distinction (*tamāyuz*) between the political and the religious. It is no longer the discourse of the one percent elite, but a discourse used by large sections of society including the ordinary strata. This makes me really glad. If they talk about *dawla madaniyya* but mean differentiation, that is enough, we don't need to propose this slogan [i.e., *'ilmāniyya*]. In the first place, I don't think it is a value or a philosophy at all. It is merely a position that involves certain procedures for the implementation of differentiation. Brothers in Morocco have separated between the proselytizing wing (*al-janāh al-da'awī*) of the Islamic movement and the political wing (*al-janāh al-siyāsī*). In my view, we simply don't need more theorization. In fact, thanks to the Arab Spring and its cognitive revolution, there is in the Arab world today for the first time, a popularization of the importance of democracy, of the importance of the idea of citizenship, of the importance of liberties. To be sure, there is still some ambiguity with regard to individual liberties. For example, when I speak to my family, every time we discuss individual liberties, they still find it hard [to accept]: do we really have to allow them to do this or that?! There is a problem. This still needs development. I am happy though. In my opinion, we need not propose *'ilmāniyya* as a slogan. What matters to me today is the slogan of citizenship, of liberties, and of democracy. These are the basic slogans, without which hundreds of people die in prison and for which people emigrate from our countries.

**#48:05**

A: If you allow me doctor, one final point. In the United States, "In God We Trust" is written on the dollar bill. In Britain, the queen is still the head of church. In Germany, the ruling party derives its values from the principles of the Christian religion or derives its principles from the values of the Christian religion. Are these secular models, in your opinion?

**#48:35**

HS: Of course. Of course, because in these three countries that you have mentioned there is a differentiation between the religious and the political. There are no

laws that prevent Christians from becoming non-Christians. The German state today collects by means of taxes, alms on behalf of the churches. When you pay taxes, there is a section on the form where you are asked if you want part of yours taxes to be given to the church or not. Be careful! Don't think that the despotic French secularism is the only one: one religion against other religions. The French secular religion is more like a religion opposed to other religions. This is a very abnormal model among most societies. As I said to you, 152 states today mention the name of God, religion, etc. This is not a problem. But these countries achieve differentiations.

**#50:05**

A: Doctor Sari Hanafi, unfortunately our time is up, and we sadly cannot attend to the other topics. We may need to return to this subject later. Doctor Sari Hanafi, Professor of Sociology and director of the Department of Islamic Studies and of the Center for Middle Eastern and Arab Studies at the American University of Beirut. Thanks for being with us.

**#50:40**

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## **Iran's Modernity (Late 19th Century – Early 21st Century)**





Negin Yavari

# Introduction

With a Contribution on the Qajar Period by Nahid Mozaffari

Secularity, or a marked distinction between the religious lifeworld and the political is a salient presence in Islamic political thought. In Iran, the encounter with colonial modernity, beginning in the mid-19th century, catalysed a sea change in the political *imaginaire*. Confronted with European and Russian supremacy, especially in the economic and military arenas, the political public was subsumed by the declining fortune of Muslim nations and conflicting prescriptions for a practicable remedy. At the forefront of such explanations were the cultural and ideological characteristics of Islam, such as its alleged imperviousness to democratic norms, disinterest in economic progress, and stubborn insistence on marginalizing women in society.

Ensuing efforts at emulating European progress included constitutional movements, large scale, and even state sponsored translations of important texts in the history of European political thought, and the importation of experts and models to modernize institutions of state including the military, public education, public health, infrastructure, and the financial sector, Beginning in the late Qajar period (1789–1925) and accelerated with the ascension of the Pahlavi monarch, Reza Shah (r. 1925–1941), Iran underwent a period of rapid modernization, especially in the banking, infrastructure, and education sectors. Significant as well was the adoption of Western-inspired policies in the social arena, the most palpable of which were mandatory changes in the appearance and status of women in public life. Such modernizing policies were preserved and even intensified in the reign of the second and last Pahlavi king, Mohammad Reza (r. 1941–1979) who led the country until the Islamic revolution. In myriad ways, that social revolution was a reaction to the challenges of colonial modernity on the one hand, and the policies adopted by a fragile, ostensibly secular monarchy in response to it. In short, the history of Iran in the modern period exemplifies Jonathan Sheehan’s model of a recast modernity that entails not the absence of the past or a primacy of the present over the past but invites constant attention to the presence of the past in the present.<sup>1</sup>

Iran from the late 19th to the early 21st century is treated in two sections. The first section comprises texts from the Qajar period, curated and introduced by Nahid Mozaffari. These are followed by texts from the mid-20th century to the present, selected by Negin Yavari.

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<sup>1</sup> Jonathan Sheehan, “Modernity,” in *tif.ssrc.org*, *The Immanent Frame: Secularism, Religion, and the Public Sphere*, *Social Science*, 12 June 2020; <https://tif.ssrc.org/2020/06/12/modernity-sheehan/>.

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## 1 Qajar Iran

The Qajar state routinely relegated matters involving religious law, religious practice, and education, as well as the meting out of many aspects of justice to the hierarchy of the clerical establishment or the *'ulamā'*. State leaders and the bureaucracy involved themselves with balancing interests and resolving conflicts between the different power groups in society. In turn, the religious establishment presented a cloak of legitimacy to the rule of the Qajar kings. But that tacit alliance fell apart in times of economic or political crisis, testing the conventional boundaries that separated religion from the political sphere.

From the mid-19th century onwards, the economy fell into deep debt and was constantly under pressure to provide concessions and capitulations to Britain and Russia. This political and economic malaise affecting various groups in society, led reformers and intellectuals in Iran, and some Iranians living abroad to contemplate the reasons behind Iran's seemingly intractable problems. Among these, were the diplomat Mirzā Yūsuf Khān Mustashār al-Dawla (d. 1895; text no. 48), and Mirzā Fath 'Alī Ākhūndzādah (1812–1878; text no. 49) who was born in the Caucasus and advocated cultural change through drama, novels, and satire.<sup>II</sup> Important figures from among the *'ulamā'* and religious activists also contributed to these discourses. Notable among them are Sayyid Jamāl al-Dīn Asadābādī, better known as al-Afghānī (d. 1897, text no. 30) an international figure who advocated Muslim unity and the use of reason and science to strengthen Muslim lands against the encroachments of colonialism.

Worsening economic conditions and the growth of new ideas mentioned above, eventually contributed to the formation of a precarious alliance of groups in society to fight against the position of the king as despot and for representation in a parliamentary constitutional monarchy.<sup>III</sup> The opinions of reformers, clerics, bureaucrats, and intellectuals often writing in the burgeoning journals during the constitutional period (1906–1911), demonstrate the contradictions between various understandings of modernity, of constitutionalism, and of the role of religion in society.

Intellectuals and activists, such as 'Alī Akbar Dihkhodā (1879–1956; text no. 50), advocated for democratic institutions allowing for the participation of different groups in society including women and minorities (see below), and women activists such as Ṣādīqah Dawlatābādī (1883–1961; text no. 51) struggled for the establishment of girls' and women's schools and education.

<sup>II</sup> See Farzin Vahdat, *God and Juggernaut: Iran's Intellectual Encounter with Modernity* (Syracuse, NY: Syracuse University Press, 2002), 43.

<sup>III</sup> This alliance consisted of reformist bureaucrats, secular intellectuals, bazaar merchants, and some clerics. See Vahdat, *God and Juggernaut*, 64; also, Nahid Mozaffari, "Civic Piety: Visions of Secularity in Constitutional Iran," in *Religion and Secularity: Transformations and Transfers of Religious Discourses in Europe and Asia*, eds. Marion Eggert, and Lucian Hölscher (Leiden: Brill, 2013), 157–60. It was precarious because these groups had conflicting interests.

## 2 Pahlavi and Post-Revolutionary Iran (1925–Present)

Political debate on the proper role of religion in public life intensified after the fall of the Qajar dynasty in 1925, in reaction to the explicit secular stance of the first Pahlavi dynast, Reza Shah, who famously banned public veiling by decree in 1936. Pahlavi ideology also comprised Western-style modernization. It is therefore unsurprising to find that opposition to Pahlavi politics was expressed in religiously inflected political thought. Ayatollah Khomeini (d. 1989; text no. 54), Jalal Al Ahmad (d. 1969; text no. 52), and Ali Shari'ati (d. 1977; text no. 53), whose works are collected in this section, may have held vastly differing views on the proper role of religion in public life and on state-society relations, but they concurred on the primacy of religion to the ideological project of resuscitating authentic Iranian identity in the face of colonial modernity. What was unexpected perhaps was the coincidence of enormous increase in oil revenues with the ascendance of Islamic ideologies, beginning in the early 1970s. In this manner, secularity persisted as a perennial in modern political discourse, and was widely institutionalized in post-revolutionary Iran. The Expediency Council, which oversees the handling of contentious issues facing the Islamic Republic, especially in cases where there is a strong disagreement between the parliament and the Guardian Council, is one example. The Guardian Council itself, tasked with evaluating the compatibility of legislation emanating from the parliament with the strictures of shari'a, is another.<sup>IV</sup> The compatibility between religiously inflected political institutions and the demands of republican government, scrutinized by proponents of what has been termed the school of Islamic new thinking in Iran,<sup>V</sup> are explored in the selections by 'Abd al-Karim Soroush (b. 1945; text no. 57) and Morad Saghafi (b. 1957; text no. 56).

Part and parcel of the rise of Islamic ideology as a salve for lost sovereignty was the fraught interaction between institutions of the modern state and the shari'a, especially palpable on the question of the role and status of women in Islamic public life. As mentioned earlier, the lamentable status of women in Islamic law has become an albatross that has plagued Islamist ideologies throughout the period of colonial modernity. To this question, Mehrangiz Kar (b. 1944; text no. 55) reflects on the commonalities and differences in the political agendas of secular and religious women in post-revolutionary Iran, and Sedigheh Vasmaghi (b. 1961; text no. 58) questions the loyalty of the country's legal framework to Islamic doctrine.

The revolution of 1979 in Iran revived Islamic political language. *Wilāya*, *tawhīd*, *maṣlaḥa*, *jihad*, *khilāfa* and other such concepts, previously confined to narrow aca-

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<sup>IV</sup> The organization of the Iranian state is discussed in Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic*, trans. John O'Kane (London: I. B. Tauris, 1997).

<sup>V</sup> For more on the genealogy of the term see Katajun Amirpur, *New Thinking in Islam: The Jihad for Freedom, Democracy and Women's Rights* (Chicago, IL: The University of Chicago Press, 2015).

demic debates are now familiar to a wider global audience. Often, these are invoked to enumerate the differences between liberal Western democracies and the myriad political liabilities that characterize the political in the rest of the world. I suspect, however, that as an overarching frame for negotiating the political, religion versus secularism has reached its sell by date, and its utility to academic inquiry is on the wane. It is so not because academia has found a better more productive manner of addressing political difference, but because that formulation no longer presents as the principal tension that guides the political in MENA. In this as in other similar instances, a divergent historical trajectory is on display, rather than a compromised attempt to replicate the European experience.

Invoked as a heuristic concept and in contradistinction to secularism as an overarching temporal order, secularity is uniquely positioned to refract that difference, evidenced in the many contributions collected in this volume. The waning appeal of ‘religion versus secular’ and of religiously inflected political discourse *tout court* is exemplified in Ali Mirmousavi’s (b. 1967; text no. 59) article on the failures of religious new thinking and the unfulfilled promise of religion to engage productively with political thought and the exigencies of good governance, democracy, and equal rights. Religion, he writes, is irrelevant to the contemporary political. Perhaps now, the popular narrative will heed Roy Mottahedeh’s astute exhortation to stop approaching Islamic Middle Eastern societies with topsy-turvy questions: Why didn’t the Islamic Middle East produce an industrial revolution? Why didn’t it produce representative systems of government? And so on.<sup>VI</sup>

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VI Roy P. Mottahedeh, “Does Pre-modern Islamic Thought Allow for a Secular Realm,” in *Non Sola Scriptura: Essays on the Qur’an and Islam in Honor of William A. Graham*, eds. Bruce Fudge, Kambiz GhaneaBassiri, Christian Lange, and Sarah Bowen Savant (London: Routledge, 2022), 215–24, at 216.

# 48 Mīrzā Yūsuf Khān Mustashār al-Dawla: *One Word* (1870)

Introduced by Nahid N. Mozaffari

## Introduction

Mīrzā Yūsuf Khān Tabrīzī Mustashār al-Dawla (d. 1895) was an intellectual and a diplomat in the reign of Nāṣir al-Dīn Shah Qajar (r. 1848–1896). In the 1850s and 1860s, he served in Paris, Moscow, St. Petersburg, and Tbilisi. He wrote one of the most significant texts of the period, *Yik Kalama (One Word)* in Paris in 1870. The text is based on the *Declaration of the Rights of Man and of the Citizen* passed by the French National Assembly in 1789; by *One Word* the writer means law or constitution. In writing this text, he became the first intellectual in Iran to declare that the basis of state power should be the will of the people, and that state power should be separate from religion and its representatives. The state and the peoples' representatives would be entrusted to deal with affairs of the world (*ūmūr-i dunyawī*) and act according to worldly interests (*maṣālih-i dunyawī*).

Historically, the basis of legitimacy of the ruler in the Muslim world including Iran was as his position as the deputy of God, chosen and protected by Him. This was sanctioned by the 'ulamā' and reflected in the king's title, the "Shadow of God on Earth." Mustashār al-Dawla indirectly disputes this premise and argues that conditions and arrangements of matters in this world should be codified into laws compatible with the conditions in Iran, and which should apply to all citizens regardless of class or religion. In effect, in this text, he argues that Islam and democracy are compatible by using Quranic verses to justify all the nineteen laws that he lists from the French Declaration. For the attainment of progress through reforms, which include the establishment of boundaries between politics and religion (secularity) to be accepted by the Muslim institutions and the population, he claims that all the "building blocks" of progress were already present in the Quran and *ḥadīth*. The excerpt below is selected from the introduction to *One Word* where the author lays down the bases of his argument.

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Nahid N. Mozaffari, Harvard University, 1977, 2001

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Mīrzā Yūsuf Khān Mostashār ad-Dowleh Tabrīzī, *One Word: Yak Kaleme: 19th-Century Persian Treatise Introducing Western Codified Law*, transl. & ed. A.A. Seyed-Gohrab and S. McGlenn (Leiden: Leiden University Press, 2010), 11–23. Also available at: <https://library.oopen.org/bitstream/handle/20.500.12657/45644/625757.pdf?sequence=1&isAllowed=y>.

Original source: Mīrzā Yūsuf b. Kāzīm Mustashār al-Dawla Tabrīzī, *Yik kalama*, ed. 'Ali Reza Dawlatshahi (Tehran: Bal, 2007), 23–25.

## Translation adopted from A.A. Seyed-Gohrab and S. McGlenn

### Introduction to *One Word*

My friend said: “The one word that encapsulates all administration in Europe is the book of law, in which all conditions and routine administrative procedures that relate to worldly matters are recorded. The government and the people together undertake to maintain the continued existence of the law, in such a way that no individual living whether in France, England, Germany, or Austria holds absolute power. In other words, in any case that relates to criminal and civil law or politics and such like matters, he cannot follow his own personal inclination. The king and beggar, subjects and soldiers are bound to follow it, and no one has the power to oppose the book of law. You should know that law in the French language is called *loi* and it comprises several volumes, each of which is called a code. For French people these codes are the same as shari'a books for Muslims but there are many differences between the two.

The first difference: the code is written with the approval of government and people and not according to one opinion. The second difference is that the French code combines and orders all the applicable law codes. It is free of uncommon expressions, unsupported opinions, and contradictions, whereas the books of Islamic jurisprudence also preserve weak opinions. And there are many contradictions in each of these rulings in such a way that it is difficult to distinguish the sound rulings from the weak ones, even for a [traditional] religious scholar (*mujtahid* or *mufti*).

However, it would be better for the most learned of the great *ulamā* if they were to agree in accordance with the illustrious command: “Hold you fast to God’s bond together, and do not scatter” (Q 3:103). It would be better if they were to define the laws of shari'a and to write them down. They should all approve them, and the high functionaries and representatives of the nation should also approve them, and they should

be preserved in the archive.<sup>1</sup> By printing many copies, all the judges and civil administrators from the highest to the lowest, even town overseers, would know them, so that the affairs of the common people would be based on the shari'a. They would be unable to issue judgements contrary to the codified shari'a.

The third difference is that the French code is written in the language of the common people. Its meanings and purposes are easily understood, and they do not require any explanation or marginal gloss. The concept of "to preach the Clear Message" in the Quran thus refers to the book of the code.<sup>2</sup> It should be written without ambiguities and in the language current in this age so that everyone can benefit from reading it and may know their duties.

The fourth relevant, and most important, difference is that the code considers only worldly matters, so that it is suitable for the condition of every person, irrespective of their ethnicity and religion. There is a different book for religious matters. In contrast, in the books of Islamic law, worldly matters are tempered and mixed with other-worldly affairs such as obligatory prayers, fasting and pilgrimage. This causes great harm in administering the affairs of the common people because non-Muslim peoples living in Islamic lands have no desire to read your code of law. Since commandments such as fasting, obligatory prayer, pilgrimage, *khums* tax (tithing), alms and such like are not in accordance with the religions of non-Muslim peoples, and they would never act according to such commandments. But as for the remaining commandments relating to worldly matters, the duties of all subjects, of various religions but under one government, are the same. Thus if the foremost 'ulamā' wherever they may be, were to write Islamic codes in separate books such as the book of acts of worship, the afterlife, and books of civil and commercial matters, this would not be detrimental to the shari'a. As it is said in the holy tradition: "You know best in ordering worldly matters" the ordering of worldly affairs should be entrusted to capable people.

The fifth difference is that the codes of public (*urfiyya*) and traditional (*ādiyya*) law are also collected, whereas among Muslims, many questions relating to public and traditional law are oral and not in the book. So long as the public laws are not defined in books, it is easy to perpetrate innumerable injustices in the name of custom and tradition, even though this is not in accordance with one of the principles accepted by Muslims as part of the law of the Prophet of Islam. For it has been said: "Recognition as public law is equivalent to being specified as the religious law (shari'a)." So it is necessary that the public law too should be delimited and written down.

When the emperor or king desires that a code should be instituted, if it is not related to taxation, he first sends it to the Senate, that is the grand consultative cham-

<sup>1</sup> [note 4 in the original] Literally: *khazina*, 'treasury.'

<sup>2</sup> [note 5 in the original] E.g., Q 16:35, 82, and Q 29:18, Q 36:17, Q 64:12: all verses which state that the role of the Prophets (and by implication religion) is only to deliver a message, and not to force obedience.



ber, and then to the house of representatives of the people. On the other hand, if it is related to tax, he first sends it to the house of representatives of the people, then to the Senate. This procedure is in accordance with the blessed verse: “Their affair being counsel between them” (Q 42:38). And the evaluation and scrutinising and debating of the people’s representatives is in complete accordance with the exalted instruction: “Take heed, you who have eyes” (Q 59:2). And the virtue of this arrangement in terms of rationality cannot be denied.

Since the French and other civilised nations discuss all matters through their own representatives, no imposition that they accept can be a cause for opposition or disagreement, because they themselves have made the decisions that affect them. In this way, the emperor or king is also secure, [p. 17/19] since he is relieved of the perfidy of influential grandees and the mayhem caused by depraved people. Whatever he orders, it does not face opposition. The affairs of the government officers are also relieved, since cases and issues that are likely to give rise to complaints are announced in the chamber of the people’s representatives, and the opinions of the people are received. If this is not done, what misfortune and anxiety will be visited on the government and the people! In Europe, not only the codes of law but also most administrative affairs are implemented with the consent of the people and government.

Whoever thoroughly considers these fivefold differences without bias, will undoubtedly understand that there is no one in Europe who has unrestrained freedom of action. In other words, there is no place for interference and giving orders in public affairs on the basis of one’s own opinion and personal idiosyncrasies, but only in accordance with what is written in the code of law. In brief, everyone is bound to the thread of the code. This sentiment is also presented in the noble Quran: “What, does man reckon he shall be left to roam at will?” (Q 75:36).

For in a kingdom where a person is bound and is not a camel left free to wander (i.e., like a camel turned out to graze), everyone knows his own duty based on specified law and devotes himself to his own occupation and work. A person cannot commit oppression and does not suffer oppression, because he knows everything that is excluded by the code and he will shun it. The code is in accordance with the principles mentioned above because the government and the people guarantee it. Its continuity is the source of the security of the person and property of all people.

Thus I can claim that the one word mentioned previously can be explained with the word ‘code’ with the condition that the code is in accordance with the points made in relation to the five-fold differences. Every refinement and fair dealing lie in this. Refinement, wealth and tranquillity all spring from justice. ‘Ali, the executor of the Prophet, has stated: “Justice is the foundation of prosperity.””

I asked: “Are codes, whatever their origins may be, universally valid or void?” He answered: “Although the codes are all valid and have served as models for so many civilised governments, nevertheless I have not said that you should copy the code of France or other governments for yourselves and promulgate it. What I mean is a book in which all the codes would be applicable, easily explained, readily under-

stood and acceptable to the people. It is possible to write such a book, including the conditions I mentioned in my explanation of the five-fold differences, especially in an assembly whose members include men of learning and understanding, men of wisdom and policy. They should gather all the most respected books of Islam that are available, and all the codes of civilised governments. In a short time they will be able to write a comprehensive volume. When such a book, acceptable to the intelligent men of the nation, has been written and has received the signature of his majesty the King, and its preservation has been delegated to a special independent assembly, undoubtedly it would be the duty of the government and the people to obey the code. The “one word” of which I spoke is this.

To prepare such a book in the way mentioned above, that is, through consultation, is not unprecedented in Islam. One of the pious stories recounts that in the early days of Islam, the companions of the Prophet borrowed the rules for collecting an army and for preparing administrative records from the codes of the ancient Persians. The people of the world know that the one of the kings in India gathered religious scholars and great men, passing famous and clear judgements (fatwas).”

When the friend I mentioned had offered these explanations to this servant, demonstrating his perfect mastery and acute perception, he concluded the conversation thus: “Now, if you glance at the contents of the codes of France and other civilized governments, you will see how the currents of opinion and the experience of the nations of the world affirm the religious laws of Islam. You will see that while there are excellent codes in Europe and the people there have raised themselves to the highest degree of development by following them, your Prophet has determined and established this for the Islamic peoples 1280 years ago.”

After completing my discussion with this friend, I set myself to research the principles of the French codes for some time. After careful study and deepening into all those codes I found, in accordance with the verse “not a thing, fresh or withered, but it is in a Book Manifest” (Q 6:59) that they are in accordance with the Quran. Praised be the Perspicuous Law (*shar'*) that has not been rendered obsolete by 1280 years of experience. Praised be the Firm Cord that has not been weakened by the progress of arts and sciences. It would be better to explain this point by devoting a chapter to the principles of the French code from its beginning in order to inform the homeland, so far as I am able.

# 49 Mīrzā Faṭḥ ‘Ali Ākhūndzādah: *Letter to Mustashār al-Dawla* (1875)

Translated and introduced by Nahid N. Mozaffari

## Introduction

Mīrzā Faṭḥ ‘Ali Ākhūndzādah (1812–1878)’s letter to Mustashār al-Dawla challenges the latter’s claim that the Quran and shari’a already contain the building blocks of progress and secularity. The approaches of these two thinkers represent two trends prevalent among Iranian intellectuals of the 19th century: one found justifications within Islam to support major changes in society, such as the adoption of science and technology and temporal law, while the other argued that Islam and the immense power of the religious experts (*‘ulamā’*) in Iranian society formed an immense obstacle for the effectuation of these necessary reforms. They thus argued on the need for a reformation and a diminished role for religion.

Ākhūndzādah was born in Nuka in the part of Iranian Azerbaijan annexed by Russia in the war of 1828. He read and/or spoke Turkish, Persian, Russian, Georgian, and Kurdish. Through his writings (plays, essays, social critique) he addressed subjects that he considered as obstacles to progress, such as the corruption of leaders and clerics and ignorance and superstition among the common people. Ākhūndzādah is among those 19th century intellectuals who believed in the necessity to reform and modernize eastern societies through the adoption of western technology and culture. He saw religion as superstition and a major obstacle to such reforms. He has been called the first professed atheist in the Islamic world.<sup>1</sup>

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Nahid N. Mozaffari, Harvard University, 1977, 2001

## Translation by Nahid Mozaffari

This is a copy of the letter I have written to General Mirzā Yūsuf Khān (Mustashār al-Dawla) Deputy Minister of Tabriz on the 8 November 1875.

Honoured one!

Let us say a few words about *One Word*.

I read *One Word* from beginning to end. The book is unique; it is a great testimonial and [its] advice is useful, but it has been written for a dead nation. Does anyone heed advice in Iran? In Europe too, in the past, the people used to imagine that the oppressor should be given advice so that oppression would cease to be exercised. Then they observed that the oppressor's constitution is not suited to heeding advice. Subsequently, they attained progress, since [at that time] religion did not provide impediments to advances in the sciences, and further they understood the benefits of unity; together they attained the same vision and direction such that they could approach the oppressor and tell him to get lost from the institutions of monarchy and governance.

After this, the people themselves devised the constitution that you describe in your book to address the affairs of the population and the administration of justice.

Are your people capable of saying to the oppressor: [p. 96/97] Get lost from the institution of monarchy and governance?

Never!

Further,

Regarding the administration of justice, you have [continued to] adhere to the commands of the shari'a. Very well!

Let us observe whether the shari'a itself is the wellspring of justice or not. If the shari'a is the wellspring of justice, then it should enforce the first principle of all the principles of the constitution, which is the equality of rights [of all citizens], as well as equality of rights in the administration of justice. Is the equality of rights limited to members of the male gender? What right does the shari'a have to condemn the female gender to eternal imprisonment, to miserable conditions for the duration of her life, and to deprivation from the blessings of life, based on the hijab verse [Q 4:31]?<sup>1</sup> And because of the hijab command, since men with organs of manhood were not permitted to provide service in harems, the purchase of eunuchs became necessary, and for this reason, the most vicious people make eunuchs out of innocent children from the human race

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<sup>1</sup> NM: Q 24:31 is known as the hijab verse; "And tell believing women that they should lower their eyes, guard their private parts, and not display their charms beyond what [it is acceptable] to reveal; a they should draw their coverings over their necklines and not reveal their charms except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their womenfolk, their slaves, such men as attend them who have no desire, or children who are not yet aware of women's nakedness; they should not stamp their feet so as to draw attention to any hidden charms. Believers, all of you, turn to God so that you may prosper."

and sell them in Muslim lands for earthly profit. Those wretched people would not perform this abominable act if the hijab verse had not come to us, since there would be no imaginable use for it.

In addition,

A Muslim owes a *zimmī*<sup>II</sup> ten *tūmān*.<sup>III</sup> The Muslim denies it. Both go to the judge for litigation. The judge asks the *zimmī* for witnesses. The *zimmī* plaintiff brings four other *zimmī* from among the most respected merchants of the province as witnesses. The judge does not accept the testimonials of the four trustworthy *zimmī* and asks the *zimmī* plaintiff for four Muslim witnesses. The *zimmī* plaintiff has no Muslim witnesses. For this reason, he loses his right [to receive his debt] and leaves the judge's chambers, crying [p. 97/98] and complaining, "God, what kind of law is this, what kind of court is this?" Can this be [a reflexion of] equality in court hearings?

If the shari'a is the wellspring of justice, then it should enforce the third principal of the constitution, which is the principal of personal freedom. In that case, why does the shari'a consider the purchase and sale of male and female slaves who are idol worshippers and polytheists – even if once slaves they accept Islam – permissible? Isn't this a blatant act of oppression and a contradiction of freedom? In the past, Christians in Europe resorting to the decree of the Torah, considered the purchase and sale of male and female slaves from among people who were idol worshippers and polytheists as permissible. They said that Moses had decreed that this purchase and sale of slaves not only permissible but even recommended. Then [a movement arose in] England claiming that Moses was wrong: that even idol worshippers and polytheists are our brothers in humanity. Human beings cannot be deprived of freedom because of differences in faith (creed). Therefore, they definitively banned the purchase and sale of male and female slaves in all corners of the old and new world.<sup>IV</sup> Even the government of Russia recently made a covenant with the Uzbek tribe in Khiva to stop the purchase and sale of male and female slaves and beyond that, to ban the commission of murder [execution] as punishment.

If the shari'a is the wellspring of justice, then it should enforce the fourth principal of the constitution. In that case what is "Strike the adulteress and the adulterer one hundred times" [Q 24:2] all about?<sup>V</sup> A free man and a free woman who are not married have consensual sex; what right does the shari'a have to demand that each one be whipped a hundred times? [p. 98/99] Isn't this act against the *total* security of the people, and contrary to justice? If this verse is [in the Qur'an] for the purpose of the preserving chastity and reputations, then it should pertain only to adultery. This

II NM: Term used to refer to non-Muslims living under Muslim rule.

III NM: Monetary unit of Iran.

IV NM: The British parliament banned the slave trade in 1807 and then slavery in 1833, but this ban was not implemented in "all corners of the old and new world" as Ākhūndzādah claims.

V NM: The term *zanī/zaniyya*, translated here as adulterer/adulteress, covers all extramarital sexual intercourse between a man and a woman.

law is oppressive when it addresses a free man and a free woman. If the chastity and reputation of that man and woman is destroyed because of that act, then *they* should worry about it. The interference of the shari‘a to maintain their reputation violates their freedom and security. Which is more important, reputation or freedom and security? If the goal of the shari‘a is to warn others to keep their chastity and reputation by meting out this punishment, then why does the Quran permit temporary marriage? Isn’t the consent of the two parties required in temporary marriage? Then why the punishment? If the shari‘a determines that temporary marriage has a protocol that must be followed and the sex between the man and woman did not follow that protocol, in all fairness, one hundred lashes for not following the protocol is very severe and a great injustice. After this, what happens to freedom and security?

In addition,

In many of the books by jurists (*kutub-i fiqhīyya*), they have written “If Mohammad’s gaze falls upon a woman and he desires her, then it is obligatory for the husband to divorce his wife so that the Prophet can marry her.” Is this not an invasion of other people’s affairs? Does the wellspring of justice have to be the first to undermine justice?!

In addition,

I have earned five *tūmān* by the sweat of my brow. Why does the shari‘a command that I give one fifth of it to free loaders?<sup>VI</sup> Or if I have earned one hundred *tūmāns*, why does the shari‘a command that I should take my money and go on the hajj<sup>VII</sup> and spend my money on the needs of cruel Arab [p. 99/100] bandits? Are these commands not in contradiction to the total protection of people’s properties and does this not constitute the appropriation of peoples’ properties? The shari‘a allows for the appropriation of the properties of the general population by commanding *khūms* and hajj; these commands do not benefit the people, while the benefits of *zakāt*,<sup>VIII</sup> *fiṭriyya*,<sup>IX</sup> and *ṣadaqa*<sup>X</sup> do benefit the people.

With respect to property rights, some people follow the law of “cut off the hands of thieves, whether they are man or woman . . .” [Q 5:38] While it is obvious that if someone steals a quarter of a dinar,<sup>XI</sup> the thief commits this act out of despair due to his inability to earn a living; the punishment of cutting off his hand will make him even more disabled and desperate, in which case he will have to steal again or die of

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VI NM: He is referring to the *khums* tax – or the religious injunction that Muslims should pay one fifth of their income to the *‘ulamā’*.

VII NM: He is referring to the religious injunction that if a Muslim has enough money, he/she should go on the pilgrimage to Mecca.

VIII NM: Almsgiving for the poor, *zakāt* is a religious obligation in Islam.

IX NM: *Fiṭriyya* is a payment that is made on Eid al-Fitr which is celebrated at the end of the holy month of Ramadan.

X NM: Charitable giving.

XI NM: Small unit of money.

hunger. Therefore, cutting off a hand is akin to killing a person. Furthermore, if the punishment for stealing a quarter of a dinar is not to cut off the thief's hand, but rather, another kind of punishment that will lead to his penitence and somehow give him the means to earn a living, he will benefit from his life. Life is the highest blessing in the world, and due to the exigencies of justice, it cannot be taken away from free people for mere trifles.

If the shari'a is the wellspring of justice, then what is the meaning of ". . . do not take life, which God has made sacred, except by right . . ." [Q 6:151] Let us assume I have gained dominance over an idolater (*mushrik*), according to the verse ". . . wherever you encounter the idolaters, kill them . . .," [Q 9:5] I should rightfully kill him. Is this not cruel and contrary to the fourth principal (of the law/constitution), which is the protection of life! If the polytheist's belief is distasteful to the temperament of God of this universe, then He should send his Grim Reaper (*Izrā'il*) to seize his soul. Why does He dump the abominable task of being the executioner on me, to spill innocent blood?! [p. 100/101] In short, murdering people, chopping off body parts, and lashing are acts that belong to barbarian tribes and savages, and is not worthy of the dignity of divinity.

In Europe, they have adopted different policies for the punishment of criminals and for the peace of mind of people. According to the proven research of English philosophers, killing a murderer does not just fail to prevent this type of crime but also does not decrease it. So, the second killing is futile and in vain, and the purpose of it is not attained. Therefore, philosophers have thought of punishments for murderers that would prevent or decrease this type of crime. Today, the execution of a murderer is rarely decreed in Europe.

With the preponderance of such verses, is such a thing possible in the East?!

If the shari'a is the wellspring of justice, then it should enforce the seventeenth principal of the constitution. I don't fast and I don't perform my daily prayers. God should determine my punishment. Why does the shari'a limit me, and proclaim my beating and torture as punishment, and even make my murder permissible?!

In any case, the solution [to these problems] does not lie in giving advice and counsel or sermonizing. This entire foundation should be completely uprooted [and changed]. However, your book deserves praise, as any reader who has some intelligence will know that you have understood the situation, and your compassion arises from your pride in and love for your country and people. You seem to believe that the constitution of France can be implemented in the East with the aid of the commands of the shari'a. Never! Completely impossible. The Umayyads and the Abbasids<sup>XII</sup> followed the shari'a closely, and they were the first to establish the foundation of oppression and despotism [p. 101/102] in Islam. So why didn't the commands of the shari'a

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<sup>XII</sup> NM: The first two dynasties of Islam, the Umayyads (661–749) had their capital in Damascus and the Abbasids (750–128) reigned from Baghdad.

prevent them from being despotic and oppressive? This oppression has continued in Muslim nations since then, notwithstanding the commands of the shari'a.

The implementation of justice and resistance to oppression is only possible, as I mentioned above, when the people themselves gain insight, become educated, and develop the agency to attain unity. Then they can address the oppressor and say: Get lost from the monarchy and governance!

Then, according to the conditions of the time the people themselves devise laws, write a constitution, and implement it. It is only then that the nation will be rejuvenated, and Eastern lands will be like the most sublime heaven!

O come on now, what does all this have to do with me?

I am not riding on a camel, nor am I carrying a load like a donkey

I'm not a lord to the peasant, nor am I a slave to the king.

I swear to God that I am full of remorse for penning these comments. What to do, I saw *One*

*Word* and it made my blood boil; I became delirious, I talked nonsense, I repent.

I seek forgiveness in God and seek repentance from Him.<sup>XIII</sup>

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XIII NM: In the last few lines, the author is half joking, and half protecting himself from the wrath of clerics and believers.



# 50 ‘Ali Akbar Dihkhudā: A New Epiphany (1907)

Translated and introduced by Nahid N. Mozaffari

## Introduction

Born in Qazvin, ‘Ali Akbar Dihkhudā (1879–1956) moved to Tehran with his family and studied the traditional subjects of Arabic, jurisprudence (*fiqh*), and Persian literature. He later attended the ‘modern’ School of Political Science,<sup>I</sup> where he studied history and politics. Aside from Persian, Dihkhudā was fluent in Arabic and French. He became first a diplomat and then a journalist and an activist in the Iranian constitutional revolution of 1906–11, writing in various journals, particularly in *Šūr isrāfīl*. Later in life, he compiled the *Lughatnāma* (Lexicon), a comprehensive lexicon of the Persian language which is still in use today.

Dihkhudā’s vision of Iranian society, including its problems and solutions was a humanist one. As an active participant in the Constitutional Revolution and influenced by the ideas of social democracy,<sup>II</sup> he had the penchant to relegate to religion a useful function in the rational organization of society – that of providing a moral and spiritual bond among its members. He was very critical of the conservative ulama who were against constitutionalism and the separation of politics, education, and the administration of justice from religion; yet he was respectful to a rationalized, up to date practice of Islam. In several of his essays which begins with the one below, he devised a binary to differentiate reactionary backwardness from what he and other like-minded intellectuals framed as an Iranian modernity.

Dihkhodā’s critique addressed the different elements of a culture of servility sustained and nurtured by the alliance of reactionaries comprised of an ignorant self-serving despot, a corrupt court, oppressive governors, and leaders in collusion with the reactionary *‘ulamā*, who promoted reactionary religion. He called for a process of

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I The School of Political Science (*Madrassa-i ‘ulūm-e siyāsī*) was established in 1899 as the second modern school after the Dār al-Funūn. The focus of studies at this school was to teach modern political science, history, economics, geography, foreign languages, diplomacy, international relations, and jurisprudence. Its purpose was to educate the sons of the elite for diplomatic service. After the University of Tehran was established in 1934, it was merged with other relevant schools to form the Faculty of Law, Political Science and Economics. See Moḥammad Ḥasan Maḥdawī Ardabīlī, Mortaḏā Moḡayyēz, Ashraf, Ahmad, Aḥmad, Tafazzolī, Yūnos Karāmatī, and EIr, “Faculties of the University of Tehran,” *Encyclopaedia Iranica Online*, [http://dx.doi.org/10.1163/2330-4804\\_EIRO\\_COM\\_9414](http://dx.doi.org/10.1163/2330-4804_EIRO_COM_9414).

II He particularly admired the French socialist leader Jean Jaurés (1859–1914).

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Nahid N. Mozaffari, Harvard University, 1977, 2001

transformation from the culture of servility to a modern civility (*tamaddun-i jadīd*) through the implementation of constitutional democracy in politics, and the establishment of state-run modern schools and courts. He was a keen student of history and deeply aware of what he called “the crimes of the West”. He did not advocate the wholesale adoption of Western modernity and believed in preserving Iranian languages and culture.

This essay concentrates on a critique of reactionary and ignorant *'ulamā*. It was rare to attack the *'ulamā*' so directly.

## Bibliographical Information

'Ali Akbar Dihkhudā, “Zuhūr-e jadīd” [A New Epiphany], *Şūr Isrāfil* 4 (1907): 6–7.

## Translation by Nahid Mozaffari

If you say to an Iranian Muslim, “O Man of Faith, clean your nose, O Holy One, clean your ears, O Enemy of Mu'āwiyā,<sup>I</sup> pull your socks up” – such simple tasks prove to be too burdensome and difficult for the poor bloke. But if you say, “O sayyid become a Prophet! O shaykh claim to be an Imam! O *hujjat al-islam*<sup>II</sup> be the Shadow of the Imam on Earth!” – in a flash, our noble man fixes his stunned eyes on a distant object and assumes a forlorn countenance. He begins to mumble softly. He juts out his breast as a shield of protection against the nefarious arrow of hidden enemies, hypocrites, and violators. In other words, every atom in the man's being becomes ready to receive revelation and inspiration. At first, he just hears noises – the movement of ants or the buzz of bees – but after a few days, in his mind's eye, he sees the angel Gabriel at the height of his majesty.

It is strange. Although all the advantages of the pure religion of Islam are as obvious and plain as sunshine to all the world . . . although all those firm *āyahs* and clear *akhbār*<sup>III</sup> point to the fact that since the prophet Mohammad is the final prophet, revelation has ended; even though belief in these tenets are basic to our religion, still, all these false prophets, fake *imāms* and phony leaders have ignored the rest of the world, and have descended their holy selves right in this small piece of land which is

**I** NM: Mū'awiyah b. Abū Sūfīyān was the founder of the Umayyad dynasty in Damascus. He ruled from 661–680.

**II** NM: A sayyid is a descendant of the Prophet Muhammad; and *hujjat al-islam* is an honorific title to high level religious experts.

**III** NM: *Āyahs* are verses from the Quran and *akhbār* are sayings attributed to the Prophet or the twelve imams.

the centre of the true religion of Islam. A “first point” (*nuqta-i ūlā*), a “blessed step” (*jamāl-i qadam*), an “eternal morning” (*ṣubḥ-i azal*), “he whom God shall make manifest” (*man yuzḥiruh Allāh*), and a Fourth Pillar (*rukn-i rābi*)<sup>IV</sup> – none of these useless good for nothings appear in any of the mountains of Europe or any of the villages in America, because of the rule of law and widespread education. And [there], even if Gabriel were to anoint [someone] to prophethood and issue a direct command a thousand times, they will not hear of it. But praise be to God, the bountiful soil of Iran produces a fresh prophet, a new Imam, even, Allah help us, a new God every hour. And stranger still is that their efforts take root and their movements spread. What is the reason for this?

Whatever the stimuli for the imagination of the pretenders, the reasons for the acceptance of the people and receptivity of the Iranian populace are no more than two: one is ignorance, and the other, the habit of servility. In the duration of one thousand and three hundred years, with so many Quranic verses as proof, with so many direct commands and with such verses as “those who go back on their faith . . .,” [Q 5:54] they have enslaved and forced blind acceptance of the fundamental and subsidiary elements of our religion to such an extent – they so have blocked the development of depth and focus and the development of new ideas – that today, in the vast world of Islam there exists no one religious student, no one jurist who can have an orderly discussion based on the laws of logic with a Christian priest, a Jewish rabbi or a hashish consuming Sufi, without raising the stick of blasphemy (*takfīr*) – which is the final tool in defeating the enemy or opponent.

From among all the firm principles of Islam, our children are made to memorize one poem, “He is not compound nor body, nor spirit, nor matter,”<sup>V</sup> the convoluted meaning of which they are still trying to figure out when they are eighty years old. Our philosophy and theology are a ridiculous concoction of the imaginings of Indian hashish users, the ideas of Greek idol-worshippers, the illusions of Chaldean seers, and the fantasies of Jewish rabbis. The leaders of Ganges worshippers, the knowledgeable followers of the [Dalai] Lama, and the leaders of Indian phenomena worshippers, each have written one or two books on the philosophy of their defunct religions, which they distribute among their own followers, but in these last one thousand three hundred years, the lust of rule, the pleasure of the sound of the slipper,<sup>VI</sup> the greed of proximity to the king – has not given our religious experts the opportunity to separate Islamic philosophy from this nonsense, [p. 6/7] and to produce one succinct treatise on the wisdom of their own true path in a language that is comprehensible to the general public.

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IV NM: These are the titles of the leaders of the following sects respectively: Babis, Azalis, Bahais, and Shaykhis; see ‘Ali Akbar Dihkhudā, *Maqālāt-i Dihkhudā* [Dihkhoda’s Essays], ed. Muhammad Dabir-siyaqi, (Tehran: Tirajeh, 1986), II:22.

V NM: This is in reference to a poem by Badr al-Dīn Abū Naṣr Farāhī (d. 1242) describing the divine attributes; ‘Ali Akbar Dihkhudā, *Maqālāt-i Dihkhudā*, II:22.

VI NM: The sounds of slippers worn by clerics, this is an allusion to the power and respect that goes with the position of *ūlamā’*.

With this kind of Islam [worship], this kind of religious dignity, these same gentlemen have left our people so remote from the meaning and truth of Islam, that if Jews do not think of beginning to proselytize their religion, if Americans do not send missionaries to all our dilapidated villages, and if every idiot does not embark on inventing a new religion in some corner of Iran, it is completely due to their own lethargy and utter incompetence.

Not a week passes without the notices of the publication of several books in refutation of Islam in a petty library catalogue in Europe or in some low-level American newspaper; and there is not one among our *'ulamā'* who can publish a two-page treatise, not in refutation of untrue religions, but at least in defence of the pure religion of Islam. Yes. These are the leaders in charge, the inheritors of the prophets, these are the men who have replaced the leaders of the faith, and these are the persons who still would like to remain the guardians of our life and blood, our property and dignity.

[. . .]<sup>VII</sup> Yes, this is the condition of an ill-fated people, who are unaware of the truth of their religion, and have been forced to blind and servile obedience; and this is the prospect of the community whose religious experts have no goal but self-worship and the love of power.

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<sup>VII</sup> NM: Here, I have skipped a section (p. 7 of text) where the author provides an example of a member of the *'ulamā'* in the city of Rasht who had swindled some of the inhabitants.

# 51 Şadiqa Dawlatābādī: *Wake up Sisters* (1919)

Translated and introduced by Nahid N. Mozaffari

## Introduction

Born in Isfahan in an erudite clerical family, Şadiqa Dowlatābādī (1882–1961) was home schooled in Persian, Arabic and French. She continued her education at the Sorbonne in Paris, earning a bachelor's degree in psychology and education. In her remarkable life as an activist for girls' and women's rights, she founded the first girl's school in Isfahan in 1917, the Association of the Women of Isfahan in 1918, and the journal *Zabān-i zanān* (The Voice of Women) in 1919.<sup>I</sup> Faced with continuous attacks by religious groups opposed to 'secular' women's schools, Dowlatābādī relocated to Tehran and resumed the publication of *Zabān-i zanān*. She made several trips to Europe to study and to attend conferences beginning in 1921.<sup>II</sup> Sadiqa resumed publishing *Zabān-i zanān* as a magazine in 1921 and began working at the Ministry of Education in 1927. She continued writing and working in various capacities in defence of women's literacy, education, and other social and political issues including voting rights for women.<sup>III</sup> Her life and work are significant for this volume because of her efforts to separate women's education from religion and clerics as teachers through the establishment of state-run schools, to bring women into the public space, and to demand political and voting rights for women. In her written work, she argued that women had been held back in Iran due to poverty, despotism, and monotheism.<sup>IV</sup> She never wore the full hijab,<sup>V</sup> even before the Pahlavi state outlawed it in favour of scarves or hats in 1936.

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I Mahdukht San'atī, Afsaneh Najmabadi, and Gholam Reza Salami, *Hayāt-i Şadiqa: zamānah va kār-nāma* (Tehran: Shirazeh, 2018), 3–6.

II She was divorced from her husband Dr. P'tizād in 1920; *Ibid.*, 25.

III See her letter to Prime Minister Mossadegh; *Ibid.*, 697–99.

IV Her articles from *Zabān-i zanān*, her speeches, and her correspondence have been reprinted; see *Ibid.*, 157–396; and her essay on the condition of Iranian women written for Rabindranath Tagore, *Ibid.*, 476–81.

V The full hijab in Iran consisted of the chador, a full-length cloth that is open in the front and the *niqab*, a thin white cloth worn by some women to cover their face.

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Nahid N. Mozaffari, Harvard University, 1977, 2001

## Bibliographical Information

Şadiqa Dawlatābādī, “Khawāharān bīdār shavīd” [Wake up sisters], *Zabān-i zanān* [The Voice of Women], 11 (19 Rabī al-Awwal 1238 AH/8 December 1919): 1–2; reproduced in Mahdukt San’atī, Afsaneh Najmabadi, and Gholam Reza Salami, eds., *Hayāt-i Şadiqa: zamānah wa kārnāma* [Life of Şadiqa: Times and Oeuvre] (Tehran: Shirazeh, 2018), 162–63.

## Translation by Nahid Mozaffari

### Wake Up Sisters!

We should end the cycle of poverty, misery, and adversity that has surrounded us and has kept us outside the bounds of humanity for hundreds of years.

Our selfish men, which comprises most men in Iran, cannot make justice and compassion their business and think about our condition even for a brief while.

Our educated and progressive youth are too few to do something about it. It seems that they are more involved in the battle against the world of despotism than [to fight for the rights of] us women and girls. The greatest cure that can address the pains and adversities of our lot is education. Unfortunately, as we mentioned in the previous issue, they are not giving us a fair deal even in inheritance rights. All the news from the Ministry of Education and the positions of the government seem to concern small and smaller schools for boys. Don’t get us wrong; we are not against boys’ elementary schools. On the contrary, we have always supported increasing their numbers. However, our principal argument is: why is it that half of these far-sighted projects are not made for girls’ schools? Should poor and helpless girls not receive an education? Why should free state schools not be established according to the needs and deserved rights of girls in the capital and in the provinces? It has been forty years now that Dār al-Funūn has been established in Tehran for boys. We won’t complain that so far, we don’t even know of one ‘technical’ man trained by the Dār al-Funūn. Other technical schools for boys have been established as well. But why is there not even one school specialising in technical skills for girls? There is no doubt that men are selfish and egotistical and desire all good things for themselves. Do we women have to remain silent? No! Enough is enough. Silence and isolation have driven us to the well of annihilation. We must make demands on the government to set up schools for girls in the provinces, and to establish at least one technical school for girls in the capital. It is necessary for the Ministry of Education to hire several teachers [p. 1/2] skilled in technical fields from Europe and to establish a special ministry of education for women, which should send skilled teachers along with [educated] Iranian girls as special inspectors to the girls’ schools in the provinces, such that gradually our goals can be met through education. The educated women and girls of Tehran have an obligation to make these demands of the Ministry of Educa-

tion. At this juncture, we do not want to avoid making this very important point: According to what we have heard, the budget of the police department of Iran is higher than the budget of the education department. Much of this budget is spent on the green and red chairs and special ink for peacock feather [pens]. Can such a country experience progress? Ah! For how long can one stay silent? How can one remain quiet? No! Shouldn't we scream and say: People! The spirit of democracy demands that its efforts and its resources be used for the benefit of [improving] society and should rightfully be spent on the people. [. . .]<sup>1</sup>

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<sup>1</sup> NM: The rest of the essay consists of one and half paragraphs appealing to specific ministers and the prime minister Vušūq al-Dawla (1875–1951) to pay more attention to women's rights.

# 52 Jalal Al Ahmad: *Westoxification* (1962)

Introduced by Neguin Yavari

## Introduction

Jalal Al Ahmad (Jalāl Āl-i Aḥmad) (1923–1969) an acclaimed novelist and essayist, was one of Iran’s most influential public intellectuals of the twentieth century.<sup>I</sup> But it was not his fictional style or his powerfully argued essays or even his marriage to Iran’s foremost woman novelist of the mid-twentieth century that account for Jalal’s fame and his unique influence. His idiosyncratically terse and trenchant style contributed to his standing as a writer, but it was first and foremost his musings on the adverse effects of Iran’s history of westernization that captivated the nation’s educated classes and contributed to the rhetoric of discontent in the revolution of 1979. Al Ahmad’s *Gharbzadegi* swayed the Iranian political public, primarily thanks to the myriad contradictions and inconsistencies of its author/creator which so perfectly mirrored the angst that prevailed in the 1960s and 1970s. Among them an engrained religious family history and hence an innate familiarity with Shi’i symbolism and discourse, yet a selective jettisoning of religious strictures while remaining loyal to many of its ideological underpinnings, a strong patriarchal voice in spite of his by-all-accounts happy marriage to a soft-feminist novelist and university lecturer (Simin Daneshvar, 1921–2012), a strongly publicized persona as a rationalist avant-garde thinker engaged with the works of Jean Paul Sartre, Albert Camus and the gamut of European thinkers popular at the time, alongside an autobiographical depiction of grappling with infertility, clinging to every talisman and every periapt he could find to ‘solve’ his problem.<sup>II</sup> Jalal was enshrined in the collective memory of his generation, and in the words of Hamid Dabashi, “He was our Frantz Fanon, Aimé Césaire, Léopold Sédar Senghor, C. L. R. James and Edward Said all in one. Our time was expecting him, and he delivered – and it is precisely within the framework of that expectation that we must place and always (re)consider him.”<sup>III</sup>

Like Ayatollah Khomeini (text no. 54), Al Ahmad blamed the Pahlavi state for its failure to deliver economic growth and political freedom, pointing to its hasty em-

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I For his complete bibliography, see J. W. Clinton, “Āl-e Aḥmad, Jalāl,” *Encyclopaedia Iranica Online*, [http://dx.doi.org/10.1163/2330-4804\\_EIRO\\_COM\\_5039](http://dx.doi.org/10.1163/2330-4804_EIRO_COM_5039).

II Al Ahmad’s colorful personality is best captured in the letters he exchanged with Daneshvar while she held a Fulbright Fellowship at Stanford University in 1952–1953; see Masoud Jafari Jazi, ed., *Nāmih-hāyi Sīmīn Dānishvar va Jalāl Āl-i Aḥmad* [*The Letters of Simin Daneshvar and Jalal Al Ahmad*], 4 vols. (Tehran: Nilufar, 2006).

III Hamid Dabashi, *The Last Muslim Intellectual: The Life and Legacy of Jalal Al-e Ahmad* (Edinburgh: Edinburgh University Press, 2021), 16.

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brace of Western values without due consideration for the political and economic servitude that it entailed.

The excerpt reproduced below from Paul Sprachman's translation of *Gharbzadegi*, points to the ostracization of religion from public life as emblematic of the decimation that ensues from the short-sighted ambition to transplant the Western lifeworld elsewhere.

Sprachman' distinguishes his annotations from Al Ahmad's own notes. Here, Sprachman's notes are marked with his initials while the style has been slightly revised to conform to current conventions.

## Bibliographical Information

Jalal Al Ahmad, *Plagued by the West* [Gharbzadegī], trans. Paul Sprachman (Delmar, NY: Caravan Books for the Center for Iranian Studies, Columbia University, 1982); 31–35.

Original source: Jalāl Āl-i Aḥmad, *Gharbzadegī: maqāla* (Tehran: Azad, 1962, [reprint] 1964), chap. 4.

## Translation Adopted from Paul Sprachman

### The First Signs of Decay (*gandīdigī*)

It was thus, that at the same time the Renaissance dawned in the West, the mania of a medieval inquisition reared its head and the cauldron of religious disputes and was stirred in the Middle East. We have seen how this part of the world was emptied of rich caravans, and for this reason [this part of the world] was forced to crawl into impoverished isolation and pseudo-mysticism. Thus, in the words of Dr Fardid,<sup>1</sup> we began right where the West left off. As the West rose, we fell; the West woke up during its industrial renaissance, while we fell into a prolonged hibernation. Let us admit that we play the same kinds of ideological games in our present period of “enlightenment” that the West began in the eighteenth century. While we had our constitutional movement in the beginning of this century, Europe was gravitating toward socialism and the leading ideological currents in economics, politics and culture.

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**I** NY: Aḥmad Fardīd (d. 1994) was a prominent Iranian public intellectual and academician and singularly successful in propagating Heideggerian thought in the country; on his chequered legacy see Ali Mirsepassi, *Iran's Troubled Modernity: Debating Ahmad Fardid's Legacy* (New York: Cambridge University Press, 2018).

Pick up and leaf through the travellers' accounts of all those people who, throughout the Safavid period, came here as tourists, merchants, ambassadors, or military advisers (mostly Jesuits<sup>1</sup>) and see what encouraging and patient witnesses they were to the settlement of the tribes! How they welcomed the great slaughter carried out by Shah 'Abbas [r. 1588–1629, Safavid king] or who they revelled in Shah Sultan Hosayn's [r. 1694–1722, last Safavid dynast] lack of spunk! It is exactly from that time onwards that we began to crave the praise of foreign spectators who were in fact the primary instructors of our military and our men of state, during these last 300 years. And all of their praise and bravos are like the fairy tales told to tired old night watchmen so that they will sleep while thieves are busy robbing their caravans.

These are the basic sources of the flood of "westitis." Unfortunately, our ears are still tuned to the conniving cries and praise of the agents of foreign governments who, once every several years, come here in the guise of orientalists, ambassadors, or advisers and turn out debilitating decrees confirming our courage and resolution. And we are the same people who, from the time of Anushirvan [Khusraw I Anūshīrvān, Sāsānid dynast, r. 531–579] had had delusions of grandeur and had become infatuated with polite formalities. It was as a result of this new type of tourism that foreigners became acquainted with our nature and habits and learned just how to keep us impoverished and how to make loans to us and, later, to take control of our customs houses. Or how to break the Safavid [Iranian dynasty, 1501–1736] monopoly on silk with the competition of their own markets and later, after they had gotten a foothold here, how, by means of the Afghan tribes, to relieve themselves of the aged Safavid warrior who was beginning to frighten people as much as a scarecrow. Next it was Nader's [Nader Shah, founder of the Afsharid dynasty, r. 1736–1747] turn. He blindly attacked India just at the time when the East India Company (that is, western imperialism was about to set up shop in the southern part of the continent and it became necessary for the court of Mohammad Shah [Mughal dynast, r. 1719–1748] in northern India to be kept busy [ . . . ]) In the last 50 or 60 years, oil showed up on our horizon and we again found something to justify our existence. As a direct result of our recent quiescent history, the fate of our politics, economy, and culture went directly into the hands of the companies and western nations which backed them. From the time of the Constitutional Revolution [1906–1911], our clergy who were the last line of defence against the foreign onslaught, had retreated so deeply into their shells in the face of the preliminary wave of mechanization and had shut out the outside world to such an extent and had woven cocoons around themselves so well, that only the Day of Judgment could rouse them. They kept on retreating, step by step.

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1 [note 66 in the original] Their names are listed in a tumar (document), and the best source for information on all of them is Nasrallah Falsafi, *Zendegi-e Shah 'Abbas [The Life of Shah Abbas]* (Tehran, 1954–67) which was published in three volumes. The interesting thing is that the primary and biggest source of Orientalist knowledge are these same travellers accounts, and most Orientalists were themselves the disciples of the narrators of these accounts! Read Falsafi's book and you will know what I am talking about.

The hanging of the spiritual leader who favoured “the rule of the Shari’a” in the constitutional movement was in itself an indication of this retreat.<sup>2</sup> I agree with Dr Tondar Kiyā<sup>II</sup> who wrote that Shaikh Nuri was not hanged as an opponent of the Constitutional movement (for in the beginning he was in fact a defender of it), but as a proponent of “the rule of the Shari’a”<sup>3</sup> and, I will add, as a defender of the integrity of Shi’ism. It was for this reason that in the wake of his death everyone was waiting for a writ to be issued from Najaf. And this was going on at a time when the leader of our west-stricken intelligentsia, Malcolm Khan,<sup>4</sup> was a Christian and Talebof<sup>5</sup> was a social democrat from the Caucasus. In any case, from that day on we were marked with the brand of “westitis.” I consider the corpse of that great man [Nuri] hanging from the gallows to be a banner bearing the emblem of the final victory of “westitis” over this country after 200 years of struggle.

Today we stand under that banner, a people alienated from themselves, in our clothing, shelter, food, literature, and press. And more dangerous than all, in our culture. We educate pseudo-westerners, and we try to find solution to every problem with pseudo-westerners.<sup>6</sup>

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II NY: Reference is to Tondar Kiyā (d. 1987), controversial poet and grandson of Shaykh Faḏl Allāh Nūrī referenced above. His promulgation of Shāhīn (Falcon), a new literary movement was published in *Ettelaat Newspaper*, “Shāhīn: Nahīb-i junbish-i adabī” in 1939, <https://www.ettelaat.com/#gsc.tab=0>.

2 [translator’s note 68 in the original] Al-e Ahmad is referring to Shaikh Fazl Allah Nuri (hanged 31 July 1909). According to E. G. Browne, *The Persian Revolution of 1905–1909* (Cambridge: Cambridge University Press, 1966), 148, Shaikh Nuri denounced the constitutionalists as “atheists, free thinkers, Babis, etc.” His opposition was responsible for stirring up reactionary mobs against attempts at constitutional reform.

3 [note 69 in the original] I am quoting freely from the Biography of Shaykh Nuri by Tondar Kiyā. See the introduction to the latest issue of *Shahin* (Tehran, 1335/1956), pp. 319–21.

4 [translator’s note 70 in the original] Mirza Malkom [sic, Malkam is the correct spelling] Khan (d. 1908), was an opponent of the Qajar king Naser al-Din Shah and oversaw the publication of an anti-Qajar newspaper *Qanun* (Law) while in exile in London. Some writers contend that Malkom Khan’s close ties with the British and his religion (Armenian Christian) make his calls for local reform seem suspect.

5 [translator’s note 71 in the original] Mirza ‘Abd al-Rahim Talebof Tabrizi (d. 1911) was educated in Tiflis and was one of the first Iranian writers to use a simplified literary Persian in translations and original works. He was a prolific antimonarchist who called for constitutional government in Iran in many of his writings.

6 [note 72 in the original] See the article “Taskhir-e tamaddon-e Farhangi” [The Domination of Foreign Civilization] by Sayyed Fakhr al-Din Shadman, Tehran, 1326/1947. The author is a far better writer than I and, years before the writing of these pages, tried to find a cure for “westernization” (*fokol-moabi*, lit, pseudo faux col wearers). He suggested a serious education in our mother tongue and the translation of philosophical, scientific and literary works of the West. Even though he was well-acquainted with the disease, his prescription proved ineffective, because thousands of foreign books have been translated from that time until now, and we have read each one of these as a mine of western information, but we still grow more like “pseudo faux col wearers” each day. We do this because this “faux col wearing,” or as I call it “prissiness” [NY: *sūsūlī*], is itself a clear symptom of a larger ailment which west-strickenness. Per-

If, at the outset of the Constitutional Period, the danger was imminent, it has now become part of our very beings. From the villager who escaped to the city and would not return to his village because his local, itinerant barber does not have the right kind of shampoo, or the village is without a cinema or he cannot buy a sandwich there – to the cabinet minister who is sensitive to dirt and grime and therefore travels twelve months out of the year to every corner of the world. And why have things reached such a state? Because the two or three generations of Iranians who came after the events of the Constitutional Period have now entered the limelight and have become teachers, cabinet ministers, lawyers, directors general, and, except for the doctors, not one them is skilled in any trade at all. All of them, even if they were not completely relying on the foppish antics of their youth which they spent in Paris and London and Berlin, were, at least, only harkening to the three epistles of Aqa Khan Kermani<sup>7</sup> addressed to Jalal al-Dawla and to other types of “westitis” at the beginning of the Constitutional Period by Malkom Khan, Talebof and others . . .<sup>8</sup> As far as I can tell these Iranian “Montesquieu(s)” had their own solutions to the problem. Although they all probably agreed on this one point and willy-nilly realized that the basic structure of our society and traditions would not be able to withstand the unavoidable onslaught of the machine and technology, they all accepted the wrong notion of “adopting Western civilization without Iranian modification.”<sup>9</sup> Yet beyond this general, unsubstantiated formula each one in order to find a cure for the disease, followed a different path. One group offered his services to foreign embassies as sources of cultural nourishment. Another, trying to imitate the West, felt that a new Lutheranism was in order and that the old faith could gain new life through religious reform. The third called for Islamic unity at a time when the Ottomans were disgracing themselves

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haps the person who, before all others, pointed the way to the basic cause of the problem was Dr Mohammad Baqer Hushyar who, although known as a Bahai, in 1327/1948 wrote the following: “Through a crack in the door, you have seen how all Europeans are literate, but. You do not see how well-entrenched their traditional culture is, and you do not know that their entire educational establishment from the primary grades to the university is based on the Church. You have by means of the western intelligentsia and in your overzealousness destroyed this foundation in your own country.” From the article “Amuzesh-e hamagani va rayegan” [Free Public Education] in *Amuzesh va parvareh*, Tehran, 1327/1948.

7 [translator’s note 73 in the original] Mirza Aqa Khan Kermani is known as a liberal reformer who was active in the last part of the reign of Naser al-Din Shah (r. 1848–1896). It is also known that he openly doubted the usefulness of the clergy in a constitutional revolution. The text reads *seh maktub* “three letters of Kermani” instead of epistles.

8 [note 74 in the original] Read the treatises *Islam, Akhund, va Hatef al-Gheyb: Haftad o do mellat, Resala-ye Yek Kalama, Siyasat-e Talebi*, and *Siyahatnama-ye Ebrahim Beg*, as well as most of the [works of] missionaries and westerners and destroyers of superstition in the name of religion. In my opinion, they were the ones who smoothed way for “westitis.” [PS: Jalal al-Dawla was a Qajar prince who opposed the monarchy during the first part of the 20th century.]

9 [note 75 in the original] These are the very words of Malkom Khan from his collected works edited by Mohit Tabataba’i, Tehran, 1329/1948. See also *Fikr-e azadi* [The Idea of Freedom] by Feridun Adamiyat, Tehran, 1340/1961, in which he, with that special skill of his, condemns one group of Freemasons and exonerates another. In my opinion, Freemasons are all cut from the same cloth.

before the world with the massacres of Armenians and Kurds. (You will pardon my discretion here; this is not the place for complete candor.

At the outset of the Constitutional Period, the basic defect in the actions of our leaders (both those for and against the movement) was the fact that Islam, i.e., the rule of the shari'a, still provided the comprehensive totality that could act as a protector or a dam against the influence of machines and the West. It was for this reason that some rose up to defend religion and others attacked it. For the same reason "Constitutional Law" and "the rule of the shari'a" came to represent the two contrary notions of "religion" and "irreligion." I feel therefore that these men all approached the problem from the wrong end. Although had we been living in those times, we would probably have repeated the idiocies of the two factions and would not be around today to judge them so harshly. Those men, after all, lived closer to the time when Bozorg Shirazi<sup>III</sup> could with a simple writ seal the fate of the British tobacco concession and demonstrate how much of a power base and a threat the clergy was. At the beginning of the Constitutional Movement, in any case, all of those fine men were unaware that years before in Europe, the god of technic<sup>IV</sup> had taken its lofty seat above the stock exchanges and banks. It had proclaimed its sovereignty and would never tolerate another God. It merely laughed at all the world's customs and ideologies. This then was the way that the Constitutional Movement, as the advance guard of mechanization, destroyed the clergy.

Thereafter theological schools were (in the twenty-year period) banished to one or two cities in the country. The clergy's influence on the workings of the judicial system and in parish recordkeeping was diminished and donning its cloth was forbidden. The clergy, on the other hand, in the face of all this pressure not only remained silent, but continued to be wrapped up in the petty details of prayer, or the problems of ritual purity or continued to be paralyzed by nagging doubts: Did they perform the right number of prostrations or not? The only thing they accomplished was to proscribe radio and television which had found such a wide audience that nothing could stand in their way. In fact, they could have and should have trying to arm themselves with their enemies' weapons and from their own transmitters in Qom and Mashhad (Vatican-style) challenge the "westitis" of the official and semi-official media. Confidentially, if the clergy had known what a gold mine of revolutionary opposition to the rule of the "tyrannous and unrighteous" they kept alive in people with the principle "no constraint to obey those in authority"; if they were able to show the true nature of "those in author-

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III NY: Mīrzā Ḥasan Shīrāzī (d. 1895), was a leading Shi'i cleric renowned for his role in the Tobacco Boycott of 1892 and celebrated in Iranian history one of the first demonstrations of the ability of Islamic jurists to catalyze social unrest and mobilize a nation against absolutist rule; see Hamid Algar, "Ḥasan Šīrāzī," *Encyclopaedia Iranica Online*, [http://dx.doi.org/10.1163/2330-4804\\_EIRO\\_COM\\_2857](http://dx.doi.org/10.1163/2330-4804_EIRO_COM_2857).

IV NY: Sprachman has "Know-how" here for Al Ahmad's *tiknik*; I have chosen "technic" as it conveys the author's intended Heideggerian overtones.

ity” to the people with the media (newspapers, radio, television, film, etc.) and specifically document their general charges; and if they were able, through contact with international councils of clergy, to give their cause a certain amount of dynamism, then they would never been so preoccupied with petty details. This only resulted in their being totally uninformed and their remaining on the side-lines of political life.<sup>10</sup>

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**10** [note 76 in the original] In the interval between the first and second printing of this volume, a book was published with the title *Marja'iyat wa rahwaniyyat* [Religious Authority and the Clergy], Tehran, 1341/1962. It contains all the accustomed verbosity of the clergy, but it also reveals a relatively good appreciation of these problems and responsibilities and of possible solutions. See especially the articles of Mehdi Bazargan (d. 1955), professor at the University and Sayyed Mahmud Taleqani (d. 1979), the imam of the Hedayat Mosque, both of whom proposed, in place of one source of religious authority, a kind of holy writ-issuing council. And if we accept that his volume with all of its faults was a kind of presager of the events of the 15th Khordad 1342 (the bloody Moharram riots of the early summer of 1963), I can now, only year later, find the boldness to inform the leaders of the religious establishment that:

If the clergy continue to ignore their own principles (one of which I mentioned);

If they remain satisfied with the minutiae of religious life, proscribing this or that thing or person; and

If they continue to forget that Shi'ism with its principles of *ijtihad* [application of judgment in religious matters] and issuing writs is much better able to deal with new developments than Sunnism (in spite of the fact that the writ concerning women's freedom was issued by Shaikh Mohammad Shaltut, the head of al-Azhar, not Shi'i divines) – in any case if the clergy, taking into account the conditions of the time, cannot break out those early Constitutional Period cocoons, we have no choice but to accept the fact that this last barricade against west-strickenness has lost its vitality and turned into some fossilized remain which belongs in a museum, or, at best, has become the last refuge of the country's reactionary forces.

# 53 Ali Shari'ati: *Religion Contra Religion* (1972)

Translated and introduced by Neguin Yavari

## Introduction

Ali Shari'ati (ʿAli Shariʿatī Mazīnānī, d. 1977), was one of the most influential Iranian intellectuals of the twentieth century, whose deft reshaping of traditional Shiʿi discourse into a dynamic revolutionary ideology served as a potent catalyst in the Islamic revolution of 1979. He studied first at the University of Mashhad and pursued a graduate course in sociology and history at the Sorbonne, earning a doctorate in 1964. At the time, Paris was a hub for anticolonial activists and radical intellectuals from around the globe. There Shari'ati studied the works of Frantz Fanon, collaborated with the Algerian liberation movement, pursued African nationalist causes, and was involved in the founding of the Freedom Movement of Iran, which included in its ranks Mehdi Bazargan (d. 1995), Iran's first prime minister in the post-revolutionary period. Shari'ati returned to Iran in 1964 and was imprisoned for his political activities in 1975. He left Iran in 1977 and died a few weeks later in England.

In his numerous publications, Shari'ati recast central tenets of Shiʿi dogma to transform salient religious symbols and points of inflection into a revolutionary language. To take one example, the Prophet's daughter, Fāṭima (d. 632) is cast as the prototype of the ideal Muslim woman, pious, progressive, and steadfast in the fight against injustice. Through such retellings, Shari'ati introduced a new generation of Iranians to a combative historical narrative – albeit mythologized – on which they could draw to contest the Pahlavi regime's (1925–79) intemperate espousal of Western norms and values. In many ways, Shari'ati opposed the quasi-secularist ideology of the Pahlavi state as vigorously as he denounced the prevailing quietist and reactionary ethos of the religious elites, as well as the cultural deficit of leftist revolutionary discourse.

His musings on *tawḥīd*, another instance of a creative appropriation of longstanding theological precepts in the service of present needs,<sup>I</sup> is also noteworthy in its clear resonance with the teachings of the prominent Sunni Egyptian philosopher Hasan Hanafi (d. 2021, see text no. 39). Hanafi emphasizes the social and political ramifications of a revitalized *tawḥīd* that could redefine the relationship between religion and politics in the Islamic world.<sup>II</sup>

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I Johann Büssow, "Muḥammad ʿAbduh: The Theology of Unity (Egypt, 1898)," in *Religious Dynamics under the Impact of Imperialism and Colonialism: A Sourcebook*, ed. Björn Bentlage et al. (Leiden: Brill, 2016), 141–59; and Machlis Elisheva, "Ali Shariʿatī and Notion of *tawḥīd*: Re-exploring the Question of God's Unity," *Die Welt des Islams* 54, no. 2 (2014): 183–211.

II Ḥasan Ḥanafī, *Min al-ʿaqīda ilāʾl-thawra* [From Creed to Revolution] (Cairo: Madbuli, 1988), II:281–92.

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Neguin Yavari, Columbia University

To both Shari'ati and Hanafi, the ideologization of religion, of Islam, by insisting on its potential – when and if properly interpreted – to provide a blueprint for a functional human society, beyond what is offered by similar templates derived from exogenous conceptual premises, is the foundation for a public religion that accommodates political life, a secularity that defines religion as an ancillary to the good life. The convergence of these two thinkers on the revolutionary potential of *tawhīd* points as well to the manifold ways in which Islamic society, and by extension politics, are hardly ever understood when classified along credal or confessional lines.

Studies on Shari'ati abound.<sup>III</sup> The selection translated here was transcribed from a lecture delivered by Shari'ati at the Ḥusayniyyah Irshād educational complex in Tehran in 1972, published under the pseudonym 'Ali Allāhyārī. Since a forceful rhetorical style is the hallmark of Shari'ati's call to action and mobilization project, the text is translated in its entirety, and only lightly edited to accommodate the shift from oral to written form.

## Bibliographical Information

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## Translation by Neguin Yavari

### Religion Contra Religion

There may be an ambiguity in this title, and it stems from the fact that we are accustomed to thinking that religion (*mazhab*) has always been opposed to heresy (*kufṛ*) and that throughout history, battle has waged between religion and atheism (*bī mazhabī*) and therefore the interpretation (*ta'bīr*) of religion is a strange, vague, amazing, and consequently, unacceptable interpretation. I have recently realized, however, or perhaps had realized before but not with such clarity, that throughout history, religion has always battled religion, but never irreligion as we understand it today.

I do not have in mind history in its popular usage, as the history of the emergence of civilization or writing. I have in mind the birth on earth of human social life as we know it today. The beginning of writing dates to 6,000 years ago, but the history I have in mind is more than 20,000 or 30,000 or according to some 50,000 years old. Using tools from various disciplines, including archaeology, history, zoology, and my-

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III Dustin J. Byrd and Seyed Javad Miri, eds., *Ali Shari'ati and the Future of Social Theory: Religion, Revolution, and the Role of the Intellectual* (Leiden: Brill, 2018); and 'Ali Shari'ati, *On the Sociology of Islam: Lectures by Ali Shari'ati*, trans. Hamid Algar (Berkeley, CA: Mizan Press, 1979).



thology, we have a rudimentary understanding of early humans and the evolution of their social life, lifestyle, and beliefs. Throughout these periods, the first chapter of which speaks of myths, stories, and fables and gradually becomes clearer and better documented as we approach historical time, in every instance and without exception, religion has risen against religion. Why? Because history has no precedence for a society without religion, that is a society without religion does not have a historical precedence. A human (*insān*) without religion [p. 1/2] has never existed, in no race, in no historical epoch, in no stage of social development, and in no corner of the world.

Recently, that is the centuries since civilization, thought, rationality and philosophy have emerged, we have occasionally encountered people who do not believe in God or in the hereafter. But never throughout history have these individuals functioned as a class, a group, or a society, and according to Alexis Carrel,<sup>I</sup> history is replete with societies that were in essence, religious organizations. The heart and norms of each society, desire, religious belief, prophet, or scripture, and even the material form of each city reflects the spiritual condition of that society.

In the medieval era as well as in antiquity (*pīsh az masīh*), in the East and in the West, cities consisted of houses or a complex of buildings that often housed individual tribes, but in every quarter either one tribe – stratified on the basis of noble descent and social status – lived in the higher, larger units closer to the city centre, or members of the tribe lived in a classless social unit. Nevertheless, what is common to larger cities, in eastern and western civilizations, is that all these towns were “symbolic.” A symbolic city is a city that presents itself through a known sign. The symbol that refracted the personality of the large city was the temple, a system that is on the demise today. For example, Tehran is not a symbolic city, for if we study the material landscape of this city, we will find that it is not aggregated around one pole, one site, or one religious or non-religious building, that is, the structures do not have a core or a pivot. But a single aerial photograph of the city of Mashhad reveals a symbolic city. That is, a city in which the buildings, [p. 2/3] are gathered in proximity to a pivot which is the heart and identity of the city, as if they hover around a burning candle.

Why were these cities symbolic? The reason is that no edifice, be it an edifice belonging to a civilization or a nation or a town, has existed without a religious rationale. In our Persian language we can study the local histories written about various towns, such as *Tārīkh-i Qumm*, the history of Balkh known as *Faḍā'il-i Balkh*, *Tārīkh-i Bukhārā*, *Tārīkh Nishāpūr* and the likes of these titles that describe a city.<sup>II</sup> All of these texts begin with a religious account, that is, they could not imagine that a town of some stature

I NY: Among Shari'ati's professors in Paris was Alexis Carrel (1873–1924), a French surgeon, biologist and sociologist who won the Nobel Prize in 1933 for his contributions to surgery and cell-culture experiment. A devout Roman Catholic with mystical inclinations, Carrel also dabbled in matters of religion and human destiny. His *L'homme, cet inconnu* (Paris: Plon, 1935) was immensely popular.

II NY: Shari'ati's 1963 doctoral dissertation is a study of *Faḍā'il-i Balkh*, a thirteenth century local history: A. Mazinani-Shari'ati, *Faḍā'il-i Balkh – “Les Merites de Balkh” – Notes, corrections, et traduction*

could emerge or be built on the basis of a factor (*'amil*) other than a religious factor or a rationale (*'illat*) other than a religious rationale. There is always either a prophet buried there or a religious miracle around which the town takes shape, or a saint or a religious figure that is expected to be buried there later. Excepting the present, the rationale everywhere is a religious one. This shows that in principle, all ancient societies, whether class-based or not, tribal or not, vast imperial states such as Rome or small independent city state such as Greece, tribal ones such as the Arab ones, whether civilized and advanced or underdeveloped and in decline, [including] all races, share a single spirit (*rūḥ*) known as the “religious spirit,” and ancient man, in every period and every world-view, is a religious man. Therefore, the word heresy which we understand today to mean atheism (*bī mazhabī*), or a lack of belief in the supernatural and the hereafter, the unseen, God and sainthood and the existence of one or several deities, did not exist in the world because all humans agreed on these principles.

[p. 3/4] The problem of “heresy” which we understand today to mean the lack of religion, or atheism or anti-religion is a very new meaning, limited to the past two or three centuries, after the Middle Ages. One definition is imported from the West and refers to a person’s lack of conviction in God, the supernatural and the hereafter. In Islam and in old civilizations, when there is talk of heresy, the implication is not atheism. Why? For atheism did not exist and heresy, therefore, was itself a religion, as in a religion that imputes heresy to another religion. And that heretical religion in turn imputed heresy to another religion. Thus, heresy meant religion and not atheism. Throughout history, be it the history of Abrahamic religions, eastern or western religion, or any religion, when a prophet or a revolution has arisen in the name of religion, firstly, it has arisen despite an already existing religion in its vicinity, and secondly, the first group or network to stand up to this religion and resist it, has been itself religion.

On that account, we encounter a major topic that solves the most fundamental problem of contemporary intellectuals regarding passing judgement, and furthermore, analyses and critiques the most consequential judgment that has been passed against religion. The verdict that religion is opposed to civilization, progress, peoples, or freedom or is indifferent to them is arrived at on the basis of precise scientific objective truths and [p. 4/5] repeated historical experiences; it is not an insult, it is not a slur stemming from revenge, enmity, suspicion or blame, but a precise scientific observation based on the realities of history and human society and human life.

But why do I not think it a correct judgement? Because even us believers, that is the religious types, do not know that throughout history, in different ways but in essence united, there have been two religions that have struggled against each other. The two religions don’t just have their differences, they fight each other and as mentioned, the ideological and religious wars of the past have been between these two

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*abregée*, Thèse de doctorat d’université (Paris: Institut d’études iraniennes library at the Université de la Sorbonne-Nouvelle (Paris III), 1963), shelf mark IEIMI ThPM 4.96.

religions. For an unknown reason, we first make a blanket judgment about religion, and we prove it, next we do the same for our own religion, and this is a wrong method. The same is true of opponents of religion in the past two or three centuries, especially in the nineteenth century when anti-religious sentiments peaked in Europe, who made the same mistake and failed to segregate these two religions. This although the two religions are not only different, but contrary and contradictory and have fought against each other and will continue to do so. Their [the opponents of religion] judgement is based on one of these two religions which is sound and correct and based on historical truths. But they know nothing about the opposing side which too, is religion. Just as we, who are religious, are not aware of it. They have automatically extended this sound judgment which is applicable to only half of the truth [p. 5/6] to all of it, including the opposing side of religion, and therein lies the mistake.

As mentioned earlier, these two religions have many differences. But if we intend to compare all the characteristics of the two religions and enumerate them, we will be compelled to prove each characteristic in one religion and disprove the same characteristic in the other.

As I am using expressions that are familiar to all of us but differently, to imply another meaning, I therefore request that you refrain from interpreting them in the familiar sense, but to discern their meaning according to my intention. The first word that needs explanation because of the ambiguity that nestles in it and is quite widespread and leads to the integration of two quite distinct topics, is “heresy,” “association” (of others with God, *shirk*), and “idolatry” (*but parastī*), which are commonplace in religious discourse.

“*Kufr*,” heresy, is to cover, as in agriculture where a seed is planted and then covered with dirt. The truth that exists in human hearts may be covered in a black veil of ignorance or partisanship or opportunism, that is why it is called heresy (*kufṛ*). This heresy does not signify hiding the truth of a religion by resort to an atheism, but rather hiding the truth of religion by resort to another religion.

“*Shirk*,” association of others with God, does not imply godlessness, for they have more gods than [p. 6/7] most, a heretic is not a person who does not believe in God or worship Him. As we know, the opponents of Jesus, Moses, and Abraham are heretics and not the godless. Who are the heretics? They do not lack belief in God, but they have superfluous gods, or worship a plurality of gods. Thus, scientifically speaking, a person who holds no religious belief or sentiment cannot be accused of heresy, for a heretic has idols, different idols, concedes his servitude to these idols and believes in the impact of these idols on the destiny of the world and on his own life. The heretic looks at his gods in the same manner that we look at God. Thus, from the vantage point of sentiment, the heretic is religious, but benighted in his pursuit of religious truths. False religion differs from irreligion; consequently, heresy is a religion and the oldest known form of religiosity among human societies.

Before we proceed, allow me to explain idolatry which is a specific form of the religion of heresy, and not equivalent to it. Heresy is a general [type of] religion that at one historical juncture, took the form of idolatry. In this manner, idolatry implies statues or

holy objects that are sacred to its followers, they are held to be semi-divine or divinities themselves [p. 7/8], alternatively they may be viewed as representatives or agents of God on earth. In any event, one of these divinities are viewed as efficacious in determining the course of events in the world. Idolatry is one sect (*firqa*) of the religion of heresy.

When the Qur'an attacks, discusses, or criticizes them [heretics, idolaters], it does so in general terms. Why? The intent is to avoid the very same verdict that has marred our judgment, so that we may understand that Islam did not oppose one instance of idolatry, but in tandem with past monotheisms, it hit at the roots of the religion of heresy in all its iterations, including idolatry. We think that the enemy [that is the religion of heresy] exists only in the form that we are familiar with, whereas: "*at'abudūna mā tanḥitūna*,"<sup>III</sup> or "How can you worship things you carve with your own hands?" [Q 37:95] Have statues made of wood or stone been the only things that we worship that have been fashioned with our own hands? No, heresy has existed and continues to do so as a general religion in hundreds of material and immaterial forms throughout human history. Among them is idolatry as found in pre-Islamic Africa [sic] or Arabia. "*At'abudūna mā tanḥitūna*" is a general axiom, a definition of the quality of worship in the religion of heresy. Throughout history, this religion of heresy has walked side by side with monotheistic religions and will continue in this manner, it never disappeared with the tale of Abraham or with the emergence of Islam.

On one side of this battle line is the worship of God. A deliberate God [p. 8/9] with the capacity to create and order the world is commonplace in Abrahamic religions. He is the creator, that is he has created the whole world, and he is the organizer that is his will guides and move the universe. He has free will and is sovereign over existence and he is omniscient and cognizant of all that transpires in the universe. At the same time, this same God determines the direction of life and creation and the objective of the universe. Worshipping this absolute power has been the mantra of all Abrahamic religions, in fact, Abraham's purpose in declaring this mantra was exhorting all humans to worshipping one power in existence and focusing on one direction in creation and believing in one efficient force in all of existence as well as depending on one source of solace in life.

This call known in history as the call to the unity (*tawḥīd*) of God has a this-worldly and material component as well, which is when a group of people behold that all of creation is made by one power and all of creation, be it humans, animals, plants or insentient matter (*jāmidāt*) is ruled by one force and there is no efficient cause except for him, and all things and humans and colors and genera (*ajnās*) and essences are the artifice of one creator, then it follows logically that God's unity, or God's singularity in existence, necessitates human unity (*tawḥīd-i basharī*) on earth. In other words, at the very same time that the unity of God has decreed that all of creation is one imperium,

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III NY: The central point of "Ranged in Rows," a Meccan sura is the unity of God and the refutation of the pagan belief that the angels – those ranged in rows – were daughters of God and worthy of worship.

ruled by one force, and all humans emanate from one fount and are guided by one force and focused in one direction and made of the same genus (*jins*), and have one God and all powers, symbols, manifestation, values, and signs must perish in its presence, then perforce, I, who believe in the unity of God, if I look [p. 9/10] at the universe, I see it as one sentient body, and I see one spirit, force and will (*tadbīr*) that rules over this sentient body, and is therefore one whole. In the same vein, if I look at all of humanity, I see it as one unit of shared genus and values, because it is made by one organ. This religion of unity (*dīn-i tawhīdī*), one of the two contending religions, is built on the worship of one God and one power in all of creation and human destiny throughout history. I have already mentioned that an exigent of the unity of God, is the unity of the universe, and an exigent of the latter is the unity of man.

On the other hand, this belief that is specific to humans, the innate human sentiment of worshipping one power and believing in one sanctity [according to Durkheim] or in the hereafter [according to the Qur'an], that belief is in human nature, and it has existed throughout time. The sign of a thing's innateness is its persistence and its comprehensive scope. These signs demonstrate the innate nature of a thing. If we consider a people (*millat*), it has held belief throughout its history. Or if we consider a period, in any part of the world, it [belief] has always existed, a sign of its innate character.

This sentiment (availed by the religion of unity) and acknowledging this force that dominates the world so powerfully, leads to an efficacious and teleologic sentiment, moreover, this same sentiment (availed by the religion of unity) is refracted in history in the form of belief in the unity of humanity, and the unity of all races and all characteristics and all families and all individuals and the unity of rights, values and ethics.

[p. 10/11] On the other hand, this same religion, this same religious sentiment, continues as heresy throughout history, taking different forms at different times to spawn the strongest force against the first religion that I mentioned, the largest and most effective resistance against the spread of the religion of unity.

Time constraints prevent me from describing all religions in this manner, but our limited familiarity with the great prophets reflects this fact. In the case of Moses, for example, everywhere in the Torah, in the literature about the Torah and the Torahic legacy and even in the Qur'an itself and the hadith literature, Moses' deadliest foes were the Samaritan and Balaam son of Beor.<sup>IV</sup>

Who was the Samaritan? After Moses had painstakingly called his people to the singular God and dissuaded them, with a modicum of success, from idol worshipping and calf worshipping that were the prevalent forms of heresy among them, the Samaritan takes advantage of Moses's absence twice and reconstructs a calf so that the people may worship it. The person who constructs the calf for people to worship in-

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IV NY: Bal'am-I Bā'ūr; according to 22 Num 2 and 24 Num 25, Balaam son of Beor hailed from a small town in Mesopotamia and was given supernatural powers by a magician. Balaam was forced by Balak the evil king of Moab to curse the Israelites whose lands the king sought but alerted by his ass who had seen God's angel on the path, Balaam heeded God's command and blessed the people of Israel instead.

stead of “Yahweh,” God, Allah, is not a godless person or an unbeliever, he is a believer, perhaps a proselytizer, or even a custodian of religion.

Who was Balaam son of Beor? Balaam was the greatest cleric of this period and in charge of the religion of the people who rose against Moses and as he controlled the religion, sentiment, and faith of people in his hands, he was able to resist the truth and the religion of unity and blow it the deadliest attacks. [p. 11/12]

Consider Jesus, the suffering that Jesus endured until his last day and crucifixion [according to them, i.e., the Christians], the blows, travesties, and defeats he suffered, as well as the accusations and gossip against himself and his mother, all were instigated by the Pharisees. Who were the Pharisees? Pharisees were defenders and custodians of religion at the time. They were not materialists (*māddī*), unbelievers (*zanādiqa*), or atheists (*dahrī*). There were no materialists at the time. These were believers and custodians of the religion of heresy opposed to Jesus and his followers.

Or consider the Prophet of Islam. How many of those who stood against him at Uḥud,<sup>V</sup> at Ṭā'if,<sup>VI</sup> at Badr,<sup>VII</sup> or in Mecca and harmed him were godless? Or devoid of religious sentiment? Not one, not even one! These were people who in truth or in falsehood intended to kill the Prophet and his followers by resorting to the pretext, the slogan that they [the Muslims] want to sully the house of Abraham, reject our beliefs, and insult our divinities, and to destroy holy Mecca, our beliefs, idols, and divinities who intercede on our behalf with God. Thus, the mantra of the Quraysh, of all those Arabs who fought against Islam during the Prophet's lifetime, was that of religion against religion.

After the Prophet, the same mantra appears in a different guise. [p. 12/13] Did heresy declare against 'Ali [d. 661],<sup>VIII</sup> against the movement that sought to propagate the spirit of Islam? Or godlessness, or unbelief in religion and creed? Or the view that God does not exist? Was it not belief in a type of religion opposed to this religion [the religion of Muhammad and 'Ali] that brought about the war between 'Ali and the Banū Umayya,<sup>IX</sup> or between the Abbasids<sup>X</sup> and the Prophet's progeny?

Worshipping God is one of the features of this religion (that is, the true Abrahamic religion), the religion of unity. Throughout history, and against all these currents of heresy, one religion and one creed – and according to our belief and based on a

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V NY: The battle of Uḥud was fought in 625 between Muhammad and the men of Quraysh, his own kinsmen.

VI NY: Muhammad and his fellow Muslims laid siege to the town of Ṭā'if in 630.

VII NY: In 624, the Muslims defeated the Qurayshi Meccans near the town of Badr.

VIII NY: 'Ali'Ali b. Abi Ṭālib (r. 656–61), son in law and cousin of Muhammad, fourth caliph of Islam and first imam of Shi'a.

IX NY: Also known as the Umayyads, the first dynasty of Islam that held power from 661–749.

X NY: Descendants of Muhammad's uncle al-'Abbās (d. 653) who replaced the Umayyads and ruled from 750–1258, when they were defeated by the invading Mongols. The Abbasid call to rebellion against the Umayyad caliphs pivoted on returning the caliphate to the house of Muhammad, but they were quick to decimate the Prophet's direct progeny – his grandsons from his daughter Fāṭima (d. 635), 'Ali's wife – upon ascension to office.

metahistorical account, from Adam to the last, and until the end of human history – has had as its purpose worship of one beloved as a stand in for the entire universe and as the criterion for determining human values and as the purpose of history and human life, and opposed the worshippers of false idols (*tāghūt parastān*), and called for the submission of human beings to the grand law (*nāmūs*) of existence and the grand path of creation and the supreme purpose of the world with God as its ultimate objective. Against that [grand] purpose that is called “Islam,” which itself [the grand purpose] has declared to be the name of all righteous religions, have stood the worshippers of false idols.

However, as this religion calls for humanity to submit to God, it simultaneously calls for rebellion against all that is exogenous to Him. In contrast, the religion of heresy calls for rebellion against the grand law (*nāmūs*) of existence, and against the exhortation to submit to God (which is the telos of all existence and end of all life), and against the religion of Islam. Ultimately, it [the religion of heresy] calls for submission and servitude to hundreds of other powers and hundreds of other poles (*quṭb*) [p. 13/14] and hundreds of other forces, when each power and pole and force and each class and community have a god of their own.

Heresy implies servitude, it means rebellion against servitude to God; but at the same time, heresy is submission and subordination to idols (in a general sense: what tricksters, liars, ignorance, and oppression have built together and called on people to worship and abide). This is a false idol (*tāghūt*); rebellion against the majestic power of the universe and submission to “what we have created with our own hands.”<sup>XI</sup> This “what we have created with our own hands” may be anything, Lāt or ‘Uzza,<sup>XII</sup> the machine or knowledge, capital, blood ties, kin or whatever else it may be in any given period of time, these are false idols standing against Allah, against God – that is, against the doctrines of the religion of unity that is aggressive and revolutionary vis-à-vis the religion of heresy in general, [for it] tends to absolve and whitewash.

What does revolutionary religion imply? It refers to a believer, a person educated in its creed with a critical view on life and on the material and spiritual planes of his lifeworld, and a mission and responsibility to alter and destroy what he does not like and [what he] regards as false, to replace it with what he knows and regards as righteous. The defining feature of this religion – the religion of unity – is that it does not justify or rationalize the status quo by resorting to religious language and is not indifferent to it. Consider the emergence of prophets: it is clearly shown that these religions –

XI NY: *Mā tanḥatūna*, referring to the Qur’anic verse cited above.

XII NY: Q 53:19–26 names Lāt and ‘Uzza, pagan goddesses with a sizeable following in pre-Islamic Arabia. The prophet’s early biographies preserve an episode in Muhammad’s life in which, tricked by Satan, he called on the people to worship God’s “daughters.” Absent from the canonized Qur’an, medieval exegetes argued that what became known as the “Satanic verses” had been abrogated. On the controversy see Shahab Ahmed, *Before Orthodoxy: The Satanic Verses in Early Islam* (Cambridge, MA: Harvard University Press, 2017).

religions of unity – in their initial phase, at the start of their mission when they are [p. 14/15] the purest and most transparent and unchanged and unshifting, they are [possess the quality of] antiestablishmentarian and in rebellion against evil and oppression, a rebellion that declares for servitude to creation, that is to the cause of creation, and submission to the laws of existence that refract divine laws.

Consider all religions, consider Moses. Was Moses rebelling against three prototypes – Korah the richest man of his time,<sup>XIII</sup> Balaam the lead cleric of that deviant religion of heresy, and the Pharaoh who symbolized political power – or against the status quo? What was the status quo? A Sabaeen minority that was captivated and oppressed by a Coptic majority. To struggle against a social condition that allows for the supremacy of one race over another or the captivity of one race is to displace an ideal. Saving a captive people, guiding them to the Promised Land, establishing a society based on belief and a social creed that ends the worship of false idols, and destroying those false idols that propagate discrimination and erect in their stead a monotheism (*tawhīd*) that reflects the unity of society and of humans.

The religion of heresy [here *shirk*] strives to justify the status quo by recourse to supernatural beliefs in the name of God or several gods, by justifying belief in the hereafter, by justifying belief in sanctities, by justifying and abusing belief [p. 15/16] in unseen powers, and by corrupting all the principles of religious belief. That is, abusing religion to convince people that their living condition, or the condition of their society is what it should be, what God has ordained! It is destiny! It is fate!

Fate and destiny (*qaḏā wa qadar*) as we understand them today is the legacy of Mu'āwiya [founder of Umayyad dynasty, r. 661–80]. History demonstrates clearly that belief in fate (*qadar*) and predestination (*jabr*) was established by the Banū Umayya to prevent Muslims from accepting responsibility and to rob them of agency and critical engagement. Predestination is the acceptance of all that is and all that will be. However, we know that the Prophet's Companions bore social responsibility at every turn.<sup>XIV</sup> [The injunction] to command right and forbid wrong<sup>XV</sup> which exists today as a vulgar concept that may not even be mentioned in intellectual circles, is the very same concept that European intellectuals call human responsibility, the responsibility of artists and intellectuals. What does all the attention to responsibility these days, in philosophy, art and literature, signify? It implies “commanding right and forbidding wrong.” But we have transmogrified the concept to such a degree that we in fact forbid it as a wrong.

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XIII NY: Qārūn in Arabic; 16 Num 1–40 records the story of Korah, Moses's first cousin who rose in rebellion and was punished for it by God.

XIV NY: The Shi'i Shari'ati's praise for the Prophet's Companions who – according to the Shi'a – had opposed 'Ali's succession to the Prophet's mantle in 632 is noteworthy.

XV NY: Reference here is to the Qur'anic injunction to stop others from doing wrong, *amr bi ma'rūf and nahy 'an al-munkar*, for more on which see Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press 2001).



The religion of heresy (*dīn-i shirk*) persisted in two ways. As mentioned, justifying the status quo is the mission and objective of the religion of heresy. But what does justify the status quo mean? We see throughout history that human societies are divided into nobles and commoners, masters and slaves, deprived people, and oppressors, [p. 16/17] rulers and ruled, groups that possess golden natures, lineage, and race and those who don't, a people superior to another, and a class that is above another. The prejudice of families that have lorded over others in perpetuity. These convictions of "heresy (*shirkī*)" caused by the privileges of one group and the deprivation of another, have existed to justify this very status quo, in stark contrast to the convictions of "unity (*tawhīdī*)" that cause it [the status quo] to implode. The religion of heresy (*shirk*) declares that polytheism must exist as cultural diversity and multiethnicity in the world so that factionalism and classism and elitism and racism may be realized in society and be able to thrive. A few [people] may oppress a few others by force and gain legal, economic, and social privileges, but holding on to them is fraught. The mission of religion, that is the religion of heresy (*shirk*) is the persistence of this situation; it has convinced people that God has ordained what exists, and that if a person is weak it is not only because their nature is weak, but also because their god, their creator and their master is inferior to the master of that other group, inferior to the idol of that other race and inferior to the god of that other ethnic community.

Therefore, in such a situation, when discrimination and class and racial conflict are encouraged by this religion – the religion of heresy (*shirk*) – the status quo prevails in perpetuity. This is why throughout history, the social class that has founded and safeguarded the religion of heresy (*shirk*) [p. 17/18] is the aristocracy. At times, they were more dominant and prosperous than the ruling class. Consider the Sasanian [224–651] period wherein priests lorded over princes and military leaders. Or the magi, or the clergy in Europe, and rabbis and the likes of Balaam among the children of Israel, and among the tribes, the idol-worshipping tribes of Africa and Australia, the religion of sorcerers, seers, fortune tellers and upholders of the prevailing religion in a society, they were either collaborating with the ruling class or dominating them. At times in European history, the clergy owned more than 70% of all properties. In the Sasanian period, landowners bequeathed land to priests or granted them for the construction of temples and places of Zoroastrian worship.

Contrary to what we believe, we see those prophets, prophets we choose to follow, have consistently opposed religions that have propagated idol worship against unity (*tawhīd*).

This religion, the religion of heresy (*shirk*), is rooted in economics. Its foundation is in the ownership of a few and the deprivation of the majority. It is this economic and supremacist proclivity that needs religion to justify itself and to survive. What could be more powerful than a person's own satisfaction with deprivation? This is why the religion of heresy (*shirk*) has consistently confirmed the status quo. How? One way is through polytheism, so that they first discover belief and are subsequently convinced that [p. 18/19] multiethnicity and aristocracies are divinely ordained. In

the second instance, the religion builders themselves have shared in those privileges that define the ruling elite. They have always been monopolists (*inḥiṣārchi*).

Opponents of religion maintain that the tools of the religion of heresy (*shirk*) are ignorance, prejudice, private ownership, and classism, which attest to the veracity of their claim that religion is the opium of the masses, [striving] to convince them to submit to the wretchedness, deprivation, ignorance and stagnation that they bear, and to the doom they, their ancestors and their progeny are fated – an internal/convictive (*darūnī/i'tiqādī*) submission.

Consider [as example] the Murji'īs<sup>XVI</sup> who absolved every criminal and murderer in history, in Islamic society of any responsibility. The Murji'i person claims that God himself will settle, on Judgment Day, the righteousness of 'Ali or that of Mu'āwiyya. Their position is that settling accounts is God's business, not ours.

The religion of heresy (*shirk*) progresses in two manners, the first is in its own direct way that is documented in the history of religions, namely all sorts of pagan, polytheist and spirit and idol worshipping belief systems. But these are only the explicit forms of the religion of heresy. The second is the concealed form of the religion of heresy, which is the most dangerous and maleficent, and has wrought the most damage on humanity and on the truth. The concealed religion of heresy hides heresy (*shirk*) behind a veil of unity (*niqāb-i tawḥīd*). The prophets of unity stood strong [p. 19/20] against heresy, and heresy against them. Whenever these prophets succeeded in defeating heresy, it continued to thrive among their followers and successors disguised as unity. This is why we see Balaam destroyed in the face of Moses's call but reinvented in the guise of the rabbis of the religion of Moses or the Pharisees who murdered Jesus.

The group that destroyed Jesus, or opposed him, and allied with the idol worshipping Roman caesar against the defenders of unity, these are avatars of the same group that stood against Moses or the same group that adopted Moses' call. It is the same Balaam and the Samaritan who have appeared clad in the religion of Moses. In the medieval period, Christian priests committed the gravest crimes that even the Mongols could not fathom, and spilt more blood than criminals, all in the name of religion, a religion marked by love, friendship, loyalty, patience, forgiveness, and kindness, in the name of Jesus, universally regarded as a symbol of peace and forgiveness. Are these the successors to Jesus? Are these his disciples? Or are they perpetuators of the religion of heresy (*shirk*)? And the same Pharisees who have returned as priests to infest the religion of Jesus from the inside with heresy (*shirk*), which they have.

Therefore, the late nineteenth century claim that religion is the opium of the masses – that the promise of life after death convinces them to endure wretchedness

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XVI NY: The referent are those Muslims who chose to postpone judgment between contenders for the caliphate in the early days of Islam, and who later came to be known as Sunnis. As such, they were opposed to Shi'is who argued that the wrong done to the family of the Prophet must be avenged and the caliphate restored to its rightful claimant. The Murji'īs accused the Shi'a of sowing division and distrust and undermining the unity of the Muslim community.

and oppression, that religion is the opium of the masses as [it makes them believe that] God determines all what happens, and that God has willed what is [p. 20/21] and that any attempt to change and improve the lives of people is in opposition to the will of God – is true. As is the claim of the eighteenth and nineteenth century thinkers that “religion is based upon fear of the mysterious,” or that “religion is the product of discrimination, deprivation and the landowning regime of the feudal period.” It is true.

But which religion is this? The religion that has reigned throughout history, except for a few moments when it has dazzled like a spark and then dimmed out, is this religion of heresy (*shirk*). The religion of heresy (*shirk*), whether in the name of the religion of unity, the religion of Moses, the religion of Jesus, or in the name of the caliphate of the Prophet,<sup>XVII</sup> the caliphate of the Abbasids, or the caliphate of the Prophet's kin. This has all been in the name of the religion of unity (*tawhīd*), in the name of jihad and Qur'an, yet even the Qur'an was placed on spearheads by adherents of the religion of heresy (*kufr*).<sup>XVIII</sup>

The person who places the Qur'an on a spearhead is not the Quraysh that opposed the Prophet for the sake of their deities Lāt and 'Uzzā', for he cannot sustain this kind of heresy. Instead, he tries from the inside, places the Qur'an on a spearhead, and calls out to 'Ali, that is he calls out to God and Muhammad. Again, the religion of heresy has ruled throughout history in the name of Islam, in the name of the caliphate of the Prophet's kin, in the name of the caliphate of the Messenger of God, and in the name of a government which has the Qur'an as its constitution, that is more generally, in the name of “a caliph who engages in holy war (jihad) and performs the annual pilgrimage (hajj).”

The religion of heresy, the religion that excuses, the religion that desensitizes, the religion that immobilizes, the religion that limits, the religion that disregards the living condition of the people has always dominated human societies, and those who characterized religion as based on fear, inertia, limits, [p. 21/22] and feudal ethics were in the right. They had arrived at it based on history and historical knowledge. But they did not know religion. They were not experts in religion, they were historians. And anyone who studies history will know that religions – that is those disguised as [religions of] unity and those who were upfront about heresy – have done all this.

I have compared the names and characteristics attributed to God in Abrahamic religions with those found in polytheistic religions and have come to the realization that that the religion of heresy is indeed founded on ignorance and fear. Why? Because believers in heresy, that is believers who propagate the religion of heresy, are wary of the awaken-

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XVII NY: Muhammad ruled briefly over the nascent Islamic community in Medina from his arrival in 622 to his death in 632, adopting the title of *ḥakam*, or judge.

XVIII NY: At the battle of Šiffin waged in 657 between 'Ali the fourth caliph and the Syrian armies under the direction of the Umayyad Mu'āwīya, the latter placed copies of the Qur'an on spearheads to trick 'Ali's armies into agreeing to arbitration to settle their differences. Although they were winning on the battlefield, 'Ali agreed and it was foretold that the rigged arbitration process found in Mu'āwīya's favour.

ing of people, of people becoming literate, becoming thinkers, and becoming familiar with the tenets of religion. They fear new knowledge and wish to monopolize it. Why? Because as knowledge increases so diminishes the religion of heresy, because ignorance is the guardian of the religion of heresy, and the awakening of the people, the emergence of a critical spirit, a divine ideal, or a desire for justice all undermine the religion of heresy. Why? Because this religion has preserved the status quo throughout history, before feudalism, during and after it, in the east and in the west. Religions of heresy have always interpreted divine characteristics such as awe, fear and compulsion in an autocratic sense. In truth, however, all divine names of the past two or three thousand years appropriated by Abrahamic religions comprise double meanings. That is, all the words and characteristics in Abrahamic religions that date to the pre-Abrahamic period prove that there is consistently a double meaning in these religions. [p. 22/23]

First is love and beauty, worshipping a majesty, a beauty. And second fostering a government, a shoulder to lean on, a father, a man, a master, a shelter. As we have seen, it is true that the religion that has existed throughout the ages and has prevailed is born of ignorance and the fear of natural causes, whereas Abrahamic religions are born of love and man's need for a telos, a ruler over the world, a direction in creation and in response to man's need to worship absolute majesty and absolute perfection.

The prophets of this religion (Abrahamic religions), have always gnarled at ruling figures, be they material, social or spiritual, and at all idols, be they, according to Francis Bacon,<sup>XIX</sup> idols of the mind, collective idols, or human idols, be they economic idols or material idols. They have gnarled at all manifestations of the religion of heresy, that is the religion of the status quo, and their responsibility, and that of their followers has been a structural transformation of the status quo and substituting it with a yearning for justice.

"Justice (*ʿadl*), balance (*mīzān*), and "fairness (*qist*)," consistently mentioned in the Qur'ān, along with the dispatching of messengers, [imply] altering the status quo to establish balance and fairness and not conceding to the status quo.

The conclusion I hope to attain is that throughout history, religion has never been opposed to irreligion, but religion has always been against religion, and religion has always fought religion. The religion of unity (*tawhīd*) that is based upon vigilance and awareness, on love and human need, an innate and abstract (*falsafī*) need, has opposed the religion of heresy which is rooted in ignorance and fear. Whenever a prophet has arisen from the religion of unity, that is a revolutionary religion, against the religion of heresy [p. 23/24] he [the prophet] has called upon people to abide by the laws of the universe, in synchrony with the overall direction of creation that is the manifestation of God's will, for in principle, the religion of unity demands rebellion and rejection of any other power. In contrast to God-worship is idol-worship,

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XIX NY: Shari'ati refers to Francis Bacon's (d. 1626) well-known typology of "idols of the mind": idols of the tribe, idols of the cave, idols of the market, and idols of the theatre.

which encourages humans to revolt against the just order that prevails over the universe and human existence, and to serve and defer to the idols that represent various powers in society. In the Torah and in the Bible (those sections that have not been corrupted and can be the basis for sound interpretation) and everywhere in the Qur'an, God and the people are infallibly aligned. In other words, in all the verses that pertain to social, political, and economic issues – not conceptual (*falsafi*) or scientific (*ilmī*) issues – every mention of the word “people” (*nās*) may be substituted with “Allah” and the meaning will not be affected, and vice versa, every mention of “Allah” may be substituted with “people” without altering the meaning of the sentence. For example, what could be the meaning of the phrase “Who will give God a good loan . . .” [Q 2:245] who is it that will make a good loan to God, does God run out of money and need a loan? The phrase means that people should make good loans to other people, similarly, in all verses and even in prophetic sayings that pertain to social matters, it is the direction and alignment of society that is at stake. God is presented as an equivalent to people and aligned with them.

Who is standing in the opposing camp? Idol worshippers. Who are the idol worshippers? The same people, that is, in the words of the Qur'an, the haughty (*mutraf*), the lofty (*malā'*). Those who are distinguished in their own society, dabble at many things but are void of responsibility. This is what *mutraf* means, and *malā'* implies a celebrity.

[p. 24/25] The religion of the haughty and the lofty has ruled throughout history, either transparently in its own name or disguised as the religion of God and the people, which has ensured its survival. It follows that an Abrahamic religion or a religion of unity is the religion which has continuously resisted the religion of idol-worship, of the haughty and the lofty, and called on the people to rebel against them too. The religion of unity declared that God is on the side of the people, and that his audience are the people, and that his objective is to procure justice. The religion of unity is the product of awareness, and the yearning for love and worship, the fullest awakening of the people, but not one that will be realized in the world. Rather, as a critical movement against history that has never been fully realized. It is the religion of heresy, idol-worship, the haughty and the lofty, that is the religion of statute worship, the religion of justifying the status quo, the religion of inertia that has existed throughout history, that has thrived and dominated.

This is my response to the intellectuals who ask how I, myself an intellectual, rely so on religion. I respond that I speak of religion, not the religion that has existed in the past and ruled over society. Rather than a religion that strives to destroy the religion that has ruled over society throughout the ages, I speak of that religion whose prophets rebelled against various iterations of the religion of heresy. The religion of unity has never been fully implemented, insofar as society and the social life of people is concerned, for it is our responsibility to strive for its actualization in the future. It is the responsibility of man to replace the religions of inertia and justification with the religion of unity as declaimed by the prophets of unity. Our commitment to religion therefore is not a return to the past but embracing the march of history.

# 54 Khomeini: *Sermon in Najaf (1977)*

Translated and introduced by Neguin Yavari

## Introduction

Ruhollah Khomeini (Rūḥ Allāh Mūsawī Khumaynī, 1902–1989) was the architect and catalyst of Iran’s 1979 Islamic revolution, and an influential theoretician of the sharī’a.<sup>1</sup> The selection below is an excerpt from Khomeini’s speech at Najaf delivered on 28 September 1977, that is, almost two years before the revolution in Iran. There are several extant translations of Khomeini’s speeches and writings, but the version translated here is among the oldest extant copies, chosen to provide a more reliable window unto the heady political debates before the revolution. It was transcribed as a pamphlet by the association of Militant Clerics outside Iran (*Ruḥāniyūn-i mubāriz-i khārij az kishwar*) and published in Paris.

In this text, Khomeini argues loudly and explicitly for a total Islam that includes the lifeworld and the metaphysical in equal measure, while maintaining a strict distinction between the social and material planes to which the religion of Islam – the true religion of Islam – is duty bound to attend. In a brilliant argument, Khomeini upends and upholds the boundless remit of Islam by incorporating his position’s logical foil, a robust popular will to which Islam caters and simultaneously refracts.

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I For a brief introduction to Khomeini’s education and intellectual influences, see Neguin Yavari, “Khomeini, Ayatollah Ruhollah (1902–1989),” in *Princeton Encyclopedia of Islamic Political Thought*, ed. Gerhard Böwering et al. (Princeton, NJ: Princeton University Press, 2012), 296–97; for a fuller account of his public career see Vanessa Martin, *Creating an Islamic State: Khomeini and the Making of a New Iran* (London: I. B. Tauris, 2003); and for further analysis of aspects of his legacy, see *A Critical Edition to Khomeini*, ed. Arshin Adib-Moghaddam (New York: Cambridge University Press, 2014).

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There is another matter that I find significant, which is that human beings, the essence of creation, have different traits, dimensions, and affairs. In one aspect, humans share with the vegetal world, just as plants survive on water and food found on Earth, humans partake of the blessings that God has placed on Earth. In another respect they share commonalities with animals, such as eyes and ears, weak judgement, emotional ties, and the like. Yet, humans have more [characteristics] than these, which are rationalizing, abstraction and internal.

The Qur'an, the best of all scriptures, has been revealed to shape humans, which is the case with other scriptures too. It transforms the potentially-human to the actually-human. The Quran is a human-making book, and if we pay attention, we will see that the Quran attends to all matters concerning humans. Prophetic calls, their own differences notwithstanding, serve the same purpose, which is to make humans out of mankind. All sciences, all worship, all theological precepts, all creedal rules (*aḥkām*) and . . . exist to make perfect the imperfect human.

[p. 6/7] The government of Islam and those of other divine religions are not like material government. These latter, irrespective of the type of regime, are only responsible for order in their own country, and if they are just, they will not allow any person to harm another, and if the ruler himself a just ruler, he will not harm others. But people are free to do in the darkness of their homes as they please if there is no harm to the state or to the government. They can drink, gamble, and engage in other despicable acts, and the material government will do nothing to them. If they act in a disorderly manner outside their home, the state will intervene, as the act is disruptive to public order; but if they never leave their house, they can engage in whatever prurient behaviour they wish, and unless a serious offense takes place, and the government is informed, it will not step in.

But Islam and other divine governments (*ḥukūmat-hāyī ilāhī*) are not just concerned with politics in a realm, they attend to every human affair, from the most mundane to the most elevated. Every person in every place and condition is bound by rules. For example, if someone engages in offensive acts in their own homes, even though the Islamic government will not come with a warrant to search the house, yet it has a ruling against it for which a punishment is assigned and condemns the action. If they find out about it, they will implement the designated punishment.

Islam has a ruling for every material and spiritual aspect of a human being. It has rules on what edifies humans and trains their intellect, and on a lower level, which is the level of ethics, it has [p. 7/8] precepts and teachings. It also has rulings on the matter of earning a livelihood. Regarding man in his own self and in relation to his<sup>1</sup>

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<sup>1</sup> NY: Pronouns are not gendered in Persian, but in accordance with the tenor of the time, I have used male pronouns throughout.

spouse, children, neighbours, countrymen, co-religionists and even his religious foes – Islam has its rules. Before being born, before getting married, until birth, childhood, adolescence, old age, death, burial and even after burial, for all these matters, it has rulings; the rules of Islam do not cease. As soon as a person dies and is interred, the real work begins. The moral and intellectual education that a person receives in this world will be perfected upon his departure, first is spiritual life, then is post-mortem spiritual life, followed by purgatorial spiritual life, and even more elevated than purgatory, and resurrection following Judgment Day.

A long time transpired before a group known as philosophers, mystics (*‘arif*, pl. *‘urafā’*), theologians and other such who pursued the spiritual life gained an understanding – to the best of their abilities – of the spiritual realm and labelled others as fanatics and disparaged them. When they turned to interpreting the Quran, we see that most if not all verses are interpreted in line with mystical (*irfānī*), philosophical and spiritual (*ma’navī*) values, neglecting the material life and the education that is necessary for it. They stayed true to their inclinations and strove for concepts and meanings that transgressed the allegedly limited understanding of commoners, and in addition, disparaged other contenders. They thought they were serving Islam, but they explained the rules of Islam based on their own understanding, translating all the materiality (*mādiyyāt*) in the Quran into a spiritual idiom (*ma’naviyyāt*), and emphasizing those verses that were conducive to a spiritual interpretation.

You have seen their interpretation of the episode of Moses and Khidr<sup>II</sup> – God only knows where they get their information from. When a person reaches this level of [p. 8/9] of abstraction and devotes his attention to otherworldly concepts he will fall short of a worldly education (*tarbiyat-i duniyawi*), and attribute meanings and implications where there are none to be found. When a person devotes themselves exclusively to one science his heart will become wholly spiritual, and he will have no concern for the world or for worldly education. But prayers and supplications are important, too! He will argue that all these matters refer to the same spiritual concept and there is nothing in his heart apart from that concept and therefore he cannot understand other than it and will interpret all subjects according to what is certain to himself. They said that Islam has come to teach unicity and other intellectual matters and everything else is only a preliminary which must be discarded. This is why some of them denigrate jurisprudence and jurists, accounts of the Prophet’s deeds and dicta and a great number of punishments outlined in the Quran. They did not reject them, only disregarded them. However, as the impartiality was coupled with insults hurled at the practitioners of those disciplines, accusing them of being dogmatic and reactionary, it was akin to rejecting them. [p. 9/10]

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II NY: Moses and Elijah in the Bible – in the Qur’an and in the Isrā’īliyāt literature Moses and Khidr – frequently drawn upon by Sufi authors to authorize and legitimize elements of their creed or of their practice.



In that same period, there was another group engaged with jurisprudential and devotional matters who made disparaging comments about the philosophers and the mystics and ruled against them as heretics and sinners.

Both paths are misconstruing the truth. Some jurists have limited Islam to derivative rulings and the natural world while some philosophers and mystics have limited Islam to the spiritual and metaphysical realm. In truth, the Islam that God almighty has sent is neither this-worldly nor otherworldly oriented.

Now that the material side has become dominant, the allure of the world has increased and owners of its riches have multiplied, another situation has come into existence. There are a group of scholars, skilled scholars, who are pious, good, and duteous, just as the jurists and theologians and philosophers were duteous. But in contrast to philosophers and mystics, these scholars translate all spiritualities into materiality and claim that the object of all Islam's rulings is the establishment of social justice and the dissolution of social classes, and that there is nothing more to Islam. They hold that the justice of Islam consists of nations coexisting peacefully, that is the animal life (*ḥayāt-i ḥaywānī*) of everyone be equal, they don't interfere in each other's affairs, and ignore all the verses about resurrection, unicity, the proofs for creation. The pious will ignore these verses and focus on other ones. And those whose piety is shaky will interpret these verses. When I was young, I was approached by a few students who held a few misconceptions. This type of thought was not prevalent, [p. 10/11] and they thought they were bringing a new line of thinking. They said that they know that Judgment Day is in this world and that everything ends with our animal life. It is not that they doubted the day of final judgment, but they argued that judgment and punishment and all else is in this world and will end when humans die.

This group are still around today and are among the pious. and one has affinity toward them, but they have misconceptions. I read their writings in journals and elsewhere. They claim that Islam has come to make true humans, that is a person without a social class, so that everyone in the world may live in the same way, receive a stipend from the government and serve in the public sector. This is manufacturing animals. These men ignore verses and exigencies that are found in all religions. They comment on the verses that lend themselves to this type of exegesis and ignore the rest. Should a man incline to this position and not understand anything apart from the material world, his cognition will be impaired, and he will not be able to grasp the truth of matters. These people do not possess proof of their propositions, they simply utter them. They aspire to pleasing speech, but they do not understand anything except this world, and therefore they interpret verses based on their own perception of life this world, albeit a prosperous, class-free life, should it be possible.

It must be said that Islam has been misunderstood from the beginning and remains misunderstood today. Nobody has known Islam, that mystic orientalist who knows mystical and metaphysical concepts, and the people who write in journals and elsewhere, they understand the study of Islam to be confined to its type of government, its educational system, its appearance, and its justice. [p. 11/12] To them, the

goal and objective of Islam is obtained when man attains material life, or that Islam is the prosperous animal life, like those who say: In ancient times, people fished from seas, hunted deer in deserts and ate them and left others in peace. They roamed the mountains like animals and fed on grass, and that is the elevated position that Islam has striven for. Islam and its divine teachings have come to avail the prosperous animal life. But what about those divine precepts, other matters, and the question of metaphysics? What kind of a world is the metaphysical? They do not understand. What can they do if they cannot understand?

Therefore, they do not have the right to tell a person who is getting an education and striving for understanding the true Islam and knows what is Islam that these beards and turbans serve no purpose . . . and these courses have no use . . . And if they do say so, it is because they do not know Islam. Nor do you have the right to question Islamic concepts and precepts, or to denigrate the claims of this third group on alleviating injustice (*zulm*) and propagating social justice (*‘idālat-i ijtimā‘ī*). Should you do so, then you too will not know Islam. For Islam is all these things and is not bound by any one of them. Islam seeks justice and spreads justice, it redresses the imbalance between different classes, but in a reasoned manner. It boasts superior ethics and divine precepts, and it edifies humans, so that when a man departs from this world and steps into the other, he does so as a human. [p. 12/13]

Those who only see this side and not the other are misguided: “Guide us to the straight path: the path of those You have blessed, those who incur no anger and who have not gone astray.” [Q 1:6–7] Exegetes have explained “those who incur no anger” to refer to Jews and “gone astray” to refer to Christians. There is a hadith (prophetic saying), about which I am not certain and therefore cannot affirm, that the Prophet of God has said: “My brother Moses was blind in the right eye, and my brother Jesus was blind in the left, and I have both eyes.” Those who venture to interpret it say that because the Torah pays more attention to political and worldly affairs, the Jews amass wealth and their appetite for it is insatiable. They horde all the wealth in America, and in Iran and elsewhere. Because the Prophet Moses was inclined – in tandem with his law – to material wealth and was deficient in spirituality, he lacked a right eye. The focus in the book of the Prophet Jesus is on spirituality and holiness, and thus he was blind in the left eye, which represents nature. As for “I have two eyes,” the rules of Islam testify to the fact Islam has both a spiritual dimension and a material one, it has spiritual rulings and many of these are political.

Although many a scholar and a holy man has instilled in the minds of people that Islam has nothing to do with politics, and that it is separate from politics, this [dictum] is the principal desideratum of governments. Foreigners and governments have instilled in our minds that clerics have nothing to do with politics. When they want to denigrate a clergyman, they call him a political cleric. They say Islam is separate from politics, religion is distinct, and politics is distinct.

They do not know Islam. Islamic government was established by the Prophet [p. 13/14] and persisted, just or unjust, although justice was restored in the time of ‘Ali.

It was political government in all its valences, what else is politics? Relations between the ruler and the nation, relations with over governments, preventing corruptions – these are all political affairs. The political rules of Islam are more extensive than its rules of worship. Islam has more books on politics than it has on worship. The misconception is so well-entrenched in people's minds that the government (*āghāyān*) has come to believe that Islam is separate from politics, that Islam is restricted to rules of worship, that it is the connection between man and God, that is about mosque attendance, reading the Quran and praying. Should this be Islam, then governments will hold nothing against you (clerics, jurists, and the religious establishment in general) either. But this is not Islam, Islam stands in the way of injustice, against sinners and transgressors, it issues writ to bloodshed. Are all these rules pertaining to jihad, to bloodshed, defence and . . . in Islam removed from politics? Is Islam a matter of attending a mosque and reading the Quran? Religion has rules and they must be implemented.

By the same token, if someone questions the necessity of attending a mosque and praying, that too, is misguided. Islam has ritual worship – Islam was built on prayer, as they say – and it does not just regard the world and animal life, so that once your life is going well you turn around and say that you no longer need to pray or to worship. Yes, if one were to deny what is other to this world, then none of the above problems will exist. But if proof is manifested – as all religions concede a world above and beyond the natural world – then just as the natural world must fixed with its own tools and social justice must prevail among people and a just government is necessary to regulate the affairs of this world, then there, the metaphysical world, too has its own tools. Life there too has its tools, and those tools are furnished by prophets. [p. 14/15] Supplications, ritual litanies, Quran, prayers, creedal rules, and divine concepts are the tools for life and illumination in that world.

Those who find themselves on the opposing front cannot denigrate their opponents. The other side cannot denounce those who claim that social justice must prevail, and oppression and transgression must be resisted, saying that our duty is to study. All Muslims have the duty to study, to learn and to practice it, and to resist oppression to the extent possible. If everyone performed this duty, there no state (*dawlat*) could hurt its own people, nor could it transgress against other states. It is so because the strength of those who rule does not derive from the nation. The nation follows its own path and the state a different one. These states have done nothing to win the acceptance of their nation, in fact, their nation oppose them.

When you consider the conditions in our own country, you will see that the gap between the state and the nation is in such a way, that when, God willing, this state and this apparatus is overthrown, people will light up the streets and you cannot imagine the splendour of this celebration. Why? Because they are not of the people, they have nothing to do with the people. They are 'busy'!!! But their business is oppression and inflicting harm and propagating prostitution. You may not be aware of this. The un-

speakable prostitution that has started in Iran was enacted in Shiraz first,<sup>III</sup> and it is said that it is bound to be repeated in Tehran. And nobody objects. I do not understand why the men in Iran do not object to the extensive prostitution. Is this the limit or will it [p. 15/16] get even worse? They showed sexual acts in public and not one peep was heard. What are they waiting for? They should speak out and protest.

The funny part is that on the one hand, all of this transpires with the agreement of the institutions, the state itself and that man,<sup>IV</sup> for it is not possible for such prostitution to take place without their consent, and on the other, they force their own newspapers to criticize it and disclaim it as vile act, so that while the people in Shiraz witness it first-hand, the critical noises reach the people and puts out some of the fire, appeases them to an extent, and brings matter to the attention of the rest of the people of Iran.

Tomorrow, God forbid, this act may be repeated in Tehran and no one, not one clergyman (*ākhūnd*), not one politician, doctor, engineer, or any other person will object, but objection must be made. If all nations protest together and call out for the rules of Islam in one voice, it will be impossible for such matters to arise. They take advantage of weakness and flaccidity. They say that you are a weak and desperate group. But you have power, your support derives from the nation, the nation is Muslim, and this Muslim nation has affinity for Islam, for the clerics of Islam – the cleric is duty bound to serve and if he doesn't the nation will not regard him as a clergyman of Islam and will not treat him as such. [p. 16/17]

Islam is comprehensive, and comprises physical dimensions and the unseen, the material and the spiritual, for man has all these stations, and because man has the potential for all these stations, the Quran has come to actualize man. In the same manner that it reforms human society, it will perfect the human himself so that he may attain a lofty station.

One group must not diminish the other, each have their own specialty. For example: "You do not understand," or "What is the value of jurisprudence?" or "Why do you insult jurisprudence?" or "You know nothing of philosophy or beyond it," or "Why do you insult philosophers?" Similarly, those who do not understand objectives and ambitions of this group, the third group, have no right to object. They should all unite. Jurist, engineer, doctor, pupils, and college students should aggregate so that they can do something and lessen the burden that is placed on them and increased every day. They don't and I do not know why. Things are starting in Iran, and the hope is for more, God willing. May God grant you all success and may He confirm Islam and confirm the scholars (*ulamā'*) of Islam, the students of Islam and all Muslims.

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III NY: Reference here is to the annual international Shiraz Arts Festival, held under the auspices of the Empress Farah Diba from 1967 to 1978; see Hormoz Farhat, "Shiraz Arts Festival," *Encyclopaedia Iranica Online*, [http://dx.doi.org/10.1163/2330-4804\\_EIRO\\_COM\\_11837](http://dx.doi.org/10.1163/2330-4804_EIRO_COM_11837).

IV NY: He has in mind Muhammad Reza Shah Pahlavi (r. 1924–1979).

# 55 Mehrangiz Kar: *Political Rights of Women* (1993)

Translated and introduced by Neguin Yavari

## Introduction

Born in 1944, Mehrangiz Kar (Mihrangīz Kār) is an Iranian lawyer and feminist whose activism on behalf of women's rights in the aftermath of the Iranian Revolution of 1979 led her to exile in USA, where she currently resides.<sup>1</sup> In the letter to the editors of Iran's foremost journal of women's issues, *Zanān* selected for translation below, Kar highlights the continued centrality of the state to social and political debates on the question of secularity. She divides Iran's political history since the 1979 Revolution into three distinct stages: (a) a formative period, (b) a period of institutionalization, and (c) a period of rupture coinciding with the onset of the Iran-Iraq (1980–1988) war. In the formative period, women experienced relative openness while the discriminatory policies and legislation adopted incrementally by the Iranian state forced many women into exile. The generalized suffering brought upon the populace with the onset of the Iran-Iraq war led to a period of despair and silence, in which women's issues were relegated to the background.

Kar's focus is on the political actions of conservative or traditionalist women, what she calls *sunnatī*, that is, women who abide the customs and conventions of religious probity. In this manner she defies the stark division that has separated secular feminists from conservative practicing women. This latter group, she emphasizes, have emerged as vanguards of the Islamic revolution. They contravened restrictive customs and prejudices that kept women from civic participation. They stood alongside feminist women to fight for equal rights. Furthermore, following the exodus of their secular counterparts during the institutionalization phase of the revolutionary regime and the beginning of the Iran-Iraq war, religious women have managed to stay within the fold and keep alive the struggle for political rights.

Kar's argument for a secular infrastructure for availing women's rights blurs the demarcation between the religious and the secular on the level of the individual believer and highlights instead the macrolevel benefits that such a framework may deliver incur for women's social and political engagement. In the absence of a secular infrastructure, she argues, favourable personal status laws and social and economic mobility is undermined for secularists and believers in equal measure.

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<sup>1</sup> For a more comprehensive account of Kar's life and accomplishments see Mehrangiz Kar, *Crossing the Red Line: The Struggle for Human Rights in Iran* (Costa Mesa, CA: Mazda Publishers, 2006).

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## Bibliographical Information

Mehrangiz Kar, “Huqūq-i siyāsī-i zan dar Iran az Bahman-i 57 tā imrūz” [Political Rights of Women in Iran from the Revolution of 1979 to the Present], *Zanan* 3, no. 20 (1373/1993): 18–25.

## Translation by Neguin Yavari

Dear Editors:

As you are aware, I was invited by the *Bunyād-i pazhūhish-hāyi zanān-i Iran* (Foundation for Research on Iranian Women) to deliver a lecture at a conference on “*Zan wa siyāsāt*” (Women and Politics) held at the University of California at Los Angeles in Summer 1994. My paper titled “*Barrisī-i naqsh-hāyi ḥuẓūr-i siyāsī-i zanān dar umūr wa natāyij-i ān az 22 Bahman 57 tā kunūn* [Evaluating the Consequences of Women’s Political Presence from February 1979 to the Present]” comprised an objective unbiased engagement with the question of women’s right. In my opinion, women’s rights are sui generis significant and there is no need to incorporate them into a political ideology to justify them. On this basis, my paper considers the role of women participants in the political sphere in the post-revolutionary period and concludes that Iranian women have acquired a considerable potential for political power and will play a decisive role in future developments. Particularly, the presence of traditional women (*sunnatī*) in political communities, albeit informal and disparate, has gradually transformed them into a formidable political force. My own observations lead me to believe that they too have grown acute sensitivity to shortcomings in women’s rights and express their discontent in court proceedings on divorce cases and in other legal venues. Thus, the reactions of women to the political conduct of their friends and foes on gender related issues in the past 15 years have mobilized various ideological camps to try and resolve the problems and salvage the rights of woman from its present deadlock.

Introducing this topic in the session [at UCLA] and discussing some of its manifestations made for a tense meeting and a group of women from diasporic communities prevented the discussion from proceeding in a productive manner. A group of Iranian women interrupted my lecture, which could have been useful for analytical and sociological discussions. Several women chanted slogans, insults and slander and other types of reactions that I do not wish to mention here. Rather than judging their misconduct that prevented me from delivering my paper properly, I am looking to publish it. Therefore, I am submitting my paper in the hope that the editorial team accepts it for publication.

Iranian women were enticed to numerous political activities in the formative period of the revolution and during its institutionalization [phase]. Women were passionately present in the formative period, but during the institutionalization phase when new criteria were established, they became aware of gender-related problems

and realized that traditional forces, resting on gendered premises, will not tolerate their continued presence in public life. In the face of these deterrents that violated some of their acquired rights, women protested widely and aired their grievances on numerous occasions. Thus, the political power of women that had been dormant before the revolution was activated. They were active on two fronts, at times in tandem with the norms and criteria imposed by official policy and on other occasions in opposition to them, so much so that their presence became significant during a period of exceptional turmoil in the history of Iran, marked with war and political crisis.

Today, women witness the results of their collective and individual efforts. Scholars and policy makers, inside or outside the country, recognize the power of women in their deliberations. In other words, the political class has been influenced by the political and social actions of women and has concluded that in Iran today, it is impossible to govern or to harbour political ambitions without assuaging the power of women or considering their concerns. [p. 18/19] Therefore, women are present in the realm of ideology and political thought and have even managed to disturb those disinclined to admit the exigencies of altered [social and historical] conditions that favour augmenting the political rights of women.

This essay emphasizes that attention to women's rights in political thought is expanding rapidly, be it pertaining to maintaining power or attaining it, although statistics reveal a marginal presence for women in managing the affairs of the country. Studying the Iranian press demonstrates clearly that women are at the centre of ideological debates inside the government and a look at the diasporic Iranian press also reveals that women are at the centre of the opposition's attention. Although on the eve of the year 2000 we still do not have an official program for elevating the status of women, we can claim that Iranian women have succeeded more so than other women in convincing their country's political elites and leaders of the opposition that they are an instrumental force in politics that cannot be ignored.

Despite this favourable backdrop, drafting a program for elevating the status of women and enhancing their capacity for assuming a significant presence among managers of the society is difficult, [a matter] that should be analysed in a variety of frames.

As there are several partisan attitudes toward women's rights, religious views should be revisited, and various jurisprudential (*fiqhī*) positions be considered. It is perfectly clear that after entering a new era (on 11 February 1979) which has granted an ideological and religious dimension to their political life, women can no longer elevate their status or improve their living conditions in the absence of due diligence to religious worldviews.

## On the Verge of a New Era

### a. Formation of the Revolution

Every revolution has certain political, social, and economic dimensions as well as intellectual premises. The Iranian revolution is no exception, but the religious vocation of its leadership has made for a robust ideologized religious dimension in every facet of politics. The presence of conservative Iranian women in a variety of activities at every crucial juncture in the revolutionary process testifies to an overtly religious dimension, often justified as a religious obligation (*taklīf-i sharʿī*). The long-term outcome of this presence – without judging its overall character – was the withering of restrictions that had limited them to domestic life and prevented them from appearing in public without their husband’s consent. During the revolutionary process, we witnessed the presence of women who did not previously count civic activity among their duties, and as dormant forces inside the impenetrable enclosure of the family, were not easily drawn to the social sphere. The religious obligation challenged the undisputed hegemony of the head of the household and diminished the submissiveness of traditional women. [Furthermore,] to abide their religious obligations, traditional men did not prevent their women from participation in the political sphere to which they were summoned time and again. The men were not worried about such presence because they did not view it as a disruption of the premises of their convictions.

Alongside the roaring waves of veiled women (*zanān-i bā hijāb*), another group of women with a different worldview, participants in scientific and social affairs since before the revolution, joined the protests and at times even donned the veil to avoid an ideological struggle during the critical phase of the revolution. The political actions of this group and their admiration and empathy for the former group was taken to indicate that they too had no ideological axe to grind with the revolutionary forces. Thus, women from different ideological proclivities participated in the revolution, ushering in a new era in the history of Iranian women, which is symbolized, among others, by this very conference convened some 15 years later.

### b. Institutionalization of the Revolution

Although the present era is marked by the robust presence of women, the altered circumstances gradually robbed them of some of their acquired rights and led to growing anger and dissatisfaction. At the same time, certain legal and practical developments pleased the opposing group.

As a result, the women of Iran have become more sensitized to structural gender-related issues in the past 15 years than in any other period in the 20th century. [p. 19/20]

As the revolution was institutionalized, the general anti-colonialist and anti-dictatorial rhetoric that had attracted men and women in the revolutionary process was supplanted by specific political proclivities insofar as women’s rights were concerned. To obtain their rights, dissenting women drifted to a collective positioning



which was not necessarily in the form of political party affiliation. Such platforms emerged immediately after compulsory hijab was instituted and pro-women personal status laws and the right of women to serve as judges were rescinded. However, their efforts did not bear fruit as the hijab was cast as a pillar of the revolution and women's right to judgeships and revising personal status laws were rejected as contrary to the shari'a. Thus, the platform of dissenting women was not institutionalized and was reduced instead to sporadic and fragmented expressions of dissatisfaction that in time, lost its more general political core as well.

The Iraq-Iran war [1980–1988] put an end to women's dissent. The fire of war spread fast and left no space for women's rights. While the dissenters were marginalized, the pro-government women enhanced and diversified their activities. Women had more opportunities to air their concerns once the war came to an end. However, the reactions to women at the dawn of the new era, even if it bore immediate fruit, compel us to revisit the question of the status of women. It is in such conditions that the role played by Iranian women intellectuals is foregrounded. Considered adoption of appropriate positions by intellectual women and their distance from hasty and emotional reactions allows them to evaluate the status of women carefully and through strategic thinking and avoid entanglement in passing events. Intellectual women, inside and outside the country, are aware of their circumstances and may have realized that although women participated in the revolution and entered the new era, they must avoid superficial and irrational reactions and drawing on wisdom and reason, find ways to exploit opportunities and alter the present conditions in favor of their legal ambitions to survive.

## General Characteristics of the New Era

The general characteristics of this era are organized into three topics:

### I. Defining “women's rights”

The clash of various approaches to women's civic and political rights has created crisis and chaos and it seems impossible to arrive at a comprehensive definition of the “emancipation of woman”. In other words, people present subjective definitions of women's rights which fail to procure the variegated desires of different women.

None of the leaders in present day Iran adopt a transparent anti-woman position since every one of them has been swayed by the activities of women in the new era. The main problem, however, is that each person defines women's rights from their own perspective: one group emphasizes the physical traits of women and links the procurement of their human rights to due consideration for these traits and calls for several restrictions and limitations. Another group highlights motherhood and opposes social equality between the sexes on the grounds that equality will undermine motherhood. Yet another group holds that the continued deprivation of women from

access to political positions is justified based on creed and shari'a. Still others, who are both loyal to religion and yet recognize the contemporary status of women seek to present new definitions of "women's rights" through the mechanism of dynamic jurisprudence (*fiqh-i pūyā*) to stay on the right side of history. This latter group have a difficult road ahead of them as it is not easy to demolish longstanding traditions and enter a new space. Moreover, the religiously committed efforts of this group do not accord with universal emancipatory concepts and the ensuing conflict of values fuels the crisis. Especially so as this latter point of view has yet to explain itself in cultural terms and in the form of widespread discussions of religious law, jurisprudence, and social issues to engage with opposing points of view.

Alongside these largely domestic positions, there are signs of a current of thought prevailing among the educated classes that continues to debate women's rights as they are articulated in Western societies. [p. 20/21] This current too has its visible and hidden constituencies and will undoubtedly influence discussions on women's rights in Iran.

As a clash of viewpoints has created chaos in identifying women's rights and since none of these viewpoints has emerged as hegemonic, women intellectuals play a critical role in bringing some order into the situation. If they become active in promoting those viewpoints and definitions which may be productive to women's lives alongside wider cultural activities and forge a cultural women's movement for presenting the shortcomings in their rights from a variety of angles, then they will provide the definitions themselves.

#### 1. Political presence of woman in "human rights"

As a universal concept, the rights of woman enjoy prominence in international norms. The Universal Declaration of Human Rights, international treaties, civic, political economic, social, and cultural rights related to it as well as dedicated declarations and conventions exemplify attention to the rights of woman, so that it is possible to claim that the political presence of woman in human rights documents is fully acknowledged.

International research show that women have lost rights that must be regained. Societies must banish customs and baseless convictions to legislate appropriate rights for women and procure their effective participation in the world community and respect the conventions and declarations to which they are signatory and reform the present conditions of women in line with international norms. That the rights of woman are confirmed in international human rights' documents provides a huge opportunity for Iranian women intellectuals to derive a coherent description of the rights of woman. Let's not forget that they can draw on human rights documents and on Iran's membership in the United Nations which implicitly commits the nation to the contents of those documents.

#### 2. Political rights of woman in domestic laws

We will first consider the political rights of women in domestic laws and then attend to the question of the political participation of women in practice.

## I. Political rights of women

One of the pillars of democracy is the participation of all [constituents] in determining the political destiny and managing the affairs of society and women are included in this community. Assessing the situation of women in our country in a comparative frame with international and domestic rights may be summarized as follows:

### A. International rights:

- i. On rights and political freedoms, Article 3 of the UN Convention on the Elimination of all Forms of Discrimination against Women adopted in 1979 declares: “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”
- ii. Articles 7 and 8 of the Convention asks states parties to adopt the following measures to eliminate discrimination against women in social and political affairs:
  1. The right to vote in all elections and all referendums and the right to be elected to all organizations founded by general elections.
  2. The right to participate in all political agendas set by the government and its implementation, assuming all jobs and all public and governmental positions at all levels.
  3. The right to participate in non-governmental organizations (parties) and attending to public and political affairs.
  4. The right to represent their government in all international positions and participate in the work of international organizations.

### B. Domestic rights

1. Rights and political freedoms
  - i. The political rights of women in domestic laws are as follows: public participation (men and women) in determining [p. 21/22] their political, economic, social, and cultural destinies (articles 3 and 18 of the constitution)
  - ii. The sovereignty of people (men and women) in determining their social destinies (article 56 of the constitution)
2. Electoral rights
  - i. Managing the affairs of the country based on public opinion (men and women) through elections and referendums (article 6 of the constitution and the rules governing referendums)
  - ii. The right to be elected (men and women) to the parliament and to membership in the local Islamic councils (articles 30 to 32 of

the law on parliamentary elections and article 24 of the law on forming Islamic councils)

### 3. Political Offices

- i. In accordance with the stipulations of jurisprudence (*fiqh*), only men are allowed to assume the office of leader of the revolution.
- ii. The president will be elected from among male (*rijāl*) political and religious leaders (article 115 of the constitution).

There is no gender condition attached to the laws governing other political offices, such as membership in the cabinet or holding provincial governorships. But women are effectively denied these political offices because the worldviews and personal preferences of some of the society's political elites are against it. The constitution too does not attach conditions to membership in the cabinet.

### C. Conclusions

In sum, in cases where domestic laws abide international standards, the compatibility is foregone in practice, with undeniable political fallout. Some members of the political elite follow their own proclivities and undermine the sovereignty of the law, which has adverse ramifications. Intellectual women should combat this social malady with rational methods. Women should on the one hand demand that the government implement the laws, and on the other, strive to dismantle the practical obstructions by fostering cultural and ideological change.

### 3. Obstacles on the path to legal equality

#### Cultural barriers:

The traditional worldview remains steadfastly opposed to the equality of men and women and has not distanced itself from false conceptions. This worldview that has witnessed the presence and widespread participation of women in the formative period of the revolution and in its institutionalization, while wary of the increased participation of women and adamant in segregation, is constantly plotting to drive women away from participation in political affairs. This obstacle which is found in all societies even in the last decades of the twentieth century, is also active in Iran to mitigate programs for the elimination of discrimination against women and for securing their right to meaningful participation in public administration.

#### Ideological barriers:

Religion which rests on divine revelation is at the level of practice, relegated to humans. In the divine dimension, that which belongs to the domain of obligations and compulsions are immune to change, but in the legal dimension, there is room for interpretation (*ijtihad*). This latter can accommodate social change and evolution.

## II. Women's political participation

### 1. Legislative Branch

- i. Assembly of Experts: According to Article 107 of the Constitution, the task of appointing the Leader shall be vested with experts elected by the people. The election law stipulates the number and necessary qualifications of the experts:
  - a. They should be known for their justice and piety, and
  - b. be qualified to practice interpretation (*ijtihād*) on some matters of jurisprudence.

As we see, there is no gender discrimination in the qualifications form membership in the Assembly of Experts. However, of the 73 members in the first Assembly elected in 1980, only one was female.

- ii. Parliament: There have been four rounds of elections to the Parliament (*Majlis-i shawrā-yi Islāmī*) since 1979; while women have participated in the elections, only a few have been elected. In three rounds, [p. 22/23] only four out of 270 representatives were women. In the fourth round, the number of female representatives increased to nine.
- iii. Women parliamentarians: There are two aspects to the activities of women in the parliament:
  - a. In promulgating pro-women legislation and forwarding proposals for legal projects in support of women's rights, the female parliamentarians were generally active and strove to sway the views of male representatives. For example, they have tried to revise study abroad regulations for university students that went into law in 1985, to allow single women PhD candidates in non-humanities fields to travel abroad alone if they are 28 years of age or older. This effort has not yet been successful. They have also tried to create a dedicated committee for women's affairs which also remains unachieved.

Women representatives were also active in legislative deliberations on family law, conducting themselves with patience and consideration. Despite their small numbers, then, women played a role in highlighting women-specific issues in matters of legislations.

- b. Women representatives did not play a significant role in deliberations on other matters of legislation.
- ### 2. Executive Branch
- i. High office: Women are generally absent from leadership positions. As mentioned before in the discussion on political rights, this is due to the term 'male political leaders' (*rijāl-i siyāsī*) as one of the qualifications for candidacy in the presidential elections that has hin-

dered the assignment of other high offices to women. The exception is the position of presidential advisor on women's issues that is restricted to women candidates, which clearly does not bear on the assignment of women to other high offices, and we should therefore accept that the share of women in high offices in the executive branch is null and negligible.

- ii. Mid-Ranking Office: There is only a faint trace of women in managerial positions.
  - iii. Administrative Office: Women have a significant presence in this sector and occupy a considerable percentage of such offices.
3. Judicial Branch
- i. High Managerial Positions: Women are generally absent from high managerial positions in the judicial branch. In addition to legal obstacles that may explain this absence, limitations stemming from the shari'a remain prevalent despite legal efforts to contravene them. Thus, women are not accepted for sensitive positions.
  - ii. Judgeships: Based on the Islamic Republic's position on the compatibility of laws with the shari'a, women are disallowed from serving as judges. Therefore, in Iranian law being male is one of the conditions for obtaining a judgeship, and women have not been permitted to issue judgements, although there a few strands of thought that allow it. Recently legislation has come to pass to allow women to serve as legislative consultants.
  - iii. Legal Services: Women have an extensive presence as lawyers and there are no legal prohibitions against women in this field. Clearly in some instances, the legal services of women are less in demand in the public sector as providing legal advice requires a certain amount of debate and deliberation in private spaces and since most managers are male, this type of proximity collides with prevailing custom.

#### 4. Media

The presence of media in politics is unavoidable, so the participation of women in media is significant to their political participation. For the most part, there are no legal or jurisprudential limitations on the participation of women in media. There is no gender discrimination in qualifications for serving as editor, writer, technical assistants, copyeditors, or other media positions, but in practice and compared with men, women play a considerably inferior role in the national media. In the critical matter [p. 23/24] of writing leads, article and participating in political debates the absence of women in the national media is noticeable. This absence which is in way due to legal and jurisprudential obstacles, undoubtedly speaks to the fact that women themselves have yet to rec-

ognize the importance of their formal presence in the branches and institutions of government and do not take full advantage of present opportunities.

5. Art and Literature

Women participate in the creative arts with much enthusiasm. Their literary output as poetry, fiction and translations which have a social core exemplifies the character of their participation. By creating works that evince a cultural role in their formal aspects, they engage extensively with the obstacles to growth of women while expressing their inner reactions that stem from gender discrimination.

6. Political Parties

The Islamic Republic imposes certain regulations on organization (article 26 of the constitution). Should they abide these two restrictions which are not gender biased, women like men may form political parties. As there are no political parties in Iran today, and permission to found one has yet to be granted, women like man lack party organization.

The existence of several associations and apolitical or quasi-political communities in which women are active implies that [formal,] legally recognized organization is effectively supplanted by [loosely defined] communities and associations.

7. War

As an event with intricate connections to politics, war is a measure for evaluating the presence and participation of women in political affairs. For example, the persistent activity of women in support roles during the Iran-Iraq War that lasted for eight years, speaks to the intellectual and political engagement of women. Especially since the regime's opponents denigrated any level of participation in the war effort with the same intensity that regime supporters encouraged all means of support for it. Both camps actively expressed their political views, but supporter women played a variety of roles not just in communities dedicated to supporting the war effort but also by dispatching their husbands and sons to the frontlines. In the aggregate, these activities enhanced the effective participation of women in the war and consequently in official policymaking. These women, therefore, [p. 24/25] see themselves as more entitled and question the dark spots in their rights. They are a raw political force that demands serious attention.

## Conclusions

Considering the form of female presence in the new era and its political consequences two basic conclusions may be drawn:

### 1. Women's rights in the limelight

The question of women's rights has evolved into a significant political matter and political leaders have realized that it deserves their attention. They grasp the sensitivity of the issue and know that they must address "the right of woman" in every possible way. In brief they say: "Women today have a sizeable presence in the higher political and cultural echelons of society, such as in the parliament, universities and managerial positions but from a statistical point of view, we have to express our disappointment because it [the presence] still has not reached a satisfactory level."

The government has faced several obstacles in drafting and implementing political programs compatible with prevailing social realities. This has motivated those in power to seek solutions in line with the demands of society. The founding of the Expediency Council (*Majma'-i Tashkhiṣ-i Maṣlaḥat-i Niẓām*) is one such example. The recent passing of several resolutions such as the 1992 law reforming divorce decrees testifies to this matter. Still, the process of revising and re-evaluating laws with an eye to securing the rights of woman has not begun in earnest.

On the other hand, official organizations in Iran today emphasize the centrality of women to attaining social and economic growth and underscore women's employment in mid-managerial positions in the executive branch. The creation of the Women's Affairs Bureau (*Daftar-i Umūr-i Zanān*) in the president's office and the formation of women's commissions in the provincial administrations and other such initiatives reflect this new mindset, the results of which have yet to make themselves felt.

### 2. Women's rights on the opposition's radar

The intervention and positionality of women in political affairs has been such that opponents of the Islamic Republic, inside and outside the country, devote considerable attention to publicizing discrimination against women and engage in vast propaganda efforts in this regard.

In sum, the concern demonstrated by supporters and detractors alike proves that over the course of the past tumultuous 15 years since the dawn of the new era, Iranian women have succeeded in convincing all concerned parties that without their support, successful governance will not be availed.



# 56 Morad Saghafi: *Religious New-thinking or Political Rethinking* (2000)

Translated and introduced by Neguin Yavari

## Introduction

Morad Saghafi (Murād Thaqafī, b. 1957),<sup>I</sup> editor of *Goft-o-gu* (“Dialogue,” 1993–2023), an influential Iranian quarterly journal dedicated to modern history and the social sciences, first studied electrical engineering in Switzerland and then political science in France. In the landscape of post-revolutionary Iranian periodicals, *Goft-o-gu* has distinguished itself by a palpable emphasis on publishing original research by Iranian intellectuals rather than translated articles by Western authors. In Saghafi’s own words, the journal aimed at fostering serious dialogue between secular and religious intellectuals.

A celebrated civil society activist, Saghafi has written on a variety of topics, including urban studies, social change, student movements and ideologies of reform. In his recent work, he has turned to the plight of street vendors in Iranian cities, whose numbers have grown exponentially with the gradual rise in poverty levels throughout the country. In a widely influential interview, Saghafi accused the government of pursuing a deliberate strategy of impoverishing the Iranian middle class in the hope of curbing dissent and undermining a growing movement for increased freedoms and political participation.<sup>II</sup>

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I On Saghafi’s biography see “Murād Thaqafī”, Wikipedia Farsi, last modified October 16, 2023, [https://fa.wikipedia.org/wiki/%D9%85%D8%B1%D8%A7%D8%AF\\_%D8%AB%D9%82%D9%81%DB%8C](https://fa.wikipedia.org/wiki/%D9%85%D8%B1%D8%A7%D8%AF_%D8%AB%D9%82%D9%81%DB%8C).

II Morad Saghafi and Kaveh Ehsani, “The Temptation of Democracy: A Conversation with Morad Saghafi,” *Middle East Report* 212 (Autumn 1999): 47–51, <https://doi.org/10.2307/3012916>; Morad Saghafi, “Why Iran Seems so Unpredictable,” delivered at a conference entitled “Iran after 25 Years of Revolution,” held at the Woodrow Wilson International Center for Scholars, 16–17 November 2004, <https://www.wilsoncenter.org/sites/default/files/media/documents/event/MoradSaghafiFinal.pdf>; Morad Saghafi, “The New Landscape of Iranian Politics,” *Middle East Report* 233 (Winter 2004), <https://merip.org/2004/12/the-new-landscape-of-iranian-politics/>; Firishtah Bihruzi Nik, “Faqīr shudan az miyl-i bih āzādī nimikāhad: guftugū-yi vīdiyūī bā Murād Thaqafī,” [Impoverishment Does not Diminish the Yearning for Freedom: Video Interview with Morad Saghafi], *Etamad Online*, July 5, 2020, <https://www.etemadonline.com/%D8%A8%D8%AE%D8%B4-%D8%A7%D9%82%D8%AA%D8%B5%D8%A7%D8%AF%DB%8C-22/392215-%D9%81%D9%82%DB%8C%D8%B1-%D8%B4%D8%AF%D9%86-%D8%A7%D8%B2-%D9%85%DB%8C%D9%84-%D8%A8%D9%87-%D8%A2%D8%B2%D8%A7%D8%AF%DB%8C-%D9%86%D9%85%DB%8C>.

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Despite close familial ties with prominent members of the ruling elite, he was arrested briefly in 2017 for a speech criticizing the mayor of Tehran and rampant corruption in the municipality.

In the article selected for translation in this volume, Saghafi offers a critique of religious reformist thought which has had an enormous influence on shaping Iran's political trajectory since the last decades of the nineteenth century. He traces the fortunes of religious reformism that peaked with the Islamic revolution of 1979 and dimmed ever since. Its main shortcoming, Saghafi argues, is its reticence to engage politically. Religious reformism has failed to create a political alternative, that is the infrastructure for a public religion that retains authenticity whilst accommodating social change. In many ways, Saghafi's piece may be read as a requiem for secularity.

## Bibliographical Information

Morad Saghafi, "Nawandīshī-i dīnī yā bāzandīshī-i siyāsī" [Religious New Thinking or Political Rethinking], *Goft-o-gu* 29 (Fall 2000): 7–17.

## Translation by Neguin Yavari

The reformist movement that emerged with the two Khurdād 1376/23 May 1997 elections has slowed down for several reasons. So much so that the worry now is that it either dies out completely or diminishes to the extent that it becomes insignificant. If the factors which have caused the slow down are segregated into indigenous and endogenous groups, and we consider the legal and illegal stumbling blocks created by its political opponents as external factors, in the interest of the truth we must also account for those shortcomings of the movement that are internal to it. Among the most significant and consequential of these internal shortcomings is the movement's inability to mobilize the full spectrum of any reformation's potentials. As a good number of the best-known figures of this movement are associated with religious new-thinking (*nawandīshī-i dīnī*)<sup>1</sup> and religious rethinking (*bāzandīshī-i dīnī*), discussing these impediments from the vantage point of the shortcomings of religious new-thinking may prove illuminating.

In the past decade, religious new thinking in Iran has concentrated on the theoretical aspects of religious studies (*dīn shināsi*), occupying itself with topics such as the nature of the human perception of religion and the connections between that understanding and current affairs, instead of engaging with topics such as the relation-

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<sup>1</sup> NY: The author himself has selected the neologism "new thinking" instead of reformism as the proper translation for "nawandāshī".

ship between religion and politics or legitimate rule. In truth, political debates that [p. 7/8] have claimed the mantle of new-thinking in the political sphere have been relegated to the margins, or lacking a conceptual basis, have been reflected in the appropriation of concepts such as civil society (*jāmi'a-i madanī*), democracy, and equality before the law by religio-political forces. In other words, and in contrast to other periods when religious reformists had begun their discussions in a [specific] political context, in the present era political issues have been subordinated. This when both during the Constitutional revolution (1905–11) and in the years from 1340/1961–1357/1979, the inspiration and objective of religious new-thinking was political.

Of course, in the recent past this aspect of the problem has not been ignored completely, rather it was engaged with directly in subjects such as 'democratic religious rule'<sup>1</sup> and indirectly in subjects such as 'tolerance and regulating (*mudārā wa mudiriyyat*) believers.'<sup>2</sup> But the outcome of this discussion – which of course was still a far distance from democratic thought<sup>3</sup> – was not clear enough to be put to pragmatic use, nor was it extensive enough to provide a clear blueprint for its advocates to engage with those who professed other ideas and beliefs. The debate on religious democratic rule ended up with a description of the origin of legitimate religious rule and its responsibilities to the citizenry as follows:

Religious is that which originates from the non-religious rights or non-governmental responsibilities of pious people, for the management and critique of power, and its responsibility is first to secure the basics needs of the people according to rational and tested (*tajrubi*, lit. experiential) means so that they may be free of material wants and gain the luxury to attend to values and spiritual needs, including free and unfettered belief and secondly to maintain the public sphere (*ṣaḥnah-i jāmi'a*) as a domain for religious proselytization and freedom of belief.<sup>4</sup>

This description which if we move beyond its last explanatory sentences, is both unclear and faulty as it addresses only the right and responsibilities (*ḥaqq wa taklīf*) of pious people and therefore does not address the problem of the interaction of religious newthinkers with other groups in society except to erase the question altogether.

Of course, one must admit that in the encounter with religious requisites, currents inspired by religious new thinking have moved beyond this view, at least insofar as political slogans are concerned. For example, the Participation Front (Ḥizb-i

1 [note 1 in the original] 'Abd al-Karīm Surūsh, "Ḥukumat dimukrātīk-i dīnī," [Democratic Religious Rule] *Kiyān* 11 (1993), 12–15.

2 [note 2 in the original] 'Abd al-Karīm Surūsh, "Mudārā wa mudiriyyat-i mūminān: sukhanī dar nisbat-i dīn wa dimūkrāsī," [Tolerance and Regulating Believers: On the Relationship between Religion and Democracy] *Kiyān* 21 (1994), 2–14.

3 [note 3 in the original] Bizhan Ḥikmat, "Mardum sālāri wa dīn sālāri: pīrāmūn-i mubāhithah darbāra-i ḥukumat-i demokrātīk-i dīnī," [Popular Sovereignty and Religious Sovereignty: Debating Democratic Religious Rule] *Kiyān* 21 (1994), 16–23.

4 [note 4 in the original] 'Abd al-Karīm Surūsh, "Taḥlīl-i mafhūm-i ḥukūmat-i dīnī," [On the Concept of Religious Governance] *Kiyān* 32 (1996), 13.

Mushārikat)'s "Iran for all Iranians" has encouraged the possibility or hope that a section of the political forces in the country aim to procure equality before the law for all Iranians. Promulgating this slogan also indicates that the legitimacy of a government stems not just from the rights and responsibilities of the pious, but from the will of the population at large. [p. 8/9]

Alongside these far-ranging matters, unfortunately, various aspects of the relationship between 'religious new thinking' and other institutions of civil society remain in the dark. Had religious newthinkers defined themselves only as a cultural current, it would be possible to overlook questions regarding institutionalization, organization, or social and political relations. But we well know that religious new thinking has a claim much wider than this and is a political contender. With such a claim it is impossible to circumvent subjects such as institutionalization and organization. More so since it is becoming increasingly clear that the organizational aspect is the Achilles heel of the reformist movement. It may have been possible – had the reformists not come onto power in the election four years ago – to cling on to the optimistic position that tolerance vis-à-vis divergent viewpoints in society is sufficient to foster solidarity and mobilization for the attainment of democratic objectives. Now after four years of reformist rule, it has become clear that political objectives will not be furthered in the absence of transparent positionality and clarity of practice. Propagating tolerance or moderation with one's ideological foes is a positive thing, but it does not lead to equality before the law.

If we look closer, the problems with religious new thinking are even more far ranging. Religious newthinkers have not only claimed a stake in the political arena but also in the religious one, and even in this latter sphere, [p. 9/10] the organizational aspect has been neglected. There has been some discussion on an autonomous clergy,<sup>5</sup> but it can be confidently claimed that they have not yet articulated a robust set of problems, let alone a solution to those problems. In fact, the question of religious organization touches on the issue of legitimacy and power and relations between religious leaders and the people, as well as the critical issue of relations between the group and other social, governmental and state institutions and organizations; all issues concerned with power, and in addition, a fundamental factor in demarcating the scope of the group's intervention in fostering social organization (*sāzmāndahī-i ijtimā'ī*) and therefore principally a part of the political sphere.

As we shall see in this brief survey, religious new thinking in contemporary Iran is involved with politics, both in terms of its [the movement's] original impetus and the objectives that it has set for itself. On that basis, that a major component of this subject, namely institutionalization and organization building has been neglected raises serious concerns. The objective of this essay is to shed light on aspects of this

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5 [note 5 in the original] 'Abd al-Karīm Surūsh, "Ḥurriyyat wa ruḥāniyyat," [Autonomy and the Clergy] *Kiyān* 24 (1995), 2–11.

debate and to highlight its significance. Its conclusions show that transparency and forcing the hand of all involved players that results from prioritizing the pragmatic aspect over the theoretical one is a principal obstacle to a serious engagement with it (institutionalization and organization building).

In truth, discussions arising from religious new thinking have been marred with vagueness and ambivalence, especially in recent years. Whether this vagueness is a consequence of prioritizing the descriptive (*wajh-i naqlī*) over the theoretical plane (*wajh-i 'aqlī*),<sup>11</sup> or stemming from an unwillingness to confront fellow practitioners of religious new-thinking is of little concern to the analysis at hand. In other words, in spite of the fact that the history of new-thinking and rethinking is marred by hostility to newthinkers and rethinkers and one of the strategies for circumventing that hostility has been to produce veiled narratives clouded in jargon, this does not obviate the duty of these newthinkers to engage with political matters, especially with the subject of this essay, that is the problem of institutionalization and organization building, and to do so in a transparent and clear manner so that their viewpoints may be subjected to critique. For transparency is among the requisites of the political sphere. In the realms of politics and organizations, the practical angle is a priority, and because of this politics – or at least democratic politics – cannot tolerate vagueness and opacity. Thus, fostering the democratic political foundation of a nation requires [p. 10/11] such frankness and transparency – the current absence is one of the reasons why the reform movement has lost speed and will weaken further should this trend continue.

The focus of this essay is to point out that reducing religion to an individual (*farḍī*) matter –and not necessarily to a private (*khuṣūṣī*) one – is a consequence, deliberate or unintended, of the theoretical efforts of religious newthinkers in recent years. Whether this individualization results from an acceptance of religious pluralism or the result of the acceptance of several paths to salvation<sup>6</sup> or the result of allowing for different interpretations of religion, is of little relevance to the crux of the matter, which is the individualization of piety. However, and in spite of the acceptance of individualization, religious newthinkers insist on presenting the discourse on religious new thinking as a holistic entity that can function as a basis for collective action. An example of this type of instrumentalization of new thinking is observed in the recent parliamentary elections, in which one political bloc called its party list the “Religious Newthinkers’ List.” We witnessed the adverse consequences of this contradictory claim that undermined the reformist political movement, of which new-

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<sup>11</sup> NY: In premodern classification schemes, knowledge is divided into the traditional sciences (*‘ulūm-i naqlī*) and the intellectual/rational sciences (*‘ulūm-i ‘aqlī*).

<sup>6</sup> [note 6 in the original] ‘Abd al-Karīm Surūsh, “Şirāt-hāyi mustaqīm: sukhanī dar plūrālizm-i dīnī, muthbat wa manfī,” [Paths of Righteousness: On the Pros and Cons of Religious Pluralism] *Kiyān* 36 (1997), 2–16.

thinkers are an important component, in two ways: firstly, by undercutting ties between this group and other democratic programs, viewpoints, individuals and institutions; and secondly, by obfuscating ties between this group and traditional religious formations such as sources of emulation,<sup>III</sup> and failing to clarify the scope of public expectations from each one of them. Thus, the behaviour of this group remains vague, both regarding its ties with the guardians of religious tradition such as clerics and sources of emulation that may disappoint some of their followers, as well as its ties with intellectuals<sup>IV</sup> and other reformist currents.

We do not know much about the reactions of the first group, that is the guardians of religious tradition, to this equivocal stance, and as many of them disfavour intervention in political matters, it is unlikely that the opacity is politically significant, at least not in the short term. Insofar as the second group is concerned, however, equivocation has harmed the reformist movement and continues to do so.

To understand how such a contradiction, that is a clear contradiction between confirming and propagating individualization in religiosity on the one hand and resorting to this conviction as an identity marker for a collective on the other, may harm the reform movement, it is only necessary to consider the visuals of such [p. 11/12] a double-sided stance to an outsider. The viewer sees a community that struggles to define its identity by resorting to a criterion that itself is emphatically autarchic, and thus left with two options: either that the community is not a true community, or that the true yardstick of ingroup status lies elsewhere. As the active presence of religious newthinkers is beyond question, only the second option remains viable, namely, that the community is defined by markers other than new thinking. It cannot be an affinity for the reform movement or a predilection for democracy, for otherwise, the community would include other religious non-newthinkers (*ghayr-i nawandīshān-i dīnī*) who favor democracy and reformism. Thus, it is the criteria that is different. The same logic applies to those concerned with piety or the purification of religion, as they are not simply religious matters or limited the pious. Concerns such as balanced growth, the necessary participation of piety-minded groups in the establishment and fostering of democracy, fostering individual and public ethics, and a host of other non-religious (*ghayr-i dīnī*) factors may be corralled to convince any person, subscribed to any ideological proclivity of the necessity of embellishing religion and respect for its boundaries in a society.

What then is the true criterion for the collective of “religious newthinkers” as a political community? Among the readiest explanations is their common history. Whether that shared past derives from collective experiences gained when they collaborated with journals such as *Kayhān-i Farhangī* or *Kiyān*, or time spent together in the military

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III NY: *Marāji-i taqlīd* or sources of emulation, a Shi'i religious office granted to prominent religious leaders who enjoy a substantial following among the populace and are recognized masters of the field by their peers.

IV NY: Saghafi is referring to secular intellectuals.

or other organs of state bureaucracy, or in opposition movements before the revolution, is of little consequence, as their group solidarity appears to be based on experience itself. To date, the group has not offered a different measure of their collective identity, and this omission, which has led to the stubborn persistence of a regime of strict ingroup/outgroup (*khūdi/ghayr-i khūdi*) divides, has cast a dark shadow over reformist initiatives, and especially undermined efforts by religious newthinkers to achieve their declared democratic objectives. Inasmuch as an outside observer may concede that minimizing the vulnerability of a reformist movement depends on strict group demarcations, [s]he will be loath to consent that extensive social intervention remains the exclusive domain of the same formations that were active on this front before the 1997 elections. In practice, not only has there been little change in the prospects for social and political activity among those in the outgroup, [p. 12/13] but there is no sign of inclusivity in any [of their] political appointments or policy choices, and politicking aside, it is the outgroups that have paid most dearly for reformist political activity. The “chain murders,”<sup>V</sup> the calamitous “incident of University Avenue,”<sup>VI</sup> the pressure exerted on several members of “Daftar-i Taḥkīm-i Vaḥdat,”<sup>VII</sup> and . . . are blatant examples of the toll exacted on reformist outgroups. It is unsurprising to find the opponents of reformism as the staunchest advocates of this ingroup/outgroup divide and heavily invested in deepening the chasm. It is equally unsurprising that the same political foes persist in the unequal spread of retribution for reformist activity, inflicted as psychological pressure to sharpen old divides and foster more rifts. Finally, it is equally clear that the utmost must be done to prevent such fragmentation in society. However, is it possible to limit oneself to an endless repetition of slogans such as “Iran for all Iranians?” Unfortunately, legal inequality is a longstanding facet of Iranian society and impervious to such utterances. In truth, slogans, and empty promises themselves exacerbate the situation. It is as if the mere repetition of the slogan further exposes the ubiquitous iniquities. It is therefore logical to demand a swift resolution of such injustice, but no respite is within sight. Everyone acknowledges the strict limitations on the government’s power, the

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V NY: Chain murders refer to the murder –in Iran and abroad – of a swath of intellectuals and dissidents that began in the late 1980s and did not come to an end until 1998, when between late summer and fall, six dissidents and intellectuals were killed in suspicious circumstances. The ensuing public outrage emboldened the reformist government of Muhammad Khatami to point the finger at the Ministry of Intelligence, which laid the blame on a group of rogue undercover intelligence agents.

VI NY: In July 1999, student protests in the dormitories at the University of Tehran turned violent when the security forces entered the compound and shot live rounds at the students. The political fallout from that incident was considerable.

VII NY: Daftar-i Taḥkīm-i Vaḥdat (Office for Strengthening Unity), an Islamist student organization founded in 1979 as a counterweight against the numerous leftist student organizations that dominated political life in universities across Iran. Two decades later, the office was a staunch defender of reformist politics, although it was later co-opted by hardliners in government. <https://irandataportal.syr.edu/wp-content/uploads/dtvprofile.pdf>.

weaknesses of the legislative branch and other problems, but is it impossible to take some form of action, even if merely tokenistic, to redress the imbalance and rekindle the promise of Iran for all Iranians?

In the face of such claims the only possible response is that the “ingroup/outgroup” logic remains pervasive, and a shared history persists as its sole marker [of reformism]. Thus, on occasions when subaltern reformist groups are given a voice and allowed to express their views freely, they begin their critique of ingroup favouritism by reciting the history and biography of those players at the forefront of reformist politics. And they wonder why it is that the emphasis remains on the past rather than the present political situation. The truth is that the past has not yet passed. The tangible reality of the political present is palpable only in terms of such histories. The transition may have expired already in discourse and in the articulation of demands, but its consequences have yet to reach the domain of practical politics. A time lag between [p. 13/14] discourse and politics is to a certain extent, customary and expected. Action and politics are largely dependent on social and political experience, and unlike views and opinions cannot grow to fruition in an individual space. Yet, this does not mean that the process cannot or should not be accelerated, for it will neither happen on its own nor will it have the expected outcome. The political public today embraces reform and is conducive to pursuing its demands in this channel. But reform-mindedness is not an eternal state, and likewise, political demands are subject to change. Society’s current state of mind and the nature of its demands for augmented social and individual freedoms, disavowing monopolization and curtailing injustice in a broad sense have inclined it to centrist discourse. Thus, society is directing its demands to centrist currents; consequently, theirs is a greater responsibility. And greater still is the responsibility of those currents and groups allowed to participate in political life. Undoubtedly, most of these currents and forces are the product of religious new-thinking, and that is why the shortcomings of this school of thought in the realm of politics – mentioned at the outset – have led directly to a weakening of the movement. Two factors account for this deficiency. First is concern for increasing the cost of reforms and in the second instance, a false tally of those forces that must be mobilized to ensure the success of the reformist movement.

A cursory glance at the political catalysts of religious newthinkers over the course of the past century reveals that those players who have stepped into the political arena from the mantle of religiosity have consistently relied on allies to avail their goals. In the constitutional period an alliance was formed between pious constitutionalists (*dīndārān-i mashrūṭah-khwāh*) and intellectual<sup>VIII</sup> constitutionalists, in the struggle for oil nationalization between nationalist clerics and nationalist politicians, and in the revolution of February 1979 between pious revolutionaries and other revolutionaries. Throughout these junctures the alliance of social forces –

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VIII NY: Again, Saghafi is referring to secular intellectuals.



whether hegemonic or subordinate – that generated successful mobilization comprised both religious newthinkers and secular forces. And this is so primarily because constitutionalism, nationalism and revolution are concepts outside the traditional domain of religion, and it is their propagation and spread by political forces, and subsequent appropriation by religious forces that has enabled them to emerge as political alternatives. [p. 14/15] This extremely outlier position goes a long way in explaining why at every point – the religious arm of these alliances is populated by “religious newthinkers” or “religious reformists.” However, it is also clear that because secular concepts dominate in the arena of political mobilization, this mobilization has never been without the presence, and perhaps even hegemony of secular forces. A precise understanding of the role of each of these forces in different historical junctures, as well as a thorough explanation of their respective hegemony or subordination is beyond the scope of this paper. However, it should suffice to point out that although the sociology of social time, dominant currents among intellectuals, and expressed as well as non-articulated demands of society may all be marshalled to explain the role and apportion the share of various currents in different periods, it does not detract from the basic fact that not a single political movement in modern Iranian history has aspired to its objectives without input – theoretical and practical – from secular forces. That is, unless we resort to vacuous and tired narratives of modern Iranian political history and write, as example that “it is evident to all that the Islamic revolution in Iran is availed by none other than the unity, solidarity and alliance of religious intellectuals [p. 15/16] with the clergy . . .”<sup>7</sup> and with one stroke of the pen reduce all of the country’s major political movements to the history of the past two decades and with the same haste erase all secular forces from the history of the 1979 revolution. Should we allow instead that accurate historical accounts govern our analysis of the current proclivity to monopolization that plagues all political currents in Iran, it will become clear that historical truth, the country’s present sociological context, as well as concepts that triumphantly attracted the public to the Reformist platform and established national elections as the legitimate means for effecting political change, all point to increasing inclusivity and expanding the political horizon as the most pressing political concern of our time.

On closer consideration, concepts such as democracy, civil society, legal equality of citizens and the generation of legitimacy through the popular vote are all exogenous to the religious domain and have been introduced into cultural, social, and political debates by secular forces and only subsequently found favour with a sector of the religious forces, namely the newthinkers. However, there is no notable effort by that movement to facilitate the participation of secular forces in tandem with these changes and transformations, and the Reformists bring a variety of excuses to persist in the “in-group/outgroup” paradigm. We are aware that the outcome of the elections of 23 May

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7 [note 7 in the original] Mashallah Shams Al-Wā'izīn, “Rawshanfirkī-i dīnī wa jumhūrī-i sivvum,” [Religious New-thinking and the Third Republic] *Kiyān* 37 (1997), 2.

would have been different had it not been for the presence of a significant sector of the population that had long shunned any participation in the political process. But this participation cannot persist today, that is four years after the beginning of the Reformist movement, and a clear program for the official participation of the secular forces is a necessity.

The truth is that today, like other eras in the modern history of Iran, and perhaps more so than in other times, none of the political and intellectual formations in society can shoulder the burden of dictatorship or establish democracy singlehandedly. The reason for this is the emergence of public demand on the one hand, and the political withering of society on the other. Social political groups are treading along a slippery slope, which will result in a quick reversal of their standing in society, so that rather than regarding them as saviours, the public will demand their expulsion from the political stage. Such a reversal is seen by comparing the fate of the triumphant representatives who owned the fourth parliament<sup>IX</sup> and thoroughly shamed, were compelled to leave the stage when elections for the sixth parliament<sup>X</sup> took place. Today the Reformist movement is straddling the same slippery slope and if it fails to revise its policies and strategies to incorporate all reformist groups it stands a good chance of [p. 16/17] failing. Those reformist groups permitted to engage in political activity need to demonstrate tangibly that their yardstick is the current situation and to seek political alliances and affiliations not just based on history and a shared past, but rather on account of current objectives and social tendencies. In this manner and only in this manner will a social space emerge that is conducive to reform. Reformist political forces need to understand that the same history that they uphold as the criteria for proximity and affinity is remembered by other reformist forces as a harsh reality, [an instance of] exclusion and marginalization.

Furthermore, only after such efforts it will become possible to shift the debate from the legal (*ḥuqūqī*) to the social (*ḥaqīqī*) plane and put an end to another debate that has also weakened the reformist movement in the past year. With the slowing down of the pace of reform in that period, a significant rift has appeared in the movement, both among reformists active on the political scene and those who do not enjoy the same privilege. One group believes that reform projects are impossible without a structural transformation in the country's legal system, while another hold that reform is not just possible, but preferable in the absence of more fundamental change, as it will minimize chaos, which itself has the potential of serving as a pretext for anti-reformist and anti-democratic forces to intervene in the political domain. Adopting a stance that avails the coexistence of all reformist forces will lead to a distancing of the debate from the legal realm and thereby, if not completely erase then at least significantly shrink the rift.

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IX NY: The fourth parliament was in session from May 1992–1996.

X NY: The sixth parliament was in session from May 2000–2004.

# 57 ‘Abdolkarim Soroush: *Reason, Freedom, & Democracy in Islam* (2000)

Introduced by Neguin Yavari

## Introduction

Islamist critique of secular despotic regimes that had replaced the colonial order in the Islamic world burgeoned in the 1960s and the 1970s, especially among the professional classes, scientists, engineers, and lawyers. Among them was ‘Abdolkarim Soroush (b. 1945). He studied pharmacology at the University of Tehran, followed by a yearlong stint on a postgraduate course on analytical chemistry at the University of London, and then turned to philosophy and history of science at Chelsea College of Science and Technology, now part of King’s College London. He returned to Iran after the revolution and began his career as a public intellectual and university professor.

It was as a counterweight to the robust philosophical bases of various leftist thinkers that Soroush – armed with the teachings of Karl Popper (d. 1994) and Willard V. O. Quine (d. 2000) – garnered attention among Iran’s religious establishment. He worked for a few years with the High Council of the Cultural Revolution (*Shawrā-yi ‘ālī-i inqilab-i farhangī*), launched in 1980 to purge Iran’s universities – already home to brewing dissent – from non-Islamic influences. Disillusioned by the political direction of the country’s ruling elite, he founded the monthly journal *Kiyān* in the early 1990s,<sup>I</sup> that dominated Iran’s public airwaves until it was shut down by the government in 1998. Apart from political critique, *Kiyān* promoted innovative religious thinking, with frequent articles on the compatibility of religion and science, philosophy of religion, and modern hermeneutics among others. He has lived in exile since the early noughties.

Soroush acknowledges a variety of intellectual influences, including the cleric Murtaẓā Muṭahharī (d. 1979), Mehdi Bāzargān (d. 1995), and ‘Ali Shari’ati (d. 1977).<sup>II</sup> In his own words, his hope is to bring forth a new theology that subordinates law (*fiqh*) to ethics and reason to revelation and separates religious knowledge, conjectural by definition, from religion.<sup>III</sup> To Soroush, a ‘minimalist’ Islam may be compatible with democratic rule, but like Ali Shari’ati, he opposes any ideologization of religion that

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I For back issues see <http://ensani.ir/fa/article/journal-number/5916/%DA%A9%DB%8C%D8%A7%D9%86-1370-%D8%B4%D9%85%D8%A7%D8%B1%D9%87-1>.

II Behrooz Ghamari-Tabrizi, “Contentious Public Religion: Two Conceptions of Islam in Revolutionary Iran, ‘Ali Shari’ati and Abdolkarim Soroush,” *International Sociology* 19, no. 4 (2004): 504–23.

III Forough Jahanbakhsh, *Islam, Democracy and Religious Modernism in Iran (1953–2000): From Bazargan to Soroush* (Leiden: Brill, 2001); and Behrooz Ghamari-Tabrizi, *Islam and Dissent in Post-Revolutionary Iran: Abdolkarim Soroush and the Religious Foundations of Political Reform* (London: I. B. Tauris, 2008).

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Neguin Yavari, Columbia University

reduces it to a singular interpretation (text no. 53). A prolific writer, he has authored over a dozen monographs and numerous articles and is best known for his “Theory of the Contraction and Expansion of Religious Interpretation,” explained below.<sup>IV</sup>

The translation excerpted below was prepared in collaboration with the author himself. Educated in England, Soroush is well familiar with the nuances of academic English. I have therefore refrained from modifying the translation or the annotations.

## Bibliographical Information

'Abdolkarim Soroush, *Reason, Freedom, & Democracy in Islam: Essential Writings of 'Abdolkarim Soroush*, tr. & ed. Mahmoud Sadri and Ahmad Sadri (New York: Oxford University Press, 2000); 26–34.

## Translation adopted from Mahmoud Sadri and Ahmad Sadri

### Islamic Revival and Reform: Theological Approaches

[Islam] demands loyalty to God, not to thrones . . . The ultimate spiritual basis of all life, as conceived by Islam is eternal and reveals itself in variety and change. A society. Based on such a conception of Reality must reconcile, in its life, the categories of permanence and change.<sup>1</sup>

'Allameh Mohammad Iqbal Lahori

Discourse on religious revival is neither a [heretical] innovation nor a novelty;<sup>2</sup> nor is it an exclusive aspect of the Islamic outreach mission (*da'wah*). The idea of a religious reformation has a long history. Still, there is an obvious difference between the reformers of yesterday and those of today.

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IV For a complete list see <http://drsoroush.com/en/bibliography/>.

1 [editorial note 1 in the original] 'Allameh Mohammad Iqbal Lahori, *The Reconstruction of Religious Thought*, ed. and ann. M. Sa'eed Sheikh (Lahore: Iqbal Academy and Institute of Islamic Culture Press, 1989), 117.

2 [editorial note 2 in the original] The two terms (*bed'at and badi'*) are cognates. This text is particularly rich in such arrangement and allusions. It is noteworthy that Iranian philosophical discourse is traditionally steeped in such stylistically ornate forms. The translators have taken pains to preserve and convey the poetic and syntactic flavor of the text wherever possible. (Ed.).

## Revivalists of the Past: Al-Ghazali, Feiz Kashani, Rumi, Shabestari, Amoli, Dehlavi

The sages and revivalists of the past, who were painfully aware of the necessity of religious reform and sickened by the persistent obscurity and neglect of the essence of religion, dedicated themselves to the task of pruning the superfluities, tearing asunder the veils, disclosing the superstitions, erasing the heresies, exposing the religion-mongers, and in short, wiping the dust and dirt off the face of religiosity; thus they were determined to reveal and reintroduce the true essence of religion.

Such religious scholars and sages as al-Ghazali and Feiz Kashani darkly wondered why religion-mongers had come to such preening prominence, leading the uneducated masses to believe that in the storefront of religiosity there is no commodity save sermons, edicts (fatwas), and theology (kalam). They also wondered why the outward appearance [rituals and laws] of religion (shari'a) has left so little room for its true inner substance and essence; why religious legalism (*fiqh*) is so unkind to religious ethics; why the centre and the circumference of religiosity have traded places; and why not even one tenth of the enthusiasm lavished on religious law and rhetoric is devoted to spirituality (*irfān*) and ethics. The revivalism of these earlier sages strives to distinguish essence from appearance and root from branch so that each can take its rightful place. Jalal al-Din Rumi,<sup>3</sup> Sheikh Mahmoud Shabestari, Sayyed Heidar Amoli, and host of other sages who spoke of the shari'ah (rituals and laws, *ṭariqah* [the true path], and *ḥaqīqah* [the inner dimension])<sup>4</sup> of religion were, undoubtedly, treading on this domain. They did not countenance the eclipse of truth [sic] of religion behind a parade of rituals, nor did they appreciate a religion restricted to the strictures of appearance. Although they absolved, and even deemed meritorious, the laymen's fascination with the outward facets of religion, they did not regard such congregants as the most suitable subjects or bearers of the divine revelation. And even though they discouraged the chosen few from revealing the mystery of *ḥaqīqa* (the inner dimension), they desired religion precisely because of such wondrous and inexpressible mysteries. They considered the dominion of the devotees of shallow appearances and the peddlers of facile superficialities a great injustice to the precious essence of religion and were conscientiously and enthusiastically devoted to the preservation and revival of true religion.

Those jurisconsults and sages believed that hidden in the shell of religion laws and rituals (shari'a) lies an eternal and priceless pearl that is impervious to change and decline. This precious gem should be snatched from the palms of demagogues and polished.

<sup>3</sup> [editorial note 3 in the original] Molana Mohammad Jalal al-Din Rumi is popularly known in Iran as Molavi and in the West as Rumi. (Ed.).

<sup>4</sup> [note 4 in the original] In esoteric thought, shari'at, tariqat, and haqiqat are considered progressive stages of realization in religion.

## Revivalists of Today: Sayyed Jamal Asad Abadi, Mohammad Iqbal Lahori, Mohammad Abdoh ('Abduh), Rashid Reza (Riḍā), 'Ali Shari'ati, Ruhollah Khomeini, Morteza Motahhari

The revivalists of our age confront a greater challenge: reconciling, to paraphrase Iqbal,<sup>5</sup> eternity and temporality. In the course of the past few centuries, colossal contractions and expansion have so affected the life and beliefs of humankind that even a simple understanding of the term "eternity" is difficult. Understanding and preserving the eternal message of religion in the course of such an invasive torrent of change and renewal constitutes the core of the struggles and sacrifices of the reformers of our time. The endeavors of the previous reformers were dedicated to the task of rescuing religion from the clutches of the unenlightened and the peddlers of religion. But the efforts of our contemporaries are devoted to the safe conduct of religion through the perilous path of the temporal world and to bestowing a proper meaning and relevance upon it in an increasingly turbulent secular world.

Utter submission to change and renewal leaves no permanence and thus no religion worthy of the name; while insistence on permanence, and obstinate resistance to change, will render religious life in the contemporary world impossible. Therefore, reconciling the two is the great challenge of benevolent theologians of today. Ever since the Renaissance, Europe has followed the former path, and some Moslem thinkers have taken the latter. Both roads have led to the same end: The waning of religion. [. . .]

Sayyid Jamal strove to awaken Moslems, and his disciples Mohammad Abdoh and Rashid Reza attempted to revive the Qur'an. Before them the enlightened and erudite Sufi, Shah Waliullah Dehlawi, in his *Hojjatollah al-Balaqeh*,<sup>1</sup> called attention to the difference between the Prophet's governmental ruling (which were appropriate for the Arabi of fifteen hundred years ago and therefore inapplicable to other times and places and the religion's eternal rules . . .

Both Iqbal and Shari'ati<sup>6</sup> realized that legal and jurisprudential (*fiqhi*) problems are part of the predicament of contemporary Moslems. For instance, one cannot stand by and witness an oppressed woman from the Punjab, deprived of the right of reli-

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I NY: Shāh Walī Allāh Dihlawī (d. 1762) authored *Hujjat Allāh al-bāliḡha* [*The Conclusive Proof of God*], see J. M. S. Baljon, *Religion and Thought of Shāh Walī Allāh Dihlawī, 1703–1762* (Leiden: Brill, 1986).

5 [note 5 in the original] Mohammad Iqbal Lahori, philosopher and religious reformer, is considered to be one of the most influential Moslem thinkers of the Indian subcontinent and one of the two founding fathers of the Republic of Pakistan.

6 [note 11 in the original] 'Ali Shari'ati, a controversial, prolific, and highly influential Islamic modernist, and a sociologist by training, lectured in Mashhad and Tehran during the 1960s and 1970s.

gious divorce in order to escape a tyrannical husband, appeal to the law of apostasy.<sup>7</sup> However, neither thinker found the solution of such dilemmas in the institution of traditional jurisprudence and the agency of religious jurisconsults.

Shari'ati generally considered religion a cultural repository and called for a distillation and utilization of this resource. His main goal in distilling religious culture, though, was to preserve the conditions that empower the religion. Shari'ati was highly influenced by socialism's call for social justice and was thus troubled by the hegemony of the trilateral alliance of "force, fortune, and fraud" (*zoor-o-zar-tazvir*) over the Islamic society. He had a sociological appreciation of the interpenetration of form and substance, religious culture and ethnic culture. He, therefore, encouraged Moslems to ideologize religion and liberate it from the grips of stultifying and falsifying culture. He advocated a restoration of the spirit of religion and a reform of its appearance. Finally, he cautioned against loss of identity and cultural retardation.

Iqbal Lahori, Shari'ati's perspicacious mentor, an ardent admirer of such great sages of the past as Rumi, was profoundly indignant about the dominance of the Greek spirit over the religious scholars' thought. He courageously declared the deliverance of religion from the hegemony of this spiritual contortion as the condition of the revival of religious thought. Iqbal attempted to revive and reconstruct the religious philosophy of Islam through a synthesis of the Islamic philosophical tradition and modern philosophy. Although he believed in the ascendant and dynamic nature of Islamic thought, he considered religious thought thoroughly compatible with the principles of constancy and stability. Indeed, he considered a certain synthesis of the above as a feasible prospect in the new age. Iqbal labored on a theoretical scheme that would help actualize this idea.

## The Contribution of the Theory of the Contraction and Expansion of Religious Interpretation to the Islamic Reform and Revival

Reconciling eternity and temporality, the sacred and the profane; separating constant and variant, form and substance; reviving innovative adjudication in religion; finding courageous jurisconsults; reinvigorating religious jurisprudence; changing the appearance while preserving the spirit of religion; acquainting Islam with the contemporary age; establish the new Islamic theology: these have goals of the religious revivalists, but they require an epistemological theory that is absent from the revivalist literature. The theory of the contraction and expansion of religious interpretation humbly proposes such a theory. The missing link in the endeavors of the revivalist and reformers of the

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7 [editorial note 12 in the original] *The Idea of Religious Revival in Islam*. The idea is that if a man refuses to divorce his wife, according to the canon, her only resort would be to renounce the faith, become an apostate, and thus be automatically divorced from her erstwhile husband. She can return to the faith afterward, of course. (Ed.).

past is the distinction between religion and religious knowledge. They failed to recognize religious knowledge as a variety of human knowledge. This neglect caused significant inconsistencies in their judgments and allowed the desired solution to slip through their fingers.

Everywhere they turned they were haunted by agonizing questions: What is your claim and goal anyway? What is the “defect” in religion that you propose to repair? What error or ailment has befallen it that has provoked this empathy and reformist zeal? What essential subject has escaped the Prophet’s mind, what good or evil has the religion left out that now demands your help in explication or teasing out? And, anyway, if religion really does harbor such flaws and faults, why are you still committed to it? Why don’t you wash your hands of it? [. . .]

The truth is that as long as one has not distinguished between religion and people’s understanding of it, one will be incapable of finding an adequate answer to these intriguing questions. Yes, it is true that sacred scriptures are (in the judgment of followers) flawless; however, it is just as true that human being’s understanding of religion is flawed. Religion is sacred and heavenly, but the understanding of religion is human and earthly. That which remains constant is religion (*din*); that which undergoes change is religious knowledge and insight (*ma’refat-e dini*). Religion has not faltered in articulating its objectives and its explanations of good and evil; the defect is in human being’s understanding of religion’s intents. Religion is in no need of reconstruction and complete. Religious knowledge and insight that is human and incomplete, however, is in constant need of reconstruction. Religion is free from cultures and unblemished by the artifacts of human minds, but religious knowledge is, without a shadow of a doubt, subject to such influences. Revivalists are not lawgivers (*shari’an, shāri’ān*) but exegetes (*sharihan, shāriḥān*). Although religion has no defect or flaw, defects abound in exegeses. The prophet is guilty neither of reticence nor of neglect in his task as the messenger of divine revelation; it is the human mind that is affected by need and neglect. Reason does not come to the aid of religion to complement it’ it struggles to improve its own understanding of religion. The sacred shari’a never sits parallel to human opinions, so there is no possibility of agreement or disagreement between the two; it is the human understanding of religion that may be congruous or incongruous with other parts of human understanding.

It is up to God to reveal a religion, but up to us to understand and realize it. It is at this point that religious knowledge is born, entirely human and subject to all the dictates of human knowledge. Those who search for the constant and the variant in religion should know that the very distinction between the two and the determination of their embodiments belong to the domain of “religious knowledge” and, as such, they follow a particular interpretation of religion. The determination of the constant and the variant is not obtained prior to the understanding of religion but after it. Thus, everywhere we are confronted with religious knowledge that concerns and observes religion but is not religion. This verdict covers all branches of human knowledge. [. . .]



We are but a step away from acknowledging that the temporal nature of religious knowledge, a universally applicable present, has no other meaning than the synchronization and adaptation of this branch of human knowledge with the sciences and needs of each age. A transformation in the mode of knowledge and life of humanity is the remote cause of a transformation of religious knowledge.

Now we are in a better position to answer the question that were posed earlier: Why does religion, which is supposed to be the sovereign prince of cultures, become their bond servant? Why do revivalists call for a purification and distillation of religion? Why do the Qur'an and the Tradition (*kitab va sunnat*),<sup>8</sup> pregnant as they are with certain vital ideas, indefinitely delay the birth? Why is the evolution in religious understanding inevitable? Why is the truth left for future generations to declare? Why do the religious decrees of Arab and non-Arab (*ajam*) jurists betray their respective cultural temperaments?<sup>9</sup> Furthermore, why does the philosopher's Islam differ from that of the mystic? Finally, and above all, why do we need religious revival and reform *now*?

The theory of the contraction and expansion of religious interpretation unlocks the secret of all such questions. It separates religion and religious knowledge, considers the latter as a branch of human knowledge, and regard our understanding of religion as evolving along with other branches of human knowledge. The insights and needs of a new age embolden the jurisconsult, play midwife for the pregnant matron of shari'ah, and enkindle the spirit of Greek sensibility in the body of religious understanding. Further, it becomes clear that it is religious knowledge, not the scripture itself, that takes the pigments and aroma of cultures, undergoes change, and needs purification. Revivalists, who are empathetic philosophers of religion, do not replace with their understanding of it. They simply replace one understanding of religion with another. While accepting the eternal nature of the Qur'an and the Tradition, the revivalists refresh and complement our knowledge of them. That which remains constant is the religion; that which changes is religious understanding.

Eternity and temporality are thus reconciled; heaven and earth are reunited in a kind embrace; and constant, eternal religion begets changing and evolving religious knowledge. In this way the mystery of the inexhaustible nature of the interpretations of divine revelation, the mechanism of that interpretation, and the relationship between reason (that is, rational deliberations), human knowledge, and religion is solved. Thus, a single coin realizes the common dreams of the Turk, the Roman, and the Arab.<sup>10</sup>

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8 [editorial note 14 in the original] The two major sources of learning and legitimate inference in Islam are the Book (the Qur'an) and the Tradition (words and deeds of the Prophet, but also those of his family and his companions). There are two other recognized sources of legitimate inference as well: 'aql (reason) and *ijma'* (consensus). (Ed.).

9 [note 15 in the original] This is the late Mr. Motahhari's argument.

10 [editorial note 16 in the original] The reference is to a fable in Rumi's Mathnavi in which a difference of tongues causes a clash between three friends. They all meant to buy grapes with their com-

It should be clear that the historic nature of religious knowledge, in its present precise sense, is immune to harm from the vulgar demagogy that demands that instead of trying to bend religion to meet the requirements of the age, we should attempt to bend the temporal order into a religious shape. Religious practice is not temporalized at anyone's behest; it becomes temporal on its own. Temporalization is not an attribute of religion but of religious knowledge. In order to bend the temporal order into a religious shape, one should understand what religion is all about. This understanding is obtained by acquiring religious knowledge, which, in turn, is always time-bound. Therefore, forcing the temporal order into a religious mold itself is possible only through a time-bound religious knowledge. In any event, the key to understanding the theory of the contraction and expansion of religious interpretation is in comprehending two major distinctions: first, the difference between religion and our understanding of religion and, second, the difference between personal knowledge of religion and religious knowledge. Unless one scales these two monumental ramparts, one will not be able feast one's eyes on the vast meadows and open horizons of the new theology.

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mon money but uttered their desires in different languages. Not knowing that the others meant the same thing, they went on arguing in vain. (Ed.).

# 58 Sedigheh Vasmaghi: *Law and the Exigencies of Time* (2008)

Introduced by Neguin Yavari

## Introduction

Born in 1961, Sedigheh Vasmaghi is an Iranian specialist in jurisprudence, poet, and activist. Formerly, she was an assistant professor in the Faculty of Theology at the University of Tehran; and from 1999 to 2001, she served as spokesman of Tehran's first Islamic Municipal Council.<sup>I</sup>

A prolific writer noted for her courage in attending to controversial topics, she has written on white marriage, or the co-habitation of unmarried couples,<sup>II</sup> and on women's status and other problems in contemporary jurisprudence in another online journal, *Naqd-i Dīnī* (Religious critique).<sup>III</sup> Her book of poems, *Namāz-i bārān* (Prayer for rain) won the Best Book Award sponsored by the Al-Zahra University, Iran's principal women's institution in 1989. Vasmaghi has been tried multiple times for her activism in support of political freedom, human rights, and women's rights in Iran,<sup>IV</sup> most recently in August 2020, when she was sentenced to a six-year prison term for signing a petition condemning state violence against public protestors in November 2019. Numerous international human rights groups and professional organizations have protested the proceedings, including the Committee on Academic Freedom of the Middle East Studies Association of North America which penned an official letter to political authorities in Iran condemning her unjust prosecution and sentencing in December 2020.<sup>V</sup>

Noteworthy in Vasmaghi's public career is her decision to remain in Iran despite the numerous difficulties she has faced, and to air her views in public. In July 2019, she participated in a forum on "*Bāzkhwānī-i shari'at*" (The shari'a reconsidered), con-

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I Shawrā-yi Islāmī-i shahr-i Tehran; <https://shora.tehran.ir/Default.aspx?tabid=219>.

II Sedigheh Vasmaghi, "Izdivāj-i sifid: sādih sāzī-i zindigī-i mushtarak," [White marriages: simplifying cohabitation] *Nidā-yi āzādī*, online, March 2019, <https://www.nedayeazadi.net/1397/12/27333>.

III <https://www.naqdedini.org>.

IV On her political views, see Ali Akbar, "Sedigheh Vasmaghi: A New Voice of Iranian Religious Reformism," *Iranian Studies* 55 (2022): 145–64; and Ziba Mir-Hosseini, "Review of Women, Jurisprudence, Islam by Sedigheh Vasmaghi and Mr. Ashna and Philip G. Kreyenbroek," *Journal of the American Oriental Society* 136 (2016): 655–657.

V Committee on Academic Freedom, "Letter Protesting the Unjust Prosecution and Sentencing of Prof. Sedigheh Vasmaghi in Iran," December 1, 2020, <https://mesana.org/advocacy/committee-on-academic-freedom/2020/12/01/letter-protesting-the-unjust-prosecution-and-sentencing-of-prof.-sedigheh-vasmaghi-in-iran>.

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vened by *Jam'iyat-i zanān-i nawandish* (Association of Women New-Thinkers), where she complained about the refusal of established scholars of religion to engage critically with her works. In their rebuttal, the “Thought Group” of the International Quran News Agency where the forum was posted, suggested that among the reasons for a lukewarm reception of Vasmaghi’s work are her journalistic tone and frequent departures from the strictures of academic debate.<sup>VI</sup>

In the aftermath of the protests against compulsory veiling that rocked Iran in September 2023, only Vasmaghi among women religious newthinkers removed headscarf in a publicly aired video in solidarity with the protestors.<sup>VII</sup>

The focus in Vasmaghi’s thesis is on the inadequacy of the current corpus of positive law – the legacy of past jurisprudence derived by experts in the religious sciences in the premodern period – to address contemporary issues, while at the same time, suggesting that the very artifice of legal philosophy prevalent in Islamic societies today is falsely premised on the myth of an inviolable connection between the revealed law and positive law as applied in the courts. Thus, while recent attempts by the Iranian government to extract compensation for the work performed by women in marital homes as a deterrent to the exercise of unilateral divorce to which men are entitled by the shari’a are hailed by experts on women’s rights in Islam in the Western academy as a significant step towards gender equality and an ingenuous circumvention of shari’a law,<sup>VIII</sup> Vasmaghi denounces the legislative yield of that impetus as discriminatory and unfavourable to women. Her critique excerpted below argues that juridical opinions have little to do with the unchanging truth of Islam, and that legislation in the Iranian state should abide by collective reason (*‘aql-i jam’i*) rather than principles of revealed law (*mabānī-i shar’i*).

The selection reproduced below is excerpted from an official translation overseen by Vasmaghi herself while in Göttingen on a Visiting Fellowship in 2012.

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VI Gurūh-i Andisheh, “Naqd-i nazar-i Şadiqa Vasmaqi bi saytarah-i fiqāhat wa luzūm-i murāji’ah bi khirad-i jam’i” [Critique of the Views of Sadigheh Vasmaghi on the scope of jurisprudence and the necessity of recourse to collective reason], *IQNA*, Online, August 28, 2019, <https://iqna.ir/fa/news/3833500/%D9%86%D9%82%D8%AF-%D9%86%D8%B8%D8%B1-%D8%B5%D8%AF%DB%8C%D9%82%D9%87-%D9%88%D8%B3%D9%85%D9%82%DB%8C-%D8%A8%D9%87-%D8%B3%DB%8C%D8%B7%D8%B1%D9%87-%D9%81%D9%82%D8%A7%D9%87%D8%AA-%D9%88-%D9%84%D8%B2%D9%88%D9%85-%D9%85%D8%B1%D8%A7%D8%AC%D8%B9%D9%87-%D8%A8%D9%87-%D8%AE%D8%B1%D8%AF-%D8%AC%D9%85%D8%B9%DB%8C>.

VII Mohammad Zarghami and Michael Scollon, “Prominent Iranian Religious Scholar Says Hijab Law Should be Abolished, Urges Authorities To Stop Inciting Violence,” Radio Free Europe, November 5, 2023, <https://www.rferl.org/a/iran-scholar-vasmaghi-hijab-law-violence-women-rights/32671718.html>.

VIII Prominent examples include Ziba Mirhosseini, “The Politics of Divorce Laws in Iran: Ideology versus Practice,” in *Interpreting Divorce Laws in Islam*, eds. Rubya Mehdi, Werner Menski, and Jørgen S. Nielsen (Copenhagen: DJOF Publishing, 2012), 65–83; and Arzoo Osanloo, “What a Focus on ‘Family Law’ Means in the Islamic Republic of Iran,” in *Family Law in Islam: Divorce, Marriage and Women in the Muslim World*, ed. Maaïke Voorhoeve (London: I. B. Tauris, 2012), 51–76.

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Original source: Şadiqah Vasmaqi, "Qānūnguzārī wa muqtaziyyāt-i ruz," *Zan, fiqh, Islam* (Tehran: Nashr Samadiyyeh, 2008), 37–42.

## Translation adopted from Mr. Ashna and Philip G. Kreyenbroek.

### Legislation and the Exigencies of Time

As noted, jurisprudence is a compilation of ruling including Shari'a laws, and acts of worship, and civil and penal laws and codes that were prevalent at the time of the Prophet. While jurisconsults have considered civil and penal codes to be equally valid, and have viewed the civil and penal laws of the Prophet's time to be equal to the laws governing acts of worship and Shari'a laws, we have distinguished between the two. In the Islamic Republic of Iran the jurisconsults, using this definition of jurisprudence and the Shari'a laws, have entered the realm of legislation and the verification of laws as Islamic, although much of Iran's pre-revolution civil and penal code conformed to well-known opinions of Shi'ite jurisconsults. In the Islamic Republic, the jurisconsults took measures to make the civil and penal laws, including family law, conform to Islam so that these laws would be fully consistent with the jurisprudential rulings. In reality, the opinions of past jurisconsults were merely copied and ratified. In the past, experience and the desire to protect women and family stability had let to a rethinking of certain laws, such as marriage to a second wife, and this was made more difficult. However, the overall majority of jurisconsults does not believe that a first wife should have the power to impose restrictions on a husband in respect to taking a second wife; they do not even require an acceptable reason for a second marriage. Even though the laws enacted before the Revolution concerning such matters are still valid, because of the views of the jurisconsults and the importance attached to jurisprudence in the Islamic Republic, these laws are no longer seriously applied. According to Article 17 of the Family Protection Law,

If a married man marries a second wife without obtaining a court authorization, he shall be sentenced to imprisonment for misdemeanour from six months to one year. The same punishment shall be imposed on the person who conducted the marriage cer-

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emony and head of the marriage registration office, as well as the new wife, if she had knowledge of the man's existing marriage.<sup>1</sup>

Indeed, this means that remarriage without the authorization of the first wife and court is an offense. Nevertheless, jurist members of the Guardian Council of the Constitution have commented on the law saying that punishment of the couple and the one who conducted the ceremony is incompatible with the Shari'a,<sup>2</sup> therefore, in practice the law is not implemented. On the other hand, the law is silent on second marriage and its propriety or impropriety. Indeed, a second marriage carried out illegally must be deemed illegal and should not enjoy the status of a legal marriage. Nevertheless, in practice men get married again without going through the legal formalities, their marriage is considered valid and they go unpunished, all on the basis of the said opinion of the Guardian Council that has called punishment of the offenders contrary to the Shari'a.

There are other contradictions in these laws and in particular between jurisprudence and the laws in question. Article 1 of the Marriage Law provides that marriage, divorce and revocation of divorce must be officially registered and those who fail to adhere to this will be sentenced to one to six months in prison. However, the jurisconsults in the Guardian Council have ruled that such a punishment was contrary to the Shari'a.<sup>3</sup> In practice this has opened the doors to secret and unofficial marriages being endorsed by religion. The problem faced by families and society today is not a result of contradiction within the law, but rather the conflict between jurisconsults and the reality and exigencies of the present. Another example of this conflict can be found in the custody of children. The well-known Shi'ite jurisprudential opinion is that mothers have priority for custody of male children up to two years of age and of female children up to the age of seven, after which priority is given to fathers.<sup>4</sup> Custody laws in Iran were drafted and implemented in accordance with this model, which in practice caused many problems for both mothers and children, so that eventually the custody of male children up to the age of seven was given to mothers.<sup>5</sup> Just as jurisprudential rulings, based on the status of women in the community of the first Muslims and among the Arabs, do not assign any responsibility or role to women and mothers in the family, the laws based on jurisprudence do not give appropriate and responsibilities to women in the family. In reality, however, women have played a major and important role in the family in Iran, both in the past and at present – a role that has never been less important than that of men, if not more so. This role and

1 [note 46 in the original] Jahāngīr Maṅṣūr, *Qawānīn wa muqarrarāt-i marbūt bih khāniwādeh*, Art. 17, p. 130.

2 [note 47 in the original] *Ibid.*

3 [note 48 in the original] *Ibid.*

4 [note 49 in the original] *Lum'a Nikāh*, 186.

5 [note 50 in the original] Amendment by the Parliament of 6/5/1382 (2004), approved by the Expediency Council on 8/9/1382 (2004).

responsibility is completely different from that of Arab women in the community of the first Muslims, and even in present Arab societies.

Laws can never be formulated and implemented without regard to the realities and exigencies of the times, but should continuously be examined, reviewed and amended to suit the prevailing conditions in various countries. Surely in considering the status and reform of laws, individual and social conditions appropriate to the level of development of society, and increased educational and rational standards among the population should be taken into account. If this is not the case a law will not be accepted by the society. A glance at the Family Law in Iran shows that it pays no attention to the material and spiritual stats of Iranian women. For instance, in order to meet women's rights to economic support, at the time of divorce the are to receive a remuneration for the work done at home.<sup>6</sup> What is the origin of this law? As noted before, jurisprudence does not envision any responsibility, role or task for women except to fulfil the sexual needs of her husband. A mother may even demand wages from her husband in return for breastfeeding her child. Therefore it is not a woman's duty to perform the household chores either. So, to support her financially, she is paid wages for the days and years she has worked in her husband's home, cooked, taken care of her own children, etc., as though she was a hired servant. Unless one considers the concept and meaning of 'wages for work done at home,' and pays attention to the financial side only, one might believe that the laws is intended to protect women. However, this law has no relationship to the status and standing of women in Iranian families. The mother in an Iranian family has long occupied an equal, if not higher position to that of the father. There is no need to regard her as a servant in the husband's home and to calculate here 'wages'; instead, a woman can be financially protected through proper legislation. It is essential that the inheritance laws are reviewed and amended to provide financial protection for women. Women do not deserve to be represented in this way in the in the current laws of Iran. It may seem that modern women are seeking responsibility in the family and society, while the jurisconsults believe that the Shari'a has not assigned responsibility to women, so that they can live in comfort on the earnings of the men. We are saying that the realities of our society are different and that. In practice women have many responsibilities. Their responsibilities in the family are more numerous than those of the men. This reality has been ignored by the law, where the rights of women are not proportionate to their real responsibilities, and instead reflect the lack of responsibility of women who were never part of our society. Jurisprudence has depicted those rights. One may even say that the real responsibilities of Arab women at the outset of Islam was greater than indicated by jurisprudence. They worked and toiled at home,<sup>7</sup> but

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6 [note 51 in the original] An additional proviso to Article 336 of the Civil Code in 1385 (2007) and proviso 3 and 6 to the Reform of Divorce Regulations Act.

7 [note 52 in the original] *Al-Mufaṣṣal*, Vol. 4, 616.

men did not think much of their toil and did not respect their rights. Responsibilities increase with the rise in knowledge. In a family where the mother is more knowledgeable than the father, in practice she has more responsibilities. Today's women are not the same as the women of former times, so that they can be subjected to former laws. Woman must be considered a pillar of the family, not as a servant or an ineffectual human who lacks responsibility. The woman's material and spiritual role in the family ought to be viewed in proportion to today's realities and the laws should be adapted accordingly.

The above examples make it increasingly clear that the civil laws, including family laws, that prevailed among the first Muslims in Medina – which were progressive and perhaps a relative guaranteed of the rights of all the people at that time – cannot be applied in our society. To claim that such ruling form part of the Shari'a and calling them 'rulings of Islam' demeans the status of Islam on the one hand, and the rights of women and families in our society on the other. If laws are not formulated in accordance with realities not only will they fail to establish order, but they will also disturb the individual and society. Women have held a certain status in the Iranian family and society, which will be downgraded if it is not acknowledged by legislation. To the extent that they can, women must fight to retain their status. Thus in the past three decades, intellectual women have been forced to defend their status and position by challenging the current trend towards traditional jurisprudence both intellectually and practically.

This approach to legislation based on jurisprudence has created problems and challenges not only in the domain of the family law and the laws concerning women, but also in other areas, such as criminal, economic and banking laws, and laws relating to private property. We have highlighted examples of laws that have been based on jurisprudence which have given rise to serious problems when put into practice. If we are facing serious problems, for instance, about laws dealing with treasure and the development of wastelands, it is because these laws are not compatible with the conditions of modern society, and do not take into account the public interest, and do not create order. In fact, when investigating these conflicts and incompatibilities, we see that it is essential to take the exigencies of the time into consideration. Secondly, the laws that were current in the society of the early Muslims, and which have been collected in works of jurisprudence, are not compatible with our society. The present author believes that. Changed in the approach to legislation and the question of conformity to Islam, as previously outlined, can be helpful in resolving such contradictions and problems. Given that the subject matter here concerns women and correcting the image of Muslim women, we will address these topics.



# 59 Seyed Ali Mirmousavi: A Critique of Religion-Based Politics (2021)

Translated and introduced by Neguin Yavari

## Introduction

Seyed Ali Mirmousavi's (Sayyid 'Ali Mirmūsavī, b. 1967) article is selected for translation despite its historical inaccuracies, sweeping generalizations and errors of fact. For one example, Muḥaqqiq Karakī (d. 1533) came to Iran at the behest of the Safavid Shah Ismā'īl (r. 1501–1524), and not his successor Shah Ṭahmāsb (r. 1524–1576). Equally untenable is the claim that importing experts in the religious sciences from Lebanon was part of a Shi'ization project heralded by the state in the then Sunni majority Iran.<sup>I</sup>

Rather, the strength of his argument lies in its method: Mirmousavi calls on history to highlight the stealth crafting of jurisprudence as a stand-in for revelation that set the scene for the emergence of Islamic government in Iran. Secularity is a political precept, and Mirmousavi's contextualizing method that ties its ebb and flow to its performance in the political arena nicely captures its ontological essence, namely, the dialogical interaction of sacred and human, and highlights the manifold ways in which secularity differs from and is perhaps even antithetical to secularism. Ultimately, he surmises, religious new thinking, along with other attempts to instrumentalize jurisprudence for the resolution of modern political dilemmas have come to naught. What is remarkable is that the author of this stringent critique is an associate professor of political science at the Mofid University in Qum, Iran's preeminent religious city and home to several leading seminaries in the Shi'i world. He has written on Shi'i political thought, and on Islamic government in history and in the present.<sup>II</sup>

In 2015, Mirmousavi was among the signatories of an open letter addressed to the people of the United States and published in the *Boston Review*, advocating for the nuclear deal between Iran and five Western powers, known as JCPOA.<sup>III</sup> The authors argued that the ratification and implementation of the nuclear deal would pave the way for increased tolerance, respect for human rights, pluralism and the peaceful

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I See Andrew Newman, "The Myth of the Clerical Migration to Safavid Iran," *Die Welt des Islams* 33 (1993): 66–112, esp. 67; and for the nuances and complexities that mitigate against such generalizations, see Rula Jurdi Abisaab, "The Ulama of Jabal 'Amil in Safavid Iran, 1501–1736: Marginality, Migration and Social Change," *Iranian Studies* 27, no. 1 (1994): 103–22.

II For more on Mirmousavi's publications see <https://www.magiran.com/author/seyyed%20ali%20mir%20mousavi>.

III <https://bostonreview.net/world-us/open-letter-people-united-states-america>.

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conduct of international relations within Iran, as well as improving the prospects of warmer relations between Iran and the US.

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## Translation by Neguin Yavari

Politics as a cornerstone of the human lifeworld is studied from a variety of angles. In religious societies and for the pious to whom scripture is a source of authority, a religious perspective on politics is appealing. Undoubtedly, not all religions have attended to political matters with the same intensity, nor have they provided answers to questions stemming from the political in equal measure. How much they do so is contingent upon the historical milieu in which they emerged. Islam arose at a historical juncture and in a social and political landscape that demanded a blueprint for civility (*mada-niyyat*) and the organization of a just political order (*nizām-i siyāsī*). Consequently, the Prophet attended to spirituality and civility in tandem, and provided multiple instructions on the subject. Although the nature and essence of these instructions is subject to debate, none contends its existence. This in turn impacted how politics, government and state were subsequently theorized in the Islamic world.

## Political Thought in Islam

Political thought in Islam<sup>1</sup> was founded on scripture and Muslim intellectuals resorted to religious texts for responses to political problems. Of course, this did not mean that they ignored human or empirical (*tajrubi*) knowledge. The contractual nature of the Prophet's rule and his receptivity to the rational and empirical knowledge of his time constituted a custom-based dimension to the political realm that prevented the hegemony of a religious worldview in politics and government. The Prophet of God exhorted his people to seek knowledge without any restrictions, even in distant places such as China, and rejected any ideological limitations. This made for the openness of Muslims to knowledge and to scholarship and subsequently, the quick flowering of

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<sup>1</sup> NY: The translation reflects the author's deliberate wording: political thought in Islam as opposed to Islamic political thought.

Islamic civilization. Nevertheless, with the establishment of the caliphate, and the emergence and growth of the artifice of jurisprudence (*ṣanāʿat-i fiqh*), the influence of religious texts in political thought on government was augmented. The caliphate extended its hand to religious scholars to boost its legitimacy, and they responded by doing their utmost within the confines of the law (*imkānāt-i mawjūd dar fiqh*). Over time, this process led to the emergence of a body of critical thought known as *siyāsāt-i sharʿiyya*,<sup>II</sup> an expression popularized by Ibn Taymiyya's (d. 1328) *Al-Siyāsa al-sharʿiyya fī iṣlāḥ al-rāʾī wa al-rāʾiyya* (Governance based on the principles of the holy law for the betterment of the ruler and the ruled).<sup>III</sup> [p. 276/277] Writing when Abbasid rule (750–1258) had ended and the caliphate itself was in peril, Ibn Taymiyya strove to bind the legitimacy of the caliphate to the implementation of the revealed law (sharīʿa). However, the genealogy of this concept may be found earlier in the works of Ghazali (d. 1111). By identifying jurisprudence as the law of politics, Ghazali posited governance based on the revealed/holy law (*siyāsāt-i sharʿī*) as an equivalent for virtuous politics (*siyāsāt-i fāḍila*) or civic philosophy (*ḥikmat-i madanī*) as found in the works of Islamic philosophers such as al-Farabi (d. 950) or Miskawayh (d. 1030).

## The Safavids and Shiʿi Political Theology (*fiqh-i siyāsī*)

Once in power in Iran, the Safavid dynasty (1501–1722) embarked on crafting a Shiʿi narrative of governance based on Islamic principles (*siyāsāt-i sharʿiyya*) to demarcate its boundaries and develop alternatives to Ottoman caliphal politics and articulations and called on jurists from Jabal ʿAmīl<sup>IV</sup> to achieve that task. Among the religious scholars who came to Iran on the invitation of the Ṣafavī dynast Shāh Ṭahmāshb (r. 1524–76), was Muḥaqqiq Karakī (d. 1533).<sup>V</sup> Karakī established a tradition that outlived him, the first

II NY: *Siyāsāt-i sharʿiyya*, literally, governance based on the principles of the shariʿa, religious public law in short. According to Knut Vikor, Islamic law in the medieval period was marked by a dual infrastructure of authority that gave rise to a mixed court system, in which judges issued rulings based on the shariʿa as well as a legal policy (*al-siyāsa al-sharʿiyya*) which found its legitimacy in the shariʿa and was meant to embody the spirit of Islamic law, but was freed from the precise wording of the rules and the restrictive procedures, and through which the ruler could implement sanctions of crimes that the shariʿa system was unable to handle. Here the sultan or his representatives could do as pleased, within the strictures of what society at large would accept; see <https://org.uib.no/smi/pao/vikor.html>.

III NY: Ibn Taymiyya was a Hanbali jurist and theoretician; for a succinct history of his *siyāsa sharʿiyya* see Derin Terzioğlu, “Ibn Taymiyya, *al-Siyāsa al-Sharʿiyya* and the Early Modern Ottomans,” in *Historicizing Sunni Islam in the Ottoman Empire, c. 1450–c. 1750*, ed. Tijana Krstić and Derin Terzioğlu (Leiden: Brill, 2021), 101–54.

IV NY: By the sixteenth century, Jabal ʿAmīl in present day Lebanon had emerged as the foremost center for Shiʿi learning; for more on the Shiʿi ʿulamāʾ of Jabal ʿAmīl, see Rula Jurdi Abisaab, “Jabal ʿAmel,” *Encyclopaedia Iranica Online*, [http://dx.doi.org/10.1163/2330-4804\\_EIRO\\_COM\\_3763](http://dx.doi.org/10.1163/2330-4804_EIRO_COM_3763).

V NY: On Karakī see Rula Jurdi Abisaab, “Karakī,” *Encyclopaedia Iranica Online*, 2020, [http://dx.doi.org/10.1163/2330-4804\\_EIRO\\_COM\\_10749](http://dx.doi.org/10.1163/2330-4804_EIRO_COM_10749).

principle of which was a theory of kingship sanctioned by the revealed law (*salṭanat-i mashrūʿa*) or the legitimate sultan (*sulṭān-i māzūn*) that not only validated Safavid kingship, but also elevated the status of the jurists vis-à-vis the political sphere. As the jurists extended their reach, so too increased their hegemony in the public sphere (*ʿarṣah-i ʿumūmī*). By casting revealed law (*shariʿa*) as law, and jurisprudence (*fiqh*) as the discipline of interpreting the revealed law, the jurists laid claim to a more prominent station in governance and in the political sphere, justified by recourse to concepts such as the custodianship (*wilāyat*)<sup>VI</sup> or deputyship of the jurist (*niyābat-i ʿāmmih-i faqīh*).<sup>VII</sup> The ascendancy of the jurists enshrined governance based on Islamic principles in the Shiʿi world, and by separating the domain of religious law (*sharʿ*) from the domain of customary law (*ʿurf*), the latter was subordinated to abide by the strictures of the former. In this manner governance based on Islamic principles (*siyāsāt-i sharʿiyya*) replaced virtuous politics (*siyāsāt-i fāzila*) in the Shiʿi ecumene.

## The Expansion of Political Theology

During the Constitutional Revolution of 1906–11, the jurists rose to oppose or accept constitutionalism using this very framework. Ultimately, an ideologized iteration of it crafted the Islamic Republic. The legal structure of the Islamic Republic was based on this doctrine, and new institutions emerged to accommodate its implementation. These institutions – the majority of which are peopled by appointment – lord over those spawned through elections, and their main function is to safeguard the government’s implementation of the revealed law (*shariʿa*). The time has come, after several decades of its prevalence, to revisit the doctrine’s capabilities and limitations, and to evaluate it critically. This essay will scrutinize the potential of political theology to address political problems in the modern world and to theorize and resolve political challenges that plague present day Iran. It will argue that jurisprudence has lost its authority in the political arena for a variety of reasons, and furthermore that political theology is incapable of theorizing or resolving political complexities. I will begin with the fallout from the expansion of political theology in the contemporary period and then turn to an analysis of jurisprudence and its inability to yield effective solutions to political problems.

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VI NY: According to Shiʿi doctrine, jurists assume custodianship of the believers in the absence of the Twelfth Imam, in occultation since 874 and expected to return to herald the end of time; see Leila Chamankhah, *The Conceptualization of Guardianship in Iranian Intellectual History, 1800–1989* (New York: Palgrave Macmillan, 2019).

VII NY: *Niyābat-i ʿāmmih-i faqīh*, literally the general deputyship of the jurist who stands in for the Twelfth Imam and guides the community on his authority.

## The Formation and Expansion of Political Theology in the Contemporary Period

Political theology is on the ascendancy in the modern world. Firstly, piety has always been the principle form of life in Iran, and religious thought the principle form of traditions and structures of thought; and in the second instance, jurisprudence and juridicism (*fiqh wa fiqāhat*) were prominent among the Islamic sciences and jurists have been particularly influential in shaping social developments; and thirdly, the faceoff with the modern world and with modernity has challenged tradition on multiple fronts, forcing religion and religious thought to adopt certain positions in response. Jurists and the discipline of jurisprudence bore the brunt of the questions and challenges that arose during this encounter, for they were the authentic custodians and heirs of the tradition that was interrogated and destabilized in the encounter with modernity and the modern state. This development intensified the engagement of jurists with challenges that arose in the political arena, and led to the expansion and evolution of juridical concepts and debates that pertained to politics. As the first chapter in Iranian modernity, constitutionalism also defined the first step in the contemporary evolution of political theology. Constitutional discourse pivoted on the rule of law, ordering the exercise of political power, and limiting it to the law. In reacting to it, jurists were divided into two main groups: the conservatives who prioritized the preservation of tradition and were suspicious of new concepts and institutions; and those in the second group who understood the need for change, and sought, in a reformist frame, to reconcile tradition with new concepts and values. The standoff between the two camps produced a substantial upsurge in juridical activity which led in turn to significant developments in the field of political theology. The efforts of constitutionalist jurists to establish a form of modernity in the framework of Islamic teachings and values failed in the end, side-lined as it was with authoritarian modernism espoused by the absolutist quasi-modern Pahlavi state (1925–1979).

### The Discourse of Political Islam

The emergence of political Islam may be considered as the second phase in this process. [p. 277/278] It arose in confrontation with twentieth-century ideological currents such as Marxism and liberalism, offering an ideological iteration of Islam to conjure up a blueprint for the administration of government and society based on Islamic principles. The main pivot of this discourse was Islamic governance which is why juridical Islam played a central role in its elaboration. The centrality in turn nurtured a juridical interpretation of politics and provided sustenance to the establishment of “jurisprudence-based politics” (*siyāsat bar bunyān-i fiqāhat*). It was in response to this exigency that the term political theology was first coined and introduced to the political lexicon (*adabiyāt-i siyāsi*). The victory of the Islamic revolution and the founding of the Islamic republic put new topics and challenges to jurisprudence, and as a re-

sult, not only did political theology enjoy unprecedented growth, but it also took pride of place among various strands of political thought in Iran. Furthermore, political theology received renewed attention in religious curricula, especially at the postgraduate level. The Cultural Revolution of 1980–1983<sup>VIII</sup> introduced political theology to college curricula in the discipline of political science, and many textbooks were produced for its instruction. In addition, the exigencies, and authoritarian inclinations of the infrastructure of power were revealed this time around within the framework of political theology.

## The Spread of Political Theology

The recent growth in the popularity and spread of political theology has led to increased debate among conflicting viewpoints and interpretations. Although the official discourse tried to ally itself with a number of these viewpoints, the pluralistic nature of jurisprudence stymied such efforts. In fact, juridical interpretations are framed by social realities and religious texts. These interpretations also reflect the yield from other disciplines, especially from the field of knowledge studies (*mawzū' shīnāsī*, lit. subject matter studies).<sup>IX</sup> The jurist or the scholar of law (*mujtahid*) applies such findings to his deliberations in jurisprudence or legal interpretation (*ijtihād*). One consequence is the possibility of divergent interpretations regarding a single subject matter. Thus, and although the viewpoints that mirror official discourse are highlighted and privileged, divergent, conflicting opinions too have crept into the debate. Subsequently, political theology has not been limited to conservative or establishmentarian viewpoints but accommodates as well critical and oppositional stances.

## Potentials and Pitfalls of Political Theology

As mentioned above, political theology is a new term articulated in the framework of political Islam. In traditional Shī'i jurisprudence, politics and ordinances pertaining to it

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**VIII** NY The principal target of the controversial Cultural Revolution was Iran's universities and lay public intellectuals. Universities were shut down and the professoriate was purged for a variety of alleged ideological offenses; see Farideh Farhi's essay available at: <https://www.wilsoncenter.org/sites/default/files/media/documents/event/FaridehFarhiFinal.pdf>.

**IX** NY: In Islamic jurisprudence, subject matter studies attend to the purview of revealed law, or simply, the challenge of novel subject matters and new questions put to the law. Currently, a research institute in Qum, peopled by luminaries such as Ayatollahs Ṣāfi Gulpāyīgānī and Makārim Shirāzī, conducts research and issues guidance on such subject matters as they arise. A recent example is the provision of guidance on uncertainties and complications arising from the coronavirus pandemic, especially as relates to religious practice; see <http://mozooshenasi.ir/%D8%B5%D9%81%D8%AD%D9%87-%D8%A7%D8%B5%D9%84%DB%8C-mobile>.

were not studied separately. Although some Shi'i jurists such as [Zayn al-Dīn b. 'Alī] Shāhīd Thānī (d. 1559) included politics as one topic in the classification of jurisprudential subject matters, to them, politics implied punishment and their purview was the Islamic penal code. The Shi'i jurisprudential tradition's oppositional stance vis-à-vis government in the absence of the Hidden Imam accounted for their scant attention to matters of government and governance, and ordinances on the subject were relegated to the margins. It appeared that Shi'i jurists practically conceded politics as a branch of customary law that did not require the sustained attention of the jurisprudential infrastructure. Sunni communities who adopted a more conciliatory attitude to political rule throughout history and enjoyed a much richer tradition on the subject matter, classified political rules and subject matters under the rubric of the ordinances of government (*al-aḥkām al-sultāniyya*). The establishment of religious government in tandem with the expansion of the purview of jurisprudence in attending to political and social affairs led to a new classification of the science of jurisprudence. The new classification scheme refracted the differentiation of various spheres of social life attained by modernity. In premodern times, various spheres overlapped, and society, politics and government were not clearly delineated. By segregating these spheres, modernity crafted each one of them into the subject matter of a discipline, thus separating the various disciplines of the social sciences, political science among them. From one vantage point, political Islam may be considered as a response to Western-style Eurocentric modernity that despite its oppositional and contrarian posture, adopted nevertheless several of that modernity's traits, including the differentiation of various spheres. In this light, political theology may be understood as the fruit of a dialectical encounter between jurisprudence and modernity designed to produce an alternative to modern political knowledge, with the interpretation of juridical rules relating to the political sphere as its principal purview.

### What is Juridical Knowledge (*dānish-i fiqhī*)?

What is jurisprudence, its methods, tools, purview, and subject matter? Although a proper answer to this question is not possible in the present discussion, it may be summarily defined as the craft of producing practicable religious rulings (*ṣanā'at-i tawlīd-i aḥkām-i 'amalī-i dīnī*).<sup>1</sup> The duty-bound (*mukallaḥ*) human is the anthropological premise of this craft and his actions and reactions its principal subject matter. Considered as such, man is a divine creature whose salvation and happiness are contingent upon his obedience to divine commands. Knowledge of these commands from several sources – among which religious texts are primary – is the task of jurispru-

<sup>1</sup> [note 1 in the original] The term "craft" (*ṣanā'at*) which Farabi (d. 950) used to describe jurisprudence, was chosen because jurisprudence may not be considered a field of knowledge in the conventional sense of the term.

dence. As the science of interpreting divine commands about human actions, jurisprudence considers every action as its subject matter and does not constrain itself. [p. 278/279] The jurists decreed the presence of the divine command in every facet of reality based on the principle of “God has a command for every occasion,” and extended the reach of jurisprudence to all matters. This principle was first articulated by al-Shāfi‘ī (d. 820) and paved the way for the intervention of jurisprudence in every sphere of human life. Undoubtedly, human actions are subject to analysis from a multiplicity of viewpoints. The jurisprudential angle regards only the status of a human action in respect to the divine command. On the one hand, access to the true divine command regarding specific actions is limited, which implies that jurisprudence attends to an exoteric understanding of it, and the jurist strives to present the duty-bound person with proof that it accords with divine requirements and demonstrates the obedience of the believer to His command.<sup>2</sup> For example, on the subject of government, the jurist searches authoritative religious sources for the blueprint of a government to which a pious person can pledge allegiance while fulfilling God’s or the Lawgiver’s (*shāri‘*, often designating the Prophet) command. Clearly, governance has many dimensions which are not addressed in this viewpoint. Furthermore, obedience to the juridical commands of any religion is only incumbent on its adherents and not on anyone else.

### The Failure of Juridical New Thinking (*nawandīshī-i fiqhī*)

The interpretation of juridical commands is based on known sources and a specific methodology. Contrary to the conventional view that counts scripture (*kitāb*), tradition (*sunnat*), consensus (*ijmā‘*) and reason (*‘aql*) as the four main sources for Shi‘i jurisprudence, in practice, only scripture and tradition are regularly consulted to formulate the law. In current interpretative methodology, rational precept is only used in a religious ruling if it provides conclusive proof. Considering that the evidentiary value of reason can only confirm the virtue of justice and the deceit of oppression, it is of no practical benefit to jurisprudence. Consensus too is only valid if it

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2 [note 2 in the original] Ākhūnd Khurāsāni (d. 1911) has described four stages in the derivation of religious strictures from divine command: 1) Exigency (*iqtiḍā‘*), which draws the legislator’s attention to the beneficial and malevolent aspects of an action; 2) Composition (*inshā‘*), on the basis of which the beneficial and malevolent aspects are articulated; 3) Actualization (*fī‘liyaat*), which is the stage at which a ruling is fashioned and the duty-bound person is compelled to abide it; and, finally Promulgation (*tanfīz wa ta‘azzur*), at which stage the command reaches the duty-bound and he no longer has an excuse for abandoning it. For more on this see <http://www.eshia.ir/Feqh/Archive/text/sobhani/osool/86/861120/%3D%22%D9%85%D8%B1%D8%A7%D8%AD%D9%84%20%DA%86%D9%87%D8%A7%D8%B1%DA%AF%D8%A7%D9%86%D9%87%20%DB%8C%20%D8%A7%D8%AD%DA%A9%D8%A7%D9%85%22>. For our purposes the main function of jurisprudence is the last stage, that is understanding the promulgation of laws.



refracts the opinion of the imam,<sup>X</sup> and thus cannot be considered as independent source apart from tradition. In this view, religious texts, even in the case of unicum, uncorroborated accounts, trump all other tools of interpreting divine commands. Interpretive methodology prioritizes text-based hypothesis over reason-based hypothesis, thus and for all practical purposes, discarding reason. On the one hand, religious texts pertaining to politics and governance are few and far between, and on the other and according to Nā'inī (d. 1936),<sup>XI</sup> most political issues are outside the purview of [religious] texts (*manṣūṣāt*). The sparsity of religious texts relevant to politics circumscribes jurisprudence and constrains the jurists, which perhaps explains the anaemic presence of political topics in traditional Shi'i jurisprudence. Political Islam has attributed this anaemia to the aversion of Shi'i jurisprudence to governance and attempted to expand its reach by putting issues of governance to the test of jurisprudence.<sup>3</sup> Juridical newthinkers too, fell for this ideology, and instead of attending to the limits and restrictions of political theology, assumed the mantle of revising and recasting it. In this regard, juridical newthinkers disregarded customary law to a larger extent than the traditional currents, since the latter, cognizant of the dearth of religious texts on the domain of politics, refrained from jurisprudentializing its [politics as a domain's] topics (*mawzū'āt*).<sup>4</sup>

## The Pitfalls of Theology

The prestige of political theology rests on the capacity of religion to respond to political topics and fulfil expectations on that subject. In this regard, at least three distinct positions may be identified: first is the maximalist camp that believes in an authentic place for politics in the promise and dogma of religion, and expects religion to attend to politi-

3 [note 3 in the original] Islamism's ideological take on Islam developed and nurtured the project of Islamizing knowledge. This project rested on institutionalization and helped extend the reach of jurisprudence to a variety of sectors, including the economic, social, and political spheres seeking to impose juridical regimes on them. Consequently, problems were put to jurisprudence which were considered alien to it and opposed by traditional jurisprudences.

4 [note 4 in the original] Consider as example the late Dr. Fayrahī's *Fiqh wa ḥukmrānī* [Jurisprudence and Governance], which attempts to uncover a juridical rationale for the formation of political parties by drawing on discussions on horseracing and marksmanship. But this type of analysis based on traditional jurisprudence is neither legitimate nor popular.

X NY: Imam here refers to the 12 impeccable imams of Twelver Shi'ism, not the Sunni usage of the term which connotes a more generalized sense of ruler or prayer leader.

XI NY: Prominent Shi'i jurist and influential supporter of constitutionalism among the clerical establishment; for his 1909 essay on the compatibility of constitutionalism with the tenets of Islam, see Kajtjun Amipur, "Moḥammad Ḥoseyn Na'ini: Government from the Perspective of Islam," in *Religious Dynamics under the Impact of Imperialism and Colonialism: A Sourcebook*, ed. Björn Bentlage, et al. (Leiden: Brill, 2016), 305–24.

cal issues, and stands against the minimalist position that considers politics outside the purview of religion and limits Islamic political instruction to the articulation of universal values such as justice. Ultimately there is a middle position which despite its acquiescence to the authentic place of politics in religion instructions, nevertheless, recognizes the role of reason, rational methods, and human knowledge [p. 279/280] in identifying the norms of political life. To this position, all rulings and political commands found in religious texts are of the guiding sort.<sup>5</sup> Ayatollah Muntazirī (d. 2009)<sup>XII</sup> held that all social, political and criminal laws in Islam are in fact guidance on a matter that is comprehensible to reason and rational construction.<sup>6</sup> A fuller discussion of the principles and arguments of these viewpoints is outside the purview of this article, and I have written elsewhere on the subject.<sup>7</sup> It suffices to point out that the maximalist position is built on a very flimsy foundation. The third position concedes the role of reason and of scholars in uncovering political norms, thus rendering the interpretation of political commands dependent upon the fruits of rational and scientific findings about politics. On this basis, political theology cannot afford to ignore these findings – and not just in matters relating to knowledge studies (*mawzū' shīnāsī*), but also in normative ones. Noteworthy here is that even scientific theories of politics are not limited to describing political phenomena, but also bear imperative prescriptive guidance. For example, theories of revolution demonstrate that revolutions are not efficient mechanisms for effecting change by pointing to their violent manner, high costs, adverse consequences, and elusive goals. Moreover, normative political theory and political philosophy too have prescriptions and recommendations that should not be overlooked. Faced with the abundance of findings and

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5 [note 5 in the original] In discussions on the principles of jurisprudence, commands and prohibitions are classed as incumbent or recommended (*mawlawī wa irshādī*), based on their capacity for identifying virtues and malevolencies. In the first type, the permissibility or prohibition of a thing rests upon a beneficial or a malevolent known only to the legislator and his follower (*mawlā*), while in the second type, permissibility or prohibition issues from a beneficence or a malevolence of the thing itself and discoverable to reason. For example, anytime a physician prohibits a certain type of food for a patient, the cause is the harm that consuming that item bears for the patient.

6 [note 6 in the original] “Commands and prohibitions regarding contracts, politics and crime, are considered recommended commands to the extent that they are comprehensible to reason and evaluation after they are publicized,” see Ḥusayn’Ali Muntazirī, *Dirāsāt fī wilāyat al-faqīh wa fiqh al-dawlat al-Islamiyya* [Studies on the Custodianship of the Jurist and Islamic Government] (Qom: Al-Markaz al-’Alami li-l-Dirasat al-Islamiyya, [reprint] 1996), II: 546.

7 [note 7 in the original] Sayyid ‘Ali Mīr Mūsawī, “T’tibār wa qalamruw-yi fiqh-i siyāsī [The Validity and Purview of Political Theology],” in *Darsguftārḥā-yi fiqh-i siyāsī* [Lessons on Political Theology], ed. Mansur Mir Ahmadi (Qom: Bustan Kitāb, 2010).

XII NY: Ḥusayn ‘Ali Muntazirī was a political activist, a prominent jurist and a close ally of Ayatollah Khomeini who played an important role in the success of the Iranian revolution. He was designated as heir apparent by Ayatollah Khomeini in 1985. However, as Muntazirī became more vocal in his criticism of many of the Islamic Republic’s policies, especially resort to extrajudicial measures for quelling dissent, Khomeini removed him from the position in 1989 and placed him under house arrest.

prescriptions emanating from these fields of knowledge, jurisprudence has no choice but to cede to them and abide their requirements.

## The Pathos of Political Theology

The above demonstrates that theology has lost its authority in this field to the human and political sciences. The dearth of religious texts pertaining to the political sphere and the structural overhaul of political precepts in the contemporary world highlight the dimming allure of political theology. Many of our current political phenomena were unthinkable in the past, therefore attempts to reconcile them with religious texts are futile and ultimately benighted. Furthermore, the emergence of human and social sciences and the expansion of their reach into the descriptive and normative spheres has made it impossible for jurisprudence to ignore their findings, even making jurisprudence irrelevant to the inquiry. In fact, if we grant the advisory crux of religious commands regarding the sphere of society (*ḥawza-i ijtimāʿ*)<sup>XIII</sup> on the one hand, and the growth of human knowledge in discerning between the harmful and the beneficent in this sphere on the other, there is no room left for a jurisprudential debate concerning the societal sphere.

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XIII NY: Mirmousavi is deliberately avoiding “social” sphere.

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**Israeli Debates and Hebrew Sources: Between  
Jewish Particularism and a Seat at the Table  
of Nations**



Nurit Stadler, Ido Harari, and Daniel Zohar

## Introduction

The processes of modernization, nationalization, westernization, and distinction have had profound impacts on Jewish communities and individuals, shaping the environments in which they live. These processes have resulted in the fragmentation and varying degrees of institutional differentiation within cultural and political structures. Additionally, Hebrew, once primarily a sacred language used in scholarly, halachic (Jewish religious legalistic), and liturgical texts, has undergone a transformation. It has evolved into a spoken language and a vehicle for literary and cultural expression in the context of modernity and the revitalization of the Jewish nation. Furthermore, these processes have played a significant role in the emergence of Zionism, the modern Jewish national movement, influencing the production of texts on secularities in various forms such as literature, art, poetry, religion, history, philosophy, as well as academic, legal, educational, and political works.

Notably, the social and political landscape of Jewish-Israeli history has been significantly shaped by two pivotal events: the systematic and devastating destruction of European Jewry during the Second World War, and the establishment of the state of Israel in 1948, accompanied by the Arab-Israeli War. The latter marked the onset of a post-British colonial era, characterized by the subsequent displacement of a majority of Palestinian Arabs and its profound impact on Jewish immigration to the region and the establishment of Jewish settlements in what they perceived as their ancestral homeland. Over the past century, Jews have transitioned from being dispersed among geographically scattered and culturally diverse communities to becoming a primarily concentrated population within a specific territory, asserting their own sovereignty. This transformative process has unfolded within the intricate context of a nation-state guided by the ideology of Zionism, which has significantly influenced the understanding of secularization and secularity within the Jewish-Israeli context. Throughout the 20th century, Jewish public figures and thinkers have engaged in extensive debates concerning these concepts, taking on a distinct form within this transformed landscape.

The Jewish textual traditions often encompass both religious and cultural dimensions, thus adding complexity to discussions regarding the intersections of religion and politics, as well as the boundaries between religious and national communities. Moreover, Jewish individuals and communities have resided, written, and practised within diverse regional, political, religious, cultural, and linguistic landscapes over

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the past two millennia. This intricate reality gives rise to an extensive and diverse range of textual works that merit thoughtful consideration for a project of this nature. It is important to note that texts in other languages, such as Arabic and Yiddish, which may have had a lesser impact on contemporary Jewish and Israeli secularisms, were not included in this volume.

While most of the selected texts were written before the establishment of Israel, we decided to include those that remain relevant to contemporary dilemmas of Jewish secularism in Israel and the wider Jewish world. It is important to note that Jewish secularities should not be anachronistically viewed solely through an Israeli lens. The fact that the texts represent and were written in different Jewish diaspora centers, such as Eastern and Western Europe, North Africa, and Iraq, by authors of Mizrahi and Ashkenazi backgrounds, attests to the diversity of Jewish experiences.

Some texts exhibited a clear rejection or wholehearted embrace of religious tradition (Brenner and Yosef, respectively), while others advocated for a separation of religious institutions from the state, emphasizing the mutual benefits (Leibowitz). Furthermore, certain texts highlighted different ways of accommodating religious sentiments or traditions within a secularized context (Herzl, text no. 60; Tchernichovski, text no. 61; Bialik, text no. 64; Gordon, text no. 62; Nissim, text no. 65; and Kahanoff, text no. 66)

We aimed to include texts that explore various themes, encompassing explicit socio-political inquiries (Herzl; Leibowitz, text no. 67), different perspectives on Hala-cha (Jewish religious law) and Jewish life (Bialik; Gordon; Yosef, text no. 68), as well as addressing more abstract cultural and/or political issues (Brenner, text no. 63; Nissim; Kahanoff; Tchernichovski; and once again Bialik and Gordon) that hold significant influence and relevance in everyday life.

# 60 Theodor Herzl: *The Jewish State* (1896) and *Altneuland* (1902)

Introduced by Ido Harari

## Introduction

A journalist and playwright, Theodor Herzl (1860–1904) is best known as the founder and inaugural leader of political Zionism. Born in Budapest, Herzl's parents were members of the local German-speaking Jewish Neolog community. At the age of 18, the nuclear family moved to Vienna. Raised in a largely non-observant atmosphere, Herzl saw himself as part and parcel of the German cultural expanse. Soon after earning a law degree, he was hired as a correspondent for the Viennese daily *Neue Freie Presse*.

Over the last decades of the nineteenth century, there was an uptick in anti-Jewish expressions throughout the European political and intellectual spheres. Connected to the rise of both nationalism and scientific race theories, this turn of events was acutely felt in Vienna – seat of the Austro-Hungarian Empire – and Paris, which Herzl covered for the *Presse* during the 1890s. It was in this context that he began contemplating the so-called “Jewish Question.” Upon weighing and quickly ruling out a mass conversion of Austrian Jews to Catholicism, Herzl put all his effort into the idea of a Jewish national entity. The journalist's adoption of the Zionist idea – hitherto a flimsy political movement dominated by East European Jews – was fast and fervid. Not surprisingly, his diary entries from 1895 betray a nigh messianic urgency. This intellectual and emotional fervour was harnessed into the writing of “Der Judenstaat: Versuch einer modernen Lösung der Judenfrage” (*The State of the Jews: Proposal for a Modern Solution for the Jewish Question*). Published in February 1896, the thin booklet has been referred to as “one of the most influential political tracts of modern times.”<sup>1</sup>

Herzl's vision for the Jewish state hewed to the liberal nationalism of eighteenth-century Central Europe. For example, he was influenced by German-Protestant notions of separating the religious from the political sphere and placing the former under the yoke of the latter. This principle is evident in a diary entry dated 15 June 1895: “The rabbis will be pillars of my organization and I shall honor them for it. [ . . . ] [T]hey will be formed into a fine, proud hierarchy which, to be sure, will always remain subordinated to the State.”<sup>11</sup> His view of the clergy is further elaborated on in the featured text. Although Palestine was Herzl's preferred location for Jewish autonomy, he was willing

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I Amos Elon, *Herzl* (London: Weidenfeld and Nicolson, 1976), 2.

II Herzl, *The Complete Diaries*, ed. Raphael Patai, trans. Harry Zohn, (New York: Herzl Press, and Thomas Yoseloff, 1960), 104.

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to consider other territories. One of the arguments he raised for convincing the Western powers to back the Palestine option was the presumed European character of the future entity: “We should there form a portion of a rampart of Europe against Asia, an outpost of civilization as opposed to barbarism.”<sup>III</sup>

In 1902, Herzl published his utopian novel *Altneuland* (Old-New Land). This work gave literary form to the political blueprint unfurled in “Der Judenstaat.” Described as “a plan, not a fantasy,”<sup>IV</sup> the book portrays a future Palestine (1923) as an exemplary and modernized land. A liberal society led by highly educated West European Jews, the author’s utopia incorporates elements from the Jewish tradition and Halakha in a way that bolsters the entity’s secular foundations. However, *Altneuland* refrains from deeply engaging with Jewish history, learning, or the nascent renaissance of the Hebrew language. In consequence, the novel drew sharp criticism from within the Zionist movement, especially from cultural Zionists like Ahad ha’Am (Asher Ginzburg). Nevertheless, the book was translated into Hebrew the same year as its debut under the title *Tel Aviv*, literally “Barrow of Spring” (Ezekiel 3:15). Less than a decade later, a new Jewish neighbourhood on the outskirts of Jaffa assumed this very name. On 14 May 1948, the declaration establishing the State of Israel was promulgated in the burgeoning city of Tel Aviv. The pronouncement recognizes Herzl as “the spiritual father of the Jewish State.”<sup>V</sup>

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Theodor Herzl, *Altneuland*, trans. David S. Blondheim (New York: Federation of American Zionists, 1916 [1902]), <https://www.jewishvirtuallibrary.org/quot-altneuland-quot-theodor-herzl>.

## Translation Adopted from Sylvie d’Avigdor and David S. Blondheim

### [Der Judenstaat]

#### Our Rabbis

[. . .] Every group will have its Rabbi, travelling with his congregation. Local groups will afterwards form voluntarily about their Rabbi, and each locality will have its spiritual

<sup>III</sup> Herzl, *The Jewish State*, trans. Sylvie d’Avigdor (New York: Dover, 1988), 96.

<sup>IV</sup> Shlomo Avineri, *Herzl’s Vision: Theodor Herzl and the Foundation of the Jewish State*, trans. Haim Watzman (New York: BlueBridge, 2014), 165.

<sup>V</sup> *Declaration of the Establishment of the State of Israel* (14 May 1948), official translation as per the website of the Israel Ministry of Foreign Affairs: <https://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20establishment%20of%20state%20of%20israel.aspx>.

leader. Our Rabbis, on whom we especially call, will devote their energies to the service of our idea, and will inspire their congregations by preaching it from the pulpit. They will not need to address special meetings for the purpose; an appeal such as this may be uttered in the synagogue. And thus it must be done. For we feel our historic affinity only through the faith of our fathers as we have long ago absorbed the languages of different nations to an ineradicable degree.

The Rabbis will receive communications regularly from both Society and Company, and will announce and explain these to their congregations. Israel will pray for us and for itself.

### **Theocracy**

[. . .] Shall we end by having a theocracy? No, indeed. Faith unites us, knowledge gives us freedom. We shall therefore prevent any theocratic tendencies from coming to the fore on the part of our priesthood. We shall keep our priests within the confines of their temples in the same way as we shall keep our professional army within the confines of their barracks. Army and priesthood shall receive honors high as their valuable functions deserve. But they must not interfere in the administration of the State which confers distinction upon them, else they will conjure up difficulties without and within.

Every man will be as free and undisturbed in his faith or his disbelief as he is in his nationality. And if it should occur that men of other creeds and different nationalities come to live amongst us, we should accord them honorable protection and equality before the law. We have learnt toleration in Europe. This is not sarcastically said; for the Anti-Semitism of today could only in a very few places be taken for old religious intolerance. It is for the most part a movement among civilized nations by which they try to chase away the spectres of their own past.

### **[Altneuland]**

#### **Book III**

#### **I**

[. . .] "Then Friedrichsheim does not belong to you, Mr. Littwak."

"Not the plot. I leased it only till the next jubilee year, as my friend Reschid did his groves."

"Jubilee year? Please explain that. I really seem to have overslept myself on that island."

"The jubilee year," explained David, "is not a new but an ancient institution set up by our Teacher Moses. After seven times seven years, that is to say, in the fiftieth year, land which had been sold reverted back to its original owner without compensation. We, indeed, arrange it a bit differently. The land now reverts back to the New Society. Moses, in his day, wished to distribute the land so as to ensure the ends of social justice. You will see that our methods serve the purpose none the less. The increases in land values accrue not to the individual owner, but to the public."

Steineck anticipated a possible objection from Kingscourt. “You may perhaps say that no one will care to improve a plot that does not belong to him, or to erect fine buildings upon it.”

“No, sir, I should not say that. I know that in London people build houses on other people’s land on ninety-nine year leases. This is quite the same thing . . . But I wanted to ask you, my dear Bey, how the former inhabitants fared – those who had nothing, the numerous Moslem Arabs.”

“Your question answers itself, Mr. Kingscourt,” replied Reschid. “Those who had nothing stood to lose nothing, and could only gain. And they did gain: Opportunities to work, means of livelihood, prosperity. Nothing could have been more wretched than an Arab village at the end of the nineteenth century. The peasants’ clay hovels were unfit for stables. The children lay naked and neglected in the streets, and grew up like dumb beasts. Now everything is different. They benefited from the progressive measures of the New Society whether they wanted to or not, whether they joined it or not. When the swamps were drained, the canals built, and the eucalyptus trees planted to drain, and ‘cure’ the marshy soil, the natives (who, naturally, were well acclimatized) were the first to be employed, and were paid well for their work!

“Just look at that field! It was a swamp in my boyhood. The New Society bought up this tract rather cheaply, and turned it into the best soil in the country. It belongs to that tidy settlement up there on the hill. It is a Moslem village - you can tell by the mosque. These people are better off than at any time in the past. They support themselves decently, their children are healthier and are being taught something. Their religion and ancient customs have in no wise been interfered with. They have become more prosperous - that is all.”

“You’re queer fellows, you Moslems. Don’t you regard these Jews as intruders?”

“You speak strangely, Christian,” responded the friendly Reschid. “Would you call a man a robber who takes nothing from you, but brings you something instead? The Jews have enriched us. Why should we be angry with them? They dwell among us like brothers. Why should we not love them? I have never had a better friend among my co-religionists than David Littwak here. He may come to me, by day or night, and ask what he pleases. I shall give it him. And I know that I, too, may count upon him as upon a brother. He prays in a different house to the God who is above us all. But our houses of worship stand side by side, and I always believe that our prayers, when they rise, mingle somewhere up above, and then continue on their way together until they appear before Our Father.”

Reschid’s gentle words had moved everyone, Kingscourt included. That gentleman cleared his throat. “Hm-hm! Quite right. Very fine. Sounds reasonable. But you’re an educated man, you’ve studied in Europe. I hardly think the simple country or town folk will be likely to think as you do.”

“They more than anyone else, Mr. Kingscourt. You must excuse my saying so, but I did not learn tolerance in the Occident. We Moslems have always had better relations with the Jews than you Christians. When the first Jewish colonists settled here

half a century ago, Arabs went to the Jews to judge between them, and often asked the Jewish village councils for help and advice. There was no difficulty in that respect. So long as the Geyer policy does not win the upper hand, all will be well with our common fatherland.”

## Book V

### I

[. . .] They reached the Temple. The times had fulfilled themselves, and it was rebuilt. Once more it had been erected with great quadrangular blocks of stone hewn from nearby quarries and hardened by the action of the atmosphere. Once more the pillars of bronze stood before the Holy Place of Israel. “The left pillar was called Boaz, but the name of the right was Jachin.” In the forecourt was a mighty bronze altar, with an enormous basin called the brazen sea as in the olden days, when Solomon was king in Israel.

Sarah and Miriam went up to the women’s gallery. Friedrich sat beside David in the last row downstairs. “When the places were assigned,” said David, “I chose the very last row. I wanted nothing else.”

The great hall resounded with singing and the playing of lutes. The music recalled to Friedrich far-off things in his own life, and turned his thoughts to other days in Israel. The worshipers were crooning and murmuring the words of the ritual, but Friedrich thought of Heine’s “Hebrew Melodies.” The Princess Sabbath, she that is called the “serene princess,” was at home here. The choristers chanted a hymn that had stirred yearnings for their own land in the hearts of a homeless people for hundreds of years. The words of the noble poet Solomon ha-Levy, “Lecha Dodi, likrath kallah!” . . . (“Come, Beloved, to meet the bride!”) How beautifully Heine had put it:

Komm, Geliebter, deiner harret  
Schon die Braut, die dir entschleiert  
Ihr verschaemtes Angesicht.

Yes, Heine was a true poet, who sensed the romance of the national destiny. He had sung German songs ardently, but the beauty of the Hebrew melodies had not escaped him.

What a degraded era, that was, thought Friedrich, when the Jews had been ashamed of everything Jewish, when they thought they made a better showing when they concealed their Jewishness. Yet in that very concealment they had revealed the temper of the slave, at best, of the liberated slave. They need not have been surprised at the contempt shown them, for they had shown no respect for themselves. They crawled after the others, and were rejected in swift punishment. Curious that they had not drawn the obvious moral! Quite the contrary. Those who succeeded in business or in some other field often openly forsook the faith of their fathers. They were at pains to hide their origin as though it were a taint. Those who forsook Judaism denied their own fathers and mothers in order to be quit of it: they must have thought it something low, reprehensible, evil. To be sure, renegades had not got off scot-free, for they were treated like refugees from plague-stricken countries. After baptism, they were still suspect, and remained, as it

were, in quarantine. Marranos, the baptized Jews of medieval Spain had been called. Marranoism, then, was the quarantine for refugee Jews.

And all that time Judaism had sunk lower and lower. It was an “elend” (misery) in the full sense of the old German word that had meant “out-land,” – the limbo of the banished. Whoever was “elend” was unfortunate; and whoever was an unfortunate sought for himself a nook in “elend.” The Jews had thus fallen always lower, as much by their own fault as by the fault of others. Elend . . . Golus . . . Ghetto. Words in different languages for the same thing. Being despised, and finally despising yourself.

And out of those depths they had raised themselves. Jews looked different now simply because they were no longer ashamed of being Jews. It was not only beggars and derelicts and relief applicants who professed Judaism in a suspiciously one-sided solidarity. No! The strong, the free, the successful Jews had returned home, and received more than they gave. Other nations were still grateful to them when they produced some great thing; but the Jewish people asked nothing of its sons except not to be denied. The world is grateful to every great man when he brings it something; only the paternal home thanks the son who brings nothing but himself.

Suddenly, as Friedrich listened to the music and meditated on the thoughts it inspired, the significance of the Temple flashed upon him. In the days of King Solomon, it had been a gorgeous symbol, adorned with gold and precious stones, attesting to the might and the pride of Israel. In the taste of those days, it had been decorated with costly bronze, and paneled with olive, cedar, and cypress, – a joy to the eye of the beholder. Yet, however splendid it might have been, the Jew could not have grieved for it eighteen centuries long. They could not have mourned merely for ruined masonry; that would have been too silly. No, they sighed for an invisible something of which the stones had been a symbol. It had come back to rest in the rebuilt Temple, where stood the home returning sons of Israel who lifted up their souls to the invisible God as their fathers had done upon Mount Moriah.

The words of Solomon glowed with a new vitality:

The Lord hath said that he would dwell in the thick darkness. I have surely built  
Thee a house of habitation,  
A place for Thee to dwell in forever.

Jews had prayed in many temples, splendid and simple, in all the languages of the Diaspora. The invisible God, the Omnipresent, must have been equally near to them everywhere. Yet only here was the true Temple. Why?

Because only here had the Jews built up a free commonwealth in which they could strive for the loftiest human aims. They had had their own communities in the Ghettos, to be sure; but there they lived under oppression. In the Judengasse, they had been without honor and without rights; and when they left it, they ceased to be Jews. Freedom and a sense of solidarity were both needed. Only then could the Jews erect a House to the Almighty God Whom children envision thus and wise men so, but who is everywhere present as the Will-to-Good.

# 61 Shaul Tchernichovsky: *Before the Statue of Apollo* (1898)

Introduced by Ido Harari

## Introduction

Shaul Tchernichovsky (1875–1943) was born in Mikhailovka, a village near the Crimean Peninsula in present-day Ukraine. Though his parents were observant, he was in all likelihood the first notable Hebrew poet from Eastern Europe who did not receive a traditional Jewish education.<sup>I</sup> As a young child, Tchernichovsky was schooled at home by his aunt and father, learning Russian and Hebrew. At around the age of ten, he was enrolled in a Russian-language school. The intellectual's early acquaintance with many of the classics of European literature, as well as his rural upbringing, had a profound impact on his writing. In any event, he was not exposed to *shtetl* life or traditional yeshivah training. This personal background, alongside Tchernichovsky's extraordinary talent, stand out from his contemporary Hebrew writers. "On a thematic, technical and lingual level," Eisig Silberschlag posits, "Tschernichowsky made a breakthrough. He is the first *modern* Hebrew poet."<sup>II</sup>

At the age of 15, Tchernichovsky moved to Odessa for the purpose of attending high school. Within a short time, the teenager immersed himself in the city's vibrant Hebrew literary scene. Like Bialik (see text no. 64), who was two years older, Tchernichovsky published his maiden poem in 1892. His first book came out in 1898, three years prior to the "national poet." However, as opposed to Bialik, Tchernichovsky's path to recognition was much longer. According to the critics, one of the intellectual's main faults during those early years was his modernistic prosody and "poor" (i.e., non-biblical), idiosyncratic Hebrew. Between 1899 and 1903, Tchernichovsky studied medicine at Heidelberg University. Following a brief interlude in Switzerland, he returned to Russia and practiced medicine. The poet even served as a military doctor during the First World War. In 1931 Tchernichovsky immigrated to Tel Aviv and embarked on a career in paediatrics. By this juncture, his status in the Hebrew literary world was second only to that of Bialik.

While national themes are commonplace in Tchernichovsky's verse, Jewish religious motifs are relatively scarce. At the risk of generalizing, the argument can be made that his poetic enterprise sought to free modern Hebrew from its biblical-cum-Talmudic shackles and mould the language into a vessel for showcasing world cul-

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I Jörg Schulte, "Saul Tschernichowsky," *Colloquia Humanistica* 3 (2014): 137.

II Eisig Silberschlag, Saul Tschernichowsky: *Poet of Revolt* (Ithaca, NY: Cornell University Press, 1968), ix. Emphasis in original.

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ture – a goal that was achieved through two means. First, his verse betrays a deep affinity for the Hellenistic world and other non-monotheistic traditions. In Tchernichovsky's poetry, there are references to ancient Greek, Nordic, and Canaanite deities. Secondly, the intellectual translated into Hebrew literary classics from English, German, French, Latin, Greek, and Russian. Among the authors that he selected were Homer, Shakespeare, and Goethe.

It is against this backdrop that Tchernichovsky's acclaimed poem "Before the Statue of Apollo" should be read. Penned soon after his arrival in Heidelberg, this vitalist-Nietzschean text builds on the historic distinction between Greek and Jewish civilization. The work pits Hellenic paganism, symbolizing life and Eros, against Judaism, representing stagnation and arbitrary law. Diverging from the era's Zionist corpus, the Jewish protagonists in "Before the Statue" are not the ones yearning to be liberated from the manacle of Halakha. It is rather Yahweh himself who is tethered in phylactery straps. Instead of rejecting God, Tchernichovsky suggested that He should be set free.

## Bibliographical Information

Shaul Tchernichovsky, "Before the statue of Apollo," in *Tchernichovski and His Poetry*; ed. and trans. Leonard Victor Snowman (London: Hasefer, 1929), 39–41.

## Translation Adopted from Leonard Victor Snowman

### Before the Statue of Apollo

I come to thee, O god long since forgot,  
 God of the moons of old and other days.  
 Lord o'er the vernal passions of mankind,  
 Their headlong vigor in the flush of youth!  
 God of a mighty age and giants on earth,  
 Whose prowess won Olympus of the gods,  
 That heroes of their race might dwell thereon,  
 With laurel wreath about their daring brow;  
 They vanquished their gods and then grew like to them,  
 Sitting in counsel – rulers of the world;  
 A race of gods on earth, drunk with life's joy,  
 Strange to a sickening folk and suffering house.

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Glorious youth and god, comely as spring,  
 Who conquered the sun and mysteries of life,  
 With pillared clouds of song and secret hues.  
 Oceans of music and the darkening wave;  
 God of the joy in life, bounteous and rich,  
 Of its might and secret artistry of hues.

I come to thee – dost thou know me again?  
 I am a Jew – our quarrel is of old!  
 The ocean waters 'twixt the continents,  
 With their multitude and riot could not fill  
 The gasping chasm that between us yawns.  
 Too narrow are the skies or trackless plains  
 To span the ravines that divide our Law  
 From the faith of them who magnify thy name.  
 Thou eyest me astonished! For I have come  
 Farther than all before me; on the road  
 Behind me far men wander, chained to death:  
 I am the first to come to thee again,  
 This instant, weary of the age-long moan,  
 I rend the shackles bound about my soul;  
 My soul is living and it clings to earth.

The people have grown old – their god with them;  
 Passions stifled by unmanlike folk  
 Awake in their prison of a thousand years.  
 “God’s light is mine! God’s light!” cry all my bones.  
 “Life, ah, life!” in every limb “God’s light!”  
 I have come to thee.  
 I come to thee and bow before thine image,

Thine image – symbol of the light in life;  
 I prostrate me to the exalted and the good,  
 To things of high estate upon the earth,  
 To all majestic in creation’s bounds,  
 To all the highest mysteries of art;  
 I bend the knee to life, to beauty, power,  
 To every form of grace – these have subdued  
 Man’s body and the seed corrupt of men,  
 And rule o’er life in place of Tsuree Shaddai,<sup>I</sup>  
 Lord God of the deserts which no eye hath seen,  
 Of the conquerors of Canaan in the storm –  
 But they bound him up in straps – phylacteries.

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I AA: Heb.: My Rock the Almighty.



# 62 Aharon David Gordon: *Our Score with the [Jewish] Faith* (ca. 1900)

Translated by Avi Aronsky; introduced by Nurit Stadler

## Introduction

Amongst the leading Zionist thinkers, Aaron David Gordon (1856–1922) was the spiritual force behind “practical Zionism.”<sup>1</sup> Active in the *Hibbat Ziyon* (Lovers of Zion) movement, he immigrated to Ottoman Palestine in 1904. Gordon subsequently pursued a life of manual labor, which he ideologically tethered to the spiritual and philosophical rudiments of Judaism. To this end, he settled down in Degania – a recently established kibbutz, near the Sea of Galilee – some three years before his passing.

At this secular Jewish community, Gordon espoused a simple way of life in which sustenance was attained exclusively through the sweat of one’s brow, out in the agricultural fields. A diligent practitioner of his own gospel, the thinker immersed himself in writing a philosophical creed. Succinctly put, Gordon called for productive manual labor as a springboard to enriching Jewish spirituality. It is only through such toil, he argued, that the Jew – long cut off from nature – can truly discern the hidden qualities of the Earth and of existence while partaking in poetry, the spiritual life, and culture. Hence, working the land is the most sacred activity for Jews of all stripes, especially those in Palestine. It is solely through agriculture – an organic synthesis between Man and the soil – that a Jew can completely fulfill his or her mission. In a similar vein, labor for its own sake constitutes a way of life that emphasizes the true self, relations with the earth, and aesthetics. This is also, he claimed, the path toward a quotidian nationhood.

Like Spinoza, Buber, and Brenner, A. D. Gordon proposed, alongside his political and Zionist thought, a broad and intensive philosophical outlook that rests on epistemology, anthropology, and impressions of God. The thinker’s imprint, however, is primarily limited to Israel, where his writings indeed had a major impact on the state’s character during its nascent stages and on the Jewish identity of secular Israelis to this day.

Gordon’s universal doctrine is comprised of both religious, though not halakhic-bound, ideas and secular outlooks-cum-practices. According to his gospel, man’s su-

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I AA: Practical Zionists opined that it was imperative to begin settling the Land of Israel/Palestine even while its political status remained an open question.

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preme objective is to experience the divine, for the human spirit cannot be tempered *sans* religion. The thinker's conception of divinity is pantheistic, identifying God with nature and finding His immanence at all levels of creation. To Gordon's secularist view, the concept of godhood is amalgamated with a panoply of ideas: Jewish occult wisdom (Kabbalah), nature, and experiencing life in prosaic settings. In this context, he described faith as a comprehensive inquiry of the divine natural being's practical and subjective unity with the mundane environment. The latter is transformed through mortal actions as people ascend, invigorate themselves, and coalesce with the Almighty. Gordon thus perceived the world and life through the sanctity of man. Human beings form deep bonds among themselves and with nature. By virtue of such existential corporeal relations, Gordon averred, we come to "know" God.

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Aharon David Gordon, "Le'heshboneinu 'im ha'dat (published posthumously)" [Our Score With the Faith], *Mivhar Ktavim*, ed. Elezer Shvaid (Jerusalem: Zionist Library, 1927/1983), 408–09.

## Translation by Avi Aronsky

### Our Score With the [Jewish] Faith (dat): Deduced from Reflections on the Day of Atonement

I have been asking myself and pondering, whether there is still someone to ask: what is the Day of Atonement to us, to those who do not observe the faith [of Moses]? (In essence, the question also concerns Rosh haShannah, except that this festival is not really one-of-a-kind, is not really so exceptional compared to all the other holidays, given that it has additional social value in its capacity as the [Hebrew] new year.)

The [Jewish] nation, in its capacity as a people [ . . . ] had a special day for introspection, for taking stock of life, for fully devoting oneself to the lofty demands of the human spirit. Personal matters and accounts were deferred (the prayers and supplications for livelihood etc. are quite sparse on the Day of Atonement and the New Year), – [sic] placed on the agenda were the great issues and summations: the national, the human, the cosmic. The partition between individuals is suspended, and each and every person has diminished his or her privacy – all individuals feel like organs of one supreme body, of one nation, akin to personalities-cells within one supreme personality, which has come to take stock of itself, its life, and its world. The private, individual personalities developed and transcended [their limitations] upon the ascension of the latter, just as the supreme personality developed and transcended [its own limitations] upon the individuals' ascent. And this is the crux of the matter. The individual, *qua* an

individual, can take stock of himself on any day [of the year], or whenever it suits him. Here – as in every national enterprise, above all religious national undertakings – what is important is the intensity, which is ratcheted up for the individual personality due to the collaborative effort; the enlightenment, which is suffused onto it [i.e., the individual personality] from the upper personality's abundance of life; what is important is the refined melody, which is instilled into the private voice while it blends into the sea of voices in the human-cosmic choir on high.

I am not asking myself from whence is Yom Kippur, what was its ancient form. Nor am I asking if today and in the decades immediately before us the majority of the [Jewish] people understood the Day of Atonement in this fashion too. Beforehand – fact and possibility [sic]. The fact is that over the course of many generations it was a day that the entire nation devoted to atonement, prayer and the work of the heart. Moreover, it was an opportunity for the spiritually-inclined from among the nation to render their accounting a sublime one. So, I pose this question: what is this day to us, those [Jews] who do not observe the faith [of Moses]?

It begs asking: Is this day indeed but an inherited estate for us, an ancient relic? Do we, the members of the knowledge generation, who possess firmament-sundering thought, acumen that penetrates every sphere and realm, that pierces and descends to the deepest abyss, [who boast] meteoric spiritual ingenuity, before which stands neither a footpath nor a border, – [sic] do we indeed have no need for a day of this sort, especially in a nugatory sense<sup>I</sup>? And if this day shall cease to be what it is and will return to be a plain day like all the rest, would this not be a great national and human loss, a declination from which there is no ensuing ascent for the Jewish nation and all of us, its sons?

In essence, the question spreads to all the holidays as well as the [Mosaic] faith in general *qua* the vital manifestation of our national spirit, our national soul, – [sic] what [then] is all this [. . .] to us?

Have we settled our account with the [Jewish] religion? Did we begin and end [this introspective process]? Did we clarify for ourselves, did we ask ourselves, what is faith, *ha-religia* [the religion, sic<sup>II</sup>] to the soul of Man? In particular, what is the Mosaic faith, the output of our national spirit to the Jewish soul? Did we ask and clarify to the extent that such a unique entity deserves?

We accepted that which our forefathers passed down to us, we believed in it, put our lives on the line for it so long as we were incarcerated within the [ghetto] walls, torn and remote from the world [at large] with its unfathomable being, from Man and his extensive, profound and rich life. And when the walls came tumbling down, when we became cognizant of the world in its entirety, when we acquainted ourselves with Man and his life, when we received alongside this [i.e., the Jewish tradition] that

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I AA: That is to say, the Day of Atonement has lost its validity in the modern era.

II Hannan Hever: See note 2.

which others imparted to us – we realized that what had been transmitted [. . .] by our forefathers no longer suits what [has] sprung forth and is living in our mind and soul. That said, did we adequately evaluate and check, did we go far enough in studying and contemplating what has truly become obsolete and is no longer suitable, what truly has been destroyed and rotted, and what, at its very core, has only had its format obfuscated or invalidated and [. . .] seeks a more enlightened, more noble form [. . .], given that it is alive and fresh and merely aspires to a sublime renewal?

By dint of the [Jewish] faith, we persevered throughout the duration of our lengthy exile, and not only did we persevere – we suffered from its power, suffered numerous times – through sagas (*gedolot*), and by its power we lived, on quite a few occasions we even lived on a grand scale (*gedolot*)

We see that there is a religion, indeed a very profound and noble faith, that is not grounded on belief, which even negates the belief in God – none other than the religion of Buddha (of course in its pure, Buddhist form, rather than its mass, idolatrous one). Put differently, here is something that is not predicated [or] [. . .] reliant on belief.

This notion is obscured by the fact that in religion, it is the external side, the form, that tends to be manifest, and we do not see the other, primary side. In religion, [then,] there are two sides: the spiritual element; and truly expressing life. As far as can be seen, they are indeed two sides of the same coin.

[Gordon would never complete this article.]

# 63 Yosef Haim Brenner: *On the Spectacle of Jewish Conversion* (1910)

Translated by Avi Aronsky; introduced by Daniel Zohar

## Introduction

A novelist and essayist, Yosef Haim Brenner (1881–1921) was born to a poor family in Mlynyn (a town in modern-day north Ukraine).<sup>I</sup> Following his twelfth birthday, the precocious child was sent off to study at a yeshivah. Brenner, though, was more interested in Russian and Hebrew literature. At the age of nineteen, he published his maiden book. In 1901, the fledgling writer was conscripted into the Russian imperial army. However, some two years later, Brenner escaped to London<sup>II</sup> and immersed himself in literary pursuits – a path that he would continue to tread upon moving to the Land of Israel in 1909.<sup>III</sup>

During the Jaffa riots of 1921, Brenner was murdered by Arabs. Owing to his elevated standing in the *yishuv*,<sup>IV</sup> he was anointed “the great martyr of the Jewish rejuvenation project in Palestine and, subsequently, an icon of Hebrew culture.”<sup>V</sup> Over his truncated lifetime, Brenner critiqued literature, society, religion, and Jewish politics. Despite immigrating to the Land of Israel, the intellectual denied that he was a Zionist.<sup>VI</sup> By dint of his radical pessimism, Brenner was reluctant to acknowledge that the *yishuv* was better than any centre or outpost of the Jewish diaspora. Moreover, he rejected Ahad haAm’s “spiritual Zionism,”<sup>VII</sup> especially the idea of “the chosen people.”<sup>VIII</sup> As an existentialist, Brenner held a secularist-cum-atheistic view, excoriating those who clung to faith. Rebelling against any and all dogma, the author slaughtered many of Jewry’s sacred cows, be they religious or cultural. Brenner also assailed superstitious customs, which he imputed to decline and ignorance.<sup>IX</sup>

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I Shapira Anita, *Yosef Haim Brenner: A Life* (Stanford, NJ: Stanford University Press, 2014), 3–4.

II *Ibid.*, 37 ff.

III *Ibid.*, 3–4.

IV Among Jews, the *yishuv* (‘settlement’) was the common name for the Jewish settlement in the Land of Israel/Palestine before 1948.

V Shapira, *Yosef Haim Brenner*, 1.

VI *Ibid.*, 235.

VII Ahad haAm (“One of the People,”) was the pseudonym of Jewish intellectual Asher Zvi Hirsch Greenberg (1856–1927).

VIII Shapira, *Yosef Haim Brenner*, 387.

IX Nurit Govrin, *The Brenner Affair: The Fight for Free Speech* (Jerusalem: Yad ben Tzvi, 1985 [Hebrew]), <https://benyehuda.org/read/10314>.

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These philosophical and ideological leanings are evident in the featured essay, “On the Spectacle of Jewish Conversion.”<sup>X</sup> Published in *HaPoel haTzair* (the Young Worker) on 24 November 1910, the piece triggered one of the Jewish world’s more vitriolic public debates in the run-up to the Great War. Dubbed “the Brenner affair,” the intellectual was accused of “heresy and incitement.”<sup>XI</sup> For over two years, a long row of distinguished figures weighed in on this heated matter, not least Ahad haAm, A. D. Gordon, and David Ben Gurion. Transcending religion and secularity, the discourse also touched on freedom of speech, Jewish *yishuv*-diaspora relations, and spiritual-cum-national identity.

Brenner’s legacy endures in Israeli mainstream society. His ideas are not only “a-theological” or “anti-theological,” as he put it, but laden with differentiation. Drawing on the featured essay, some researchers argue that the intellectual championed a secularist “state of the Jews” model, as opposed to Ahad HaAm’s “Jewish state.”<sup>XII</sup> As such, Brenner is cited in Hebrew textbooks on Judaism, the state, secularization, and politics to this day and age.

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Yosef H Brenner, “Ba’itonut uva’sifrut: ‘al hezion ha’shmad” [In Journalism and in Literature: On the Spectacle of Jewish Conversion], *Hapo’el Hatza’ir* 4, no. 3 (1910): 6–8.

## Translation by Avi Aronsky

The Hebrew press along with that in the spoken Jewish language in all the Exile’s dispersions made extremely morbid summations (*bilansim*) for this past year – exactly like the two prior years – with respect to our lives [. . .] in these same Diasporas. Only a small handful of [. . .] all the Jewish papers throughout the globe reach us in the Land of Israel. However, all of them “covered the scream” [Isa. 15:8], in each one we found a single refrain, which surely also recurs time and again in those same Jewish papers that do not reach our hands. In each and every place [i.e., Jewish community], there are spectacles of hatred and destruction from outside, of waning and decline, material and spiritual, internally – this was our entire world over the course of the past 365 days [. . .] or, in the words of the press “the yearly final balance”.

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X AA: Brenner wrote this piece under the pseudonym Yosef Haver.

XI Ibid.

XII E.g., Lior Tal, “Secular Judaism and IDF,” in *Between the Yarmulke and the Beret: Religion, Politics and the Military in Israel*, eds. Reuvan Gal, and Tamir Libel (Ben-Shemen: Modan, 2012), 439–63.

Regarding all this distress – what should be added [. . .] [and] subtracted? In the final analysis, what is to be gained from this grousing each and every year, in the same style?

Yes, in the same style; and at any rate, the tone has yet to change either. In these annual observations, there still prevails those same methodical explanations, whereby everything is attributed to known factors – external, transient factors – such as the reactionary political situation in Russia or the unexpected election [. . .] of some delegate to some country's parliament, which [. . .] stoke the hatred, pave the way for anti-Semitic agitation, and so on and so forth. Among all these same writers there still reigns an obdurate misunderstanding with respect to the crux of the matter, [. . .] the very nature of the ghetto life that miraculously persists.

And the Land-of-Israel observer? He might also have the right to preach a few drops of consolation into the brimming poisoned chalice and to call attention to our small yet important attempts. To [sic] lay down a cornerstone for the Hebrew *yishuv* on more secure foundations – our land and our labour – on which we will be able to safely dwell at some future point in time . . . The answer is no! Even our observer will no doubt be wary of pouring a consolatory cup, if he recalls all those same comrades who left us [i.e., the *yishuv*] over the past year, who found no satisfaction in all the heartening scenes that, nevertheless, have touched our lives here – for example, an unrestrained Hebrew childhood, the courage of a number of young workers, and exemplary patience on the part of renowned elders – and returned to once again seek “their bliss” in those same places that had disgorged them and where they will forever and ineluctably render “summations” and “final balances” of the sort that were done for the 5671 [1910–1911] Jewish New Year.

Of all the tragedies to befall *knesset Yisrael*<sup>I</sup> over the past year that our newspapers looked into, the conversion phenomenon was canvassed and underscored. The “conversion (*shmad*)”,<sup>II</sup> which was a common sight among West Europe's Jews from as far back as the days of Henriette Herz and the Mendelssohn daughters, has proliferated among Russian Jewry's youth in recent years due to the severe limitations that the authorities have placed on Torah scholars from the progeny of the holy seed and on Yahweh's [i.e., religious Jewish] learning . . . In recent months, heaps upon heaps of articles and feuilletons have been written on this issue in our newspapers [. . .]; upon closer inspection, we even find [. . .] a quasi-division of labour: those [authors] who randomly cry thief and pour fire and brimstone on the “convert (*meshumadim*, slur)<sup>III</sup>”; and those who touch upon “the deeper aspects of this development,” partake in the scholarly debate, and reveal the commendable sides of Judaism *vis-à-vis* its Christian foe . . .

Owing to the hard work steadily being invested in both these respectable undertakings [. . .], we can practically envision the following picture: religion in general

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I AA: Literally the “assembly of Israel”, *knesset Yisrael* was a moniker for world Jewry.

II AA: A derogatory term for Jewish conversions to other faiths (above all Christianity), *shmad* is a derivative of the Hebrew word for oblivion or decimation.

III AA: See previous footnote.

and the study thereof in particular – this is indeed the essence [. . .] of life and the essence in life; and behold, upward of ten million people in all corners of the world who are dubbed Jews and still uphold the Jewish religion and faith (*haDat veHaE-muna*) [. . .] Hasten the salvation!

That said, between you and me, and as opposed to [the consensus within] our entire nation – this is not how it is at all. For this entire “problem” – the [so-called] pledge of our nation – does not warrant such introspection. Not [sic] only with regard to the upwards of ten million [Jews across the globe], but the thousands of intelligent people among us in each and every [Jewish] community suffice with this too.

In fact, each and every year, tens of hundreds of Jewish men and women “extirpate (*mashmidim*)” themselves from our assembly in return for some benefit, accepting the Christian faith practically without any emotional struggle, just as tens of hundreds are increasingly straying into prostitution in Buenos Aires and other places – these developments are of course among the more unpleasant ones in our society, from among the phenomena – [. . .], for instance, the exigency in the large cities of working on the Sabbath and resting on Sunday, in contradistinction to our custom – that show us what our ghetto lives are in general and the conditions we are up against. Be that as it may, please refrain from deceiving our souls with the falsehood that for this reason the survival of the entire Jewish people is at stake, and I beg you please do not put this item on the agenda!

Among my people I dwell. Yours truly, the writer of these columns, is a Hebrew man with an open mind. Therefore, I do not consider the question of religion and faith, which gives my people no rest, to be a personally vexing issue. I do see Jewish breadwinners provide for houses of worship, at times zealously and moved by anger and always out of habit, due to inertia, which will surely continue for many years to come. At any rate, nowadays their prayer houses lack that same warmth, that same enthusiasm, of yesteryear. However, this is already a different kettle of fish, and the worrywart shall worry . . . (to me, for example, that same warmth [. . .], the gist of which was kowtowing to and entreating some father in heaven for a livelihood, was nothing to write home about . . .) On the other hand, I have once again met Hebrew youth, the sons of those same breadwinners, who certainly love to dabble in the problems of life. I indeed hear them talking about the relations between man and man, between man and woman, between nations, [and] between classes; they [. . .] take a general interest in the mystery of life and existence, in the material and spiritual realms, in the various developments in Man’s poetry, in the different streams of world literature, as well as the [. . .] shortcomings in our very own literature too [p. 6/7], but none of them would so much as ponder the idea of sitting down and dealing with theological balderdash: Which is the better faith – the religion teaching that the messiah has already come, or the one [claiming] the messiah has yet to arrive? Is it the faith of “do not onto others that which is hateful onto you”, or “whoever shall smack you on one [sic] cheek” etc . . . These questions are of absolutely no concern to our youth, not because they are so content with their inner world and worldview. To



the contrary, these same youth are cognizant of the many ruptures in their soul and of the difficulty of life without god; they know and sense that they are not whole human beings, that as Hebrew youth without a complete Hebrew language, without a Hebrew homeland, and without a Hebrew culture not everything is going smoothly [ . . . ] In any event, it is crystal clear to them that, despite all those who wish to teach them that there is no Jewish people without the Jewish faith (*ein Israel bli dat Israel*), a Jew and a prayer shawl and phylacteries are not the same thing [ . . . ] At any rate, the Jewish faith and religion of their fathers is not what weighs on their mind, it is not the absence of these that constitutes their main difficulty in life, and it is not the religion [ . . . ] of [ . . . ] the world's nations to which they shall turn their eyes . . .

However, this entails a risk – those who are so inclined as to argue with “the [above-mentioned] fence straddlers” will say – that there is a danger in this, for they laud Christianity at the expense of Judaism.

Danger? For the life of me, I don't understand the nature of this danger. Is the crux of the matter really whether one religion or another possesses loftier ideals? Instead, the main issue is whether this entity or some person is truly ideal, whether you should or shouldn't aspire to it, not if it is the brainchild of Judaism or Christianity. For argument's sake, let us say that Christianity is more ideal, that the Christian rung is higher than that of Judaism on the ladder of human progress, that the power of the daughter outshines that of the mother and she has made nice strides advancing the spirit, so then what? Does this behove me, the free Hebrew, to change something [ . . . ] to become a Christian?! [ . . . ]. In other words, must I [ . . . ] adopt the contemporary lifestyles of the myriad Christian believers, who have no bond with that same virtue? Were they to come to me tomorrow and prove that Buddhism, the religion of Confucius, [or] the religion of Muhammad are superior to Christianity, that the[ir] ideals [ . . . ] are loftier, would it then be incumbent upon me to become a devotee of these faiths [ . . . ], namely to accept the religionists' contemporaneous ways of life, even though as a free Hebrew, I have no contact with or debt to the lifestyles of the devotees of my forefathers' religion?

In life – to include the upper, moral life – study (*midrash*) is not the essential element, but the deed. We find this expression in our old literature [Pirkei Avot 1:17], but its taste still endures and its smell has not turned foul. All that I think and, above all, everything that I do, I certainly do not think or do because Talmudic Judaism, in which I was educated, taught me to think or do so, rather I want it or am compelled to do so. Talmudic Judaism, just as it is remote from Biblical Judaism, so too it is not, in effect, a solid whole, and “Jewish life according to the Talmud” can assume various forms: there are many verses in Biblical Judaism and many aphorisms in Talmudic Judaism . . . My contemporaries and I were educated on the knees of all these verses and aphorisms that contradict one another; in the end, they grew up and became what they are and yours truly became what I became [sic] . . . The “study,” then, filled an exceedingly slim role here. If the son of so-and-so is a radical altruist or an incorrigible egoist, and if, say, he has a known, entrenched attitude on the question of sex –

positive, negative, erotic, ascetic – perhaps you believe that these attitudes are tied not to the depths of his psycho-physiological character, but to the numerous exhortations he heard from his Judaism or Christianity teachers, to his affiliation with the Jewish or Christian ethic?

The individual and the nation's principal ways of life are nourished and sustained not on account of religion. With all its ceremonies and [its] trifles, faith itself is but a cog in the lifestyles that people created as per their desires-cum-exigencies, owing to the circumstances behind their human-national psycho-economic reality. Religion dons a form, sheds a form, is born, and will perish. Since the days of yore, the life of beliefs and religions – I intentionally refrain from stating: in the annals of beliefs and religions – undoubtedly contain, as do all areas of life, a great deal of fraud, exploitation, control of one man by another to his detriment. Moreover, there is – concerning individuals, not the masses – other elements, [be they] psychological, secret, tragic, [or] replete with content, that are intended to furnish deeper needs. The masses never reach the pulp and always eat the peel, at times with passion, at times reservedly, as though going through the motions; [as to] individuals – the pulp is found in their very selves, or they dream, yearn for, and succumb to it, and they never have any need for the peel. It is a known fact that the first philosophers in Greece waged war against the religion of their contemporaries; they even fought on behalf of the vaunted monotheism no less than our own prophets of Israel. Like them, they were immeasurably more religious than the priests and users of the sacred, who removed them, the former, from the collective. It is also known that love of man and respect for the sublime eternal values can be found, theoretically speaking, at last count in all the scriptures of every faith and religion, in accordance to the spirit of individuals therein, except that in practice – with respect to the multitude – we find subservience, superstitions, irrational laws and bloody wars over deities, idols, altars, and houses of worship, as well as customs, conventions, and other vapid laws. The historic, Roman, idolatrous, Inquisitional Christianity, which oppressed the exalted Greek philosophy and pulled all the tricks [in the book] to render all the [bodies of] wisdom into perfumers and cooks on its behalf [i.e., co-opt philosophy for the Church's own devices<sup>IV</sup>], followed on the coattails of the wretched Jew Joshua [sic] from Nazareth – is there indeed any affinity between them? Now we have the regnant idolatrous-Orthodox (*elilit-pravoslavit*) Christianity of the Russians and the regnant bourgeoisie-Lutheran Christianity of the Germans, and a couple more types of Christianity – do you believe that they suckle from the “New Testament” of the Jewish Apostles? No, this was something beyond the realm of the possible. The characteristics of these nations, together with sundry, external historical cases, also built [ . . . ] their historico-religious ways of life, their Christianity. In addition, our present-day Judaism, for all its countries and modes, is unconsciously influenced by the contemporaneous conditions [ . . . ] of the

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IV AA: See I Sam. 8:13.

masses from the house of Israel in all those lands. However, in the final equation, it [i.e., the Mosaic faith] is foreign and perplexing *vis-à-vis* the lifestyles surrounding it from the outside – is there any further need to remind you how far it is from Biblical Judaism, the extent to which the flavour of the majority of its fundamental directives has changed and how different its worldview is from the assorted worldviews expressed in [. . .] the Old Testament.

Yes, the Old Testament. The Old and New Testament. On this [matter] too, there are those who attempt to sow fear: the New Testament is upon you, sons of the sons of the Old Testament's owners!<sup>V</sup> . . . However, I, the free Hebrew, answer this fearmongering thus: From my own standpoint, the Old Testament lacks that same value that everyone screams about in its capacity as “the Holy Scriptures,” “the Book of Books,” “the eternal book,” and so on and so forth. I have already extricated myself from the hypnosis of the Bible's twenty-four books; many profane books from the last few generations are closer to me, greater in my eyes and more profound. In fact, this same importance that I recognize in the Hebrew Bible, *qua* remnants of memories from bygone days as well as [. . .] the embodiment of our nation's spirit and the human spirit within us over the course of many [. . .] an age – this importance I also find and recognize in the books of the New Testament (I will not touch on the literary power of either of them). The “New Testament”, but even an anti-theist, anti-theologist, yet as per my national consciousness there are no open accounts [i.e., connections] with this whatsoever, there are no open accounts with what is above and below the tangible visions, there are no open accounts with the heavens, with the creator of the world and with what follows death. My national consciousness does not preclude yours truly from opining about the value of our religion and the religions of the nations, the faith of our masses and the faith of their masses. Our thoughts and their thoughts, our books and their books – as I see fit.

They come to me and say: But the Christian legend about the son-of-God, who was sent to mankind and atoned for the iniquities of [all] the generations with his blood – what is your take on this legend that pervades every Christian European culture and literature? Once more, my response is: As I see fit . . . according to my state of mind . . . In any event, there is no national danger, regardless of how they present it . . . A person [. . .] can be a good Jew, dedicated to his nation with all his heart and soul, without being afraid of this legend as though it were some “*treifah*”;<sup>VI</sup> conversely, he can refer to it with religious trembling like the gentile Leonardo DaVinci in his day . . . To me, it [i.e., the Jesus narrative] is odd, [p. 7/8 . . .] an object of hatred, as is any lie in the religious outlook, like any abiding tradition, like any deliberate illusion, which always serves to the detriment of man and clogs the horrifying void of the tough riddle of life with straw and stubble . . . However, I understand that there are

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V DZ: See Jud. 16:9.

VI AA: A *treifah* is an otherwise kosher animal that is disqualified because of a pre-existing physical defect or injury.

souls who possess an outsized yearning for other worlds, and they occasionally turn their eyes to the “good shepherd” . . .

This much is clear: the question of the Christian legend is the general question of religious mysticism. For a person without a god in heaven [i.e., an atheist], no one can be the messenger or son of that same god. Be that as it may, what type of person was that same “shepherd” – this is certainly interesting from a characterological vantage point, just as [the question of] what was Buddha, [. . .] Moses, [. . .] Isaiah, [. . .] Muhammad [and] what were Shakespeare, Goethe is intriguing . . . Was that Galilean sapling who left the fold really a “good shepherd,” the epitome of perfection, as is customary to believe, a pure spirit with a loving, brave and holy disposition, or perhaps he was actually, as there is room to surmise, a drifter, a poor, idling, arrogant, and derisible hallucinator from the Galilee, who preached to people without lifting a finger [of his own], living like birds and lilies by the grace of our father on high. Who knows? It is nearly certain that he was neither completely this nor that . . . And again, in the final analysis – which of his exclamations was more typical of him: is it that same “My God, my God, why hast thou forsaken me”? [Matt. 27:46] or “Father, forgive them, for they know not what they do?” [Luke 23:24]. Who knows[?] . . . In any event, that same person was not one man straddling quite a few fences on his own, temperamentally mercurial, full of contradictions and incongruities insofar as estimating his role is concerned, transforming himself from day to day, and complex from various angles, both tragic and preposterous alike. Perhaps this too is incorrect, [as] [. . .] we are only seeing things through [the lens] of our broodings . . . If truth be told, what stable answer – characterological, as opposed to theological – can there be for these types of questions if the verses, upon which it is possible to build all the suppositions, contradict one another, are open to several interpretations, and invariably depend on the leanings of the commentator’s heart and his mindset? What is more, if the “sources” are for the most part cloudy and turbid, [do they] only [constitute] a hunting ground for drs. [sic] in theology and salaried missionaries?

All this notwithstanding: say what you will, but I do not tremble in the least when I intermittently see the lists in the Viennese Zionist German paper denouncing apostates by name in the public eye. What is more, I do not understand who is being hurt by the pathetic Adolphs and Bernards, who from childhood were foreign to Jewish society and religion and for the sake of gaining admission into Christian society even accepted its “faith?” What did we gain from them earlier, when they attended or kept away from Jewish temple, and what did we lose from the fact that they [i.e., Christian ecclesiastics] [. . .] sprayed the holy water on them for their pleasure? It is distressing [. . .] for us when they lock the gates before our itinerants, [. . .] when they expel our workers from factories, [. . .] when they place obstacles on our path in the Land of Israel, [. . .] when a Hebrew cultural institution shuts down for lack of resources – all this is a sign of our lives’ destitution, of the hardship of our existence, the meagreness of our needs and the lack of their fulfilment. [In contrast,] it is a joyous occasion [. . .] when a swath of land is purchased somewhere [in Palestine], when a Jewish school is

opened [ . . . ], when some important Hebrew book comes out, when we hear about a couple of Jews who have become *productive* workers – all this speaks to our creative lives, all this is a sign that there is still a pulse in our nation and we are not yet doomed to perish. Conversely, the pain of seeing a talented individual in this or another profession who was born in our midst leave us because he is unable to find his place amongst us is not incomprehensible to me; as a result [of such a departure], we his compatriots remain utter paupers and bereft of culture. On the other hand, what do we have in common with those same [ . . . ] hundreds of assimilated people from youth who, in order to fulfil some goal, join the Christian fold? For what reason does this slight external change, of all things, [ . . . ] unnerve us more than their lives before the transformation? Their primary lifestyles were non-Jewish from the outset, and what would we reap from them had they eschewed this last step and remained exclusively on the Jewish community's rolls, without taking part in the hardships of our life and [ . . . ] war over our national future? With respect to the loathsome careerists, there is surely no reason to cobble together a new eulogy. However, even if we take the unique vision of a moral convert to Christianity like Otto Weininger, the author of the book *Sex and Character*, who found, or believes that he found, a special beauty and great conviction in the Christian faith – the likes of such proselytes do not exist in the practical world, [so] what can we learn from this? In essence, Otto Weininger, of all people, was a Jew dispositionally speaking, with every last bone in his body. However, insofar as our Jewish world, the bane of his existence, is concerned, his value, even if he had refrained from embracing the Christian faith, was truly similar to that of [Ferdinand] Lassalle and all the other Jewish captives, both great and negligible, who for whatever reason are not converting. The step of Christianization on the part of our assimilators, who, like our worrywarts (*hardeinu*, i.e., ultra-orthodox Jews), imagine that the *mezuzah*<sup>VII</sup> and the Jewish people are one and the same, is merely the outer shell of this phenomenon, of which there is no particular need to sound the alarm bells. Needless to say, one should not combat this [wave of conversion] by revealing the brilliance of Judaism.

Not with abstract notions will the concrete and inexorable assimilation of respectable portions of our sick, ghettoized nation's body be thwarted. "Judaism" in quotation marks [sic] will be unable to come to the rescue here, even if they were to pen a thousand grandiloquent sermons on this [phenomenon]. Let us leave, then, the wisdom of theology to their [i.e., Christianity's] and our own priests (*gallahim*),<sup>VIII</sup> who are at leisure to deal with the [ensuing] question: Which among the religions is preferable, in which is there more beauty, more holiness, more justice, more love? This field is broad, containing [ample] room to preen and innovate, to choose a few verses

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VII AA: A mezuzah is a parchment inscribed with Biblical passages that Jews traditionally hang on door frames.

VIII AA: *Gallahim*, "the shaven", was a derogatory term for priests.

from all the many lines and draw a connection between them – thereby bringing evidence [for their arguments].

The question of our Jewish lives is not [synonymous with] the question of the Jewish faith, the question of “Judaism’s existence.” This hybrid idea must be extracted from the root. Ahad haAm did so once and regretted it. That said, we, his free Jewish comrades, have absolutely nothing to do with Judaism. Be that as it may, we are no less a part of the [Jewish] collective than those who put on phylacteries and grow side-locks (*tšitsit*).<sup>IX</sup> In our view, the [pivotal] question of our life is that of the productive workplace for us Jews. We Jews, beleaguered, [. . .] without a country, [. . .] language, and so on and so forth live all over the world; the environment of the gentile majority prevents us from being full-fledged Jews, to the same degree that our comrades the free Russians, Poles, etc. are full-fledged Russians, Poles. The environment of the majority confuses us, eats away at us, blurs our shape, injects tumult into our lives – but we are far from assimilating, oh how far indeed, and the matter of converting to Christianity – it is not even an oddity or a joke. Our nation is Diasporic, sick, [. . .] increasingly coming in harm’s way; seven times it has fallen – only to get back up. We are dutybound to pick it up. Our nation’s willpower is gradually waning – we must bolster it. Let us steel ourselves. There is no messiah for the Jews – let us buttress the fortifications so that we may live without a saviour. The thousands if not legions among us who are already assimilated beyond cure, who have already become capable of embracing the Christian faith – we will not go to such lengths as to spit at them. We the few, members of the living Jewish people, will grow stronger than a rock, working and producing to the best of our ability; we will ratchet up our nation’s output, along with its material and spiritual assets. Regardless of whether we mortify ourselves on the Day of Atonement or eat meat together with milk on this [festival], regardless if we uphold the ethics of the Old Testament [or] whether we are [. . .] adherents of Epicur[us]<sup>X</sup> – we have not ceased to feel that we are Jews, to live our Jewish lives, to work, to create *modi operandi* of Jews, to speak our Jewish tongue, to receive spiritual nourishment from our literature, to toil on behalf of our free national culture, to defend our national honour, and to fight the war of our survival in any guise that this war assumes.

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IX AA: Brenner is sarcastically referring to pay’ot that Orthodox Jews habitually grow.

X DZ: In the language of the Sages, “Epicurus” connotes a “heretic.”

# 64 Haim Nahman Bialik: *Halacha and Aggada* (1916)

Introduced by Ido Harari

## Introduction

Haim Nachman Bialik (1873–1934) hailed from Radi, a small village in the Russian empire’s Volhynia region (part of modern-day Ukraine). The son of an observant family, he was sent to study at the prestigious Volozhin Yehsiva as a teenager. At the seminary, Bialik first encountered the ideas of the Haskalah (Jewish enlightenment). As an eighteen-year-old, he moved to Odessa and became involved in the city’s Jewish literary scene. The following year Bialik began publishing poetry in Eastern Europe’s Hebrew journals, immediately catching the audience’s eye. His first book of verse came out in 1901. Within a few years, he published “In the City of Killing” – a long poem describing the horrors of the 1903 Kishinev pogrom. According to Steven Zipperstein, this work constitutes “the finest – certainly the most influential – Jewish poem written since medieval times.”<sup>1</sup> At any rate, “In the City of Killing” catapulted Bialik into the public limelight. A novel use of Hebrew, a brave reading of the main challenges facing the Ashkenazic world, and a prophetic poetical stance elevated the intellectual to the status of Jewish “national poet.”

Bialik and his wife Manya left Soviet Russia for Berlin in 1921, before immigrating to Palestine three years later. In 1926, the couple moved into a house in Tel Aviv that was tailor-made for them on a street already named in his honour. That said, Bialik’s literary endeavours went far beyond verse. The poet composed myriad essays on cultural questions, identifying the highly politicized nature of Jewish culture at the dawn of the Zionist movement. Additionally, he wrote opinion pieces on the *yishuv* and the on-going development of spoken Hebrew. Among Bialik’s finest contributions to the said language was his original neologisms. Moreover, he endowed ancient words with new meaning. In so doing, the intellectual consciously secularized the “holy tongue.”

The linguistic dimension of Bialik’s enterprise exemplifies his conception of Jewish secularization as an undertaking that preserves many of the old religious symbols and constructs whilst altering their meaning. This objective can also be discerned in the weekly *Oneg Shabbat* (Joy of Sabbath) programs that he spearheaded in Tel Aviv, for these events “integrated contemporary cultural developments into Jewish tradi-

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1 Steven J. Zipperstein, *Pogrom: Kishinev and the Tilt of History* (New York: Liveright Publishing Corporation, 2018), 190.

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tional practices.”<sup>II</sup> It bears noting that although Bialik was not a practicing Jew, he considered it vital that the Sabbath be publicly observed in the Zionist *yishuv*. This view was grounded on a pair of Jewish traditions: the basic Halakhic distinction between the private and public sphere; and the notion that the Sabbath is only desecrated in the full sense of the word if done so in public. Moreover, the poet’s intricate balancing act between secularization and heritage forms the backdrop for the showcased article (1916). In this piece, he built on the venerable halakhah-*aggadah*<sup>III</sup> divide – the “legal” and the “literary” components of the Talmud – to argue for the importance of both strands as well as the need to reformulate them. Likewise, one of Bialik’s most ambitious projects was the editing and compilation, together with Yehoshua Hana Ravnitzki, of myriad *aggadic* fragments from the Talmud and Midrash (a corpus of ancient Jewish biblical exegesis). The knowledge of *aggadah*, Bialik believed, would be “key to” the “capacity” of future generations of secularized Jews “for responding to the challenges of their contemporary historical predicament.”<sup>IV</sup>

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## Translation Adopted from Zali Gurevitch

*Halachah* wears a frown, *Aggadah* a smile. The one is pedantic, severe, unbending-all justice; the other is accommodating, lenient, pliable-all mercy. The one commands and knows no half-way house; her yea is yea, and her nay is nay. The other advises, and takes account of human limitations; she admits something between yea and nay. The one is concerned with the shell, with the body, with actions; the other with the kernel, with the soul, with intentions. On one side there is petrified observance, duty, subjection; on the other perpetual rejuvenation, liberty, free volition. Turn from the

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**II** David Fishelov, “Bialik the Prophet and the Modern Hebrew Canon,” in *Great Immortality: Studies on European Cultural Sainthood*, eds. Marijan Dovic and Jon Karl Helgason (Leiden: Brill, 2019), 158.

**III** The *aggadah* consists of non-halakhic material, including biblical commentary, historical accounts, legends, and practical-cum-moral advice.

**IV** David Stern, “Introduction,” in *The Book of Legends (Sefer Ha-Aggada): Legends from the Talmud and Midrash*, eds. Hayim Nahman Bialik and Yehoshua Hana Ravnitzky, trans. William G. Braude (New York: Schocken Books, 1992), xix.



sphere of life to that of literature, and there are further points of contrast. On the one side is the dryness of prose, a formal and heavy style, a gray and monochrome diction: reason is sovereign. On the other side is the sap of poetry, a style full of life and variety, a diction all ablaze with color: emotion is sovereign. To these antitheses between *Halachah* and *Aggadah* one might add endlessly; and in all of them there would be some scintilla of truth. But must we conclude—as many think—that *Halachah* and *Aggadah* are two irreconcilable opposites?

Those who so conclude are confusing accident and form with substance; as who should declare the ice and the water in a river to be two different kinds of matter. *Halachah* and *Aggadah* are two things which are really one, two sides of a single shield. The relation between them is like that of speech to thought and emotion, or of action and sensible form to speech. *Halachah* is the crystallization, the ultimate and inevitable quintessence of *Aggadah*; *Aggadah* is the content of *Halachah*. *Aggadah* is the plaintive voice of the heart's yearning as it wings its way to its haven; *Halachah* is the resting-place, where for a moment the yearning is satisfied and stilled. As a dream seeks its fulfillment in interpretation, as will in action, as thought in speech, as flower in fruit — so *Aggadah* in *Halachah*. But in the heart of the fruit there lies hidden the seed from which a new flower will grow. The *halachah* which is sublimated into a symbol — and much *halachah* there is, as we shall find — becomes the mother of a new *aggadah*, which may be like it or unlike. A living and healthy *halachah* is an *aggadah* that has been or that will be. And the reverse is true also. The two are one in their beginning and their end.

Nay, what are all the six hundred and thirteen *mitzvot* except the quintessence, purified again and again, of myth, of legend, of hoary custom — drawn from experience, from oral tradition and from natural feeling — which remained as it were suspended in mid-air for thousands of years (a thousand generations, or two thousand periods of chaos, according to tradition), until the time came for them to be given body in the shape of laws engraved in stone and written on parchment?

[. . .] Of course, not all *halachot* are equal or of the same intrinsic value. One *halachah* is barren and unproductive; another bears fruit, and fruit that reproduces itself. One is like an empty vessel that is put away in a comer till it is wanted; another is like a vessel that is in uninterrupted use, always being emptied and filled again with something new. There are even *halachot* which are like mummies' coffins: these are called, in the language of tradition, "ordinances" (*hukkim*) — that is to say, their reason is hidden and their meaning unexplained. Fragments of hoary myth and fable lie buried in them forever, whereof the petrified traces still remain, to awaken astonishment and to excite the curiosity of the archeologist. Yet even for these the sympathetic mind will have respect. Just as a dark path cut in the mountain's side may sometimes shorten our journey by many miles, and bring us suddenly beneath a new heaven; so an obscure and baffling remnant of ancient days, when we probe its mystery and make it speak to us, may transport us at a bound to the yonder-side of a thousand generations. Thus, for example, the raiment of the Hebrews, with the religious rites

associated with it, is (as an early *midrash* amazingly hints) the complete and sensible embodiment, of – what do you think? Of the story of Cain and Abel.<sup>1</sup> Similarly, the prohibition “thou shalt not seethe a kid in his mother’s milk”<sup>2</sup> had its origin in the old sacrificial rites associated with the Feast of Weeks in its primitive period, when it had not yet become “the festival of the giving of our Law,” but was simply a harvest festival, and the tillers of the soil, rejoicing in their harvest, used to offer to Gad and Ash-toreth, the deities of fortune and plenty, a meal of a sacrificed kid (the symbol of prosperity and fecundity)<sup>3</sup> seethed in its mother’s milk. And, wonderful to relate, it is to this day a Jewish custom – and one which has puzzled all the investigators – to eat a milk meal on the Feast of Weeks, somewhat unusually close after meat; and those who are very particular eat meat cooked in the sap of almonds. Not a few such surprises await those who delve into these matters. We see how even rudimentary laws like these are enshrined in all the mythological symbolism of the national folklore.

But, at the same time, there are many important *halachot* which are as the very life-breath of the national history, have not lost their force to this day, and have infinite possibilities for the future. They may be put aside and unregarded for a time, but that does not mean that they have lost their virtue. Every form of life whilst it is still in process of creation is so much definite content for its creator; but when once it is finished, and passes out into the world as a thing apart, it sinks to the condition of a mere vessel: it has no definite context of its own, and everybody finds in it just what he himself puts into it whenever he handles it. It owes everything to the man, and to the spirit of the man, who finds it ownerless and uses it as his own. Put gold into it –

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1 [editorial note 4 in the original] The prohibition of *shatnez*, of mixing wool and flax, is a reminiscence of the ancient feud between the pastoral tribes, whose clothing was of wool, and the agricultural tribes, who wore flax (“and it shall come to pass, that everyone that findeth me shall slay me”). Close to that prohibition is the commandment: “Thou shall make thee fringes”; and the fringe, according to Rabbinic tradition, may be of wool and flax. These fringes, with their ties and their knots (memorials, as plain as though written, of many ancient tribes), are perhaps themselves nothing but external symbols, attached to the garment, of the covenant of peace which was made between these warring tribes, after their mutual hatred had died down, and they began to come together, and even to intermarry (“and the Lord set a mark upon Cain, lest any finding him should kill him”). The ancient Hebrew, who were a fusion of pastoral tribes (like the house of Abraham and the house of Jacob) and settled tribes (the house of Isaac), retained in their dress relics of customs belonging to two different periods; and the lawgivers of Deuteronomy set down the two side by side without giving the reasons for them, either because in his day the reasons were forgotten and had no longer any significance, or in order not to throw into relief the inherent contradiction between the negative and the affirmative precepts. The reason given for the fringes in a late chapter (in Numbers) is undoubtedly an additional reason, like the exodus from Egypt in relations to the festivals.

2 [editorial note 5 in the original] This prohibition occurs twice, in the two oldest sources (Exodus xxxiii. 19 and xxxiv. 26), in the same verse in which the harvest festival is mentioned.

3 [editorial note 6 in the original] Cf. the kid of the goats in the blessing of Jacob; in the story of Judah and Tamar; and in the Samson (“who visited his wife with a kid”). This was pointed out to me by Mendele Mocher Sefarim.

you find gold: fill it with dust – you have dust for your pains. Have you nothing to put into it? Then you may leave it empty till it rusts. But if such is your case, do not say that the vessel is useless, and should be thrown on the scrap-heap; rather blame your own poverty.

Is it necessary to deal specifically with the interdependence of *Halachah* and *Aggadah* as two aspects or styles of literature, distinct yet necessary to one another?

What has been said above about *Halachah* and *Aggadah* in the original sense of these terms, as two distinct aspects or styles of life, ought, one would think, to render unnecessary any special discussion of the literary aspect: for what is literature but “life in writing” But among our modern devotees of *Aggadah* there is a tendency to claim for literature complete autonomy – “art for art’s sake” – and some would place it above life, which means *outside* life. There is, therefore, no assurance that what has been said above will carry conviction with them: quite the contrary. Whether they agree in part or not, it is clearly dangerous to tell them that the written *halachah* can still be turned to literary use no less than its sister *aggadah*. To tell them that is to risk being set down by them as one who has no aesthetic sense whatsoever – own brother to the *Litvak* zealot who chants an abstruse Talmudic disquisition<sup>4</sup> on *Simhat Torah*. *Halachah* and literature! Could there be a greater contradiction? Why, every school-boy knows that literature as such is simply *Aggadah* – *Aggadah* in all its meanings and its branches, of whatever period, from the narratives, the visions and the poetry of the Bible to the *belles lettres* of our own time; but as for *Halachah* – has it any taste or fragrance? has it aught of the sap of life? has it any trace of beauty?

There is nothing new about these deprecations of *Halachah* on the part of the devotees of *Aggadah*: they are as old as the hills. They are reflected in stories and apologies in the Talmud itself. But for the Rabbis both *Halachah* and *Aggadah* were of gold: they distinguished them from one another as bullion from minted coins. Not so our modern devotees of *Aggadah*. They deny that *Halachah* is literature at all, or has any inspiration. Are they right? Is it true that all *Halachah*, without exception, is devoid of literary value?

This harsh judgment seems to be due to confusion between form and matter and between accidental and essential. The fundamentally *halachic* books – the *Mishnah* and the *Beraitot* – have necessarily, from the nature of their subject and purpose, the form of collections of laws and manuals of instruction. It is for this reason, apparently, that they are placed outside the pale of literature in its modern sense.

But this is merely a superficial view. If these books contained nothing but abstract principles of logic and jurisprudence, the prosecution would win its case. In fact, how-

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4 [editorial note 7 in the original] Translator’s note: The original specifies a well-known passage which discusses the law on the subject of a cow gored by a bull. The *Litvak* (Lithuanian Jew, Talmudist) performs the duty of “rejoicing in the Law” by chanting this passage to a cheerful tune.

ever, as everybody knows, the Hebrew *Halachah* is almost entirely free from abstractions; almost throughout it is descriptive and concrete.

“Two men take hold of a shawl”; “When the potter puts in his pots”; “When a man puts down his cask” – this is the invariable style of the Hebrew *Halachah*. Almost from beginning to end it is a kaleidoscope of pictures, large and small, of actual Hebrew life over a period of a thousand years and more.

*Aggadah*, nursling of the spheres, deals with what ought to be and what might be; to read it is to learn what have been the desires, the preoccupations, the ideals of the Jewish people. *Halachah*, fed by the actual world, deals with what exists and is established; it shows us unmistakably, in small but clear vignettes, the actual, concrete life of the people. In it I see with my own eyes how the people gave shape to their will and their welling aspirations in solid and firm-set forms of life, forms of activity. Do not open the *Mishnah* with puckered brow. Tread leisurely among its chapters, like one exploring the ruins of ancient cities; ramble amid its rows of statutory enactments, set side by side as in a piece of masonry, flint-like in their compressed rigidity; look with a discerning eye at all the pictures, some small and some tiny, which lie scattered about promiscuously in their thousands: and ask yourselves whether you are not beholding the actual life of a whole people, seized in its very progress and petrified in all the multiplicity of its detail.

I am speaking only of the complete and detailed pictures which are to be found here and there, like the description of the oblation of the first fruits, or of the Day of Atonement service, or of the procedure in the law courts, and so forth. Such descriptive passages are a real pictorial epic, and first-rate at that. But I have in mind also the little fragments, here a line and there a curve – those bits of crystallized life which make up almost the whole of the six Tractates of the *Mishnah* and their amplifications. Are all these useless for literary purposes? Are they really to be condemned, absolutely condemned?

When, for instance, a Jew reads the Tractate *Zera'im*, does it never happen that there comes to him from its pages a breath of life, a scent of the earth and the grass, so that of a sudden he forgets that he is sitting and studying in the *Bet Hamidrash*, and sees the common people – the “men of the earth” – at their work in field and garden and vineyard and threshing-floor, with the priest doing his round, and the poor and the needy gathering the stray ears, falling on them, or spreading a cloak over them to establish a claim, and fighting over the booty with their sickles; or the variegated field, with its wheat and rye-grass and asparagus, its fenugreek and purslane, and the vine trained on the fig-tree, and the ant-hills in the standing corn, and the wind stirring the vines, and the gatherer of wet leaves and the collector of dry twigs, and the grape-gatherer snipping off the cluster which, in its tangle of leaves, slips from his hand to the ground and breaks; or the basket of wheat with the one grain that exempts it from tithe; or the stag bought with tithe-money; or the tree that grows in one field and spreads over another; or the shepherds eating dog-biscuit; or

the ripe pomegranate tied up with a reed; or the young pigeons on the baskets – and so forth and so forth?

And when he goes on to the Tractates *Mo'ed* and *Nashim*, does he not see with his own eyes the family life of the Hebrews, complete in all the fullness of its detail? And then *Nezikin* – can he take up the Tractate without seeming to see the Hebrew street and market-place, frozen suddenly one day in the midst of their business and bustle?

Sometimes, too, he will feel that before long – perhaps the next moment – some supreme artist will come and touch this petrified life with the magic wand of his genius, and it will live again as a wonderful artistic creation. One touch of his hand, with just a little inspiration, will transform the *halachah* into an epic.

There have been occasions when a forgotten *halachah* was relearnt from the practice of everyday life. Why should not the process be reversed, and life be reconstructed from *Halachah*?

True, the epic is on a small scale; its narrative content is almost negligible. It is all descriptive – brief glimpses of the customs of a poor life, an unexciting daily round. And even these glimpses are given us not for their own sake, but hurriedly and incidentally. But that we cannot help. Such was the Hebrew life of the time, and so it has been preserved in the only national book of that long period. We had no other life, or, if we had, it has left no record. The vigorous, heroic period, the epoch of splendid creation whereof the biblical epos tells – these had passed irrevocably out of life and literature alike. The advance had ceased: the time had come for mounting guard, for defending what had been built up long before, for sentry duty in inner and outer lines, Both the *Halachah* and the *Aggadah* of those days bear the stamp of their time, the stamp of passivity. Neither the one nor the other tells of great things: they are both made up of little scraps – scraps of thought, scraps of feeling, scraps of action. But a true artist, one who does not seek inspiration by sucking his thumb or by foraging for crumbs from others' tables, but draws it from the fathomless depths of the nation's soul and the mystery of its life – a true artist will find no insuperable difficulty in producing something great even from material such as this, if only the greatness is in his own soul. How much does the inspired artist need to enable him to create? Merely a little raw material, enough for the spirit to lay hold on. If the material is poor, he will enrich it from his own store; if it is dead, he will quicken it from the fountain of his own life. Real art, art which is not a means to a livelihood or a feather in the cap of vainglorious fools intoxicated with selflove – real art, like the Torah, cannot be truly served except by him who sacrifices his life for it – in order to give life. What matters is the vital relation of the artist to the form of life which lies before him. If an artist disqualifies any form of life as unsuitable for art, the question at once arises whether it is not he himself who is unqualified in that particular regard.

But can we draw living water from this rock of *Halachah*? Our “age of revival” asks the question in a tone of amazement, of skepticism.

Yes – if you have the divine rod in your hand and the fountain of life in your heart. If we had true artists and inspired creators, whose own lives were not out of joint, they would draw speech even out of this rock; with the aid of that little something which is called genius, they would transform *Halachah* into a national epic. But at present our artists prefer borrowed vessels and feeble imitation of ready-made alien forms. If their way is not always a very reputable one, it is at any rate easy, inexpensive and familiar. The result is that they have not yet shown any great mastery even in *Aggadah*, in which they believe; and here, too, we wait for the redeeming hand that shall transform it into real lyric poetry. Even our early poets, for all their labor, did not succeed in doing this, because they had not the genius, and because even for them this literary form was not truly alive.

Shall we return, then, to the *Shulhan Aruch*?

So to interpret mv words is to misunderstand them completely. The word *Halachah* and *Aggadah* come from the Talmud, where they have each a fixed meaning; but from the point of view of their inner reality their meaning is capable of extension and enlargement to cover the whole range of related phenomena, whether earlier or later than the Talmud. They are two definite forms, two distinct styles that go together in life and in literature. To each age its own *Aggadah*; to each *Aggadah* its own *Halachah*.

We are speaking not of this or that particular *halachah* or *aggadah*. Our concern is with *Halachah* in general – with *Halachah* as a concrete and definite form of actual life, of a life which is not in the clouds, which does not depend on vague feeling and beautiful phrases alone, but has physical reality and physical beauty. *Halachah* in that sense, I assert, is but the inevitable continuation and sequel of *Aggadah*.

The value of *Aggadah* is that it issues in *Halachah*. *Aggadah* that does not bring *Halachah* in its train is ineffective. Useless itself, it will end by incapacitating its author for action.

If a man professes to have nothing but *Aggadah*, his *Aggadah* should be narrowly examined; you may suspect it of being no more than a pretty flower. Such a man wants to pluck the flowers, but cares nothing for the fruit. In the end not even flowers will reward him; for without fruit there is no seed, and if there is no seed, where is the flower to come from?

The shafts of *Aggadah* are uncertain in their aim, and come with a swerve, as though shot from a loose bowstring; those of *Halachah* fly straight and true, with the strength and directness imparted by the well-drawn bow. *Aggadah* gives us air to breathe; *Halachah* gives us solid ground to stand on. The one provides the element of fluidity and motion, the other that of fixity and stability. Where *Aggadah* has no aftermath of *Halachah* in the national life, the nation will wander endlessly in the vague, and will be in danger of forgetting the straight and only way from will to action. from aspiration to achievement. *Halachah* linked with *Aggadah* means assurance of health and a certificate of national maturity; but wherever you find *Aggadah* in isolation, be sure that the nation's power to act and instruments of action are weak and need med-

icine. This should be taken to heart more particularly by those who put form before substance among the tokens of nationality.

Many generations and many sects of Jews have sinned grievously against *Aggadah* by severing the vital link between it and themselves. The many simple folk among them have taken it literally and treated it as the basis of faith; the many clever people among them have also taken it literally, and regarded it as idle fancy. Both alike have shown lack of culture and discrimination. They have been blind to the light of poetry and the figurative truth in *Aggadah*. They have ceased to understand its language. Now we are privileged to live in an age of pure, *Aggadah*, both in literature and in actual life. The whole world is but *Aggadah* within *Aggadah*: of *Halachah*, in whatever sense, there is no trace and no mention.

Stoutly as it may be denied by those to whom it is unpalatable, the fact remains: modern Hebrew literature has for the most part chosen, beggar-like, to settle down in the poorest quarter of the city of culture. On the intellectual side it has nothing to say; its only approach to life is through the narrow wicket-gate of a dubious aestheticism. The *Aggadah* of our time, consisting (if we leave cheap journalism out of account) of a few stories and poems, is all its wretched wealth. There is nothing on the higher levels. *Halachah* has ceased out of Jewish life. And, what is worst of all, there is not even a discernible tendency in our modern literature to raise itself out of the murky waters of the pit. On the contrary, our writers are pleased with their lodging. Since their ranks have been swelled by so many of the uneducated and uncultured, there has been, and still is, a sort of attempt on their part to persuade the masses that “literature” and “creation” mean nothing but *belles-lettres*, and that everything else is spurious. Let an empty-headed youth produce twenty verses, or a couple of short stories – that, if you please, is original creation; but a book like Krochmal’s *Modern Guide of the Perplexed*, which is the only great philosophical work in our modern literature, is not.

Once more let me make it clear that it is not my purpose to decide for *Halachah* or for *Aggadah*, to pronounce in favor of the one against the other. I am speaking of *Aggadah* and *Halachah* in general, as twin forms of literature and of life; and I ask – what will be the end of an *Aggadah* which has not its *Halachah* close by its side?

As regards literature, we see what the end is – if, indeed, this is the end: the emptiness of a pool without fish. Today, after a century and a half of our literary revival, whoever really and truly wants to learn anything has to go elsewhere. And there is ground for fearing that even the little *Aggadah* that we have – the *belles-lettres* – will dwindle away, because it does not draw inspiration periodically from the higher realms of the spirit. After all, the whole justification of this kind of literature is that it establishes, by its own special means, a permanent bond between the few who influence and the many who are influenced. Singing for its own sake, as the birds sing, is all very well, in the intervals of rest, for those who are hard at work giving literary expression to the whole range of human culture, and producing a creative literature that influences life; but what is the use of the song of boredom and idleness?

So far of literature. What of life?

A generation is growing up in an atmosphere of mere phrases and catchwords, and a kind of go-as-you-please Judaism is being created out of the breath of empty words. Our cries are nationalism, revival, literature, creation, Hebrew education, Hebrew thought, Hebrew labor; and all these things hang by the gossamer thread of some kind of love – love of the land, love of the language, love of the literature. But what is this love-in-the-air worth?

Love? But where is *duty*? Whence can it come? On what is it to live? On *Aggadah*? But *Aggadah* is by its very nature the embodiment of volition; it admits something between yea and nay.

A Judaism all *Aggadah* is like iron that has been heated but not cooled. Aspiration, good will, spiritual uplift, heartfelt love – all these are excellent and valuable when they lead to action, to action which is hard as iron and obeys the stern behests of duty.

If you wish to build, then “make a sure covenant, and write it; and our princes, Levites and priests. seal unto it” (Nehemiah x,1): “make ordinances for you” (Nehemiah x, 33) – that is how your ancestors began to build.

The glorious visions of the second Isaiah kindled enthusiasm; but when the time came for building, the two Prophets among the builders – Haggai and Zechariah-were the last of the Prophets: and the first of the makers of *Halachah*; and those who followed them – Ezra and his companions – were makers, of *Halachah* and nothing more.

What we need is to have duties imposed on us!

Let there be given to us moulds in which we can mint our fluid and unformed will into solid coin that will endure. We long for something concrete. Let us learn to demand more action than speech in the business of life, more *Halachah* than *Aggadah* in the field of literature.

We bend our backs. Where is the iron yoke? Why comes not the strong and the outstretched arm?



# 65 Salim Yitzhak Nissim: *Daughter of Babylon* (1920)

Translated by Avi Aronsky, Daniel Zohar, and Nurit Stadler; introduced by Nurit Stadler

## Introduction

Salim Yitzhak Nissim was a Jewish-Iraqi scholar, thinker, pedagogue, and journalist who wrote in both Hebrew and Judeo-Arabic. In this sense, he exemplifies Hebrew-Arabic interculturality within the context of Iraqi Jewry (a synthesis that appreciably differed from its Ashkenazi, European-based counterparts). Nissim is part of a generation of writers who merged Levantine and Arab cultural pasts with secular ideas. For example, notions of Baghdad were fused with Jerusalem, reconstructing what the intellectuals perceived as lost worlds and memories that should be taken into account upon building a modern Jewish state. In Nissim's showcased poem (below), *Maskilic*<sup>1</sup> ideas are formulated and experienced differently in Sephardic communities than Ashkenazic ones. With the Ottoman Empire's disintegration and the start of the British mandate over the region, Bagdad Jewry was swept up by powerful modern currents. Moreover, the fledgling Hashemite kingdom encouraged Iraqi nationalism, as well as the study of Arab culture and language, throughout its education system. The confluence of this new local spirit with the British presence also exposed Iraqi Jews to Western trends. Under the circumstances, more of the community's members were acquiring literary Arabic together with a farrago of European languages. This turn of events prodded Jews in Bagdad to assimilate into greater society.

For Iraq's citizens, the 1920s and 1930s were indeed a cosmopolitan, liberal era that sparked, among other things, a new generation of Jewish-Arab intellectuals. Not only did the latter penetrate Bagdad's Arabic literary circles, but they launched a renaissance of modern Hebrew writing. As a result, Hebrew teachers flocked to Iraq, especially from Istanbul. This development transformed a rigid devotional language into a profane national tongue. The main impetus was to spread modern Hebrew to different Jewish communities, with the objective of transmitting and buttressing secular knowledge. A few Jewish-Iraqi journals assumed this mantle, none more so than the bilingual Hebrew-Arab journal *Yeshurun* – a publication of the Zionist movement

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<sup>1</sup> *Maskilic* is the adjectival form of *Haskalah* – the Jewish Enlightenment.

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*Aguda Ivrit sifrutit* (the Association for Literary Hebrew). Members of these circles believed that the Babylonian Jewry's ancient roots had provided them with a unique opportunity to contribute to the era's Jewish cultural revival.

Written in 1920 Baghdad, the ensuing poem, "Daughter of Babylon," came out in *Yeshurun*. Within this framework, Nissim enthusiastically urges on a woman he dubs "daughter of Babylon" to awaken. Of course, Babylon is a biblical toponym for the ancient city that has long served as a center of commerce, art, and learning. What is more, the metropolis constitutes the birthplace of the Talmud. The terms "daughter of Babylon" and "mother of the Talmud" are personifications of the city and the principal text of Rabbinic Judaism, respectively.

Nissim calls upon the "daughter of Babylon" to undergo a metamorphosis. This appellation first turns up in the Prophets, where she is portrayed as a harlot and evil woman. Moreover, the daughter was a representative of the ancient empires whose seat of government was in Babylon. Owing to their persecution of the Jews, God took his wrath out on these polities, seeing to their defeat and humiliation. It also bears noting that this progeny of Babylon stands in contradistinction to "the daughter of Zion" – a biblical personification of the Israelites.

In Nissim's supple hands, though, the Babylon's daughter, is transformed into the modern Jews of Iraq amidst their national awakening. By replacing the daughter of Zion with that of Babylon, the poet cleanses the latter of her age-old obloquy. This mother figure is emblematic of the new synthesis between modern times and ancient wisdom. As such, the poet enjoins the daughter of Babylon to restore the glory of yesteryear, before the Temple's destruction. However, the mission is cloaked in secular aesthetics, demands, and knowledge. More specifically, Nissim sets a modern humanistic goal of persuading enlightened Jews to raise the banner of a secular Hebrew education. Correspondingly, he urges them to come and build a new state, forge a Jewish nationhood. In other words, the poet beseeches his community to amalgamate Jewish textuality with modern secular ideas.

The imagery in "Daughter of Babylon" indeed charts a path towards learning and carefully recalibrating secular knowledge, science, and the arts through the lens of Jewish terminology for the purpose of merging Toranic studies with Enlightenment values. Ancient, unequivocally Mosaic notions are to be fused with universal concepts, alongside ideas of national revival.

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## Translation by Avi Aronsky, Nurit Stadler, and Daniel Zohar

Awaken daughter of Babylon mother of the Talmud  
return to your ancient past  
buoy your sister in education and culture  
so that the Jewish people will return to nationhood.

Awaken daughter of Babylon mother of wisdom  
hold the pen of literature in your hand  
cast aside the folly  
so that your people will be redeemed.

Remove the handcuffs, open the manacles  
manacled latent thoughts  
Pick lilies and flowers  
from ancestral fields.

Estranged daughter of Babylon  
abandon not your parents' language  
teach your tongue Hebrew  
lest you become a laughingstock among the nations.

Exhibit splendor in knowledge of languages (*lashon*)  
but stray not from the Prophets  
open the Book of Chronicles  
so that you will comprehend how great Israel is amongst the nations.

Clasp the hand of Jeshurun<sup>I</sup>  
and its petals shall burgeon  
With the courage of Bin Nun  
find yourself a diversion.

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I DZ: Jeshurun is among the Biblical names of the Jewish people.

# 66 Jaqueline Kahanoff: *Childhood in Egypt* (1959)

Introduced by Daniel Zohar

## Introduction

A prolific Jewish essayist and novelist, Jacqueline Shohet Kahanoff (1917–1979) was interested in a wide array of topics, not least society, cultural differences, identity, politics, and gender. Born and raised in Cairo, she immigrated to the United States at the age of 23 and relocated to Paris following the Second World War. In 1954, the intellectual laid down permanent roots in Israel. Though Kahanoff's literary career began in North America, Egypt and Israel predominate her enterprise.<sup>I</sup> The author wrote in English and French, but is best known for the Hebrew editions of her oeuvre – translations that would have a major impact on generations of Israeli authors.<sup>II</sup>

Kahanoff was raised in Egypt's cosmopolitan bourgeois society.<sup>III</sup> This background animates the featured text, which is part of her best-known collection *A Generation of Levantines* (1959). More specifically, the essay's socio-cultural critique is laced with personal anecdotes. Another of the intellectual's formative periods was her long stint in New York, where she attended Columbia University and consorted with prominent intellectuals, some of whom had also taken flight from Europe.<sup>IV</sup>

Associated with “Levantinism” or “Levantinization,”<sup>V</sup> Kahanoff coined this term in her aforementioned collection. The objective behind this neologism was to transform “Levantine” from a derogatory term for a venal Orient into a catalyst for multiculturalism and for placing the East on an equal footing with the West. Kahanoff's “Levantinism” sprouted from the soil of the fledgling Jewish state, to which she had thrown in her lot. During this period, there was a major influx of Jews from Arab and Muslim countries to Israel. This flow stands in contradistinction to the largely European waves of immigration of prior decades. The new Sephardic arrivals were discriminated

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I Deborah A. Starr and Sasson Somekh, editor's introduction to *Mongrels or Marvels. The Levantine Writings of Jacqueline Shohet Kahanoff*, by Jacqueline Kahanoff (Stanford, NJ: Stanford University Press, 2011), xi.

II Ibid., xii.

III Ibid., xii.

IV Ibid., xvi.

V The Levant refers to the Eastern Mediterranean, from Syria in the north, through Jordan, to Israel and Sinai in the south.

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against by the Israeli establishment, which viewed the former as culturally and intellectually backward.<sup>VI</sup>

At the bookends of her career, Kahanoff penned fictional works, some of which are semi-autobiographical. In “Childhood in Egypt,” which is perhaps the centrepiece of *A Generation of Levantines*, the novelist used her family stories to refract the heterogenic society of her youth.<sup>VII</sup> Throughout Kahanoff’s writing life, she also opined on culture and literature, serving as an “important cultural mediator”<sup>VIII</sup> for Israeli readers. Her body of work attests to horizons that went well beyond the Jewish state.

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## Childhood in Egypt

When I was a small child, it seemed natural that people understood each other although they spoke different languages, and were called by different names – Greek, Moslem, Syrian, Jewish, Christian, Arab, Italian, Tunisian, Armenian. I was aware that Arabs were more numerous than other people, and poorer: they were servants, peddlers, and beggars who showed arms without hands, legs without feet, eyes without sight, and called out to Allah to send them a meager piaster. The children scavenged in garbage pails for something to eat. Rich Arabs were pashas, but then many of them were Turks, and the Turkish ladies were princesses. One only caught a glimpse of them when they passed in their carriages. They wore a little bit of white veil around their heads and chins, while the Arab women were all wrapped up in black.

Moslems prayed kneeling on small rugs when the muezzin called them to prayer from the top of a minaret; it was a sad, beautiful song that filled the sky when the sun fell and disappeared. But in the morning, it returned to shine on everything, and that was why one prayed to God: to thank him for the Light.

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VI Ibid, xxiii–xxiv.

VII Ibid., xviii.

VIII Ibid., xix.

It was a friendly world, with something exciting always going on. Crowds milled about in their brightest clothes for Bairam, after the Ramadan fast, and peddlers sold them magnificent sugar dolls in bright tinsel paper clothes, with little bells jingling on their heads. There were processions when the Holy Carpet returned from Mecca, or when the King opened Parliament; then all the streets were covered with orange sand and decorated with banners and festoons of light bulbs that shone brightly at night. At Easter time some shops sold chocolate eggs. Later, the Greek grocery stores sold eggs dyed in the most beautiful dark shades of purple, orange, and green. There was one holiday, *Shamm al-Nissim*, the Feast of the Sun, when absolutely everybody celebrated the spring by having a picnic by the Nile.

Mother said that before going to sleep, it was good to remember all the nice things that happened that day, and there were lots of them, even on ordinary days. Sometimes camels came into town, carrying bundles of fresh-smelling greens in the rope bats flung across their humps, and it was funny the way they twisted their mouths, always chewing on something. Often my uncle Nono would invite me to see the new toys they had received at the store, and he said I could choose anything I wanted, although Mother scolded him for spoiling me too much. Or there were uncles and aunts who came from Paris or Manchester for weddings or business affairs. There were days, late in summer, when Nono and Uncle David distributed among their married children the good things they had received from Tunis – olive oil, and delicious big green olives, dates, and muscat grapes that were so good, that when we had a party to eat them together, everybody, even the children, were tipsy.

On Sundays, old Maria, our maid, sometimes took me with her to early mass in St. Joseph's Cathedral, where fat little angels floated among the pink clouds painted inside the domed blue ceiling. Father said I could go because God was everywhere, but that I must never, never dip my fingers in Holy Water or make the sign of the Cross, because I was Jewish. Every people had its religion, he said, just as every bird had its song, and God loved and understood them all. Our religion, he said, was to await the coming of the Messiah, who would bring the day when people could love one another almost as God loved them all. I hoped that the Messiah would come quickly so that everybody could enjoy everything about other people's religions, as well as their own.

Our religion was also a mysterious language of prayers, called Hebrew, which only the men recited and understood. But, what was being Jewish most of all was to visit my father's parents, far, far away in the Abbassiyah quarter, where they lived in a little house surrounded by jasmine and honeysuckle. My grandfather Jacob, who came from Baghdad, sat in a long robe, with a turban on his head. He intimidated me because of his white beard and the prayer books which lay on a table at his side. My father gave me a little push, and I knelt before this old grandfather, who was also like a priest, to kiss his hand as my father had done, and received his blessing. When Grandfather Jacob's hand rested on my head, I felt that this blessing was something ancient and precious, a treasure, which the grandfathers of our grandfathers had re-

ceived from God. Because of this blessing, I was in God's safekeeping and belonged to the people of the stories in the old prayer books.

There were no real pictures in this grandfather's house; that was forbidden, but there were two frames containing writing on the plain white-washed wall, which I always saw as I lifted my head after the blessing. Father explained that one was the Ten Commandments in Hebrew, which God had given to Moses when they waited in the desert before entering the Promised Land, and these commandments told people what was right and what was wrong. The other was the Balfour Declaration, in English, and it said that the time was soon to come when we would return to our Promised Land. This land was called Erets Yisrael, Father said, but now it is called Palestine, for we had lost our Promised Land. But we should remember that the Lord God of Israel had promised it to the sons of Jacob.

"To the daughters too?" I asked, and, smiling, my father said yes, to the daughters too, for Israel honored its women, the daughters of Rachel and Sarah. I thought how beautiful it was that the people in my family had the same names as those in the stories.

My grandmother sat on a couch in another room, draped in gray silk, her legs crossed under her. She was religious, and wore over her black wig a kerchief decorated with many crocheted flowers which dangled on her forehead with each of her movements, and which made her look young. Although I was told she was not beautiful, to me, this ancient Jewish queen, who never shouted and before whom people lowered their voices, was more than beautiful. I wanted the years to fly quickly, till I became an old grandmother just like her. My father's parents were the only people I knew who were in total harmony with themselves, inwardly and outwardly, who accepted themselves as they were and did not want to be other than they were.

I remember one summer we were in a hotel in Alexandria, by the sea. It was full of English officers and their wives, and one lady asked me what I was. I did not know what to answer. I knew I was not Egyptian like the Arabs, and that it was shameful not to know what one was. And so, thinking of my grandparents, I replied that I was Jewish and Persian, believing that Baghdad, the city they came from, was in the country from which all beautiful rugs came. Later, my mother chided me for not telling the truth, and said that when people asked me such a question, I should say I was European. I suffered because I knew this was not the truth either, and I burned with shame when the English ladies who had been nice to me laughed about "the little girl who wanted to be Persian."

I knew that my father suffered too, but I could do nothing about it. The image of his parents became something precious and secret I kept locked in my heart. They were the pillars that supported the frail bridge which tied me to my past, and without which there could be no future.

Whenever we passed the Qasr al-Nil bridge, where the English barracks were, I thought of the desert far away where the past slept under the sand. This was the treasure I must find when I would be grown up and free, so that the past could come alive and become the future. Sometimes the bridge opened to let white-sailed feluccas

pass on their way to or from the mysterious place where the river and the world began. I thought that if once I stood at the edge of the bridge, just when it opened in the middle, I would fall into a felucca and be carried to that beginning, or to that end, where the river flowed into God, which was like a beginning. But perhaps I would miss the boat, and drown, sucked in by the whirlpools. I was safe only when I stood on the bridge. I knew that the feluccas traveled between Aswan and the Delta, carrying onions and watermelons, but the mythical river was my real world, where no harm would befall me.

We moved to a different house, where the river flowed by my window, and beyond it the three triangles of the pyramids spoke mysteriously of the time when everything called history started, long, long before English tutors taught us to read *Alice in Wonderland* and French schoolteachers made us memorize all kinds of nonsense about our ancestors the Gauls. The Wonderland was here, where our ancestors had created what the books called “ancient civilizations” at a time when the Gauls were savages clad in the skins of wild beasts, whose flesh they ate raw.

We played by the river where Pharaoh’s daughter had found Moses, and where He, who would be the Messiah, was perhaps already born, a little child sleeping amidst the reeds. The Messiah would surely usher in a time when there would be no Christians, no Moslems, and no Jews, no white, black, brown, or pink people, and no princes who rushed by in their big red cars, so hardened by the thick crust of their wealth that they could not see, hear, or smell the poor who crouched by the gates of the Qasr al-’Aini hospital, where the air was foul from the stench of their sores. Bare-footed, the princes would then approach them, and the crippled, the sick, and the poor would rise, forgive them, and be whole again.

My friend Marie, a Catholic, said that the Messiah had already come, and that he was Jesus. I could not bear to think the Messiah had come, and failed, without God giving men another chance, as he had done so often since the time of the Great Flood. Perhaps, I thought, many false Messiahs had to come, to suffer and to die before every person could open his heart to Him who would come last. Jews were people who knew that another Messiah had yet to come, and that was why they waited. No matter what happened they would wait. That was their faith, their hope, their belief, that the Kingdom of Heaven would and could be on earth, in every man.

Marie spoke constantly of charity but accepted poverty as something to be compensated for in heaven. She was a Syrian, and like me, was half-native Levantine. She, too, was humiliated by our embittered British spinster teachers, but she never dreamt of revenge. She spoke of turning the other cheek, of meek resignation, of enduring one’s sufferings for the love of Christ. I admired Marie; she also troubled and infuriated me. Marie never got angry. She told me I sinned through pride, and that people were not able to tell good from evil without the guidance of the Church. She pleaded with me and prayed for my conversion; she loved me and did not want me to burn in Hell because the Jews had killed Christ. I would retort, “When *my* Messiah comes, He



will save everyone, even those who do not believe in him. And if he doesn't come, I don't want to be saved while other people burn in Hell. It's too unjust."

I racked my brain to find these arguments. I had had no formal religious instruction and had fittted together, as best I could, the notions I had gleaned from books, from the English translation of the Haggadah my father had given me for Passover and from what he told me of my religion. I was grateful for his trying. But one thing would often remind him of another, just like when people told stories in Arabic, so that I didn't know exactly where a story began or ended, and what was important and what was not.

When I passed by the English barracks, I would remember Gulliver, a sleeping giant, pinned down to earth by thousands of threads nailed to the ground by thousands of little people. It occurred to me that perhaps our thoughts were like those threads. If we kept winding them between our heads and our hearts every day for years on end, like an invisible spider spinning a web around the barracks, then one day, all of us could pull together, and the slumbering giant would awake. But alas, too late. The barracks would crack open, like the Philistines' Temple, and an avalanche of stones and pink-faced soldiers would be hurled into the Nile when its waters were high, and disappear forever, sucked in by the whirlpools. Then, when the English soldiers were gone, we would lock up our nannies and Misses in chicken coops, and parade them in the streets, lined with orange sand, like when the King opened Parliament, so that everyone on our street would have a good laugh before we shipped them back to His Majesty King George.

I wondered if other children had such thoughts, and feared that perhaps I was mad. I tried to reason with myself. The Messiah who would come would most certainly forgive even the British soldiers and the English Misses, so before He came perhaps I should forgive them myself, and if I did, perhaps they would just go away. But I couldn't forgive. I didn't really want to. The truth was that I loved hating them more than loving them, because it excited and thrilled me, while love was something tranquil and restful, like sleep. But, if people loved to hate, then there was no difference between the black, the brown, the white, and it did not matter whether or not the barracks were destroyed, because the Messiah who would come would fail, as Jesus had failed, as Moses had failed, and nothing would change, and if nothing could change, there was no sense even in being Jewish and waiting for the Messiah to come.

This riddle was in the Haggadah, which I loved because it taught me that we were the people who would be given the Promised Land. God himself had not been able to soften Pharaoh's heart, nor make him give up his wicked power over another people. God had had to force Pharaoh by threatening him with the Ten Plagues, and He hoped that after each one Pharaoh's heart would be filled with pity. But Pharaoh loved his power and his wealth, and rather than give them up, he let the crops which fed his own people be devoured by locusts, and the river which fed their fields be turned to blood, and the first-born die in the little mud huts which were like those of the fellahin.

After all that Moses had sacrificed for them, even his own people had worshipped the Golden Calf, which was very much like Tutankhamen's mummy case in the Museum of Egyptian Antiquities. Moses, who was the son of an Egyptian princess, died of sorrow, thinking of those who had perished en route and were refused entry to the Promised Land. We, his people, had not been worthy of the Promised Land, and would weep in exile until we learned to know what we had been chosen *for*. Then we would return to the Promised Land once more, the Messiah would come, and all would be peace and harmony. Everything would be different. We and the Egyptians would be free together, and no one would set us against each other.

To make this happy end possible, I had to find out why things had turned out so badly in Pharaoh's time. I could do this only by elaborating fantasies around symbols, because I did not know the words needed to express my thoughts. True, I was very young, but I also felt that none of the languages we spoke could express our thoughts, because none was our own. We were a people without a tongue and could speak only through signs and symbols. Our elders spoke of ordinary, everyday things, or about religion. Their religion was to say *maktub*, *inshallah*, "amen", "Our Father who art in Heaven," and to pray and fast sometimes; but it did not say anything about the things that were so difficult for us in life. Whether, for instance, it was right to want the British to go, and wrong to hate them, right to learn so many things from them and from their schools, but wrong not to want to be like the British and French, or our parents, or the Arabs. We were searching for something *within* ourselves which we had yet to find. Religion seemed to have nothing to do with how people lived, and this did not seem to worry them, although they said that religion explained life and told them what they must do.

At school, we learned other things, but there too, we learned nothing about ourselves or what we should do. We did not know how it had happened that Jewish, Greek, Moslem, and Armenian girls sat together to learn about the French Revolution, *patrie*, *liberté*, *égalité*, *fraternité*. None of us had experienced any of these things. Not even our teachers really believed these words had anything to do with our lives. They seemed to think it was right for us to want to be like French children, although they must have known that we could not really become French, and that they did not really want us to be their equals or their brothers, and that actually we were nobody at all. What were we supposed to be when we grew up if we could be neither Europeans nor natives, nor even pious Jews, Moslems, or Christians, as our grandparents had been?

It was impossible to question anyone about these things. one could not ask one's parents, who kept saying they spent so much money to give us an education and advantages they had not had (and this was true), nor our teachers, who would laugh at us without even trying to understand. I could not share my feelings and thoughts with anyone, not even the other children, because I had no way of knowing if they were really happy and if they really believed the world we grew up in was true and good, or if they only pretended, as I did, because they were frightened and could not speak

out. It was only through fantasies that I could explain this inexplicable little world to myself, and be able to fit it into a larger world, where I could find my place.

In one such fantasy I imagined a ruby and a lightning rod. The ruby was an inheritance received from my grandfather. A gentle fire glowed in its depth, and whoever held it knew the answers to all questions, and was at peace. I would fall asleep, my hand clutching this imaginary treasure, but when I woke up at night, my hand was always open. The ruby was gone. I believed that a wicked priest had risen from a dream and stolen it. Nothing could check this priest's power once he possessed both the ruby and the lightning rod – except trickery and deceit.

The rod was light and fire, but it was a cold, hard, white light, and whoever touched it died instantly unless he owned a magic glove. When its rays touched men it made them work to build pyramids and bridges, and when it pierced the ground, the earth surrendered its riches. The lightning rod was in the movement of machines, trains, ships, and airplanes. It did things without thinking, while the ruby which had knowledge of all things, did nothing. The Master of the World used the rod to make life, and it was good when the ruby directed its action. The ruby was the jewel at the center of Pharaoh's crown, and the rod was the staff in his hand.

Pharaoh grew weary of holding the rod, as the power in it always wanted to strike, and from this power the wicked priest was born when Pharaoh slept. He persuaded Pharaoh to let him lock the rod in his temple, and replaced it by a stick. Then he stole the ruby, which he in turn replaced by another red stone. Pharaoh then became a statue, a dead, motionless god. But the people, seeing him with the ruby and the rod, did not know that he was dead, and that the wicked priest ruled by the rod alone. That is why they did not understand their own misery.

Pharaoh's daughter knew these things but, being a woman, she did not have the power to change them. She found the child Moses, and told him the secret. He became a novice in the temple, where he learned to use the power of the rod, which he caught and held in his own staff. He found the ruby too, and hid it in the desert, thinking that he could always return to it after he had defeated the wicked priest. When Moses challenged the wicked priest, he had to make his plagues more powerful than those devised by the wicked priest, but he could not stop them because he did not have the ruby. Even God could not stop the plagues, because if He made miracles men would not learn the meaning of their deeds and He would have to unmake the world He had created, starting from when he made the apple so tempting in the Garden of Eden that Adam and Eve *had* to eat it in order to learn right from wrong.

In the Wilderness of Sinai, Moses knew that even if he had not trusted in the ruby, but only in the rod, he would have died of a broken heart. After he died, mankind would be divided into two parts, those who remembered the ruby, and lived only to seek it in themselves, and those who knew only the power of the rod. The first were the People of the East, and because they rejected knowledge of the rod, they worked only if driven, grew lazy, sick, and poor, and waited idly for something to happen. The people of Europe knew only the rod which coldly lit their darkness; and

because they created machines and electricity, they worked and made others work. They ruled the earth, but without understanding. I thought the Messiah would finally arise from those people who kept the memory of oneness, with each person yearning for that part in himself which was lost. The Promised Land was where they would meet and be one, the people of the ruby and the rod, in whom all things would be united.

When I reached adolescence, these fantasies lost their grip on me, or rather they expressed themselves more deviously through rational thoughts and political sympathies. I was not entirely aware that I was pretending to believe in certain ideas because they were already clearly formulated, while I could not express my own, partly for fear of appearing absurd, and partly because a reflex of self-defense prompted me to keep secret what was my own. This measure of deceit and self-deception, which disguised self-doubt was – and still is – characteristic of my Levantine generation. We thought ourselves to be Socialist, even Communist, and in our schoolyard we ardently discussed the Blum government, Soviet Russia, the civil war in Spain, revolution, materialism, and the rights of women, particularly free love. The only language we could think in was the language of Europe, and our deeper selves were submerged under this crust of European dialectics, a word we loved to use. We talked and pretended to act as we imagined the youth of French lycées in France talked and acted, without being fully aware that they were still within a traditional framework which we had lost, and for which we envied them. We blithely dismissed everything that was not Left as reactionary, and because we were culturally displaced and dispossessed, without yet being able to define our predicament, we did not fully realize that our motives were not those of French youth, and were neither as pure nor as generous as we had imagined them to be. Revolution, which would destroy a world where we did not have our rightful place, would create another, where we could belong. We wanted to break out of the narrow minority framework into which we were born, to strive toward something universal, and we were ashamed of the poverty of what we called “the Arab masses,” and of the advantages a Western education had given us over them.

Our parents were pro-British as a matter of business and security, and we were pro-nationalist as a matter of principle, although we knew few Moslems of our age. We felt this nationalism was an inevitable step on the road to liberation and true internationalism and, sensing that we might be sacrificed to it, we accepted it as unavoidable and even morally justified. We hesitated between devoting ourselves to the “masses” and going to study in Europe, to settle there and become Europeans. In later years, many of us switched from one attitude to another, or attempted to achieve some compromise between them, the most usual being to help educate or improve the lot of the Arab masses either by social work or by preaching Communist doctrine. Some of us became cynics, bent on enjoying our advantages “while there was still time,” but some of us were acutely aware of our dilemma and the difficult choices before us. We felt cut off from the people and the country in which we lived, and knew that nothing would come of us unless we could build a bridge to a new society.

Revolution and Marxism seemed the only way to attain a future which would include both our European mentors and the Arab masses. We would no longer be what we were, but become free citizens of the universe.

There was in us a strong mixture of desperate sincerity and of pretense, a tremendous thirst for truth and knowledge, coupled with an obscure desire for vindication, from both the arrogant domination of Europe and the Moslem majority which, we did not quite forget, despised its minorities. We would be generous and get even with the Moslem masses by introducing them to hygiene and Marxism.

Few of us Jews were Zionists, because we believed that for humanity to be free, we had to give up our narrow individuality as other people were expected to or, at most, we argued that the Jewish people had a right to national existence as did all other people, as an inevitable preliminary to "international Socialism."

I said these things, as my friends did, but wondered if they too only half-believed and were biding their time before speaking up with their own voices. Our teachers expounded knowledge from on high, and most of us who sat, heads bowed, taking notes were Jews, Greeks, and Syrians, the Levantines, those whom the Moslems called with superstitious respect and suspicion, the People of the Book. We the Jews, and the Greeks, were always there, had always been there, changing the world more than we changed ourselves, remaining the same under our many guises. Other people passed us by, and we bowed our heads until their power spent itself. Our teachers, too, would depart, but we would pass on the ferment of knowledge, making history in our insidious, secretive way, without ever being totally undone by it. Perhaps in our own time, we would witness and share in the undoing of Europe's dominion, the fall of all its barracks, and even, perhaps, a return to the Promised Land. What would we, the Levantines, do in that world which would be ours, as well? In any case this new world would have to wait for us – we who were still in the schoolroom – to give it a different color and shape.

Throughout our Mediterranean world, and the vast continents it bordered, other young people were imbibing this knowledge from their teachers, never suspecting that the dormant seeds would suddenly burst out from under the silt of centuries. The Arabs and the other colonized peoples were the crossbreeds of many cultures by accident, while we Levantines were inescapably so, by vocation and destiny. Perhaps our ways would part, but together, we belonged to the Levantine generation, whose task and privilege it was to translate European thought and action and apply it to our own world. We needed to find the words that would shake the universe out of its torpor and give voice to our confused protests. We were the first generation of Levantines in the contemporary world who sought a truth that was neither in the old religions nor in complete surrender to the West, and this, perhaps, should be recorded.

In later life our paths sometimes crossed, and we could talk with our own voices, Greeks, Moslems, Syrians, Copts, and Jews; those who became Arab nationalists, and Zionists, Stalinists, and Trotskyites, Turkish princesses in exile, priests and rebels. We talked of our youth when our souls were torn, and were so divided within ourselves that we had feared we could never recover. Yes, we had mastered words, a language

in which to frame thoughts that were nearly our own. We were moved to discover how close we had been to each other in our youth, although it was perhaps too late to make any difference. Our choices had commanded other choices, which locked us in a position from which, in the adult world, there was no retreat.

Today, when we can no longer meet and talk, we know that history is our childish fantasies come true, and that they sometimes turn into nightmares. In newspaper stories we recognize the names of those we knew, hear the echoes of things we said or thought long ago. We understand why each one of us chose his particular road, and at last we recognize ourselves in events which happen *through* us, and not only *to* us, even though we may grieve that between our dreams and our deeds, the wicked priest has cast his shadow to separate us, and that none of us can as yet turn about and start again.

# 67 Yeshayahu Leibowitz: *A Call for the Separation of Religion and State* (1959)

Introduced by Ottfried Fraise

## Introduction

Yeshayahu Leibowitz (1903–1994) was a scientist, political critique and iconoclastic orthodox Jew. Though a polymath in such diverse fields as biochemistry, neurology, religious and secular philosophy as well as the history of Jewish traditions, he was best known for his vehement opposition to Israel's occupation of the Palestinian territories and any religious justification thereof. His warnings that the oppression of another people would undermine the democratic character of the Jewish state caused quite a stir in Israeli public discourse.

The son of an Orthodox family from Riga, Leibowitz emigrated to Mandatory Palestine in 1935 after studying chemistry and medicine at German universities. Beside lecturing at The Hebrew University, he edited eight out of twenty volumes of the *Encyclopedia Hebraica* and penned many of its entries. From the late 1940s onwards, Leibowitz pondered the nexus between the institutions of state and the religious establishment. He saw the entanglement between these two spheres, particularly in the form of religious parties, as a betrayal and corruption of both the secular state and the rabbinic elite. Leibowitz's independent political and religious stance allowed him to criticize both religious and secular powers on grounds of principle.

Israel's conquest of Palestinian lands including the Old City of Jerusalem and the Wailing Wall in the Six Day or 1967 War was met with public (religious) euphoria. Leibowitz immediately warned that it was imperative for the country to “liberate itself from this curse of dominating another people”, lest it “brings about a catastrophe on the entire Jewish people”. He dismissed worship at the Wailing as an idolatrous “abomination” and called it a “discotheque of Divine Presence”. By this he sought to express by hyperbole that the notion of a holy place “is utterly foreign to Judaism. Only God is holy”. Leibowitz's clear diction that stems from principle-driven or axiological reasoning, is integral to his thought.

As someone well-versed in medieval Jewish philosophy, Leibowitz believed it paramount to distinguish the confluence between medieval science (or philosophy) and religious thinking from modern concepts of science and faith. The radical paradigm shift occasioned by modernity made science antithetical to religion. By way of contrast the impetus behind medieval research, predicated on Aristotelian determinism was teleological. In the absence of a principal distinction between the perception of

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reality on the one hand, and its meaning on the other, the disciplines of natural sciences, humanities, philosophy and theology resorted to cognate hermeneutics. Matters of science and of faith could meet (or diverge) on the same interpretative plane. In contrast, the modern paradigm of natural science is only interested in “functional relations between factual data” that are indifferent to cognitive phenomena such as values and meanings. In fact, the differentiation constitutes its objective force. No direct confrontation between natural sciences and religion is possible (at most between natural sciences and history or philosophy).

The incompatibility of the natural sciences with religion in the modern era is buttressed by a second axiological pillar of Leibowitzian thought. More specifically, the polymath doubted that cognitive elements are indispensable to religion: “Today we extract meaningless information from science and do not have to ascribe cognitive content to religious thought”. In this respect, Leibowitz initiated an axiological reinterpretation of Judaism, claiming that the essence of Mosaic faith is – and has always been – grounded on its conative properties (only veiled in the Middle Ages). Instead of knowledge or (cognitive) values, Judaism is predicated on the demand and choices of believers standing before God (in which context he likes to refer to Exod. 24:7 “we will do . . . and . . . obey”). In a typically sharp tone used to reinforce his axiological reasoning, he questions whether the Torah conveys a cognitive import at all, akin to what is found in history books or scientific texts and posits it “necessary to redefine the distinction between holy and profane”. In other words, the distinction should be conative not cognitive.

Clearly, Leibowitz’s claim has far-reaching consequences for his conceptualization of the Jewish state, as well as the proper relationship between the institutions of a democratic state and the tenets of Orthodox Judaism. If one rejects the Western “solution” – the confessionalization of religion – as Leibowitz certainly did, the two would seem to be at loggerheads. It is highly characteristic and perhaps related to his personal experiences in Europe that he succumbed neither to the temptation of softening democracy’s secularity or of his Orthodox outlook. Unlike the Reform movement, Leibowitz eschewed importing modern values such as freedom or individual autonomy into Judaism.

Indeed, in a first phase that lasted until about 1952, Leibowitz endeavoured to configure a Jewish state by dint of a model society that gives expression to its religious roots within a modern democratic framework. A few decades earlier, he had contemplated a “democratic halakhic Judaism” that would fuse a universal Western outlook with a strong commitment to Halakha. Similarities aside, Leibowitz differed from the German Neo-Orthodoxy of Samson Raphael Hirsch in two crucial respects: the former only intended to implement his plan within a Jewish state located in the land of Israel. This unique form of religious-Zionism – though Leibowitz vehemently rejected this label – demands that the greater public aims at developing new halakhic legislation with the effect of re-establishing Halakha as an integral element of a democratic state – a context that never before had any relevance to the generation of halakhic rulings.



By the early 1950s, however, it became clear to Leibowitz that his *alternative* for a “Torah State” was untenable, for it would basically require renewed halakhic legislation by all Israeli Jews – including the religious establishment – until all aspects of modern life were accommodated in the Halakha. Should the endeavour fail, the Halakha could be undermined by the allure of secular life. To prevent the marginalization of Halakha in a secular society, Leibowitz radically altered his position and advocated a separation between religion and state, (though he remained unchanged on the importance of both of them). Thus came about his view of Judaism as a conative entity. Paradoxically, his insistence on separating religion and state was religiously motivated as he sought to avoid a *conflict of values* between the secular and religious spheres in a single state. To him the state was the domain of modern western (cognitive) values and Jewish religion that of the (conative) decisions of believers to observe commandments – which could coexist without any fundamental contradiction.

Against this backdrop, Leibowitz opined, the State of Israel must be entirely devoid of religious connotations and serve as a shelter for Jews to avoid domination by foreign people. Nothing more and nothing less. He vehemently opposed any ethical or political measure to bridge the gap between the secular and religious domains. In his estimation, religious parties and their efforts to instrumentalize “Jewish values” to justify the “Greater Israel” enterprise<sup>1</sup> epitomized that “misconception”.

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Yeshayahu Leibowitz, *Judaism, Human Values, and the Jewish State*, ed. and trans. Eliezer Goldman (Cambridge, MA: Harvard, 1992 [1959]), 229–32.

## Translation Adopted from Eliezer Goldman

Separation of religion and state is the slogan heard from time to time in public debate in Israel. It is not, however, the actual policy of any party or political group. The slogan is raised as the expression of a theoretical position in “secular” circles, but its advocates do not regard it seriously as a political demand to be realized in the present. They do not attempt to clarify its meaning, nor do they propose a plan for embodying

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I “Greater Israel” enterprise” refers to the attempts by right-wing factors to expand Israel’s borders over the entire biblical Land of Israel via Jewish settlement.

it in law and government. Their struggle is limited to episodic clashes with religious or pseudo-religious aspects of administrative behaviour or legislative action. At the same time, official religious Jewry, its spiritual leaders and political representatives, who rejected the idea of separation and supported the existing relation between state and religion, never accounted for their own position. It is doubtful whether they have ever critically examined it. A struggle over the relation of religion and the state has never really been conducted between the religious and secular in Israel. Out of sheer opportunism, both sides accept the reality of a secular state with a religious façade.

In these pages the demand for separation of religion and state will be presented from a religious viewpoint, from which the present relations between the state and the Torah appear as *Hillul Hashem*, contempt of the Torah, and a threat to religion.<sup>1</sup> Two prefatory remarks are necessary in order to clarify this position.

First, the religion with which we are concerned is traditional Judaism, embodied in Torah and Mitzvoth, which claims sovereignty over the life of the individual and the life of the community – not a religion which can be satisfied with formal arrangements grafted on to a secular reality.

Second, the state of which we speak is contemporary Israel, a state defined by its manner of coming into being in 1948 and its mode of existence from then onward – not the state as an ideal. In other words, the relation of religion and state is not discussed here as an article of faith. We shall not inquire as to what, in principle, should be the relation between “religion” (in general) and “state” (in general), nor seek to demarcate “the holy,” “the secular,” the historical, or the metaphysical essence of the Jewish people as the people of the Torah. We are concerned with determining what sort of political-social organization would be in the religious interest in the existing situation.

The state of Israel that came into being in 1948 by the common action, effort, and sacrifices of both religious and secular Jews was an essentially secular state. It has remained essentially secular and will necessarily continue to be such, unless a mighty spiritual and social upheaval occurs among the people living here. The secularity of this state is not incidental but essential. The motivation and incentive for its foundation were not derived from the Torah. Its founders did not act under the guidance of the Torah and its precepts. It is not conducted by the light of the Torah. That “the state of Israel is a state ruled by law and not a state governed by Halakah” is recognized by all – including the religious – as the principle governing the activity and administration of this state, in which official religious Jewry has participated since its establishment.<sup>2</sup> Whether we are religious or secular, we brought this state about by

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1 [editorial note 1 in the original] *Hillul Hashem*, an expression derived from a locution used by the prophet Ezekiel and meaning desecration of God’s name, is used as a derisive designation for the actions of pious Jews which disgrace their religion – Ed.

2 [editorial note 2 in the original] “Israel is a state ruled by law, not by Halakah” was a favourite dictum of Ben Gurion – Ed.

dint of our common efforts as Jewish patriots, and Jewish patriotism – like all patriotism – is a secular human motive not imbued with sanctity. Holiness consists only in observance of the Torah and its Mitzvot: “and you shall be holy to your God.” We have no right to link the emergence of the state of Israel to the religious concept of messianic redemption, with its idea of religious regeneration of the world or at least of the Jewish people. There is no justification for enveloping this political-historical event in an aura of holiness. Certainly, there is little ground for regarding the mere existence of this state as a religiously significant phenomenon.

Even from the standpoint of religious awareness and faith, this Jewish state is in the same category as the kingdoms of Yarov'am, Ahab, Menasseh, and Herod were in their time. A person does not and may not sever his connection with a criminal parent, nor may a parent repudiate a son who has gone astray. Likewise, the Jew, including the religious Jew, may not dissociate himself from this state. However, though we fully recognize its legitimacy, it is necessary to confront the secular state and society with the image of a religious society and state, that is of a state in which the Torah is the sovereign authority. What is truly illegitimate is the surreptitious introduction, by administrative action of religious items into the secular reality so as to disguise its essential secularity.

The demand for the separation of religion from the existing secular state derives from the vital religious need to prevent religion from becoming a political tool, a function of the governmental bureaucracy, which “keeps” religion and religious institutions not for religious reasons but as a concession to pressure groups in the interest of ephemeral power-considerations. Religion as an adjunct of a secular authority is the antithesis of true religion. It hinders religious education of the community at large and constricts the religious influence on its way of life. From a religious standpoint there is no greater abomination than an atheistic-clerical regime. At present we have a state – secular in essence and most of its manifestations – which recognizes religious institutions as state agencies, supports them with its funds, and, by administrative means, imposes, not religion, but certain religious provisions chosen arbitrarily by political negotiation. All the while, it emphasizes its rejection of guidance by Torah (“a state ruled by law, not by Halakah”). We have a rabbinate invested by the state, which receives its appointment, authority, and pay from the secular government and confines itself, therefore, to the functions that this government allots to it. It is a religion whose position in the state parallels that of the police, the health authorities, the postal services, or customs. There is no greater degradation of religion than maintenance of its institutions by a secular state. Nothing restricts its influence or diminishes its persuasiveness more than investing secular functions, with a religious aura; adopting sundry religious obligations and proscriptions as glaring exceptions into a system of secular laws; imposing an arbitrary selection of religious regulations on the community while refusing to obligate itself and the community to recognize the authority of religion; in short, making it serve not God but political utility.

This is a distortion of reality, a subversion of truth, both religious and social, and a source of intellectual and spiritual corruption. The secular state and society should be stripped of their false religious veneer. Only then will it become possible to discern whether or not they have any message as a Jewish state and society. Likewise, the Jewish religion should be forced into taking its stand without the shield of an administrative status. Only then will its strength be revealed, and only thus will it become capable of exerting an educational force and influencing the broader public.

Against this argument, religious circles claim that such separation would make the social and perhaps even physical existence of religious Jews within the secular state and society unbearable and compel Jews to forsake their religious way of life. These arguments stem, to some extent, from naïveté, from misunderstanding the implications of separation of religion and state for the conduct and administration of state and society. To some extent they only pretend naïveté and veil vested interests. In effect, such separation would not in the least narrow the possibilities open to religious Jews of living according to their wont. It would even foster the expressions of religious life in the community at large. Let us attempt to gain a realistic view of the consequences of separating religion and state.

The *religious institutions* will be conducted by the religious community with religious considerations in view, in the interest of religion and not in conformity with the dictates of a secular authority. Officials exercising religious functions will no longer be appointed by governmental authorities not subject to the Torah. Religious projects and institutions will not be administered by government agencies. Religious Jewry will have a rabbinate that is not an “official state rabbinate,” an institution which had earned only contempt in Jewish history.<sup>3</sup> This rabbinate will constitute an authentic religious leadership rather than an arm of the secular state. It will be able to speak with the voice of the Torah and Halakah on every matter and every public issue in which there is something to be said, not only in the restricted domain allotted it by the secular authority. This would put an end to the intolerable situation in which the rabbinate – as a governmental agency – must refrain from public statements on what is the most urgent religious issue of the day, that of secular and religious education, and be silent when Jewish children are seduced or forced into abandoning their religion.<sup>4</sup> The change would eliminate the disputes and clashes among religious functionaries on an atheistic government – between a Minister of Religions and a Chief Rabbi – whose squabbles concern not Torah issues or questions of halakhic import but distribution of the petty authority granted them by a secular regime.

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3 [editorial note 3 in the original] The allusion is to the rabbis appointed by the Czarist government to further its policy with respect to the Jews – Ed.

4 [editorial note 4 in the original] The reference is chiefly to the period of mass immigration in the early fifties, when many immigrant children from religious homes were arbitrarily assigned to secular educational institutions rather than to schools of the religious stream within the state educational system – Ed.

Who will maintain the agencies required by the religious community? In the first place, the religious community will do so through its own funding, as was done at all times wherever an organized religious community existed. To be sure, this requires sacrifices. But the religious community has always and everywhere borne this burden as something to be taken for granted, an inseparable aspect of its religious existence. Even the poorest community in a remote village in Yemen or Libya maintained its rabbis, ritual slaughter, synagogues, and cemeteries, without the help of the United Jewish Appeal or an appropriation from the imam or the sultan – and never complained that this was beyond its capacity. Only in the state of Israel, which transformed religion into a function of the secular government, has the religious community been corrupted and become accustomed to financial dependence upon a secular authority. If the situation is reversed, there is no doubt that after a short period of confusion which will follow the separation of religion from the state, the self-respect of the religious community will be restored, and it will once again maintain and support its own agencies as religious institutions. In this respect we can learn from parallel developments in the Gentile world. In France during the nineteenth century, as a result of the Napoleonic Concordat that made the religious institutions functionaries of the state, the Catholic Church and clergy were subject to scorn and contempt. In the twentieth century, after the separation of church and state, when the church and its personnel had to be supported solely by contributions of the believers, its prestige grew and its influence increased.

It is necessary to ascertain whether, from a religious standpoint, the Jewish religious institutions should or may accept financial support from the secular state. This writer believes that religious Jewry should – in the interest of fostering respect for the Torah – refuse to accept such support. Should the religious community, upon due deliberation, decide otherwise, it could be entitled to such support even after the separation of religion and state by virtue of its status and taxpayers who share the burden of the state and its services.

The *religious councils* will be chosen by all religious Jews who are interested in their activities. They will cease to be affiliated with the Ministry of Religions. The abolition of the Ministry of Religions will free Judaism and religious Jews from a religious anomaly – now passed over in silence by the religious establishment – of supporting institutions of other religions (some of which are actually idolatrous, according to the strict law of the Torah) with the money of Jews.<sup>5</sup> Without a Ministry of Religions, and without state funding of Jewish religious institutions, our democratic state will be free of the obligation to support the institutions of other religions. Members of all religions will maintain their own clergy.

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5 [editorial note 5 in the original] The Ministry of Religions maintains most of the religious facilities and pays the salaries of the duly constituted religious functionaries of the Moslem and Druse communities. It participates in the maintenance and construction of buildings serving the religious purposes of Moslems and Christians – Ed.

*The Sabbath.* In the present integration of religion and state, the Sabbath is desecrated by the state. The law recognizes the right of every person to desecrate the Sabbath publicly, for example by driving. The police and courts were called in more than once to protect this right – even when official religious Jewry, with all its parties, participated in the government and shared responsibility for the actions of the police. The prohibition of public transportation on the Sabbath is only a sop to religious Jewry, a face-saving device. The hypocrisy of this arrangement, which degrades religion and reveals the “religious” stand in a ridiculous light, attains its peak in Haifa. Religious Jewry, which is represented in the city council, shares responsibility for operating the bus transportation on Sabbath – in exchange for participating in the coalition governing the city council. Yet it is ready to fight against operating the subway on the Sabbath – presumably because of a political agreement on maintenance of a status quo in religious matters.

The existing law does not recognize the sanctity of the Sabbath. It removes the definition of “rest” from halakhic jurisdiction and vests it in the secular authority or in inter-party agreement. There is no basis for the fear that the state, after religion is separated from it, will make any change in the Sabbath law, which establishes the workers’ right of rest and the obligation to close stores and workplaces on the Sabbath. The extent to which this Sabbath rest will correspond to the religious prescriptions concerning the Sabbath will depend on public opinion and the influence of religious Jewry in the public matters. This influence will, in all likelihood, be increased upon separation of religion and state with the growth in prestige and educational effectiveness of religion.

*Sabbath and Kashruth in the army.* The Sabbath and Kashruth (dietary laws) are observed in the army, but not as consequence of the formal interlocking of religion with the laws of the state; rather, because so many Jews would not serve in the army without the Sabbath rest and kosher food. The state could not draft the entire Jewish population for defence of the state in one unified national army if it did not provide those. It could not maintain a separate “religious army” alongside the regular army.<sup>6</sup> These provisions of the army will remain in place even after the separation of religion and state. It should be noted that even now the religious prohibitions of desecrating the Sabbath and eating non-kosher food are not enforced in the army, because every soldier is permitted use of one mess-tin for meat and milk. The army only enables every soldier who so desires to rest on the Sabbath and to eat kosher food.

*Law of marriage and divorce.* It is erroneous to argue that the institution of civil marriage by the state will divide the Jewish people into two nations which will not be able to intermarry. Civil marriage will not annul the institution of religious marriage.

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6 [editorial note 6 in the original] Such a situation obtained in the Hagganah, the Jewish defence force which operated under the conditions of mandatory rule. Religious members were organized in separate units in which they were able to avoid unnecessary desecration of the Sabbath – Ed.

Whoever so argues overlooks – deliberately or out of ignorance – the hundreds of thousands of religious Jews in Western lands, who conduct their family life according to the Torah in states which recognize civil marriage and divorce (as in England) or even require them (as in Imperial or Weimar Germany). A Torah-observing Jew will continue to marry according to Jewish law and if, unfortunately, the couple divorce, they will do this according to the law of Moses and Israel. Those who rebel against religion will be content with registering their “marriage” or “divorce” in a government office in a form that will be determined by law. Here the two terms are put in quotation marks, because from a halakhic standpoint, no marriage took place. Consequently, upon separation there is no need of divorce. In the absence of halakhically recognized marriage there is no question of Mamzeruth, since a child born out of wedlock is not disqualified from marrying.<sup>7</sup> The rabbinical courts do not seem to have dealt seriously and pertinently with the halakhic significance of “civil marriage” for Jewish couples that explicitly refuse marriage according to the Torah. One may question whether such a marriage has any halakhic force.<sup>8</sup> The ruling, which would reduce the incidence of Mamzeruth to a minimum, would be a great improvement over the present situation under the Law of Marriage and Divorce which, given the sexual practices of considerable portions of the community, tends to aggravate the problem of Mamzeruth in Israel. Prohibition of adultery concerns only those involved and can hardly be grounded today in moral or social considerations; moreover, it is a purely religious proscription. Consequently, many sectors of the population where the authority of religious law has been undermined – and they include many very respectable people – do not consider adultery immoral. Hence those who force religious marriage on people who do not recognize its sanctity are violating the proscription of placing a stumbling block before the blind. Men and women are led into a far more serious halakhic transgression than that of living together without religious marriage.

In the face of these realities, the fear of dividing the nation as a result of rescinding the Law of Marriage and Divorce is ridiculous and perhaps insincere. Can a Jewish man and woman marry, if one of them sees himself bound by the laws of family purity, and the other does not accept them? These precepts are much more stringent than the prohibition of cohabitation with an unmarried woman. Furthermore, reli-

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7 [editorial note 7 in the original] The Halakah does not recognize bastardy as a status. A child of an unmarried mother is legitimate in every respect. However, a child born of an incestuous or adulterous relation, called “mamzer”, can only marry a person of like status – Ed.

8 [editorial note 8 in the original] The question whether, from a halakic standpoint, a couple wed by civil marriage requires a halakhically valid divorce in order that the wife may remarry has been the subject of controversy among rabbis. Because of the doubt concerning the status of such a couple, the tendency has been to require halakhic divorce in such cases. The point made in the text is that the explicit refusal of the couple to be halakhically wedded may make it unnecessary to require a halakic divorce. It eliminates the chief ground for its need – Ed.

gious Jewry, more than any other sector of the nation, is committed to the view that the state of Israel is not merely the state of those now living in it but is the Jewish state, that is, the state of all Jews, who are all potential citizens. Did religious Jewry, in its fear of Mamzeruth on the one hand and concern for the unity of the nation on the other, think of the problems that will arise the moment – perhaps not so far away – when masses of Jews from the U.S.S.R. or the United States will stream to Israel? These Jews have conducted their lives for two generations, or even more, in accordance with the legal provisions and social patterns of their countries or residence. It will not prove possible to trace their precise family status. How does religious Jewry think it could assure the unity of the nation in those conditions?

The issue of the separation of religion and state also includes the problem of “who is a Jew?” – a problem which could arise only as a result of confused categories. Transient and changing interests of coalition governments have led them, on one occasion, to an attempt to abrogate the historical-traditional criteria of belonging to the Jewish people, and at other times to abandon this attempt. If the state of Israel were formally and legally recognized as secular, the problem would not arise at all, for a secular state does not determine the “Jewishness” or “non-Jewishness” of its citizens. It recognizes only “citizens” and “non-citizens,” and the concept “Jew” would retain its historic-traditional connotation. The (momentary) retreat of the government from its position on this question – a retreat which the religious parties regard as their victory – shows that the status of religion in the state is determined more by the communal consciousness and the pressure of public opinion in Israel and abroad than by the organs of the state. Releasing religion from its integration in the political-secular system is the most effective way to strengthen religious consciousness and its influence on the public.

*Religious education.* There is no direct link between the status and extent of religious education on the one hand, and the legal position of religion in the state on the other. Such a connection exists necessarily only in the framework of a totalitarian regime. It does not obtain in a liberal polity, in which social reality is not identical with the official political order. Among well-ordered and enlightened states, all which have compulsory education laws, educational systems differ considerably in uniformity and in degree of involvement of the government in the pedagogic process; compare, for example, England, France, Germany (of Weimar and Bonn), Holland, and the United States, in all of which religious education flourishes. In the United States, where the Constitution and the Supreme Court forbid support of religious education by the state, there is a network of thousands of Catholic elementary and high schools, numbering four million pupils, which are not inferior in level and achievement to the secular public schools of the states and cities. In other countries the policy of every school is determined by the parents’ committee, and within the broad framework established by law, the education authority accedes to the parents’ preferences. The common feature of all these systems is that the secular state is not in control of religious education and religious education is not one of its functions, [rather], it is set up and maintained by the



religious community that desires it – be it a community with a ramified church organization or one represented by parents of a specific school. The extent of state support of these schools is determined by law. Their main support depends largely on the will of the religious community and the strength of its religious commitment.

In all these matters the state of Israel could emulate the best-governed nations, and, from a Jewish religious standpoint, it is most desirable that it do so. The fear that without governmental backing religious education could not support itself or would be curtailed – the fear of educational independence – reflects the moral failing of the religious community fostered by the dependence of religion on the state. In the past, religious Jews customarily devoted great efforts to education their children and were prepared to pay the price. A condition for religious revitalization, without which there is no future for religious education in any of its forms, is the revival of initiative and readiness of religious Jews to undertake this burden.

Removal or religious education from control of the secular state and its transfer to the religious community – with or without financial support of the state – will open new prospects for expansion and enable it to reach broader strata of the population. The existing law, which purports to obligate the state to support religious schooling, is in reality a legal arrangement for confining such education within the limits the secular authority is prepared to tolerate, and to localities in which the secular authority is willing to forgo its control in favour of the religious population. In return, the religious public refrains from serious struggle for expansion of religious education to include more children. Cases have even been recorded of explicit agreements over percentage quotas of pupils to be allotted to religious and to secular schools. Only by conducting independent religious schooling can Jewish religion appear on the public scene in its full potential, communicate its message in its entirety, and exert the influence of which it is capable.

The separation of religion and state would involve neither withdrawal of religion to a secluded niche nor removal of religious Jewry from the political scene. On the contrary, it would signify the beginning of the great confrontation between Judaism and secularism within Jewry and the Jewish state and initiate a genuine struggle between them over the hearts and minds of the citizens. Religion as an independent force will be the principal opposition to the regime of the secular state, an opposition which can present a clear and unambiguous alternative in all areas of life in the state and society.

# 68 Rabbi Ovadia Yosef: *He shall Opine* (1980/1981)

Translated by Avi Aronsky; introduced by Daniel Zohar

## Introduction

Also known as *maran* (our teacher), Rabbi Ovadia Yosef (1920–2013) was a Talmudic scholar and *posek* (Halakhic adjudicator) who immigrated with his family from Baghdad to Jerusalem as a child. The preeminent Sephardic rabbi of the mid- to late-twentieth century, he composed his first book at the tender age of twelve.<sup>I</sup> By 1940, Yosef was ordained a rabbi and *dayyan* (religious judge). Eight years later, he moved to Cairo for the purpose of serving as the local Jewish community's *av bet din* (chief judge).<sup>II</sup> In 1954, Yosef published the opening instalment of *Yabia Omer* (Uttereth Speech) – his ten-volume *magnum opus* of *shut* (responsa).<sup>III</sup> During his tenure as chief rabbi of Israel from 1972 to 1983,<sup>IV</sup> Yosef stood out in affairs of national interest. For example, he introduced marital permits for Karaites<sup>V</sup> and backed the immigration of Ethiopian Jews to Israel.<sup>VI</sup> His second-most important work, *Yehaveh Da'at* (He shall Opine), came out between 1977 and 1985. Encompassing seven volumes, this composition revolves around direct answers to questions that the personage fielded during his weekly radio show. As opposed to the scholarly *Yabia Omer*,<sup>VII</sup> it is considered a popular Halakhic text.

Towards the end of his term as chief rabbi, Yosef was acknowledged as the spiritual leader of *Shas* – a party-cum-movement representing Orthodox Sephardim. Likewise, his stature and political clout steadily grew among other traditional-leaning sectors of the Israeli populace.<sup>VIII</sup> In parallel, Yosef frequently made controversial statements regarding non-Jews, the country's secular leadership, and judicial system. Perceived as

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I Benny Lau, *From R. Yosef Karo to R. Ovadiah Yosef: The Halachic Teaching of Rabbi Ovadia Yosef* (Tel Aviv: Yediot Achronot, 2005), 25–26 [Hebrew].

II *Ibid.*, 48–50.

III *Ibid.*, 63–71.

IV *Ibid.*, 101–14.

V The Karaites are a small Jewish denomination that interprets the Bible in a more literal fashion than Rabbinic Judaism.

VI *Ibid.*, 104–6.

VII *Ibid.*, 111–12.

VIII *Ibid.*, 114–15.

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offensive by secular Israelis, a handful of these remarks ignited public brouhahas.<sup>IX</sup> The showcased text is a responsa on inheritance from the above-mentioned *Yehave Da'at*. One of the main principles that Yosef explored in this piece is the Talmudic notion of *dina d'malkhuta dina* (the law of the realm is the law), according to which the polity's ordinances are binding on Jews.<sup>X</sup> Adopting a conservative position, he equated Israel's government with a gentile dominion. In this respect, the adjudicator was in line with the Halakhic mainstream.<sup>XI</sup> More broadly, this piece reflects Yosef's dual approach toward Israeli jurisprudence: adherence to state law, on the one hand; and a strict prohibition against seeking justice before its courts, on the other.<sup>XII</sup>

Yosef's citing of Talmudic rulings in the context of the modern Israeli state was part and parcel of a larger trend in which he leaned heavily on venerable Jewish sources that were formulated in more-or-less autonomous diasporas (or their modern-day counterparts). It bears noting that the piece under review is by and large a-historical, as some of the *posek's* arguments do not directly correspond with modern-day life in Israel.<sup>XIII</sup> Such rhetoric polarized between the country's ultra-Orthodox and secular jurisprudence systems as well as their respective 'consumers.' As betrayed by its polemic tone, this responsa manifests a confrontation bearing religious, theological, political, and ideological elements.<sup>XIV</sup>

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<sup>IX</sup> Zion Zohar, "Oriental Jewry Confronts Modernity – the Case of Rabbi Ovadiah Yosef," *Modern Judaism* 24, no. 2 (2004): 120–21.

<sup>X</sup> Ariel Pikar, *The Doctrine of Rabbi Ovadia Yosef in an Era of Change: The Study of Halakhah and Cultural Criticism* (Ramat Gan: Bar-Ilan University Press, 2007), 167 [Hebrew].

<sup>XI</sup> *Ibid.*, 172.

<sup>XII</sup> *Ibid.*, 161.

<sup>XIII</sup> *Ibid.*, 176.

<sup>XIV</sup> *Ibid.*, 175.

## Translation by Avi Aronsky

Question: Since it is known that as per Toranic law daughters do not inherit their fathers when there are sons, as opposed to the State [of Israel]’s code whereby the secular courts rule that daughters equally inherit along with the sons, are daughters permitted according to Halakha to sue for their portion of the legacy in a secular court and receive a probate order in accordance to the [Israeli] law by relying on the expression of *HaZaL* [Hebrew acronym for our sages of blessed memory] “*dina d’malkhuta dina*” [the law of the realm is the law]<sup>1</sup>?

Response: Herewith is the essence of what *HaZaL* said [ . . . ] [:] *Dina d’malkhuta dina*, the majority opinion among the great *poskim* [halakhic authorities] is that this [principle] only [applies] to matters which are utile to the realm, such as [ . . . p. 308/309] taxes, levies and the like [ . . . ] However, in matters between man and his fellow it is rather straightforward that one must not say yes, for if so you have abrogated all the laws of the Torah, heaven forbid. [ . . . p. 309/310]

All the more so regarding inheritance law, as it is stated in Bava Batra<sup>II</sup> [ . . . ] Whoever rules that the house will be inherited by a daughter [of the deceased along with] the son, even if he [i.e., the former] is a prince among the Jewish people, we do not listen to him,<sup>III</sup> for these are nothing but an act [sic] of the [wicked] Sadducees. Go forth and learn from what he wrote [sic] in the [responsa] letter of the RaShBA [acronym for Shlomo ben Avraham]<sup>IV</sup> [ . . . ] concerning [ . . . ] one whose married daughter perished, and he sued his son-in-law in the [public] legal system to return [ . . . ] his daughter’s dowry, [ . . . ] and he [i.e., the RaShBA] replied that it is anathema to comport oneself according to the gentiles’ laws, even if both sides agree to this, [ . . . ] and anyone who takes the liberty of saying that this is allowed because *dina d’malkhuta dina* pertains here, alas he is mistaken and a rogue, and heaven forbid that this holy

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I AA: In other words, Jews must abide by the law of the land.

II DZ: Bava Batra is a tractate in the Babylonian Talmud’s order of Nezikin (Damages).

III DZ: Apparently, Yosef misquoted from the Babylonian Talmud, Bava Batra 115b. In the Davidson edition thereof, Adin Steinsaltz renders the Hebrew original thus: “[A]nyone who says [that] a daughter [of the deceased] should inherit [the estate of her father along] with the daughter of the son [of the deceased], even [if he is] a prince of the Jewish people, [one] should not listen to him, as this is nothing other than an act of the Sadducees”. In Hebrew, one letter (yud) separates between bat (daughter) and bayit (house).

IV AA: Also known as Solomon ibn Aderet, the RaShBA was a 13th century posek (rabbinical authority), banker and leader of the Spanish-Jewish community.

nation shall go in the way of the gentiles and their rules, and a person who does so knocks down the walls of the Torah and the [Jewish] faith, and [ . . . ] if they continue to sin by extirpating our holy Torah's probate rules and lean on this flimsy argument, then it is as though they have uprooted all the flawless Torah's rules, that is to say what are the sacred books that were composed on our behalf by our holy rabbi [i.e., Judah ha-Nasi<sup>V</sup>] and thereafter our rabbis the *amoraim*<sup>VI</sup> Ravina and Rav Ashi to us, if they [i.e., Jews] teach their children the laws of the pagans and construct altars for themselves in the idolaters' houses of learning, God forbid that this shall come to pass amongst the Jewish people, otherwise the Torah will gird a sack [in mourning] on their account. To this point [the stance of the RaShBA]. [ . . . p. 310–312 . . . ]

Furthermore, it is known what Maimonides wrote [ . . . ]: “Anyone seeking justice from the idolaters' judges in their legal system, even if their rules were the same as the Jewish rules, this is no less than evil, and it is as though he has maliciously maligned and raised a hand against the Teaching of Moses our Rabbi, for it is stated These are the rules that you shall set before *them* [i.e., the Israelites, Exod. 21:1,<sup>VII</sup> emphasis added], and not before the pagans”.<sup>VIII</sup>

[A footnote starting at p. 312] Let it be known that despite the fact that nowadays the legal authority on the [Israeli] government's behalf for adjudicating on monetary and estate law is the secular courts and the fact that the judges thereon are Jewish, nevertheless [sic] it is clear that according to the law of our sacred Torah one who sues his fellow man in their [i.e., secular] courts his sin is unbearable, and this falls under the parameters of what was ruled by Maimonides [ . . . ], the Tur<sup>IX</sup> and the *Shulḥan Arukh Ḥoshen Mishpat*<sup>X</sup> [ . . . ]. For [sic] not only are the [gentile] judges clueless regarding the Torah's laws on arbitration between a man and his fellow as per the Ḥoshen Mishpat and the *poskim* [halakhic authorities], and as ḤaZaL already stated [ . . . ]: “Before them, and not before the idolaters, and not before the laymen”, but it is widely known that they render verdicts pursuant to the idolaters' laws, and also *makhshir* [“kosherize”, namely accept] the testimony of a single witness, a relative, a woman and an invalid,<sup>XI</sup> and many of them [i.e., the secular judges] are disqualified

V AA: Judah ha-Nasi (the Prince) was the chief redactor of the Mishnah in the second century CE.

VI AA: The term *amoraim* refers to Jewish scholars who were active from roughly 200 to 500 CE.

VII AA: This entire responsa is brimming with citations-cum-allusions to the Hebrew Bible and other Judaic sources. Given the magnitude thereof, the source will only be identified if it is essential to understanding the passage at hand or to distinguishing the quotation from Yosef's own writing.

VIII AA and DZ: In the Hebrew original, the upcoming section constitutes a footnote. Given their pertinence to the volume at hand, these paragraphs have been situated in the main text.

IX AA: R. Jacob ben Asher (c. 1269–c.1343) was referred to, *inter alia*, as the Tur owing to his acclaimed halakhic work *Ba'al ha-Turim* (Master of the Columns).

X AA: The *Ḥoshen Mishpat* is one of four volumes in R. Yosef Karo's *Code of Jewish Law* – the *Shulḥan Arukh* [*The Set Table*].

XI AA: All the categories of people listed in this clause are barred from giving testimony in a rabbinical court.

in their own right from judging according to Halakha. And I will not deny that I heard the whisperings [that] many who have strayed off the path of logic and are underhandedly saying that because the judges are now Jewish and the government granted them the authority to adjudicate and reach verdicts concerning estate and monetary law, *dina d'malkhuta dina*, and they think that the rein has been loosened [thereby enabling Jews] to seek justice before them [Israel's public courts]. However, drivel is spewing forth from their mouths. If only they were wise and would understand this [Deut. 32:29], as to the contrary it attests to the seriousness of this matter, for given the fact that the judges are Jews [footnote: p. 312/313] and sworn from Mount Sinai to pass judgement according to the Torah (in the event that they are even worthy of adjudication and rendering a verdict), but they have left the source of the nourishing water, the Talmud and the *poskim*, in order to dig for themselves broken pits that will not hold water,<sup>XII</sup> and they adjudicate pursuant to the rules of the gentiles, their judges and their codices, hence the obstacle is greater sevenfold than seeking judgement before gentile judges who were never commanded to adjudicate as per our Teaching, although the sons of Noah were commanded to uphold the [eponymous seven] laws, [ . . . ], nevertheless there is an exceedingly grave prohibition against the Jewish people trying cases by them [the gentile courts], *argumentum a fortiori* for these Jewish judges, as they are forewarned and under oath since Mount Sinai to exclusively adjudicate pursuant to the Teaching, and they turned their backs on it, and instead of judging in accordance with the Torah's laws, by the pursuit of which man shall live [Lev. 18:5], they adjudicate as per the Ottoman and [British] Mandatory codes, which is analogous to a handmaid who supplants her mistress [Prov. 30:23], and [those who] went after delusion and were deluded, and in so doing commend and place importance on the court trials of idolatrous gentiles, and bestow honour and ascendance upon their idols, [ . . . ] all the more so that this [i.e., bringing cases before secular Jewish judges] is absolutely prohibited, and those seeking justice before them also violate [the commandment] Place not a stumbling block before the blind [Lev. 19:14]. Therefore, a God-fearing lawyer who is asked to represent a person suing his fellow man for monetary damages in [a secular] court [ . . . ] must refrain according to the Halakha from doing so, for he is lending a hand to transgressors, and he cannot profess that he is merely an agent of the plaintiff and that the collar [i.e., responsibility] hangs on his neck, this is not the case, the words of whom do we listen to [–] the words of the rabbi or [ . . . ] the disciple?<sup>XIII</sup> [Indeed], there is no agency for transgression [Babylonian Talmud, Kidushin 42b]. [ . . . ] However, representing a defendant who is forced to appear before the court under duress because the plaintiff refuses to litigate in a Toranic court, thereby compelling the defendant to stand trial before a [public] court [ . . . ], [under the circumstances] the lawyer is permitted to represent him and save the abused from

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XII DZ: See Jer. 2:13.

XIII AA: This is evidently a rhetorical question.

the abuser. And if he is called upon to appear before the gentile [i.e., Israeli state] courts for the purpose of receiving an inheritance order, he must desist and [ . . . ] refer them to the rabbinical court [ . . . ].

And I shall behold it [sic] in the sanctuary<sup>XIV</sup> the *gaon* [rabbinic honorary title] lord of the shepherds our Rabbi T[zvi] P[esach] Frank[,] a righteous person of blessed memory, in a response that he gave to an “observant” lawyer, who was astonished to hear that the rabbi of Jerusalem [i.e., Frank] deemed the State of Israel’s secular courts to be *arkaot* [gentile courts], writing [ . . . ]: “Upon looking into the reason behind the prohibition against arbitrating before the legal system of the gentiles, which is because seeking justice before them lauds the name of their deities, thereby ascribing importance to them, for it is said And our foes concede [Deut. 32:31], as our foes concede testifies, as per Rashi’s interpretation, to their deity’s ascendance [ . . . ]. In consequence, he who seeks justice before them is indeed evil, and it is as though he maliciously maligned and raised a hand against the Teaching of Moses our Rabbi, as in the words of Maimonides and the *Shulḥan Arukh*, and [ . . . ] for this very reason, [ . . . ] a Jew who adjudicates pursuant to their rules is certainly worse than a gentile, for the gentile was not specifically commanded to pass judgement according to Jewish law, but a Jew who is commanded to adjudicate according to the Torah alienates himself from it and judges as per the *Mecelle* [civil code] of the Ottomans and the rest of the laws of the world’s nations, on them [sic] it is said He that frames mischief by statute, they band together to do away with the soul of the righteous, they condemn the innocent to death [Ps. 94: 20–21], he is indeed a wicked person and raises a hand against the Torah of Moses, and as per the RaShBA’s words, he destroys the walls of the faith and extirpates a root and a branch from it, and the Torah shall exact its retribution, and this is the law for anyone who goes to seek justice before him [i.e., the secular judge]. Additionally, it is most regrettable to us that these laws were adopted by the government [footnote: p. 313/314] and the Knesset [ . . . ], and there is no greater affront than this to the Teaching and its standard bearers, woe onto them, humanity, for this affront to the Torah. May the Lord quickly cometh to his abode and restore our judges [ . . . ] and our counsellors as in days bygone”. [ . . . ] And ḤaZaL already stated [ . . . ] [:] [To grasp] all the calamities that have befallen the Jews, go and check [the standing] of the Jewish people’s judges [Babylonian Talmud, Shabbat 139a] and the like. [ . . . ] To our regret, we see how difficult the security and economic situation is nowadays [in Israel], for you do not have a day whose curse is not greater than its counterpart.<sup>XV</sup> Until a spirit from on high is poured onto us [Isa. 32:15], and The land shall be filled with devotion to the LORD [Isa. 11:9; end of footnote].

XIV AA: This is a paraphrase of Ps. 63:3.

XV AA: At the time, Israel was grappling with, among other threats, missile strikes from *Palestinian Liberation Organization* units that had entrenched themselves in southern Lebanon.

[p. 312/313] In summation, pursuant to the Halakha and our sacred Teaching, which is our life and [fills] the duration of our days, and its words are a candle for our feet and a light upon our paths, it is absolutely forbidden to seek redress on matters of inheritance and estate law as well as monetary law except in accordance with the Torah, which is eternal and will never change at any time, heaven forbid, for it is stated But [ . . . ] it is for us and our children to apply all the provisions of this Teaching [p. 313/314] in perpetuity [Deut. 29:28]. [ . . . ] Hence, there is a strict injunction against litigating all these matters of jurisprudence before legal systems that adjudicate pursuant to the laws of the gentiles, upon whom it is said of such [i.e., Halakhic] rules they know nothing [Ps. 147:20]. In this respect, there is no difference between whether the judges are gentiles or [ . . . ] Jews who pass judgement according to the gentiles' rules, in violation of Toranic law. Consequently, if the sons wish to forgo some of their portion for the daughters' benefit so that they might also partake in the inheritance, they should proceed to the rabbinical court near the city gate and obtain from their hand a fully-authorized deed of transaction, or [execute] an *agav* [incidental transaction] (such as a coin that was not acquired by means of a quid-pro-quo), in an efficacious way as per Toranic law. In so doing, All these people can return home in peace [Exod. 18:23]<sup>XVI</sup>

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XVI AA: This verse caps Jethro's advice to Moses urging the latter to ease the burden of personally settling all the Israelites' legal disputes and questions on his own by appointing judges. As a result, the long line of petitioners waiting to have their cases heard by "the lawgiver" himself would be able to return to the comforts of their tent.





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