



‘Translating’ the 1814 French Charter: Al-Ṭaḥṭāwī’s New Semiotics of Law and Governance

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Abstract:

The chapter looks at how the language of Islamic law and Empire has been re-articulated when rendering the text of the 1814 French Charter in Arabic. The author, the *kuttāb*-then-Azhar-trained Egyptian scholar al-Ṭaḥṭāwī (1801-1873), heavily employed both while laying the foundations of what became the semiotics of Egyptian law of the 19th century (and beyond).

Al-Ṭaḥṭāwī’s linguistics was only instrumental to his final goal: rallying his audiences behind ‘his’ idea of hegemonic legal modernity, which he later summarised as *manhaj al-shar‘* (rule of law). Through Islamic law, al-Ṭaḥṭāwī aimed at speaking to his fellow traditional intellectuals (already on the verge of marginalisation), and through Empire at his patron and his circle (not too keen on listening in this area). He also had something to say to French Orientalists: Arabic can be bent to modernity just as easily as French has.

The ‘translation’ of the Charter offers a privileged observation point on al-Ṭaḥṭāwī’s group and class politics, because it allows us to appreciate what he decided to translate, what to emphasise, what to omit, and what to add.

Annex:

Table with the provisions of the 1814 Charter (in French) and al-Ṭaḥṭāwī’s rendition.

Text:

Introduction

Dogmas of legal positivism demand a narration of legal change as a series of legislative interventions. The legal history of Egypt in the 19th century has been narrated along these lines,¹ and such a narrative is still dominant in Egyptian law schools today. This contribution of mine engages with issues of legal change away from legislative interventions, and looks in particular at how transformations in the semiotics of law cast light onto dynamics of legal change that involve group and class (re)positioning beyond conceptual (re)formulations.

Although it is fairly clear to any observer that ‘the way we speak of law’ in Egypt has dramatically transformed in the 19th century,² less clear is how these

¹ J.N.D. Anderson, “Law Reform in Egypt: 1850-1950,” in *Political and Social Change in Modern Egypt: Historical Studies from the Ottoman Conquest to the United Arab Republic*, ed. P. M Holt (London and New York: Oxford University Press, 1968), 209–30.

² The reference here is to the selection of texts in *Études Arabes CXII*, titled: *Comment parle-t-on du « droit » en Égypte ?* (Rome: Pontificio Istituto di Studi arabi e di Islamistica, 2015).

transformations in the semiotics of law have been a function of social change in which participation or marginalisation of certain groups and classes played out. In

order to dive into this group and class politics, I propose to look at the semiotics of governance that an early text of the mid-1830s proposes to its audiences. My contention is that this text can offer a number of insights into the dynamics of legal change in Egypt in the first half of the 19th century and has broad repercussions well beyond that. The author's centrality in the translation movement that ensued, and the so-called Egyptian Renaissance, adds a further element of motivation to closely consider the text.

The text belongs to the acclaimed work of a household name: Rifā'a al-Ṭaḥṭāwī's *Takhlīṣ al-Ibrīz* (1834).³ Rifā'a al-Ṭaḥṭāwī (1801-1875) was a kuttāb-then-Azhar-trained Egyptian scholar who was appointed to provide spiritual guidance to the first group of Egyptians to be trained in the Egyptian School in Paris. He thus spent five years in France (1826-1831), and *Takhlīṣ al-Ibrīz* is an account of this stay, along with a series of wider personal considerations. Among the latter is a description of the French governance system, which not only is the first of its kind, but also contains a true Rosetta stone: a translation of the 1814 French Charter in Arabic. It is the first recorded attempt to render in Arabic ideas and concepts of modern constitutions. A table with the French text and its rendition in Arabic are appended to this contribution.

Both the author and his work have been widely researched and studied,⁴ with special attention to how language was experimented with, but always in line with the self-promoted visual paradigm of al-Ṭaḥṭāwī as a 'cultural bridge' who translated France to Egypt.⁵ Such a paradigm flattens the operation of the author to a form of (solitary and unidirectional) translation, and his work to an example of the literary

³ On al-Ṭaḥṭāwī's biography, see: Aḥmad Badawī, *Rifā'a al-Ṭaḥṭāwī Bik* (Cairo: Lajnat al-Bayān al-'Arabī, 1950), Ḥusayn Fawzī Najjār, *Rifā'a al-Ṭaḥṭāwī, Rā'id Fikr Wa-Imām Nahḍa* (Cairo: al-Dār al-Miṣriyya li-l-Ta'līf wa-l-Tarjama, 1950), and Jamāl al-Dīn al-Shayyāl, *Rifā'a Rāfi' al-Ṭaḥṭāwī: 1801-1873* (Cairo: Dār al-Ma'ārif, 1958).

⁴ With a peak in the 1950s. See: Badawī, *Rifā'a al-Ṭaḥṭāwī Bik*, al-Sayyid Ṣāliḥ Majdī, *Hilyat al-Zaman Bi-Manāqib Khādim al-Waṭan: Sīrat Rifā'a Rāfi' al-Ṭaḥṭāwī*, ed. Jamāl al-Dīn al-Shayyāl (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1958), al-Shayyāl, *Rifā'a Rāfi' al-Ṭaḥṭāwī*, and Faṭḥī al-Ṭaḥṭāwī, *Lamḥa tārikhiyya 'an ḥayāt wa-mu'allafāt al-shaykh Rifā'a Badawī Rāfi' al-Ṭaḥṭāwī, mu'assis al-nahḍa al-'ilmiyya al-hadītha* (Cairo: s.n., 1958). A peak accompanied by a re-publication of *Takhlīṣ al-Ibrīz* edited by Maḥdī 'Allām, Aḥmad Badawī, and Anwar Lūqā: *Rifā'a al-Ṭaḥṭāwī, Takhlīṣ al-Ibrīz Fī Talkhīṣ Bārīz*, ed. Maḥdī 'Allām et al. (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1958).

⁵ PJ Vatikiotis calls al-Ṭaḥṭāwī 'the sieve for European ideas' (*The History of Egypt*, 2nd ed. (London: Weidenfeld and Nicolson, 1980), 109), but Alain Roussillon mocks this approach by calling him the 'transmetteur' ("Ce qu'ils nomment "Liberté"...": Rifā'a al-Ṭaḥṭāwī, ou l'invention (avortée) d'une modernité politique ottomane," *Arabica* 48, no. 2 (2001): 149 ff.), while Sandra Naddaf claims that al-Ṭaḥṭāwī was holding a mirror which becomes 'both a means by which the unfamiliar can be accommodated and ultimately assimilated, as well as a means by which the familiar can be re-discovered and re-presented' ("Mirrored Images: Rifā'ah al-Ṭaḥṭāwī and the West (Introduction and Translation)," *Alif: Journal of Comparative Poetics* 6 (Spring 1986): 76.), and Myriam Salama-Carr even describes *Takhlīṣ al-Ibrīz* as an 'attempt to make the "Other" acceptable', and an example of an 'ethnocentric process of familiarisation, through specific linguistic practices' (Myriam Salama-Carr, "Negotiating Conflict: Rifā'a Rāfi' al-Ṭaḥṭāwī and the Translation of the 'Other' in Nineteenth-Century Egypt," *Social Semiotics* 17, no. 2 (2007): 213-27.). On a completely different position is Bernard Lewis, who shows very little appreciation for al-Ṭaḥṭāwī's role and mentions in passing that 'he even took the trouble to translate the full text of the French constitution (sic)' (*The Muslim Discovery of Europe* (London: Weidenfeld and Nicolson, 1982), 219.).

genre of memoirs. Zooming in onto the semiotics of governance that al-Ṭaḥṭāwī proposes, however, I see a much more complex operation in which the author engages

in group and class politics while responding to various demands, reaching out to multiple audiences and pursuing multiple goals.

The simplified paradigm previously employed in literature fails to capture the complexity of the section on governance, and is thus condemned to dismiss 'inconsistencies' or 'unfaithful renderings' as the result of misunderstandings or errors on the side of al-Ṭaḥṭāwī the 'translator'.⁶ It should come to no surprise, then, that the section of *Takhlīṣ al-Ibrīz* on French governance⁷ becomes the most impenetrable, and translating it into English,⁸ or (re)translating it into French,⁹ turns into a near-impossible endeavour. So much so that the (re)translation into French omits al-Ṭaḥṭāwī's 'translation' of the 1814 French Charter altogether.¹⁰

By bringing the complexity of group and class politics back to al-Ṭaḥṭāwī's choices in the semiotics of governance,¹¹ one can then appreciate the subtlety of his plea for hegemonic legal modernity, and reassess the fortune of some of his solutions

⁶ Trying to explain the 'large number of lexical inconsistencies,' al-Ṭaḥṭāwī's translator into English—Daniel Newman—states that he was 'seemingly unable to make up his mind, wavering between a variety of words from Islamic political thought,' in *An Imam in Paris: Al-Tahtawi's Visit to France (1826-31)*, trans. Daniel Newman (London: Saqi, 2011), 97. Paradigmatic is also the explanation offered by Maḥmūd Ḥijāzī—one of al-Ṭaḥṭāwī's most acute commentators in the 20th century—of al-Ṭaḥṭāwī's rendering of the provision on personal freedom of the 1814 Charter (art. 4), in which the commentator expounds on how al-Ṭaḥṭāwī 'got it wrong.' Maḥmūd Fahmī Ḥijāzī, *Uṣūl Al-Fikr Al-ʿarabī Al-ḥadīth 'inda Al-Ṭaḥṭāwī* (Cairo: Dār Ghurayyib, 1974), 63, fn 82.

⁷ Al-Ṭaḥṭāwī employs the expression *Tadbīr dawlat al-Faransīs* to title this section. According to al-Ṭaḥṭāwī, *tadbīr* is a part of domestic politics (*būlūtīqā dākhiliyya*) that deals with the internal functioning and structuring of the state, hence: governance. Al-Ṭaḥṭāwī did not employ *siyāsa* because he believed it to have too broad a scope (referring in general to *al-sulūk wa-l-taṣarruf*) and to be too general a term to refer to politics. Maḥmūd Ḥijāzī captures this conceptual cluster (*Uṣūl Al-Fikr*, 36–47.), while Timothy Mitchell seems to retro-project onto 'this entire field of practice, of thought' the later connotation of *siyāsa* (*Colonising Egypt* (Cambridge: Cambridge University Press, 1988), 102–104).

⁸ *An Imam in Paris*.

⁹ A full account of the various attempts (and resistances) to (re-)translating the *Takhlīṣ al-Ibrīz* in French, see *L'or de Paris: Relation de Voyage, 1826-1831*, trans. Anouar Louca (Paris: Sindbad, 1988), 30–35. The translator, Anwar Lūqā, has extensively worked on al-Ṭaḥṭāwī's work, but always showed little interest in the author's views on governance. See, for instance, *ʿAwdat Rifāʿa Al-Ṭaḥṭāwī: Marāḥil Istifāqat Al-Fikr Fī dawʿ Al-Adab Al-Muqāran* (Sousse and Tunis: Dār al-Maʿārif, 1997), 88–90..

¹⁰ As a general remark, Anwar Lūqā shows little interest in law throughout his introduction of al-Ṭaḥṭāwī's life and works. When it comes to the section on French governance, he simply omits to re-translate the 1814 Charter and uses a footnote to signal the omission (*L'or de Paris*, 135 fn 138.). The same path had been followed in the German translation by Karl Stowasser (*Ein Muslim Entdeckt Europa: Die Reise Eines Ägypters Im 19. Jahrhundert Nach Paris*, trans. Karl Stowasser (Leipzig: G. Kiepenhauer, 1988), 94 fn 54).

¹¹ Without appreciating the group and class politics that al-Ṭaḥṭāwī is engaged with, one risks to assess his 'linguistic experiments' in isolation and disconnected from its multiple contexts. An example of this latter approach is what Anwar Lūqā writes: *On assiste à l'effervescence du lexique, lors de l'ouverture d'une frontière culturelle. Les moyens atrophiés de la langue arabe, dont disposait la première génération du XIXe siècle, ne pouvaient répondre aux besoins d'un discours soudain élargi* (*L'or de Paris*, 34.). Mohammed Sawaie follows this same approach analysing al-Ṭaḥṭāwī's strategies as a 'translator' who attempted to 'resolve the difficulties of locating appropriate Arabic lexical items to express the new sciences and cultural items introduced from the West into Egypt in the

away from metaphysical speculations on the more empirical grounds of how these group and class politics unfolded.

1. Demands, Audiences, and Goals

Often pushed aside as a travelogue,¹² *Takhlīṣ al-Ibrīz* is a much more complex text that responds to a multiplicity of demands, targets a variety of audiences, and pursues a number of goals.¹³ Its chapter on the French governance system, in particular, articulates this complexity in a remarkable translation of the 1814 Charter that brings together the various strands in a blueprint for a hegemonic discourse of modernity in Muḥammad 'Alī's Egypt.¹⁴ This translation of the 1814 Charter is also the first rendition in Arabic of the new 'pudding' constitutions—those 'made by recipe' as Edmund Burke dismissively called them in *Reflections on the Revolution in France* (1790)—that started spreading in the late 1700s.¹⁵

Demands for an account of the Egyptian mission to Paris of 1826-1831 came to the author of *Takhlīṣ al-Ibrīz* from various figures. Firstly, Ḥasan al-ʿAṭṭār, the sheikh al-Azhar who put al-Ṭaḥṭāwī's name down for the mission, expressly asked him to keep a journal of his stay in Paris. Secondly, a narrative of al-Ṭaḥṭāwī's training during his stay had also to be submitted as part of his final examination as a translator at the Egyptian School in Paris. And thirdly, al-Ṭaḥṭāwī's patron, Muḥammad 'Alī, expected a full brief of the mission he had funded.

19th century': in "Rifā'a Rafī' Al-Tahtawi and His Contribution to the Lexical Development of Modern Literary Arabic," *International Journal of Middle East Studies*. 32, no. 3 (2000): 405.

¹² Even if 'travel' is conspicuously absent from the core of the work. One of al-Ṭaḥṭāwī's commentators and translator of *Takhlīṣ al-Ibrīz* into French, Anwar Lūqā, speaks of the *absence du « voyage »* and speaks of it as an example of *mīzān* which conjures *avec la figure de la balance, une recherche systématique des valeurs prépondérantes* (*L'or de Paris*, 19 and 21.).

¹³ PJ Vatikiotis's *History of Egypt* is the most eloquent example of this trend: he refers (a) to *Takhlīṣ al-Ibrīz* as *Rihla* (travelogue), (b) to al-Ṭaḥṭāwī's public as a general and undefined common bloc of 'Egyptian readers,' and (c) to al-Ṭaḥṭāwī's operation as that of introducing to these Egyptian readers 'notion of secular authority.' See: *The History of Egypt*, 113 ff. Roxanne Euben takes a more rounded approach to al-Ṭaḥṭāwī's *riḥla* and his audience (in the singular): in particular, she draws on previous literature to underline the mixture of different literary genres in *Takhlīṣ al-Ibrīz* (namely, the *riḥla*, the *adab*, and the *mīzān*) and mentions the plurality of sensibilities in his audience. See: *Journeys to the Other Shore: Muslim and Western Travelers in Search of Knowledge* (Princeton: Princeton University Press, 2006), 114–119.

¹⁴ Most scholars tend to see in al-Ṭaḥṭāwī someone who brings in synthesis—in Hegelian terms, I suppose (Anouar Abdel-Malek, *Idéologie et Renaissance Nationale* (Paris: Anthropos, 1969), Muḥammad 'Imāra, *Rifā'a al-Ṭaḥṭāwī: rā'id al-tanwīr fī al-ʿaṣr al-ḥadīth* (Cairo: Dār al-Mustaḥbal al-ʿArabī, 1984)., and Gilbert Delanoue, *Moralistes et Politiques Musulmans Dans l'Égypte Du XIXe Siècle (1798-1882)*, 2 vols. (Cairo: Institut Français d'Archéologie Orientale du Caire, 1982), all cited in Roussillon, "Ce qu'ils nomment," 145 ff.; but also: Ehud R. Toledano, *State and Society in Mid-Nineteenth-Century Egypt* (Cambridge: Cambridge University Press, 1989)). To me, he seems much more engaged in articulating a number of syntheses for the complex socio-political composition of demands, audiences, and goals that I sketch in this paragraph and elaborate further in my analysis of his construction of multiple semiotics, or rather his accommodation of the various needs in a common semiotics of law and governance.

¹⁵ Anwar Lūqā even connects al-Ṭaḥṭāwī's translation of the Charter through its further translation into Turkish to the ferments of *constitutionnalisme* in Istanbul (*L'or de Paris*, 32). Which seems to be confirmed by C. Ernest Dawn, who says that the *Takhlīṣ al-Ibrīz* was widely read in a Turkish translation ("From Ottomanism to Arabism: The Origin of an Ideology," in *The Modern Middle East: A Reader*, ed. Albert Hourani, Philip Khoury, and Mary Wilson (London: I.B.Tauris, 1993), 376.)

Throughout the work, the author is thus targeting three main audiences with fairly distinct interests and agendas. Firstly, he speaks to his own constituency of traditional intellectuals at al-Azhar, who were schooled in the religious curriculum and self-identified as Islam's bulwark. Secondly, he shows his examiners, French Orientalists like Edmé-François Jomard and Sylvestre de Sacy, that he had fully absorbed the civilizational education that he received in Paris. And thirdly, he offers to his patron a report on what can be usefully appropriated from the French system.

Readers often find *Takhlīṣ al-Ibrīz* quite ambiguous. This apparent ambiguity is a function of the different goals that al-Ṭaḥṭāwī is pursuing. Firstly, he wants to show Azharis that one can easily select what to adopt from the French experience. Secondly, he desires to showcase to French scholars his ability to navigate French, Arabic, and the content of the sciences he translates. And thirdly, he wishes to let the ruler know that an experienced eye can advise on what can be safely imported to strengthen the rule without undermining it.

2. Book and Chapter Structure.

Takhlīṣ al-Ibrīz has a conventional prologue, and is then divided into six essays of uneven lengths. In the first two essays, al-Ṭaḥṭāwī narrates his journey from Egypt to Marseilles (essay 1), and from there onto Paris (essay 2). The third essay—detailed below—is centred on al-Ṭaḥṭāwī's stay in Paris. In the last three essays, al-Ṭaḥṭāwī recounts his training arrangements and final exams (essay 4), accounts for the events of the July Revolution (essay 5), and finally expounds on the French structure of sciences (essay 6).

The third essay (essay 3) is the heart of al-Ṭaḥṭāwī's work, and he explicitly says so in the preface. In the preface, al-Ṭaḥṭāwī also admits to some exaggerations in his account, which to his mind are but an approximation to the wonders of Paris.¹⁶ This third essay is also by far the longest in the book (covering almost half of the latter's size), and contains thirteen sections in which the author reflects on and presents his experience of Paris.

After having presented Paris and its inhabitants in the first two sections, the third section (here again, one of the largest in size within the chapter) is devoted to the French governance system. Al-Ṭaḥṭāwī does not conceal the pedagogical intent of the section: the odd system of the French is a model to be considered.¹⁷

In the third section on French governance, five segments can be identified. In the first segment, al-Ṭaḥṭāwī describes the governance system as a cluster of bodies (*dawāwīn*) around the King. In the second segment, al-Ṭaḥṭāwī translates the 1814 Charter—a translation in which he bends both the Arabic lexicon and the French text to show to his various constituencies that hegemonic legal modernity in Egypt is not only possible but also desirable. In the third segment, al-Ṭaḥṭāwī freely comments on the text of the 1814 Charter and offers some of his most celebrated contributions (like the parallel between 'their' *liberté* and 'our' *al-'adl wa-l-inṣāf*). In the fourth segment, al-Ṭaḥṭāwī gives a brief overview of the amendments to the governance system and the Constitutional Charter that followed the 1830 Revolution (the 'July

¹⁶ *Iṭnāb*

¹⁷ *Li-yakūn tadbīruhum al-'ajīb 'ibra^{tan} li-man i'tabar.*

Revolution', which he translates as *fitna*). In the succinct fifth and final segment, al-Ṭaḥṭāwī simply alludes to the wider French legal system beyond its governance structures, but this topic seems very remote from his interests.

3. 'Translating' the 1814 Charter

The extent of the colonisation of al-Ṭaḥṭāwī's mind surfaces in his seduction by the idea of the rule of law,¹⁸ which he later renders as *manhaj al-shar'*.¹⁹ Just as he fully surrenders to it, however, he retains control over how to relay it, in an act of translational domination. Translational domination is embodied in the selection of what to translate and the modality of translation. Choosing to translate the 1814 Charter and how to translate it so as to appeal to his different audiences is an act of translational domination in which al-Ṭaḥṭāwī excelled.²⁰

During al-Ṭaḥṭāwī's stay in Paris, there were two key legal documents that regulated French life and represented the compromise of the Restoration after Napoleon's defeat: the Civil Code and the Charter. The Civil Code, also known as *Code Napoléon*, was retained as one of the main legacies of the 1789 Revolution, while the Charter restored the Bourbon monarchy and its governance system to an (almost) pre-revolutionary status. Al-Ṭaḥṭāwī chooses to translate the latter, and much later in his life he translates the former.

In al-Ṭaḥṭāwī's account, however, there is neither the 1789 Revolution, nor the 1814 Restoration: the Charter—which he decides to 'translate'—is staged alone in an abstracted, universalized form deprived of any historical, political or social context. The omission of context conveniently conceals that, at the time of writing, the 1814 Charter was no longer even in force: the July Revolution of 1830 had disposed of the senior branch of the house of Bourbon and its granted Charter. Yet, al-Ṭaḥṭāwī does not mention either the July Revolution, or the Constitutional Charter that ensued, and prefers to list the most insignificant changes as amendments to the 1814 Charter (*taṣlīḥ al-Sharṭa*).

¹⁸ The colonisation of al-Ṭaḥṭāwī's mind is, according to Shaden Tageldin, a function of the 'hermaphroditic landscape of colonial seduction'. The colonial seed planted during the Napoleonic occupation started bearing fruit in this exchange of 'wombs' and 'inseminations' between France and Egypt (colonies of Egyptians went to France to be educated, then returned to Egypt to educate their fellow Egyptians in the French ways). *Disarming Words: Empire and the Seductions of Translation in Egypt* (Berkeley: University of California Press, 2011), 111.

Rendering al-Ṭaḥṭāwī's *manhaj al-shar'* as 'rule of law' (not a French expression itself) is intended to signal the author's way of epitomising the French governance system in an expression that would literally sound as something *grosso modo* in between 'the course of law,' and 'the system of law,' but just as shorthand for a certain hegemonic legal modernity.

¹⁹ The famous lines of poetry with the reference to the *manhaj al-shar'* that close the section on the French governance system were not included in the first edition of 1834 (Rifā'a al-Ṭaḥṭāwī, *Hādhihi Riḥlat al-faqr ilā allāh ta'ālā Rifā'a Badawī Rāfi' al-Ṭaḥṭāwī ilā diyār Farānsā al-musammāh bi-Takhlīṣ al-ibriz ilā talkhīṣ Bārīz, aw al-Diḡwān al-naḡīs bi-ṭiḡwān Bārīs* (Bulaq: Dār al-Ṭibā'a al-Khidīwiyya, 1834), 77.).

²⁰ This aspect of 'translational domination' coexists with aspects of 'translational seduction,' since Orientalism—in Shaden Tageldin's words—'translated Europe into Arab-Islamic terms, tempting its Egyptian interlocutors to imagine themselves "masculinized" masters of the Europeans who were mastering them.' *Disarming Words*, 7.

During his stay in Paris, al-Ṭaḥṭāwī witnessed some of the most crucial and dramatic moments in the transformation of the French governance system, which remodelled from a limited to(wards) a parliamentary monarchy; from a granted Charter (carrying even in its designation a reference to the Ancien Régime charters) to a pact Constitutional Charter (marking the compromise with liberal values); from Charles X, King of France (by divine right) to Louis Philippe I, King of the French (by proclamation by the Chamber of Deputies). Yet, al-Ṭaḥṭāwī chooses not to engage with any of that in the section on the French governance system.

Al-Ṭaḥṭāwī's decision to ignore the 1830 Constitutional Charter—and translate the 1814 Charter instead—is a strong statement of translational domination that is complemented by further acts of translational domination that he operates on the text with his gaze firmly on his target audiences. These further acts of translational domination will be considered below in relation to the target audiences at which they are directed.

3.1. 'Translating' Targeting Fellow Azharis

The target audience which al-Ṭaḥṭāwī feels the closest connection to is that of his fellow traditional intellectuals, chiefly Azhari scholars. An Azhari scholar himself, al-Ṭaḥṭāwī seems most passionate to generate through his translation a sense of identification in his readers (mostly his fellow Azharis), and he does so by employing a lexicon familiar to them with an eye to bringing home the foreign system.²¹

Al-Ṭaḥṭāwī's subtext is a plea for hegemonic legal modernity that he addresses to traditional intellectuals in terms of a call to join in the building of the new Egypt, probably fearing or foreseeing the marginalisation that would later affect them.²² With his translation of the Charter, al-Ṭaḥṭāwī shows traditional intellectuals that they do not need to compromise on their role of custodians of Islam to participate in the new political project. In other parts of *Takhlīṣ al-Ibrīz*, al-Ṭaḥṭāwī often punctuates the text with warnings against the risks of going astray while following the teachings of the French (in particular in the natural sciences). In this chapter those caveats are absent—the only instance of veiled criticism can be found in the fifth and last segment, and is directed against French laws that are not in line with divine laws, but is confined to areas of the French legal system that al-Ṭaḥṭāwī is not interested in, and we should not get distracted by because—he underlines—these laws keep changing.²³

²¹ Al-Ṭaḥṭāwī will later go as far as equating French jurisprudence to *'ilm uṣūl al-fiqh*, and French substantive law to *furū' al-fiqh*. See *Al-Murshid al-Amīn* cit. in Hījāzī, *Uṣūl Al-Fikr*, 41.

²² Al-Ṭaḥṭāwī does not seem to consider the possibility of traditional intellectuals playing the role of guarantors of the limitation of power, and Albert Hourani explains this attitude by considering that 'effective power had for long been in the hands of a military group' and hence traditional intellectuals could offer 'no effective obstacle to its use' in *Arabic Thought in the Liberal Age, 1798-1939* (London: Oxford University Press, 1962), 83.

²³ *Laysa qārra al-furū'.*

Not only should traditional intellectuals not be afraid to engage with the new political project, rather Al-Ṭaḥṭāwī calls on them to actively embrace it.²⁴ In the preface he laments that the lands of Islam would deserve even more [than France] these odd *'adl* (justice) and strange *inṣāf* (fairness) which he describes in the third chapter and of which the Charter is the centrepiece.²⁵ *'Adl* and *inṣāf* (justice and fairness) are the main pillars of the governance system associated with Islam in al-Ṭaḥṭāwī's times; not only does he draw an explicit parallel between them and the French *liberté*, but he even states that these Islamic principles are better practised in France than Egypt.

In translating the Charter, al-Ṭaḥṭāwī resorts to a lexicon that is intended to sound familiar to traditional intellectuals so as to generate a perception of closeness to the governance system he is describing.²⁶ The vocabulary of *fiqh* is thus heavily relied upon: *ḥaqq*, *sharī'a*, *bayt al-māl*, *milla*, *ḥaram*, *thaman al-mithl*, *istilā'*, *kafīl*, *ḥukm*, *al-amr wa-l-nahī*, *mu'āmalāt*, *mashūra*, *mamnū'*, *mulghī*, *qāḍī al-quḍāt*, *al-ḥākim al-sharī'*, and many other *fiqh*-related terms dot the translation. In a few cases, one could argue that it was the only vocabulary available (as in *milla* for religious doctrine, *ḥukm* for jurisdiction, *mamnū'* for prohibited, or *mulghī* for voided), but in most other cases al-Ṭaḥṭāwī had other more readily available and conventional options, yet chose the idiomatic expressions that would sound familiar to a *fiqh*-trained ear: *bayt al-māl* instead of *khazīna* to refer to the treasury (art. 2),²⁷ *qāḍī al-quḍāt* instead of *muhradār* or *wazīr khātam al-malik* to refer to the chancellor (art. 29),²⁸ or *quḍāt al-mu'āmalāt* instead of *quḍāt al-tijāra* to refer to judges with jurisdiction on commercial matters (art. 60).

Perhaps the most audacious rendition in this area is that of 'law.' Al-Ṭaḥṭāwī prepares the reader with a surprising statement: 'Frenchmen call the law (*qānūn*): *'sharī'a*,' and so they say: "the *sharī'a* of the King So-and-So"' (segm 1).²⁹ The statement is surprising because it is of course al-Ṭaḥṭāwī that renders law as *'sharī'a*,' not Frenchmen. His statement actually suggests that his Egyptian contemporaries would have probably called the law: 'law,' or *al-qānūn*: *'qānūn*.' Al-Ṭaḥṭāwī's use of *sharī'a* to refer to the French *'loi'* (which, in itself, is a synecdoche for the legal system) must have sounded quite inappropriate—yet familiar—to traditional

²⁴ Throughout the text, "tradition—Tarek El-Ariss argues—is always already modern in al-Ṭaḥṭāwī's literary text" (*Trials of Arab Modernity: Literary Affects and the New Political* (New York: Fordham University Press, 2013), 51.).

²⁵ Al-*'adl al-'ajīb wa-l-inṣāf al-gharīb alladhī yaḥiqq an yakūn min bāb awlā fī diyār al-islām wa-bilād sharī'at al-nabī – maqṣid*

²⁶ Reacting to this 'ethnocentric process' described by Myriam Salama-Carr, Tarek El-Ariss poignantly claims that what it appears as a process of familiarisation "in fact arises from a modern experience that ends up unsettling the function of familiarization and marking its collapse" (*Trials of Arab Modernity*, 47.).

²⁷ In art. 7, al-Ṭaḥṭāwī even qualifies the (state) *bayt al-māl* (treasury) as 'Christian' (*bayt māl al-Naṣrāniyya*), instead of 'royal' as in the French text. See below section 3.3.

²⁸ In adding *qāḍī quḍāt Faransā* to the translation of art. 29, al-Ṭaḥṭāwī probably wanted to underline a certain element of independence of the Speaker of the Chambre des Pairs as 'Head of the Judiciary' (*qāḍī al-quḍāt*), instead of him being simply a member of the executive as *muhradār malikiḥā*, *ayy*: *wazīr khātam malikiḥā* (chancellor, *garde des sceaux*).

²⁹ *Wa-yusammā al-qānūn 'ind al-faransāwiyya: sharī'a, fa-li-dhālika yaqūlūn: sharī'at al-malik Fūlān.*

intellectuals; they used *sharī'a* to refer to the system of ethical and moral precepts connected to the Revelation, not the man-made *qānūn* or, even worse, a man-made non-Muslim foreign legal system.³⁰

Al-Ṭaḥṭāwī is poised to establish this connection between the familiar '*sharī'a*' and the foreign legal system, and he insistently and consistently does so. As the Charter declares all Frenchmen equals in front of the law, al-Ṭaḥṭāwī accordingly translates 'law' here as '*sharī'a*' (art 1). In expounding on art. 1 in the third segment, al-Ṭaḥṭāwī clarifies that this equality means no difference in the application of the provisions of the law (here the technical term: *qānūn*, forcing the French synecdoche onto the Arabic),³¹ even in the cases (qualified as 'legal', here: *shar'ī*) brought against the King.³²

When in Article 4 the provision establishes a *réserve de loi* for limitations to constitutional rights, al-Ṭaḥṭāwī even exceeds in his zeal, and instead of translating this *loi* as *qānūn*, he resorts again to *sharī'a*³³—even if in this case the *réserve de loi* is precisely intended to say that limitations to constitutional rights can only be provided for in a *loi* (*qānūn*), and not, for instance, in any lesser legal form like a governmental or ministerial decree. Al-Ṭaḥṭāwī's zeal here, in other words, is turning the *réserve de loi* on its head by saying that limitations to constitutional rights can be introduced under any 'legal' (*shar'ī*) form, and thus government or a single minister could introduce limitations without the approval of parliament or the king.

When it comes to legislating as a mode of legal production, al-Ṭaḥṭāwī is inconsistent. In Article 24 he says that the Upper Chamber is an essential part of the legislative process (*li-tashrī' al-qawānīn al-tadbīriyya*), but nowhere else does he translate legislating as *tashrī'*. An explanation of al-Ṭaḥṭāwī's inconsistencies in this regard is offered below in Section 3.3.

The text also employs *sharī'a* in its conventional sense, so as not to completely estrange the readers. In a first instance, when commenting on the tax system, al-Ṭaḥṭāwī suggests that taxes might even have been originated from Hanafi *fiqh* (*wa-rubbamā kān lahā aṣl fī 'l-sharī'a 'alā ba'd aqwāl madhhab al-imām al-akbar*, segm 3), and, in a second instance, when referring to the (rest of the) French legal system, al-Ṭaḥṭāwī states that these legal provisions are not derived by heavenly books, but taken from other laws with governance aims that are fully contravening divine laws (*mukhālifa bi-l-kulliyya li-l-sharā'i*) and are ever-changing (segm 5).

The desire to establish this identification between *loi* and *sharī'a* is consistent in the text, even beyond the Charter translation. In the fourth segment, for instance, al-Ṭaḥṭāwī clarifies that in France distinctions and ranks might have social implications but have no bearing on the law (*lā fī 'l-sharī'a*, segm 4), and explains that the law guarantees personal freedom (*wa-qad ḍamanat al-sharī'a* [...], segm 4).

Al-Ṭaḥṭāwī also wants to reassure traditional intellectuals that they can retain their monopoly on matters of faith under the new system. A telling rendition in this line is that of 'legislation.' Leaving aside issues of regulation of the legislative

³⁰ Maḥmūd Ḥijāzī explains this away by stating that there was no distinction 'back then, in the Orient' between *sharī'a* and *qānūn*. Ḥijāzī, *Uṣūl Al-Fikr*, 60, fn 74.

³¹ *La yakhtalifūn fī ijrā' al-aḥkām al-madhkūra fī 'l-qānūn*

³² *Hattā in al-da'wa al-shar'iyya tuqām 'alā al-malik*

³³ *Bi-ba'd ḥuqūq madhkūra fī 'l-sharī'a*

function (which will be analysed below, in section 3), it is interesting to focus here on the content of such a function. In the translation of art. 15, al-Ṭaḥṭāwī renders legislation as *tadbīr umūr al-muʿāmalāt*, roughly: the regulation of civil and commercial transactions. It is this latter idiom which becomes central: *muʿāmalāt*, the expression used in *fiqh* discourse to refer to areas of *fiqh* that deal with civil and commercial transactions, and as such less central than others, called *ʿibādāt* (ritual acts). The broader, reassuring subtext is that traditional intellectuals need not worry, because this new system will not chip away at their ability to decide the core matters of faith.

Not only does the new system operate on terms and concepts that are quite familiar to traditional intellectuals, and would not challenge their monopoly on matters of faith, but it would also offer class guarantees to them because of their multiple professional connections with the judiciary, al-Ṭaḥṭāwī finally suggests. Here the Charter is quite clear already, but al-Ṭaḥṭāwī decides nonetheless to underline the class dimension of the judiciary, and titles the section *de l'ordre judiciaire: ṭaʿīfat al-quḍāt*, the class of judges (arts. 57-68).

3.2. 'Translating' Targeting French Orientalists

French Orientalists were the first to read and evaluate al-Ṭaḥṭāwī's work as part of his final examination, but were not his main target audience. Yet, al-Ṭaḥṭāwī wanted to prove to them the full extent of the possibility to colonise (or, as they would have preferred: civilise) the mind of Egypt. Arabic served, here as well, as a channel, but in this case for acts of translational seduction;³⁴ al-Ṭaḥṭāwī was surrendering to French and its text.

Al-Ṭaḥṭāwī saw in the French governance system a universal, not a particular.³⁵ While translating the Charter, he was not simply translating the 1814 French Charter—which, by that time, had even been superseded by the 1830 Constitutional Charter—, rather he was giving form in Arabic to a model that was dictated both by (secular) reason and (religious) justice: 'I will mention [the Charter] to you, even if most of what is in it is not to be found in the Book of God the Almighty or in the Sunna of his Prophet, so that you will know how their reason (*ʿuqūluhum*) arrived at the conclusion that justice and fairness (*al-ʿadl wa-l-inṣāf*) are among the reasons for the civilisation of kingdoms and the comfort of subjects, and how rulers and ruled conformed to it, and so their country flourished, their knowledge increased, their riches piled, and their hearts relaxed: among them no one is ever heard complaining of injustice, since justice is the foundation of civilisation' (segm 1).

³⁴ Shaden Tageldin eloquently illustrates that: 'as Egyptian intellectuals came to see their colonisers and themselves as translatable—or exchangeable—terms, they could in turn "love" those colonisers enough to translate French or English idioms and ideas. In so doing, they negotiated a complex and often conflicted surrender to the ideology of European supremacy and to the imperatives of European colonialism. The case of Egypt, I contend, suggest that cultural imperialism might be better understood as a politics that lures the colonised to seek power *through* empire rather than against it, to translate their cultures into an empowered "equivalence" with those of their dominators and thereby repress the inequalities between those dominators and themselves.' See: *Disarming Words*, 10.

³⁵ Anwar Lūqā reads it as *une tentative d'exorcisme* in *L'or de Paris*, 20.

The Charter—a Restoration document—avoids the rhetoric of the Revolution, but also endeavours to conceal its most reactionary side. In the Charter, Frenchmen are mostly referred to as 'Frenchmen,' or—whenever provisions allow—the passive voice is preferred. Few references to Frenchmen as 'subjects' debase the preamble (widely considered the most infamous part of the Charter), and an occasional 'citizens' seems to have been missed in the purge, albeit in an inconsequential provision (art. 11). For the most part, al-Ṭaḥṭāwī follows the choices of the Charter (and has far less resistance against the use of 'subject', but on that see below section 3.3); Arabic, however, forces him to identify the reference where French could avoid it, and, in search for a reference, al-Ṭaḥṭāwī's reading of the Charter as a universal thus resurfaces in an unrestrained and innocent: 'human' (*insān*). They all give something to the treasury without distinction—al-Ṭaḥṭāwī translates—'every human according to his wealth' (art. 2). This Charter has been drafted for the French, but its essence is universal because its reference is *al-insān*, the 'human'; as such, it can regulate every human society.³⁶

In translating the Charter, al-Ṭaḥṭāwī wants to show French Orientalists that Arabic can channel, just like French, the same universal civilisational mission. The most egregious example is al-Ṭaḥṭāwī's experiment with the extension of the French *droit*. Following the trajectory of its Latin precedent *ius*, the French *droit*—as in most other continental European languages, from German to Portuguese—is used to refer both to a body of rules (*droit objectif*) or to an individual just claim or title (*droit subjectif*). The *fiqh* discourse in Arabic employs *ḥaqq* in the latter sense of *droit subjectif*, but al-Ṭaḥṭāwī stretches *ḥaqq* beyond the *droit subjectif* to the *droit objectif*, and all the way through the grey areas between the two.

The first section of the Charter is, for instance, titled: *Droit public des Français*. Under it, a series of diverse provisions are grouped and regulated: equality before the law (art. 1), taxation (art. 2), access to public office (art. 3), personal freedom (art. 4), freedom of religion (art. 5), establishment of Catholicism (art. 6), state support for Christian ministers (art. 7), freedom of expression and of the press (art. 8), sanctity of property (art. 9), just compensation for private property acquisition for public use (art. 10), anti-lustration provision (art. 11), and abolition of the draft (art. 12). Some of these provisions give entitlements to citizens, others just regulate public affairs: a good example of a grey area between a series of individual claims (*droits subjectifs*) and a body of rules (*droit objectif*). What with the title, then? In the singular, it does not account for the multiplicity of *droits subjectifs* regulated under it, but as a body or rules it does not account for the individual entitlements to be found in it. While 'Public Right of the French' does not sound quite right (pun unavoidable), 'Public Law of the French' is not what the section is about. Is it one of these cases in which French supports a particular figure of speech that makes it impossible to respect the morphology of the source language in the target language? Maybe a synecdoche that names the part (*droit*) to refer to the whole (the multiplicity of *droits*), or a specific

³⁶ Shaden Tageldin devotes almost the entirety of her chapter on al-Ṭaḥṭāwī to how the 'suspect kinships' that connected Arabic to French via a 'common, shared' Greek universal ascendance were crafted. *Disarming Words*, 108–151. In the section on governance, however, al-Ṭaḥṭāwī does not resort to any 'universal ascendance', but seems rather content with claiming rational justification, and resonance with 'Islamic' principles.

class to a more general class (from *droit subjectif* to *droit objectif*)?

Al-Ṭaḥṭāwī opts for the equivalent of 'Public Right of the French': *al-kalām 'alā ḥaqq al-faransāwiyya al-mansūb lahum*. Al-Ṭaḥṭāwī's surrendering to French and its text must have been just as clear as the expression must have sounded terrible. The collective, 'public' nature of the right—al-Ṭaḥṭāwī seems to suggest—is captured by the expression: *al-mansūb lahum*. Al-Ṭaḥṭāwī's title then sounds: the talk on the right of Frenchmen granted to them. By respecting the morphology of French and adapting Arabic to it, al-Ṭaḥṭāwī is giving the ultimate proof of a full surrender—even when the sense is obscure.

Far from the grey—but always in the surrender—area, al-Ṭaḥṭāwī employs *ḥaqq* for *droit*, even when the latter is clearly used in the sense of *droit objectif*, even in the plural: 'and they [legal provisions below the Charter] are called: French laws, or the rights of Frenchmen one towards the other, and this is because Europeans have different laws' (segm 5),³⁷ just as when he refers to Jean-Jacques Burlamaqui's work *Principes du droit naturel et politique* (1747) as *Al-ḥuqūq al-ṭabī'iyya*.

The operation of associating to a term in the source language (in this case: *droit*) a specific term in the target language (in this case: *ḥaqq*), and forcing the target language term to follow the trajectory of the source language term is quite common in al-Ṭaḥṭāwī³⁸. And can probably be traced back to his fascination with the tradition of Abbasid translations (as in the case of *polis/madīna*).³⁹ In the current text, al-Ṭaḥṭāwī establishes a number of similar associations, as *mamlaka* to 'system of government' or 'governance,' *sharī'a* to 'legal system,' *manhaj al-shar'* to 'rule of law.' As was shown above in section 3.1. for *sharī'a*, the term in the target language does not lose its more conventional meaning, but expands its semantics.

3.3. 'Translating' Targeting Muḥammad 'Alī

Of all of al-Ṭaḥṭāwī's target audiences, the most crucial for him was his patron, Muḥammad 'Alī (r. 1805-1848), and his circle.⁴⁰ A lot has been written on the relation between the two, and between al-Ṭaḥṭāwī and Muḥammad 'Alī's successors. Through the lens of the chapter on governance, one can gauge the content of the hegemonic legal modernity project that al-Ṭaḥṭāwī was suggesting to Muḥammad 'Alī and the role that the former was foreseeing and preparing for himself and his

³⁷ *Wa-yuqāl lahā: al-ḥuqūq al-faransāwiyya. Ayy: ḥuqūq al-faransāwiyya ba'dihim 'alā ba'd. Wa-dhālīka li-anna al-ḥuqūq 'ind al-Ifranj mukhtalifa.*

³⁸ Daniel Newman reminds us also how al-Ṭaḥṭāwī used *zaman* (time) to refer to the French for weather, *temps*. *An Imam in Paris*, 96.

³⁹ This approach manifested itself in the desire by al-Ṭaḥṭāwī and his disciples later involved in the *Madrasat al-alsun* to compile glossaries of 'new terms' that would progressively become 'Arabicised' or *dakhīl* as had happened with Persian and Greek terminology from the 9th to the 11th centuries. See Sawaie, "Al-Tahtawi and His Contribution," 400 and 404., and Jamāl al-Dīn al-Shayyāl, *Tārīkh Al-Tarjama Wa-L-ḥaraka Al-Thaqāfiyya Fī 'aṣr Muḥammad 'Alī* (Cairo: Dār al-Fikr al-'Arabī, 1951), 190–191.

⁴⁰ Al-Sayyid Ṣāliḥ Majdī reports that Muḥammad 'Alī was so pleased with *Takhlīṣ al-Ibrīz* that he ordered it published, and issued an order for it to be read in his palaces, to be distributed to diwans, and to be perused and adopted in Egyptian schools. See: *Hīlyat Al-Zaman*, 61.

fellow traditional intellectuals in Muḥammad 'Alī's new Egypt.⁴¹

Throughout the chapter and the Charter translation, al-Ṭaḥṭāwī simultaneously builds a case for the rule of law (*manhaj al-shar'*), and shows to Muḥammad 'Alī that such a system—to be grounded and epitomised in a charter—could be easily reconciled with the *walī*'s vision. In particular, al-Ṭaḥṭāwī seems interested in speaking to Muḥammad 'Alī's conception of power, of the army, and of traditional intellectuals in his new Egypt. In the colonised mindset of al-Ṭaḥṭāwī, the *manhaj al-shar'* is the essential element for the construction of a strong and prosperous state (read: empire); traditional intellectuals are instrumental for that rule-of-law system to function, and they do not have to be in the limelight. When describing the Charter, al-Ṭaḥṭāwī writes that the Charter was drafted for the Frenchmen by their King (*alladhī allafahu lahum malikuhum*), Louis XVIII (segm 1). The granted nature of the 1814 Charter needs no underlining, but it is not *par hasard* that the Charter was drafted by a body filled with traditional intellectuals, and chaired by a man of the law: Charles-Henri Dambray, who would later serve as the Speaker of the Chambre des Pairs until the July Revolution. Just as Louis XVIII needed traditional (and loyal) intellectuals like Dambray, so Muḥammad 'Alī will need traditional (and loyal) intellectuals: in al-Ṭaḥṭāwī's mind this constituency in Egypt is primarily to be found at al-Azhar, and his treatment of the French governance system wants to show that an Azhar-trained scholar is fully able to deliver on that.

In translating the Charter and hoping to strike a chord with his patron, al-Ṭaḥṭāwī underlines and at times forces an authoritarian reading. The 1814 Charter wanted to distance itself from the Revolution's rhetoric, and did not employ the term 'Constitution': the Ancien Régime's term 'Charter' was preferred back then. Yet, by the time of al-Ṭaḥṭāwī's writing, the 1814 Charter had been superseded by the 1830 Constitutional Charter. Al-Ṭaḥṭāwī does not record the shift, keeps to the abrogated document, and opts for exoticising the Charter by simply arabicising it as *shar'ṭa*. In the fourth segment, he mentions changes having taken place after 1831 (*sic!*) and a reform of the Charter, but he does not acknowledge the July Revolution—which he elsewhere in *Takhlīs al-Ibrīz* refers to as *fitna* (term with pejorative connotations in Imperial *fiqh* discourse). The changes that al-Ṭaḥṭāwī lists in this segment are far from having been at the heart of the confrontations between Parliament and the King (Charles X of Bourbon) that led to the July Revolution, and that were later mirrored in the new 1830 Constitutional Charter: preëminently, the issue of ministerial responsibility (to Parliament). The right to indict and judge ministers in Parliament for any criminal offence—a step towards Parliament's ability to question ministers and hold them politically responsible—was one of the major accomplishments of the 1830 Constitutional Charter, yet it went unaccounted for in either al-Ṭaḥṭāwī's translation or his brief summary of the amendments. In reality, the 1814 provision restricting indictment of Ministers by the Chambre des Députés des Départements to crimes of treason or embezzlement (art. 56) had been completely removed from the

⁴¹ Analysing al-Ṭaḥṭāwī's use of poetic associations (citing the example of Sayf al-Dawla), Tarek El-Ariss eloquently says that it is: "in the literary staging of the relation between the ruler and the *'ālim* that one could identify the site of negotiation and trials of Arab modernity in the 19th century" (*Trials of Arab Modernity*, 50.).

text in 1830, allowing Parliament to indict and judge Ministers on any criminal

charge. Al-Ṭaḥṭāwī keeps the old provision and even restricts it; in the translation, the crimes for which indictment is possible are no longer treason or embezzlement, but treason through extortion or embezzlement⁴²—a much narrower window for ministerial responsibility. The 1814 provision stated that legislation would clarify the nature of these crimes and the procedure to be followed, but al-Ṭaḥṭāwī restricts even the ability of legislators to determine only the procedure, not the content of the crimes ministers will be held accountable for⁴³ (art. 56).

Muḥammad 'Alī's ambitions to establish an hereditary rule in Egypt find ample echo in both the description of the French governance system (segm 1) and the translation of the Charter (segm 2). Al-Ṭaḥṭāwī emphasises the hereditary nature of the French rule in his description, since the 1814 Charter does not regulate succession to the throne. The participation of members of the royal family in various councils, however, is both emphasised in the description, and in the translation of the Charter.

In the description, al-Ṭaḥṭāwī sketches the French governance system in both vertical and horizontal terms. In vertical terms, the system is presented as a hierarchical pyramid at the top of which is the King. But al-Ṭaḥṭāwī presents it also in horizontal terms as a system in which the King is at the center of a cluster of councils which fulfil various 'particular' functions (segm 1). The description complements the translation of the Charter, since in the latter the primacy or centrality of the ruler would not come across as immediately as it does through al-Ṭaḥṭāwī's account. In translating the Charter, al-Ṭaḥṭāwī goes beyond the text to dignify the ruler: from supreme head of the state he becomes the greatest person in the state (*a ḡam ahl al-dawla*), and, when he gives orders to the army, his orders gain a religious undertone (*fa-huwa alladhī ya'mur wa-yanhī ..*) (art. 14).

At the bottom of the pyramid or at the periphery of the centre, al-Ṭaḥṭāwī situates subjects, *ra'āyā*. No longer the citizens of the Revolution, nor the non-characterised Frenchmen of the 1814 Charter, al-Ṭaḥṭāwī brings into his translation a vision of a political subjectivity that could also appeal to his patron. *Ra'īyya*, subject or subjects, appears three times in al-Ṭaḥṭāwī's translation, and in all three cases for no good reason. In art. 22, when rendering the concept of promulgation—the formal and public proclamation of an act—al-Ṭaḥṭāwī adds that the King proclaims [the law] to the subjects (*yuzhiruhu li-l-ra'īyya*). In the title of the section on the *Chambre des Députés des Départements*, al-Ṭaḥṭāwī adds the explanation to *Députés des Départements*: who are the agents of subjects (*alladhīna hum wukalā' al-ra'īyya*). In art. 70, to translate 'public debt', al-Ṭaḥṭāwī opts for 'the debts of subjects' (*duyūn al-ra'īyya*). The recurrence of *ra'īyya* always in the singular points the reader to a conception of a collective subjectivity in al-Ṭaḥṭāwī's translation, rather than an individualised one.

In presenting the provisions on the legislative process, al-Ṭaḥṭāwī spins the translation in an authoritarian direction.⁴⁴ Legislation, first of all, covers a much smaller area than one might think. Al-Ṭaḥṭāwī offers two different definitions of

⁴² *Bi-khiyāna fī 'l-tadbīr bi-l-rashwa aw bi-ikhtilās al-amwāl*, art. 56

⁴³ *Fa-yuḥkam 'alayhi 'alā ḥasab mā huwa musaṭṭar fī 'l-qawānīn al-makḥṣūṣa*.

⁴⁴ Far from the belief that law only meant a 'negative restraining factor,' as Albert Hourani suggest in *Arabic Thought*, 83.

legislation: in the first, it is 'regulation of civil and commercial transactions' (*tadbīr umūr al-mu'āmalāt*, art. 15), while, in the second, it is 'legislating regulatory laws' (*tashrī' al-qawānīn al-tadbīriyya*, art. 24). The only element that the two definitions share is *tadbīr*, which suggests a specific kind of legislation: one that provides a framework rather than the day-to-day details of ordinary legislation. The first definition appeals more to his fellow traditional intellectuals concerned with their monopoly over faith, while the second more to a ruler concerned with depending too heavily on other institutions to introduce laws that serve his empire-building, but their core essence of limitation to *tadbīr* appeals to both. The Charter's few provisions outline a very simple process: ruler's initiative (arts. 16, 19-21), parliamentary reading and voting (arts. 17-18), and ruler's promulgation (art. 22). According to the 1814 Charter, the King retains the faculty to initiate legislation (and the two Houses can only prompt him to initiate legislation),⁴⁵ which is then examined in both Houses; if both Houses pass it with a majority, then the King promulgates it. Al-Ṭaḥṭāwī, who generally shows legal acumen (as in his rendering of the concept of *juge naturel* of art. 62,⁴⁶ or of the *réserve de loi* of art. 33⁴⁷), torpedoed the section on legislation by misrepresenting what the ruler's initiative meant (art. 16,⁴⁸ with consequences on *izhār* of art. 19,⁴⁹ and all the way down to art. 22), by not distinguishing between a proposed bill and a law (art. 17),⁵⁰ by discussing enforcement in the provision on parliamentary approval (art. 18),⁵¹ and by adopting an ambiguous reference to majority (art. 18).⁵² Beyond restricting the already thin provisions on Parliament's role in the legislative process, al-Ṭaḥṭāwī expands the cases in which the King can issue emergency legislation without a vote in Parliament—which is what triggered the July Revolution that al-Ṭaḥṭāwī witnessed: Charles X's Ordonnances de Saint-Cloud. The 1814 Charter gave the King the right to issue decrees (*ordonnances et règlements*) needed for the enforcement of laws and the security of the state (*pour l'exécution des lois et la sûreté de l'Etat*), but al-Ṭaḥṭāwī translated as if the King was given the right to introduce some laws and regulations (*yujaddid ba'd qawānīn wa-siyāsāt*), decree what they require (*wa-ya'mur bi-mā yulzam*), and sign them if there is a benefit for the state (*wa yumḍihi idhā kān fīhi manfa'a li-l-dawla*) (art. 14).

Al-Ṭaḥṭāwī knew also how to make the Charter speak to the aggressive foreign policy of Muḥammad 'Alī. By the time *Takhlīs al-Ibrīz* was being finalised, Muḥammad 'Alī had already expanded eastward and westward, and was involved in expanding southward and northward. If, arguably, Muḥammad 'Alī's colonial project only succeeded southward, this does not mean that his policy wasn't colonial in the other directions where he steered his army. Surrendering his mind to colonisation, and embracing it outwardly, al-Ṭaḥṭāwī espouses the civilisational mission of colonisation (by dubbing it as *ta'mīr*, the creation of *imrān* or civilisation; art. 73). Al-Ṭaḥṭāwī also witnessed the Guerre d'Alger (June-July 1830) as the final desperate attempt of Charles X to hold on to his throne, but did not draw considerations either

⁴⁵ Distinction lost in Ḥijāzī, *Uṣūl Al-Fikr*, 57.

⁴⁶ *La shay' yakhruj 'an ḥukm ha'ulā' al-quḍāt.*

⁴⁷ *Mimmā huwa muqarrar fī 'l-qawānīn.*

⁴⁸ *Yuqarrir al-malik waḥdahu jazā' al-qawānīn..*

⁴⁹ *Li-aḥad al-diwānayn an yaltamis min al-malik izhār qānūn..*

⁵⁰ *Yub'ath al-qānūn bi-amr al-malik..*

⁵¹ *Tunaffidh al-dawla al-qānūn..*

⁵² *Idhā radiya bihi al-jumhūr kull min al-diwānayn.*

for the constitutional transformations that followed, or for the colonial project that was reaching across the Mediterranean to North Africa.

Muḥammad 'Alī's concern with the army must have been fairly clear to al-Ṭaḥṭāwī, who doctored the text on one of its key issue: compulsory draft. Art. 3 outlawed the compulsory draft and established a *réserve de loi* for the determination of the methods of enlistment for both land and sea forces. In al-Ṭaḥṭāwī's translation the outlawing of the compulsory draft conveniently disappears and is substituted by a vague: 'the enlistment is regulated and is less than it was' (*akhdh al-'asākir yurattab wa-yanquṣ 'ammā kān 'alayh*, art. 12). The translated provision ends with an unclear: 'a specific law will determine the placement of soldiers in land and sea [forces?]' (*wa-qad yu'ayyan bi-qānūn ma'lūm waḍ' 'asākir fī 'l-barr wa-l-baḥr*).

An indirect message on the status of traditional intellectuals in view of a possible adoption of the Charter in Egypt can be inferred from the provision on the salaries of all Christian ministers ('all Catholic priests, and other Christian ministers,' art. 7). The 1814 Charter stipulates that those salaries will be paid from the treasury, yet al-Ṭaḥṭāwī translates that this staffing of churches (*ta'mīr al-kanā'is*)⁵³ will be paid from the Christian treasury (*bayt māl al-Naṣrāniyya*), not the royal treasury of the Charter. Nothing goes to the staffing of non-Christian temples, concludes al-Ṭaḥṭāwī. The subtext for the Egyptian context here seems to suggest that al-Ṭaḥṭāwī was not advocating putting traditional intellectuals on state books, but rather allowing them to maintain their financial autonomy (through resources extracted from endowments and other activities).

4. Conclusions

Takhlīṣ al-Ibrīz—and its section on governance in particular—tends to become a rather impenetrable text insofar as its author embeds most of its content in the subtext.⁵⁴ Positioning himself as a third party who 'simply translates' France to Egypt, al-Ṭaḥṭāwī pretends to be sliding into the background as he lifts the veil off the French governance system so as to enable those who wish to take advantage of it to do so (*li-yakūna tadbīruhum al-'ajīb 'ibra^{tan} li-man i'tabar*).

On a few occasions, al-Ṭaḥṭāwī allows his view to surface.⁵⁵ This occurs with his fondness for the rule of law (*manhaj al-shar'*), the parallel between the French

⁵³ Maḥmūd Ḥijāzī here seems to prefer the contemporary understanding of *ta'mīr* as 'construction,' rather than the 'staffing' closer to the French text. *Uṣūl Al-Fikr*, 65.

⁵⁴ Alain Roussillon speaks of a *théorie politique implicite* ("Ce qu'ils nomment," 170). "Much is implicit"—concedes Tarek El-Ariss citing al-Ṭaḥṭāwī's translator in English, Daniel Newman—but "this implicitness leads us to examine the text's *unconscious* or literary spaces, which stage the *Nahḍa* problematic through modes of trial and embodiment" (*Trials of Arab Modernity*, 22.).

⁵⁵ Ḥusayn Najjār tells us that al-Ṭaḥṭāwī used to just lay out facts (which Najjār called 'truth') so that the reader could read into it what she pleased (*Rā'id Fikr Wa-Imām Nahḍa*, 88.), others only saw admiration transpiring through his pages (Ibrahim Abu-Lughod, *Arab Rediscovery of Europe: A Study in Cultural Encounters* (Princeton: Princeton University Press, 1963), 87–96.), while others just a dry description (as if the author had no political views: Ian Collier, *Arab France: Islam and the Making of Modern Europe, 1798-1831* (Berkeley: University of California Press, 2011), 188.).

liberté and the Egyptian *al-‘adl wa-l-inṣāf*, and the boundless admiration for the tax system. In all other cases, al-Ṭaḥṭāwī's views are nowhere to be found near the surface; the style of *Takhlīṣ al-Ibrīz*⁵⁶ thus impinges on the appreciation of al-Ṭaḥṭāwī's early political views by later scholars, whose accounts tend to rely on his biography and his later works—chiefly *Manāḥij al-Albāb* (1869) and *al-Murshid al-*

Amīn (1873)—and retroject them on his earlier positions.⁵⁷ His stylistic warrants, however, no jumping to the conclusion that his embedded messages did not reach his various audiences in the mid-1830s.

It is my contention here that al-Ṭaḥṭāwī's subtext was easily captured by his contemporaries and can be brought to the surface now by analysing his semiotics of governance; this holds particularly true in the case of the translation of the 1814 Charter, since the existence of the source text can be compared to the author's rendition. Al-Ṭaḥṭāwī confined his messages to what he decided to describe, what to omit, what to translate, how to translate it, and in what system of signs to articulate it. The system of signs that he articulated in *Takhlīṣ al-Ibrīz* thus illuminates us on the group and class politics that he was trying to orchestrate in the mid-1830s, and later changes in that field of semiotics of governance further attest to shifts in the group and class politics beyond al-Ṭaḥṭāwī, his work, and his time. The fact that al-Ṭaḥṭāwī occupied the centre stage of the translation movement in Egypt for most of the 19th century guaranteed him a privileged position to entrench in the language of law and governance his vision of power and class relations in the new Egypt.

In 'describing' the French governance system to Egyptians, al-Ṭaḥṭāwī was not introducing the coloniser to the colonised,⁵⁸ but rather outlining the system of a successful colonial power to an aspiring colonial power (with an ambitious and aggressive foreign policy in all directions).⁵⁹ In 'translating' the 1814 Charter, he was further suggesting that in order to build an Empire properly the ruler would have to adopt one such document. The translation also showed French Orientalists that Arabic could bend as much as French did to accommodate 'modernity.'

As shown above, al-Ṭaḥṭāwī was trying to rally around a form of hegemonic legal modernity—that he identified with the *manhaj al-shar‘* (a form of rule of law brought home)—two main social and political actors: his fellow traditional intellectuals (chiefly at al-Azhar), and the ruler (with his new ruling class and organic

⁵⁶ Anwar Lūqā sees in it a clear imprint of al-Azhar's *art de composer un livre* (*L'or de Paris*, 20), but also its *adabī* style as a *jeu de l'équilibration* (Ibid., 28–29).

⁵⁷ See, for instance, Maḥmūd Ḥijāzī's reading of the division of powers in al-Ṭaḥṭāwī, in which he uses the text of *Manāḥij al-Albāb* (1869) to read into the translation of the Charter in *Takhlīṣ al-Ibrīz* (1834): *Uṣūl Al-Fikr*, 48–58. Scholars also tend not to appreciate the developments in al-Ṭaḥṭāwī's positions during his career: as, for instance, Hourani, *Arabic Thought in the Liberal Age, 1798–1939*, 73 ff. Alain Roussillon describes these readings as *lectures projectives* both within al-Ṭaḥṭāwī's work and in the wider horizon of the Nahḍa ("Ce qu'ils nomment," 146–147.).

⁵⁸ The most conventional—yet unconvincing—account for this attitude is that al-Ṭaḥṭāwī was living in 'a happy interlude of history, when the religious tension between Islam and Christendom was being relaxed and had not yet been replaced by the new political tension of east and west' in Hourani, *Arabic Thought*, 81–82.

⁵⁹ Eve Troutt Powell, *A Different Shade of Colonialism: Egypt, Great Britain, and the Mastery of the Sudan* (Berkeley: University of California Press, 2003).

intellectuals). To the former class and group, he was appealing so as to entice them to participate in the consensus-building around the new hegemonic model of governance

(probably fearing marginalisation) by articulating the 'new' concepts in a language familiar to their ears. To the latter class and group, he was showing that a functioning system would need to have onboard a solid class of intellectuals able to navigate the complexities of law—which is what traditional intellectuals excelled at for centuries.

Was al-Ṭaḥṭāwī successful in his group and class politics?⁶⁰ During his lifetime, he certainly witnessed a dramatic class transformation that affected traditional intellectuals; those who wanted to maintain their old positions and sources of economic independence were progressively marginalised (al-Ṭaḥṭāwī's own family was severely affected by Muḥammad 'Alī's early land reforms), whereas those—like him—who participated in the new hegemonic modernity joined in the new landed ruling class (al-Ṭaḥṭāwī was himself the recipient of several grants of lands by various rulers).

In his rather long life, al-Ṭaḥṭāwī did not live to see his two main practical political goals attained: no Charter regulated governance in Egypt until the amendment of *al-Lā'ihā al-asāsiyya* in 1882, and no comprehensive curricular reform allowed for the teaching of natural (and legal)⁶¹ sciences at al-Azhar⁶² until 'Abd al-Nāṣir's reform in 1961, when the Faculty of Sharī'a and Qānūn was established.

Most of the semiotics of governance that al-Ṭaḥṭāwī articulated, however, was retained, and, as such, has functioned and is still functioning as both an enabling and constraining device for the public discourse on governance. Later in his life, al-Ṭaḥṭāwī even expanded his outreach in the semiotics of private law by turning to the French civil code, which he translated with the help of two aides in 1866.⁶³ With the turn of the century into the 20th, al-Ṭaḥṭāwī's semiotics of governance underwent a partial de-fiqhisation (as in *manhaj al-shar'* becoming *siyādat al-qānūn*) and

⁶⁰ Alain Roussillon seems to suggest that things took the wrong direction because of al-Ṭaḥṭāwī's responsibility in missing the historical opportunity of modernising *une pensée politique spécifiquement ottomane*—in particular by tying the future of the *umma* (nation) to that of *mamlaka* (its political system). Cfr. "Ce qu'ils nomment," 158 and 178–185. Precisely because of al-Ṭaḥṭāwī's insistence on the centrality of *mamlaka* (or *tadbīr al-dawla*, as he titles his section), I find the references to the *umma* quite marginal in *Takhlīṣ al-Ibrīz*—a concern that emerged in later phases of al-Ṭaḥṭāwī's thinking.

⁶¹ Timothy Mitchell cites two of al-Ṭaḥṭāwī's passages in which the latter criticises the neglect that derived from the absence of teaching of governance in 'Islamic countries.' *Colonising Egypt*, 102.

⁶² John Livingstone claims that al-Ṭaḥṭāwī did not embrace French sciences as he embraced French political thought (and social ideas). Even so, however, he acknowledges that al-Azhar's involvement in educational reform was undermined by Muḥammad 'Alī's design to 'bypass the institution altogether, using its sheikhs only when needed for his own schools.' John W. Livingston, "Western Science and Educational Reform in the Thought of Shaykh Rifā'a Al-Tahtawi," *International Journal of Middle East Studies* 28, no. 4 (1996): 559. In either case, James Heyworth-Dunne tells us that al-Ṭaḥṭāwī found stark opposition in his fellow traditional intellectuals: *An Introduction to the History of Education in Modern Egypt* (London: Luzac & co., 1939), 297.

⁶³ When the Khedivial Order to translate the Code Napoléon was issued by Ismā'īl (in view of the establishment of the Mixed Courts a few years down the line), the translation movement of the Nahḍa had already come to a halt, and this last moment is dubbed by Ibrahim Abu-Lughod as the 'revival' (*Arab Rediscovery of Europe*, 43–45.). The translation is discussed in Badawī, *Rifā'a Al-Ṭaḥṭāwī Bik*, 178–180.

liberalisation (as in *ra'āyā* becoming *muwāṭinūn*, *sharṭa* becoming *dustūr*, and *tadbīr umūr al-mu'āmalāt* becoming *tashrī'*), but its core articulation largely stands.⁶⁴

⁶⁴ Changes have been, at times, minimal, and operated by al-Taḥṭāwī's own disciples, as in the case of the shift from *mūnārkhīyya* to *mūnarshīkiyya* aw *mulūkiyya* with Khalīfa b. Maḥmūd in his preface to a translation of William Robertson titled: *Ithāf al-mulūk al-Albā fī taqaddum al-jam'iyyāt fī bilād Ūrūbā*, cit. in Ḥijāzī, *Uṣūl Al-Fikr*, 46.