



Modernist Islamic Political Thought and the Egyptian and Tunisian Revolutions of 2011

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Abstract

As revolution in the Arab world became clear, questions were raised whether political Islam had or would have any role in the revolutions. The popular press seemed to minimize or deny the role of Islam in the Tunisian and Egyptian revolutions. The attempt to minimize the role of Islam in these revolutions does little to help us understand the course of Islamic political thought over the last 150 years in the Arab world, its relationship to the democratic demands of the Arab peoples, and the prospects for a reconciliation between modern Islamic political thought and certain forms of democratic secularism. The central hypothesis of this essay is that neither the Tunisian nor the Egyptian Revolutions can be properly understood without the contributions of Islamic modernism to modern political thought in the Arab world.

Keywords

Egypt; Tunisia; revolution; political Islam; democracy; secularism

I. Introduction

Few people predicted that the protests which began in Tunisia in December 2010 were the harbinger of a season of revolution throughout the Arab world. Once the possibility of revolution became clear, however, questions were raised whether political Islam, and in particular, groups such as The Renaissance Party (al-Nahḍa) in Tunisia and the Muslim Brotherhood (al-Ikhwān al-Muslimūn) in Egypt, had or would have any role in the revolutions. The popular press, meanwhile, went out of its way to minimize, or even deny entirely, the role of Islam in these two popular revolutions. This denial seems to have been a self-conscious product of the media's sympathy with the popular revolutions, a stance that would have been difficult (if not impossible) to sustain if the revolutions had been characterized as explicitly Islamic.

The attempt to minimize the role of Islam in these revolutions in order to maintain inter-cultural solidarity, while laudable, does little to help us understand the course of Islamic political thought over the last 150 years in the Arab world, its relationship to the democratic demands of the Arab peoples, and the prospects for a reconciliation between modern Islamic political thought and certain forms of democratic secularism. Indeed, the central hypothesis of this paper is that neither the Tunisian nor the Egyptian Revolutions can be properly understood without the contributions of Islamic modernism to modern political thought in the Arab world. In important respects, the Egyptian and Tunisian states had both claimed the mantle of Islamic modernism to justify their constitutional and legal orders.¹ And although it is impossible to predict what the new constitutional orders of Egypt and Tunis will look like, one core demand—indeed, perhaps the only demand that united the various forces that came together to produce the successful revolutions—was the desire to replace regimes that had systematically undermined the legality of the state. The desire to control government, hold it accountable, and ensure that it legislates for the public good and that it applies its law fairly, however, reflect the core demands of modernist Islamic political thought. To the extent that the Egyptian and Tunisian revolutions were fundamentally about restoring the legitimacy of the state against the regimes that had subverted them, then, it would not be erroneous to call both revolutions “Islamic” in the very specific sense of “modernist” Islam.

A crucial feature of modernist Islamic political thought, at least as manifested in the Islamic modernist traditions in Tunisian and Egyptian intellectual history, is its insistence that religious teachings, insofar as they are relevant to building political society, must be interpreted in a manner consistent with the goals of freedom, national development and democratic decision-making. This modernist configuration of the theo-political in turn renders political coalitions with non-Islamic political movements palatable. Indeed, in important respects, Islamic modernists are politically more comfortable with secular political movements than they are with other configurations of the Islamic theo-political.² Accordingly, casual distinctions between the secular and religious are not

¹ Space does not permit a full justification for this statement, but both Tunisia and Egypt, in their first post-World War I constitutions, self-consciously included Islam as the religion of state in full awareness of, and in contrast to, Kemalist secularism; both states chose to reform Islamic family law using Islamic modernist justifications rather than adopt European family codes; and, in the case of Egypt at least, its civil code claimed to be both fully Islamic and modern.

² In the contemporary Sunni world, credible alternatives to Islamic modernism exist in Sunni traditionalism, which espoused a combination of strict adherence to historical teachings of the

useful categories for understanding the motivations of the men and women who participated in these revolutions.

II. What is Modernist Islamic Political Thought?

Rawls, in his work *Political Liberalism*, identified the central problem of modern democracy as that of pluralism—or more specifically, how to understand the stability of democracy in the context of pluralism.³ To speak of “modernist” Islamic political thought is to suggest that it is concerned with particular problems that distinguish it both from modern liberal political thought and other traditions of Islamic political thought. The central problem that distinguishes modernist Islamic political thought from other Islamic traditions is how to establish an effective system of Islamic justice in the context of a post-enlightenment world characterized by rapid scientific, economic and political change. Like other traditions of Sunni Islamic political thought, it shares a fundamental commitment to the truth of Islam as a theological doctrine and the conviction that it provides a completely adequate and universal system of justice through Islamic law (the *Shari‘a*). Unlike other traditions of Islamic political thought, however, it also accepts the legitimacy of the political, economic and scientific accomplishments of the post-enlightenment world, while professing to maintain an objectively Islamic metaphysics. Unlike other post-enlightenment traditions of political thought, modernist Islamic political thought retains an explicitly theistic metaphysics in which revelation retains a foundational role in establishing political legitimacy.

Somewhat paradoxically, modernist Islamic political thought takes the appearance of a thoroughly secular movement from the perspective of other Islamic traditions of political thought, but viewed from the perspective of humanistic political philosophy, it takes the appearance of a thoroughly religious movement. Neither of these characterizations is entirely unwarranted. From the perspective of other traditions of Islamic political thought, modernist

doctrinal legal and theological schools, along with a strong doctrine of political quietism, and Salafism—which, although it rejects the binding authority of the doctrinal schools of law, substitutes instead a strong commitment to adherence to the teachings of the Prophet Muhammad and the earliest generations of the Muslim community as documented in various historical sources. Salafism is usually politically quietist, although this is not always the case. Importantly, neither the Sunni Traditionalists, nor the Salafists, adopt the nationalist project as part of a religious imperative that needs to inform how Muslims understand Islam in the modern age.

³ John Rawls, *Political Liberalism* (New York: Columbia University Press, date), p. xx.

Islamic political thought is, at a minimum, a secularizing tradition of thought insofar as it substantially reduces the scope of life that is subject to religious reason in favor of non-religious reasoning. From the perspective of humanist traditions of political thought, however, modernist Islamic political thought reinforces and strengthens religious claims to recognition in the public sphere, and to that extent sacralizes politics in a way otherwise inconceivable from the perspective of humanistic post-Enlightenment political philosophies. The most obvious consequence of the continued sacralization, even if only partial, of the public sphere is the conspicuous absence from modernist Islamic political thought of pluralism—particularly religious pluralism, including atheism—and its relationship to equality.

The different histories of the Middle East and Europe are probably responsible for the different trajectories post-Enlightenment political thought took in Christian Europe and the Islamic Middle East. The absence of all-out religious wars that sought the elimination of non-conformist religious communities in the former led in the Middle East to a hierarchical system of pluralism grounded in Islamic law. Although this system was internally justified to Sunni Muslims by its truth, non-Muslims were expected to obey the law on the premise that the political order of Sunni Islam was a just one that guaranteed non-Muslims their essential rights. Legally, this relationship was manifested through the doctrine of *dhimma*, pursuant to which non-Muslims agreed to bind themselves to the non-religious norms of Islamic law (*iltizām aḥkām al-islām*). In exchange for this commitment, the Muslim community undertook to afford such non-Muslims all the legal (but not political) rights and protections afforded to Muslims on a basis of equality, while affording non-Muslims freedom to observe their own religious practices. This system was encapsulated in two statements attributed to the Prophet Muhammad who was reported as saying that if non-Muslims accepted this relationship, “They have our rights and our obligations” (*lahum mā lanā wa ‘alayhim mā ‘alaynā*), but that “they should be left alone in their religious affairs” (*yutrakūna wa mā yadīnūna*).⁴ Accordingly, so long as Muslim political authorities applied Islamic law fairly and impartially, the rights of non-Muslims would be fully

⁴ Although Hanafi jurists regularly cite these two principles as statements of the Prophet, see, e.g., al-Kashmīrī, *Fayḍ al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī* (“*lā yuqṭal muslim fī kāfir*”), I have not been able to locate them in any collection of hadiths. The 19th century Hanafi jurist, Ibn ‘Ābidin, however, quotes the fourth Sunni caliph, and the first Shi‘ī Imām, ‘Alī b. Abī Ṭālib as saying “They agreed to pay *jizya* [i.e., the poll-tax] only so that their lives and properties could be like our lives and properties.” *Kitāb al-Jihād*.

respected, even though they did not necessarily participate in their formulation. Islamic modernists generally accept this proposition as well, while recognizing that non-Muslims should have equal political rights, e.g., voting and access to public office, as Muslims within a polity whose constitution is framed by reference to the Shari‘a.

Islamic modernist political thought has its roots in the 19th century political, legal and administrative reforms undertaken in the Ottoman Empire known as the *Tanzīmāt*, the principal goal of which was to restore the Ottoman Empire to political health in light of its inability to defend itself against rising European powers.

Modernist Islamic political thought can be viewed as the theoretical counterpart to the *tanzīmāt*. The task of modernist Islamic political theory was to produce a theory of Islamic law and the state that reconciled the new order to the underlying ideology of Sunni political theory, namely, that the state is bound to Islamic law. The answer they give, essentially, is that the new order—an important part of which was legal reform—did not contradict or supplant the Shari‘a, but instead vindicated it by making it more effective. Islamic modernists’ quest to make the Shari‘a more effective in turn required them to argue for profound changes in the way Muslims understood Islamic law, its relationship to rational politics (political philosophy), the relationship of the ruler and the ruled, and the rights of non-Muslims.

III. Overview of Islamic Modernist Political Ideas

Rifā‘a Rāfi‘ al-Ṭaḥṭāwī (d. 1873) is usually taken to be the forerunner of Islamic modernism.⁵ As a young man who had only recently concluded his studies at the mosque college of al-Azhar, he was selected to accompany the first delegation of Egyptian students sent to France to study the “modern sciences.” Ṭaḥṭāwī was a keen observer and student of French life, and upon his return to Cairo, he published a widely-read memoir (*Takhlīṣ al-Ibrīz fī Talkhīṣ Bārīz*) that described his experiences in Paris, and the social, cultural, political

⁵ For further background on Islamic modernism, see Charles Kurzman, ed., *Modernist Islam 1840–1940: A Sourcebook* (New York: Oxford University Press, 2002); and Charles Kurzman, ed., *Liberal Islam: A Sourcebook*, (New York: Oxford University Press, 1998). For more background on Ṭaḥṭāwī, see Albert Hourani, *Arabic Thought in the Liberal Age (1798-1939)* (Cambridge: Cambridge University Press, 1983), 67-83.

and economic life of 19th century France.⁶ Although he dedicated only a small portion of his memoirs to the French legal and political system, he was clearly impressed by its constitution and the fact that French law was an effective tool in controlling the arbitrary will of the state. At the same time, he expressed anxiety about the extent to which the French legal order was not, consciously at least, derived from revelation. This theme—the relationship between revealed law and rational law—would continue to interest him, and he returned to it in much greater detail later in his life in a lengthy educational treatise, *al-Murshid al-Amīn li-l-Banāt wa-l-Banīn* [The Reliable Guide for Girls and Boys].⁷

Ṭaḥṭāwī identified three basic features of French law that he found admirable: first, its provisions bound the King;⁸ second, that it applied equally to all Frenchmen;⁹ and third, that it promoted the citizens' freedom, because they could act securely in the knowledge that nothing would befall them if they behaved in conformity with the law.¹⁰ There remained, however, the troubling question of the metaphysical foundations of French law: they were clearly "rational" (i.e., not derived from revelation), yet he remained committed to a political system whose foundations were revelatory.¹¹

Ṭaḥṭāwī attempted to work out a more systematic account of the relationship of rational law to revealed law in *The Reliable Guide*. Central to his argument was the notion of the *waṭan*, the homeland, and the obligations that individuals have to honor and improve it. This process of improvement, which is both material and moral, Ṭaḥṭāwī calls *tamaddun*, "civilizing." Revealed law and rational law work together toward this end. Although mankind had a kind of instinctual natural law that enabled it to live prior to such time that God sent prophets, revelation established the foundation for true civilization, with Islam in particular establishing the foundations for universal civilization. Non-Muslim civilizations also had drawn on the foundational principles of Islam to develop their own civilizations, according to *al-Ṭaḥṭāwī*,

⁶ An Imam in Paris: Account of a Stay in France by an Egyptian Cleric (1826-1831), trans. Daniel L. Newman (London: Saqi Books, 2004). Please note, however, that citations to the *Takhlīṣ* will be to the 1993 Arabic edition of the original. *Rifā'a Rāfi' al-Ṭaḥṭāwī, Takhlīṣ al-Ibriz fi Talkhīṣ Bārīz* (Cairo: al-Hay'a al-Miṣriyya al-'Āmma li-l-Kitāb, 1993).

⁷ *Rifā'a Rāfi' al-Ṭaḥṭāwī, al-Murshid al-Amīn li-l-Banāt wa-l-Banīn* (Cairo: al-Majlis al-A'lā li-l-Thaqāfa, 2002).

⁸ *Takhlīṣ*, 169.

⁹ *Ibid.*, 180–181.

¹⁰ *Ibid.*, 181.

¹¹ *Ibid.*, 188.

but because they base their civilization (tamaddun) solely on reason (‘aql), rather than revelation (shar‘), they risk including activities within the scope of civilization that are not properly a part of civilization at all (e.g., the casual mixing of the sexes). In any case, it is the task of the ruler to develop rational law (qānūn siyāsa) that aims to improve and honor the homeland. To do this, the citizens must enjoy civic freedom (al-ḥurriyya al-madaniyya) (i.e., not be subject to punishment or other interference in the exercise of legal privileges). To secure this end, it is as though the citizens have promised one another mutual support in the exercise of their lawful rights, and against anyone who would interfere in the exercise of those rights. Civic freedom, and the rational laws that nourish it, are not in opposition to revealed law. Rather, they are their perfection and fulfillment, for the apex of civilization (tamaddun) is a polity whose citizens embody the prophetic statement, “None of you believes until he wishes for his brother what he wishes for himself.”¹²

Khayr al-Dīn al-Tūnisī (d. 1890) had an illustrious career as an Ottoman statesman, rising first to the rank of chief minister to the Ottoman governor of Tunis, where he helped institute wide-ranging reforms in that North African Ottoman province, and then becoming the chief minister of the Ottoman Empire, a position in which he served a mere eight months before resigning due to policy differences with the Sultan.¹³ His principal political ideas are found in his book, *Aqwam al-Masālik ilā Ma‘rifat Aḥwāl al-Mamālik* [The Surest Path to Knowledge of the Conditions of Nations].¹⁴

Khayr al-Dīn’s chief contribution to modernist Islamic political thought was his frontal assault against autocracy, which he identified as the principal cause of backwardness in the Muslim world.¹⁵ The answer to autocracy was a revitalization of the Sharī‘a’s anti-autocratic principle of *shūrā*, deliberation or consultation.¹⁶ According to Khayr al-Dīn, consultative government was necessary for two reasons: first, Islamic law only permitted the ruler to act in a manner consistent with the public welfare (al-maṣlaḥa), but even the most diligent, fair-minded, and sincere ruler is incapable of knowing the public

¹² Al-Murshid al-Amīn, 90-133.

¹³ For more on Khayr al-Dīn’s career, see Hourani, *Arabic Thought*, 83-94; and Kurzman, *Modernist Islam*, 40.

¹⁴ Khayr al-Dīn al-Tūnisī, *Aqwam al-Masālik fī Ma‘rifat Aḥwāl al-Mamālik* (Tunis: al-Dār al-Tūnisiyya li-l-Nashr, 1972).

¹⁵ *Ibid.*, 99.

¹⁶ *Ibid.*, 42.

interest independently;¹⁷ and, second, the ruler is not permitted to legislate in a manner that contradicts Islamic law, but it is not possible for the ruler, by himself, to know whether his proposals are in conformity with the law without relying on the input of legal specialists.¹⁸ Deliberation is given an institutional form through the notion of the *ahl al-ḥall wa-l-‘aqd*, the leading figures of the community, which would include religious leaders, leading members of the military, the civilian bureaucracy and the merchants. Their duty is to assist the ruler in discharging his task by providing the necessary information to allow for an accurate assessment of where the public interest lies, and to insure that the ruler does not transgress the law. Khayr al-Dīn justifies the *ahl al-ḥall wa-l-‘aqd*’s monitoring function by reference to the Islamic concept of “commanding the good and prohibiting the evil (*al-amr bi-l-ma’rūf wa-l-nahy ‘an al-munkar*).” The *ahl al-ḥall wa-l-‘aqd* must discharge this monitoring function because the law, although it is intended as a restraint (*wāzī*) against arbitrary rule, is itself helpless to vindicate the law when it is violated. By acting as monitors of legality, the *ahl al-ḥall wa-l-‘aqd*, in Khayr al-Dīn’s theory, act as an institutional restraint (*wāzī*) to insure that the ruler respects the law.¹⁹

The law that binds the ruler is of course the *Shari‘a*, but not in the traditional sense; rather, it is law derived from “the foundations of the *Shari‘a* (*uṣūl al-shari‘a*)” but whose precise content is the result of a cooperative effort between the technocratic policy experts of the state and the jurists.²⁰ This law, in effect, is the substance of the *Tanzīmāt*. These efforts introduced a host of reforms in the administrative, economic, educational and legal organization of the Ottoman Empire. Khayr al-Dīn justifies these reforms as fulfilling the intended purposes of the *Shari‘a* by securing more effective justice, and accordingly, they are not only in conformity with the *Shari‘a*, but in fact required by it. For the reforms to succeed, however, religious scholars would have to abandon their traditional role in favor of a much more forward-looking system of education that focused on modern knowledge, and integrate themselves more organically with the state rather than distancing themselves from politics based on a false assumption that piety demanded maintaining distance from political life.²¹

Muḥammad Rashīd Riḍā (d. 1935) was the chief disciple of the celebrated Egyptian modernist and religious reformer, Muḥammad ‘Abduh (d. 1905),

¹⁷ *Ibid.*, 111.

¹⁸ *Ibid.*, 110.

¹⁹ *Ibid.*, 101-2.

²⁰ *Ibid.*, 153.

²¹ *Ibid.*, 152-53.

and he wrote extensively on issues related to politics, Islamic law and religious and social reform.²² Writing at the end of World War I, following the collapse of the Ottoman Empire and the establishment of the Turkish Republic, Riḍā set out what he believed to be the only three political options available to Muslim peoples.²³ The first was a continuation of traditional politics of the sort that dominated the late Ottoman Empire, in which both religious and political life was characterized by a mutually-reinforcing political and religious despotism (*istibdād*). The second was to adopt a radically secular state in the manner espoused by Kamal Muṣṭafā (Attaturk), and embodied in the Turkish Republic. The third was to adopt a program of reform (*iṣlāḥ*), which would dismantle religious and political despotism in the Islamic world, protect the basic Islamic character of the state, and be open to European civilization.

The first option would be catastrophic, as it would deliver the government to those in Muslim society least capable of performing government's most elementary functions, and to make things worse, its incompetence would be justified in the name of traditional religious doctrines of fidelity to the ruler and to the ancient teachings of the jurists.²⁴ The second option at least had the virtue of offering Muslims the prospect of competent rule, but at the price of a new kind of despotism and the religiously catastrophic institutionalization of secularism.²⁵ The third option was superior therefore because it would respect Muslims' religious commitments, but at the same time, because it offered a flexible and non-dogmatic approach to Islamic law, the reformist program stood ready to adopt the reforms in Islamic law necessary to make it a viable system of modern law that could secure the independence, progress and dignity of Muslim peoples.²⁶

The key to Riḍā's program of legal reform was replacing what he called "religious despotism" (*al-istibdād al-dīnī*), which depended on a system of unqualified deference (*taqlīd*) to historical authorities, with a new legal system that would be consistent with popular sovereignty (*siyādat al-sha'b*).²⁷ This new system's method of law-making would rely on independent reasoning (*ijtihād*),²⁸

²² For more on Riḍā, see Hourani, *Arabic Thought*, 221-44; and Malcolm Kerr, *Islamic Reform: The Political and Legal Theories of Muḥammad 'Abduh and Rashīd Riḍā* (Los Angeles: University of California Press, 1966).

²³ Muḥammad Rashīd Riḍā, *al-Khilāfa* (Cairo: al-Zahrā' li-l-I'lām al-'Arabī, 1988), 69-70.

²⁴ *Ibid.*, 72.

²⁵ *Ibid.*, 70-72, 97.

²⁶ *Ibid.*, 69-70.

²⁷ *Ibid.*, 45.

²⁸ *Ibid.*, 89.

exercised collectively through deliberative institutions rather than individualistically as conceived of in classical jurisprudence (*uṣūl al-fiqh*). This process of legislation, which he called *ishtirāʿ*, was expressly a kind of positive, man-made law, but produced by reason's reflection not only on secular realities, but also the truths of revelation.²⁹ This new kind of Islamic law would also solve the problem of political despotism because in all cases it would ensure that the state is either enforcing a categorical revelatory norm (*al-sharīʿa*), or an opinion of the community (*raʾy al-umma*).³⁰

Although revealed law provided points of reference in Riḍā's scheme, it did not form categorical obstacles to legislative enactments that were needed for the public good, even when such enactments contradicted revealed law. Riḍā explains this paradox by claiming that revealed law is categorical only with respect to ritual observance. As for its regulations of secular life, Muslims were free to adopt legislation that went beyond or even contradicted these texts because the intent of those rules was not to prove devotion to God, but rather to further human welfare. When other methods are discovered that achieve the same end, or achieve them in a more efficient fashion, there is no harm in Muslims adopting those rules.³¹

Finally, Riḍā argued that adoption of the reform party's agenda would also solve the problem of atheism in the Islamic world. In Riḍā's analysis, atheism was the product not of careful philosophical or theological reflection, but rather that of the immoral alliance between political and religious despotism that worked hand-in-glove to preclude Muslim peoples from gaining political freedom and participating in modern civilization.³²

For all three of these thinkers, a stripped-down version of the *Sharīʿa* (i.e., its "foundations"), combined with rational law derived in light of those foundations, and in the case of Khayr al-Dīn and Riḍā, representative institutions, provided the basis for good government and political freedom for Muslim peoples. By solving the problem of despotism, these thinkers hoped to ensure that Muslim governments would reliably legislate for the public interest. By establishing institutions to make sure that those laws would be applied impartially, good government would be restored to the Muslim world, and they would be able to take their rightful place as independent states in the modern world. Indeed, for all three of these thinkers, religious and political

²⁹⁾ *Ibid.*, 101-5.

³⁰⁾ *Ibid.*, 9.

³¹⁾ *Ibid.*, 94.

³²⁾ *Ibid.*, 70-72.

(“rational”) virtues were mutually-reinforcing, leading to the moral, material and political progress of human society.

IV. Conclusion

The fundamental goal of modernist Islamic political thought was to define what good governance in accordance with the Shari‘a meant in the modern age. The conclusions they reached all entailed supplanting the detailed, technical rules of historical Islamic law in favor of adopting “rational” methods of law-making that focused on the public good, while taking into account the “foundations” of the Shari‘a. Because of the practical priority of rational law over revealed law, one could easily assume that little separates Islamic modernists from their secularist counterparts. This would be mistaken. Secular modernists continue to be suspicious of religion generally, and view it to be a dangerous force that can potentially subvert public goals of development and freedom. For the Islamic modernists, however, Islam is not only a true religion, but it also reinforces the fundamental political values needed to build a modern polity. Moreover, in what constitutes perhaps the most important bone of contention that divides “Islamic” political parties from secular parties, Islam provides a set of baseline moral commitments that justify restricting the scope of individual freedoms—the most prominent being sexual freedom. So while there is little disagreement in either Egypt or Tunisia regarding the basic procedural questions of democracy (e.g., representative democracy, separation of powers, impartial administration of justice, fair elections, etc.), there continues to be deep division on the extent to which Islamic justifications should be permitted to restrict personal freedoms, or secular justifications should be permitted to restrict religious expression.

Given the history of modernist Islamic political thought, this stand-off regarding personal rights ought not be surprising. As this essay has shown, late 19th and early 20th century modernist Islamic political thought was concerned almost exclusively with questions regarding “good governance” and how to overcome despotism. This suggests deep metaphysical division continues to exist in Muslim societies such as Egypt and Tunisia regarding the scope of various personal freedoms. Accordingly, it is unrealistic to expect either the Egyptian or Tunisian revolutions to produce constitutions that are fully compatible with liberalism and popular sovereignty. And this is another reason why it is legitimate to understand these revolutions as Islamic modernist revolutions: the only values that are universally shared among the various parties are precisely the values of good governance that were the goal of the Islamic modernists.