

Ottoman Despotism and Islamic Constitutionalism in Mehmed Ali's Egypt¹

Peter Hill

This is a pre-copyedited, author-produced PDF of an article accepted for publication in Past & Present following peer review. The version of record will be available online from autumn 2017 at <https://academic.oup.com/past> under the following DOI: [10.1093/pastj/gtx033](https://doi.org/10.1093/pastj/gtx033)

Some time in the late 1830s, an Egyptian scholar named Khalīfa ibn Maḥmūd was faced with a dilemma. His superiors in the administration of Mehmed Ali, the Ottoman governor of Egypt, had commissioned him to make an Arabic translation of a book by the Scottish historian William Robertson, entitled *A View of the Progress of Society in Europe*. This work, an account of the emergence of early modern Europe out of feudalism, was expected to be of great interest to his employers, keen to learn from European examples as they went about constructing an innovatory reformist state in Egypt. But Robertson, alongside his accounts of Christian Europe's monarchies and republics, had described the Ottoman Empire as a 'despotism', a form of bad and lawless government. What was the servant of an avowedly Ottoman and Islamic ruler to do?

Khalifa's solution, which this article will examine in detail, reveals the complex and creative ways in which nineteenth-century Ottoman reformists sought to engage with European political thinking. They were caught in an intricate double-bind: they respected European knowledge, not least for the power it could evidently bring; yet Europe was also hostile, encroaching on their lands militarily as

¹ The work on this article was made possible by financial support from St John's College, Oxford, and Christ Church, Oxford. I am also grateful to Nicole Khayat for her help locating sources; to the organisers of the Central European University (Budapest) Graduate Conference 2015, where this article was first presented; to Joanna Innes for encouraging an early-career scholar to submit work to this journal; and to Hussein Omar for his valuable comments on earlier drafts.

well as dismissing them, very often, as uncivilised or ‘despotic’. Rather than accepting Robertson’s argument or rejecting it out of hand, Khalifa translated it in full, but then wrote a detailed refutation, in which he drew not only on an existing Islamic discourse of divinely justified and law-bound rule, but also on a heterodox European tradition which regarded the Ottoman Empire as a kind of constitutional state. He thus anticipated the arguments for an Islamic form of constitutionalism put forward by Arab and Ottoman statesmen and scholars later in the nineteenth century.

Such an example calls into question assumptions still often found in Egyptian intellectual and cultural history – at least of the earlier part of the nineteenth century – as to the fundamental distinction between ‘Western’ and ‘indigenous’ modes of thought. This binary has of course been challenged from a variety of directions in the historiography of colonised formations, including that of the Arab-Ottoman lands.² Recent work spanning the Arab East, North Africa, the Ottoman Empire, and the Mediterranean has explored the appropriation and transformation of European discourses, from liberalism to Darwinism, by non-Europeans;³ while studies of Egypt in the late nineteenth and early twentieth centuries have emphasised the distinctive local forms of thinking and social identity which modern Egyptians constructed, partly out of Western materials.⁴

2 See, for instance, C. A. Bayly, *Recovering Liberties: Indian Thought in the Age of Liberalism and Empire* (Cambridge, 2012); Sumit Sarkar, *Writing Social History* (Delhi, 1997); Gabriela Ramos and Yanna Yannakakis, *Indigenous Intellectuals: Knowledge, Power, and Colonial Culture in Mexico and the Andes* (Durham, 2014); John Chalcraft and Yaseen Noorani, eds., *Counterhegemony in the Colony and Postcolony* (Basingstoke, 2007).

3 Ilham Khuri-Makdisi, *The Eastern Mediterranean and the Making of Global Radicalism, 1860-1914* (Berkeley, 2010); Marwa Elshakry, *Reading Darwin in Arabic, 1860-1950* (Chicago, 2013); Jennifer Pitts, ‘Liberalism and Empire in a Nineteenth-Century Algerian Mirror’, *Modern Intellectual History*, vi (2009); Ian Coller, ‘Ottomans on the Move: Hassuna D’Ghies and the “New Ottomanism” of the 1830s’, in Maurizio Isabella and Konstantina Zanou (eds.), *Mediterranean Diasporas: Politics and Ideas in the Long Nineteenth Century*, (London, 2016).

4 See, for instance, Yaseen Noorani, *Culture and Hegemony in the Colonial Middle East* (New York, 2010); Lucie Ryzova, *The Age of the Efendiyya: Passages to Modernity in National-Colonial Egypt* (Oxford, 2013); Wilson Chacko Jacob, *Working Out Egypt: Effendi Masculinity and Subject Formation in Colonial Modernity, 1870–1940*

Forays into the earlier part of the nineteenth century have been rarer, however, where Egyptian intellectual history is concerned. Beyond the towering figure of Rifā‘a al-Ṭaḥṭāwī, the teacher and superior of Khalifa Mahmud, we are still often dependent on scholarship of the 1930s to the 1960s.⁵ Much of this, while of enduring value, tends to reproduce a narrative of Western-inspired modernity sweeping aside medieval backwardness. Recent studies which do delve back into the first half of the century, meanwhile, often follow the lead of Timothy Mitchell’s *Colonising Egypt*, which drew on Foucauldian and Saidian notions of the irresistible nature of European power-knowledge to posit the near-total colonisation of Egyptian minds by imperial discourses.⁶ But neither celebrations of the advent of Western-style ‘modernity’ in Egypt nor critiques of ‘the seamless acculturation of the [non-Western] intelligentsia by colonial discourses’⁷ seem to leave much room for complex, if ambiguous, contestations of European thinking like Khalifa Mahmud’s. Nor do they always take much account of the specific and varying contexts within which different responses to European power and discourses could arise. Such contexts are well explored, for early nineteenth-century Egypt, by recent work in social and agrarian history, as well as on institutions and elites, which have done much to re-place Egypt in its Ottoman setting, and dislodge the image of Mehmed Ali as the beneficent founder of a ‘modern’, national state.⁸

(Durham, NC, 2011).

5 See the works by Aḥmad ‘Izzat ‘Abd al-Karīm, James Heyworth-Dunne, Jamāl al-Dīn al-Shayyāl, Abū al-Futūḥ Raḍwān and Ibrahim Abu-Lughod cited below, Section I.

6 Timothy Mitchell, *Colonising Egypt* (Berkeley, 1991); later works that maintain a similar position are Lisa Pollard, *Nurturing the Nation: The Family Politics of Modernizing, Colonizing, and Liberating Egypt, 1805-1923* (Berkeley, 2005); and Shaden M. Tageldin, *Disarming Words: Empire and the Seductions of Translation in Egypt* (Berkeley, 2011). Mitchell’s influence still looms large in much of the work on later periods of Egyptian history mentioned above.

7 The phrase is from Sarkar, *Writing Social History*, 62, referring to Indian historiography of the later Subaltern Studies school.

8 Kenneth M. Cuno, *The Pasha’s Peasants: Land, Society, and Economy in Lower Egypt, 1740-1858* (Cambridge, 1992); Khaled Fahmy, *All the Pasha’s Men: Mehmed Ali, His Army and the Making of Modern Egypt* (Cambridge,

In picking a way through one corner of the ‘wilderness of mirrors’⁹ formed by Ottoman uses of European representations of the Ottoman Empire – themselves often partly derived from Ottoman notions – this article will suggest, I hope, some ways of moving beyond the ‘Western/indigenous’ binary for this period of Egyptian history. It will seek to locate this complex negotiation between European and Ottoman discourses within the context of the state-building efforts of Mehmed Ali in Egypt and the wider process of crisis and change throughout the Ottoman Empire. It will thus offer an example of how non-European literati, by selectively appropriating some aspects of European discourses and challenging others, sought to create their own theories of history and government, between emulation of European models and continued loyalty to Islamic and Ottoman-dynastic principles.

I

Mehmed Ali and the Egyptian Translation Project

Egypt had been ruled since medieval times by dynasties of Mamluks, who from the sixteenth century had submitted to Ottoman overlordship. But in the 1800s a Rumelian soldier of fortune, Mehmed Ali, took advantage of the confusion following the Napoleonic occupation of Egypt (1798-1801) to make himself de facto ruler of the country. Destroying the Mamluks, he established a new Ottoman-style court, employing largely Turkish-speaking officials but also European military and technical experts, and increasingly native Egyptians who like the bulk of Egypt’s population spoke Arabic. Many of the latter were drawn from the country’s ulama or Muslim clerisy, often educated at the Islamic university of al-Azhar in Cairo. In 1831 Mehmed Ali’s new-style, European-trained army under his son Ibrahim Pasha seized Syria; in 1833 it threatened Istanbul, driving Sultan

1997); Ehud R. Toledano, *State and Society in Mid-Nineteenth-Century Egypt* (Cambridge, 2003); F. Robert Hunter, *Egypt under the Khedives, 1805-1879: From Household Government to Modern Bureaucracy* (Cairo, 1999).

9 The phrase is Aijaz Ahmad’s, describing a similar relationship in a mainly Indian context: *In Theory: Classes, Nations, Literatures* (London, 1994), 184.

Mahmud II to an alliance with Russia. In 1840, however, Ibrahim's troops lost their hold on Syria and were driven back on Egypt, largely by British warships. In the subsequent settlement, Mehmed Ali gained the Sultan's recognition of his and his descendants' right to the Governorate of Egypt – his offspring would reign as Pashas, Khedives and Kings until 1952 – but he lost Syria and the right to an independent military and economic policy.¹⁰ Khaled Fahmy has called his attitude to the Ottoman Empire 'ambivalent': he continued to acknowledge Ottoman suzerainty, even while fighting the Sultan, and he, his family, and the upper echelons of his administration, remained very much part of the Ottoman political world, aiming at dynastic rule within it rather than an Egyptian 'national' state.¹¹ All his legitimation – religious and dynastic – after all derived from the Ottoman Sultan, also the Caliph, whose representative in Egypt he claimed to be, and he only seems to have sought independence as a last resort.¹²

Mehmed Ali's new army and bureaucracy required men schooled in European-style knowledge: these were supplied by new government schools, which in turn had to be supplied with textbooks and teaching materials. This was the rationale for his ambitious translation project, which began in the 1820s. Books were translated into Ottoman Turkish as often as Arabic, since the Egyptian administration continued to be dominated by Turkish speakers, especially in the higher ranks and the military.¹³ One major centre for Arabic translation, however, was the School of Languages in Ezbekiyya in Cairo, where the celebrated Shaykh Rifa'a al-Tahtawi gathered around him, from 1836, a talented group of staff and pupils. Many, like their mentor, had already had a traditional

10 Khaled Fahmy, *Mehmed Ali: From Ottoman Governor to Ruler of Egypt* (Oxford, 2009).

11 Fahmy, *All the Pasha's Men*, 72.

12 *Ibid.*, 284 and passim. See also Toledano, *State and Society in Mid-Nineteenth-Century Egypt*.

13 James Heyworth-Dunne, 'Printing and Translations under Muḥammad 'Alī of Egypt: The Foundation of Modern Arabic', *Journal of the Royal Asiatic Society of Great Britain and Ireland*, iii (1940); Hunter, *Egypt under the Khedives*.

Islamic education at al-Azhar University, in addition to a training in new European knowledge.¹⁴ One of their main tasks was to combine these skills by translating and adapting classic works of European learning – often French school textbooks – into Arabic, in a form both acceptable and useful to officials of Mehmed Ali’s innovatory state-building project.¹⁵ Many of these translations were then printed at the Pasha’s presses at Bulaq, near Cairo.¹⁶

These books were intended above all to supply the needs of the growing network of Egyptian government schools, a crucial element of Mehmed Ali’s state-building enterprise.¹⁷ Here students were being trained to govern Mehmed Ali’s possessions in the Sudan, and for a time Arabia and Syria, as well as Egypt itself. They could be expected to derive from books like Khalifa’s – in addition to practical expertise – confidence in Mehmed Ali’s dynasty, its use of European models, and its compatibility with Ottoman and Islamic legitimacy. The Bulaq books also circulated beyond the ranks of the Pasha’s employees, in Turkish-speaking Anatolia and Arabic-speaking Syria and North Africa, as well as among Egyptian ulama.¹⁸ Some were even given as prestige gifts to

14 See al-Sayyid Sāliḥ Majdī, *Ḥilyat al-Zaman bi-Manāqib Khādim al-Waṭan: Sīrat Rifā‘a Rāfi‘ al-Ṭaḥṭāwī* [The Embellishment of the Age: the Virtues of a Servant of the Homeland. Biography of Rifā‘a Rāfi‘ al-Ṭaḥṭāwī], ed. Jamāl al-Dīn Shayyāl (Cairo, 1958), esp. 38–9; James Heyworth-Dunne, ‘Rifā‘ah Badawī Rāfi‘ Aṭ-Ṭaḥṭāwī: The Egyptian Revivalist’, *Bulletin of the School of Oriental and African Studies*, ix (1939), 961–67.

15 See Jamāl al-Dīn al-Shayyāl, *Tārīkh al-Tarjama wa-l-Ḥaraka al-Thaqāfiyya fī ‘Aṣr Muḥammad ‘Alī* [History of Translation and the Cultural Movement in the Age of Mehmed Ali] (Cairo, 1951); Ibrahim Abu-Lughod, *The Arab Rediscovery of Europe: A Study in Cultural Encounters* (London, 2011 [orig. 1963]).

16 See Abū al-Futūḥ Raḍwān, *Tārīkh Maṭba‘at Būlāq wa-Lamḥa fī Tārīkh al-Ṭibā‘a fī Buldān al-Sharq al-Awsaṭ* [History of the Bulaq Press, and Overview of the History of Printing in the Middle East] (Cairo, 1953).

17 See Shayyāl, *Tārīkh al-Tarjama*, 51–2; ‘Āyida Ibrāhīm Nuṣayr, *Ḥarakat Nashr al-Kutub fī Miṣr fī al-Qarn al-Tāsi‘ ‘Ashar* [The Book Publishing Movement in Egypt in the Nineteenth Century] (Cairo, 1994), 465–8, 477–80.

18 Youssef Choueiri, *Modern Arab Historiography: Historical Discourse and the Nation-State* (London, 2003), 4–5; Ayalon, *Press in the Arab Middle East*, 15. Book sales among Egyptian ulama remained relatively low, however: many ulama were still hostile to Mehmed Ali’s regime: Shayyāl, *Tārīkh al-Tarjama*, 201–2; James Heyworth-Dunne, *An Introduction to the History of Education in Modern Egypt* (London, 1938), 154–5, 297.

important Europeans.¹⁹ Readers from outside Mehmed Ali's service might have taken from these books a sense of the Pasha's power as a patron of culture, and also perhaps as a defender of the Ottoman and Islamic cause. The books' prefaces invariably contained fulsome praise for the Pasha of Egypt, and often for his new school system.

It is in this context that we should see Khalifa's translation of Robertson's work, and the defence of the Ottoman Empire that accompanied it. Khalifa ibn Mahmud was one of Tahtawi's first intake of pupils at the School of Languages, where he then became a teacher.²⁰ He was commissioned to produce a translation of Robertson's *History of Charles V* in 1837-38, and Mehmed Ali himself ordered it to be printed.²¹ History had recently been added to the curriculum of the School of Languages, and history books ordered from Europe.²² Robertson's *View* may have been one of these: it had a European reputation, and would have been a fairly obvious choice for translation. The full title of Robertson's work was *A View of the Progress of Society in Europe, from the Subversion of the Roman Empire, to the Beginning of the Sixteenth Century*. It was the first part of Robertson's *History of the Reign of Charles the Fifth* (that is, 1519-1556), and undertook to show how early

19 Ami Ayalon, *The Press in the Arab Middle East: A History* (New York, 1995), 16; Nuṣayr, *Ḥarakat Nashr al-Kutub*, 486-8; Shayyāl, *Tārīkh al-Tarjama*, 202.

20 For Khalifa's other translations and career, see Majdī, *Ḥilyat al-Zaman*, 43-44, note 3; Khalīfa ibn Maḥmūd, *Qalā'id al-Jumān fī Fawā'id al-Tarjumān (Instructions aux drogmans)* (Bulaq, 1850), preface; Heyworth-Dunne, 'Printing and Translations under Muḥammad 'Alī', 349; Shayyāl, *Tārīkh Al-Tarjama*, 191; Appendix 1, nos. 49, 99; Appendix 3, nos. 13, 82.

21 William Robertson, trans. Khalīfa ibn Maḥmūd, *Kitāb Ithāf al-Mulūk al-Alibbā' bi-Taḡaddum al-Jam'īyyāt fī Bilād Ūrubbā: wa-Huwa al-Muḡaddima li-Tārīkh al-Imbirāṭūr Sharlakān* [A Gift for Intelligent Kings: The Progress of Societies in the Lands of Europe. Introduction to the History of Emperor Charles], 2 vols. and preface (Cairo, 1842), preface (separate pagination), 6.

22 Aḥmad 'Izzat 'Abd al-Karīm, *Tārīkh al-Ta'līm fī 'Asr Muḥammad 'Alī* [History of Education in the Age of Mehmed Ali] (Cairo, 1938), 332-333.

modern Europe had emerged out of the feudal system that dominated the continent after the fall of the Roman Empire.

Robertson (1721-93) was a Church of Scotland clergyman and academic, and a participant, along with Adam Smith and Adam Ferguson, in what later became known as the Scottish Enlightenment; he also wrote histories of Scotland and of America. The *View of the Progress of Society in Europe* is an impressive essay in historical synthesis: as David Womersley has argued, it goes beyond the ‘universal history’ of the French *philosophes*, both in its more careful use of sources and in its stress on ‘interconnectedness.’ In Robertson’s words, ‘causes and events’ in different parts of Europe are shown to be ‘in mutual connection and dependence [...] the operation of one event or one cause prepared the way for another, and augmented its influence.’²³ These interactions had led, Providentially, to the emergence out of feudalism of what we might now call capitalist modernity: urban, commercial society, an interconnected European system of powerful fiscal-military states, the ‘improvement’ of manners, science and literature.

It was the achievements, economic and political as well as cultural, of precisely this modern, capitalistic Europe, which Mehmed Ali’s regime was attempting to emulate. Khalifa suggested as much in the preface to his translation: after describing how the civilisation of ‘Islamic lands’, formerly so glorious, had declined, but was now being revived under rulers like Mehmed Ali, he states the aims of Robertson’s book. These are, first, to tell the history of Charles V, and second:

to lift the veil on the great events and vast revolutions that have occurred in a great part of the world – I mean Europe – which was in the worst state of barbarism and savagery (*takhashshun*); then came to the most perfect degree of refinement (*rafāhiyya*) and civilisation (*tamaddun*).

He continues:

23 David J. Womersley, ‘The Historical Writings of William Robertson’, *Journal of the History of Ideas*, xlvii (1986): 503; William Robertson, *The Historical Works of William Robertson*, 6 vols. (Edinburgh, 1813), v, 18.

Perhaps our land, if it attends to [this book], and masters the truths concealed within it, can adopt the means that those other countries grasped. These would take it out of the realm of neglectfulness: it would set out on the paths of prosperity and progress (*taqaddum*), to become as it was, the greatest of nations (*a ʿzam milla*). For histories are nothing but a lesson for the wise, and a gift from past generations to the future.²⁴

His translation, made under Tahtawi's supervision, was entitled *A Gift for Intelligent Kings: The Progress of Societies in the Lands of Europe*.²⁵ 'Intelligent kings' such as Mehmed Ali, as well as their subjects, might be expected to gain from this synthesis of the early-modern European experience some hints on how to 'progress' from the stage of 'barbarism' to 'civilisation'. We may note, in this context, that the term 'feudal', obviously associated in Robertson with the old, medieval form of society, is rendered in Khalifa's translation as '*iltizāmī*' – that is, pertaining to the *iltizām*, the system of tax-farming which Mehmed Ali had abolished, along with the Mamluk ruling class which it had sustained, in 1812-14.²⁶ On the other hand, Robertson's stress on the multiplicity of causes, on the unforeseen and unintended (though Providential) effects of historical actions, means that it is difficult to read off a programme for reform from Robertson's history in any

24 Robertson, *Ithāf al-Mulūk al-Alibbā*', preface, 6.

25 The remainder of Robertson's *History of Charles V* was also translated by Khalifa, as *Kitāb Ithāf Mulūk al-Zamān bi-Tārīkh al-Imbirātūr Sharlakān* [A Gift to the Kings of the Age: the History of the Emperor Charles], 3 vols. (Bulaq, 1844–50).

26 Robertson, *Ithāf al-Mulūk al-Alibbā*', i, 27, 30, 32, 95. The term and its derivatives are also used to translate 'feudal' or 'féodal' in other translations from the School of Languages: see Voltaire, *Kitāb al-Rawḍ al-Azhar fī Tārīkh Buṭrus al-Akbar Īmbirātūr al-Mūsqu* [The Flourishing Garden: the History of Peter the Great, Emperor of the Muscovites], trans. Aḥmad 'Ubayd (Bulaq, 1850), 171; Félix Ragon, *Kitāb al-Maṣābīḥ al-Munīra fī Tawārīkh al-Qurūn al-Akhīra* [The Shining Lamps: History of Recent Times] (orig. *Abrégé de l'histoire générale des temps modernes*), trans. Muṣṭafā Efendī Sayyid Aḥmad (Bulaq, 1850), 14, 487, 565. Ottoman translators of European histories in the 1870s would also employ Ottoman terms such as *timar* to translate the terminology of feudalism: see Johann Strauss, 'Kurûn-i vusta: La découverte du « Moyen Âge » par les Ottomans', in François Georgeon and Frédéric Hitzel (eds.), *Les Ottomans et Le Temps*, (Leiden, 2012), 231–3.

straightforward way. In this it differs, perhaps, from the more obvious lessons offered by Voltaire's biography of that other great reforming despot, Peter the Great of Russia, which was translated into Arabic at the School of Languages a few years later.²⁷

II

The European Debate on Despotism

In any case, one powerful obstacle to the attempt to make Robertson's history in *any* way relevant to an Islamic, Ottoman polity in Egypt, was presented by his remarks on the Ottoman Empire and on Asia. The very first sentences of the *View* had announced its object of study as 'the European nations', setting them off from 'the effeminate inhabitants of Asia'.²⁸ In his third section he sets out the basis for this dichotomy in political theory. After surveying 'the Political Constitution of the Principal States in Europe, at the Commencement of the Sixteenth Century', he turns his attention to the Ottoman Empire:

though the seat of the Turkish government was fixed in Europe, and the sultans obtained possession of such extensive dominions in that quarter of the globe, the genius of their policy continued to be purely Asiatic; and may be properly termed a despotism, in contradistinction to those monarchical and republican forms of government which we have been hitherto contemplating.²⁹

In other words, the Ottoman government forms part of the European state system (as it 'interposed

27 Voltaire, *al-Rawḍ al-azhar*. See Choueiri, *Modern Arab Historiography*, 4–15; Nicole Khayat, 'Historiography and Occidentalism during the 19th Century Nahda: European History in Arabic' (Haifa Univ. Ph.D. thesis, forthcoming).

28 Robertson, *Historical Works*, v, 1.

29 *Ibid.*, v, 174.

so often, and with such decisive influence, in the wars and negotiations of the Christian princes' during the period of Charles V).³⁰ But its constitution is utterly different from European countries ('Asiatic' and despotic).

This notion of 'despotism' as a political form inherent to Asia or the East, with the Ottoman Empire often cited as the 'Oriental despotism' par excellence, was a commonplace of European thinking of the eighteenth and nineteenth centuries – as Robertson's assured tone in making these remarks confirms.³¹ But it is important to recognise that this was not the only available view, even among European writers: there was in fact a *debate* over despotism and over the nature of the Ottoman state. As Joan-Pau Rubiés has argued, against the assumptions of many recent scholars, there was no complete theoretical closure of these questions in the eighteenth century, in favour of Montesquieu's theory of 'Oriental despotism'.³² Rather, there was a continuing debate between proponents and opponents of this theory, in which one side generally dominated, but never quite managed to impose its version as a seamless orthodoxy. Montesquieu's theory of despotism was met not only by the scepticism of Voltaire (who doubted that such a 'despotism' was even possible), but also by the explicitly political definitions of the Ottoman state of, say, Sir James Porter (a 'species of limited monarchy' in which the ulama played the key role in limiting the Sultan's power), or Simon-Nicolas-Henri Linguet (a realm of liberty contrasted with a despotic Europe, especially England).³³ Nor can this debate be reduced to a question of European prejudice against

30 *Ibid.*

31 See, for instance, Richard Koebner, 'Despot and Despotism: Vicissitudes of a Political Term', *Journal of the Warburg and Courtauld Institutes*, 1951, 275–302; Franco Venturi, 'Oriental Despotism', *Journal of the History of Ideas*, 1963, 133–42; Melvin Richter, 'A Family of Political Concepts Tyranny, Despotism, Bonapartism, Caesarism, Dictatorship, 1750-1917', *European Journal of Political Theory* 4, no. 3 (2005).

32 Joan-Pau Rubiés, 'Oriental Despotism and European Orientalism: Botero to Montesquieu', *Journal of Early Modern History*, ix (2005).

33 See Asli Çirakman, 'From Tyranny to Despotism: The Enlightenment's Unenlightened Image of the Turks',

the East. To be sure, Montesquieu, Voltaire, Robertson and the rest had their prejudices – as well as their different political axes to grind, for or against absolutist governments in Europe. But they were also engaged in serious attempts to construct *theories* of government and historical process, ‘often by referring back to issues of empirical validity.’³⁴ Nor is this debate, we might add, entirely over. Views deriving from or related to the ‘despotism’ theory – the ‘Asiatic mode of production’ or the paradigm of Ottoman ‘decline’ – have been prominent in twentieth-century historiography of the Empire.³⁵ But recently, Baki Tezcan, in a sweeping reassessment of early modern Ottoman history, has argued that the Empire was in fact a polity with a strong component of ‘constitutionalism’ – and he cites, among others, eighteenth-century observers like Porter.³⁶

This theoretical debate on the nature of the Ottoman state also surfaces in Robertson’s *View of the Progress of Society in Europe*. Robertson’s own opinion is plain enough: he belongs to the majority tradition, and sees the Ottoman state as despotic. (His sources are Paul Rycaut and Prince Cantemir of Wallachia, and he probably has Montesquieu in mind as well). But he also gives a ‘Note’ on this question of the ‘Turkish government’, acknowledging the contrary opinions of the Count de Marsigli (author of *L’État militaire de l’Empire ottoman*, 1732), and ‘the author of Observations on the Religion, Laws, Government, and Manners of the Turks’ (Sir James Porter), who ‘seem unwilling to admit that [the Empire] should be denominated a despotism’.³⁷ In the version of the Note we find in the second and subsequent editions of the *View*, the matter is taken further.

International Journal of Middle East Studies, xxxiii (2001), 61, 59.

34 Rubiés, ‘Oriental Despotism’, 162. See also Lucette Valensi’s account of the close empirical observation of the Empire by Venetian ambassadors: *The Birth of the Despot: Venice and the Sublime Porte* (Ithaca, 1993).

35 See Suraiya Faruqi, *Approaching Ottoman History: An Introduction to the Sources* (Cambridge, 1999), 16–18, 178–81, 189–90, 194–5.

36 Baki Tezcan, *The Second Ottoman Empire: Political and Social Transformation in the Early Modern World* (Cambridge, 2010), esp. 6–10; see also Hüseyin Yılmaz, ‘Containing Sultanly Authority: Constitutionalism in the Ottoman Empire before Modernity’, *Osmanlı Araştırmaları/The Journal of Ottoman Studies*, xlv (2015).

37 ‘Note XLIII’: Robertson, *Historical Works*, v, 569–72.

Robertson tells us that Porter had specifically taken issue, ‘in a preface to the second edition of his work’, with what he, Robertson, had previously written. Robertson, however, remains unconvinced, and rejects Porter’s arguments, courteously but firmly, in the remainder of the extended Note. We can thus see the actual process of debate enacted in Robertson’s text.³⁸

III

A Turkish Charter

Robertson’s version of the eighteenth-century debate is rendered more or less ‘faithfully’ by Khalifa in his translation (via Jean-Baptiste-Antoine Suard’s French) – though he translates Robertson’s ‘despotic’/‘despotism’ as *ẓulm* (‘injustice’).³⁹ This suggests that the main connotations the French *despotisme* had for him were those of lawless rule – it did not also denote the concentration of power in the hands of one person or group. But Khalifa then takes up the debate in an appendix to his translation, entitled ‘Plain Proofs, Contradicting What Has Been Said on the Ottoman State’.⁴⁰ Arguing with European writers directly was uncommon for the Egyptian translators of the 1830s and 1840s. It was more usual to deal with disparaging remarks about Islam or Egypt by ignoring them, leaving them out, or sometimes by subtly turning them around into compliments: there are examples of all these procedures in Tahtawi’s translations of European geographies.⁴¹ This open

38 For Robertson’s original note see his *History of the Reign of the Emperor Charles V*, 1st edn, 3 vols. (London, 1769), i, 388–389. Porter’s book had been published anonymously the previous year: *Observations on the Religion, Law, Government, and Manners, of the Turks* (London, 1768). Its second edition, to which Robertson refers, appeared in 1771 (London); and the second edition of Robertson’s *History* in 1772.

39 Robertson, *Ithāf al-Mulūk al-Alibbā*, i, 175, 357.

40 ‘Barāhīn jaliyya fī naqd mā qīla fī al-dawla al-‘Uthmāniyya’: *ibid.*, i, 364–389.

41 See Peter Hill, ‘Utopia and Civilisation in the Arab Nahda’ (Univ. of Oxford D.Phil. Thesis, 2016), ch. 3. Similar

contestation was an exception, due perhaps to the trenchant terms of Robertson's description of the Empire, which made it troublesome to finesse, and the fact that it formed an integral part of his argument about the nature of the European political system, which made it difficult to suppress entirely.

The solution, for a servant of a Pasha and regime which, whatever their rebellions and disloyalties, thought of themselves as thoroughly Ottoman, was to mount a sustained contestation of the theory of 'Ottoman despotism'. The manner in which Khalifa (probably guided by Tahtawi) set out to do this might strike us as unusual, however. Robertson had argued that the Ottoman Empire, unlike European states, possessed no institutions to limit the Sultan's power: neither 'any great court' nor 'a body of hereditary nobles'. In answering the first point – the absence of a court or laws – Khalifa first presents this argument: non-Muslim states only have recourse to laws against the tyranny of kings because they do not possess the divine law of the Quran and Sunna; the political laws of Muslims must by definition be just, for they are derived from these sources.⁴² This might appear at first sight to be a straightforward rejection of European political thinking in general, based on solidly 'Islamic' grounds.⁴³ But what follows shows us the danger of dividing the intellectual world so firmly into European and Islamic camps. For Khalifa then adds a further point, mentioned neither by Robertson nor in the arguments he cites from Porter and Marsigli: the Sultan, far from being able to act freely, must abide by the judgement of the *dīwān*, his Council; and the mufti, the supreme authority on the religious law, is a powerful member of this *dīwān*. And Khalifa backs this up with a long quotation, not from an 'Islamic' Arabic or Ottoman source, but from 'the author Ghrāsī'. This

techniques are found in Ottoman Turkish translations made under Mehmed Ali: Johann Strauss, 'Turkish

Translations from Mehmed Ali's Egypt: A Pioneering Effort and its Results', in Saliha Paker (ed.), *Translations: (re)shaping of literature and culture* (Istanbul, 2002), 119–20.

42 Robertson, *Ithāf al-Mulūk al-Alibbā'*, i, 364–5.

43 It was in this sense that Ibrahim Abu-Lughod read Khalifa's appendix, in *Arab Rediscovery of Europe*, 155 (he also apparently misidentified the location of the appendix in Khalifa's translation).

turns out to be the Sicilian writer Alfio Grassi; and the work from which Khalifa quotes, in his own Arabic translation – several times and at length, throughout his appendix – was published in Paris in 1825 under the title *Charte turque, ou Organisation religieuse, civile et militaire de l'Empire ottoman*.

Grassi's work belongs to the heterodox tradition in European thinking which held that the Ottoman Empire was not a despotism. In fact, it is one of the more direct, consciously iconoclastic attempts to confront the notion of the Empire as a lawless personal autocracy, as is indicated by its title: *Charte turque*, the Turkish *Charter*, backed up, on the title-page, by an epigram setting out the book's main contentions:

The Mohammedan Charter is alone inviolable: it alone has existed without modification for many centuries, since its founder: its laws hold sway over immense populations of our globe. The Turkish government, and the other governments which have adopted it, owe their stability and power to its inviolability [...] The laws of this Charter are compulsory for the rich, for the poor, for the prince himself.

This immediately suggests some reasons why this work should have appealed to Tahtawi and Khalifa, confronted with Robertson's arguments as to Ottoman despotism. But we must first explain how such a work came to be written in the 1820s by a Sicilian living in Paris.

Alfio Grassi, initially an officer in the Bourbon Neapolitan army, had espoused French Revolutionary principles in the 1790s, and fought for the short-lived Parthenopean Republic of Naples. He then served in Napoleon's army in the Iberian Peninsular and Germany, and was awarded the Légion d'Honneur. After Napoleon's abdication in 1814 he lived on half-pay at Paris, unable to return to Sicily, which was now under restored Bourbon rule. Refusing the job of aide-de-camp to the royalist duc de Berry, he turned to travel in Greece and Turkey, and writing, until his

death in 1827.⁴⁴

The immediate occasion for the publication of *Charte turque* was the Greek revolutionary war against the Ottomans, which began in 1821 and was to result in the establishment of an independent Greek state in 1832. Grassi was a firm supporter of the Greek cause;⁴⁵ in *Charte turque* he speaks of Ottoman ‘despotism’ over the Greeks, and regards their revolution as based on superior principles (‘reason, humanity and enlightenment’) to the Muslim polity of the Turks.⁴⁶ But widespread European support for the Greeks had led to particularly fierce excoriations of Turkish ‘despotism’, and it was in this context that Grassi, while remaining true to his philhellenism, offered an unusually sympathetic account of the Ottoman Empire. As he says in his preface: ‘Even while sympathising with the courageous Greeks [...] let us look on their rulers with a curious eye.’⁴⁷

44 Emanuele Pigni, ‘Grassi, Alfio’, *Dizionario Biografico Degli Italiani*, 80 vols. (Rome, 1960–2014), lviii, 595–6; Maurizio Isabella, ‘Mediterranean Liberals? Italian Revolutionaries and the Making of a Colonial Sea, 1800–30 Ca.’, in Maurizio Isabella and Konstantina Zanou (eds.), *Mediterranean Diasporas: Politics and Ideas in the Long Nineteenth Century* (London, 2016).

45 See Alfio Grassi, *La sainte-alliance, les Anglais et les Jésuites; leur système politique à l’égard de la Grèce, des gouvernemens constitutionnels et des événemens actuels* (Paris, 1827).

46 Alfio Grassi, *Charte turque, ou Organisation religieuse, civile et militaire de l’Empire Ottoman: suivie de quelques réflexions sur la guerre des Grecs contre les Turcs*, 2 vols. (Paris, 1825), i, 49, 17.

47 *Ibid.*, i, 10.



Législateur, Prophète et Roi dans ta Patrie,

Lith. de Sohier.

Voltaire.

His motivations for this particular move relate less to the Greek issue than to two other contexts: that curious, rather ambiguous respect that some Enlightenment freethinkers came to feel for Islam; and the predicament of a liberal and former revolutionary in post-1815 Restoration Europe. The first factor explains his open-mindedness about the Ottoman Empire: his ‘curious eye’, his desire to combat European ‘prejudices’ against the Turks, and his positive view of the ‘Mohammedan Charter’. Grassi in fact used as frontispiece to *Charte turque* a lithograph (Figure 1) of the Prophet Mohammed in Ottoman garb holding a scroll entitled ‘Coran’, with a motto from Voltaire: ‘Legislator, Prophet and King in your Homeland’.⁴⁸ This emphasis on the figure of Mohammed as legislator, and the supreme power of the Quran as law in Islamic lands, can be found in other Enlightenment figures besides Voltaire, where it could be accompanied by a sense of the affinity between their own rationalism, or deism, and Islam as they perceived it.⁴⁹

But this opening towards Islam takes on its particular role in Grassi’s case only in the context of post-revolutionary Europe. Grassi, the former revolutionary and Napoleonic soldier, disliked many aspects of the post-1815 Restoration, and above all the Holy Alliance, which bound France to absolutist Austria and, Russia and Britain. This ‘Christian’ alliance, afraid of any infringement of the principle of monarchical legitimacy, was not prepared to aid the Christian Greeks in throwing off ‘the yoke of the Osmanlis’.⁵⁰ Condemnations of Turkish ‘despotism’ from Austria and Russia, just as absolutist as the Turks, or from Britain, engaged in an imperialist policy in the Mediterranean, Grassi saw as deeply hypocritical.⁵¹ It was partly in polemic against the forces of European reaction, then, that Grassi set himself to show that ‘the government of Turkey is the most just of all the absolute governments’: thus, he argues, the Turkish peasant is free, not a serf like

48 It is a line spoken to Mahomet by Omar in Voltaire’s tragedy *Le fanatisme, ou Mahomet le prophète*.

49 See Ziad Elmarsafy, *The Enlightenment Qur’an: The Politics of Translation and the Construction of Islam* (Oxford, 2009), esp. 25–6, 41–3, 90, 121; Juan Cole, *Napoleon’s Egypt: Invading the Middle East* (New York, 2007), 31–32.

50 Grassi, *La sainte-alliance*, 24.

51 *Ibid.*, 10–11; Grassi, *Charte turque*, i, 333; Isabella, ‘Mediterranean Liberals?’, 84–5.

those of Russia, Germany and *ancien régime* France; though the Greeks are oppressed under Turkish rule, Russian rule would be still worse.⁵² The endnotes to *Charte turque* are full of ironic asides comparing ‘civilised’ Europe unfavourably with Turkey.⁵³ Grassi’s Charter that applies equally to all – ‘the rich, the poor, the prince himself’ – suggests the values of *égalité* as much as of Islam.

More than the justice, though, Grassi affirms the *stability* of the Ottoman state, which has endured for centuries and still rules vast populations. Though not as stable as a truly constitutional state, it is still more ‘solidly established’ than any other in Europe; and this he attributes to its ‘Mohammedan Charter’.⁵⁴ The implicit lesson for Restoration Europe is clear: stability is guaranteed only by constitutional rule. Grassi may have been, like the leader of the French left-liberals, Benjamin Constant, prepared to accept a monarch or Emperor as long as he was bound by a constitution; but he was a firm supporter of constitutional as against absolute government.⁵⁵ Pointing to the continuing power and solidity of this Islamic polity, as well as to its ‘Charter’, thus became an ideological weapon against Christian absolutism. The ascendancy of the latter after the 1815 Restoration, Grassi argued, was unstable and temporary: and his proof was the existence of the longer-lasting, more enlightened and more constitutional, Ottoman polity.

IV

Limits on the Sultan’s Power

This assault on European received ideas did not, on the whole, gain the favour of European opinion:

52 Grassi, *Charte turque*, i, 42 (quotation), 45, 49.

53 *Ibid.*, i, 323, 327, 333, 345, 388–90, 404–6.

54 *Ibid.*, esp. i, 51–52, 23–24.

55 *La sainte-alliance*, 253–285. I thank Maurizio Isabella for helping to answer the question of Grassi’s stance on European politics.

Charte turque was roundly attacked soon after it appeared, in the Austrian and British press and by the Greek historian Jacovaky Rizo Néroulos – although other references are more respectful.⁵⁶ In any case, we can see its usefulness to members of an Ottoman state apparatus, like Khalifa and Tahtawi, when confronted with the arguments of Robertson – backed up by much of educated European opinion – on Ottoman despotism. The argument between European pro- and anti-absolutists was not their concern. But here was a robust defence of the Ottoman polity from another European writer, and moreover one which purported to show precisely what Robertson denied: that the Ottoman form of government was *constitutional*. This is the importance of Grassi's emphasis on the role of the *dīwān*. As we have seen, Robertson's definition of the Sultanate as a despotism was based on its lack of constitutional limits on the Sultan's power: neither 'any great court' nor 'a body of hereditary nobles'. He regarded the roles of religion (the ulama) and the army (the Janissaries) as not 'constitutional' but merely 'accidental' limitations on the Sultan's power.⁵⁷ They happened in practice to restrict his actions, but were hardly legal limits built into the constitution of the state, like European parliaments or Estates.

Grassi's account of the *dīwān* – his locating of supreme power with this body and not with the Sultan – provided an effective refutation of this point, for this was both a kind of court, and clearly part of the Ottoman state system. Moreover, Grassi credits the mufti with a leading role in the *dīwān*, thus making the limitation of the Sultan by religious laws a feature internal to the polity,

⁵⁶ For these hostile responses see [Anon.], 'Vermischte Nachrichten', *Oesterreichischer Beobachter*, 16 May 1827, no. 136 edition; [Anon.], 'Charte turque, ou organisation...', *The Foreign Review and Continental Miscellany*, 1828; Isabella, 'Mediterranean Liberals?', 85 (for Néroulos); Joseph von Hammer-Purgstall, *Geschichte Des Osmanischen Reiches*, 10 vols. (Pest, 1827–33), vi, 3, note b. More respectful though not always enthusiastic are: G. H., 'Charte Turque Ou Organisation...', *Neue Allgemeine Geographische und Statistische Ephemeriden* (Weimar), 1825; 'Variétés', *Journal des débats politiques et littéraires*, 1 July 1825; Vicente Antonio Roger y Coma, *Descripción geográfica, política, militar, civil y religiosa del imperio Otomano...: extractada de varios obras antiguas y modernas* (Madrid, 1827), 23, n. 1; Belin, 'Charte des Turcs', *Journal Asiatique*, January 1840.

⁵⁷ Robertson, *Historical Works*, v, 160.

rather than an external ‘accidental’ influence. We can see how these would have been welcome emphases for ulama in the service of the ruler, like Khalifa and Tahtawi. ‘All of [the Sultan’s] actions,’ Khalifa writes, ‘are limited by (*maqṣūra ‘alā*) the Quran and the Hadith’: these are ‘the source of his power and respect among his subjects: if they obey him and submit to him, that is only because of the orders of the praiseworthy Quran’. If the Sultan ceases to follow the Quran and the Sunna ‘he has transgressed the bounds (*ta‘addā al-ḥudūd*), and hearts will fly from him [...] Great Sultans have been killed for their transgression of the laws of the state (*qawānīn al-dawla*) and the *sharī‘a*.’⁵⁸ Khalifa later gives numerous past examples of deposed and executed Sultans, derived from both Grassi and elsewhere.⁵⁹

This might seem to verge on a suggestion of a general right of rebellion by the Sultan’s subjects – perhaps reminiscent of Mehmed Ali’s own rebellion against Sultan Mahmud II, whom he accused of governing unjustly and un-Islamically.⁶⁰ But it is the *dīwān* and mufti which Khalifa mainly credits with disciplining arbitrary rulers. He quotes Grassi at length on the operation of the *dīwān* as supreme power in the land, and the sentences passed by *dīwān* and mufti on Sultans and their favourites.⁶¹ A further proof of the Sultan’s powerlessness before the laws is that he is not allowed to marry (but only to take slave-girls as concubines): Khalifa cites Grassi’s theory that this is to prevent him from forming domestic or foreign alliances by marriage.⁶² Thus ‘the Ottoman state is not empty, as [our] opponents claim, of a court (*dīwān*) that supervises (*yufattish ‘alā*) the Sultan in his judgements (*aḥkām*) and prevents him from [committing] any act that might harm the subjects

58 Robertson, *Ithāf al-Mulūk al-Alibbā’*, i, 366.

59 *Ibid.*, i, 376–9; Grassi, *Charte turque*, i, 403–5, 233 n. 66.

60 See Fahmy, *All the Pasha’s Men*, 53, 71; Asad Rustum, *The Royal Archives of Egypt and the Origins of the Egyptian Expedition to Syria, 1831-1841* (Beirut, 1936), 34–35, 54–55; Butrus Abu-Manneh, ‘Mehmed Ali Paşa and Sultan Mahmud II: The Genesis of a Conflict’, *Turkish Historical Review*, i (2010), 17.

61 Robertson, *Ithāf al-Mulūk al-Alibbā’*, i, 364–70; Grassi, *Charte turque*, i, 256–7, 260–66.

62 Robertson, *Ithāf al-Mulūk al-Alibbā’*, i, 373–5; Grassi *Charte turque*, i, 229–233.

(*ra'yya*) or their country.⁶³ And 'the Sultan in the Ottoman state is not absolute (*muṭlaq al-taṣarruf*); rather there are laws (*qawānīn*) which prevent him from doing what he wishes if this is incorrect in law (*shar'*) or in statecraft (*siyāsa*), or if it would harm the state.'⁶⁴

The Arabic terminology is of some importance. The term Khalifa uses here for the 'laws' which restrict the Sultan – *qawānīn*, the plural of *qānūn* – is the same which he generally uses, in his translation of Robertson, to refer to the 'constitution' of a European state.⁶⁵ In Ottoman usage, *qānūn* denoted law arising from Sultanic decrees, but also other kinds of law distinct from the *sharī'a*, the holy law; *siyāsa*, statecraft or punitive justice, was another term often used to refer to the ruler's prerogatives outside the sphere of *sharī'a*.⁶⁶ Notions of the ruler's being subject, at least in principle, to the religious *sharī'a*, the Sultanic *qānūn*, or both, are likely to have been familiar to Egyptian and Ottoman ulama and officials, as they were commonplace in earlier Ottoman political thinking.⁶⁷ Thus in the passage last cited, Khalifa sees *qawānīn*, the same term by which he renders Robertson's 'constitution', as restricting the Sultan's actions – both in the light of the *sharī'a* and of secular *siyāsa*. Although he has no term for 'constitution' distinct from 'law' or 'laws', to an Arabic reader of his translation and appendix, the European and the Ottoman 'constitutions' or sets of 'laws' (*qawānīn*) would appear to be much the same kind of thing – although only the latter, of course, includes the holy law, *sharī'a*, as one of its components.

63 Robertson, *Iḥāf al-Mulūk al-Alibbā'*, i, 367.

64 *Ibid.*, i, 375.

65 Generally in the plural but sometimes in the singular. Often the compound '*al-qawānīn al-siyāsiyya*' translates Robertson's 'political constitution' (Suard's '*constitution politique*'): see *ibid.*, i, 52, 87, 95, 160, 357–9. For other Arabic translations of 'constitution' in this period, see Ami Ayalon, *Language and Change in the Arab Middle East: The Evolution of Modern Arabic Political Discourse* (Oxford, 1987), 86–96.

66 See Tezcan, *Second Ottoman Empire*, 19, 29–30, 49–50, 57.

67 See Marinos Sariyannis, *Ottoman Political Thought up to the Tanzimat: A Concise History* (Leiden, 2016), esp. chs. 5 and 6; Tezcan, *Second Ottoman Empire*, ch. 2; Şerif Mardin, *The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas* (Syracuse, NY, 1962), 82–4.

Yet this point about the importance of the *dīwān* and of laws is counterbalanced by another emphasis that recurs in several places in Khalifa's appendix: not on the limitation of the Sultan's power but on its essential justness, as based on Islam. After his second long quotation from Grassi, Khalifa moves on to Robertson's second piece of evidence for Ottoman 'despotism': the Empire's lack of an order of nobles. Here he argues not – as in the case of the court – that the Ottoman Empire possesses such an order of nobles, but rather that the fact that it does not makes it superior to European states. The nobles of Europe, he says, only ever served their own interests, not that of the subjects; they had made the peasants their 'servants or slaves', such that the Ottoman peasant is better-off than those of Europe – a point also made by Grassi.⁶⁸ It was only when the kings had overcome the power of the nobility, in fact, that the European states could rise to greatness.⁶⁹

Khalifa does not cite a source for this argument, but a reader coming to his appendix from his translation of Robertson's *View* could hardly fail to see it as deriving from Robertson himself. One of the greatest defects of feudalism, for Robertson, was precisely the independent power of the nobility, which had to be broken before the modern European state-system, and 'liberal', commercial society, could emerge. In particular, Robertson stresses that the curbing of the nobility opened the way to the emergence of strong fiscal-military states;⁷⁰ and here we should recall the linguistic association, in Khalifa's translation, of the 'feudal' system with the *iltizām* tax-farming system. The *iltizām* had been the main support, in Egypt, of the Mamluks, who might well be seen as resembling European feudal nobles; it had been abolished by an autocratic ruler, Mehmed Ali, with aims close to those of the absolutisms of early modern Europe: the construction of a centralised fiscal system and bureaucracy capable of sustaining a powerful standing army. Another

68 Grassi, *Charte turque*, i, 45. In Egypt this argument presumably helped to direct attention away from the harsh discipline of conscription and forced labour to which Mehmed Ali's regime subjected the Egyptian peasantry: see Fahmy, *All the Pasha's Men*, esp. ch. 2.

69 *Ithāf al-Mulūk al-Alibbā'*, i, 370–2.

70 Robertson, *Historical Works*, v, 71–103.

parallel might have been seen between Robertson's emphasis on the increased role of centralised royal courts and codified Roman law in Europe, and Mehmed Ali's attempts, emulating earlier Ottoman ones, to erect his own system of legal codes (*qānūns*) and courts alongside the *sharī'a* institutions – as Ottoman Sultans had done before him.⁷¹ One main purpose of this *qānūn* justice, Khaled Fahmy suggests, was to control members of Mehmed Ali's governing elite itself: to prevent them becoming, perhaps, an independent 'nobility' like Mamluk beys or feudal barons.⁷²

This aspect of Robertson's history could thus provide an implicit argument for the necessity of the ruler's prerogative, as against an independent noble order. The emphasis on the religious and constitutional limits on the Sultan's power is balanced by a stress on the fundamental justness of the Ottoman Sultan – and implicitly his representative in Egypt, Mehmed Ali. The Sultan is not 'absolute' (*muṭlaq al-taṣarruf*) but restricted, if necessary, by 'laws' (*qawānīn*).⁷³ The great respect shown the Sultan by his subjects is not due to his absolute power, but to his religious status. He is 'the head of the state of Islam, the preserver of the *sharī'a*, the lord of men, so he is the Caliph of the Noble Prophet, the sword of the Merciful and Compassionate [...]'⁷⁴ Therefore, Khalifa argues, *if* the Sultan follows the Quran, Sunna and *sharī'a*, 'injustice [or despotism: *ẓulm*] cannot be imputed to him in any way – God forbid that our *sharī'a* should be unjust (*ẓālim*)! Has your Lord ever wronged anyone? No!'⁷⁵ He then cites Grassi on the education of a young Sultan. Strictly brought-up, instructed in a range of subjects and in Islamic moral precepts, how, Grassi asks, can such a prince become a tyrant?⁷⁶ From the limitation of the Sultan's power by Islam, we have arrived at the *impossibility* of his being a tyrant if he follows Islam, and is properly educated.

71 Robertson, *Historical Works*, v, 35–53, 56–9.

72 See Fahmy, *Mehmed Ali*, 103–4.

73 Robertson, *Itḥāf al-Mulūk al-Alibbā'*, i, 375.

74 *Ibid.*, i, 379.

75 *Ibid.*, i, 380.

76 *Ibid.*, i, 381–3; Grassi, *Charte turque*, i, 34–37. Grassi's 'tyran' is here translated as '*ẓālim jabbār*', 'unjust and oppressive'.

The contours of Khalifa's theory of Ottoman-Islamic 'constitutionalism' can now be discerned. On the one hand, the Sultan is bound by the will of the *dīwān* – a kind of law-court – as well as by religion. The latter is expressed in the person of the mufti in the *dīwān*, in the presence of *sharī'a* courts throughout the land, and also, perhaps, in the fact that 'hearts will fly from him' if he transgresses the religious law: a potential licence for rebellion. All this amounts to a set of 'laws' or perhaps a 'constitution' (*qawānīn*), preventing him from doing just as he wishes. On the other hand, as against any other power in the land – nobles, Mamluk beys or new elite – the power of the ruler, as Islamic and educated, is preeminent; and, by implication, necessary for 'progress' from barbarism to civilisation. This theory of governance is put forward, nominally, with reference to the Ottoman Sultan. But it is easy to see its usefulness to a centralising autocrat like Mehmed Ali and those in his employ – particularly perhaps those ulama who had also gained a European education, like Khalifa and Tahtawi.

V

Islamic Constitutionalism

Khalifa's appendix, the 'Plain Proofs', can be placed alongside other instances of nineteenth-century Islamic constitutionalism: the actual constitutions or constitution-like documents issued by reforming Ottoman governments, and intellectuals' commentaries and justifications. Some such examples may perhaps have influenced Khalifa in writing his appendix. Rifā'a al-Tahtawī, who oversaw his translation, had been one of the first Arab literati to show a sustained interest in European constitutions: in his narrative of his stay in Paris he offered a translation of the *Charte constitutionnelle* of the 1830 Revolution, which he had witnessed.⁷⁷ In his 1830s translations of

⁷⁷ Rifā'a al-Tahtāwī, *An Imam in Paris: Account of a Stay in France by an Egyptian Cleric, 1826-1831*, trans. Daniel L. Newman (London, 2004), 194–205.

French geography books, we find, alongside definitions of European political constitutions and their terminology, a passage which contains the seed of Khalifa's appendix. Tahtawi translates the comments of the French geographer Malte-Brun on the 'despotic' nature of the Ottoman Empire, but he then adds a statement to the opposite effect: that the Sultan, rather than being an absolute ruler, 'generally follows the Quran, the Hanafi Sunna, and indeed the prevailing custom (*al- 'āda al-jāriya*).'⁷⁸ And two months after Khalifa's translation was published, Tahtawi wrote a pair of newspaper articles comparing two competing Portuguese constitutions, defining key terms of European political terminology, and offering precepts for a good, divinely-approved ruler, in which he makes a briefer version of the argument of Khalifa's appendix.⁷⁹ It seems very likely that Tahtawi was figuratively – and perhaps literally – looking over Khalifa's shoulder as he wrote.

Khalifa's appendix may also be read as implicitly in dialogue with the Gülhane Decree issued by Sultan Mahmud II in 1839. Often seen as the founding statement of the Tanzimat reforms, this proclamation arose in the context of the Ottoman centre's conflict with Mehmed Ali, then in possession of Syria and threatening Istanbul. As Frederick Anscombe has argued, it was an attempt – and a largely successful one – to regain the ideological initiative by rallying Muslim opinion to the new Sultan, Abdulmecid.⁸⁰ Its text expresses principles very similar to those given by Khalifa: the Sultan's just rule should be based on 'the laws of the *sharī'a*' (*kavânîn-i şer'îyye*), and laws should be framed by a council (*meclis*).⁸¹ The decree was, moreover, intended to be binding on the

78 *Al-Ta 'rībāt al-Shāfiya li-Murīd al-Jughrāfiyā* [Salutary Arabisations for the Seeker of Geography] (Bulaq, 1250), i, 126, 143. See Hill, 'Utopia and Civilisation', ch. 3.

79 Reproduced in 'Abd al-Laṭīf Ḥamza, *Adab al-Maqāla al-ṣuḥufiyya fī Miṣr* [The Literature of the Newspaper Article in Egypt], 3rd edn, 4 vols. (Cairo, 1964–6), i, 112–120.

80 Frederick F. Anscombe, 'Islam and the Age of Ottoman Reform', *Past & Present*, ccviii (2010).

81 In Ahmet Lutfi, *Tarih-i Lutfi* [Lutfi's History], 8 vols. (Istanbul, 1873–1912), vi, 61–4; partial translation in J. C. Hurewitz, *The Middle East and North Africa in World Politics: A Documentary Record*, 2nd edn, 2 vols. (New Haven, 1975), i, 269–71. At least one contemporary noticed the similarity between Grassi's 'Turkish Charter' and

Sultan as well as his subjects: the Sultan pledged to take an oath, along with ‘senior ulema and state functionaries’, that he would not ‘act contrary to its stipulations’.⁸² As Butrus Abu-Manneh has argued, *Gülhane*, unlike later manifestations of the Tanzimat, should be seen less as an instance of European-inspired ‘modernisation’ than as a codification of a pre-existing set of norms.⁸³ Indeed, we might see it as a successful riposte to claims by Mehmed Ali or his son Ibrahim that the Ottoman government had ‘gone astray by establishing unsound observances, baseless innovations [...] and unprecedented taxes’, and aimed ‘to reject Moslem customs and traditions and to embrace European forms and practices.’⁸⁴

Khalifa’s argument, describing the earlier and present Ottoman Empire as law-bound, could then be seen as an endorsement of the *Gülhane* Decree; combined with its general defence of the Ottoman polity, we might read it as a sign of Mehmed Ali’s moving towards rapprochement with the Empire. On the other hand, Khalifa’s emphasis on the ease with which Sultans and their ministers might be removed in the interests of law and religion are less suggestive of such loyalty; they might, rather, be seen as fitting in with Mehmed Ali’s earlier ambitions to play kingmaker. His rebellion had had a wide appeal among Muslim Ottoman subjects who saw him as more religious and just than the Sultan, and he had tried get the support of the ulama to depose Mahmud II in 1832.⁸⁵ Certainly one wonders whether the depositions of a long list of Sultans and viziers would have been described quite so enthusiastically by an author under the patronage of the central Ottoman state. One might conclude from Khalifa’s account that a subject could prove a truer source of justice and Islam than the Sultan. If the appendix is a response to *Gülhane*, then, I suspect it is one as ambivalent as

Gülhane, citing Grassi in a footnote to a bilingual version of the Decree entitled ‘Charte des Turcs’: see n. 57 above.

82 Butrus Abu-Manneh, ‘The Islamic Roots of the *Gülhane* Rescript’, *Die Welt des Islams*, xxxiv (1994), 193.

83 Abu-Manneh, ‘Islamic Roots of the *Gülhane* Rescript’.

84 Order of Ibrahim Pasha, 8 November 1832, trans. in Rustum, *Royal Archives of Egypt*, 34–35.

85 Anscombe, ‘Islam and the Age of Ottoman Reform’, 180–3; Rustum, *Royal Archives of Egypt*, 34–9, 41–2, 54–5; Abu-Manneh, ‘Mehmed Ali Paşa and Sultan Mahmud II’, 19.

Mehmed Ali's own relationship to the Ottoman Empire.

The arguments made by Khalifa, and implicit in the Gülhane decree, were developed further by Arab-Ottoman constitutionalist writers later in the century. In 1867 the Tunisian statesman Khayr al-Dīn presented an extended argument for the benefits of constitutional government in Islamic countries.⁸⁶ Khayr al-Din explicitly regards European political and economic success as resulting from 'political reforms (*tanẓīmāt siyāsiyya*) [...] based on two pillars – justice (‘*adl*’) and liberty (*hurriyya*)’.⁸⁷ To constitutional and representative institutions he frequently counterposes, not a generalised *ẓulm*, ‘injustice’, but what was to become the accepted Arabic term for ‘despotism’, *istibdād*, which carries a far clearer sense of the monopolisation of power by a single person or group.⁸⁸ He thus makes explicit some points that Khalifa had left rather vague.

Still more explicitly constitutionalist were the arguments of the Young Ottoman movement, which arose in the late 1860s in opposition to the more autocratic and centralising elements of the Tanzimat reforms themselves. The Young Ottomans attained a brief ascendancy with the Constitution (or ‘Fundamental Law’, *Kânûn-ı esâsî*) of 1876, and were then pushed into opposition and exile, as Sultan Abdulhamid II abrogated the Constitution and reaffirmed the power of the centralised state: this ‘Hamidian despotism’ lasted until the Young Turk revolution restored the Constitution in 1908. Young Ottomans like Namık Kemal and Ali Suavi insisted on the rule of law and ‘consultation’ (*meşveret*) as ancient components of the Ottoman and Islamic polity; they also resurrected the notion of the Janissaries as a salutary check on absolute rule.⁸⁹ Unlike Khayr al-Din,

86 Khayr al-Dīn al-Tūnisī, *Aqṣam al-Masālik li-Maʿrifat Ahwāl al-Mamālik* [The Surest Path to Knowledge Concerning the Condition of Countries] (Tunis, 1867); *The Surest Path: The Political Treatise of a Nineteenth-Century Muslim Statesman*, trans. L. Carl Brown (Cambridge, MA, 1967).

87 Tūnisī, *Aqṣam Al-Masālik*, 8–9; translation adapted from Tūnisī, *The Surest Path*, 79.

88 Tūnisī, *Aqṣam Al-Masālik*, e.g. 2, 15, 34, 48, 84, 85, 88.

89 Mardin, *Genesis of Young Ottoman Thought*, 313–4, 308–13, 133–4.

it seems, they did not evoke past examples of imperial ‘law’ (*qānūn*), and maintained instead the ulama’s stress on the *sharī‘a*, which offered a check on this ‘imperial prerogative’.⁹⁰ This may be seen as a tension between centralising and libertarian tendencies, both of which, nonetheless, evoked notions of law-bound rule. The Young Ottomans’ patron, Mehmed Ali’s grandson Prince Mustafa Fazıl Paşa, also argued that the Ottoman Empire was not qualitatively different from European states, and stood just as much in need of constitutional government as they did – recalling Khalifa’s rejection of Robertson’s fundamental distinction between the ‘Asiatic’ despotism of the Turks and European monarchies and republics.⁹¹

One later constitutionalist argument, at least, seems to make clear reference to Khalifa’s translation of Robertson. In the wake of another quasi-constitution, the Egyptian Fundamental Charter (*Lā’iḥa asāsiyya*) issued by Mehmed Ali’s grandson and successor, Khedive Ismail, in 1866, Tahtawi discussed the nature of sovereignty and government.⁹² In a passage recently re-examined by Hussein Omar,⁹³ Khalifa’s mentor argues that sovereignty, as in classical Islamic theory, must be one and undivided.⁹⁴ It had, however, been illegitimately divided between different leaders and factions, causing disorder and injustice, under both the Egyptian Mamluks and European feudal barons (Tahtawi refers to both as *multazims*, from *iltizām*). In the European case, the Crusades gave the people an opportunity to rebel under their local leaders (*shaykhs*), which began Europe’s ascent from barbarism to civilisation: this argument, I suspect, draws directly on Robertson’s history,

90 *Ibid.*, 103–5.

91 Andrew Arsan, ‘The Strange Lives of Ottoman Liberalism: Exile, Patriotism and Constitutionalism in the Thought of Mustafa Fazıl Paşa’, in Isabella and Zanou (eds.), *Mediterranean Diasporas*, 164–5.

92 Rifā‘a Rāfi‘ Ṭaḥṭāwī, *Kitāb Manāḥij al-Albāb al-Miṣriyya fī Mabāḥij al-Ādāb al-‘Aṣriyya* [The Pathways of Egyptian Hearts in Contemporary Arts] (Bulaq, 1869).

93 Hussein Omar, ‘The Rule of Strangers: Political Thought in Khedival Egypt, 1882-1919’ (Univ. of Oxford D.Phil. thesis, forthcoming).

94 Cf. Tūnisi, *The Surest Path*, 88–93.

which traces the decline of feudalism to the Crusades. In the Egyptian case, thanks to Mehmed Ali and Ismail, the Mamluk tax-farmers have been replaced by local headmen (*shaykhs* or *'umdas*) who do not infringe the total sovereignty of the state.⁹⁵ This is an allusion, Omar argues, to the 1866 Charter, which had provided for the election of headmen by the villagers; these *shaykhs*, in turn, elected members to Ismail's new Assembly of Deputies. Thus, Tahtawi concludes, unity of sovereignty and effective centralisation are reconciled with (properly subordinate) popular representation and local leadership: after the 'consolidation of the state', the people will be able to enjoy the fruits of their labours, and Egypt, like Europe, 'will achieve the hoped-for success, and rise to perfection'.⁹⁶ As with Khalifa's circular argument proving the impossibility of an Islamic Sultan being unjust, or Khayr al-Din's interest in representation above all as a means of 'making the central government effective', constitutional or electoral principles are here reconciled with – and, one might argue, largely subordinated to – the undivided sovereignty of 'the central power'.⁹⁷ Unitary sovereignty might have been an old Islamic principle, but now, in an age of European-inspired military and administrative reforms, central governments had far more effective means of enforcing it.⁹⁸ Like other instances of Arab-Ottoman constitutionalism, Tahtawi's was held in tension between admiration for European constitutional models (not least for their apparent practical benefits) and a continued loyalty to states which derived their legitimacy from dynasty and religion; and also between a commitment to formal constitutionalism and measures of popular participation in government, and the actual tendency of the nineteenth-century reforms, towards the

95 'Its monopolisation (*istibdād*) of sovereign powers', using the term, *istibdād*, that Khayr al-Din used for 'despotism'; Tahtawi also uses it of the power of feudal *multazims* over their lands: *Manāhij al-Albāb*, 241–2.

96 *Ibid.*, 242–3.

97 Brown, introduction to Tūnisī, *The Surest Path*, 51–2; Ṭaḥṭāwī, *Manāhij al-Albāb*, 156.

98 For the subsequent evolutions of Islamic constitutionalism, see the general comments of Hamid Enayat, *Modern Islamic Political Thought* (Austin, 1982), 125–39.

state's centralisation and its 'effective monopolisation and projection of force'.⁹⁹

Khalifa's appendix thus takes its place alongside other nineteenth-century debates around an Ottoman or Islamic 'constitutionalism' – but with one important difference. Khalifa is not recommending or defending a new or recent Islamic constitutional reform; for this reason he has no need to hark back to an earlier age of justice, followed by a period of decline – as Tahtawi, Khayr al-Din, the Young Ottomans and even the text of *Gülhane* do in their different ways. Khalifa does refer to a generalised Islamic 'Golden Age', decline, and renewal in his preface, but in the appendix it is the recent and present Ottoman Empire which he defends as constitutional, against European aspersions. It was as this kind of defence that his text was resurrected in 1895, after Khalifa's death, as the Ottoman Empire again came under sharp criticism for its massacres of Armenians and other Christians. Khalifa's appendix, 'Plain Proofs', was reprinted at Alexandria, with a long introduction based on a history of the Ottoman Empire by the Egyptian nationalist Muḥammad Farīd, which like Grassi compares the Empire favourably to Europe.¹⁰⁰ It is unclear whether Farīd and his allies were behind the publication, but they certainly sought at times to use the Empire as a counterweight to Britain, then occupying an Egypt which was still technically Ottoman territory.¹⁰¹ Khalifa's arguments, like Grassi's, could thus be turned to a somewhat different purpose from that which he intended.

VI

Conclusions

99 James McDougall, 'Sovereignty, Governance, and Political Community in the Ottoman Empire and North Africa', in Joanna Innes and Mark Philp (eds.), *Re-Imagining Democracy in the Mediterranean, 1750-1860*, forthcoming.

100 *Barāhīn Jaliyya fī Naqḍ Mā Qīla fī al-Dawla al-'Uthmāniyya* ([Alexandria], 1895).

101 See Michael J. Reimer, 'Egyptian Views of Ottoman Rule: Five Historians and Their Works, 1820–1920', *Comparative Studies of South Asia, Africa and the Middle East*, xxxi (2011), 157–8.

We may ask, in conclusion, firstly why Khalifa's defence of the Empire against European accusations should draw so heavily on European arguments; and secondly why he should have selected these particular ones of Alfio Grassi's. As to the first question, these are the reasons Khalifa himself gives:

we answer them only in the words of the sons of their race (*jins*), and this is a proof stronger than suppressing them and declaring the error of their opinions¹⁰²

and:

I have derived my proofs from the authorship of Franks rather than the books of Muslims, lest any of the enemies of religion should attribute to me a bias (*gharaḍ*) that weakens what I say¹⁰³

These justifications may be taken as revealing the ideological as well as military-diplomatic pressure of Europe upon Ottoman Egypt. Khalifa has one eye on 'the enemies of religion' – non-Muslims, Europeans or their allies – as well as on what must have been his major audience: the Muslim officials of Mehmed Ali, plus sundry ulama and notables throughout the Arab lands. That he does not take one course he might have taken – 'suppressing them and declaring the error of their opinions' – is perhaps partly due to genuine respect for Robertson's theories: he refers to him as 'famous among historians for truthfulness and correctness'¹⁰⁴ and was, after all, to spend several years translating four long volumes of his work into Arabic.

But behind this need to present a defence at least partly in the terms of the 'Franks' there are also, I suspect, other pressures. In 1833, Alexander Kinglake, visiting Egyptian-occupied Syria, had

¹⁰² *Itḥāf al-Mulūk al-Alibbā'*, i, 381.

¹⁰³ *Ibid.*, i, 389.

¹⁰⁴ *Ibid.*, i, 388–9.

remarked that ‘every peasant practically felt and knew’ that ‘Mehemet Ali was strong with the strength of the Europeans [...] Moreover, they saw that the person, the property, and even the dignity of the humblest European was guarded with the most careful solicitude.’ It was this ‘state of circumstances, and of feeling which now for the first time had thoroughly opened the mind of Western Asia for the reception of Europeans and European ideas.’¹⁰⁵ Kinglake may have been exaggerating, but – especially after Mehmed Ali’s defeat in 1840 – the crude fact of European power, as well as the dependence of the new-style Egyptian and Ottoman regimes upon European techniques, probably contributed to the need to treat Europeans’ ideas, as well as their persons, with a certain ‘solicitude’.

Still, solicitude may be employed as a means to other ends. Mehmed Ali was aware that his rule required European-style legitimization as well as European technology: he expended considerable energy advertising his ‘civilisation’ and ‘regeneration’ of Egypt.¹⁰⁶ The effort was wasted, for one, on Lord Palmerston, who dismissed Mehmed Ali as a ‘tyrant and oppressor’ and his ‘vaunted civilization of Egypt,’ as ‘the arrantest humbug’ – shortly before expelling his forces from Syria.¹⁰⁷ A defence of the Ottoman Empire (and implicitly Egypt) against accusations of despotism, in partially European terms, might have seemed a wise move in these circumstances.

But then, Khalifa did not select just any European argument, or even any pro-Ottoman one, but rather Grassi’s argument, and only particular parts of that. And this relates, I would suggest, to the perceived power of Ottoman-Islamic as well as European discourses. An innovatory regime like Mehmed Ali’s was indeed dependent, and visibly so, on European techniques and contacts. But it

¹⁰⁵ Alexander W. Kinglake, *Eothen* (Glasgow, 1936), 281–2.

¹⁰⁶ Fahmy, *All the Pasha’s Men*, 2–3, 308–9; for laudatory French accounts of Mehmed Ali, see Jules Planat, *Histoire de la régénération de l’Égypte* (Paris, 1830); P. P. Thédénat-Duvent and F. J. Joly, *L’Égypte sous Méhémed-Ali, ou aperçu rapide de l’administration civile et militaire de ce Pacha* (Paris, 1822).

¹⁰⁷ Fahmy, *All the Pasha’s Men*, 302–3.

was equally if not more dependent on Ottoman and Islamic modes of authority and legitimation. Mehmed Ali, in these years, could no more renounce Ottoman-Caliphal overlordship than he could dispense with European advisors. Literati in his employ had to deal with not one hegemonic set of discourses, but two; and the Ottoman-Islamic discourse was probably still the decisive one, for the main audiences at which translations like Khalifa's were aimed: not the 'Franks' but Ottoman-Egyptian officials, plus some ulama and notables. The key was then reconciliation of these two discourses; and in the writings of Tahtawi, at least, what we frequently find is not the outright replacement of local notions by European ones, or their subordination to them, but a *rhetoric of equivalence*, which equates an element found in European societies with one found in Ottoman or Islamic ones, subtly modifying both elements in the process.¹⁰⁸ In Khalifa's equation of European 'constitutions' with Ottoman *qawānīn*, or of European 'feudalism' with Egyptian *iltizām*, we see him adopting the techniques of his teacher. Robertson's accusation of 'despotism' upsets this process of harmonisation and glossing over of differences; but the use of Grassi restores it, showing that not all Europeans are so wrong-headed about the Ottoman Empire.

This is an active, selective process, under Khalifa's control and not that of any European; not all of Grassi's emphases survive it, any more than Robertson's do. Grassi had continued to refer to the despotic potential of the Sultan, as well as to the positive role of the Janissaries – abolished by Sultan Mahmud II in 1826 – and the pernicious effects of European-style military reform, on which both Mahmud's and Mehmed Ali's power was based.¹⁰⁹ Such remarks, which do not suit Khalifa's purpose, go unmentioned in his appendix. Frontal attack on European ideas may then be ruled out by European ideological strength and Egyptian dependence upon it (for Robertson's theories are useful). But Khalifa – not unlike Mehmed Ali or Mahmud II in their diplomacy – can still exploit European division to play off one party against another: Grassi, Porter and Marsigli against

¹⁰⁸ See Choueiri, *Modern Arab Historiography*, 5; Hill, 'Utopia and Civilisation', ch. 3.

¹⁰⁹ Grassi, *Charte turque*, i, 74–77, 347.

Robertson. Like the new-style armies of Pasha and Sultan, he turns European arms against Europe – and finds them effective. Grassi’s argument is a more convincing refutation of Robertson than one taken from the existing repertoire of ‘Islamic’ apologetics, because it *fits*: his emphasis on the *dīwān* meets Robertson’s point about the absence of a ‘court of law’ effectively, because both belong to a common European debate. In this way Khalifa is able to separate Robertson’s views on the Empire off from his general account of European history, potentially of great value to an Egypt trying to increase its degree of ‘civilisation’ and ‘regular government’. Nineteenth-century Ottoman-Egyptian literati were thus able to challenge – as others have continued to do – the pretensions of Europe (or ‘the West’) to a monopoly on rational and law-bound forms of government or civilisation. They were also able to engage seriously with questions which have continued to exercise historians: the distinction between European and Asian polities, the transition from feudalism to ‘polished’, ‘commercial’ society – or capitalism.¹¹⁰

But Khalifa does not only use European-style arguments: there are also the statements he makes, on his own authority, as to the infallibility of a ruler who governs according to Quran and Sunna; the examples he gives, not from Grassi but from elsewhere, of Sultans and ministers chastised by the *dīwān* – instances drawn from an Islamic discourse of law-bound rule. And Grassi’s arguments are useful also because they fit with *this* discourse; which is due to the fact that, in many respects, they derive from it. Grassi’s ‘Turkish Charter’ based on the unchanging law of the Muslim Prophet-Legislator was not purely the product of ‘orientalist’ fantasy or the requirements of European polemic, but rather of an interaction between these phenomena and existing Ottoman-Islamic notions. Grassi was not only arguing from within a European world of discourse which he shared with Robertson: he was also channeling, doubtless in somewhat distorted form, the existing Islamic concept of *sharī‘a*-bound rule. It was this, I suspect, which made his arguments, rather than other

110 For a suggestively similar example of a Japanese contemporary of Khalifa’s engaging with Enlightenment ‘stage theory’, see Albert M. Craig, *Civilization and Enlightenment: The Early Thought of Fukuzawa Yukichi* (Cambridge, MA, 2009).

European defences of the Ottoman Empire, attractive to Khalifa: they were already quite close to the doctrines of the ulama.

In all this, I would suggest, the decisive impetus, determining why *this* path, rather than other possible ones, was taken through the ‘wilderness’ of mutually-reflecting discourses, was provided not by the discourses themselves, but by the specific contexts in which they were deployed. In the precise circumstances of Mehmed Ali’s Egyptian regime – with its close but ‘ambivalent’ relationship to the Empire, its need for both Ottoman-Islamic and European techniques and legitimation – we can see what motivated this particular defence of the Ottoman Empire, from once-rebellious Egypt, using European sources. In the European and Mediterranean struggle between liberalism and the absolutist Holy Alliance, we can see what led Grassi to this consciously paradoxical defence of the Ottoman Empire as ‘constitutional’. This is not to deny all reality to notions of cultural ‘tradition’. But it is to suggest that they are historically contingent, and acquire their force only within specific sets of circumstances. Mehmed Ali’s regime – like the central Ottoman and Tunisian ones, and others – found itself caught in a dialectic between increasing imbrication in a European-dominated world, and the continuing force of local, Islamic and Ottoman forms of authority. This determined its nature: constructed partly from European, partly from Ottoman-Islamic materials, but always geared to the interests of Mehmed Ali, his dynasty, and the men who served it.