

The Bey, the mufti and the scattered pearls: Shari'a and political leadership in Tunisia's Age of Reform -1800-1864

Haven, Elisabeth Cornelia van der

Citation

Haven, E. C. van der. (2006, October 26). *The Bey, the mufti and the scattered pearls : Shari'a and political leadership in Tunisia's Age of Reform -1800-1864*. Retrieved from https://hdl.handle.net/1887/4968

Version: Corrected Publisher's Version

License: License agreement concerning inclusion of doctoral thesis in the

Institutional Repository of the University of Leiden

Downloaded from: https://hdl.handle.net/1887/4968

Note: To cite this publication please use the final published version (if applicable).

CONTENTS

Preface and Acknowledgements	XI
Introduction	1
Chapter One : The Risāla fī -'l-Siyāsāt al-Shar'iyya (1800) by Abū 'Abd Allāh Muḥammad Ibn Ḥusayn Bayram	11
Introduction	11
I. The Historical Context of the Risāla and its Author	
Introduction Tunisia in the Eighteenth Century Ḥammūda Pācha and the Law of Islam Ḥammūda Pācha and his Relation with the Ottoman Sultan Ḥammūda Pācha and his Relation with his Subjects The Author	15 16 19 23 24 25
II. The Treatise Bayram's Methods and Sources The Structure of the Treatise Bayram's Sources Bayram and the Ḥanafiyya	26 27 29 31
III. The Analysis of the Risāla Introduction Its Objective Where do the governors figure in the Risāla? The Juridico-Theological Justifications in Bayram's Treatise Conclusion	31 32 35 36
Chapter Two : The Abolition of Slavery in Tunisia (1846). A study into its historical backgrounds and theological justification	41
Introduction I. Black slaves and Islam: a short history Black slaves in Tunisia Abolitionist initiatives	41 42 43 44

11. The Historical Context of the Decree on Abolition	
Aymad Bey and his Court	46
Tunisia and Western Europe: Changing Patterns of Equality	49
Tunisia and the Ottoman Empire	51
<u>.</u>	52
Choosing a position	
The Bey and the Tunisian population	53
III. The Three Phases of the Abolition Decree	53
Reactions to the abolition decree: from abroad	56
Reactions to the abolition decree: from the Tunisian population	57
And the slave	57
Further Developments	59
Further Developments	33
IV. The Theological Legitimization of the Abolition Decree	
The Bey and the law of Islam	61
The Bey's arguments to convince the 'ulamā'	62
The abolition decree: <i>Qur'ān</i> and <i>Sunna</i>	62
The secretary and the philosopher: Ibn Abī Dyāf and al-Shātibī	63
Slaves in the <i>Qur'ān</i>	65
The reactions of the 'ulamā'	00
The fatwa of the Hanafī <i>Shaykh al-Islām</i>	66
The fatwa of the Mālikī <i>Bāsh Mufti</i>	67
g .	68
The Malta Pamphlet	
The letter of Husayn Pācha	71
Conclusion	72
Chapter Three: Once more: the <i>Siyāsa</i> of the Tunisian Beys.	
The Decline of an Old Order	75
Introduction	75
Tunisia and the Christian nations	76
I. A Turning Point in the Age of Reform: The Bey's State Visit to the King of France	
The Historical Background of the Bey's Visit	77
The Political Background of the State Visit	78
Preparatory Measures for the Voyage to France	80
First Impressions of Europe	84
Two Fatwas issued at the occasion of the State Visit	
. The Fatwa of <i>shaykh al-Islām</i> on the permissibility of Consumption of Food of the	
Ahl al-Kitāb (1846)	86
The Fatwa of the $b\bar{a}sh$ mufti on the usage of Eau de Cologne (1847)	92
. The Patwa of the bush maja of the usage of had de cologne (1017)	32
II. Loss of Autonomy and the Changing Attitudes of the 'Ulamā'	
The Actors in the Process of Modernization: Mamluks and 'Ulamā'	94
The 'Ulamā'	95
The Mamluks	96
Early Educational Initiatives	97
Political consequences of the State Visit	98

The Preliminaries to the 1857 'Ahd al-Amān	100
The case of Bāṭū Sfez	100
The promulgation of the 'Ahd al-Amān	101
The impact of the 'Ahd al-Amān and the 1864 revolt	103
III. The Surest Path of Khayr al-Dīn	107
Khayr al-Dīn and Bayram I	109
Once more: the two factions - mamluks and 'ulamā'	112
Conclusion	113
Epilogue	117
Appendices	
Appendix A: Translated text Risāla fī -'l-Siyāsāt al-Shar'iyya	119
Preamble	121
The Introduction, concerning the definition of siyāsāt al-shar'iyya	122
The First Chapter, concerning its legitimacy	122
The Second Chapter, concerning the rights of the ruler as distinct from those of	
the judge	125
The Third Chapter, concerning the allegations of the offence committed, [the act of]	100
aggression and the defendant The Fourth Chapter concerning Telefore	132 137
The Fourth Chapter, concerning $Ta'z\bar{v}r$ The Conclusion, comprising of Three Studies	146
. The First Study, on Indications of Apparent Evidence	146
. The Second Study, dealing with the Subject of Firāsa	149
. The Second Study, dealing with the Subject of <i>Hisba</i>	155
The second study, detailing with the subject of Plant	100
Appendix B: Translated text Fatwas on the Abolition of Slavery	159
. Letter of Aḥmad Bey to the High Religious Court	159
. Fatwa of the Hanafi <i>Shaykh al-Islām</i>	160
. Fatwa of the Mālikī <i>Bāsh Mufti</i>	161
. The Malta Pamphlet	161
Appendix C: Translated text:	
. Fatwa of the Hanafi <i>Shaykh al-Islām</i> on the Permissibility of the Consumption of Food	
of the People of the Book (Ahl al-Kitāb)	165
Glossary	171
Literature	173
Index Index of subjects in translated religious documents	177
Index of subjects in translated religious documents	183 185
Samenvatting Curriculum Vitae	191
Carricarant vitte	101