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

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## INTRODUCTION

Sadiq al-Azm, the great liberal thinker in today's Islam, and one of the three recipients of the Erasmus Prize 2004, posed in his address the question whether 'the simple egalitarian Islam of Mecca and Medina could be reconciled with the hereditary dynasties in complex kingdoms with which the Islamic conquerors came into contact.' The answer is, so asserts al-Azm, twofold: 'From a viewpoint of dogmatics, the answer is 'no', these two were absolutely incompatible. From a viewpoint of history, the answer must be 'yes', these two have appeared to be certainly concordant.'

The word dogmatic, so insisted al-Azm, should not be understood in its heavy negative sense it has today, but in its classical meaning of orthodox: that which, according to the community of the faithful is the right and true system of beliefs. And, of course, the Companions of the Prophet Muḥammad and their Successors are held to have strongly believed in this orthodox ideal of an egalitarian society, a society moreover, that lived solely in line with the divine order. This collective and orthodox image has served as a norm in Muslim society ever since.

Meanwhile, however, in Damascus, Baghdad, Istanbul and Tunis, Islam proved to be able to live in harmony with the almost absolute rule of sultans and beys towering above their subjects, living up to al-Azm's 'yes'. An almost absolute leadership that promulgated its own discrete laws and regulations in addition to or even deviating from *sharī'a* legislation whenever political necessity dictated it.

What al-Azm did not mention, at least not in his Erasmus address, is that at some point in time the discrepancy between the 'yes' and the 'no' had to be bridged. The rule of sultans, kings and beys had to be brought in accordance with God's law, as Muslim society had to be living following His divine prescripts. The political ruler required the approbation of the religious scholars, the heirs of the Prophet. Their fatwas gave his actions in the political domain a theological basis and established a synthesis of doctrine and praxis: they served as mechanisms of legitimization.

This study will highlight three of these juridico-theological discussions accommodating political leadership. They took place in Tunisia's age of reform, the nineteenth century. It was in particular in this century that Muslim scholars in general were challenged to a great measure of creativity and theological ingenuity to hold the 'yes' and 'no' together.

The role of the '*ulamā'*' in these early developments has not always been clear, the written proofs of their involvement, the results of their intellectual efforts, have often remained in the shadow, whereas it were these that made implementation of far-reaching social reforms possible. The fact that Tunisia abolished slavery in its territory as early as 1846 is extraordinary. However, even more noteworthy is the achievement of the '*ulamā'*' to find a theological justification for the Tunisian Bey's decree that broke with a centuries old custom prevailing throughout the Muslim world and hitherto hardly questioned.

Tunisia presents with respect to Sadiq al-Azm's 'yes' and 'no' an interesting case as it has a rich and dynamic history. Ifriqiyya, as it was formerly called, with its Aghlabid and Hafsid dynasties has proven undeniably that Islam could be the religion in a society with diverse social structures, a hierarchic form of administration and hereditary dynasties. Tunisia in the eighteenth and nineteenth century still stood in that same tradition: it held on to its erstwhile grand order, its Hafsid bureaucratic culture and its erudition in Maliki learning. Many of Tunisia's government institutions had their provenance in Hafsid times.

This is not to say that the conflict of interest between the 'yes' and the 'no' would not prevail in other countries of the Muslim world. Tunisia, however, provides a few distinguishing features that give research into the history of its juridico-theological development an extra zest.

The very nature of its geographical position had always prompted the Tunisian leaders to carefully balance its position *vis à vis* the powers around the Mediterranean. For many centuries Tunisia formed the southern point of a maritime borderline between Islam and the West. It was vulnerable in its geographical location as well as in its geographical traits. Its long and sandy coastlines to the East and the North provided through the ages an easy access for Romans, Byzantines, Normans, Spaniards and French. It once belonged to the fertile grounds for early Christianity.

Islam reached Kairouan as early as 670, thirty-eight years after the death of the Prophet Muhammad and despite repeated attempts by the Christian forces, Tunisia remained Muslim territory ever since. When the first ruler of the Hafsid dynasty, Abū Ḥafṣ 'Umar al-Hintā'ī put Ifriqiyya under his reign in 1236, the land could already look back upon five centuries of Muslim rule. Christianity had practically disappeared from its soil. Of the two hundred bishops in the seventh century only five were left in 1053. In the fourteenth century there were only in Nefzaoua still some autochthonous Christians paying the poll tax.

The tension between Islam and the West in the Mediterranean region never subsided and it could very well be that the now prevailing prejudices against Muslims and Islam in Western Europe have to a large extent their breeding grounds around this old world sea.

The *status quo* was one of an almost continuous battle, a *jihad* at sea, while at the same time the countries bordering the Mediterranean needed each other for commerce and trade. The ruling elite in Tunis, being aware of its midway position, had to weave its way through the ambush of alternating loyalties and changing political interests.

Since 1574 it was one of the most Western provinces and a far outpost of the Ottoman Empire. As from that year it felt more than ever wedged between the two great world powers, Christian Europe and the Muslim Ottoman Empire, a situation that gained a sense of urgency and crisis in the nineteenth century.

The bond with the Sultan as the head of the *umma* had a character of indisputability: Tunisia's touchstone in religious and cultural matters was Istanbul: that was where the true loyalties lay. It was, at the same time, more than a touchstone. The Bey derived the legitimacy of his power from the Sultan's delegation. His political status depended upon the Sultan's consent.

It is here that we find the one true motive that lay behind the '*ulamā*'s learned exercises to bring the 'yes' and the 'no' together. Why was the Sultan's consent so all important, why had the Tunisian ministers and also the '*ulamā*' to undertake so frequently the journey to the Sublime Porte? Not to secure the country's commercial interests; there was hardly any trade

between Tunis and Istanbul. The only rationale behind their unremitting exertions to harmonize the Bey's rule with the law of God, was their desire, that of the Bey and that of the Tunisian population at large to be included in the world-wide Muslim community of faith, i.e. the *umma* of which the Sultan in Istanbul was the head.

People in nineteenth-century Tunisia could not yet claim a national identity, there were no 'Tunisians' in the sense it is understood today. To the concept of *watan*, fatherland, did not yet cling the idea of a politically defined national unity. Inclusion into the *umma* provided them with the only 'official' identity they had, i.e. Muslim. Therefore, the bond with Istanbul was Tunisia's life line and equally important to the Bey as to his subjects. Strict adherence to the precepts of the *shar'ā*, the law of Islam's *umma*, was not just a matter of piety and faith, it procured the basis for their legal status. How deep these feelings of loyalty and belonging to the *umma* were rooted in people's hearts and minds became apparent in the sixties of the same century, when next to the edifice of *shar'ā* other, secular judicial systems were erected and '*ulamā*' and people rose in revolt.

The nature of this bond between Sultan and subjects seems to have been, willingly or unwillingly, misinterpreted by the Europeans, in particular the French. They assessed the Bey's life line as a union of mere spirituality, like there existed between the Pope and the people in France or Spain. Consequently, they understood the autonomous political performance of the Tunisian Beys in the nineteenth century as a severing of the bonds with the Ottoman Empire which to them offered an incentive for their encroachment.

However, having said all this, Tunisia was dependent upon the European countries, in particular France, for import and export and for a range of other things as well, a combination of what in today's terminology would be called 'project aid': military advisers, transfer of industrial know-how, etc.

This *modus operandi*, this balancing between East and West, not only fashioned the thoughts of the Bey of Tunis, his ministers, it also had its effect on the people at large, in particular the learned advisers of the Bey, the '*ulamā*'. They had to bring the 'yes' of political pragmatics in line with the orthodox 'no' of God's *shar'*. These mechanisms of legitimization were severely put to the test in the nineteenth century when Islam and the West moved into a new political balance of power.

It is for this reason that the choice was made to put forward in this study a transparent image of the political and historical context: the fatwas of the '*ulamā*' closely follow the initiatives of the Bey, for whom, in turn, the macro-political events in the Mediterranean region formed the incentive. The scholars' documents are perceived as religious manifestations emerging and determined by this particular political milieu in Tunisia.

The existence of two schools of law on Tunisia's soil provided an extra challenging factor. There was the original Mālikī school, that had reached the Maghreb in the ninth century, and, the Ḥanafī school of the Ottoman ruling elite and the bureaucracy. Not only had to be ensured that the Bey's judgments in the courts of justice and his decrees imposed on the community were legal, they also had to be brought in line with the Mālikī as well as the Ḥanafī *madhhab*.

The Ottomans never succeeded in securing for their Ḥanafī institutions an exclusive position. Between the two schools always remained this air of competitiveness which took centuries to

evaporate. Or, did it ever? The Mālikī scholars had to wait until 1932 when finally from their midst the highest religious dignitary, the *shaykh al-Islām* was appointed.

Tunisia's nineteenth century is divided into two periods, each of them distinct in the nature of the initiatives and the attitude of the '*ulamā*' towards them. The first period concerns the early decades of the century, the second the time span until 1881, when France took over the reins in the Regency.

The first period is characterized by a series of attempts to initiate an autonomous process of development and modernization, reorganization of the army and the start of a military, polytechnic institute of education.

Most '*ulamā*' showed a willing disposition towards these reforms. They gave them their formal consent or even actively participated in the debate. As early as 1827, 1828 there was a discussion among Tunisian '*ulamā*' on the military reforms in Istanbul after the disappearance of the Janissaries on which subject the Bey had been informed by the Sultan. Most of the scholars had been in favor of these reforms. Had not the Prophet personally given permission to his followers to employ weapons hitherto unknown? Only a minority had then voiced opposition, arguing that this kind of modernization required the study of the language of the Christians and their manner of writing.<sup>1</sup>

In the second period the autonomous modernization process is progressively invaded by the 'return – after so many centuries - of the Christian powers': the French and the British, culminating in loss of independence in 1881.

The reforms initiated in the second period were of a different character: they were carried through under overwhelming foreign pressure and focused on a limitation and modification of the sovereign's role. They affected the relation between the Bey and the '*ulamā*' and the people at large and led to a dramatic change of Tunisia's judicial system. The centuries' old constellation of the Bey as a judge in his discrete political domain (*siyāsa*) that received its juridico-theological justification through the consent of the '*ulamā*', was then stripped of its primary position in the judiciary.

1846 was in these developments a watershed year. The sequence of developments evolving in the second period was accelerated by an event taking place in the last weeks of the year of 1846: the Bey then took an extraordinary step, surprising many in and outside Tunisia. He went on a state visit to France, to the dismay of the Ottoman Sultan and to the delight of the French king. It would turn out to be the prelude to far-reaching changes later in the century.

Between the very beginning of the nineteenth century and the later sixties of the same era, we perceive a sliding scale of willingness to cooperate with the ruling power among the learned, the '*ulamā*'.

The objective of this study is threefold. Firstly, to bring to the fore, through the juridico-theological discussions of the '*ulamā*', the workings of a traditional Muslim institution that has too often remained in the background: the role of the political ruler as legislator in the public domain and as highest authority in the judicial system with full juristic competence.

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<sup>1</sup> G.S. van Krieken, *Khayr al-Dīn et la Tunisie (1850-1881)*. Leiden (E.J. Brill) 1976, 14, quoting from a manuscript of Ibn Salāma, *Al-Ta'rikh al-musammā bi'l-'aql al-munaddad fī akhbār mawlānā al-mushūr al-bāshā Aḥmad*. Tunis, Bibliothèque Nationale, ms. 18618, 113-114.

I have found in my research that the focus in the study of Islamic law is almost exclusively on the *qāḍī* as *sharī'a* judge and the mufti as jurisconsult. History provides a different image, namely that of the political ruler dominating the judiciary, in which, moreover, the *qāḍī*, the judge, and his adviser, the *mufti*, could only function with his consent.

Secondly, this study will draw a clear picture of the '*ulamā'*' as participants in the process of reform. How in the early stages of reform they were prepared to support the Bey's initiatives. In the same manner as their predecessors had done before them, they were willing to serve their ruler with their wisdom and with their elaborate knowledge of Muslim jurisprudence in order to harmonize the ideal and the real, to bring together the 'yes' and the 'no'. There was, as we shall see, however, an important limit to their cooperative stand: the Bey's decrees should not be contrary to the community's interest and, as the most crucial criterion, they should not infringe upon the norms and values of Islam.

Thirdly, this study will demonstrate that, contrary to the characteristics attributed to Islamic law today, the Tunisian '*ulamā'*' of the eighteenth and nineteenth century did not view the *sharī'a* as an unmovable and unchangeable entity, dispensing unequivocal answers for the problems laid in front of it. They were of the view that rules, even *sharī'a* rules should not be blindly applied. They modified, restricted and enlarged the law to take into account the changing times and to find textual support for the reality of people's lives. This becomes apparent not only by their own opinions in this respect, but also by the sources they employ to lend their words authority: Muslim scholars from every period in the history of Islam and from every place in the Muslim community.

The following pages contain three 'case studies' in separate chapters, each describing a decisive phase in Tunisia's nineteenth century, i.e. 1800, 1846 and 1857/1861.

In the *first chapter* the study's central theme of *sharī'a* and political leadership is introduced. Pivotal in this chapter is the *Risāla fī-l-Siyāsāt al-Sharīyya*, i.e. treatise on governance in accordance with the law of God, of the highest religious dignitary in Tunisia at the time, the *shaykh al-islām*, Muḥammad Bayram. Its twenty-nine pages are presented here – for the first time - in an English translation. It was written in 1800, during the reign of Ḥammūda Pācha the fifth of the Ḥusaynīd rulers, a dynasty having assumed authority in 1705; it would stay in power – *de jure* – until 1957.

Bayram's *Risāla* is an exponent of a process of consolidation and bureaucratization then evolving in Tunisia, in which the head of state took pride in reviving Tunisia's Ḥafṣīd traditions. One of these was the presiding in great pomp of the daily court sessions in his palace, an example of a traditional Muslim *mazālim* court which in general dealt with complaints (*mazālim*) against government officials. In Tunisia the Bey's court had a broader function: it served as a court of appeal and first instance at the same time and dealt with a variety of offences. Subjects from the entire region had access to this form of justice. This form of non-*sharī'a* justice was considered by the ruler as one of his most important duties. The population often preferred it to the High Religious Council, mainly because of the swiftness of its procedure.

Bayram's treatise is a means to provide the juridico-theological basis for his Bey's performance in the judiciary, and, more in general, for the whole range of his political actions. It presents a fine example of an '*ālim*'s knowledge of *fiqh*. The wide field of the Bey's

discrete jurisdiction is described down to the finest detail. A judicial practice that is deviating from the strict procedures of *sharī'a* is legitimized through an elaborate process of legal reasoning. Here we actually witness the legal scholar's learned endeavors to bring the 'yes' and the 'no' together, a duty Islam's religious scholars had assumed since their emergence as a corporate body and distinct class of religious scholars, at the end of the eighth, begin of the ninth century. In that period the '*ulamā*' consolidated their position *vis à vis* the successors of the Prophet, the caliphs. They claimed for themselves the position of inheritors of the Prophet and the only ones qualified to interpret the law. The caliph's political domain, his *siyāsa*, came under scrutiny and was curbed by the '*ulamā*'s interpretation of the law. *Siyāsa* had to be articulated in '*ulamā*' terms, had to be brought in line with the law of God. Books, treatises and other literary products on the subject of *siyāsa shar'īyya* then started appearing. By the time Bayram sat down to write his treatise, the treasures of Muslim legal scholarship, accumulated over the centuries, were there for him to explore.

The concept of *siyāsa shar'īyya* was developed in Sunni Islam by all four schools of law in varying degrees of elaboration. It came to serve as a method to employ an additional source of law, i.e. the political ruler's prerogative to take decisions for the benefit of the country. It gave the ruler the authority to take the necessary measures in times of crisis to avoid hardship. More of these kind of sources existed. For instance, recognition of customary law (*'urf*), juristic preference (*istihsān*) or *istiṣlah*, a method specifically aimed at securing the public good (*maṣlahā*). Of these legal instruments available to bridge the discrepancy between the 'yes' of the Bey's *siyāsa* and the 'no' of Islam's orthodoxy, Bayram selects the concept of *siyāsa shar'īyya* as this is, in his own words, superior to all other legal devices designed to find theological support for issues not mentioned in the sources: 'It is the correlation with reality in these *siyāsa* regulations that supplies the proof that these belong to the basic rules of the law.'

Essential in the term *siyāsa shar'īyya* is that it should not be understood as 'governance in accordance with the *sharī'a*', but rather in accordance with the law of God, which in this context has a much broader meaning than the '*ulamā*' understood as *sharī'a* law, implying that there is more to God's law than the jurists' *sharī'a*. To Bayram the law of God had its ground not only in the relatively small number of *qur'ānic* legal verses, but also in the understanding of God's intention with man, i.e. his well-being and the welfare of the community at large, to be defined at the discretion of the political ruler, the caliph, sultan, king or Bey and to be legitimized by his '*ulamā*'.

From Bayram's exposition transpires that God's design for mankind is not exhausted by the *sharī'a*, which as a corpus of legal literature assembled over the centuries by the learned specialists of Muslim jurisprudence, is a 'man-made production.' The concept of *siyāsa shar'īyya* looked beyond the strict demarcation lines of the *fiqh* edifice of the *sharī'a* and found God's law to be there where justice reigned or was strived for. In the words of the fourteenth century '*ālim* of Damascus, Ibn Qayyim al-Jawziyya, quoted by Bayram: 'If there appear to be clear signs of justice – wherever and whenever – then for that reason [one knows] it is the law of God: God Most High is too wise to specify certain ways of justice and then negate that which would be more obvious and evident.'

The year of the *Risāla*'s appearance is significant. Written at the very beginning of the nineteenth century by an eighteenth-century scholar – Bayram died at the age of 84 three months after its completion in 1800 - it may very well be the last of its kind. The absolutist character of the head of state's rule would be a hotly debated issue in the coming decades. In the later part of the century attempts were made in a number of Muslim countries to define

the function of the head of state in the context of a constitution and the legal scholars' exclusive prerogative to legitimize the head of state's practice with their consent, then ceased to be employed. Tunisia was the first country in the Muslim world to introduce in 1861 a constitution, a '*qanūn al-dawla*', with dramatic consequences for the '*ulamā*' and for the Tunisian population at large, as we shall see.

The subject of the *second chapter* is the abolition of black slavery, promulgated in the early weeks of 1846 by Aḥmad Bey, the tenth ruler of the Ḥusaynīd dynasty. Tunisia was the first country in the Muslim world to take this step. It is another example of a head of state issuing legislation deviating from *sharī'a* law.

It would take many decades for the abolition decree to be fully implemented: the theological justification of this early reform might well transcend its social relevance. For centuries slavery, with an appeal on the Qur'ān, had been condoned. Now, for the first time, with again an appeal on the Qur'ān, it had to be disapproved of. Was to forbid what God had permitted not as reprehensible as to permit what He had forbidden?

There are, in the context of the abolition decree, four relevant documents. In the first place two fatwas: one of the highest religious dignitary in the country, the Ḥanafī *shaykh al-islām* Muḥammad Bayram IV, great-grandchild of the author of the treatise in the first chapter, and one by the Mālikī great mufti Ibrāhīm al-Riyāḥī. Secondly, there is the letter of the Bey's secretary Aḥmad Ibn Abī al-Ḍyāf, requesting the religious dignitaries' approbation. And there is, lastly, an anonymous pamphlet, issued from Malta in 1845. They are presented in an English translation and analysed in this chapter.

Both the Ḥanafī *shaykh al-islām* and the Mālikī great mufti gave their consent to the abolition decree. An argument prevailing in Bayram IV's fatwa is the doubt with regard to the tenability of the legal grounds for the ownership of slaves. Often the slaves, when purchased, claimed to be Muslim, which formally presented a legal impediment for their acquisition. To Bayram this consideration was decisive; he vented no further objections. His Mālikī counterpart did not come forward with any objection either. With a '...nothing needs to be added to your exposition' he approves of the Bey's legislation.

It is a remarkable fact and characteristic for the relation between the Bey and the religious scholars in this year of transition, that it are not these fatwas, very modest in their exposition, that display the most interesting theological creativity, but the secretary's letter. It can be explained by the probable reluctance of the scholars to agree with the decree, and, by the Bey's apprehension that the abolition decree would indeed meet with some serious resistance. The secretary, a scholar in his own right, therefore proposes in his letter some exegetical intimations instrumental to the issue, which, however, Bayram and al-Riyāḥī choose not to employ.

Ibn Abī al-Ḍyāf is in a similar predicament as Bayram in the first chapter. He has to find a justification for a beylical initiative for which there is no textual support to be found in Islam's revealed sources, nor is there, in al-Ḍyāf's case a precedent in Muslim jurisprudence. He therefore explores the deeper layers of Islam's philosophy of law and follows what he perceives as the intention of God's law. Concentrating on the innovative aspects the Qur'ān verses must have had for the contemporaries of the Prophet Muḥammad, he detects a '*tashawwuf ilā al-ḥurriyya*', an anticipation or aspiration towards freedom. He concludes that the Qur'ān did not mention abolition of slavery, yet the door to an eventual freedom for all of Adam's children was put ajar already then.



Fatwas and letters share one important characteristic: compared with religious documents of the second half of the century, they show an absence of apologetics. They do not, at least, yet bear the stamp of defensive and apologetic attitudes towards the ideas of the West. These would enter the discourse in the fifties and sixties, in for instance the work of the already mentioned Khayr al-Dīn.

With the *third and last chapter* of the study we enter into the second period of reform. Had the Bey early in 1846 made the first steps towards the formation of a civil society with the abolition of slavery and the granting of freedom to everyone born on Tunisia's soil, in the last weeks of the same year he embarked on another remarkable enterprise: a state visit to Paris, which, as already indicated, formed the preliminary to major changes in Tunisia's judicial system and the position of the head of state.

The Bey's visit to the 'Sultan of the French' proved to be an important turning point in the sequence of events at the end of the nineteenth century. It is in those years that the 'sliding scales' of 'ulamā' participation started to move. Confronted with the growing interference of the Christian powers and the sympathy some of the Bey's ministers showed for these overtures, the religious scholars reviewed their own position.

In this chapter the theme of *sharī'a* and political leadership occupies again a primary position. This is evident first of all in relation to the Bey's state visit to France. Again, both religious dignitaries are approached with a request for a fatwa. Bayram IV's advice is required on the issue of the consumption of food prepared by Christians during the Bey's eight weeks' sojourn in the land of the Infidel. After the journey al-Riyāhī is invited to give his opinion on the usage of Eau de Cologne, of which the Bey had acquired a bottle while in France. Both documents are presented in translation.

In particular Bayram IV delivers his response in an elaborate and lengthy document. The reactions to these seemingly minor issues served, at least, two purposes: not only the safe consumption of food or application of refreshing sprinklings from Europe, but to reassure conservative and less well disposed minds that the Bey's voyage out of the *Dār al-Islām* and into the *Dār al-Harb* did not jeopardize their Muslim ruler in any way.

No such assurance could be given in the event of the proclamation of the 'Ahd al-Amān, a precursor of Tunisia's constitution, in 1857. Its implementation dramatically effected the Bey's position. Before 1857 his role in the judicial system as described in the first chapter had been still unchanged, its most visible representation still being the daily *maẓālim* court sessions in his residence in Le Bardo. This now changed, not because of the 'ulamā's new views on matters of law and state, nor through the Bey's personal initiative, but instigated by the Christian nations who refused to place their subjects residing in the country under the Bey's jurisdiction, to mention here one of the reasons.

This abrogation of the Bey's functioning in the judiciary was more than the disappearance of a body of justice, it was the collapse of a traditional system. In the new system the Bey's *siyāsa*, his political domain, was divided up into a number of different institutions. And consequently, he lost his overarching role. Moreover, a separate secular edifice of law was erected, overshadowing the *sharī'a* mansions. A clear disjunction was made between *sharī'a* and non-*sharī'a* jurisdiction, a rift that from then on was not bridged anymore by the 'ulamā's fatwas. This, in the perception of the 'ulamā' could in no way be brought in harmony with God's law. They turned away and refused their cooperation.

The proclamation of the *'Ahd al-Amān* and the later 1861 constitutional developments had far-reaching consequences. These, in the eyes of the people, unnecessary reforms nobody had asked for, caused mayhem among the population and aroused among the religious scholars a serious concern for a weakening of the judicial system and a loss of Muslim norms and values. The unrest finally culminated in a country wide insurgence in 1864. Six years later the old order was restored.

Khayr al-Dīn, the Tunisian statesman and reformer, already briefly introduced in the first chapter, had been, to a large extent, instrumental in the 1857/1861 developments, together with the Bey's secretary, Ibn Abī al-Ḍyāf. Three years after the 1864 uprising and the abortive attempts at a constitution, he proposes his new ideas on reform and modernization in his political manifesto, *Aqwam al-masālik fī ma'arifat ahwāl al-mamālik* (The Surest Path to the Knowledge of the Conditions of Kingdoms). This time he is determined to keep within the Islamic tradition. It is with this purpose in mind that he turned to the *Risāla fī-'l-Siyāsāt al-Shar'īyya* of Bayram I, to which his attention was drawn by his learned friend Bayram V.

In my research I have relied on a variety of sources. Anyone investigating developments in Tunisia's nineteenth century cannot overlook the chronicles *Ithāf Ahl al-Ḍamān bi Akhbār mulūk Tūnis wa 'Ahd al-Amān* of Aḥmad Ibn Abī al-Ḍyāf, historian and as indicated above, secretary to the Tunisian beys. Still, his material should be handled with prudence. As close adviser of three successive Beys and their ministers, his words are bound to contain a certain bias, a too willing disposition to the European inspired reform initiatives. Therefore, where possible I have consulted other sources and I have welcomed the thorough studies of writers as Aḥmad Abdesselem, Muḥammad El-Azīz Ben Achour, Van Krieken and others, all of them having felt the same need to counterbalance Ibn Abī al-Ḍyāf's prolific volumes with other data and not solely go by the writings of the Bey's *kātib al-sirr*.

