

Muslim Reformist Action in Nineteenth-century Tunisia

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Abstract

This article revisits the origins of the Islamic reformist movement that arose in response to the challenges presented by western civilization in the nineteenth century. Tunisia was chosen because the spirit of reform manifested itself in the form of intellectual activity and socio-political action. The article highlights the features of the Tunisian experience before the French occupation in 1881, reveals the cooperation and complementary relationship between religious scholars and statesmen that gave the reform efforts their substance and form, and discusses the dynamic of the forces that were in play and helped determine the attempted reforms' fate.

Introduction

The reform spirit and ideas that germinated in Tunisia during the nineteenth century and the efforts made to implement them were part of a general current seen in many Muslim lands, especially in those affiliated with the Ottomans. Despite the common aspects of the reform movements and efforts that unfolded in the Ottoman Empire and elsewhere, each experiment had its distinctive features due to its guiding ideas and the type of challenges it faced. In the following pages, a textual and historical analysis delineates the procession and dynamic of the ideas that guided and underpinned Tunisia's reformist action and culminated in the work of Khayr al-Din Pasha.

The First Phase: Military-based Reforms

Early reform efforts were undertaken by Hammuda Pasha (r. 1782-1814)¹ and gained momentum under his successor Ahmad Bey (r. 1837-55).² Due

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to the European military threat and France's occupation of Algeria in 1830, Ahmad Bey's reforms had a prominently military aspect³ and were geared toward modernizing the army.⁴ For this purpose, he founded the Bardo Polytechnic School in 1840, on whose nature and mission Ibn Abi al-Diyaf has provided first-hand information.⁵ Its primary purpose was to train army officers and make them successful government bureaucrats by teaching them "what the *nizami* soldier needed of the sciences, such as engineering, geodesy, mathematics and the like, as well as the teaching of French, for most of the books on these sciences are written in this language."⁶ It also included courses on history, geography, Arabic, and Islamic studies.⁷ While French, English, and Italian teachers taught the modern subjects, the traditional subjects were entrusted to Shaykh Mahmud Qabadu (1812-71), an eminent Zaytuna *`alim* and poet-scholar. An inquisitive man with a penchant for mysticism and philosophy, Qabadu had a special interest in mathematics and the natural sciences. Acting as the school's spiritual guide, he seems to have had a share in its administration along with its director, Luigi Calligaris.⁸ Khayr al-Din, a *mamluk* of Circassian origin,⁹ was responsible for supervising the school even though he was one of its students.¹⁰

A second important aspect of the *bey's* reforms concerned the higher education provided by the Zaytuna Mosque, Tunisia's historical seat of Islamic scholarship, which included introducing administrative, staff, teaching, and financial measures designed to make the pursuit of Islamic knowledge more systematic and stable. An equal number of Maliki and Hanafi teachers were appointed and expected to teach specific courses daily for a specified salary based on performance. A permanent source for securing their salaries was put in place. To ensure that these measures were implemented, a supervisory body consisting of the two shaykhs and the two chief judges of both schools was formed.¹¹ A decree, *al-Mu`allaqah*, was issued in 1842 to this effect.¹²

A third reform measure was the establishment in 1840 of a permanent and catalogued library in the Zaytuna. The *bey*, who donated thousands of volumes, directed the Shari`ah Council, the country's highest religious authority, to appoint two officers in the library to look after its management, thereby facilitating "the pursuit of knowledge for the poor and the rich alike."¹³ The significance of these measures can be seen when contrasted with the pre-reform situation. Generally speaking, the teachers' personal temperament, the lack of organization, the absence of specific regulations, the shortage of reference books, and the uncertain financial sources had harmed this institution for many years.¹⁴

A fourth, equally important, step was the abolition of slavery in 1848, thus culminating a gradual policy launched by the *bey* nearly five years ear-

lier. This policy consisted of two things: “the ban of selling slaves on the market like animals” and the subsequent abolition of the slave market.¹⁵ The significance of this decision might be seen through its psychological effect on the personality and future career of Khayr al-Din, a *mamluk* who had been bought for Ahmad Bey at an Istanbul slave market.¹⁶ This action was also of great doctrinal importance for Islamic thought as well as global political significance at a time when some European countries were championing anti-slavery campaigns.

Qabadu, whose intimate relationship with Khayr al-Din and Ibn Abi al-Diyaf (Ahmad Bey’s private secretary) is beyond doubt,¹⁷ was most likely one source of inspiration behind these reforms, especially in the case of Islamic learning and education. He was the link between the Zaytuna and the new elite being formed along modern lines in the Bardo School. A group of reform-minded people from the Zaytuna and this school who gradually clustered around him would eventually form what Ibn `Ashur has described as “a party founded on theoretical principles of educational, social, political and administrative reform.”¹⁸

Most probably out of personal interest, Qabadu encouraged some of the Bardo students to translate the lectures of their European instructors and the textbooks used to teach modern disciplines into Arabic.¹⁹ He would then edit the translation and give it an Islamic spirit. This experience allowed him to interact with the European teachers and gain better insights into the factors behind their countries’ power and progress. It also provided the seeds of a theoretical and more systematic reformist thinking that went beyond the pragmatic concerns of Ahmad Bey and his political aides and eventually crystallized into a somewhat general doctrine of *islah* (reform).²⁰ Qabadu first formulated this doctrine in his introduction to the translation of a book on the principles of warfare.²¹ For him, the causes of the Muslims’ backwardness should be traced to their attitudes rather than to Islam’s teachings. The neglect of the “mathematical, natural, and philosophical sciences” was the real cause of the Muslim world’s present state of decline and weakness. For him, Muslims were no longer pursuing the natural sciences, and Europe was building up its strength and might by assimilating Muslim scientific achievements and developing them further. As a result, a new balance of power favoring Europe had occurred. Given this analysis, the only way for Muslims to regain their strength and protect themselves from western threats was to cultivate the sciences they had lost by readopting them from Europe. Qabadu saw this as an Islamic duty enjoined by the Qur’an.²²

The above-mentioned reformist party, whose actions would become visible in the 1860s and 1870s, featured Khayr al-Din²³ as its spokesman. Thanks

to his previous experience with Ahmad Bey's reforms,²⁴ he had first-hand knowledge and a better perspective on both the requirements and obstacles of such an enterprise. This matured his conception of *islah* and strengthened his ties with several people with whom he would work in the future. Toward the end of Ahmad Bey's rule, the old order had been undermined and the seeds of a new one sown, although the country's external appearance and the people's ordinary life had not changed much.²⁵ The bey's ambitious program can be said to have failed materially,²⁶ whereas the reformist thought of Khayr al-Din and those associated with him reached a considerable level of maturity and clarity of vision and won over more supporters.

The Second Phase: Political and Sociocultural Reform

Like those preceding them, the reform efforts undertaken during the second half of the nineteenth century confronted a largely non-conducive internal and external environment.²⁷ However, a resolute will and strong zeal to work for *islah* animated the handful of men who concurred with Khayr al-Din that something had to be done to save what could be saved before European civilization's "torrential stream" swept everything away.²⁸ Put differently, there was a growing awareness of the dangers menacing Muslim existence and of the need to deflect them.

The major feature of this phase of reform was its concern with political, constitutional, economic, cultural, and educational matters. Contrary to Brown's skepticism, Qabadu can be viewed as "the linchpin bringing together the religious and political groups later to rally under the leadership of Khayr al-Din al-Tunisi."²⁹ Although Qabadu had earlier taught in the Zaytuna, Muhammad Bey only promoted him to the position of first-class professor in 1855, Bardo's judge (1867),³⁰ and the Maliki mufti of the Shari`ah Council (1868).³¹ Given his inquisitive mind and interest in the natural sciences, we can imagine how Qabadu would have shown the Bardo students how the modern disciplines are related to the Islamic teachings and values while trying to convince the Zaytuna's students and teachers of the necessity to study those disciplines and reveal their importance to safeguarding Islam's grandeur and the Muslims' strength. His major intellectual contribution to the reform movement consisted in what can be considered "a theory of the natural sciences."³²

Qabadu advocated this theory in the classroom, discussions with friends and prominent people, in his scarce prose writings, and also through his poetry. Considered a pioneer of renewal in poetic themes³³ because of his introduction of new topics related to the natural sciences and their technolog-

ical applications,³⁴ he used all possible means to convey his views to a larger audience. Some of his Bardo and Zaytuna students, as well as prominent state officers closely associated with him, espoused his ideas. The Bardo students included Khayr al-Din Pasha, Muhammad Hussein (a.k.a. General Hussein [d. 1887]), and Rostum,³⁵ while those from the Zaytuna included Salim BuHajib (1827-1924), Muhammad Bayram V (1840-89), `Umar ibn al-Sheikh (1826-1911), and Muhammad al-Sanusi (1851-1900). Among the prominent state officers were Ahmad ibn Abi al-Diyaf and Mustafa Sahib al-Tabi` (d.1861). All of these scholars would play an important role in the second round of reform during its apex under Khayr al-Din's premiership.

The ulama involved in the reform wave of the 1860s and 1870s were not only students of Qabadu; some of them were already reform-minded and accomplished scholars. Two of them, Muhammad al-Tahir ibn `Ashur (1815-68) and his student Muhammad al-`Aziz Bu`Attur (1825-1907) are worthy of mention here. Ibn `Ashur's family had an established tradition in Islamic scholarship,³⁶ while Bu`Attur's family had a long tradition of *makhzani* (state bureaucracy) service.³⁷ Both were students of Ibrahim al-Riyahi (1766-1850), the Maliki chief mufti and imam of the Zaytuna Mosque who was very influential during Ahmad Bey's reign and strongly supported his reforms.³⁸ Implanting a spirit of critical thinking and inclination to *ijtihad* within his students, many of whom would join the reformist current, Shaykh al-Riyahi would later be "remembered for his progressive mentality."³⁹

Unlike Ahmad Bey's military-oriented program, the second round of reforms was mainly concerned with constitutional, economic, administrative, and socio-cultural reform. Although Ahmad Bey's rule coincided with the Ottomans' *tanzimat* reforms (1839-76), only under his successor Muhammad Bey were *tanzimat*-like steps taken. Ahmad Bey, who always kept a margin of independence vis-à-vis Istanbul,⁴⁰ was not prepared to limit his authority.⁴¹ This does not mean that his successor was more reform-minded. Rather, Muhammad Bey resisted the reforms pushed for by the Sublime Porte on the grounds that they were incompatible with the Shari`ah, despite some of the ulama's efforts to disprove his assertion.⁴² However, excessive European pressure⁴³ forced him to announce the historic *`ahd al-aman* (*pacte fondamental*) document in September 1857 that instituted "the rights of rulers and ruled," laid out the principles of governance,⁴⁴ and thus committed "Tunisia to a reformist policy."⁴⁵ Owing to its overemphasis on the rights and privileges of foreign (mainly European) expatriates, this document can be seen as a continuation of the capitulations system that had existed in the Ottoman Empire for many decades and reflected the extent of European intervention in the Muslim world's political and legislative affairs.

A committee led by Prime Minister Mustafa Khaznadar and consisting of Khayr al-Din, Ibn Abi al-Diyaf, and others, was formed to work out the charter's detailed rules and draft a constitution based upon them.⁴⁶ Some of the ulama appointed to it, such as Shaykh al-Islam Muhammad Bayram IV and the chief Maliki mufti Ahmad Hussein, were worried about the concessions given to non-Muslims and foreigners (clauses 6-11) and thus did not support the charter wholeheartedly, despite their attempts to bring these clauses into line with the Shari`ah.⁴⁷ These worries, however, did not prevent many reform-minded people from welcoming the *`ahd al-aman* as a significant step toward realizing their aspirations and ideals. Believing absolute rule to be "contrary to both the Shari`ah rules and the dictates of reason,"⁴⁸ they seem to have considered those privileges a necessary price to curb it.⁴⁹

Before the committee completed its task, however, Muhammad al-Sadiq acceded to the throne (September 1859) and pledged allegiance to the document's principles and ideals.⁵⁰ A major step toward fulfilling his pledge was the drafting of a constitution (*qanun al-dawlah*) in August 1860.⁵¹ Yet this constitution, the first one in the modern Arab world,⁵² was promulgated only in April 1861, after a French version of it was submitted to Napoleon III when both rulers met together in Algiers in September 1860.⁵³ In other words, this constitutional reform could not be implemented until a European power (France) sanctioned it.⁵⁴ As Brown says, this "sufficiently epitomizes the power relations surrounding the birth of 'constitutionalism' in Tunisia."⁵⁵ Whatever the case, the constitution dealt mainly with classical issues pertaining to the jurisdiction and relationship of the executive, the legislative, and the judiciary bodies.

Various laws and institutions were created to embody the principles and ideals of both documents. Among the most significant ones were the following: 1) the city of Tunis acquired a municipal government in 1858, with Khayr al-Din as its president; 2) transforming Tunisia into a constitutional monarchy, inspired by the European experience,⁵⁶ the constitution paved the way for restructuring the judiciary, including the formation of penal courts and a court of appeal. New tribunals tended to divorce civil law from the Shari`ah and would ultimately undermine the ulama's authority⁵⁷; and 3) a legislative body, the Grand Council, was established under the chairmanship of Mustafa Sahib al-Tabi`, who was shortly succeeded by Khayr al-Din. Other council members were Ibn Abi al-Diyaf and General Hussein, a student of Qabadu at the Bardo School and Khayr al-Din's son-in-law; shaykhs al-Tayyib al-Nayfar, Muhammad al-Tahir ibn `Ashur, Muhammad al-`Aziz Bu`Attur, Salim BuHajib, `Umar ibn al-Sheikh; and other military and civilians figures. Another event of cultural significance concerned the creation,

in 1860, of an “official government gazette, *Al-Ra'id al-Tunisi*,”⁵⁸ the country’s first newspaper.

These major aspects of reform in Tunisia during 1857-61 constituted the first phase in the second round of reform. The Ottoman *tanzimat* were an important source of inspiration for such leading Tunisian reformers as Khayr al-Din, General Hussein, Ibn Abi al-Diyaf, and Qabadu, all of whom were closely acquainted with and supportive of the Ottoman efforts.⁵⁹ However, they were not mere imitators, for Tunisia’s own indigenous reformist thought had been growing for at least three decades. If Qabadu had outlined its theoretical blueprint, Khayr al-Din, Ibn Abi al-Diyaf, and others attempted to translate it into appropriate programs. A student of Tunisian history has suggested that the clauses of the *`ahd al-aman*, the first official declaration of human rights in the contemporary Muslim world, bear the stamp of Khayr al-Din.⁶⁰ However, rather than seeing him as the sole agent of reformist thinking, it would be more reasonable to consider him an intelligent and dedicated representative of the *islah* movement, one who was well attuned to the challenges and demands of the age.

Before examining the last phase of Tunisia’s pre-colonial reformism, we shall consider what happened to the previous reforms, all of which were opposed mainly because they were not supported by any regulation of “the actual balance of political forces in Tunisia.”⁶¹ Hence, besides the fact that no substantial changes had been made in the country’s institutional and administrative structures, implementing these reforms was not entrusted to genuinely reform-minded people, but rather to those who “had little interest in [them] beyond exploiting the façade of modern, Western constitutionalism and continuing governmental operations along the old lines of private enrichment in the absence of accountability.”⁶² To better understand this reality, it is appropriate to look more closely at some of these reforms’ internal and structural inadequacies, especially those of their essential components, the *`ahd al-aman* and the *qanun al-dawlah*.

Clauses 1, 3, and 4 of the *Aman* charter guaranteed the security and equality of all residents in the regency, foreigners as well as locals, regardless of any considerations. Then, clauses 9 to 11 stipulated that the government could not involve itself in any trade and commerce, that all foreigners had the right to engage in all kinds of economic activity and were free to own any kind of property, including real estate, without discrimination between them and the indigenous people.⁶³ The first set of clauses sanctioned what the people concerned, mainly Europeans, had enjoyed since the beginning of the nineteenth century. The last three clauses paved the way for European economic domination⁶⁴ “and exposed the [*bey*] to rival pressures

from the consuls.”⁶⁵ Although the *Qanun* curbed the *bey's* authority by empowering the Grand Council to remove him from office, it had, ironically, given the real power to the grand vizier. Thus, Mustafa Khaznadar gained the upper hand in nominating the members of the legislative assembly as well as those of the other institutions created by the constitution.⁶⁶ And thus the stage was set for him and his allies to undermine the reforms.

A *mamluk* of Greek origin raised by Prince Ahmad (later Ahmad Bey), Khaznadar first worked as the prince's private treasurer before the latter succeeded his father to the Husaynid throne in 1837. Then, he immediately became Ahmad Bey's *khaznadar* (treasurer).⁶⁷ During the greater part of his thirty-five-year tenure (until his dismissal in 1873),⁶⁸ Khaznadar was in charge of the central and far-reaching *wizarat al-'amalah*, a ministry that combined finance and internal affairs. This gave him such real power that he overshadowed Prime Minister Mustafa Sahib al-Tabi` due to the latter's "sedation and apathy."⁶⁹ With this key post, Khaznadar combined that of the prime minister (*wazir akbar*) created by the *bey* in 1859.⁷⁰ His tenure at the treasury is linked with the rise of the notorious Mahmud bin `Ayyad (1810-80) "to the commanding position of chief financial personage in the regime."⁷¹ A strong alliance developed between them, owing to their common interest of accumulating as much wealth as possible,⁷² for which purpose they abused the *bey's* almost total trust in them.⁷³ Thanks to Bin `Ayyad's holding the post of *qabid al-mal*,⁷⁴ Khaznadar practically monopolized "tax and concession farming" and thus "could assure greater central control, both in the assessment and collection of revenue."⁷⁵ In return for this empowerment, a great share of that revenue poured into his personal accounts under various names.⁷⁶ Consequently, the masses suffered from rising taxes and levies collected indiscriminately through all kinds of means, including military raids.⁷⁷ Moreover, Khaznadar and Bin `Ayyad burdened the people with such heavy taxes and levies that they bound them to increased poverty.⁷⁸

Bin `Ayyad's part in this drama ended when he fled to Paris in 1852 under the pretext of seeking medical treatment.⁷⁹ In reality, he absconded with "government funds and assets,"⁸⁰ as well as many financial documents,⁸¹ that he had acquired during his at least fifteen-year monopolization of government import operations.⁸² Khaznadar continued to plunder the country under Ahmad Bey's successors, Muhammad Bey and Muhammad al-Sadiq Bey. To him, all reforms meant nothing more than "new opportunities for graft and private enrichment at the expense of the state."⁸³ Yet, the blame should not be put on him alone or solely on his associates, for the system provided no "real means of verifying the chief minister's fantastic allegations concerning rev-

enue and expenditure.”⁸⁴ The beys do not seem to have been aware of the problem’s gravity. After all, as long as the treasurer secured enough money for the government’s and the palace’s needs and could cover the expenses of the reform programs undertaken, things would look all right to them.

Anyway, Khaznadar and his machinations were part of the reality with which the reformists had to cope if they were to take their aspirations and ideals seriously. Khayr al-Din, the reformist current’s figurehead, was a close and conscientious witness of this reality. He was well aware of the involvement of Khaznadar, who was, ironically, his father-in-law. Earlier, Khayr al-Din had stayed in Paris from 1853-57 to plead the government’s case against Bin `Ayyad.⁸⁵ His success, attained during the reign of Muhammad Bey, won him the latter’s trust: he was appointed minister of the marine and, later on, president of the newly established Legislative Assembly.

Given this situation and aware of Khaznadar’s personal interest in him “as a man worth cultivating,” Khayr al-Din could have accommodated himself “to the existing government system simply by ‘going along’ with his father-in-law.”⁸⁶ But such a life did not conform to his ideals, for since the time of Ahmad Bey he had consistently and uncompromisingly opposed the policy of borrowing foreign currency at usurious rates. However, that was Khaznadar’s royal road to finance government expenditures and satisfy his insatiable graft. When Ahmad Bey commissioned him in 1853 to handle the Bin `Ayyad affair, Khayr al-Din was also instructed to negotiate loans with French and European bankers that could be contributed to the Ottoman effort in the Crimean war. However, he was reluctant to do that and kept making excuses until the *bey’s* death in 1855. His most important excuse was that the creditors’ terms were detrimental to the country. Muhammad Bey appreciated this later on, having understood that by refusing to do so Khayr al-Din had saved the country from collapse.⁸⁷

That was the spirit that guided Khayr al-Din in fulfilling his duties in relation to the newly adopted reforms. But he soon had to face serious obstacles. Under the pretext of implementing the reforms, Khaznadar secured for himself, in addition to the premiership, five salaried posts as well as unofficial large sums of money smuggled into his unknown accounts from the government’s treasury. Nasim Shammama (1805-73), another notorious man who enjoyed French protection⁸⁸ and who served as provincial governor and tax collector after Mahmud bin `Ayyad,⁸⁹ was now Khaznadar’s cat’s-paw. Although Khaznadar faced some restrictions during Muhammad Bey’s rule due to the latter’s firmness and stern character,⁹⁰ the situation changed under Muhammad al-Sadiq Bey, who was almost totally controlled by his premier.⁹¹

Despite the deteriorating economy, the *bey* was persuaded to approve new projects. Since the treasury could barely meet the ordinary government expenses, Khaznadar financed them through foreign borrowing at usurious rates and increasing the personal levy.⁹² However, the Grand Council rejected this solution when its approval was sought.⁹³ This was the beginning of a drift that ultimately led to the total collapse of the reforms. For the council members, it became clear that their function was to supervise the government's conduct and curb the malpractices of the executive, including the *bey*. Understanding that the council was not just a decoration, they took the spirit and letter of both the *`ahd al-aman* and the *qanun al-dawlah*, and the ensuing laws, seriously. In contrast, Khaznadar and his men fought anything that jeopardized their interests and curbed their power. Thus, the prime minister tried to discredit and defame his opponents by using his personal influence on the *bey*. According to Bayram V, Khaznadar sought to empty the laws and institutions of their real meaning by manipulating them to suit his own goals and strove to revoke them.⁹⁴ This conflict reached its peak in May 1862 when Khayr al-Din, after many fights with the premier, resigned from all of his offices⁹⁵ only to be replaced by Khaznadar himself as the council's president. Other reform-minded ministers, including General Hussein, Muhammad Agha, and Abu al-Thana' Rostum, followed suit.⁹⁶ Such pro-reform ulama as Salim BuHajib and Bayram V, also withdrew and retired.⁹⁷ Thus, all hindrances to Khaznadar's maneuverings were removed.

It should be remembered that Khaznadar and his local allies were not the only players. Other more alert players with conflicting interests and competing agendas existed, namely, the European consuls. Tunisia was then part of the "eastern question" that the European powers wanted to solve on their own terms. In the 1860s, Tunisia became the scene of expanding European economic interests. Yet the existence of the Grand Council, even with all of its defects, constituted an obstacle to those interests, for it "hindered the consuls from obtaining concessions from the [*bey*] through the traditional methods of bribing high officials and threatening the [*bey*] with the use of force."⁹⁸

The rival consuls sought to undermine the Tunisian reforms. Although their governments congratulated the *bey* for the reforms, the consuls, particularly the Frenchman Léon Roches and the Englishman Richard Wood,⁹⁹ opposed those same reforms and impeded their implementation. For example, under the principles of the *aman* charter's granting of equal rights to all of the country's residents, it was expected that all Tunisian and European subjects would "submit to Tunisian justice."¹⁰⁰ However, this principle could not really be implemented. When a special tribunal was formed in June 1861 to try cases involving European litigants, the "French consul Léon Roches

objected and, with his government's support, insisted on following the customary practice of having a case in which a European was the defendant tried by his consul."¹⁰¹

As an eyewitness of that period, Bayram V pointed out the opportunist motivations behind the European consuls' seemingly inconsistent behavior. Roches and Wood, who urged the *bey* for reform,¹⁰² did so only insofar as it "was not contradictory to the interests of their governments" and also concurred with anti-reform rulers that a "consultative government would lead to the frustration of their purposes." The reason, according to Bayram V, is that the European powers were only concerned about "achieving their own objectives abroad by all means," no matter how such an attitude contradicted what they professed and practiced at home.¹⁰³ Thus, the ongoing double-standard attitude of the European governments and their representatives in dealing with others is nothing new, especially toward the Muslim world.

Khaznadar was a major intriguer with the European consuls, particularly Roches and Wood, both of whom were actively promoting their own countries' economic interests. Roches pushed the *bey* to adopt independent policies and positions toward Istanbul, while Wood pressed Khaznadar to keep away from Paris. These contradictory pressures emptied the reforms of any real content, allowed Khaznadar to emerge as the most powerful man, and left the *bey* with only nominal authority.¹⁰⁴ As all obstacles to the prime minister's financial policies were now removed, he doubled the poll tax from 36 to 72 riyals on every adult and continued to borrow both at home and abroad at very high interest rates. While French, British and Italian bankers were the major creditors, the local lenders were mainly French, Italian, and Jewish merchants – "the latter being mainly British subjects or *protégés*."¹⁰⁵ The main reason for this lust for borrowing was that Khaznadar "and his agents obtained [a] rich commission on every loan contracted."¹⁰⁶

Coupled with worsening agricultural seasons, Khaznadar's policies caught Tunisia up in a vicious circle. The increased poll tax and the repressive means of levying it were the immediate causes of the insurgency that broke out in 1864.¹⁰⁷ The resulting financial crisis and social unrest was met with a no-return strategy of brutal repression, property confiscation, and more foreign borrowing.¹⁰⁸ Furthermore, this crisis was exploited to deal a blow to the reforms. Khaznadar and his allies spread rumors that the new laws' un-Islamic character had caused the insurgency.¹⁰⁹ Beauval, the new French consul, also played his part by contacting the insurgency leader to assure him of his country's support and using "the occasion [of the insurgency] to force the [*bey*] to abolish the constitution."¹¹⁰ Eventually, on 1 May 1864, the constitution was suspended and the Grand Council and all other

institutions created to implement the reforms based on the *`ahd al-aman* were dissolved.¹¹¹

The anti-reform clan rejoiced and wrought their wrath on the reformists, accusing them of leading the country to anarchy and ruin.¹¹² However, suspending the constitution and its accompanying measures could not save Tunisia. A few years later, “Khaznadar’s policy of borrowing foreign currency was brought to final a reckoning in 1869, with bankruptcy and the establishment of an Anglo-French-Italian debt commission.”¹¹³ This commission’s task consisted of drawing up “a budget for the Tunisian state and controlling all state expenditure,”¹¹⁴ as well as consolidating the creditors’ debts and ensuring their payment.¹¹⁵ Likewise, Tunisia’s economic independence was not only diminished,¹¹⁶ but practically lost.¹¹⁷

The Last Phase of Indigenous Reform

Intellectual Underpinnings

Khayr al-Din’s resignation “affected the wise people of the Regency, since there was no clear reason for it whether in respect of age or physical fitness, as he was at the best of his youth.”¹¹⁸ After this event, he spent his time reflecting upon his previous experience, broadening his knowledge of the problems of Muslim society and contemporary European developments, and sharpening his thoughts on reform.¹¹⁹ The views expressed in his *Aqwam al-Masalik*¹²⁰ were formulated in relation to the larger context of the Ottoman Empire. Some scholars have seen an intellectual similarity between him and Ibn Khaldun. For Hourani,

[both] were Tunisians, both wrote their books in a moment of withdrawal from political life; both books are concerned in some way with the problem of the rise and decline of States, and each consists of an introduction, laying down general principles, and several parts.¹²¹

This similarity is manifested in Khayr al-Din’s attempt to “do for the modern age what Ibn Khaldun had done for an earlier one.”¹²² However, the similarity is deeper than these external aspects,¹²³ for Khayr al-Din examined the deep causes of why the reforms undertaken since the time of Ahmad Bey ultimately failed. As he himself says, his reflection on “the causes of the progress and backwardness of nations generation after generation” and his examination of what Muslim and European historians had written about the Muslim world’s conditions propelled him “to assert what no intelligent Muslim will contradict and [what] no one who has been shown the evidence will oppose.”¹²⁴

Like Ibn Khaldun, he had a deep sense of the unity of human history that was manifesting itself more clearly than ever before. Ibn Khaldun, however, saw this unity primarily in terms of the Muslim experience, in which “a general change of conditions” had occurred, “as if the entire world had changed and the whole world had been altered, as if it were a new and repeated creation, a world brought into existence anew.”¹²⁵ Khayr al-Din saw it at a rather more universal level: the Muslim world’s destiny had become subject to both internal factors and to developments happening beyond its borders. Accordingly, “if we consider the many ways which have been created in these times to bring men and ideas closer together, we will not hesitate to visualize the world as a single, united country peopled by various nations who surely need each other.”¹²⁶

Khayr al-Din, who was well aware of the positive aspect of the globalizing forces that had been operating for at least one century, was also aware of their negative consequences. In fact, those forces had given rise to a Europe that posed a threat to Muslim peoples and infringed upon them in different ways, from diplomatic pressure to military occupation. In this connection, he drew the reader’s attention to an important feature of the economic relations between Europe and other nations: the *added value* of the raw materials supplied by non-European countries was benefiting only those who did not produce them but had the financial and technical means to buy and manufacture them. He wrote that “our shepherd, or silk farmer or cotton farmer, defying fatigue for the entire year, sells the produce of his labor to the European for a cheap price, and then in a short time buy it back, after it has been processed, at a price several times higher.”¹²⁷

Believing that Muslim destiny was shaped by both external and internal factors, he analyzed the causes of Muslim decline and European progress. His study of the latter drew on personal experience and direct observation based upon his long familiarity with Europe’s achievements through regular and long visits to many of its countries. During 1863-67, he was sent to Paris and other European capitals to convey the bey’s appreciation of their approval of Tunisia’s constitution.¹²⁸ His long stays in Europe, especially France,¹²⁹ allowed him to systematize his knowledge of Europe’s political systems and to better understand the factors behind its advancement and power.

Although Khayr al-Din’s training was mainly in the military, European military industry and technology were not his main interest. Such a focus could have been justified by the fact that Tunisia was then facing the immediate threat of military invasion by the French forces that had occupied Algeria. This could also have been seen as a continuation of Ahmad Bey’s military-based modernization program. Moreover, interest in European civi-

lization's military aspects would have attuned him to the Ottomans' reformist trends, especially those undertaken in Istanbul and Cairo, where attempts had been made to plant military-oriented industries to overcome their archaic military technology and face the increasing European threat. Yet Khayr al-Din appears to have reached a negative evaluation of those efforts and to have had less faith in their moving spirit. Summarizing the main purpose of *Aqwam al-Masalik*, he said:

I was fired to believe that if I assembled what years of thought and reflection had produced plus what I had seen during my travels to various states of Europe (...), then my effort might not be without benefit, especially if it comes upon hearts working together in defense of Islam.¹³⁰

So, what is it in that reflection and those travels that could benefit Islam and Muslims?

Khayr al-Din was primarily interested in "inventions related to economic and administrative policies" and the "progress in the governance of mankind which led to the utmost point of prosperity" in Europe¹³¹; in other words, "the foundations and conditions of European civilization as well as the institutions of the great states of Europe."¹³² It seems that he was keen to develop his own understanding and version of reform instead of just merely replicating the *tanzimat* that had been adopted in Istanbul. He thus saw the need to give the reforms, in terms of both content and justification, a Tunisian flavor owing much to Ibn Khaldun's legacy.¹³³ This does not mean that his thought totally broke with the ideas that had grown for many decades in the empire. As a matter of fact, his reform project was envisioned within the wider Ottoman context and had a clear awareness of the strong links between its different parts.¹³⁴ A strong advocate of the idea that separating Tunisia from Istanbul would be fateful for both of them,¹³⁵ his reform program was part of a global consideration of the "Eastern question."¹³⁶ Likewise, what applied to Tunisia was equally applicable to the rest of the Ottoman domains, given the commonality of their essential problems.¹³⁷

Khayr al-Din's audience consisted of two groups, the statesmen (*umara'*) and the ulama, without ignoring the general public. First of all, his book was "an appeal to those statesmen and savants having enthusiasm and resolution to seek all possible ways leading to the improvement of the condition of the Islamic *ummah* and the promotion of the means of her civilizational development."¹³⁸ Second, it was "a warning for the heedless among the Muslim masses against their persistent rejection of what is praiseworthy and in conformity with our Law in the conduct of others, simply because they are possessed by the idea that the behavior and organization of non-

Muslims must be renounced.”¹³⁹ As expected, the thrust of his argument was directed to statesmen and scholars, for these two elites were primarily responsible for their fellow Muslims’ well-being. Likewise, he was offering them a program to help them fulfill their duties toward the community. This program was derived from a long study of why nations declined and progressed, especially of the factors that led “the European kingdoms” to attain “their present strength and worldly power.”¹⁴⁰ He tried to acquaint Muslims with how the Europeans had attained that position so that they could “choose from them what is *suitable to our own situation* and at the same time supports and is *compatible with our Shari’ah*, so that we may be able to restore what was taken from our hands and by using it overcome the present predicament of negligence existing among us.”¹⁴¹ To make his program convincing and appealing, he assured both elites that his argument was based on both “traditional and rational” considerations.¹⁴²

Khayr al-Din was mainly interested in “the expansion in the scope of the sciences and knowledge, the smoothing of the paths to wealth in agriculture and trade, the promotion of all industries, and the elimination of the causes of idleness.”¹⁴³ But these were not the ultimate or only reasons; rather, they were consequent upon other more fundamental factors. To him, the main condition for all of this was “good government from which is born security which in turn gives rise to hope, wherefrom follows excellence in work.”¹⁴⁴ This is the essence of the *tanzimat* “which rest on two pillars – justice and freedom – both of which are two fundamental things in our Shari’ah”¹⁴⁵ ... [which] are the prerequisites for strength and soundness in all kingdoms.”¹⁴⁶ If Ibn Khaldun considered injustice to be the root cause of a state’s fall, Khayr al-Din saw the absence of freedom as the cause of almost all social and political ills. For him, “if liberty is lost in the kingdom, then comfort and wealth will disappear, and poverty and rise in prices will overwhelm its people, and their perceptiveness and vigor will be weakened, as reason and experience reveal.”¹⁴⁷

In his argument for the legitimacy of borrowing from non-Muslims, Khayr al-Din started from the same premise as Qabadu and many other nineteenth-century Muslim reformist thinkers. Adopting modern science and technology as developed by the Europeans, Qabadu argued, is a Qur’anic imperative whereby Muslims are required to acquire whatever enables them to promote the cause of Islam and deter its enemies.¹⁴⁸ Qabadu went even further by reminding his fellow Muslims that modern sciences had actually been started and pursued by such Muslim sages as Ibn al-Haytham, and that by adopting them Muslims would only be restoring what they had lost.¹⁴⁹ Khayr al-Din extended this argument to institutions and modes of organization. In

his view, the necessary progress and strength needed by Muslims could not be achieved in the absence of the *tanzimat* institutions, whose success the European experience had proven beyond doubt.¹⁵⁰ Referring to historical precedents from the period of Prophet Muhammad and afterward to show the Muslims' openness to benefiting from other people's achievements, Khayr al-Din argued on the basis of a prophetic tradition enjoining Muslims to seek wisdom wherever they find it. The pursuit of truth, he insisted, was characteristic of Muslims regardless where it might be found.¹⁵¹

Leaving aside the details of the material he used to construct his argument, the quintessence of his reform project's theoretical content will now be presented. As one contemporary writer has observed, Khayr al-Din was a keen student of Islamic thought who could make use of the rich legacy of scholars like al-Mawardi and Ibn Khaldun. He developed an original synthesis of "authenticity and modernity" and presented Islamic teachings in "a more dynamic and efficient way," one that responded creatively to the demands of the modern age.¹⁵² To remove or at least attenuate Muslim suspicion about the *tanzimat's* non-Muslim origin, Khayr al-Din argued that these institutions were a recent development in Europe. According to him, Europe, which had previously been sunk in "ignorance and oppression," possessed no unique factors, such as "fertility or temperateness of its regions, for similar or even better conditions are found in other parts of the world,"¹⁵³ that could account for such progress. Neither could such progress be attributed to Christianity, which, due to its asceticism and retirement from the world, forbade mingling with political life and mundane affairs.¹⁵⁴ Moreover, the *tanzimat* had a universal character, for the fundamental criterion for judging them was their efficiency as a means to progress and a better organization of the state and society.¹⁵⁵

Khayr al-Din also settled the legitimacy aspect by arguing for the *tanzimat's* neutral character vis-à-vis European religious culture so that it would look sound from the Islamic viewpoint and, hence, would be acceptable to the ulama. However, the *tanzimat* had other implications, especially at the political and administrative levels, which might make the absolute rulers suspicious. Here, many hindrances needed to be removed, namely, the deep-seated practices of governance and administration that certain ulama had justified in theoretical terms.

Khayr al-Din based his view on the following premises: It is "God's custom in His world that justice, good management and an administrative system duly complied with, be the causes of the increase in wealth, lives and produce,"¹⁵⁶ and that "the contrary should cause diminution in all that."¹⁵⁷ Since injustice and oppression are part of humanity's natural propensities,

these propensities “are such that unrestricted authority for kings brings about all sorts of injustice and oppression.”¹⁵⁸ Thus, *shura* (consultation) is such a fundamental Islamic principle that God prescribed it even on “His infallible Prophet, although he could have dispensed with it thanks to the Divine inspiration and thanks also to the many perfections which God placed in him.” The underlying reason for doing so was “that it [*shura*] should become a tradition incumbent upon rulers after him.”¹⁵⁹

Shura does not operate on its own, however, for its implementation requires certain mechanisms identified by Khayr al-Din with the concepts of *al-amr bi al-ma`ruf* (commanding right and forbidding wrong) and *ahl al-hall wa al-`aqd* (those who loosen and bind). In fact, he saw an essential and dialectical relationship between the necessity of political authority (*wazi`*) and the need for *ahl al-hall wa al-`aqd* in human society. For this, he drew on the views of such classical Muslim scholars as al-Mawardi, al-Ghazzali, and Ibn Khaldun. He maintained that political authority is “essential for the maintenance of the human species” to restrain the individuals’ inclination to infringe upon one another’s rights and is necessary to preserving order and security in society. However, this authority needs to be checked and restrained, for if the person exercising it “were left to do as he pleases and rule as he sees fit, the fruits expected from the need of establishing such an authority in the *ummah* will not come about, as the original state of heedlessness would remain unabated.”¹⁶⁰ Borrowing Ibn Khaldun’s typology of the revealed and rational laws that are necessary for social life, Khayr al-Din warned that such laws are always prone to violation by the people. It is, therefore, “incumbent upon the ulama and the notables of the *ummah* to resist [the] evil” resulting from such violations.¹⁶¹

Since the statesmen and the ulama were responsible for the *ummah*’s well-being and progress, he visualized a harmonious association between them that would enable them to work together as one body “for the benefit of the *ummah* by furthering her interests and warding off her harms.”¹⁶² This association is “one of the most important duties in the Shari`ah for making the public interest prevail.”¹⁶³ To show the necessity of this collaboration, he relied on *usul al-fiqh* literature concerning the conditions of *ijtihad*. He argued that “just as the administration of the Shari`ah rulings depends on knowledge of the texts, so too it depends upon knowledge of the circumstances that should be considered in implementing those texts.”¹⁶⁴ Otherwise, great harm will befall the *ummah*; if the ulama keep away from the rulers, they will close upon themselves “the doors leading to knowledge of those circumstances” and open “the doors to the tyranny of the rulers” who would then be ruling “without restraint.”¹⁶⁵

Moreover, most rulers cannot carry out the government's political functions "in accordance with the Shari`ah principles for various reasons." Accordingly, since the harm resulting from their unrestrained conduct is obvious, "the leading ulama are rightly suited to examine the politics of their countries, consider the imperfections occurring in their domestic and foreign affairs, and assist the political leaders in the organization of the *tanzimat*, patterned according to the Shari`ah." They should consider realizing the *ummah's* interest by promoting what is beneficial and keeping to a minimum what is harmful.¹⁶⁶ For Khayr al-Din, all of this is an integral part of *siyasah shar`iyah*,¹⁶⁷ which is grounded in Islam's social laws. These laws, which allow no class discrimination, are founded on the concept of "people's absolute equality of rights and constitute the ideal of justice that many eminent men struggled to achieve in European [legal] codes."¹⁶⁸

He then demonstrated the equivalence between these Islamic concepts and institutions and their European counterparts. For him, Europe's establishment of councils and freedom of the press had the sole purpose of fulfilling the ulama's role of "commanding good and preventing evil." In both cases, the objective is to require "an accounting from the state in order that its conduct may be upright, even though the ways leading to this end may differ." He believed that Muslim rulers feared the ulama, just as European kings feared "the councils and the public opinion proceeding from them and from the freedom of the press."¹⁶⁹

Nevertheless, some more serious objections still had to be answered. In an attempt apparently designed to win over the ruler, he admitted "the possibility of finding among kings one who conducts properly the affairs of the kingdom without consulting the *ahl al-hall wa al-`aqd* and is motivated by the love of justice to seek the aid of an informed and faithful minister to advise him in complicated matters of public interest." But this is something "rare and not to be taken into account as it depends on qualities that are seldom combined in one person," and even if we assume that "these qualities were combined in a permanent manner in one person, they would disappear with his death."¹⁷⁰ Thus the *ummah's* fate must not be left to a single individual, whatever his personal qualities and merits; hence, the necessity of "the participation of *ahl al-hall wa al-`aqd* in fundamental political matters, with the responsibility for direct administration of the kingdom placed on the executive ministers in accordance with precise laws suitable to the situation of the kingdom."¹⁷¹ He further adduced that those "kingdoms administered without well-observed laws under the supervision of *ahl al-hall wa al-`aqd* will be limited in their best as well as in their worst to the person of king." Thus, "their success will depend on his competence and uprightness."¹⁷²

The political participation of those qualified to loosen and bind might still be opposed on the ground that it “would be a restriction of the imam’s jurisdiction and his executive powers.”¹⁷³ Relying on al-Mawardi’s *Al-Ahkam al-Sultaniyah*, Khayr al-Din dealt with this via the classical Islamic idea of *wizarat al-tawfid*, defined as the imam appointing a minister to whom “he delegates authority to administer affairs as he sees fit and to execute them in accordance with his own independent judgment.” In al-Mawardi’s view, the Qur’anic account of Prophet Moses and his brother Aaron supports this delegation of authority.¹⁷⁴ If this is acceptable and “is not deemed a diminution” of the imam’s authority, Khayr al-Din argued, “then his sharing of power with a group – *ahl al-hall wa al-`aqd* – in all aspects of policy is even more permissible because a group of opinions is more likely to attain the correct answer.”¹⁷⁵ After mentioning the views of some leading *kalam* scholars on this issue, he concluded that “it is thus clear how even more explicitly acceptable is consultation in general policy matters in the sense referred to here, for this is less extensive than consultation in all executive acts.”¹⁷⁶ According to him, this is nothing but the meaning and practice of *siyasah shar`iyah* as explained by authoritative Muslim scholars of various schools in the past.¹⁷⁷

To further bolster his view regarding the ulama’s necessary participation in policy making and show its possible positive results for both rulers and subjects, Khayr al-Din used the following parable:

The owner of a large garden, for example, in the management and care of his trees would not be able to do without the assistance of helpers knowledgeable about trees and what causes them to prosper and wither. Now it might happen that the owner of the garden wanted to cut some of the branches of his trees believing that would strengthen the roots and increase the fruit, but his helpers disagreed knowing from the basic principles of cultivation that pruning at that time would kill the tree at the roots. In such circumstances to obstruct the owner’s wish could not be considered a restriction on the scope of his supervision or his complete executive authority on his garden.

Similarly,

[T]he interests of the *ummah* and managing its policies are matters that do not come easily to everyone. In such circumstances to obstruct his will when he does something beyond the limits of permissible action is, as we have explained, a means of liberation from the unsoundness of the argument that consultation is a diminution of the imam’s authority. This is because his freedom of action concerning the condition of the subjects does not extend beyond the limits of public interest.¹⁷⁸

The foregoing exposition of Khayr al-Din's views reveals the main line of his reasoning. The previous two quotations clearly show that he viewed the established conception and old practices of governance as the major hindrances to any real reform. His argument against autocratic and despotic rule is carried out on two planes: 1) the necessity of definite laws determining the obligations and prerogatives of the ruler, his ministers, and other state officers, and 2) the need for the notables, especially the ulama, to help administer the *ummah's* political affairs. As he expressed his ideas in a classical Islamic language, we do not come across such terms as democracy, parties, or separation of powers. This is not due to his unawareness of current European political theories, but rather a matter of ideological orientation and calculated choice. Interested in those aspects of European life that could be relevant and suitable to Tunisian society, he maintained from the beginning that the purpose of describing Europe's worldly achievements "is that we may choose from them what is suitable to our own situation."¹⁷⁹ As Brown rightly said, Khayr al-Din was prepared "to learn from Europe unburdened by inferiority complex or mental anguish"; his was a "serious mind, [a] penetrating intellect that was used for specific and limited ends."¹⁸⁰

Despite his emphasis on freedom as a precondition for progress and development, he did not consider multi-party democracy necessary, given the prevailing circumstances of Tunisian society of his time. He argued that in establishing political liberty, one "has an obligation to take into consideration the situation of the inhabitants and the extent of their progress in knowledge and sciences in order to know when it is possible to grant complete liberty and when it is not possible."¹⁸¹ Although he saw the need for radical reforms that conformed with the country's needs and the people's values, he believed that only through perseverance and by adapting the new institutions could such reforms succeed and not become counterproductive. For him, reform was not merely substituting the archaic Muslim institutions with "a regime of hybrid of European institutions" that would be transplanted in countries "where people's temperament, lifestyles, education and environment are different."¹⁸²

In addition, he worried about the loyalty of the non-Muslim European colonists then living in Tunisia and the devious maneuvering by European consuls to which they were subject.¹⁸³ As Ottoman and Tunisian history had shown, such people were, thanks to the capitulations regime, being manipulated, as he put it, "for purposes which cannot be hidden."¹⁸⁴ Fully aware of the capitulations' crucial role "as an expression of the unequal power relationship on the international level,"¹⁸⁵ he saw the attitude of the European powers as an "obstacle to the success of the *tanzimat* in all Islamic coun-

tries.”¹⁸⁶ Using “old agreements [i.e., capitulations]¹⁸⁷ no longer consonant with the time,” those powers openly opposed their subjects’ submission to “the laws of the Muslim countries in which they reside.”¹⁸⁸ Moreover, European governments infringed upon Muslim sovereignty by exploiting the local governments’ weaknesses and corruption, and their consuls extended their protection to local inhabitants, including Muslims. Hence, the category of *protégés* came about and did serious harm to Tunisia. According to Khayr al-Din, granting full liberty without considering the consequences of these obstacles would only “facilitate their [i.e., Europeans’] purposes,” because such liberty requires, as a precondition, “the agreement among all of the subjects concerning the interest of the kingdom and the strengthening of the state.”¹⁸⁹ With this in mind, Khayr al-Din was mainly concerned with securing good government and effective administration, together with a system of accountability that would eventually unite the people, restore their confidence in the state, establish security and order in their life, and instill in them hope and motivation for work.¹⁹⁰

Educational Reform and the Ulama

Besides the socio-political aspects of Khayr al-Din’s program,¹⁹¹ there is the matter of education. As a resolute advocate of modernizing Muslim education, he built on Ahmed Bey’s achievements. But since his priorities differed, he focused on Europe’s institutions of learning and educational systems. Believing that “encouraging the sciences and facilitating their use” were the main factors behind Europe’s progress,¹⁹² he studied its educational systems, especially France’s, including the different levels of schooling, the disciplines studied, the curriculum, and the institutions disseminating knowledge.¹⁹³

Khayr al-Din believed that Europeans had developed libraries “in all branches of “knowledge” “out of their desire to expand knowledge,” which is “the foundation of human progress and civilization.”¹⁹⁴ For him, the “great difference in the stock of knowledge [among European countries] reveals how freedom influences the kingdoms.”¹⁹⁵ Yet he was not merely interested in the libraries’ quantitative aspect; rather, he was far more concerned about how people could benefit from the libraries’ acquisitions.¹⁹⁶ His interest in knowledge and education found its specific translation in the policies and programs he strove to implement when he was Tunisia’s premier (1873-77).¹⁹⁷ Khayr al-Din personally chaired the sessions that prepared the programs and policies of educational reform, thereby showing how important education was to him.¹⁹⁸ In Tunisia’s capital and other major cities, he encouraged “the rehabilitation and expansion of schools.”¹⁹⁹

Khayr al-Din's educational reform sought to reorganize Islamic education in the Zaytuna and found a new school: the Collège Sadiki. Through his minister of education and public works, General Muhammad Hussein, he introduced several changes in the Zaytuna. For example, the Zaytuna's studies were divided into high, intermediate, and elementary levels, and a records system was introduced so that each student would have a study book for "the courses he would study, an assessment of his performance and work, and his exam results."²⁰⁰ This new school was significant, for instead of rehabilitating the Bardo, Khayr al-Din seems to have tried to distance his reform program from previous experiments. Nowhere in his *Aqwam al-Masalik* and *Mémoires* does he mention the most outstanding ones, namely promulgating the constitution and establishing the Grand Council. Most likely, he wanted to give the impression that his program was different from the framework, orientation, and objectives of the earlier ones.

The Collège Sadiki's main goal was to train the civil servants needed by the state bureaucracy.²⁰¹ A special fund was created to ensure its continuity and financial support.²⁰² In addition to Islamic subjects, in which it followed the Zaytuna system, its curriculum included mathematics, physical and natural sciences, social studies, and foreign languages.²⁰³ As one Tunisian historian has observed, "the means of acceding to a culture open to the modern world were provided for" the school's students.²⁰⁴ These aspects of educational reform were consolidated through three things. 1) a national library was founded and received, as its first gift, 1,100 manuscripts donated by Khayr al-Din²⁰⁵; 2) Islamic endowments were reorganized by creating a Jam'iyyat al-Awqaf. Its chairman, Bayram V, was responsible for administering religious foundations and ensuring "that the revenue derived from them was used for the purpose for which it was intended."²⁰⁶ This was very significant, because these endowments were the major source of financial support of Islamic education in Tunisia; and 3) renewing *Al-Ra'id at-Tunisi* and reactivating the Official Press, both of which were founded in 1860 but had fallen into neglect and idleness. While Muhammad al-Sanusi, a reform-inclined young *`alim* succeeded the French Arabist Mansour Carletti as editor, Bayram V became director of both the press and the gazette.²⁰⁷ As a result, more of classical works in Islamic jurisprudence, prophetic traditions, and history, and similar subjects were published. All of these reforms were crucial to the rise of a dynamic intellectual and cultural activity. They also had a great impact on Tunisian circles, which would continue long after the French occupation, by widening the reach of reformist thinking and raising the literate elite's awareness of the many aspects of modern European developments in thought and life.²⁰⁸

Finally, Khayr al-Din's relationship with the ulama and the latter's attitude toward the reformist current and involvement therein is worthy of attention here. The cooperation between the ulama and rulers was manifested in the appointment of several ulama to various positions in his government. This was not, however, the only form that such cooperation took. Rather, it had rather a much deeper aspect, that of an intellectual cooperation that shaped the ideas expressed in *Aqwam al-Masalik*. Without casting unnecessary doubt on Khayr al-Din's personal qualifications,²⁰⁹ the scholarly contribution of the Zaytuna ulama to this book has raised the interest of some writers. We have already indicated Khayr al-Din's intimate relationship with people like Qabadu and Ibn Abi al-Diyaf and mentioned some of the ulama involved in implementing his reforms. What is of special significance here is, however, the intellectual affinity whereby *Aqwam al-Masalik* can be seen as a reflection of a general reformist current with Khayr al-Din as its mouthpiece.

After his resignation in 1862, Khayr al-Din devoted himself to his group of friends and disciples, who included both scholars and politicians. They would come to him somewhat secretly, discuss and refine their reformist doctrines, all the while reflecting on the obstacles that undermined previous attempts. The outcome of this activity was "the seminal book *Aqwam al-Masalik fi Ma'rifat Ahwal al-Mamalik* written by Khayr al-Din."²¹⁰ Thus, this book was the result of collective thinking that harmonized the reformist ideas that had grown over a few decades.

While "the over-all unity and logical consistency of the book make clear that, in any case, a single mind guided its final development,"²¹¹ the material used to develop its argument requires special consideration. Some scholars have correctly observed that this work is firmly rooted in the classical Islamic intellectual tradition.²¹² But the issue here implies more than this general aspect. Its impressive and appropriate references to previous Islamic scholars can be classified into two groups: such figures as al-Mawardi, al-Ghazzali, and Ibn Khaldun, and another group of scholars like Sa'd al-Din al-Taftazani, al-Sharif al-Jurjani, al-Mawwaq, al-Qarafi, Ibn 'Aqil, Ibn Qayyim al-Jawziyyah, 'Abd al-Hakim al-Siyalkuti, and Ibn al-'Arabi.²¹³ As a general, though adequate, knowledge of Islamic thought may not be sufficient for one to be familiar with these scholars' subtle ideas and arguments, it has been suggested that "only ulama would normally be expected to know" them.²¹⁴

Accordingly, Khayr al-Din's collaboration with reformist ulama in writing and developing this book's argument assumed the form of specific assignments, whereby some ulama grounded its ideas in a classical Islamic theoretical framework. Among Khayr al-Din's close collaborators in this regard, Salim BuHajib has been mentioned as the most influential sup-

porter and propagator of reformist ideas, thanks to his high standing.²¹⁵ Some believe that he provided Khayr al-Din not only with the relevant juridical material, but also was the book's final editor and an active member of the reformist movement.²¹⁶ Putting this point into relief is not, therefore, a matter of "*jalousie de cleric*," as Morsy has opined,²¹⁷ but rather a matter of textual and historical evidence.²¹⁸

Conclusion

The spirit that guided the Islamic reformist actions in Tunisia was one of realizing an original and dynamic synthesis of modern life and Islamic values and principles in order to restore Muslim grandeur and sovereignty. Its agents, especially Khayr al-Din, knew what was needed to achieve such a goal and what could undermine it. An important aspect of this involved the ulama's contribution to shaping the theoretical content of this undertaking, as epitomized in *Aqwam al-Masalik*. This illustrated one of its key ideas, namely, the cooperation between statesmen and religious scholars in devising the necessary reforms.²¹⁹ The colonial powers, however, had already decided the fate of this cooperation and of Muslim reform endeavors both at home and abroad, as reformists had to face the inertia or ill will of their compatriots and the covetous desires of Europe at the same time.²²⁰ Combined domestic intrigue and European pressure forced the great spokesman of Tunisian reformism to quit office (1877) and seek a chance to pursue his program from Istanbul.²²¹ The establishment of the French protectorate in 1881, after Europe had agreed upon it at the Berlin Conference in June 1878,²²² dealt Tunisia the fatal blow and revealed the futility of homegrown reform and self-conceived renewal in relation to imperialist schemes and ends. Yet Khayr al-Din's allies would continue the struggle for reform most probably with a new agenda and under different forms – a subject worthy of study but one that lies beyond the limits of this article.

Endnotes

1. Hammuda Pasha was the third ruler in Husaynid dynasty, which was established in 1705 by Hussein bin Ali and lasted until 1957. See further details in Hammadi al-Sahli, *Fusul fi al-Tarikh wa al-Hadarah* (Beirut: Dar al-Gharb al-Islami, n.d.), 42-44; Leon Carl Brown, *The Tunisia of Ahmad Bey: 1837-1855* (Princeton University Press: 1974), xv-xviii.
2. Sheikh Muhammad Bayram V, *Safwat al-I'tibar bi-Mustawda` al-Amsar wa al-Aqtar*, ed. Ali ben al-Tahir al-Chenoufi et al. (Tunis: Bayt al-Hikmah, 2000), 2 :424-34.

3. Muhammad al-Fadil ibn `Ashur, *Al-Harakah al-Adabiyah wa al-Fikriyah fi Tunis* (Tunis: al-Dar al-Tunisiyyah li al-Nashr, 1983), 27-28; Ma`n Ziyadeh, *Khayr al-Din wa Kitabh Aqwam al-Masalik fi Ma`rifat Ahwal al-Mamalik* (Beirut: al-Mu`assasah al-Jami`iyah li al-Dirasat wa al-Nashr, 1405/1985), 36; Carl Brown, "Part One: An Appreciation of the Surest Path" (hereinafter in "An Appreciation") in *The Surest Path: The Political Treatise of a Nineteenth-century Muslim Statesman* (hereinafter *The Surest Path*, being Brown's English translation of Khayr al-Din's *Aqwam al-Masalik*) (Cambridge, MA : Center for Middle Easter Studies, Harvard University, 1967), 25.
4. Cf. Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey* (Cambridge University Press: 1977), 2:1-54. On the similarities between Ahmad Bey's and Muhammad Ali's reforms, see Ziyadeh, *Khayr al-Din*, 25-29.
5. Ahmed Ibn Abi al-Diyaf (1804-74), a Tunisian scholar and statesman who had graduated from the Zaytuna Mosque-University, started his career in 1822 as a court witness. Shortly afterward, he was chosen as private secretary of Hussein Bey, a post he held under six successive *beys* until his retirement in the late 1860s. His *Ithaf Ahl al-Zaman bi Akhbar Tunis wa Muluk `Ahd al-Aman* (Tunis: 1963-68) is a primary source for Tunisian history during that period.
6. Ahmad ibn Abi al-Diyaf, *Ithaf Ahl al-Zaman bi Akhbar Tunis wa Muluk `Ahd al-Aman*, ed. Ahmad Abdesselem (Tunis: Soci t  Tunisienne de Diffusion, 1985), 6:70.
7. Ibn `Ashur, *Al-Harakah*, 29; Nicola Ziyadeh, *A`lam `Arab Muhdathun* (Beirut: al-Ahliyyah li al-Nashr wa al-Tawzi`, 1994), 105.
8. Calligaris was a Sardinian Arabist who had worked as instructor in the Ottoman army. Brown, *The Tunisia of Ahmad Bey*, 292.
9. He begins the first part of his memoirs, "A mes enfants: ma vie priv e et politique," by saying: "Although I know for sure that I am a Circassian, I have not retained any precise memories of my original country nor of my parents." Mohamed-Salah Mzali and Jean Pignon, *Khereddine homme d' tat: M moires* (Tunis: Maison Tunisienne de L'adition, 1971,0, 17; cf. al-Sahli, *Fusul*, 70.
10. Abu al-Qasim Muhammad Kirru, *A`lamuna: Khayr al-Din* (Tunis: Dar al-Maghrib al-`Arabi, 1970 [1958]), 19.
11. Ibn Abi al-Diyaf, *Ithaf*, 6 :101-02.
12. *Ibid.*, 6:101.
13. *Ibid.*, 6:84; cf. Bayram V, *Safwat al-I`tibar*, 2:435.
14. Muhammad al-Tahir ibn `Ashur, *Alaysa al-Subhu bi Qarib: Al-Ta`lim al-`Arabi al-Islami: Dirasah Tarikh yah wa Ara' Islahiyah*, ed. Mohamed El-Tahir El-Mesawi (Kuala Lumpur: Dar al-Tajdid, 1423/2002),176-84.
15. Ibn Abi al-Diyaf, *Ithaf*, 6: 125; Brown, *The Tunisia of Ahmad Bey*, 322-23.
16. Khayr al-Din's birth date remains uncertain. If we accept Chenoufi's estimation of 1922, the latter must have been twenty-six when slavery was abolished. Khayr al-Din al-Tunisi, *Aqwam fi Ma`rifat Ahwal al-Mamalik*, ed. al-Moncef al-Chenoufi (Tunis: Bayt al-Hikmah, 2000), 1:11 (editor's introduction).

17. During a visit to Istanbul in 1842, Ibn Abi al-Diyaf persuaded Qabadu to return home and got him a teaching post in the Bardo Polytechnic School. Omar ben Salem, "Mahmud Qabadu," *Da'irat al-Ma'arif al-Tunisiyah*, no. 1 (1990): 48.
18. Ibn `Ashur, *Al-Harakah*, 33.
19. *Ibid.*, 29; Ben Salem, "Mahmud Qabadu," 48. Khayr al-Din and other students of the school translated forty books in various disciplines. Al-Sahli, *Fusul*, 69.
20. Ibn `Ashur, *Al-Harakah*, 29-30.
21. This introduction's full text has been reproduced in Mahmud Qabadu, *Diwan Qabadu*, ed. Omar ben Salem (Tunis: Markaz al-Dirasat wa al-Abhath al-Iqtisadiyyah wa al-Ijtima'iyah, 1984), 2:37-57. Qabadu's *Diwan* (collection of poems) was first compiled and published by his student Muhammad al-Sanusi (1851-1900) in 1877 and included the said introduction. Antoine-Henri baron de Jomini (1779-1869), a Swiss general and military writer, authored the translated book, entitled *Précis de l'art de la guerre* (1836).
22. Qabadu, *Diwan*, 1:132-33 and 2:48-49; Fahmi Jad'an, *Usus al-Taqaddum `inda Mufakkirin al-Islam* (Amman: Dar al-Shuruq, 1988), 126-27; Ibn `Ashur, *Al-Harakah*, 31.
23. On Khayr al-Din's origin and early life, see Ahmad Amin, *Zu`ama' al-Islah fi al-Asr al-Hadith* (Cairo: Maktabat al-Nahdah al-Misriyyah, 1946), 144-52; Muhammad al-Fadil Ibn `Ashur, *Tarajim al-A`lam* (Tunis: al-Dar al-Tunisiyyah li al-Nashr, 1970), 47-49; al-Sadiq al-Zamerli, *A`lam Tunisiyyun*, tr. from the French by Hammadi al-Sahli (Beirut: Dar al-Gharb al-Islami, 1986), 97-98; and Chenoufi, in his introduction to *Aqwam al-Masalik*, 1:11.
24. For more detail on Khayr al-Din's missions and positions during Ahmad Bey's rule, see al-Chenoufi's table in his introduction to *Aqwam al-Masalik*, 1:11-12; Amin, *Zu`ama' al-Islah*, 151-55.
25. Brown, *The Tunisia of Ahmad Bey*, 353.
26. On the nature and fate of Ahmad Bey's reform program, see *ibid.*, 237-367 and Ma'n Ziyadeh's introduction to his edition of *Aqwam al-Masalik* (Beirut: al-Mu'assassah al-Jami'iyah li al-Dirasat wa al-Nashr, 1405/1985), 11-19.
27. On the precarious situation in nineteenth-century Tunisia and the kinds of obstacles facing all reform endeavors, see Brown, "An Appreciation," 13-36; Amin, *Zu`ama' al-Islah*, 151-83. See also Ibn Abi al-Diyaf's chronicle of Ahmad Bey, to whom he devoted volume 6 of his *Ithaf*.
28. Khayr al-Din, *Aqwam al-Masalik* (Chenoufi's edition), 1:157; Ziyadeh's edition, 266; *The Surest Path*, 136.
29. Brown, *The Tunisia of Ahmad Bey*, 295n.
30. This appointment was significant, because Bardo was the official seat of the bey and most of the government high officers.
31. Muhammad al-Sanusi, "Introduction to Qabadu's Collection of Poems," in *Diwan Qabadu*, 2:113.
32. Arnold H. Green, *The Tunisian Ulama: 1973-1915* (Leiden: Brill, 1978), 106.

33. Muhammad Mahfud, *Tarajim al-Mu'allifin al-Tunisiyin* (Beirut: Dar al-Gharb al-Islami, 1405/1985), 4:43. This is clear in almost all of his long poems, even though most of their titles do not reflect such themes. See vol. 1 of his *Diwan*.
34. On Qabadu's life and thought, see Omar ben Salem, *Qabadu: Hayatuhu, Atharuhu wa Taqkiuhu al-Islahi* (Tunis: Centre d'Etudes et de Recherches Economiques et Sociales [CERES], 1975); also his edition of Qabadu's *Diwan* (which includes his scarce prose works) (Tunis: CERES, Literary Series No. 5, 1984).
35. Muhammad ibn al-Khujah, *Safahat min Tarikh Tunis*, ed. by Hammadi al-Sahli et al. (Beirut: Dar al-Gharb al-Islami, 1986), 487-88.
36. Ibn Abi al-Diyaf, *lthaf*, 8:165; Mahfud, *Tarajim*, 3:300.
37. Ibn `Ashur, *Tarajim*, 141-42. Interestingly, both scholars were the grandfathers of Tunisia's most prolific scholar and torch-bearer of Islamic reform in the twentieth century, namely, Muhammad al-Tahir ibn `Ashur (1879-1973).
38. The high esteem and authority enjoyed by Ibrahim al-Riyahi can be inferred from the superlatives used by Ibn Abi al-Diyaf, who described him as *shaykh al-`asr* (master of the time) and *`alim al-millah* (scholar of the community). *lthaf*, 6:50, 127, 136 and 8:158, 165, 171.
39. Green, *The Tunisian Ulama*, 106.
40. Brown, "An Appreciation," 24-25; Jamil M. Abun-Nasr, *A History of the Maghrib in the Islamic Period* (Cambridge University Press, 1987), 273.
41. Ibn Abi al-Diyaf, *lthaf*, 6:93 and 99. The author, who was sent with Khayr al-Din on a mission to seek clarification on the meaning and implications of the *tanzimat*, clearly shows his high appreciation of these reforms. The bey, however, was suspicious of them. *Ibid.*, 94-98, 106; cf. Brown, *The Tunisia of Ahmad Bey*, 225, 239, and passim. However, Ahmad Bey had expressed feelings of remorse vis-à-vis his drift from the Ottoman capital. Ibn Abi al-Diyaf, *lthaf*, 6:184-85.
42. Al-Sahli, *Fusul*, 73; Brown, "An Appreciation," 27.
43. Bayram V, *Safwat al-I'tibar*, 2:438.
44. See the full text of this document in *ibid.*, 2:439-44.
45. Green, *The Tunisian Ulama*, 104.
46. Bayram V, *Safwat al-I'tibar*, 444.
47. *Ibid.*, 445.
48. Ibn Abi al-Diyaf, *lthaf*, 6:99.
49. Chenoufi, in his introduction to *Aqwam al-Masalik*, 1:31; al-Sahli, *Fusul*, 74.
50. Bayram, *Safwat al-I'tibar*, 2:451-52.
51. Ibn Abi al-Diyaf, *lthaf*, 6:99.
52. Green, *The Tunisian Ulama*, 104.
53. Al-Sahli, *Fusul*, 75.
54. Cf. Ibn `Ashur, *Al-Harakah*, 37.
55. Brown, "An Appreciation," 28.
56. Al-Sahli, *Fusul*, 77; Abun-Nasr, *A History of the Maghrib*, 278.
57. Green, *The Tunisian Ulama*, 104.
58. *Ibid.*, 115.

59. Khayr al-Din, *Aqwam al-Masalik*, 1:136-38 and 226-34; Ibn Abi al-Diyaf, *lthaf*, 6:70; Ben Salem, *Qabadu*, 48-55.
60. Al-Sahli, *Fusul*, 73-74.
61. Brown, "An Appreciation," 28.
62. *Ibid.*, 28-29.
63. Bayram V, *Safwat al-I'tibar*, 2:443.
64. Chenoufi, in his introduction to *Aqwam al-Masalik*, 1:32-33.
65. Abun-Nasr, *A History of the Maghrib*, 277.
66. *Ibid.*, 33-34.
67. Ibn Abi al-Diyaf, *lthaf*, 6:44; Brown, *The Tunisia of Ahmad Bey*, 220-22.
68. Bayram V, *Safwat al-I'tibar*, 2:453.
69. *Ibid.*, 431.
70. *Ibid.*, 452.
71. Brown, *The Tunisia of Ahmad Bey*, 340.
72. Bayram V, *Safwat al-I'tibar*, 2:431 and 454.
73. Ibn Abi al-Diyaf, *lthaf*, 6:190.
74. Chenoufi, in his introduction to *Aqwam al-Masalik*, 1:31.
75. Brown, *The Tunisia of Ahmad Bey*, 342.
76. Bayram V, *Safwat al-I'tibar*, 2:431 and 454-59.
77. Ibn Abi al-Diyaf, *lthaf*, 6:185-87.
78. Bayram V, *Safwat al-I'tibar*, 2:431.
79. *Ibid.*, 2:432.
80. Brown, *The Tunisia of Ahmad Bey*, 345.
81. Ibn Abi al-Diyaf, *lthaf*, 6:192. See the detailed story of Bin `Ayyad's maneuverings and their detrimental consequences in the last years of Ahmad Bey's rule in *lthaf*, 185-97; *Safwat al-I'tibar*, 1:432-34; Brown, *The Tunisia of Ahmad Bey*, 335-49. Bayram also provides revealing figures (more than 27 million old francs) as to the value of the government funds and assets taken by Bin `Ayyad. *Safwat al-I'tibar*, 2:433. Note that the whole budget of the Tunisia at that time was barely 10 million francs. Chenoufi, in his introduction to *Aqwam al-Masalik*, 1:35.
82. Kirru, *A`lamuna*, 78.
83. Brown, *The Tunisia of Ahmad Bey*, 25.
84. *Ibid.*, 26.
85. Khayr al-Din, *Mémoires*, "A mes enfants, ma vie privée et politique," 19-22; Bayram V, *Safwat al-I'tibar*, 2 :432-33; Brown, "An Appreciation," 30. Khayr al-Din's task was no simple one. Bin `Ayyad had already obtained French nationality and thus sought, as a French citizen, protection from the French laws and authorities.
86. Brown, "An Appreciation," 31.
87. Byram V, *Safwat al-I'tibar*, 2:434-35; Abun-Nasr, *A History of the Maghrib*, 275.
88. Abun-Nasr, *A History*, 276.
89. Byram V, *Safwat al-I'tibar*, 2:434.

90. Ibid., 435.
91. Chenoufi, in his introduction to *Aqwam al-Masalik*, 1:35.
92. Al-Sahli, *Fusul*, 78.
93. Byram V, *Safwat al-I'tibar*, 2:463.
94. Ibid., 461-62.
95. Khayr al-Din, *Mémoires*, "A mes enfants: ma vie privée et politique," 23.
96. Byram V, *Safwat al-I'tibar*, 2:462; Al-Sahli, *Fusul*, 78; Chenoufi's introduction to *Aqwam al-Masalik*, 1:12.
97. Ibn `Ashur, *Al-Harakah*, 38.
98. Abun-Nasr, *A History of the Maghrib*, 279.
99. Leon Roches was France's consul from 1855 to 1863 and very close to the *bey*; Richard Wood was Britain's consul from 1855 to 1879 and an intimate friend of Khaznadar.
100. Abun-Nasr, *A History of the Maghrib*, 279.
101. Ibid.
102. Byram V, *Safwat al-I'tibar*, 1:438.
103. Ibid., 1:754; cf. Amin, *Zu'ama' al-Islah*, 157.
104. Chenoufi, in his introduction to *Aqwam al-Masalik*, 1:32.
105. Abun-Nasr, *A History of the Maghrib*, 281.
106. Ibid.
107. Al-Sahli, *Fusul*, 78. Khayr al-Din describes these events as follows: "The Arabs [i.e., the rural population], no longer capable of bearing the despotic and unjust regime imposed on them, rose up in every part of the Regency. This formidable insurgency put the government on the verge of collapse." *Mémoires*, "A mes enfants: ma vie privée et politique," 23.
108. Byram V, *Safwat al-I'tibar*, 1:472-79.
109. Ibid., 465.
110. Abun-Nasr, *A History of the Maghrib*, 281.
111. Khayr al-Din, *Mémoires*, "A mes enfants: ma vie privée et politique," 26; al-Sahli, *Fusul*, 78; Abun-Nasr, *A History of the Maghrib*, 281.
112. Khayr al-Din, *Mémoires*, "A mes enfants: ma vie privée et politique," 27; Ibn `Ashur, *Al-Harakah*, 38; Al-Sahli, *Fusul*, 78.
113. Brown, "An Appreciation," 31. For a detailed description of the economic situation that led to these developments, see Bayram V, *Safwat al-I'tibar*, 2:492-506 (According to the figures provided by Sheikh Bayram V, debts consolidated by the Commission totalled 175 millions francs, the equivalent of more than 280 million Tunisian riyals, 43); Abun-Nasr, *A History of the Maghrib*, 278-83.
114. Abun-Nasr, *A History of the Maghrib*, 282.
115. Ibid., 282; Khayr al-Din, *Mémoires*, "Le Problème Tunisien," 169-70.
116. Ibn `Ashur, *Al-Harakah*, 37-38.
117. Abun-Nasr, *A History of the Maghrib*, 282. Commenting on the fatal consequences of Khaznadar's management, Khayr al-Din says: "It will be too long, though interesting, to analyze the totally disastrous and unethical administration

- which Moustapha Khaznadar imposed for 38 years on the unfortunate Tunisia.” Khayr al-Din, *Mémoires*, “A mes enfants: ma vie privée et politique,” 26.
118. Ibn Abi al-Diyaf, *Ithaf*, 5 :96.
 119. Ibn `Ashur, *Al-Harakah*, 38; Kirru, *A`lamuna*, 30.
 120. The Arabic edition came out in 1967 and was published by the Tunisian government Official Press. The author, interestingly, chose for the French translation of his treatise a title implying that his ideas related to the global Islamic context: *Réformes nécessaires aux pays musulmans: Essai formant la première partie de l'ouvrage politique et statistique intitulé: La Plus Sûre Direction pour Connaître l'état des nations*. This translation was done in Paris under the supervision of his close friend General Hussein (also asked to look after its Turkish, English, and Persian translations) and was published by the Imprimerie Administrative de Paul Dupont-Saint Honoré, Paris, 1868. Magali Morsy produced a new and annotated edition of it in 1987: *Essai Réformes Nécessaires aux Etats Musulmans*. In it only the Introductory (*Muqaddimah*) dealing with the theoretical part were included, whereas Books I & II dealing with the history of the Ottoman Empire and European and other countries were omitted.
 121. Albert Hourani, *Arabic Thought in the Liberal Age: 1798-1930* (Cambridge University Press: 1998 [1962], 88).
 122. Ibid.
 123. Jad`an, *Usus al-Taqaddum*, 126. A methodological similarity between the two is worthy of mention here. Like Ibn Khaldun's *Kitab al-Ibar*, Khayr al-Din's *Aqwam al-Masalik* consists of an Introduction (*Muqaddimah*) and Books (*Kutub*). The Introduction contains his conception and program of reform (1:93-208), while Books I & II deal with the history of the Ottoman empire and other countries, especially the great powers of Europe (1:211-525; 2:549-808).
 124. Khayr al-Din, *Aqwam al-Masalik*, 1:94; Brown, *The Surest Path*, 71.
 125. Ibn Khaldun, *The Muqaddimah*, tr. Franz Rosenthal, 2d ed. (Princeton University Press: 1967), 1:65.
 126. Khayr al-Din, *Aqwam al-Masalik*, 1:94; Brown, *The Surest Path*, 71-72.
 127. Khayr al-Din, *Aqwam al-Masalik*, 1:101; Brown, *The Surest Path*, 78. This issue has attracted the attention of many economists and other social scientists since Karl Marx critiqued classical political economy and capitalism.
 128. Chenoufi, “Introduction,” *Aqwam al-Masalik*, 1:40.
 129. Khayr al-Din, *Mémoires*, “Ma vie privée et politique,” 23-24.
 130. Khayr al-Din, *Aqwam al-Masalik*, 1:95-96; Brown, *The Surest Path*, 72-73.
 131. Khayr al-Din, *Aqwam al-Masalik*, 1:96; Brown, *The Surest Path*, 73.
 132. Khayr al-Din, *Mémoires*, “Ma vie privée et politique,” 23.
 133. On this aspect of Khayr al-Din's thought, see Ahmad Abdessalam, *Dirasat fi Mustalah al-Siyasah`inda al-`Arab* (Tunis: al-Sharikah al-Tunisiyyah li al-Nashr, 1985); Jad`an, *Usus al-Taqaddum*, 129-45. Contrary to the claims of some writers, Muslim intellectual circles including “traditional” ulama, at least in nineteenth-century Tunisia, did not wait until European Orientalists “discovered” Ibn Khaldun to become acquainted with this great Muslim philosopher-

historian's theories and sociological ideas and to use them in their writings. Ahmad Abdesselem, *Les Historiens Tunisiens des XVIIe, XVIIIe et XIXe Siècles* (Paris: Librairie C. Klincksieck, 1973), 107-109 and passim.

134. Abdesselem, *Les Historiens*, 110.
135. Khayr al-Din, *Mémoires*, "Ma vie privée et politique," 38.
136. Chenoufi, in his introduction to *Aqwam al-Masalik*, 1:45-47. In appreciation of Kayr al-Din's program, Sultan Abdul Hamid II invited him to Istanbul and appointed him grand vizir. See *Mémoires*, "Ma vie privée et politique," 51-55.
137. See endnote 120.
138. Khayr al-Din, *Aqwam al-Masalik*, 1:98; Brown, *The Surest Path*, 74.
139. Khayr al-Din, *Aqwam al-Masalik*, 1:98-99; Brown, *The Surest Path*, 74.
140. Khayr al-Din, *Aqwam al-Masalik*, 1:97; Brown, *The Surest Path*, 73.
141. Khayr al-Din, *Aqwam al-Masalik*, 1:97; Brown, *The Surest Path*, 73. (Italics added).
142. Khayr al-Din, *Aqwam al-Masalik*, 1:97; Brown, *The Surest Path*, 73. (Translation is mine, instead of Brown's "precedent or reasoning.")
143. Khayr al-Din, *Aqwam al-Masalik*, 1:98; Brown, *The Surest Path*, 74.
144. Khayr al-Din, *Aqwam al-Masalik*, 1:98; Brown, *The Surest Path*.
145. Khayr al-Din, *Aqwam al-Masalik*, 1:103; Brown, *The Surest Path*, 79. (Translation is mine.)
146. Khayr al-Din, *Aqwam al-Masalik*, 1:103; Brown, *The Surest Path*, 79.
147. Khayr al-Din, *Aqwam al-Masalik*, 1:194; Brown, *The Surest Path*, 165.
148. Qabadu, *Diwan*, 2:48. For this, Qabadu quotes Qur'an 8:60: "Hence, make ready against them whatever force and war mounts (*ribat al-khayl*) you are able to muster, so that you might deter thereby the enemies of God..."
149. *Ibid.*, 2:43. Building on Qabadu's views, Khayr al-Din took up the theme of the "rational and natural sciences" in a more detailed manner in his *Mémoires*, "Mon Programme," 128-30.
150. Khayr al-Din, *Aqwam al-Masalik*, 1:103-05; Brown, *The Surest Path*, 79.
151. Khayr al-Din, *Aqwam al-Masalik*, 1:99-103; Brown, *The Surest Path*, 75.
152. Jad'an, *Usus al-Taquddum*, 129.
153. Khayr al-Din, *Aqwam al-Masalik*, 1:104; Brown, *The Surest Path*, 80.
154. Khayr al-Din, *Aqwam al-Masalik*, 1:104; Brown, *The Surest Path*, 80.
155. Khayr al-Din, *Mémoires*, "Mon Programme," 133-34.
156. In this part of the quotation, Khayr al-Din uses Qur'an 2:155: "And most certainly shall We try you with something of fear and hunger, some loss in wealth, or lives, or fruits (of your labor)."
157. Khayr al-Din, *Aqwam al-Masalik*, 1:105; Brown, *The Surest Path*, 81.
158. Khayr al-Din, *Aqwam al-Masalik*, 1:106; Brown, *The Surest Path*, 81-82.
159. Khayr al-Din, *Aqwam al-Masalik*, 1:106; Brown, *The Surest Path*, 82; Khayr al-Din, *Mémoires*, "Mon Programme," 134-36.
160. Khayr al-Din, *Aqwam al-Masalik*, 1: 107-10; Brown, *The Surest Path*, 81-84.
161. Khayr al-Din, *Aqwam al-Masalik*, 1:108; Brown, *The Surest Path*, 84.

162. Khayr al-Din, *Aqwam al-Masalik*, 1:146; Brown, *The Surest Path*, 123-24 (Brown's translation slightly altered).
163. Khayr al-Din, *Aqwam al-Masalik*, 1:147; Brown, *The Surest Path*, 124.
164. Khayr al-Din, *Aqwam al-Masalik*, 1:147; Brown, *The Surest Path*, 124. (Translation partly mine.)
165. Khayr al-Din, *Aqwam al-Masalik*, 1:147; Brown, *The Surest Path*, 124.
166. Khayr al-Din, *Aqwam al-Masalik*, 1:147; Brown, *The Surest Path*, 125.
167. Khayr al-Din, *Mémoires*, "Mon Programme," 134.
168. *Ibid.*, 136.
169. Khayr al-Din, *Aqwam al-Masalik*, 1:109; Brown, *The Surest Path*, 84.
170. Khayr al-Din, *Aqwam al-Masalik*; Brown, *The Surest Path*, 85.
171. Khayr al-Din, *Aqwam al-Masalik*, 1:109; Brown, *The Surest Path*, 85.
172. Khayr al-Din, *Aqwam al-Masalik*, 1:112; Brown, *The Surest Path*, 88.
173. Khayr al-Din, *Aqwam al-Masalik*, 1:112; Brown, *The Surest Path*, 88.
174. Abu al-Hasan al-Mawardi, *Al-Ahkam al-Sultaniyah wa al-Wilayat al-Diniyah*, ed. Ahmad M. al-Baghdadi (Egypt: Dar al-Wafa' and Kuwait: Maktabat Dar Qutaybah: 1409/1989), 30-39.
175. Khayr al-Din, *Aqwam al-Masalik*, 1:113; Brown, *The Surest Path*, 89.
176. Khayr al-Din, *Aqwam al-Masalik*, 1:114; Brown, *The Surest Path*, 89-90.
177. In this regard, he quoted extensively from Hanafi jurist Muhammad ibn Hussein Bayram's (a.k.a. Bayram I, 1749-1830) *Risalah fi Siyasah Shar'iyah*. See Khayr al-Din, *Aqwam al-Masalik*, 1:114-15. Bayram I's epistle was recently edited and published in Dubai by Markaz Jum' al-Majid, 1423/2002.
178. Khayr al-Din, *Aqwam al-Masalik*, 1:114-15; Brown, *The Surest Path*, p.p. 92-93 (with slight alterations).
179. Khayr al-Din, *Aqwam al-Masalik*, 1:97; Brown, *The Surest Path*, 73.
180. Brown, "An Appreciation," 46.
181. Khayr al-Din, *Aqwam al-Masalik*, 1:151; Brown, *The Surest Path*, 130.
182. Khayr al-Din, *Mémoires*, "Mon Programme," 137.
183. In discussing the concept of freedom as understood by Europeans, Khayr al-Din distinguishes between personal liberty ("the individual's complete freedom of action over himself and his property, and the protection of his person, his honor and his wealth, and his equality before the law to others") and political liberty ("the demand of the subjects [*ra'aya*] to participate in the politics of the kingdom and discuss the best course of action"). While he accepts the first sense of freedom quite unreservedly, some reservation can be seen in respect of political liberty. In his view, there is a great likelihood that such freedom will "cause divergence of views and result in confusion." Yet he notes that Europeans have tried to avoid such negative results by electing a group of knowledgeable and virtuous people (*ahl al-ma'rifah wa al-muru'ah*) who form a "General Chamber of Deputies." For him, the concept of *ahl al-hall wa al-'aqd* is the Islamic equivalent of this body, "even though they are not elected by the people." Khayr al-Din, *Aqwam al-Masalik*, 1:190-94; Brown, *The Surest Path*, 160-64.
184. Khayr al-Din, *Aqwam al-Masalik*, 1:140; Brown, *The Surest Path*, 117.

185. Magali Morsy, "Présentation" in Khayr ed-Din, *Essai sur les Réformes Nécessaires aus Etats Musulmans*, presented and annotated by Magali Morsy (Aix-en-Provence: Edisud, 1987), 27.
186. Khayr al-Din, *Aqwam al-Masalik*, 1:142; Brown, *The Surest Path*, 118.
187. For Khayr al-Din, the capitulations were a "disastrous institution" that endowed its diplomatic agents [i.e. European consuls] "with exaggerated influence that was very damaging for the government's authority." Khayr al-Din, *Mémoires*, "Mon Programme," 139.
188. Ibid.
189. Khayr al-Din, *Aqwam al-Masalik*, 1:140; Brown, *The Surest Path*, 117.
190. Khayr al-Din, *Mémoires*, "Ma vie privée et politique," 35. Cf. Brown, "An Appreciation," 32-34.
191. On the implementation of Khayr al-Din's program through administrative organization and social and economic policies and an assessment of its success and/or failure see Jean Ganiage, *Les Origines du protectorat français en Tunisie (1861-1881)* (Paris: Presses Universitaires de France, 1959, 452-61); Abun-Nasr, *A History*, 286-288.
192. Khayr al-Din, *Aqwam al-Masalik*, 1:181; Brown, *The Surest Path*, 151.
193. Khayr al-Din provided detailed information on all of these aspects as the result of personal careful observation. Khayr al-Din, *Aqwam al-Masalik*, 1: 181-84; Brown, *The Surest Path*, 151-55.
194. Khayr al-Din, *Aqwam al-Masalik*, 1:186; Brown, *The Surest Path*, 156. In this regard, Khayr al-Din provided statistical details on libraries in many European countries, including even the ratio between the number of books and the population in each country. Khayr al-Din, *Aqwam al-Masalik*, 1:186-88; Brown, *The Surest Path*, 156-57.
195. Khayr al-Din, *Aqwam al-Masalik*, 1:188; Brown, *The Surest Path*, 157.
196. Khayr al-Din, *Aqwam al-Masalik*, 1:188-89; Brown, *The Surest Path*, 157-58.
197. For the sake of historical accuracy, it should be mentioned here that Khayr al-Din started executing some of his reforms when he was appointed, in 1286/1869, as *wazir mubashir* delegated by the grand vizier.
198. Ganiage, *Les Origines*, 455 ; cf. Abdesselem, *Les Historiens*, op. cit., 131, note 1; Khayr al-Din, *Mémoires*, "Ma vie privée et politique," 36-37.
199. Ganiage, *Les Origines*, 455. See also Abdesselem, *Les Historiens*, 129.
200. Abdesselem, *Les Historiens*, 130.
201. Abun-Nasr, *A History of the Maghrib*, 286; Ganiage, *Les Origines*, 456. As Ganiage put it, this college "devait préparer l'accession des Tunisiens aux professions libérales."
202. Abun-Nasr, *A History of the Maghrib*, 286; Ganiage, *Les Origines*, 456.
203. Ibn `Ashur, *Al-Harakah*, 40; Abdesselem, *Les Historiens*, 131.
204. Abdesselem, *Les Historiens*, 131-32.
205. Ibn `Ashur, *Al-Harakah*, 40; Ganiage, *Les Origines*, 456; Abdesselem, *Les Historiens*, 133. In establishing this library for which printed books purchased

- in Istanbul Khayr was, as in other achievements, clearly inspired by the European experience which he studied carefully. See Abdesselem, *Les Historiens*.
206. Abun-Nasr, *A History of the Maghrib*, 286.
207. Ibn `Ashur, *Al-Harakah*, 42; Abdesselem, *Les Historiens*, 120.
208. Ibn `Ashur, *Al-Harakah*, 44-45; Abdesselem, *Les Historiens*, 133-137.
209. It is surprising that Ganiage, whose work remains the authoritative historical source on pre-Protectorate Tunisia for 1861-81, totally and systematically denies to Khayr al-Din any educational background and portrays him as “completely illiterate.” Although Khayr al-Din, in Ganiage’s own words, was “very intelligent, honest and upright,” *il manquait de l’instruction la plus élémentaire: comme la plupart des mamelouks du Bardo, il était complètement illettré.* (*Les Origines*, 371). This unfounded statement does not deserve further comment.
210. Ibn `Ashur, *Al-Harakah*, 38. Cf. Abdesselem, *Les Historiens*, 320-21.
211. Brown, “An Appreciation,” 43; Abdesselem, *Les Historiens*, 324.
212. Brown, “An Appreciation,” 42-43.
213. Khayr al-Din, *Aqwam al-Masalik*, 1:58, 106, 113-15, 148-49.
214. Brown, “An Appreciation,” 42.
215. Abdesselem, *Les Historiens*, 409.
216. *Ibid.*, 323.
217. Magali Morsy, “Présentation,” 31.
218. In the conclusion of *Aqwam al-Masalik* (2, 809), Khayr al-Din clearly acknowledges this fact, which those who cast doubt on this point do not seem to have read, as they mostly confine themselves to the theoretical part of the book (the Introductory) and ignore the rest (*Kitab I & II*). He says: “This is what God Almighty has enabled me to compile regarding the conditions of Islamic and European kingdoms with the assistance of some of the country’s sons.” In al-Chenoufi’s view, and differently from what has been suggested by Abdeselem, Brown, and Morsy, it is even more likely that, based on the pre-publication praises of the book, the ulama who contributed to its editing and refining included BuHajib, Qabadu, and al-Sadiq Thabit (*Aqwam al-Masalik*, 1, 24, footnote 5. For the eulogies of these ulama, see 2, 817-822).
219. Abdesselem, *Les Historiens*, 109.
220. *Ibid.*, 146.
221. Brown, “An Appreciation,” 34. Khayr al-Din left for Istanbul where Sultan Abdul Hamid II appointed him grand vizier of the caliphate, a post that he occupied for less than one year (December 1878 to July 1879). He died there in 1889. In March 1968, his remains were removed and reburied in Tunisia.
222. Ganiage, *Les Origines*, 509-20.