

You are kindly invited to a doctoral workshop with

Prof. Dr. Khaled Fahmy

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The Politics and History of Implementing *sharī'a* in Modern Egypt

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The Seminar of Middle Eastern Studies, University of Basel

Within classical Islamic political discourse, *siyāsa* refers to the discretionary authority of the ruler and his officials, one that they exercise outside the framework of the *sharī'a*. Scholars of Islamic law, both in the West and in the Islamic world, have tended to agree with Muslim jurists, the *fuqahā'*, that this discretionary power exercised by the sovereign to regulate such matters as taxation, policing and criminal law, co-existed in a tense manner with the authority of the *fuqahā'* and with the role and function of the *qāḍī*, the *sharī'a* court judge. Scholars of Islamic law have therefore been inclined to see *siyāsa* as falling outside the purview of *sharī'a*.

This assessment of *siyāsa* as effectively not belonging to *sharī'a* is based on a close study of the manuals of *fiqh*, i.e. the books of classical Islamic jurisprudence. Written by *fuqahā'*, it is natural for these books to reflect the anxiety about what was seen as an encroachment on the field of the *qāḍī* and an implicit admission that *sharī'a* was incomplete and needed to be supplemented by a "secular" administration of justice.

Based on Professor Fahmy's research in the Egyptian National Archives (ENA) on the history of *siyāsa* in nineteenth century Egypt, he has realised *siyāsa* playing an integral role in *sharī'a*. The workshop will reflect on the results of this research in what turned out to be nothing less than an entire archive of the *siyāsa* system that existed in Egypt during the nineteenth century.

Khaled Fahmy's tentative hypothesis is that the *siyāsa* legal system whose records he discovered in the ENA should not be seen as the result of some sudden infatuation with the West, or as a sign of the willingness of a deluded and Westernized legal and political elite to forgo their authentic legal heritage and uncritically to adopt Western legal principles, as Islamists want to describe this system. Rather, from his point of view, *siyāsa* was an integral part of *sharī'a* as understood and applied in nineteenth-century Egypt. Moreover, the nineteenth-century Egyptian *siyāsa* system belongs to a long tradition of coupling *fiqh/qaḍā'* with *siyāsa* that can be traced all the way back to the Umayyads.

What is significant about the archives of the Egyptian legal system in the nineteenth century is that it gives as a very valuable opportunity to see how *sharī'a* was being coupled with *siyāsa*, and how both were applied in a modern state context.



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The workshop is carried out by the Seminar of Middle Eastern Studies, University of Basel, and funded by the Inter-university Doctoral Programme in Islamic and Middle Eastern Studies (MUBIT) (Basel / Zurich). Active participation in the workshop (including obligatory reading) is a requirement to receive 1 ECTS credit point for doctoral students. Please note that the places are limited. For (binding) registration please contact Dr Selen Etingü at g.etingue@unibas.ch by 2 February 2014.