

## **'Translating' the 1814 French Charter: Al-Ṭaḥṭāwī's new semiotics of law and governance**

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### **Summary**

Gianluca P. Parolin's paper **'Translating' the 1814 French Charter: Al-Ṭaḥṭāwī's new semiotics of law and governance** explores how Egyptian scholar Rifā'a al-Ṭaḥṭāwī (1801-1873) used semiotics – and a canny ability to dart between the French and Arabic languages of governance – to set out a personal vision for hegemonic legal modernity, which he later summarised as *manhaj al-shar'* (rule of law).

Rifā'a al-Ṭaḥṭāwī is a vital link in the 19th- and 20th-century connections between European and Arab governance and rule of law. Al-Ṭaḥṭāwī was a kuttab-then-Azhar-trained Egyptian scholar who spent five years in France absorbing the French approach to governance and rule of law, relaying it home to Egypt, and providing spiritual guidance to Egyptians at the Egyptian School in Paris. *Takhlīṣ al-Ibrīz* (1834) is the record of al-Ṭaḥṭāwī's stay in France. A collection of personal notes and reflections, it includes a description of the French governance system which features a translation of the 1814 French Charter in Arabic. Parolin highlights the significance of this document, which was the first recorded attempt to render in Arabic ideas and concepts of modern constitutions.

It is this document and how it should be read that form the focus of Parolin's article. Much previous research on al-Ṭaḥṭāwī, *Takhlīṣ al-Ibrīz* and the translation of the 1814 French Charter has focused on the author as a 'cultural bridge' who translated France to Egypt, and has even glossed over errors in the translation as innocent mistakes. In contrast, Parolin sees the calculated work of a scholar engaged in class and group politics, gifted with an uncanny understanding of his benefactors' interests, intent on impacting his country's future through the levers available to him.

Parolin contends that al-Ṭaḥṭāwī went beyond mere translation in his use of the language of Islamic law and Empire and in fact laid the foundations of what became the semiotics of Egyptian law of the 19th century (and beyond). This semiotics was in many ways directed by the author's own values and goals: Parolin shows how al-Ṭaḥṭāwī employed his knowledge of French and Islamic legal systems and the French and Arabic languages to articulate a class politics, with an end goal of bringing religious scholars on board to support a state project.

While Parolin offers an overview of the context of al-Ṭaḥṭāwī's 1826-1831 mission to Paris and the more peripheral observations contained in the *Takhlīṣ al-Ibrīz*, his focus is on the third of the book's six essays, where al-Ṭaḥṭāwī describes the French governance system. The translation of the 1814 French Charter in Arabic included in this essay, the first recorded attempt to render in Arabic ideas and concepts of modern constitutions, is, in Parolin's words, a "true Rosetta Stone". Parolin argues that by observing what al-Ṭaḥṭāwī opted to translate, emphasise, omit and add to his 'translation'

of the Charter, we can gain a powerful insight into his group and class politics. Ultimately this insight sheds light on the subsequent shape of Egyptian rule of law.

As a religious scholar, al-Ṭaḥṭāwī emphasised the religious elements of the French Charter, liberally interpreting to lend it a familiarity to its intended audience of traditional, religiously-oriented Egyptian intellectuals. A reliance on the vocabulary of *fiqh* achieves al-Ṭaḥṭāwī's goal, but twists the document away from pure translation to a more nuanced and politicised semiotics. One of the more audacious examples is al-Ṭaḥṭāwī's assertion that 'Frenchmen call the law (*qānūn*): 'sharī'a,' and so they say: "the *sharī'a* of the King So-and-So'" (segm 1). While this is inaccurate, it is an opportunistic appeal to al-Ṭaḥṭāwī's audience of traditional intellectuals, who used *sharī'a* to refer to the system of ethical and moral precepts connected to the Revelation, not the man-made *qānūn* or, even worse, a man-made non-Muslim foreign legal system. The result is a forced connection between the familiar 'sharī'a' and the foreign legal system.

Parolin shows that in case after case, where al-Ṭaḥṭāwī had a plethora of readily available and conventional options, he chose the idiomatic expressions that would sound familiar to a *fiqh*-trained ear – lending his report from the French capital, and in a sense, from the new world, an approachability that would make it more appealing to the Egyptian ruling elite he sought to influence. Al-Ṭaḥṭāwī's rendering of legislation as *tadbīr umūr al-mu'āmalāt* – roughly, the regulation of civil and commercial transactions – is another deliberate 'translation' designed to reassure traditional intellectuals that they can retain their monopoly on matters of faith under this new system.

Class is a central theme in al-Ṭaḥṭāwī's messaging. Knowing traditional intellectuals would require class guarantees because of their professional connections with the judiciary, al-Ṭaḥṭāwī underlines the class dimension of the judiciary, titling this section *de l'ordre judiciaire: ṭa'ifat al-quḍāt*, the class of judges (arts. 57-68). Parolin explores how particular 'translated' elements of the Charter are designed to speak to al-Ṭaḥṭāwī's different audiences – the French Orientalists and al-Ṭaḥṭāwī's patron Muḥammad 'Alī – in a way that advances the author's own goals. Yet the results, 200-plus years on, are undeniable. Al-Ṭaḥṭāwī's twinning of religious and political thought and language is still with us today, visible in the terminology commonly used to discuss governance and constitutional issues in the Arab world: the language of governance is still strongly imbued in religion.