The Other Public Sphere: Muslim Reformist Discourse on Abolition during the Colonial Period

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Abstract

By engaging Partha Chatterjee's theory on subaltern responses to colonial encroachment on expressions of national identity during the colonial period, this article considers the emergence of a discourse among a group of modernist Muslim reformists in Cairo regarding slavery and its abolition. An analysis of the reformists' effort to support the abolition of slavery challenges Western literature's impression that the discourse on abolition was confined to the European public sphere. The article argues that the reformists' discourse sought to appropriate the issue of abolition from the European colonial powers by positing abolition in the inner domain of a modern Islamic national identity. Although the reformists agreed that slavery was incompatible with modern nationhood, they believed that allowing Europeans to dictate its abolition threatened to undermine the sharia, Islamic Law, as a defining variable of Muslim cultural identity.

Introduction

In 1892, the Egyptian journalist and Muslim reformist 'Abdallah al-Nadīm[1](1843-96)published an article that presented a fictional dialogue between two former slaves in his satirical journal *al-Ustādh* (1892-1893).[2]The two were discussing their lives after emancipation. Bakhita reminisced nostalgically about familial relations and the stability of her living circumstances under slavery. For Saīd they were days of abuse and exploitation:

Saīd- How are you Bakhita? Where are you working today?

Bakhita- I am not working today.

Saīd- There is no work at all?

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Bakthita- None.

Saīd- What are you going to do now?

Bakhita- I do not know, my brother. I wish that we had stayed with our masters. We were happy there. We ate, we drank, and they dressed us as 24 karat [very well].

Saīd- But my sister, we were humiliated slaves, and our masters beat us and tortured us. But now we are free! As for our masters, may a catastrophe befall them. So many days they did so many [bad] things to us.

Bakhita- True. We became free and freedom is good but do not curse our masters. We came from our countries like animals/beasts. And they taught us how to speak and taught us cleanliness and how to eat and drink and dress. They reformed our tongues as someone would talk and no one would understand them. Thanks to them and the thanks of Allah be upon them. And I mean all of them were not bad, there was good and bad. I used to be like a daughter to my mistress.[3]

The dialogue concluded with Saīd suggesting they publish their conversation in *al-Ustādh* in order to solicit viewpoints from readers regarding their situation. In encouraging readers of *al-Ustādh* to chime in on the issue of slavery, al-Nadīmwas in essence inviting them to participate in a discourse that was taking place among a group of modernist Muslim reformists on slavery and its abolition.[4]The article was just one of many that appeared in contemporaneous publications that provided a platform for these reformists to (re)appropriate the issue of abolition as a *sine quo non* of Muslim identity which European colonial aspirations threatened to erode.

Despite the record left byal-Nadīmand his contemporaries, Western scholarly literature on abolition in the Muslim world presumes that the critical discourse on slavery and its abolition during the colonial period was confined to the European public sphere and that resistance to European pressure to end slavery was the product of Islam's inherent conviction in the legitimacy of the institution. The evidence presented in this article, however, will show

that neither supposition is true. It argues instead that a vigorous discourse on abolition took place among the aforementioned reformists centered in Cairo as a strategic effort to claim the issue of abolition as part of a modern Muslim identity tied to the *shariʿa* (Islamic Law).Reformists' effort to situate an argument for abolition as part of an authentic Islamic identity serves as an excellent illustration of Partha Chatterjee's concept of the inner domain.

In his seminal study on the emergence of anti colonial nationalism in Asia and Africa, *The Nation and Its Fragments: Colonial and Postcolonial Histories,* Chatterjee argues that the inner domain represents one part of the dichotomous colonial society consisting of the "traditional institutions and customs" of the colonised. Because it bore "the 'essential' marks of cultural identity", the inner domain was considered sovereign by those forced to live under colonial rule considered. Lying outside the modular forms of European nationalism proposed by Benedict Anderson's *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, the inner domain represented an expression of "anticolonial nationalism" from which the colonial powers were barred from intervening. In contrast, the colonised societies were forced to accept European superiority in the realms of statecraft, technology, education, and the economy— the variables that made up the outer domain and provided the source of European "dominance."[5] The inner domain, on the other hand, remained sacrosanct and provided the basis for the creation of an independent modern identity.[6]

While "studying" and "replicating" the fields of the outer domain were crucial to non-Europeans' attempts to establish a modern nation, doing so made preserving "the distinctness of one's spiritual culture" that much more crucial.[7] In colonial Egypt, the Muslim reformists set out to do just that, in part by engaging in a discourse on abolition through the nascent Arab press. Their education and access to the tools of publicity, i.e., print capitalism, provided them the means to do this.[8]Their discourse was a response to European efforts to monopolize the markers of modern nationhood by attempting to demonstrate the incompatibility of what they viewed as antiquated Islamic institutions, in this case slavery, with the foundation of a modern nation, thereby making abolition the moral pretext that justified colonisation.

The reformists considered European efforts to abolish slavery a challenge to a fundamental aspect of Islamic culture and identity, the *shariʿa*. Arguing that the original intent of the Law was abolition, the reformists sought to re-appropriate the issue by demonstrating slavery's incongruity with a modern Muslim nation and thereby blunting European encroachment into the inner domain. Allowing abolition under European auspices risked subordinating the *shariʿa* to a modern national identity rooted in Western mores that, at the very least, whitewashed a modern Islamic identity if not erased it altogether.[9] In challenging the adoption of abolition as the moral imperative for colonisation, this issue became a cause célèbre for the reformists to declare the reclamation-cum-imagination of a sacred past providing the foundation of a modern Muslim identity of which abolition was a part. However, this required the reformists to confront a paradox in the Law that, according to their interpretation, sanctioned slavery while at the same time mandating its abolition.

The relatively liberal oversight of the press in Egypt under British rule made Cairo a natural center for the reformists' modernizing efforts. Many of the reformists were connected to the early Egyptian *Salafiyya* movement; in fact two of the reformists, Muhammad ʿAbduh and Rashid Rida, were among the movement's most prominent proponents.[10] Evidence of the discourse is found in contemporaneous works published by Rida (1865-1935).[11] His journal A*l-Manār* (1898-1940) and compilation of Qurʾanic commentary in the 12 volumes of *Tafsīr al-Manār* provide the greater part of the evidence for this paper. In addition to writings of Rida and ʿAbduh,[12] this paper will also examine a contribution to *al-Manār* from 'Abd al-Rahman el-Kawakibi, a disciple of 'Abduh.

In order to understand how the views of the reformists developed vis-à-vis the coloniser, it is imperative to look at European rhetoric first. Mounting political and social pressures at home had brought the issue of slavery to the forefront of Europe's attention and provided the moral impetus for its imperial designs on Muslim Africa. For the colonial powers, slavery represented the intrinsically oppressive nature of Islamic culture, requiring the civilizing mission of colonisation.[13] The ongoing presence of slavery shaped European views of Islam as archaic, unyielding, and immoral — providing the catalyst for European

colonial efforts. As the means to end slavery, colonisation was, therefore, not simply a rationale but a moral obligation. Nowhere was this more evident than Britain's involvement in Egypt. The following section will provide an account of the European rhetoric.

Abolition: The Justification for Colonisation

By the time Great Britain had officially established its protectorate over Egypt in 1882, it had already concluded a convention with its future colony outlawing the slave trade (1877).[14] Not long after, in 1884, the Slave Bureau was founded in Egypt to provide sanctuary and emancipation to any slave who so desired. The British and Foreign Anti-Slavery Society was, as its name suggests, vehemently critical of the continued existence of slavery, and served as the catalyst for British abolition efforts. These efforts received a significant boost from the conclusion of a Right of Search Treaty between Great Britain and the United States in 1862 and the end of slavery in the United States in 1863:[15] both allowed Great Britain to turn its full anti-slavery efforts toward Africa and Asia.[16] The Society's endeavors in this period climaxed with the Congress of Brussels[17] in 1890 during which the European powers agreed to "put an end to Negro Slave Trade by land as well as by sea, and to improve the moral and material conditions of existence of the native races."[18]

Coming together five years earlier at the Berlin Conference (1884-1885) to set the rules for the European "Scramble for Africa", the major European powers produced the Treaty of Berlin in which they agreed on a vigorous effort to bring about the end of further trade in slaves and the eventual abolition of slavery in current and future colonies. Chapter I, Article VI stated: "All the Powers exercising sovereign rights or influence in the aforesaid territories bind themselves . . . to help in suppressing slavery, and especially the slave trade".[19]

Central to these agreements was the sense of moral superiority Europeans projected over present and future colonial subjects. This moral certitude is perhaps most clearly represented in the words of Cardinal Charles Martial Alleman Lavigerie. Appointed Archbishop of Algiers under French auspices in 1867, Lavigerie achieved renown for his

diatribes that branded Islam as inferior to Christianity based on the former's acceptance of slavery:

[Domestic slavery] is a source of wholesale moral corruption and social and political degeneracy, inseparably bound up with the religion of the prophet [sic]. . .–whether the enervating and paralyzing influences of Mohammedanism are such as to check its career conquest and to force it in the end to yield to the superior vitality inherent in the religion of Christ is a question that does not concern us. For our purposes the slavery of Mohammedan countries is an established fact . . .[20]

While Lavigeries's rhetoric was especially provocative, it was not unique in exploiting the continued practice of slavery in the Muslim world to justify colonialism.

As nearly all of Africa came under colonial control, the abolition of slavery remained central to colonial rhetoric. In the estimation of the European powers, any noticeable waning of slavery or the slave trade was the result solely of their efforts. Writing in the early 1900s, Lord Evelyn Baring Cromer, the British Consul-General of Egypt (1883-1907), credited any inroads into the abolition of slavery in Egypt to the efforts of the British alone. In *Modern Egypt*, his *magnum opus*, he wrote:

The slavery reforms instituted under British auspices have produced a notable change. . . . There are no longer any slave markets. The purchase of a slave is a criminal offense. . . . The slave routes are carefully watched . . . it is due to the wise moderation of the Convention [of 1877] which he [Lord Vivian] negotiated that slavery has been gradually disappearing from Egypt.[21]

The influence of this presumptuous attitude regarding Europeans' role in ending slavery and Islam's supposed*de facto* endorsement of the institution had its desired effect in justifying their original motives for colonialism and its continuation. This, however, necessitated a response from the reformists by which the issue of abolition as a characteristic of a modern Muslim identity emerged.[22]Reformists insisted that the dissolution of the

institution had to originate with the *shariʿa.* To accept otherwise would justify colonial designs, giving credence to accusations of Islam being an archaic religion that was incompatible with modern nationhood.[23]

The Historical Reclamation of Abolition

In response to European attempts to impose abolition, the reformists constructed a foundational past through what Chatterjee identifies as the "classicization of tradition." As a key element of the inner domain, this foundational history provided a basis for the emergence of a "modern national culture" by demonstrating that original intent of the *shariʿa* was, in fact, abolition. [24] For early Salafists this held certain significance. There could be no stronger basis for establishing the incongruity of slavery with a modern nation than to demonstrate that this was in concert with the beliefs of the *salaf*, the earliest Islamic communities including the Prophet's companions. In other words, the reformists turned to Islam's origins in order to establish that slavery was incongruous with modern nationhood. If Islam were understood to be without a foundational history, the colonial powers would be unrestrained in misrepresenting Islam's past and present, thereby denying the Muslim community its modern identity.[25] By claiming Islam's history, reformists showed not only that the *shariʿa* called for abolition but also challenged the West's (both Europe and the United States) version of its own history by arguing that the West had failed to truly abolish slavery either at home or in its colonies.[26] Turning the proverbial tables on the colonial powers, the reformists asserted the moral superiority of Islam in addressing abolition not just as an alternative but also as the only legitimate way to bring about the end of slavery. Once the reformists established that the *shariʿa* mandated abolition, few overtures could be more threatening to the spiritual domain than interference by the West that subverted the Law. Without resistance to European encroachment on this basis, the Muslim community would be shorn of its spiritual identity.

The reformists' discourse engaged the fledgling Arab public sphere in constructing a classical tradition for Islam that advocated the abolition of slavery at its origins. In his article ʿ "Tijāra al-raqīq wa aḥkamuha fī al-Islam", ("The Slave Trade and its Legislation in Islam") which appeared in the January, 1905 edition of *al-Manār,* ʿAbd al-Rahman el-Kawakibi

proclaimed: "It is presented with complete clarity that the intention of the *shariʿa* is the abolition of the basis of slavery."[27] Central to Kawakibi's argument was his contention that the modern conception of freedom should be guaranteed by the state — something most often attributed to the European Enlightenment — was implicit in Islamic notions of the roles of the political state and religion:

One of the principles of the *shariʿa* is that it opposes the ancient habit of slavery. Among the people [Muslims] there is strong opposition [to slavery] for the law of Islam was the first politically [and] religiously to defend freedom and call for the abolition of slavery… of all the nations, the Arabs are the most dedicated to freedom . . .[28]

Like his co-reformists, Kawakibi believed that the dictates of the *shariʿa* supported the ideal of the essential nature of man as free:[29] The intended function of an Islamic government, and therefore the marker of a true Islamic state, was the protection of freedom. In referencing "the Arabs", Kawakabi was leveling a shallowly veiled, albeit controversial, criticism of the Turkish Ottoman's claim to the Caliphate. By advocating, in essence, the reestablishment of Arab preeminence over the *umma* and the Caliphate's return to the Arabian peninsula, Kawakibi, like his Salafist contemporaries, argued that Islam was best equipped to bring about abolition and provide the underpinnings of a modern Muslim state.[30]

In *Tafsir al-Manār* the views of Rashīd Rida echoed those of his contemporary: "God most high prescribed the abolition of slavery two ways: without renewing enslavement in the future and freeing the old slaves gradually so that it does not cause harm".[31] By the time of the Prophet, he argued, slavery had been well established throughout the numerous civilisations for thousands of years.[32] Manifesting a tradition of reform from its birth, Islam challenged the common conventions of slavery from its earliest moments:

The people of the ancient civilisations. . . used to take slaves and use them in the most difficult work [and] deal with them with the harshest tyranny. . . When Islam appeared, its light shone erasing ignorance. And among what it reformed was the corruption of the nations [by] defusing the tyranny of slavery and suppressing it. And it established the rules for

defusing slavery gradually. The total suppression of it at once is impossible [considering] the social systems of the people from the two sides. One side is that of the interests of slave owning lords and the [other] side of . . . the slaves.[33]

The European powers, however, were not in a position to acknowledge the possibility of the reformists' contention that Islam provided the mechanisms to abolish slavery. Just as allowing the West to dictate abolition would undercut the validity of the reformists' assertion of the sovereignty of the inner domain, the coloniser could not allow the reformists to demonstrate Islam's compatibility with modern nationhood. If the West acquiesced, the moral justification for colonisation would collapse. It is important to remember, however, that as pioneers of an Arab public sphere, the reformists were writing for and on the behalf of the colonised rather than the coloniser. Hence, as Sunni Muslims, they considered the precepts of Islam inviolate. Their discourse on abolition, therefore, required the force of the *shariʿa.* To consider otherwise would have undercut their legitimacy within the Muslim community to promote reform and confront colonial domination. This compelled the reformists to address a paradox of the Law whereby in order to abolish slavery, the institution's inherent legality first had to be acknowledged.

Given slavery's acceptance by the four orthodox Sunni legal schools, its legality was beyond debate. Yet the intent of the reformists was to demonstrate the institution's incongruity with the characteristics of a modern Muslim society and thereby abolish it. As such, the reformists' argument for abolition required a *de facto* recognition that, while the intent of the *shariʿa* was abolition, the Law still acknowledged circumstances under which slavery was lawful: the child of two slaves and prisoners of war. Without first acknowledging this certain legality of slavery under the Law, the reformists' efforts to establish that this same Law also provided for the institution's demise would have lost authority. While acknowledging the two legal conditions of slavery, reformists claimed that the circumstances of modern nationhood precluded any such lawful enslavement. They argued that the instances of permissible enslavement were so limited and the dictates embedded in Islam for the manumission of slaves so numerous including, ". . .the one atonement for a number of

religions mistakes . . .[and] after . . . death in order for God to reward [the dead] . . . ."[34]— that the likelihood of two legal slaves bearing a child was quite remote. In answering claims that those currently enslaved were prisoners of war, Kawakibi argued that in the absence of a rightful Caliph — another jibe directed at the Ottomans — there had not been an instance of a "lawful Islamic war" for centuries under which prisoners could be taken.[35] The implication was that those who were currently enslaved did not have the legal status of slaves because they did not in fact meet either of the two legal conditions. According to ʿAbduh and Rida, these narrow precepts reflected Islam's historically lenient treatment of slaves and demonstrated that from its inception Islam's restrictions on the legality of slavery set the table for the eventual dismantling of the institution.

Despite the reformists' argument that the *shariʿa* mandated the abolition of slavery, they could hardly deny the presence of people in servitude in Egypt and the larger Muslim world. They saw two reasons for this. The first resulted from the Muslim community's adherence to *taqlīd* or "slavish" mimicking of tradition or authority that included the continued practice of slavery. The second was the abject failure of the colonial powers to successfully bring an end to slavery either at home or in their colonies.

In addressing the faultiness of the Muslim community's adherence to *taqlīd,* reformists placed abolition within the larger context of Islamic reform. Given how far the Muslim world lagged behind Europe, Muhammad 'Abduh recognized the backwardness that opened it up to domination by the progressive West.[36] However, reformists argued that any shortcomings that appeared to have their roots in Islam were the products of misinterpretation born of people's adherence to *taqlīd,* which left no room for interpretation within the context of modern society, or, in other words, "real Islam."[37] While they acknowledged that adopting the Western model in the realms of the outer domain was essential to the development of a modern society, reformists believed that the inner domain, as the realm through which the subaltern's sovereignty was expressed, provided the means to challenge European rule.[38] What prevented the Muslim world from actually doing this, they argued, was the unquestioned adherence to long-established schools of Law without modification: *Taqlīd*

prevented Muslim society from becoming a *modern* Muslim society. For reformists, the answer to addressing the restrictions posed by *taqlīd* lay in the "reopening the gates of *ijtihād"*, the use of "individual reasoning" by those trained and qualified to interpret the *shariʿa*.[39]

Engaging *ijtihād* was part of the overall goal to form a "modern national culture that was nevertheless not Western".[40] ʿAbduh feared that without the moral force of Islam, the Muslim world would run the risk of being corrupted. He was especially concerned with the formation of a Westernized elite that would undermine the stability of and sacrifice the inner domain erasing the outstanding markers of Islamic identity.[41] ʿAbduh's view of British attempts to impose Western law is clear in the following quote: "Law planted in another soil does not work in the same way. The new laws brought from Europe are not really laws at all, because nobody understands them and therefore nobody can respect or obey them".[42]The adoption of Western ways that did not conform to Islamic principles was out of the question. Modern ways, however, were not inherently Western ways.

Among those most influential in shaping 'Abduh's view on the link between *ijtihad* and the emergence of a modern Muslim identity was Rafiʿa al-Tahtawi (1801-1873). Tahtawi was among the first group of young Egyptians sent to Paris by Muhammad Ali (r. 1805 - 1848), the Albanian born Ottoman viceroy, to study European civilisation as part of a plan to establish a powerful sovereign Egyptian state built on a European model. Having observed modern French society for five years (1826-1831), Tahtawi heaped praised on the French in his writings and would go on to translate dozens of books on the rational sciences, including geography, history, and military science. He became a staunch advocate of modern education, one of the pillars of the outer domain in Chatterjee's depiction. Yet Tahtawi did not adopt a European view of society. As grand as the achievements of France were, he believed that no society could realize its highest potential without the inclusion of Islam and the *shariʿa* as a moral guide. Like 'Abduh after him, Tahtawi envisioned moving away from *taqlīd,* which would allow the *ulama* (Islamic religious scholars) to engage *ijtihād* and reinterpret the Law in light of modern world.[43] His vision of the future included the incorporation of the rational

sciences in education. He argued that such sciences were originally the sciences of Islam, so there could be no conflict. The threat, however, lurked in implanting the sciences in place of moral virtue.[44]

Similar to Tahtawi, ʿAbduh, saw no conflict between Islam and modernization. As *the* universal religion Islam not only advocated employing modern sciences, technologies, and reason, but also held that pursuing them was essential for the well-being of the Muslim community.[45]Islam was perfectly suited to provide the underpinnings of a "progressive society"[46] in which the practice of slavery had no place. This was in contrast to the West, the reformists asserted, where slavery had never truly been abolished.

The reformists claimed that abolition in the West was merely a chimera. They cited a lack of consideration for the consequences of ending slavery for both the slave owner and more importantly the former slave as the root cause of the West's failure to truly abolish slavery. According to the reformists, by neglecting the interests of these two parties, the West did not end slavery at all but instead simply encouraged its continuation in another form. The so-called abolition did little to change the situation of former slaves.

In "Saīd and Bakhita," al-Nadīm suggested that British abolition efforts in Egypt had already gone awry. Although the two former slaves presented different views on the pros and cons of manumission, neither of them had steady work or the means to support him or herself. Later in the dialogue,Saīd suggested a solution:

If the government, instead of leaving us unemployed . . . gathered us, gave us unused land, from the government lands (Miri) in a distant place . . . and gave us cattle and equipment and told us the cost and [then] when the harvest comes we [could] payback what is lent to us little by little. We would revive a lot of land. And a lot of people would themselves be restored.[47]

ʿAbduh and Rida believed the situation faced by the fictional Saīd and Bakhita was avoidable if the dictates for abolition set forth in the *shariʿa* were followed. In order to do

this, abolition must be gradual. To support their claim that this lack of consideration was the cause of the failure of Western efforts, they referenced situations in the United States and the Sudan under the British where, in both instances, slaves were forced to return to their former masters looking for work:

As for the United States it freed its slaves some of whom worked the land. They hoped for a way to earn (their way) but could not find it. They had to return to their masters asking from them to return to their work as it had been. And likewise, [this] happened in the Egyptian Sudan. The government of England tried to find for them (the slaves) sufficient work of the free. This was not possible. They (the English) were obligated to permit them [the slaves] to return to their previous work as slaves.[48]

The West's mismanagement of abolition in essence saw slavery come full circle, leading to the *de facto* re-enslavement of those whom the Western powers claimed to have freed. Islam, the reformists argued, provided the remedy for this failure through the principle of *maṣlaḥa* or what is in the best interest of the community as a whole. By invoking *maṣlaḥa,* the reformists addressed both orthodox Muslim critics who adhered to *taqlīd* and the European powers. Historically, Muslim jurists traced the first use of *maṣlaḥa* to the Rashidun Caliph Umar ibn al-Khattab (r. 634 – 644 CE), who cited the interest of the community when he imposed land reform in southern Iraq. As a precedent established by one of the four Rightly Guided Caliphs and a companion of the Prophet, the legitimacy of invoking *maṣlaḥa* was considered a point of Law. The concept was appealing to reformists as it intrinsically allowed prudent reinterpretation of the Law in contrast to the stagnating adherence to *taqlīd.* As part of their discourse on slavery, reformists argued that the *shariʿa* allowed leaders of the Muslim community to decide what is in the interest of the community and rule as such interests dictate:

He [God] allows those in charge among the Muslims to consider the interest of the people in allowing it [slavery] or abolishing it . . . *remained the first ruling of ijtihād.* If they

had found the interest [of the community] in giving preponderance to . . . freedom and the voluntary abolishment of it, or allowed them [slaves] to be ransomed, they would do it.[49]

As early Salafists, ʿAbduh and Rida harkened back to the earliest, i.e., purest, days of Islam to establish a legal and historical precedent in calling for the reopening of the gates of *ijtihād* to allow for the proper application of the Law in the modern world. It then followed that only by throwing off the restrictions of *taqlīd* could the interests of the community be reassessed. Considering that the conditions did not exist in which to legally continue slavery, and that its practice ran contrary to the foundation of a modern nation, its abolition would be certain.

Furthermore, ʿAbduh and Rida cited *maṣlaḥa* in referring to the failure of Western efforts at abolition. They drew attention to the distinction between an insincere interest in the welfare of the community as a whole, as in the cases of the United States and England, and the sincere interest as demonstrated by Islam's approach to emancipation:

This work of each of them [England and the US] was not purely in the interest of the people (*maṣlaḥa)* or the tendency for equality among/between them [*people*]. For the former [the US] continues to prefer the white European race over the original [indigenous] red race [Native Americans]. Moreover, political slavery exists among all of the Franks. As for the English they despise the Indians and humiliate them.[50]

ʿAbduh and Rida clearly contended that abolition efforts in the West had failed. This argument allowed them to create the basis from which to reject Western approaches to abolition thereby denying the colonial powers access to the inner domain. Not only did they accuse the Western powers of false emancipation, they asserted that the failure of abolition in the West was due to a lack of moral certitude that existed only in the *shariʿa*. Given the legal significance attached to the concept of *maṣlaḥa*, such an accusation against the West was far from innocuous. It provided another example of the reformists' contention that the spiritual domain of Islam was superior in intent and function to the standards of the colonial powers. They went on to highlight that Islam brought reform to slavery, "the conditions as they were

before [were] not allowed among the Muslims".[51] The implication here is that the West knew of no such reform until recently. Islam, however, provided such consideration in order to secure the wellbeing of the community as a whole, something that was inherent to its tradition from the community's earliest moment.

In his article on the slave trade that appeared in *al-Manar* in January 1905, Kawakibi railed against Europe's view that its efforts in attacking the slave trade had all but ended slavery in East Africa around the environs of Zanzibar. He referred to the comments of a certain European representative at an international conference on slavery held on the East African island.[52] Like Lord Cromer, the representative lauded the improvement of the situation due to European efforts. Kawakibi chastised him for not acknowledging the "reality of the situation", and proceeded to detail the numerous ways the slave trade continued along routes that connect East Africa and the west coast of the Arabian Peninsula, saying, "they [slave traders] bring some of the slaves from the Sudan to unobserved African seaports across from Arabia". According to Kawakibi, the traders then took the slaves to seaports in Arabia of which he named several.[53] Referring to the European representative, he continued: "If his honor had gone deeper in the investigation *as those who are fond of freedom* [emphasis added] did, he would know that still a great quantity of slaves are exported in the Hijaz with the caravans of pilgrims. The majority enters the Najd and a few of them to the Yemen and the smallest portion to Syria".[54] In referring to the Muslims as "those who are fond of freedom", as opposed to Christian Europeans, whom he implied were blinded by their own hubris, Kawakibi stated his belief in the moral superiority of Islam. As such, Kawakibi and his co-reformists foresaw that slavery would end as the result of Islam's guidelines and the efforts of Muslim abolitionists as dictated by the *shariʿa*.

Conclusion

According to Partha Chatterjee, in the dichotomous colonial society that emerged under European rule, the inner domain served as an expression of non-Europeans' sovereignty as they were forced to succumb to the material superiority, outer domain, of the colonial powers. In showing the emergence of a discourse by modernist Muslim reformists

during the colonial period in Cairo, this article adds to the expanding field of subaltern studies with a focus on subaltern responses to colonial domination. Looking beyond the European public sphere we discover a vibrant discourse among these reformists who, despite agreeing with their colonial interlopers regarding the incompatibility of slavery with a modern state, viewed European abolition efforts as encroaching on the inner domain of an evolving modern Muslim identity. As such we must acknowledge that the historical process of abolition under colonial auspices was not a one sided-European effort but was much more complex when we add subaltern voices that used the issue of abolition as an expression of their emerging modern identity.

The assertion and protection of Islamic culture as a defining element of the inner domain, and the expression of the subaltern's modern national identity, therefore, was paramount. For the reformiststhis required challengingthe colonial powers'legitimacy to dictate their agenda regarding abolition. The reformists sought to (re)appropriate the issue of abolition through a discourse engaging the nascent Arab press that established a classical foundational past for Islam and demonstrated that not only did the *shariʿa* provide for the abolition of slavery through various means but that this was in fact the Law's intent.In making their claim, the reformists were forced to confront a paradox whereby the very Law that called for slavery's abolition also defended, as a fundamental precept, the institution's legality. They addressed this paradox by invoking theconcept of *maṣlaḥa* and encouraging the reopening of the "gates of *ijtihād*" in order overcome the misguided adherence to *taqlīd*—thereby allowing for reinterpretation of the *shariʿa* in a modern context.To do otherwise, would have risked allowing the European powers to subvert the *shariʿa*, puttingthe cultural identity of Muslims — and thereby the spiritual domain of the entire community —in jeopardy.

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[1] Sadgrove, P.C. "al- Nadīm , al-Sayyid ʿAbd Allāh b. Misbāh al-Hasanī." *Encyclopaedia of Islam, Second Edition*. Edited by: P. Bearman , Th. Bianquis , C.E. Bosworth , E. van Donzel and W.P. Heinrichs. Brill, 2009. Brill Online. University of Maryland. 12 April 2009 <http://www.brillonline.nl/subscriber/entry?entry=islam_SIM-5713>

[2] I was introduced to this dialogue in *al-Ustadh* by Eve Troutt Powell's,"The Tools of the Master: Slavery and Empire in Nineteenth Century Egypt". [According to the online

post the paper was first posted in Septermber, 2002 and labeled Paper Number 13] https://www.sss.ias.edu/files/papers/paper13.pdf(last accessed April 23, 2016).

[3]*Al-Ustādh: Jarīdah 'ilmiyah, Tahdhibiyah, Fuqahīyah* (al-Qahirah: Dār Kutubkhānah, 1985), 90-93. (The dialogue appeared in the September 13th edition of al- Qāhirah f "al-Ustādh" 1892).

[4]Soliciting comments from readers was a common practice during the developing years of the Arab press. For more on this and the role of the Arab press during this colonial period see,

Ami Ayalon and Dayan Merkaz, *The Press in the Arab Middle East: A History* (New York: Oxford University Press, 1995).

[5]Chatterjee, 120.

[6]Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories,* (Princeton: Princeton University Press, 1993), 5-6.

[7]Chatterjee, 6

[8]Chatterjee, 4-5;Benedict R. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Rev. ed. (London: Verso, 2006), 43–45.

[9]Chatterjee 76

[10] This early Salafiyya movement should be distinguished from what Reinhard Schulze referred to as the "Neo-Salafiyya" and its agenda of radical political action which began in the late 1920s

and included the founding of the Muslim Brotherhood. See, Shinar, P.; Ende, W. "Salafiyya." *Encyclopaedia of Islam, Second Edition*. Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs. Brill, 2011. Brill Online. University of Maryland. 31 August 2011<http://www.brillonline.nl.proxyum.researchport.umd.edu/subscriber/entry?entry=islam_COM-0982>

[11] Although the discourse also existed in newspapers such as "*al-Mu'ayyid",* the wider intellectual readership of journals provides the best evidence of this public discourse among reformists.

[12] Many of ʿAbduh's writings were published posthumously following his death in 1905

[13]Chatterjee 118. In chapter six, "The Nation and Its Women" Chatterjee discusses colonial assertions of the lower status of women, i.e., the 'unfree, in Indian society. This is used by the coloniser as a justification for enforcing its brand of nationalism on the subaltern. Women represented the "inherently oppressive and unfree nature of the entire cultural tradition of the country (India)" For our purposes, the existence of slavery is used in the same way.

[14] Troutt Powell, 1.

[15]This to enactment of the Emancipation Proclamation which took effect January 1, 1863.

[16]*The Times*, Jun 26, 1890 pg. 12. Such an agreement was an extension of the right to stop merchant ships and examine their cargo and papers during wartime. At any time a ship can be stopped to ensure it is not carrying slaves; "Slave Trade in the Sudan in the Nineteenth Century and Its Suppression in the Years 1877-80",Alice Moore-Harell *Middle Eastern Studies*, Vol. 34, No. 2 (Apr., 1998), pp. 113-128 page 115. Published by: Taylor & Francis, Ltd.

[17] This was also known as the Convention Relative to the Slave Trade and Importation into Africa of Firearms, Ammunition, and Spiritous Liquors.

[18] M. Cherif Bassiouni, *A Draft International Criminal Code and Draft Statute for An International Criminal Tribunal.* (M. Nijhiff Publishers, 1987), 405.

[19]*Conference of Berlin (1885).* 24 March, 2009 http://www.thelatinlibrary.com/imperialism/readings/berlinconference.html.

[20]Richard F. Clarke, *Cardinal Lavigerie and the African Slave Trade.* (London, Longmans, 1889), 249.

[21]Evelyn Baring Cromer, *Modern Egypt,* (New York, Macmillan Co., 1908), 854 -5.

[22] Although slavery in the Muslim world historically came in many forms ranging from elite slaves to chattel slavery, contemporaneous Europeans made no distinction when calling for abolition. The exception was concubinage. More moderate Europeans were hesitant to attack concubinage when in their view it was difficult to distinguish legitimate wives from concubines.

In addition to putting the colonial powers at odds with reformists, this was also of concern to conservative Muslim clerics who insisted that slavery as practiced in the Muslim world was humane. This was in contrast to the abuses that were rife within the institution's practice in the West. Under Islam slaves were an important part of the social milieu. Some argued that slavery provided a critical means for establishing relations of kinship and clientage. This side of the debate was clearly seen in the dialogue between Said and Bakhita. For more on concubinage in this context see Clarence-Smith, *Islam and the Abolition of Slavery.*

[23]Chatterjee, 173.

[24]Chatterjee, 73.

[25]Chatterjee, 76.

[26]While the United States was not a colonial power in the Middle East, drawing reference to its history of slavery bolstered the reformists argument that the West's claims of abolishing slavery amounted to a illusion.

[27]*Al Manar* 1905, 11 January (vol. 8), 856.

[28]Ibid., 857.

[29]W. G Clarence-Smith, *Islam and the Abolition of Slavery* (Oxford: Oxford University Press, 2006), 204; Muhammad Rashīd Riḍa, *Tafsir Al-Quran Al-Hakim Al-Shahir Bi-Tafsir Al-Manar* (Bayrut, Lubnan: Dar al-Ma`rifah, 1970), vol xi, 290

[30]Born in Aleppo, Kawakibi fled to Cairo in 1899 to escape what he considered the despotism of the Ottomans toward the Arab provinces.

[31] *Tafsir Al-Quran Al-Hakim Al-Shahir fi-Tafsir Al-Manar*, 289.

[32]*Tafsir Al-Quran Al-Hakim Al-Shahir fi-Tafsir Al-Manar*, 291

[33] Ibid., 288

[34] , *Al Manar*, 856-857.

[35] W. G Clarence-Smith, *Islam and the Abolition of Slavery* (Oxford: Oxford University Press, 2006), 205.

[36] Yvonne Haddad, "Muhammad Abduh: Pioneer of Islamic Reform," in *Pioneers of Islamic Revival* ed. Ali Rahnema, (Kualal Lumpur, Malaysia: SIRD, 2005), 38.

[37] Albert Hourani, *Arabic Thought in the Liberal Age, 1798-1939* (Cambridge [Cambridgeshire]; New York: Cambridge University Press, 1983), 140.

[38]Chatterjee, 6.

[39]Schacht, J.; MacDonald, D.B.. "Iḏjtihād." *Encyclopaedia of Islam, Second Edition*. Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs. Brill Online, 2016. Reference. 10 April 2016

<http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/idjtihad-COM_0351>

[40] Chatterjee, *The Nation and Its Fragments*, 6. This is a fundamental aspect of Chatterjee's theory through which the inner domain established the fundamental difference between colonial nationalisms and anticolonial nationalism. This challenges Benedict Anderson's modular conceptions of nationalism.

[41] Haddad, 51.

[42] Hourani, 137.

[43] Hourani, *Arabic Thought,* 75.

[44] Ibid., 82.

[45] Merad, A. Algar, Hamid; Berkes, N.; Ahmad, Aziz. "Islah." *Encyclopaedia of Islam.* Edited by: P. Bearman , Th. Bianquis , C.E. Bosworth , E. van Donzel and W.P. Heinrichs. Brill, 2008. Brill Online. University of Maryland. 18 May 2009 http://www.brillonline.nl/subscriber/entry?entry=islam_COM-0386 and Shinar, P.; Ende, W. "Salafiyya." Encyclopaedia of Islam. Brill Online. University of Maryland http://www.brillonline.nl/subscriber/entry?entry=islam_COM-0982

[46] Hourani, *Arabic Thought*, 140.

[47] *Al-Ustādh: Jarīdah 'ilmīyah, Tahdhībīyah, Fukāhīyah* (al-Qāhirah: Dār Kutubkhānah, 1985), 90-3.

[48] *Tafsīr Al-Quran Al-Hakim Al-Shahir fi-Tafsir Al-Manar*, 288.

[49] Ibid.

[50] Ibid.

[51] Ibid.

[52] Unfortunately the reference is anonymous. Kawākibī refers to the person only as 'mister.'

[53] *Al Manar* 1905, 11 January (vol. 8), 854.

[54] Ibid., 855.

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