Joseph Schacht and German Orientalism in the 1920s and 1930s

Rainer Brunner

► To cite this version:

Rainer Brunner. Joseph Schacht and German Orientalism in the 1920s and 1930s. Studying the Near and Middle East at the Institute for Advanced Study, Princeton, 1935–2018, 2018, 10.31826/9781463240035-044 . hal-03078658

HAL Id: hal-03078658

<https://hal.science/hal-03078658>

Submitted on 16 Dec 2020

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

Joseph Schacht and German Orientalism in the 1920s and 1930s

Rainer Brunner, CNRS, PSL Research University Paris, LEM (UMR 8584)

In memory of Patricia Crone

The academic discipline that used to be called "Oriental Studies" – before this became a swearword from the late 1970s onward – underwent several thorough transformations since the 18th century. From originally being an auxiliary science for Christian theology, it turned into philology and a "world-bourgeois science", before the interest in historical, cultural, or sociological issues and approaches contributed, at the turn of the 20th century, to the emergence of "Islamic Studies" proper. And while many a famous and influential philological scholar – such as Heinrich Leberecht Fleischer (1801-88) or Theodor Nöldeke (1836-1930) – never set foot on Oriental soil, their Islamicist successors more often than not were eager travellers and worked for extended periods in the Middle East. Sometimes, this transition happened rather quickly, when, after the retirement or the death of a philological incumbent, a new professor left the well-trodden track. A characteristic case in point in this regard is the University of Freiburg in the 1920s.² Oriental studies had been taught there by theologians as early as the late 18th century, and Heinrich Joseph Wetzer – who was also a trained theologian and left no traces in our field – was the first to do so in the faculty of philosophy from 1829 onward. But after his death in 1853, it took more than thirty years, before the study of Semitic languages was resumed, when Hermann Reckendorf achieved his *habilitation* and started teaching regularly. Like his two main teachers, Fleischer and Nöldeke, he was a card-carrying philologist who never visited the Orient, but whose main works on Arabic syntax have remained classics in the field until today. He was the founding director of the university's Oriental Department in 1906/07, but only a few years later, after the outbreak of the First World War, he experienced

¹ Sabine Mangold, *Eine "weltbürgerliche Wissenschaft" – Die deutsche Orientalistik im 19. Jahrhundert* (Stuttgart: Steiner, 2004). See also Josef van Ess, "From Wellhausen to Becker: The Emergence of *Kulturgeschichte* in Islamic Studies", in *Islamic Studies. A Tradition and its Problems*, ed. Malcolm Kerr (Malibu: Undena, 1980), 27-51.

² For a more comprehensive treatment cf. Rainer Brunner, "'Vom Wissenschaftlichen abgesehen, ist zwischen Stambul und Freiburg doch noch ein Unterschied, und das Wetter ist herrlich.' – Zur Frühgeschichte (nicht nur) der Turkologie an der Universität Freiburg", in *Kutadgu Nom Bitig. Festschrift Jens Peter Laut zum 60. Geburtstag*,

(perceptibly *contrecœur*) the pitfalls of modern Oriental studies, which all of a sudden became relevant for obvious political reasons. After the Ottoman Empire, at the German Empire's urging, had declared a *jihād* against France and Great Britain, a great number of cultural and political associations working for the German-Turkish brotherhood in arms mushroomed, there was a pressing need for textbooks and language training, and Turkish-related topics were very much *en vogue* in scientific journals. Only a few years later, however, when after the war both the Ottoman and the German Empires had ceased to exist, this flash in the pan quickly died down, and by the end of 1923, Reckendorf was notified of his forced early retirement for budget reasons. This was more than he could bear, and on March 10, 1924, he died of a heart attack.

But contrary to expectations, the philosophical faculty managed to have the vacant position filled again only shortly afterwards. And the decision that was taken in September 1924 was a quite surprising one, as the chosen candidate was an unknown young man of barely 22 years of age: Joseph Schacht. Born in March 1902 in Ratibor (Upper Silesia), he had studied theology, classical philology and Oriental languages at the University of Breslau, where he obtained his PhD under the supervision of Gotthelf Bergsträsser in November 1923. The Breslau rector's recommendation letter to his colleague in Freiburg was not overly friendly, even a little ironical: "irre ich nicht, so machten sich die Kommilitonen über sein abgezirkeltes Wesen etwas lustig (*If I am not mistaken, his fellow students used to make fun of his carefully measured character*)."³ But there was time pressure; so eager was the committee to win Schacht over that he was granted a post-doc semester to study with August Fischer in Leipzig (a fact that was to become of importance a few years later), and that it was moreover decided to release him from the duty to submit a formal *habilitation* book. Since he had his second book ready at hand anyway, the *habilitation* in February 1925 was a mere formality. When he started teaching in Freiburg, he did take his *venia legendi* for Semitic and Turkish philology very seriously: right from the beginning he taught not only Arabic, but also Ottoman Turkish, and when Atatürk imposed the Latin alphabet in the wake of the language reform in 1928/29, Schacht soon afterwards offered a course on "Turkish according to the new Latin script". He went far beyond what could reasonably be expected from a professor of Semitic studies; between 1925 and 1932, he taught courses on the following languages (in alphabetical order): Arabic, Babylonian-Assyrian, Biblical Aramaic, Egyptian Arabic dialect, Ethiopian, Hebrew, Hittite, Mandaic, Middle Turkish (Orkhon inscriptions), Neo-Aramaic (dialect of Ma'lūla), New Persian (*farsi*), Ottoman Turkish, Phoenician, Syriac, Turkish (modern), Uyghur, Yakut. And in all that, it has to be emphasised, he was all by him-

self, as he did not have any assistant lecturer. Schacht was the Freiburg Oriental department (apart from Ernst Leumann who taught Indian studies). As a matter of course, he offered classes on Ma'arri's poetry, or on the *maqāmas* by al-Hamadhānī and al-Ḥarīrī. But at the same time, he typified in person the transition from Semitic philology to Islamic studies and showed a keen interest in the contemporaneous Muslim world, by lecturing on the political situation in the Middle East or on Islamic modernism. Thanks to his academic teacher Bergsträsser, he had also dealt with Islamic law. His PhD dissertation, and most of his other early articles and text editions were on the genre of legal strategems (*ḥiyal*). In the winter term 1927/28, he offered for the first time a course on the early history of Islamic law – and it stands to reason to consider this as the starting point for his scientific interest in what was to become, more than twenty years later, the foundation of his fame and the title of his most influential book: *The Origins of Muhammadan Jurisprudence*.⁴ It is next to impossible to determine how many students he had in these courses, as he offered most of them "privatissime, gratis", that is, without traces left in the university bursary. In those classes for which the students had to pay and for which therefore bursary receipts were kept, there were hardly more than three or four students.

Another aspect where he differed thoroughly from his predecessor was his eagerness to travel and to be in contact with the living realities in the countries he was studying. Beginning from autumn 1926, he would spend several months each year in Istanbul and Cairo in order to work on Islamic manuscripts, and more often than not he would send letters to his university from abroad and ask for an extension of his leave of absence and a postponement of his classes, as well as for an increase of his travel budget. His first voyage in particular, between October and December 1926 to Istanbul, seems to have been a kind of initial spark for him. He worked in no less than ninety libraries, searching for sources on early Islamic law and acquiring proficiency in spoken Turkish (and later, in Cairo, Arabic). All this was for him not an end in itself, but a sheer necessity, as the library situation back home was poor. But he certainly was a seasoned traveller, and in a letter to Enno Littmann, he summarized in a few lines one of his journeys which today cannot but be read with a tearful eye: "I was able to make an extraordinarily interesting and instructive journey: From Cairo, I drove to Jerusalem, from there for a fortnight by car through Trans-Jordan and the Hauran (Petra, the castles in the desert, the Hauran cities), stayed a few days in Damascus, carried on to Baghdad and Mossul, got to know both cities and their surroundings very thoroughly,

³ Letter of Wilhelm Kroll, August 30, 1924, University Archive Freiburg, B3/685.

⁴ Oxford 1950; for a summary and critical assessment of Schacht's method, theses and influence, cf. Harald Motzki, *The Origins of Islamic Jurisprudence. Meccan Fiqh before the Classical Schools* (Leiden et al.: Brill, 2002), 18-49.

took then a plane back to Palestine (this is much faster, more comfortable and nowadays hardly more expensive than the exhaustive desert trip), and finally spent a few days in Cairo. I am glad to eventually have perfected my familiarity with the Arab and Turkish countries of the Mediterranean."⁵ Accordingly, his academic career made tremendous progress. After being *Privatdozent* for two years, he was promoted to the rank of associate professor in 1927, and – having declined two invitations to professorships in Dacca and Münster – full professor (*Ordinarius*) in November 1929, at the age of 27, which made him the youngest full professor in any German university at the time; in 1930, he furthermore taught for the first time as visiting professor in Cairo. He was certainly the "primus omnium" about whom, according to the Breslau rector, his fellow students had once expressed their unease. In brief: by 1930, Joseph Schacht was an accomplished professor of Islamic studies, well-connected within the guild, and an industrious writer who then had already published five editions of classical *hiyal* and *fiqh* works and a substantial number of articles.⁶

Yet in the early 1930s, he became entangled in a polemical clash with one of the leading German "old school" orientalists, August Fischer – the very same professor for Oriental philology with whom Schacht had spent his post-doc semester in 1924/25, and to whose *Festschrift* he had contributed in 1926/27. The object which – at least superficially – ignited the controversy was Schacht's book *Der Islam mit Ausschluß des Qor'āns* that he published in 1931 for a more general readership.⁷ It is a collection of 63 abridged texts, arranged chronologically and ranging from Sunnite *ḥadith* via classical theologians, jurists and mystics to reformist and modernist authors, which he presented in an annotated German translation. Fischer answered with a treatise of 56 pages which appeared in the series of the Saxon Academy of Science, and which largely consisted of an enumeration of alleged mistakes and misinterpretations for which the description "meticulous" would be a gross understatement – Fischer portrayed himself as an *éplucheur* (quibbler).⁸ On the surface, this was another variation on the old skirmishes between philology and social science that erupt from time to time and go down in the history of science as footnotes – although the sheer size of Fischer's text gave to understand that those colleagues were probably right who considered it to be "an attempt to cudgel Schacht scientifically to death". Schacht answered in a separate treatise that was then added to the second edition of his book, Fischer made a last rejoinder in his journal

⁵ November 18, 1931; Staatsbibliothek Preußischer Kulturbesitz, Berlin, estate 245 Enno Littmann, box 29.

⁶ For a (nearly) full bibliography see *Studia Islamica* 31 (1970): xi-xvi; Martin Plessner, "Ergänzungen und Berichtigungen zur Bibliographie der Schriften Joseph Schachts (1902-1969)", *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 123 (1973): *15* - *16*.

⁷ Joseph Schacht, *Der Islam mit Ausschluß des Qor'āns* (Tübingen: Mohr-Siebeck, 1931).

⁸ August Fischer, *Beiträge zum Verständnis religiöser muslimischer Texte* (Leipzig: S. Hirzel, 1933), 55.

Islamica.⁹ Schacht's personal relations with Fischer were, of course, poisoned for good; in his letters to Enno Littmann, he called his former post-doc teacher *faššār* (swaggerer), ridiculed his physical appearance when their paths involuntarily crossed in Cairo, and wrote that he just received "a little fart of the mind" ("ein Geistesfürzchen") in the form of a two page article by Fischer. The latter, in turn, recommended that Schacht "should consult an ophthalmologist". Seen from this angle, one may certainly call this episode "slightly amusing".¹⁰

But there were other sides to it which were less amusing. On the one hand, there was simple academic nastiness. Schacht had applied for the position in Königsberg, while Fischer had apparently hoped to launch his former student, Werner Caskel. In the end, it was Schacht who got the job, and he moved there from Freiburg in spring 1932. On the other hand, however, there was the far more problematic aspect of politics, which at that time meant the rise to power of German fascism. Christiaan Snouck Hurgronje, the great Dutch scholar with whom Schacht was on friendly terms since 1925, knew about this context very well when he wrote in one of his letters about "the unfriendly attitude towards Schacht, whom Fischer cannot forgive to have followed the call to Königsberg, while F. had reserved this position for Dr. Caskel. As a result, F., who eight years ago had introduced Schacht to me as one of the best young colleagues, now has made him out to be an ignoramus, in a treatise which he has distributed generously among the national-socialist authorities with whom Schacht is in bad odour anyway. In the same booklet, he rails against Becker, and when I confronted him with this, he answered by quoting from a colleague's letter, who sincerely regretted that B. had died too early so as to be arrested by the current government."¹¹ Carl Heinrich Becker – who died in February 1933, just a few days after Hitler's assumption of power – had repeatedly provoked, in his capacity as politician and minister in the Weimar Republic, the anger of his conservative colleagues, and it was left to Carl Brockelmann to disparage him, in his preface to the supplement volumes of his *Geschichte der arabischen Litteratur*, as "the minister against German culture" (for which Schacht scorned him as "Buraikil").¹² In the case of Fischer vs. Schacht, however, the situation was more delicate. Schacht may have had a conservative character, but politically, he was vig-

⁹ Joseph Schacht, *Zu meinem Islam-Lesebuch* (Tübingen: Mohr-Siebeck, 1933); August Fischer, "Zu Joseph Schacht's *Zu meinem Islam-Lesebuch* (...)", *Islamica* 6 (1933-34), 341-42. The previous quotation is from a letter by Richard Hartmann to Enno Littmann, September 19, 1933 (Littmann estate, SPK Berlin, box 12).

¹⁰ van Ess, "From Wellhausen to Becker", 40; Schacht's letters to Littmann: October 31, 1933; January 18, 1934; February 16, 1934; February 11, 1935; March 19, 1935; Fischer, "Zu Joseph Schacht's (...)", 341.

¹¹ *Minor German Correspondences of C. Snouck Hurgronje: from Libraries in France, Germany, Sweden and The Netherlands*, ed. P. Sj. van Koningsveld (Leiden: Documentatiebureau Islam-Christendom, Fac. d. Godgeleerdheid, Rijksuniv, 1987), 230-31: letter to Rudolph Said-Ruete, April 7, 1934 (my translation).

¹² Carl Brockelmann, *Geschichte der arabischen Litteratur. Erster Supplementband* (Leiden: Brill, 1937), xiv; let-

orously opposed to the Nazis, and the further course of his career bears witness to this. With regard to Becker, he had absolutely no illusions, as was once again reported by Snouck Hurgronje: "Schacht arrived here last Sunday and departed today for Berlin and Königsberg, without particularly looking forward to setting foot on his native soil. Germany is really in a terrible situation. Schacht said to me: 'Becker was lucky to have died before the revival, because otherwise he would by now either have been murdered or arrested.'"¹³ Schacht was far-sighted enough to negotiate the possibility for prolonged leaves of absence for working in Cairo as one of the conditions for coming to Königsberg, and when he demanded compliance with this promise from the ministry in 1934, he had no scruples to pay lip service to the regime and signed the letter with "Heil Hitler!"¹⁴ Between 1934 and 1939, he spent many months each year in Egypt, where he taught, like a number of other German orientalists, at Cairo University. Contrary to what has later repeatedly been stated, he did not emigrate; rather, he gave a paper at the *Orientalistentag* in Bonn in 1936, and as late as in June 1938 and even June 1939, he attended faculty meetings at his university in Königsberg.¹⁵ At the outbreak of the Second World War, however, he spent his holidays in Great Britain and was thus cut off from returning to both Egypt and Germany. Schacht stayed in the U.K. and immediately began working for the Ministry of Information and for the Arabic service of the BBC (as did a number of British orientalists, such as E. H. Paxton, R. B. Serjeant, L. P. Elwell-Sutton, or Bernard Lewis); starting from 1941, a number of contributions he prepared in Arabic were also printed in the BBC's Arabic-language magazine *al-Mustami' al-'arabi* (The Arabic Listener). Needless to say, this did not escape the attention of the German authorities, and in March 1943, he was formally deprived of his German citizenship.¹⁶ When he was naturalized as a British citizen four years later, on March 29, 1947, Schacht had left his German life and career already far behind. His subsequent CV (1946-53: Oxford, 1954-57: Leiden, 1957-69: New York) is well known and beyond the scope of this paper. Henceforth, he did not publish in Ger-

ter Schacht to Littmann, October 10, 1937.

¹³ *Minor German Correspondences*, 228-29; letter to Rudolph Said-Ruete, June 6, 1933 (my translation).

¹⁴ Letter to the Ministry, June 24, 1934, Berlin, GStA PK, I. HA Rep. 76 Kultusministerium, Va. Sekt. 11 Tit. IV Nr. 26 Bd. 2-3.

¹⁵ *Protokollbuch der Philosophischen Fakultät der Albertus-Universität zu Königsberg i. Pr. 1916 - 1944*, ed. Christian Tilitzki (Osnabrück: fibre, 2014), 491, 498; "Der VIII. Deutsche Orientalistentag, Bonn 1936", *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 90 (1936), *11*, *48*; on his Cairo lectures see Donald Malcolm Reid, *Cairo University and the Making of Modern Egypt* (Cambridge: Cambridge University Press, 1990), 95-96; the claim that he emigrated is made in the obituaries in *Journal of the American Oriental Society* 90,2 (1970), 164, 168, and *Bulletin of the School of Oriental and African Studies* 33,2 (1970), 378, and most categorically by Jeanette Wakin in her article in memory of Schacht, "Remembering Joseph Schacht (1902-1969)", 4, that may conveniently be consulted online <<http://ilsp.law.harvard.edu/wp-content/uploads/2014/08/wakin.pdf>>.

¹⁶ *Die Ausbürgerung deutscher Staatsangehöriger 1933-45 nach den im Reichsanzeiger veröffentlichten Listen*, ed. Michael Hepp (Munich et al.: Saur, 1985-88), vol. 1, 618.

man anymore, and apparently, he never set foot on German soil anymore. Occasionally, one can read the assertion that he even refrained from speaking German, which, however, does not stand up to scrutiny; in the 1960s, he did talk to German colleagues in German, and some of his letters are in German, too.¹⁷

As far as August Fischer is concerned, he chose a rather different political path. He became a member of the NSDAP as early as 1933, three years after his retirement, and when he signed some of his letters, for instance to Paul Kahle in 1938, "mit kollegialen Grüßen und Heil Hitler!", this may have been for reasons that differed from Schacht's.¹⁸ In his capacity as member of the newly founded Royal Academy of the Arabic Language in Cairo from 1933 onward, he also spent a considerable amount of time in Cairo during the 1930s, where he and Schacht sometimes bumped into each other, with the unpleasant side effects that have already been mentioned above.¹⁹ Nevertheless, Fischer apparently managed to keep his party membership more or less secret, and it leaked out only after the end of the war. When it did, however, he was not at a loss for a culprit, and in May 1946, he wrote to Enno Littmann: "You probably heard from the man of honour Schacht that I was a Pg. [Parteigenosse]; he spread it everywhere in Cairo. But no one could in fact have hated our insane *Führer* and his dreadful stooges more than I did, and I was always active against the fascists, even putting our existence at risk."²⁰

It seems rather peculiar that the beginnings of Joseph Schacht's brilliant career in Freiburg and Königsberg look in retrospect somewhat pale, at any rate overshadowed by his later achievements in the field of Islamic law. In German orientalist scholarship, he seems to have been, at least for a long time, also denaturalized, and characteristically, he was not honoured with an obituary in any German academic journal. Partly, this may have been due to his apparently difficult personality; what the Breslau rector as quoted above noticed already with the young Schacht in his early 20s, others found corroborated in later years: "Many students and others who knew him only casually found his manner austere and excessively formal. To a large extent, they were correct.", wrote his last student Jeanette Wakin in an

¹⁷ Personal communication, Josef van Ess, June 4, 2013; German correspondence can be found in the estate of Johann Fück, Library of the Deutsche Morgenländische Gesellschaft, Halle.

¹⁸ Letter Fischer to Kahle, August 21, 1938 (University Archive, Halle: DMG, Rep. 80, Nr. 136, Geschäftsführung 1938).

¹⁹ See above, note 10; on the Egyptian Academy and Fischer's role in it, see Umar Ryad, "The Dismissal of A.J. Wensinck from the Royal Academy of the Arabic Language in Cairo", in *The Study of Religion and the Training of Muslim Clergy in Europe. Academic and Religious Freedom in the 21st Century*, eds. Willem B. Drees & Pieter Sjoerd van Koningsveld (Leiden: University Press, 2008), 91-134.

²⁰ Letter Fischer to Littmann, May 17, 1946 (Littmann estate, SPK Berlin, box 9). In a letter to Johann Fück (November 7, 1945), he called Schacht "a moral rascal" ("der moralische Lump Schacht"); Fück estate DMG, Halle.

obituary.²¹ And many of his German colleagues who stayed in Germany throughout the Nazi period were certainly not willing to take advice from someone who made no bones about his contempt for "the fools' rule" and for all those "irresponsible agitators and the herd of their hangers-on."²² It comes as no surprise therefore that a colleague like Richard Hartmann who initially had expressed his support for Schacht against the Fischer's attack after the war condemned him for having acted in Cairo and later on in England in a way that did not earn Germany any sympathies.²³ As to Schacht, his own retrospection onto his beginnings was melancholic. In a letter to the theologian Josef Sauer – who once had supported his promotion to the rank of associate professor in Freiburg and who was one of the very few colleagues (the only one?) with whom he resumed a warmhearted correspondence after the war – he wrote in September 1947: "At all events, I have only fondest memories of my youth in Freiburg, and even if I know now that I had built on sand, it nevertheless was the happiest and most civilized period between the two wars, when one had at least the illusion of making positive progress."²⁴

²¹ *Journal of the American Oriental Society* 90,2 (1970), 168.

²² Letter Schacht to Josef Sauer, July 6, 1947 (University Archive, Freiburg, C67/2172).

²³ Letter Hartmann to Littmann, December 30, 1946 (Littmann estate, SPK Berlin, box 12).

²⁴ Letter Schacht to Josef Sauer, September 21, 1947 (University Archive, Freiburg, C67/2172).