



FROM CONCEPTS OF INNOVATION  
TO VEILED WOMEN'S POWER  
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I was born in Berlin and spent most of my life in this city. I studied Islamic Studies at the Freie Universität Berlin (1957–1965) and Arabic Literature at Cairo University (1961–1962), took my Ph.D. (1965) and my habilitation (1971) from the Freie Universität, where I also held my first professorship (1972) for more than twenty years. In 1995, the École des hautes études en sciences sociales (EHESS) in Paris offered me a position as Directeur d'études, which allowed me to teach for ten years in this unique institution before I accepted an offer as Professor for Islamic Religious Studies at Harvard University in 2005, a position that I still hold. My contacts with universities in the USA had started in the early nineties with invitations as research fellow and guest professor to different universities and twice (1993–1994, 2002–2003) as a member at the School of History of the Princeton Institute for Advanced Study. – Address: Harvard Divinity School, 45 Francis Avenue, Cambridge, MA 02138, USA. E-mail: [baber\\_johansen@harvard.edu](mailto:baber_johansen@harvard.edu)

My (short) fellowship at Wiko has allowed me to come back to my hometown and experience – during nearly seven months – the great and often moving changes in politics, culture, and – last but not least – in the historical consciousness of its citizens. It has also allowed me, for the first time since 2003, a full year off from teaching and – more importantly – from the obligations as director of academic institutions of my new university (Acting Director of Islamic Legal Studies Program from 2006–2010, Director of the Center for Middle Eastern Studies from 2010–2013).

I had come to Wiko with a clear idea of my project. I wanted to work on the concept of innovation (*tajdid*) as developed in 12th-century Muslim law. In the period between the

8th and the 10th centuries, the Abbasid caliphate had actively supported and funded the translation and appropriation of the then-known works produced in classical Greece in philosophy, medicine, and natural sciences, first into Syriac, then into Arabic. This inheritance led the intellectual elite of the cities of the empire – far beyond the 10th century – to integrate the appropriation of philosophical and scientific achievements of other cultures and historical periods into their own understanding of the Muslim development of knowledge. That held true even for disciplines that were quite independent of pre-Muslim scholarship, such as philology and law.

Islamic scholarship came into being in a process that made available, through translations, forms of knowledge of other cultures and societies for the intellectual efforts and ambitions of the urban elite of the Muslim empire. The acceptance of this fact helped scholars to understand Islamic intellectual history as a process of acquisition and innovation that led to the production of new knowledge. My own project was supposed to treat one aspect of this development: the notion of innovation as developed in 12th-century Baghdad by major jurists. The concept of innovation (*tajdid*) developed within the framework of a scholarly controversy about the development of language that started in the 9th and continued well into the 16th century. It was led mainly between jurists who worked on the methodology of law (*usul al-fiqh*), on the one hand, and philologists, on the other. It focused on the question whether human languages are a divine revelation or a human achievement. Those who held that the development of language cannot be understood if the human contribution to it is not taken into account insist that communication is a fundamental condition for human survival. As communication is based on common needs and experiences among those who speak to each other, the scholars who saw language as a tool for communication held that changes in culture, social institutions, cities, and technologies, which characterize the historical development of societies, had to be taken into account in order to understand the development of language and the content of communication.

Scholarly editions of some of the texts of Baghdadi jurists from the 12th century on which my project centers have been published. During the first weeks of my stay at Wiko (September 15 – December 15, 2013), I worked on the texts pertaining to this project. But increasingly, other obligations forced me to go back to a subject that results from a common project of the Universities of Heidelberg and Chicago on “Images of the Divine and Cultural Orientations” in which I have participated since 2010. In my contributions to this project, I focused on Invisibility as a Source of Power, showing how God’s invisibility is discussed as a source and a sign of power in the Torah and the Qur'an and comparing

this approach to the way Muslim court ceremonial and palace architecture render the rulers of empires invisible and inaccessible except on special occasions, when they show themselves in all their glory to the public. I showed the influence of these models on the early modern concept of sovereignty in Europe.

The problem that I faced in describing invisibility as power in the Muslim context was raised first by my wife, Maria Pia Di Bella, during a discussion of a lecture on this subject in Ca' Foscari University in Venice, when she asked: if invisibility is a source and a sign of power – what is the power of the veiled women?

I tried to answer this question during my second stay at the Wiko (April–July 2014). I translated long texts written by jurists of different schools of Sunni law in different historical periods and in different regions on how the law regulates the gaze and the touching within one gender and between different genders in different contexts. These jurists define different categories of women and ascribe very different, often complementary, roles to them. The question that I have to answer is therefore not: what is the power of women, but rather: what is the power of those women who have to be veiled? This approach obliges me to study the way the rules of the gaze distinguish spheres of public and private life from each other, ritual from social interactions, the market from the household, the public bath from family intimacy, and the spheres under female control from those that are accessible to men, as well as the limits public interest sets to the respect for the autonomy of these gendered spheres. I also have to follow the jurists' lead in analyzing the different categories of women they distinguish with regard to issues of visibility and invisibility, the notion of kinship that can be produced by the illicit gaze and touching among genders, and last but not least the different forms of power ascribed to different categories of women. Once I have finished my article on these subjects, I plan to publish the results of my studies at the Wiko as a book dealing with the ways Muslim law constructs genders and the elasticity of the categories of gender that distinguish Muslim law from European writings on the same subject.

My stay in Berlin has not only provided me the time to pursue my research. It has also offered me the chance to re-establish contacts with colleagues at the Freie Universität, in particular Klaus Heinrich, who was a source of constant moral and intellectual support during my years at the Freie Universität, but also with Gudrun Krämer, whose work on Islam I have always read with great interest. I had a pleasant encounter with Werner Ende (Hamburg, then Freiburg, and now Berlin) who participates regularly in Wiko's events on the Middle East.

As Wiko is an established place of pilgrimage for scholars who return to it many years after they have been Fellows there, it allowed me to reestablish contacts with Peter Schäfer who – after having been a colleague at the Freie Universität – taught for 15 years in Princeton. When he returned to Berlin, he was offered and accepted the directorship of the Jewish Museum in Berlin. I also met with Sadik Al-Azm, with whom I have been in contact for many decades and who – after having been a Fellow of the Wissenschaftskolleg in 2012/2013 and at Harvard University in 2013/2014 – is now a refugee in Berlin from his native Damascus.

Among the Fellows of 2013/2014, I made some close friends and had many inspiring conversations. I enjoyed Wiko's efforts to stimulate communication among the Fellows from different disciplines through the weekly seminars (I used my lecture to present "Dissent as a constructive principle of Islamic law") and the way Wiko encouraged all forms of cooperation between Fellows, spouses, and partners, from common meals through common information to common events and initiatives. I was still very pleasantly surprised when I found in Simon Teuscher a Fellow who shared my interest in a project on the way illicit gaze, touch, and sex can be construed by legal systems as a factor that produces affinity and thus prohibits marriage between not only the persons concerned but also their relatives. I had done research on this question concerning Muslim law during my second stay at the Wiko, and it is evident that, in most of its schools, Sunni Islamic law assigns such a kinship-constituting force to illicit gaze, touch, and sex. Simon Teuscher, who is a specialist on the development of European kinship systems since the early modern period, was willing to engage in the risky enterprise of a common publication that aims to compare the approach of Muslim jurists with that of European law in this field.