A Contrastive Intertextual Analysis of The American Constitution and Imam Ali's (p.b.u.h.) Epistle to Malik Al-Ashter

Assist. Prof. Firas Abdul-Munim Jawad, M.A.   Samah Abdul-Sattar

, College of Education for Human Sciences   College of Education for Human Sciences,

University of Babylon   University of Babylon

Abstract

This study attempts to present an intertextual analysis of two texts, the American Constitution (henceforth, AC) , as one of the earliest secular written documents. It is written to regulate people's lives in America after the war of independence in the 18th century and Imam Ali's (p.b.u.h.) Epistle to Malik Al-Ashter (henceforth, IAE) as one of the earliest Islamic documents that is written in the ٦th century for Malik Al-Ashter to help him in managing people's lives in Egypt. The two texts affect and affected by other texts. The study aims at showing how both texts are drawn on other texts and are influenced by them. Accordingly, it is hypothesised that AC is influenced by the Magna Charta whereas IAE is influenced by the Holy Quran and Prophet's Mohammed (p.b.u.h.) tradition. To investigate this hypothesis and reach the aim, the next procedure is followed: (1) Presenting a theoretical background of intertextual analysis. (2) Analysing the two texts selected according to Bazerman (2004) model of analysis.

Keywords: intertextuality, the American Constitution, Imam Ali(p.b.u.h.) Epistle to Malik Al-Ashtar.

الملخص البحث

تقدم هذه الدراسة تحليل التناص في الدستور الامريكي وعهد الامام علي(عليه السلام) لمالك الاشتر، حيث يعتبر الدستور الامريكي واحد من اقدم الدساتير العلمانية المكتوبة والتي تهتم بتنظيم حياة الناس في امريكا بعد حرب الاستقلال التي حدثت في القرن الثامن عشر. بينما يعتبر عهد الامام علي عليه السلام لمالك الاشتر واحد من اقدم الدساتير الاسلامية التي كتبت في القرن السادس الميلادي لمساعدة مالك الاشتر في تنظيم امور الناس في مصر. كلا النصين اثرا وتأثرا بنصوص اخرى . تهدف الرسالة لتوضيح كيف اعتمد النصان على النصوص الاخرى وكيف تأثرا بهما . طبقا لذلك فان فرضيات الدراسة تكون كالتالي: بينما تأثر الدستور الامريكي بالماغنا كارتا فان العهد قد تأثر بالقران الكريم والسنة النبوية. و لقد وضفت مجموعة من الاجراءات لأجل الوصول الى الاهداف المطلوبة ومنها: تعريف مفهوم التناص وعرض النموذج المتبع في التحليل.

الكلمات المفتاحية: التناص، الدستور الامريكي، عهد الامام علي (عليه السلام) لمالك الاشتر.

1.Introduction

A text may be influenced by another text, this appears when it uses some parts of the prior one. According to Nia and Pashaki (2015), the first text is called the **dominant text** as it has a dynamicity and flexibility towards time (p:224). They (ibid.) state that the purpose of studying such phenomenon is discovering the impact of one text on another, which in turn help to giving more understanding to the selected texts under analysis. The major aim here is to investigate the influence of prior texts on AC and IAE. The American Constitution, (henceforth AC) which is considered as the uppermost law of the United States which comprises many articles that declare the national frame of the government. On the other hand, Imam Ali's (p.b.u.h.) epistle (henceforth, IAE) to Malik Al-Ashter is considered as one of the earliest Islamic written instructions which shows the role of the government, rights, duties, and and establishing the relationships among society groups and the government. It was found when Al-Ashter was appointed as the governor of Egypt and its provinces, so that there was a need for a constitution or a document to organise all aspects of people's lives. Jordac (2000: 176) points out that IAE is considered the most comprehensive and elaborative document that shows Imam Ali's (p.b.u.h.) own ideas and beliefs about the public

administration. Kazemi (2006:61) mentions that "the epistle itself, it is found as 52 in most editions of the Nahj al-balagha….the letter…being read as an ideal constitution for Islamic governance".

IAE was investigated intertextually by contrasting it with the fifth message of "king's Advice" by Saady Alsherazy, but it is not compared with other texts from other cultures such as AC. Therefore, this study attempts at making a contrastive study of the two texts. Thus, the following questions need to be answered:

1.What are the texts that AC and IAE draw on?

2. What are the similarities and difference between AC and IAE in term of the level of intertextuality, technique, distance and recontextualisation?

The following aims are intended to be achieved throughout the analysis:

1.Determining which prior texts affect AC and IAE.

2. Investigating the similarities and differences between the two texts in terms of the level of intertextuality, technique, distance and recontextualisation.

Thus, the hypotheses will be the following:

١. AC is hypothesised to be affected by the Magna Carta whereas IAE is hypothesised to be affected by The Holy Quran and Prophet's Mohammed (p.b.u.h.) tradition.

٢. The two texts are similar in applying the first and second steps ,the level of intertextuality and technique, but they are different in the distance as well as the recontextualization.

The following procedures is be applied:

1. Giving a theoretical background of intertextuality .

2. Analysing the text selected according to Bazerman model: Intertextuality: How Texts Rely on Other Texts (2014).

2.History, Definitions and Types of Intertextuality

Many scholars such as Kristeva (1986) and Wang (2006) believe, as opposed to Fairclough's (1992) point of view, that the notion of intertextuality is traced back to Bakhtin, since they (1986), cited in Wang (2006:73), mention the idea that "every text (or utterance) is dialogical in the sense that it gains its meaning in relation to other texts". Thibault (1994), on the other hand, states his perspective towards the notion of intertextuality by saying "all texts, spoken and written, are constructed and have the meanings which text-users assign to them in and through their relations with other texts in some social formation" (p. 1751).

According to Wang (2006), scholars have dealt with the notion of intertextuality from different perspectives, each one of them has treated it according to his own purpose. Accordingly, they include two groups: the scholars of literary semiotics whose concern is the literary works such as Kristeva (1981), Riffaterre (1978), Frow (1986), and others. And the scholars of CDA whose main concern is with non-literary work such as Fairclough (1992,1995a; 1995b), Scollon (2004), Bazerman (2004), Devitt (1991) and others. Thus, intertextuality, according to the second group, is observed as a social practice which needs social manners to produce and interpret a text in addition to observing it as a form that interrelates two texts (p:74).

Fairclough (1992) uses intertextuality to indicate the productivity of texts, in a sense that the transformation of prior text and the reorientation of present conventions lead to the creation of other texts. He relates the concept of intertextuality to the concept of power and hegemony, this enables us to understand the process of struggle within the orders of discourse

as part of a wide range of struggle that happen in a sense of hegemonic struggle. He (ibid.: p84) defines intertextuality as the process whereby the characteristics of one text is used to build another one. He (ibid.: p10) categorises intertextuality into two categories '**manifest intertextuality**' and '**constitutive intertextuality**'. The first type can be defined as the explicit or implicit reference to previous texts whereas constitute intertextuality refers to the connection between two texts in a way that they have the same form, structure and/ or genre.

According to Ott and Walter (2000:430) states that the theory of intertextuality means that any text should be read in relation to another text or texts in a way that this relationship is not restricted in the form of a certain sign from one text to another, consequently, it is not necessary for readers to be aware of this relation. This indicate that the phenomenon of intertextuality consists of a large number of signs and positive or negative indications, but it is not necessary to include an awareness reading of such snips to reach to the purpose behind the using of intertextuality.

Bazerman (2004), on the other hand, deals with the concept of intertextuality in a more general way by relating the advantage of such analysis to a variety of fields such as academic writing, research projects, policy documents, and so on. He defines the concept of intertextuality as :

The explicit and implicit relations that a text or utterance has to prior, contemporary and potential future texts. Through such relations a text evokes a representation of the discourse situation, the textual resources that bear on the situation, and how the current text positions itself and draws on other texts. While this is now a widely recognized phenomenon, there is not a standard shared analytic vocabulary for considering the elements and kinds of intertextuality. (p:3).

Bazerman (ibid.) identifies specific procedure for intertextual analysis of texts, this procedure is divided into four steps: levels of intertextuality, techniques of intertextual representation, intertextual distance or reach, and recontextualisation (p:3-6).

Giere (2012:3) defines the term as a remark connection among texts which result in production of meaning dynamically between three elements: text, intertext, and reader.

٣. The Model of Analysis

The following is the steps of analysing which will be adopted throughout the analysis of the two texts. These steps depend on Bazerman (2004) model of intertextuality: how texts rely on other texts.

٣,١. Levels of Intertextuality

Bazerman (2004) introduces six levels of intertextual analysis in which the text rely on other texts, these are:

-The text exploit preceding texts as a basis of meanings to be used at face value.

-The text may draw explicit social dramas of prior texts engaged in discussion.

-The text may also explicitly use other statements as background, support, and contrast.

-Less explicitly the text may rely on beliefs, issues, ideas, statement as common knowledge

-By using definite indirectly recognisable kinds of language, phrasing, and genres.

- The text depends on existing source or language regardless of intertext, only by using language form.

3.2. Techniques of Intertextual Representation

Bazerman (ibid.) delineates six points within this step, thus the following techniques embody levels of intertextuality:

-Direct quotation.

-Indirect quotation.

-Mentioning of a person, document or statements.
-Comment or evaluation on a statement, text, or otherwise invoked voice.
-Using recognisable phrasing, terminology associated with specific people or groups of people or particular documents.
-Using language and forms that seem to echo certain ways of communicating, discussions among other people, types of documents.

3. Distance or Reach

This step identifies the relation of specific texts to other texts in terms of distance in time, space, culture, or an institution.

3.4.Recontextualisation

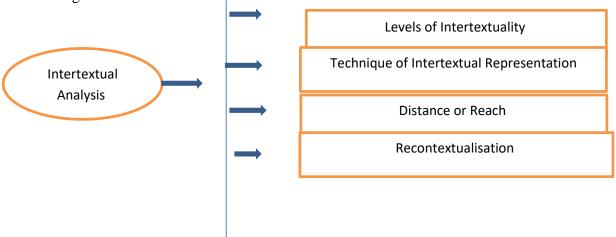It refers to how the text uses the words or phrases in new context by giving them new meaning

Figure (1) Intertextual Analysis According to Bazerman (2004) Model of Analysis

4.Data Analysis

4.1.Intertextual Analysis of AC

Intertextual analysis of AC is concerned with examining the relationship between AC and other texts. Intertextual analysis of Ac follows Bazerman (2014) model of analysis which consists of four steps. Some examples of intertextuality will be presented by applying this model. Many documents are proved to be affecting the constitution intertextually, namely, The French Declaration of The Rights of Man and Citizen 1789 (henceforth DRMC), Magna Carta, 1215, (henceforth, MC) and the constitutions of different American states that have a direct effect on the AC. Such as, The Constitution of Massachusetts 1780 and the Constitution of Pennsylvania 1776 (henceforth, PC), the constitution of New Jersey 1776 and others . First, here is an instances in which AC is based on DRMC, such as:

1."*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury''.*

This amendment (no. 5) is grounded on the VII article in DRMC:

"No person shall be accused, arrested, or imprisoned except in the cases and according to the forms prescribed by law".

The previous example can be analysed regarding its levels, techniques, distance, and recontextualisation as follows:

It's level belongs to explicit use of another statement as a support. The technique which is used in AC depends on mentioning the statement. The distance in time between the two texts is two years. Concerning the distance of place and culture, both of them are written in their countries America and French, and consequently follow these nationalities in regard to their culture. Finally, concerning the distance of the institution, whereas the bill of rights in AC is presented by James Madison and passed by the Congress, the DRMC is passed by France's National Constituent Assembly. For the last step, namely, recontextualisation, the two extracts mentioned above AC and DRMC belong to different in requirement documents. DRMC can be considered as a covenant while the bill of rights is part of the AC which is obligatory.

As what is stated above, there are other documents which have an influence on AC, these are the constitutions of the states which constitute part of the new union in the time of writing the AC the next extract will be presented from PC:

4. "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives".

The first article in AC is based on section 2 in PC:

"The supreme legislative power shall be vested in a house of representatives of the freemen of the commonwealth or state of Pennsylvania".

According to the first step of analysis, this article of AC is based explicitly on the PC by using such statement as background and support. Pennsylvania is considered as one of the basic states that help in establishing and ratifying AC. Moreover, it has a written constitution which is created in 1776, this means that the distance between the two constitution is about thirteen years. The technique which is used in AC is the indirect quotation. The two extracts are written within the same place and the same culture, this makes the ideas, beliefs, issues similar since both texts are yield to the same situations beginning from the British colonials throughout the American Declaration of Independence to the time of Approval of the AC. Regarding the distance of institution, both of them are written by the representatives of the citizens to be the higher constitution so that they are regarded to belong to the same context.

MC is considered as one of the most influential document that affects AC. Moore and Camden (2003:9) state that "the influence of the Magna Carta is very deep which profound over 500 years later in constructing AC and the Bill of right which were modelled on it. AC, then, is grounded on this document explicitly or implicitly that will be shown throughout these extracts:

5. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence .

This amendment (no.6) is taken from the article 29 of the MC:

"No freeman is to be taken or imprisoned or disseized of his free tenement or of his liberties or free customs, or outlawed or exiled or in any way ruined, nor will we go against such a man or send against him save by lawful judgment of his peers or by the law of the land. **To no-one will we sell or deny of delay right or justice".**

Criminal trails threat the life of people because it take a long time which cause the loss of freedom of accused person. In the first place, this, this law is created by King John who promised the publics in the Magna Carta in keeping their rights in a speedy trial

without imprisoning them without trial. The founders of the AC use such law as a part of the U.S. constitution to be sure that people should submit to a immediate and fair judge by judges.

According to the first step of analysis, the level of intertextuality, AC is based on this statement of MC for its value as background and support statement. In spite of the long time between the establishment of the two texts which is about 547 years, the American founders were affected by this document, this may belong to their new experiences of how to build valuable constitution and because of the close similarities in context and culture.

The technique which is used is in the AC is based on mentioning statement from MC. Regarding the distance in time, the MC is written 574 years before AC. In concern with the distance of place and culture, both of them are written in their countries America and England which put their laws to be suitable to their nationalities in respect to their culture. For the distance in institution, the MC is written by Stephen Langton who was ordered by the king of England, John whereas the AC is written by a special committee.

The final step of analysis is related to recontextualisation, the two extracts are of the same context, the AC and MC are written to be an obligation documents and the high law in their countries.

4.2.2 Intertextual Analysis of IAE

Four steps of analysis will be followed in the analysis of IAE according to Bazerman's (2004) model of analysis. IAE resorts to The Holy Quran and Prophet's Mohammed (p.b.u.h) traditions either through mentioning explicit or implicit references. An example of explicit instance from Surat Al-Nasaa' from The Holy Quran is the following:

١." يا أيها الذين آمنوا أطيعوا الله و أطيعوا الرسول و أولي الأمر منكم فان تنازعتم في شيء فردوه إلى الله و الرسول".

The level of the previous example is to explicitly use other statements as background and support. The technique is as a direct quotation. Concerning distance, the time is about 40 years between the Ayah and IAE . The Ayah has been revealed to him in Al-Madynah whereas the IAE has been written in Kufa. They belong to the same culture, Islamic one. The institution in which the two extracts are specialised is concerned with managing people's lives. One of the purposes behind Allah's (Glorified and Exalted be He) sending The Holy Quran is for the sake of people's policy. Similarly, Imam Ali (p.b.u.h.) has written IAE for Malik to assist him in his ruling Egypt. Finally, the contexts of these extracts is the same; consequently, no recontextualisation is found.

The Holy Quran is used implicitly like in the following examples:

٢." و أن ينصر الله سبحانه بقلبه ويده و لسانه فانه جل اسمه قد تكفل بنصر من نصره و إعزاز من اعزه".

2. and to help Allah whose name is Sublime takes the responsibility for helping him who helps Him, and for protecting him who gives Him support.

The above represents an indirect reference to the following Ayah from Surat Mohammed.

"يَا أَيُّهَا الَّذِينَ آمَنُوا إِن تَنصُرُوا اللَّهَ يَنصُرْكُمْ وَيُثَبِّتْ أَقْدَامَكُمْ (٧)"

"O ye who believe! If ye will aid (the cause of) Allah, He will aid you, and plant your feet firmly".

The level of this extract is using certain implicit recognisable kinds of language and phrasing from The Holy Quran by using such form of language that echos certain types of documents as a technique. Regarding the other two steps of analysis, they assimilate the previous example.

On the other hand, Prophet's Mohammed tradition also affect IAE. Explicit mentioning of one of these traditions is below:

٣. " لن تقدس أمة لا يؤخذ للضعيف فيها حقه من القوي غير متتعتع"

3. "The people among whom the right of the weak is not secured from the strong without fear will never achieve purity".

The previous extract is used directly within IAE as a support and background statement. This takes place by using direct quotation as a technique. For the distance in all of its sides, it is similar to example 3 as they assimilate each other in time place and culture. Concerning the institution, the author of the this tradition is the prophet Mohammed (p.b.u.h) whereas the writer of the IAE is Imam Ali (p.b.u.h). The extracts have the same context.

The same steps except the technique are used in the following example. The technique is mentioning a statement from the prophet Mohammed (p.b.u.h) tradition in the IAE:

٤." و ليكن البيع بيعا سمحا بموازين عدل و أسعار لا تجحف بالفريقين من البائع و المبتاع".

4. The sale should be smooth, with correct weights and prices, not harmful to either party, the seller or the purchaser).

"رَحِمَ اللَّهُ عَبْدًا سَمْحًا إِذَا بَاعَ سَمْحًا إِذَا اشْتَرَى سَمْحًا إِذَا اقْتَضَى".

5.Conclusions

1. Both AC and IAE draw upon other texts.

2. The intertextual analysis shows that AC is influenced by the following texts, the MC, the DRMC and the constitutions of different states within the U.S. such as the constitution of Pennsylvania of 1776. IAE, on the other hand, is influenced by two texts, The Holy Quran and the Prophet's Mohammed (p.b.u.h.) Tradition.

3. The two texts diverse in using intertextuality. In many cases, AC draws upon other texts as a statement as background and/ or support by using an indirect quotation technique whereas IAE draws upon the other texts as background, support, and as an implicit recognisable kind of language and phrasing by using an direct quotation in most cases.

4.Concerning the distance, AC is influenced by the MC, DRMC and PC. MC is English, DRMC is French and PC is American, this indicates that the influence takes place in two types: internal and external whereas IAE is based on The Holy Quran and the Prophet's Mohammed (p.b.u.h.) Tradition. Both of them are Arabic and Islamic ones.

5. AC recontextualises some extracts into its final shape, for example, DMRC is merely a document or covenant for human rights, but it is used as a supreme law of the U.S. IAE uses the extracts from other two texts as the same context.

A Contrastive Intertextual Analysis of The American Constitution and Imam Ali's (p.b.u.h.) Epistle to Malik Al-Ashter
Assist. Prof. Firas Abdul-Munim Jawad, M.A.   **Samah Abdul-Sattar**

References
Ali, A. (1987). The Holy Quran (Koran). The King Fahd Holy Quran Printing Complex.
Bazerman, C. (2004) 'Intertextuality: How Texts Rely on Other Texts', in C. Bazerman and P. Prior (eds) What Writing Does and How It Does It: An Introduction to Analyzing Texts and Textual Practices, pp. 83-96.
Fairclough, N. (1992). Discourse and Social Change. Cambridge: Polity Press.
Giere, S. D. (2012).A New Glimpse of Day One: Intertextuality, History of   Interpretation, and Genesis 1-1.5. Berlin: Walter de Gruter.
Jordac, G. (1956). The Voice of Human Justice. Qum: Ansariyan Publication. M. Fazal Haq(transtor).
Kazemi (2006) . The Sacred Foundations of Justice in Islam: The Teachings of Ali Ibn Abi Ṭalib.(ed). Canada: Sacred Web Puplishing.
Nai and Pakashi .(2015)."The Study of Intertextuality in the letters of Imam Hassan and Imam Hosein (AS) Pertaining to the Noble Quran"**.** SAUSSUREA (ISSN: 0373-2525).Volume 5(7):
 Ott, B. and Cameron Walter.(2000)."Critical Intertextuality: Interpretive Practice and Textual Strategy" .Studies in Media Communication Vol. 17, No.4.
Thibault, P. J. (1994). "Intertextuality". In R. E. Asher (Ed.), The Encyclopedia of language and linguistics, Vol. 4.Oxford: Pergamon Press.
Wang, W. (2006).Newspaper commentaries on terrorism in China and Australia: A contrastive genre study. (Doctoral dissertation, The University of Sydney).

المصادر العربية
-القران الكريم.