**The Sovereignty of *Ummah*: Ghannouchi’s Theory of Sovereignty**

**Introduction**

There has been a long debate on sovereignty in Islamist political thought in various times and contexts. It started after the death of Prophet Mohammad (PBUH) in 632, sustained during the regimes of four rightly guided Caliphs and Islamic dynasties and Empires. It, however, became extremely contested when Muslim majority countries started to adopt modern nation -states. The question of whether to accept the nation state’s popular sovereignty or how to reconcile the essence of popular sovereignty with Islam’s divine sovereignty emerged as the most debated issue in modern Islamist political thought. The dominant argument is that God’s sovereignty cannot be compromised in Islam because it is not only an integral part of Islam as a religion but also an indispensable component of Islam as a political ideology. This understanding is theorized and popularized by some Islamist scholars and ideologues, namely, Abul A’la Maududi and Syed Qutb. Nevertheless, other scholars and ideologues started to interpret sovereignty in Islam differently.[[1]](#endnote-1) The most celebrated among them is Rachid Ghannouchi, an intellectual vanguard and current president of Tunisia’s Ennahda party. He interprets the absolute divine sovereignty in Islam from a different viewpoint and offers an alternative within Islamist thought-the sovereignty of *ummah* (community/nation).[[2]](#endnote-2)

This paper explores and analyzes Ghannouchi’s theory of sovereignty. It demonstrates how Ghannouchi, drawing from Islamic ideas and Islam’s political practices, argues for the sovereignty of the *ummah*. The paper determines his departure from and overlaps with the theoretical underpinnings of divine and popular sovereignty. It also identifies some limitations and practical challenges of Ghannouchi’s interpretations of sovereignty in Islam.

The paper starts with the historical exploration of the making of Ghannouchi’s theory. It shows that he argues for the position that Islam as a religion is separated from politics. It also maintains that Ghannouchi belongs to the early scholars who believe that by viceregency, God gives the human being the agency to manage temporal affairs. Then, in the next section, the paper describes and analyzes the theoretical underpinnings of Ghannouchi’s sovereignty of *ummah*. It attempts to explore who is the ultimate sovereign in his arguments and based on what contract *ummah* engages with itself and the rulers. It further intends to examine the place of *shari’a* in Ghannouchi’s thought, and how rulers get *ummah’s* legitimacy to rule over temporal affairs. Next, the paper explains the limitations and practical challenges of his theory. Finally, in the concluding section, it summarizes Ghannouchi’s arguments on sovereignty.

**Ghannouchi’s thought in historical debates**

Ghannouchi’s thought on sovereignty carries the legacy of two significant debates in the Islamist political thought: the debate on separability/inseparability of politics from religion, and the debate on the vice-regency in Islam. Unlike the Western political thought where it is accepted that religion is separated from politics,[[3]](#endnote-3) the dominant understanding in Islam is that it is impossible to separate Islam from politics. It is because of the distinctive nature of Islam as a religion, its historical evolution, its “exceptional” attributes, its early rapid expansions and so forth.[[4]](#endnote-4) The other argument in this debate, but relatively marginalized, is that religion and politics are two separate entities in Islam. For some scholars, the separation occurred after the death of Prophet Mohammad, while for others, Islam’s separation from politics ultimately happened with the end of four rightly-guided Caliphs’ governance. Ghannouchi belongs to the second school with a claim that Islam is separated from politics. For Ghannouchi, politics, and Islam were separated from the very beginning of Islam, during the time of Prophet Mohammad. However, Ghannouchi argues that this cannot be claimed in the sense that the separation happened in the Western political tradition. Ghannouchi, rather, identifies Islam’s separation from politics as a distinct phenomenon (Ghannouchi, 2013).

Ghannouchi calls it distinction[[5]](#endnote-5) because he argues that Mohammad used to clarify which of his statements were revelations and which were his political commentaries. In Ghannouchi’s language: “If it were a revelation, he [Mohamad] would say so, and if it were political, he would say it is opinion or advice, and they were then free to disagree with him” (Ghannouchi, 2013, p. 166). Ghannouchi further clarifies the “Prophet’s statuses” citing from Sheikh Taher Bin Ashour:

When he had the status of Prophet, people owed him total receptivity and obedience, and when he had the status of army and political leader, he could decide on a position for the army yet a companion could come and tell him, by God, the other position is better, and he would actually change his mind a degree with that companion (Ghannouchi, 2013, p. 166-67).

With a historical exploration of Mohammad’s time, Ghannouchi contends that he was at the same time a religious *imam* and a political *imam*. Mohammad not only led the community in the mosque but, at the same time, reconciled disputes among people, led his army at war, signed treaties, and conducted other political affairs. After arriving in Medina,[[6]](#endnote-6) Mohammad firstly built a mosque, and secondly drafted a constitution by the name of *Al-Sahifa* (Madina Charter) (Ghannouchi, 2013). The constitution gave birth to a community/nation accommodating people from different clans and faiths. Mohammad identified them as a political, rather than a religious ummah (Ghannouchi 2013). Ghannouchi claims that Mohammad made a distinction between his religious and political roles in the community. The religious purpose is to provide the faithful with answers on major existential issues such as their origin, fate, the region they were born. It offers them a value system and a set of principles based on those the community is organized. On the other hand, Ghannouchi argues that the political role is “to dictate agricultural, industrial or even governance mechanisms, or manner of managing state affairs; these involve particular technologies, and people’s minds are well equipped to learn from experience what best to do” (Ghannouchi, 2013, p. 167). Ghannouchi’s political objective is different from the political imagination of Western liberal tradition. He seems to be less concerned regarding the politics of conflict management and materialistic worldly gains. Ghannouchi, instead, stresses the ethical side of politics. He argues that the objective of politics is to improve human welfare. In Muslim societies, the fundamental aim is to transform people into better Muslims. The purpose of political institutions is to harmonize certain kind of moral unity of *ummah* that gives them space to decide welfare policies through a dialectic process of text, tradition, and consultations (March, 2018a).

The second historical debate that Ghannouchi carries a legacy is the vice-regency debate in Islam. He declares that *ummah* (community/people) is the vice-regent of God on earth, and it is people’s will that offers the political legitimacy to the rulers. It is one of the radical and unexplored arguments among diverse interpretations of *khalifate Allah* (vice-regency of God). There has been a historical debate if *khalifate Allah* refers to the rulers, the decedents of Adam or entire human generations followed him. The dominant argument was the former. The early Islamic scholars from Al-Tarabi to Al- Razi to Al- Qurtubi, among others advocated this interpretation of vice-regency (Idris, 1990). In this interpretation, the Caliph draws his authority directly from God. The Caliph is assumed to have the same position as the Prophet to the community. He is, therefore, “expected to govern their affairs and is entitled to receive their unconditional obedience while exercising absolute sovereignty over them” (Razek 2013, p. 27). None is entitled to share authority with the Caliph.

Against this argument, Razek declares that neither the Holy Quran nor the tradition of the Prophet refers explicitly to the nature of Caliphate. The rulership throughout Islamic history, Razek maintains, exploited the concept of the Caliphate with a religious reference. For Razek (2013, p. 52), Caliphate could be “a necessary condition for the practice of religion and the realization of the general good of the Muslim community.” Choosing a leadership and arranging governance that would ensure general good for the community becomes a temporal affair. According to Razek, it is purely a secular enterprise. Alajmi (2011), explains this position arguing that any person capable of cultivating the earth or rule over another person could be “God’s caliph.” Whereas in these arguments, the spiritual part is somewhat excluded, in Ghannouchi’s contention on the *ummah* as the vice-regent of God, the spiritual reference remains significant. He argues that people do not possess their inherent rationality, but perform temporal affairs based on rationality they receive from God. This vice-regency thesis is a central point to Ghannouchi’s argument on sovereignty. In the following section, I will discuss it in detail.

**The sovereignty of *ummah* in Ghannouchi’s thought**

Ghannouchi’s thought on sovereignty is informed by his Islamic conception of politics that is shaped by two basic principles of his thought: his belief in the metaphysical account of the totality of existence, and his subscription to the *siyasa shariiyya* of Islam. Firstly, Ghannouchi believes, “God is more knowledgeable than all of His creatures and the highest legislator and commander, and that man has been distinguished from the rest of God’s creatures by his designation as God’s deputy, through which he has been entrusted with reason, will, freedom, responsibility and the divinely ordered path for his life” (Ghannouchi, 1993, p. 37). This totality of God does not preclude the rational interpretations of the divinely inspired laws and norms. Ghannouchi “conceives of Islamic rationalism as the dualism of reason and revelation” (Tamimi, 2001, p. 31). In his thought both revelation and reason coexist. Both combinedly work as the source of knowledge. He assumes a harmony between the two sources arguing that the acceptance of revelation as an essential principle where reason must be employed to interpret revealed texts. For him, any inconsistency between the reason and revelation is to be unexpected and erroneous that is to be disregarded (Tamimi, 2001). According to Ghannouchi, Islamic rationality complies with the Western philosophies while recognizing the existence of objective reality but differs when “it rejects the principles of reason’s independence of knowledge as a whole” (Tamimi, 2001, p. 31). The reason is acceptable unless it contradicts the very foundation of divine law.

Secondly, Ghannouchi is heavily influenced by the *siyasa shariiyya* tradition of Islamic law and governance. *Siyasa* is one of the significant but less known branches of pre-modern *shari’a* jurisprudence. Islamic jurisprudence historically has two branches: *fiqh*, rules explored from scriptures by the Islamic legal scholars that pronounce an appropriate conduct for the community and *siyasa*, laws those are formulated by the worldly rulers for public good based on experiences and practices of governance. *Siyasa* laws, unlike *fiqh*, are constructed by Muslim rulers by their philosophical understanding of government and thoughts about their subjects. Quraishi-Landes (2015) argues that *siyasa* laws are generally derived from the practices of governance, laws related to rulership that cover issues, such as security, taxes, public safety, regulating markets. *Siyasa* laws cover things that are essential for the maintenance of an ordered community, but revealed texts contain little references. There have been tensions between the *fiqh* and *siyasa* laws where it is feared that the later undermine the authority of the former on the one hand and goes beyond the limits of revelation on the other. Quraishi-Landes, however, argues that *fiqh* scholars had to accept the necessity of *siyasa* laws because *fiqh* laws do not offer all references to everyday governance. Quraishi-Landes further maintains that *siyasa* cannot be determined as secular laws as the experiences and practices of Muslim rulers were very different from that of the Western rulers. Unlike the Western rulers, Muslim rulers governed their subjects with an Islamic objective in mind and an Islamic identity to maintain, with reference to the revealed texts.

These two theses emerged from Ghannouchi’s radical argument that the human being is God’s vicegerent on earth (Ghannouchi, 1993, p. 97). He contends that man’s responsibility on earth is to establish social justice according to God’s revelation and they accomplish that freely with the reason, will, and freedom they achieve from God. From the vice-regency theory, Ghannouchi derives the two sources of authority in the Islamic state: *shari’a* (the text) and *shura* (consultation) (Ghannouchi, 1993, P. 322). The former represents the authority of God while the latter epitomizes the authority of humans what Ghannouchi refers to as the balance between the state of God and the people (Ghannouchi, 1993, p. 148). It is to “realize *shari’a*, to instantiate the absolute in the course of history, and to connect the divine with the human” (Ghannouchi, 1993, p. 104). When Ghannouchi attempts to theorize sovereignty in Islamist politics, he seeks to reconcile both divine and popular ideas of sovereignty where he found a resonance of *siyasa* *shariiyya* tradition of Islam. Based on this tradition, Ghannouchi “begins with the premise that there is no designed representative of God or man; mankind’s collective authority cannot be merely usurped on epistemic grounds. Actual, practical, political authority originates entirely with the people, which holds this authority on loan from God” (March, 2015a, p. 19). March argues that Ghannouchi does not denote the idea of popular sovereignty from the theological point of view to have a distinction between the Sunni and Shi’ite one, or as a way to have rulers’ legitimacy through the rituals of *bay’a* (the oath of loyalty through which the ruler comes to be legitimate). For him, March articulates, a contract of agency between the people and rulers legitimizes all political authority. Does this contract involve the delegation of the responsibility to enforce the *shari’a*? Ghannouchi argues that the executive authority is completely civil, and his point in this conception of “shared divine and popular sovereignty” is “Text and Consultation (*shura*), which he equates with the *shari’a* of God and consultation amongst the people, reason, and revelation, constraint, and freedom” (March, 2015a, p. 19).

In this regard, the question arises if Ghannouchi authorizes the traditional Islamic jurists or *ulama* to participate in the process of consultation. *Ulama* are the scholars who interpret laws and represent the people to constrain the excessive power of the rulers. Ghannouchi like the proponents of divine sovereignty Mawdudi and Qutb, discards the textual authority of traditional *ulama*. He believes that texts are open and subject to reinterpretations in accordance with time and contexts. *Ummah*, as a whole, is authorized to interpret revealed texts. He replaces the jurists place with *ummah* with the embodiment of democratic institutions and practices to the Islamic political thought. Ghannouchi “finds the precedents of democratic institutions in Quranic and early Islamic practices of consultation (*shura*), popular ratification of rulers (*bay’a*), communal consensus about religious practices and points of law (*ijma*), and the collective scope of the interjection to command the right and forbid the wrong” (March, 2013, P. 309). The base of these practices is *shari’a*, but traditional jurists are not the only authority of their interpretation as there is no theocratic authority in Islam. Unlike the medieval practice of Christianity, Ghannouchi declares, because of the absence of any central religious authority, “no one can claim to have the sole right to interpret religious texts or to speak in the name of the Heavens or to be God’s shadow on earth” (Tamimi, 2001, p. 99).

The authority of *shari’a*, however, remains supreme, at least normatively, in Ghannouchi’s thought. This unified divine authority that *ummah* (community) gets from God is the ultimate sovereign power in political affairs. Ghannouchi contends that the “supreme, irresistible, absolute neutrality and uncontrolled authority” of a modern nation-state in the western political thought is rather ambiguous (Tamimi, 2001, p. 99). In this respect, the parliament or a political body that emerges as the sovereign entity with the mandate of people, might monopolize the power and abuse it. It leads as Ghannouchi described, to the “catastrophic decisions.” It is, for him, the consequences of “granting absolute powers to legislators who in turn assume the role of God” (Tamimi, 2001, p. 99). That scope of monopolizing power either by the political body or legislators is nearly impossible in Islamic democracy where *shari’a* remains supreme, sanctified, and entirely neutral. To be objective, and just for the shareholders of an Islamic state is not only a professional duty but also a religious responsibility.

Ghannouchi’s fundamental contribution to the theory of sovereignty in Islamist political thought is his doctrine of man’s viceregency of God. While the earlier Islamists, by the viceregency of God, referred to rulers or a political body, Ghannouchi moved it to *ummah*. Based on his metaphysical account of the totality of God, and articulation of the Quranic verse (Quran, 2:30) in which God refers to mankind as a whole as his deputy or viceregent, he designates people as God’s deputy. The belief is that God has created humans with an honor and gifted them with such a mind and power that all other creatures are created for their service. As a vice-regent of God, a human has certain rights and responsibilities towards other humans and creatures.

People perform these responsibilities in various capacities engaging in a social contract that culminates to the formation of a government. Ghannouchi’s social contract of a legitimate government in Muslim majority countries complies neither with the social contract theories of the Western political thought nor with the arguments of the advocates of divine sovereignty in Islam. It also rejects the contract of the late medieval Islamic political thought that offers the legitimacy of the Saudi monarchy where it is argued that a ruler gets legitimacy and achieves the “legal status of the *imam* in all things once he gains power by force over a city or country” (Vogel, 2000, p. 210). In the Western tradition, the contract is exclusively between rulers and ruled where the latter have the absolute authority to elect or dismiss the former. People are completely free to exercise their individual autonomous agency. They are not bound to any spiritual entity, at least in the Rousseauian social contract, where individual agency is “neither represented nor alienated.” It does not depend on God’s will; it is also not delegated to rulers absolutely. Instead, as Rousseau argues, sovereignty emerges from people, and it stays there (Rousseau, 1997). In contrast, in Ghannouchi’s thought it could be inferred that, sort of Lockean way, individuals are engaged with two contracts simultaneously. They are, on the one hand, in an inalienable contract with God with the complete submission of authority to Him and, on the other hand, they, borrowing agency from God, are in another autonomous contract with rulers. In this dual contract, it is debatable, to what extent, individual free agency is recognized.

Ghannouchi’s dealing with this duality should be examined on two grounds. First, how he places the role of *shari’a* in the contract, and second, how Ghannouchi perceives the relationship between the rulers and the ruled in the governance of Muslim majority countries. He does not deny that the contract between God and individuals is based on the *shari’a* of God and that informs the contract between rulers and individuals. However, Ghannouchi argues that although the faith part of the contract is inalienable, the political part of it (broadly other aspects of life in the world) could be reinterpreted in the context of the changing time and context. In this regard, he departs from the divine sovereignty thesis which argues that in Islam faith and politics are indivisible. Unlike Mawdudi and Qutb, his thesis is that politics and governance are civil issues.[[7]](#endnote-7) His conception of *shari’a* also radically differs from the Mawdudian and Qutubian interpretations. These scholars considered *shari’a* as codified laws that would be executed by the state from above to establish an Islamic state. For Ghannouchi, however, *shari’a* is a moral guide that would inform individuals with faith-inspired morality, and ultimately would be instrumental in the social Islamization from the bottom. He argues that legislators should neither be guided by the *ulama* nor by Ministry of Religious Affairs in the process of enacting laws, rather their guidance should be Islamic values embedded within them (Ghannouchi, 2013). Man, thus, becomes as miniature Gods in Lockean terms as Shapiro comments where every individual inherently carries the moral values of God and acts on them (Shapiro, 2003). It, however, should not be interpreted that Ghannouchi undermines the authority of *shari’a*. Ghannouchi, indeed, argues that Muslims live in a dangerous time not because “they are deviating from the shari’a, but because they are resisting the authority of *shari’a*; they are less and less taking *shari’a* to be authoritative over them” (Sadek, 2012, p. 50).

It would nevertheless be erroneous to assume that Ghannouchi wants *shari’a* authority to replace positive law. He, instead, argues that *shari’a* should be interpreted in the modern circumstances and its ethos should freely mediate into the individual’s everyday personal and social affairs. In his words, in Islamic societies “*shari’a* must be adapted to the modern contexts, one according to which man is independent of his creator” (Ghannouchi, 1993, p. 100). For him, historically no single codified *shari’a* law governed the Islamic dynasties or empires. Islam did influence laws and state behaviors, but those are in the form of Islamic values enacted by people as they understood texts. He argues: “Countries have remained Islamic not because their laws, behavior, and measures are based on the revelations, but thanks to human interpretations that are either supported or contradicted by other interpretations” (Ghannouchi, 2013, p. 167). He emphasizes that ensuring social justice that is attainable by following God’s revelation. He articulates: “all Muslims must continue the effort and cooperate to fulfill Allah’s commandment and establish justice on earth” (Ghannouchi, 2006, p. 167). As his focus remains on individual and societal Islamization, in the Tunisian constitution formulated under the tutelage of Ghannouchi’s party Ennahda, did not mention *shari’a* as the source of positive law. The constitution eliminates the word *shari’a*; it is mentioned that Islamic teachings would guide the nation.

However, Ghannouchi seems to be ambivalent locating the precise place for *shari’a*. When he writes, in an Islamic government, “supreme legislative authority is for the *shari’a*, that is the revealed law of Islam, that transcends all laws,” the location of *shari’a* whether to see merely as a moral guide or place in a position to dictate positive laws becomes confusing (Ghannouchi, 2006, p. 272). The ambiguity is further augmented with his overarching emphasis on *shari’a* by articulating the Quranic verses: “Judge between them by what Allah has revealed and follow not their vain desires” (Quran, 5:49), and “Those who do not judge by what Allah has revealed, they are unbelievers” (Quran, 5:44). In Ghannouchi’s articulation, it also seems that *shari’a* depends on an individual’s free exercise of agency in the social contract. He comments: “In Islam, the contract of *bay’a* does not found the state, because the text is already there, and Muslims are not free as long as they remain Muslims to apply the rules of *shari’a* or to invalidate them” (Ghannouchi, 1993, p. 146). Sadek argues that in Ghannouchi’s interpretations of *shari’a* people are not absolutely free to exercise their agency. It is not the fact that individuals are not allowed for self-reasoning. Rather, Sadek maintains that an individual’s ethical reasoning is dictated and structured by the authoritarian reasoning determined by *shari’a* (Sadek, 2012). He further clarifies: “By accepting the authority of *al-Nass* [*shari’a*], one is thus limiting the objects of her ethical reasoning and is no more in a position to question the validity of *al-Nass* itself. Being so constrained is sufficient to say that the ethical autonomy of the agent is undermined” (Sadek, 2012, p. 116-117).

This debate on agency leads us to the second point of Ghannouchi’s duality in social contract. In Ghannouchi’s thought, the rulers and ruled relation in Islamic societies develop based on a contract that is on the one hand overlapping, and on the other hand, deviating from the Western political thought. Ghannouchi claims that in Islamic societies under God’s omnipresence, there is no hierarchy of relations among people. In a Lockean way, he argues that God established a harmony of the relationship among people as He did it in the cosmos. However, unlike Hobbesian state of nature where individuals are in a state of war, Ghannouchi akin to his predecessors Mawdudi and Qutb, argues that people in Muslim societies are in an inherent relationship of brotherhood informed by faith under the rubric of the universal ummah, the community of the faithful.[[8]](#endnote-8) The basis of this brotherhood is a faith inspired morality (Ghannouchi, 2013; 1993). However, the insecurity and the inevitability of conflict, like any other societies, lead the Muslim societies to establish a social contract among people. In the contract, some are assigned with executive power to govern. Therefore, it is not only the extreme Hobbesian fear that leads the individuals to engage in a contract, but both existential insecurity and aspiration to establish Islamic societies contribute to the formation of the contract. It would be irrational to state that individuals only want peace and security in the community, but they consider it as a part of their religious obligation. For individuals in a community, it is a divine responsibility of developing a peaceful community.

Individuals submit their will voluntarily to the rulership and seek security and justice from them. This will is not inherent to them; rather Ghannouchi contends, Muslims borrow the will from God. Getting agency from God, individuals are free to use that rationally. This freedom is the consequence of human’s God-given responsibility and agency (Ghannouchi, 1993, p. 144). For him, “freedom of faith is personal freedom far from any compulsion and this freedom includes the right to embrace or leave religion” (Ghannouchi, 2018, p. 22). Through the governing mechanism (*shura*), this agency, then, leads to a kind of contract exists in the Western political thought where people rationally choose, to whom and to what extent, to submit their will. This contract is not divine or charismatic self assertation. Rulers in Islamic governance are agents of people bestowed with very specific functions and the source of their authority is always *ummah*, the people who assigned them the tasks. The terms of the contract could be summarized, as March (2015a) points out into three points: to apply *shari’a*; to make public policies only with the welfare (*al-masaliah*) of the ummah in mind; and, to strictly maintain the obligation to consult (*shura*) the *ummah*. Under the contract, after the submission of will, individuals neither become “sleeping sovereign” in Hobbesian sense nor transform into a passive-powerlessness entity as they become in Bodinian contract. Instead, it could be inferred from the Ghannouchi’s writings that, sort of Rousseauian and Lockean way, individuals’ agency remains in them. They do not waive their right to dismiss the rulership anytime that appears illegitimate, despotic or corrupted to them. For Ghannouchi: “there is no absolute delegation of authority through the contract of the agency; there can be partial delegation, and the forms and conditions of such offices can be multiplied” (Ghannouchi, 1993, p. 170). He further comments, “the *ummah* does not retire once the *Hukumah* (government/the group of people who are assigned for governance) is appointed; the *hukumah* only takes charge of tasks that individuals and groups are incapable of carrying out” (Tamimi, 2001, p. 100). The difference between the Rousseauian and Lockean agency from Ghannouchi’s is that in the case of the former, the agency comes from nature while in the latter, the source of agency is personal faith. Ghannouchi calls it the God-dependent view of the human being. For him, this is the core distinguishing feature between the Western secular perspective and Islamic perspective of looking at the world. In his words: “that [human being] is always in need of the creator and is incapable of separating from the creator without jeopardizing his humanity” (Sadek, 2012, p. 47).

In Ghannouchi’s thought although faith’s moral inspiration is integral, the contract between the rulers and ruled is entirely civil. Rulers do not enjoy God’s divine authority like the divine power of kings claimed in the medieval Christianity dominated rulership. They are bound to God’s authority in a kind of Lockean voluntary God where they are accountable to Him particularly matters related to faith. But they are not allowed to override God’s laws. The difference in the Ghannouchian reference to God is that, unlike Lockean, in Islamic case texts exist and rulers cannot act against those. However, they have the authority to interpret texts differently in modern contexts. Rulers neither enjoy the absolute authority to rule as one would see in the Bodinian and Hobbesian contract, nor they remain above laws those they formulate. Rather, in Ghannouchian contract, rulers are like any other individual and subject to laws they make. They are not separated from the mass; remain one of them in the process of governance. In Ghannouchi’s words, both rulers and ruled are subject to the same laws (Sadek, 2012). The prime responsibility of the rulership is to ensure human welfare.

This establishment of human welfare is a completely temporal responsibility performed by a political authority in Ghannouchi’s democratic civil state.[[9]](#endnote-9) People must ensure that without being dependent on any other entity. This argument reflects in the founding declaration of his party Ennahda:

the people’s reclamation of their legitimate right to self-determination far from any internal or external tutelage…rejection of violence as a method of change…consultation as the means of deciding on matters of thought, culture, and politics. Rejection of authoritarianism and monopoly of power…and affirming the right of the people to exercise freedom of expression, assembly, and all legitimate rights, and to cooperate with all national forces to achieve this (Ghannouchi, 2018, p. 20-21).

He envisions state as a democratic institution drawing its legitimacy from the people’s free will. The establishment of it is a matter of consensus among all political trends under a framework where “sovereignty belongs to the people through peaceful rotation of power via free elections, and on the principle of the separation of powers and balance between them” (Ghannouchi, 2018, p. 21). Ghannouchi argues for an Islamic democracy which, unlike Western democracy, is bound to a set of divine guidelines. It is not in the form of a set of coded laws, rather based on the philosophy that “Islam is God’s final word to humanity, and a comprehensive global message of mercy and justice to mankind” (Tamimi, 2001, p. 91). *Shari’a* would be a broad guideline of serving human welfare. Ghannouchi benefited from and relied on Ash-Shatibi’s theory of *al-masaliah* arguing that *shari’a* should be interpreted in a way that ensures maximum human welfare. The fundamental idea is that the objective of divine revelation is the improvement and attainment of human interest, justice and wellbeing in the life and the hereafter. He cites Quranic verse: “We sent aforetime our Messenger with clear sights and sent down with them the Book and the Balance (of right and wrong), that men may stand forth in justice” (Quran, 57:25). *Al-masaliah* is “used as a guiding principle in the procedure of deriving laws by analogy (*qiyas*) when applying a text to a situation that is not covered by S*hari’a”* (Sadek, 2012, P. 108). It is also used to defy scriptural rulings and verifying the validity of already established laws.[[10]](#endnote-10) *Al-masaliah* “presents jurists with a framework to tackle the problem, inherent in a legal system that is based on a finite text, of bringing to bear the limited material foundation of the law (i.e., Qur’an and hadith) on everyday life in an ever-changing environment” (Opwis, 2005, p. 183).

Ghannouchi accepts Al-Shatibi’s categorization of *Al-masaliah* as “essential requirements” within which all the elements of religion are to be incorporated, and “all new problems in the lives not only of Muslims but of all humanity, can find proper solutions that guarantee the fulfilment of their requirements” (Sadek, 2014, p. 160). Sadek argues that Ghannouchi employs it to adapt God’s law and accommodate for the needs of Muslims. Ghannouchi illustrates examples how and the extent to which *shari’a* was historically interpreted for the human interests. It draws those from the general practices in the events of Prophet’s lifetime, Negus, and Umar ibn Abdul Aziz’s rulership[[11]](#endnote-11) while they had to share power with non-Islamic governments in many capacities (Ghannouchi, 2006, p. 274-275).

The argument for civil, autonomous political authority in Islam and its practice is not new. Historically, the Kings and Caliphs’ political authority was somehow separated from the religious authority, argues Ghannouchi and the authority of them was derived from the people (Ghannouchi, 1993, p. 149). Early Caliphs sincerely sought ummah’s *bay’a* for their legitimate rule and declared that their authority was dependent on their unvacillating commitment to rule within the limits of God’s laws. It is not the superficial, *ex post facto* tradition of the *bay’a* displayed in modern Islamic monarchy practiced in Saudi Arabia (March 2015a). Therefore, Ghannouchi argues that historically it is established that ummah is the *de facto* source of all political authorities and powers and remains the ultimate sovereign within the statutory framework (*Shari’a*). In his words: *ummah* is “the possessor of supreme sovereignty in matters of governance via its election, supervision, accountability, cooperation with and removal of the ruler” (Ghannouchi, 1993, p. 71). Political authority belongs to the *Ummah,* and it must be practiced with a mechanism of *shura* (consultation). The establishment of a government based on Islamic norms and ethos, therefore, for Ghannouchi is not the sole responsibility of rulers. It is “the duty of the believers to spare no effort in establishing it” (Ghannouchi, 2006, p. 273). The community should not embrace passivism and isolation but should be stakeholders of establishing governance serving the interests of the public such as the protection of faith, soul, wealth, and prevention of evils.

However, Ghannouchi, although, argues for a civil state, he is not an advocate of an entirely secular government. He argues that if an Islamic government seems impossible to be established soon, the community should not abandon their attempt to accomplish it. For him, the struggle for Islamic government has a significance because it is not only a temporal duty of the individuals to establish it but is a part of their religiosity. Ghannouchi writes: “it is the religious duty of the Muslims, as individuals and as communities, to contribute to the efforts to establish such a system [Islamic democratic government]” (Ghannouchi, 2006, p. 273). Quoting Ibn Khaldoun, he maintains that if Muslims fail to establish an Islamic government, they at least should strive for a government of rationale. He, however, did not clarify what he meant by the rational government. It reveals from his writings that upon Muslims’ failure of establishing a government of Islamic values to be implemented, they at least should attempt to establish a just government. For him, “a just government, even if not Islamic, is considered very close to the Islamic one, because justice is the most important feature of an Islamic government, and it has been said that justice is the law of Allah” (Ghannouchi, 2006, p. 275).

Justice would largely be guaranteed, Ghannouchi argues, if the genuine utilization of *shura* becomes possible. It offers political legitimacy to the rulership. *Shura* presents the best opportunity for the *ummah* to exercise their collective autonomy. He calls it “the spinal cord of the *ummah’s* authority in establishing a political rule by participation, co-operation, and responsibility” (Ghannouchi 1993, p. 109). With voluntary participation and cooperation in the social and political debates of the public sphere through public reasoning, *ummah* brings better solutions for the contemporary crisis of the community. Since Islam has no specified procedural mechanisms of *shura* that leads Ghannouchi to argue, “any allowed path that can indicate or show who gets the trust of the ummah is acceptable, and there is no doubt that elections in these times are among the acceptable ways that we can use under the condition that there be no tricks and deceptive means” (Ghannouchi 1993, p. 125). For Ghannouchi, *shura* is not only a process of collective decision making, but it is a way of acknowledging an individual’s independent thinking, a way of safeguarding individuals from the tyranny of authority. It is also a way of mediating difference, developing personal relations, and creating common grounds for *ummah* on political and social issues. In Ghannouchi’s words: “*Shura* is not merely a style of managing political matters…but is a way of life that springs from the general viceregency of humans, the primacy of the collective over the individual and considering the individual to be weak on his own but strong with his brother, and mistaken on his own but enlightened towards his best with his brother” (Ghannouchi 1993, p. 190-192). The nation’s collective representation in the mechanisms of *shura* speaks in the language of the divine will (Ghannouchi 2013). Ghannouchi contends, “the only representation of the divine will is inherent in the nation itself, which it expresses through advocacy rather than by monopolizing of a certain imam, political party or state” (Ghannouchi 2013, p. 168). From the legislative perspective, in the practice of *shura*, the authority of textual interpretations is not to be dominated by a single group or institution. As vice-regent of God, Ghannouchi claims, “the ummah collectively and unitedly deputizes for God in implementing His law, shari’a, and is therefore held responsible by Him and is accountable to Him” (Tamimi 2001, p. 100).

He further argues that *ummah* ideally not only holds the power to form a government but also to direct and dismiss it. The limited power delegated to the rulership, for Ghannouchi, is enough to carry out the set of tasks assigned to them. *Ummah* works as a balancing factor in the governance that stops the rulers to become despotic. He claims that the political authority in the process of shura is neither theocratic nor totalitarian. It is not theocratic because God’s codified laws are not directly implemented, and not totalitarian because *ummah* does not submit all of their authority to the rulers on the one hand, and the ultimate sovereignty, within the supreme jurisdiction of *shari’a*, remains as the indivisible part of *ummah*. The *shura* functions as the medium of restricting the government both from the ground of temporal, social contract and religious-moral obligation embodied in *shari’a*. Ghannouchi notes that while God is the source of legislation, the *ummah* through its public practices of *shura,* participates in the divine will. The process of *shura* also restricts and limits the texts of revelation for the determination of general principles for organizing human relations. It is a practice that Ghannouchi equates with the idea of universal communal consensus (*Ijma*) as a source of divine law alongside revealed texts (March 2015a). This leads Ghannouchi to declare that concerning the political matters “the ummah is guided by God and acquires from His light protection against collective errors” (Ghannouchi 1993, p. 119).

God remains the ultimate sovereign in Ghannouchi’s political thought. Ghannouchi’s contribution, however, lies in the point that he articulates the viceregency of *ummah* more convincingly and argues for people’s autonomous agency in temporal-political affairs. While Mawdudi and Qutb denote *ummah’s* viceregency as merely God’s representation on earth and rejects any claim for their own agency, Ghannouchi maintains that it is *ummah’s* autonomous agency and religious responsibility that would guarantee human welfare. It would be done through the reinterpretation of God’s revealed laws. This coexistence of divine will and human will in Ghannouchi’s thought could be a path of a departure from the paradox of Islamist sovereignty. It, however, would be misleading to infer that Ghannouchi argues for “multiple claimants” of the sovereign as one interpretation of Lockean sovereignty would claim (Scott, 2000). His contention rather is that human will is acknowledged under the larger realm of God’s sovereignty. He maintains that political authority lies in the people and they enjoy all rights to decide on political matters. It is a complete break away from his predecessors of Mawdudi and Qutb’s thoughts whose fundamental argument is that both religious and political authority belong to God. The separation between the two, for them, not only threatens the political stability in an Islamic society but also jeopardizes the individual religious integrity. The separation of politics from faith drives Muslims, as Qutb determines, to *Jahiliya*.

Ghannouchi’s sovereignty that apparently shifts towards the direction of popular sovereignty is a radical break from the divine sovereignty thesis in Islamist political thought. It argues for mass participation in reinterpreting *shari’a* and making collective decisions. Unlike, the divine sovereignty thesis, Ghannouchi’s political theory held that *shari’a* as a moral principle would guide the community. It will not work as positive laws. The community would be self-governing with a moral purpose and religious commitment where morality, will, and virtue would work together to accomplish a common human goal. March (2018b) correctly comments that Ghannouchi argues for a deliberative *shari’a* that emerges out of institutions, public opinion and the participation of people in order to figure out representation of a particular time and place with a dialectics of texts, traditions, and contemporary moments. March, however, while highly appreciative of Ghannouchi’s theory on sovereignty, calls it hybrid sovereignty because of his duality between God’s ultimate sovereignty and ummah’s independent agency (March 2015a). To some extent, March’s argument, with other scholars such as Khan (2005) and Sherwani (1942) assumes that this Islamists’ duality could be replaced with popular sovereignty for Islam’s perfect compatibility to liberal democracy. It becomes more clear when March argues for the “invention” of popular sovereignty in Islam.[[12]](#endnote-12) In this regard, March falls in the same category of scholars such as John Esposito, Muktader Khan, Khaled El Fadl, Nader Hashmi who argue that Islam is compatible with Western liberal democracy. Therefore, it seems that Islam bears the burden of proving its compatibility and it should accommodate the intricacies of liberal democracy. Mahmood (2004) rightly criticizes this take of the scholars arguing that Islam must scrutinize its own traditions and texts where the solution to the crisis it faces could be found instead of looking for compatibility in a hierarchical comparison with liberal democracy. For her liberal democracy is full of paradoxes and inconsistencies those should be critically scrutinized, and alternative visions of democracy, e.i. from Islamic tradition, should be acknowledged.

I, however, would neither identify Ghannouchi’s sovereignty as hybrid nor would attempt to “invent” popular sovereignty in his thought. Throughout the paper, I strived to locate Ghannouchi’s sovereignty in its own merit. I, however, had to use vocabularies and concepts of the Western political thought and write in a comparative fashion since Islamist political thought lacks such articulations and debates. I, nevertheless, subscribe to Ghannouchi’s contention that the very distinctive nature of religion, history, and philosophy of Islam, makes its articulation of sovereignty distinctive. The fundamental exceptions include the absence of central religious authority and the presence of supreme revealed texts. Consequently, in Islam, the ultimate sovereignty did not shift from God to the king, and then from king to people as it happened in the Western political thought. These exceptions, more specifically, the impossibility of excluding God’s reference, as Ghannouchi shows, do not preclude Muslims to embrace the ethos of liberal democracy. For Ghannouchi democracy is not only a procedural-political process of conflict management; instead, borrowing from Algerian scholar Malek Bennabi, he argues that democracy is an educational enterprise for the whole community (Tamimi, 2001). It is a wide-ranging program that incorporates psychological, ethical and social aspects that have Islamic roots revealed in Quran and Hadith and practiced in the Islamic tradition of politics. Ghannouchi, thus, argues that it is entirely the human enterprise to trace out those both from the texts and practices and contextualize in current moments. In this human endeavor, they do not reject God’s sovereignty but honor it. El-Fadl (2004) argues that when human beings in Islamic societies tends to establish God’s justice on earth, they are not in the position of the denial of God’s sovereignty, rather they honor it. They also honor it while dealing with political affairs by safeguarding the moral values that reflect the attributes of the divine.

Nevertheless, this shift from God’s absolute authority to recognizing ummah’s free agency at least in temporal matters is not as simple and straightforward as Ghannouchi argues. Similarly, authorizing individuals for reinterpreting *shari’a* and reducing it into the community’s moral principles while curtailing the ulama’s traditional scriptural authority are neither clearly articulated nor seems to be readily accepted among scholars. For some, Ghannouchi’s thought is apologetic while for others, his thought is infeasible-directly contradictory to the fundamental ethos of Islamic laws and polity (Donker, 2013 ). Ghannouchi assumes that individuals are educated and enlightened enough to interpret scriptures. Islamic jurisprudence is a science that, however, needs a rigorous methodological training, and vast historical knowledge, along with the fundamental ability and training of decoding texts. This debate is not new and even could be found within the tradition of the ulama. For instance, the Deobandi ulama in South Asia accuses the Ahl-i Hadis ulama on the ground that Ahl-i Hadis’s direct approach to interpreting original texts, rejecting the medieval Islamic jurisprudence established by ulama, alienates the masses.[[13]](#endnote-13) They argue that this elite dominated approach creates a hegemony of interpretation over the masses as ordinary people seldom possess command over texts and methods. The relevant challenge would be while the individual would start interpreting *shari’a*, the heterogeneity of interpretations that might not comply with the democratic-normative imagination that Ghannouchi demonstrates. How is to reconcile those heterogeneities in the absence of any central authority? Should the state intervene on this? That is also not possible in Ghannouchian thought as he argues that religiosity is an individual issue where state intervention is not welcomed. Furthermore, the ulama’s traditional authority on Islamic affairs in the modern nation-states although curtailed with the introduction of codified positive law, their authority on public Islam remained nearly undiminished (Zaman, 2002). Zaman argues that ulama’s authority over textual interpretations and public Islam has significant political implications. It is also revealed that their heterogeneous interpretations do not necessarily comply with liberal democratic values and norms. It, therefore, remains a crucial factor, how to find a way out to reconcile heterogeneity of textual interpretations so that those inform common democratic values in Islamic societies.

**Conclusion**

In this paper, I have shown that Ghannouchi’s theory of sovereignty carries two historical debates in Islamist political thought. The first one is a perennial debate if Islam and politics are separable and the second debate is on the meaning of viceregency in Islam. In the first debate, Ghannouchi argues that religion and politics have been two separate entities in Islam from the time of Prophet Mohammad. With Mohammad’s statements and practices of later Islamic dynasties and empires, Ghannouchi’s argument is that theological and political matters in Islam have always been separated. In the second, viceregency, debate, Ghannouchi unambiguously argues for the viceregency of people. These two takes on historical debates in Islam significantly inform his theory of sovereignty.

I also argued in line with March’s (2015a) argument that two fundamental principles of Ghannouchi’s thought shape his theory of the sovereignty of ummah. The first is his belief in the metaphysical account of God, and the second is his attempt to reinterpret contemporary Islamist politics based on the siyasa shariiya tradition of Islam. According to the former, he argues that God is the ultimate sovereign as the highest commander, legislator over the whole universe. According to the latter, he, however, maintains that the temporal-political affairs of ummah are managed by the people with the mechanism of consultation (Shura) based on texts (Shari’a) and human reasoning gifted by God. This governance mechanism, according to Ghannouchi, is arranged based on two contracts. One is an individual’s contract with their God where they unquestionably submit their complete authority to Him. Another is a social contract among people that comply with precisely neither the social contract theories of the Western political thought nor the contract imagined in the divine sovereignty in Islam. Unlike the former, it argues that the agency individual enjoys borrowed from God while unlike the latter, it argues that the individual has the absolute authority to decide on temporal political affairs. However, akin to the argument of divine sovereignty thesis, and distinct from the argument of the Western social contract, Ghannouchi maintains that the contract is not only formed out of fear in a state of nature but also informed with the sense of universal brotherhood among Muslims that is inspired by the personal piety. The contract is not only the rational necessity for a stable community, but also it is an integral part of an individual’s religiosity.

Moreover, I argue that Ghannouchi’s radical departure from the divine sovereignty thesis and significant contribution to the modern Islamist thought is the argument that shari’a should not be designated as positive codified law, but that should be regarded as the community’s moral guiding principles. The revealed message, for him, should be mediated into the societal, ethical foundation. The objective of it, he further argues, should be human welfare, and that could be ensured through the reinterpretation of shari’a in the present contexts and demands. This departure although gets high appreciation, is undermined from both the ontological and epistemological grounds. Nevertheless, Ghannouchi’s departure could be a starting point for the further development of sovereignty within the Islamic tradition. It is neither necessary to compare with the Western tradition of sovereignty nor obligatory to “invent” popular sovereignty in Islam. Instead, given the distinct nature of Islam as a religion from Christianity, and its different historical tradition, an Islamic model of sovereignty could be imagined.

**Endnotes**

1. For details, see significant works arguing that other interpretations of sovereignty in Islam are possible. For example, Razek (2013) argues that Islam does not have deterministic form of governance and therefore, the door for multiple interpretations of Islamic ideas is always open. Ahmad (1958) based on few classical Islamic philosophers’ ideas, shows that popular sovereignty to accept in Islam is possible. [↑](#endnote-ref-1)
2. It should be noted that the sovereignty of *ummah* is not an entirely new concept. It has been in the discourse of Islamist political thought for long. The entire *Salafiya* movement of 19th century Islam was argued for an Islamist sovereignty that could be compared to the sovereignty of *ummah*. Mohammad Abdhu to Rashid Rida to Tahtaw among others argued for in many capacities for people’s sovereignty in Islam with God’s reference. For the details of this lineage see Black 2011, also Tamimi 2007. Two key proponents of Mawdudi and Qutb too in a way argued for the sovereignty of *ummah*. But the contribution of Ghannouchi is that he more convincingly theorized and popularized this take of sovereignty with a historical exploration of Islamic traditions, texts and practices. [↑](#endnote-ref-2)
3. There are vibrant debates against this claim of complete separation of temporal and spiritual in the Western political tradition as well that got momentum with the popularization of Carl Schmitt’s term “political theology.” By this concept he draws attention to the fact that a theological spirit underlies all seemingly modern political concepts such as ‘‘sovereignty, contract, state, etc.” (Schmitt, 1985). In the present thesis I am not entering these debates as my attempt here is to look at how the already established popular sovereignty is debated in the modern Islamist political thought. [↑](#endnote-ref-3)
4. Anthony Black in his book *the History of Islamic Political Thought* (2011) (in first chapter) offers an account of arguments in favor of Islam’s inseparability from politics. For more details understanding, please see Hamid (2016, chapter one and two), (Cook, 2014), (Lewis, 1988). The entire arguments on divine sovereignty in Islam popularized with the arguments of Abu Ala Mawdudi and Syed Qutb base their arguments on this inseparability debate. [↑](#endnote-ref-4)
5. Ghannouchi did not coin the term he rather borrowed from his contemporary Islamic thinkers such as Mohammad Salim al Awwa, and Mohammad Amara who are among the major proponents of democracy in Islam and believe that Islam is separated from politics. Some of the relevant debates of them could be found: (El‐Solh, 1993). [↑](#endnote-ref-5)
6. Mohammad migrated to Medina in 622 named as Hijra with his followers when he was facing massive persecution in Mecca. He was invited to Medina by city leaders to settle disputes prevailed in the city between clans. Mohammad returned in Mecca after a victory over the city. For details of early times of Mohammad, see (Hinds, 1986 ) Hold and Lewis eds. (1977), particularly chapter two, p. 30-56. [↑](#endnote-ref-6)
7. Mawdudi and Qutb’s thought on sovereignty centers on Quranic concept Tawhid, oneness of God where it is argued that politics and religion are inseparable. [↑](#endnote-ref-7)
8. The inference is that once an Islamic community is formed, the inherent Islamic nature of a community that is developed based on God’s will, does not remain similar to the state of war as it was pre-Islamic Arab societies-the Ahd-i-Jahaliyat (the age of ignorance). I infer that Ghannouchi is discussion the contract in an Islamic community. However, during his discussion of the formation of the early Islamic state in Medina, the pre-Islamic societies' state of war is hinted in many ways what could be analogous to Ahmed's articulation of the state of nature in Arabia. For details, see: Ahmed (1942). [↑](#endnote-ref-8)
9. Ghannouchi’s civil state is a concept that goes against the assumptions of an Islamic state. While in an Islamic state, religion and politics are inseparable in Islam, in a civil state, the fundamental assumption is that religion would remain out of politics. The term became popularized after Ennahda and other secular parties drafted a reform agenda in 2005 when they came in a consensus that a civil state is the only feasible reality for future Tunisia. They envisioned a civil state as the basis of a democratic governance. After coming in power, Ennahda officially separated religion from politics and in an attempt to form a civil state. For details: (Ghannouchi, 2016; Ghannouchi, 2018; Ottaway, 2013). [↑](#endnote-ref-9)
10. The details of the process of al-masaliah and definitional and practical debates could be found, Opwis 2005; Sadek 2014: 8-9; Hallaq has elucidated Ash-Shatibi’s theory of al-masaliah with a comparison with significant advocates of it from which Ghannouchi is influenced, see Hallaq, 1997, P. 129-30, 179-90; March opposes Hallaq’s take on al-masaliah and advocates al-Fasi’s interpretations of it, for details: (March, 2015b). [↑](#endnote-ref-10)
11. Negus was the Emperor of Ethiopia who lived during the early years of Islam who advised by Prophet to participate politically with a non-Islamic government, and Abdul Aziz was a Umayyad caliph who although did not able to approve Monarchy practiced there that was not in Islamic principles. However, he did not leave his responsibilities and could initiate some positive changes staying within the existing governance structure. [↑](#endnote-ref-11)
12. It is to note that the comment is made based on March’s recent lectures at Webster University and some other seminars both in the USA and outside. His forthcoming book’s title is also “*T*he Caliphate of Man: The Invention of Popular Sovereignty in Modern Islamic Thought.” So far, the available writings and lectures of March do not elucidate the details of his “invention of popular sovereign in Islamic thought” thesis. The forthgoing book might shed light on the issue. [↑](#endnote-ref-12)
13. The details of debates between two groups of ulama could be found in (Metcalf, 1982), chapter 7.

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    [↑](#endnote-ref-13)