

Al Hurriyat al 'Āmmah fi al Dawlah al Islāmīyah

By Rashed Ghannoushi. Beirut: Markaz Dirāsāt al Waḥdah al 'Arabīyah, 1993, 382 pp.

Rashed Ghannoushi is renowned for being among the first to venture into the forefront of international debates tackling issues from an Islamic perspective. Among these debates, strengthened by the end of the cold war, one can cite what are usually called normative theories of world politics: human rights, individual autonomy vs. state autonomy, ethics of intervention, and so forth. At present, such issues are being discussed from a new perspective and are, at least apparently, less influenced by the inherently conflicting interests and politics of the two superpowers that formed the former bipolar international system. Relatively speaking, the debates are taking place on a more human-oriented reasoning plane and with a higher degree of freedom from politics-directed approaches.¹ The recent and perhaps most distinguished work of Ghannoushi, *al Hurriyat al 'Āmmah fi al Dawlah al Islāmīyah* (Public Liberties in the Islamic State), is a pioneering account of such debates, even though it does not address them all.

In its three lengthy chapters, the book is preoccupied with human rights in the Islamic state. Chapter one speaks of individual freedom and individual rights as understood by Islam. For Ghannoushi, freedom is the embarking point where the individual decides freely and by his/her own will to become a Muslim. Due to its very fundamental nature, freedom is a basic and a genuine value in itself. Ghannoushi gives special primacy to two aspects of freedom. The first is the freedom of belief, which includes the freedom of expression and religious worship, where the individual has the right to choose the belief he/she values without any obligation. Ghannoushi goes further and discusses one of the most controversial issues: when a Muslim makes a conscious decision to change his/her religion. In most of the traditional schools of Islamic jurisprudence, such an action causes the application of a penalty to punish the newly non-Muslim individual. Yet Ghannoushi, by interpreting the Prophet's position toward specific cases and that of Abū Bakr at the time of his war against the apostates (*al murtadīn*), concludes that these cases were treated as political, as opposed to religious, defections. Tribes who defected during the reign of Abū Bakr were manipulated into threatening the (political) order and the existence of the Islamic society. In this case, waging a war of deterrence is plausible. The case of an individual is of lesser importance from the

perspective of state order, for such an individual (and there were some who chose this course of action during the time of the Prophet) would not represent a serious threat to the political order or existence of an Islamic society.

The second aspect of individual freedom, as propounded by Ghannoushi, is the dignity and general well-being of the "self." In this regard, he states that Islam prevents all means of torture, suppression, and dehumanization of the individual, for he/she has been privileged by God over all creatures. Ghannoushi, himself a victim of human rights abuse, is strongly opposed to the use of any dehumanizing measures against anyone for whatever reason. However great the difference of opinion or belief, there is no legitimacy for the use of force to impose one's own beliefs. Even at the time of war, where every practice is usually justified by defending the community's very existence, such practices as torturing enemy soldiers to obtain vital information is completely rejected.

In addition to this basic entitlement to freedom with its two aspects, there is the basic entitlement of basic rights. Ghannoushi does not give sufficient attention to the difference between basic rights and basic needs. The subtle difference between these two concepts is very important, for many supposed rights could be considered needs and vice versa.² For example, the economic basics necessary for an individual's well-being are more identified with needs, not with rights, as Ghannoushi proposes. Nevertheless, he sees two aspects of these rights. First is the economic right, which protects one's right to ownership and states that one has the right to enjoy the benefits of one's work without external interference. Yet the individual should realize that this ownership is also a social function that operates, supposedly, under the supervision of a good conscience. If this function is abused, the right of intervention to rectify the malfunctioning is reserved for the society (through its institutions). The second basic right is social justice. Ghannoushi states that there is no sanctity to wealth when the society is in need. He draws a balance between the religious duty of the poor to work hard and the duties of the rich to help the poor. It is a matter of duty and not a choice to donate. The state, according to him, is obliged to provide at least three basic social rights—education, health, and housing—for the sake of narrowing the economic gap.

In chapter two, "Political Rights and Liberties," Ghannoushi presents his view of Islamic rule. He discusses the principal pillars of governance and political sociology of this rule and compares them to those of western perception and practice. His main concern in both of these traditions is the participation of people in power and the prevention of despotism.

Western political thought and practice, summarized by the concept of democracy, is both criticized and praised by Ghannoushi. He criticizes it on philosophical grounds, for he does not agree with the western state's view of itself as the ultimate authority and the absolute legislator. By pro-

moting the state over and above all others, be they either its own citizens or other external actors, the world was forced to endure devastating conflicts over national interests. World injustice and the uneven distribution of wealth are connected intimately to an international system based on the concept of nation-states. In general, Ghannoushi has no affection for the very idea of the state as such. Instead, he insists on developing a strong civil society to counter state hegemony by limiting the sphere of its activities—a view that places him, from a western perspective, within a Kantian approach.

Another criticism of western political thought concerns the practice of democracy as the utmost manifestation of western political thought, especially in its election mechanism. He cites the influence of several media corporations or giant financial trusts in comparison to the influence possessed by the masses of ordinary people: it is not comparable, of course, and is even more so when compared with the influence of the unemployed and other marginalized sectors. The illusion of democracy, as noted by Ghannoushi, lies in the fact that it appears that all of these people have equal votes. In spite of such criticisms, however, Ghannoushi gives credit to western political thought for its valuable contribution by stating that human political thought is indebted to the western tradition for the introduction of democracy as a political apparatus. Other Islamists rarely acknowledge this point, as the West's technological contribution is the usual and most recognized aspect.

In his perception of Islamic rule, Ghannoushi argues that *naṣṣ* (the texts of the Qur'an and the Sunnah) and *shūrā* (consultation) are the founding canons of authority in the Islamic state. He claims that the *naṣṣ* preserves the Islamic consent and that *shūrā* is the apparatus through which that consent is substantiated and developed. These two broad concepts are capable of adopting any modern method, because, as Ghannoushi states, Islam accepts new methodologies as long as they help people express their will, especially in struggling against despotism.

The apparatus of *shūrā* is open to the non-Muslim citizens of the Islamic state and, on an equal footing, to women, for equality in basic rights is the criterion. A Muslim parliament, then, should be established on the principle of citizenship, not on the principle of religious affiliation. Ghannoushi, in discussing these contested issues, neither lacks the courage of decisiveness to present crystal-clear opinion nor prefers to avoid confronting many traditional thoughts where conservatism and *taqlīd* (imitation) is a warmer refuge.

The Islamic state, for Ghannoushi, is not a theocratic state. Its ruler does not enjoy a divine mandate or a privileged religious status, but rather is elected by the people to carry out a "contract" agreed upon between himself and the nation. The nation, according to this contract, is to be ruled by Islamic law (the Shari'ah). If this contract is violated by the ruler, then the nation, being the source of authority, has the right to replace him.

Chapter three is devoted to discussing the guarantees against injustice and despotism in the Islamic state. Inspired by an analysis of the historical phenomenon of despotism throughout Muslim history, Ghannoushi provides a set of measures to subdue despotism. Based on the canons of *naṣṣ* and *shūrā*, he calls for granting people the needed power to defy any dictatorship that might appear. In other words, he advocates a multiparty system (including non-Islamic parties) as the form of social mobilization in the Islamic state. He also believes that a diffusion of power should be adopted in order to reduce the central government's power and to strengthen that of the local regions. To enhance civil society, such non-governmental institutions as vocational syndicates and popular associations should be allowed a larger role in the sociopolitical life of the nation. Mosques should be given a primary role in orienting and expressing public opinion. Scholars should mobilize themselves independently of the state, for they have the duty and the moral steering power to observe its conduct.

The revolutionary idea of Ghannoushi's thesis lies in the key word: freedom. The Islamic state, from its inception, should be founded upon the recognition of the people's freedom to choose how they will be ruled. If they do not choose the Islamic party, this means, as Ghannoushi states, that there is something wrong in that party—not Islam. The concerned party should reassess its approach and remobilize to gain the people's confidence and support for its program. He states that non-Islamic parties should not be banned on ideological grounds, for historical experience has shown that Islam faces no difficulties when it comes to battles of intellect and thought. The current Islamic revival, for example, won the intellectual debates against state-backed ideologies. Why, as Ghannoushi wonders, should these ideologies be feared when they are stripped of the apparatus of state? In the Islamic state, non-Islamic parties would have no more influence, comparatively speaking, than the communists in the United States. Freedom is by no means dangerous; Ghannoushi asserts that the real danger is the despotism of authorities and intellectual rigidity and imitation.

Having attracted intellectual and academic interest through his profound contributions,³ Ghannoushi is maintaining himself in the line of progress. It is also understandable why Ghannoushi describes sentimentally this particular book, written mostly during his years of imprisonment in Tunisia, as the harvest of his life. One can suggest that in the field of contemporary Islamic thought, the *Public Liberties in the Islamic State* is not overvalued if it is regarded as the core of an Islamic social contract for those re-Islamized societies in the Muslim world.

Endnotes

1. See, for example, Chris Brown, *International Relations Theory: New Normative Approaches* (London: Harvester Wheatsheaf, 1992) and Jana Thompson, *Justice and World Order* (London: Routledge, 1992).

