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READING RĀSHID AL-GHANNŪSHĪ 'S DEBATE ON HUMAN RIGHTS

Mohammad Dawood Sofi*

Abstract: Human rights, a hotly debated issue in the 1970s Muslim world, engaged diverse groups like governments, political activists, civil society members, intellectuals, thinkers and even common people. Though not a novel development, the phenomenon represented renewed interest by individuals and groups regarding many issues, including democracy and secularism. Shaykh Rāshid al-Ghannūshī – the ‘most adroit and flexible’ Tunisian Islamic reformist leader and primary ideologue of *Hizb al-Nahḍah* – is a prominent voice who discussed widely the issue of human rights. In this regard, his famous book *al-Ḥurriyyāt al-‘Āmah fi al-Dawlah al-Islāmiyyah* represents a core strand of his thought.

In the contemporary era, Ghannūshī, through his prolific writing and appealing intellectual discourse, especially on the issues of Islam–West relations, democracy, pluralism and human rights, engages the minds of intellectuals globally. Considering the global importance of this religio-political thinker, the current study, while exploring how the concept of human rights emerged in the West, will examine and explore objectively Ghannūshī’s views on human rights. Moreover, this article will focus on understanding his vision about hotly debated issues such as apostasy, freedom in Islam and the West, and the rights of women.

Keywords: *Rāshid al-Ghannūshī, Islam, human rights, Magna Carta, apostasy, women’s rights*

INTRODUCTION

Contemporary Muslim thinkers and reformers such as Shaykh Rāshid al-Ghannūshī, while endeavouring to revive Muslim society, heavily emphasise reconciling faith – through continuous reinterpretation of Islam – with modern or ‘Western derived global ideals’ like democracy, human rights, pluralism and equality.¹ With an aspiration to make Islam compatible with the frequently changing environment, Ghannūshī, together with other

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¹ Charles Kurzman, “Modernism,” in *Encyclopedia of Islam and the Muslim World*, ed. Richard C. Martin (New York: Macmillan Reference USA, 2004), 2:456.

likeminded reformers, is engaged in developing and framing various philosophies and responses to fit modern challenges.² In the words of Graham E. Fuller:

Islamists are struggling, like so much of the rest of the developing world, with the genuine dilemmas of modernization: rampant change of daily life and urbanization at all levels, social dislocation and crisis, the destruction of traditional values, the uncertain threats of globalization, the need for representative and competent governance, and the need to build just societies and to cope with formidable political, economic, and cultural challenges from the West.³

Muslim reformers, including Ghannūshī⁴, thus attempt to reconcile Islam with modern issues. The fact is the encounter of Muslims with the West, especially in the last decades of the 19th century, resulted in the emergence of two very significant polarities among the Muslims: ‘traditional’ and ‘Western-oriented’. “Muslim views of the West and responses to its power and ideas,” according to Esposito, “varied from rejection and confrontation to admiration and imitation.”⁴ Ghannūshī⁵’s philosophy reflects one of the voices that calls for reconsideration, rethinking and reorientation of Islamic traditions, values and institutions. He deserves, in this regard, appreciation and credit for his earnest intellectual endeavours coupled with his social activism. Therefore, seen in this light, this article observes and analyses Ghannūshī⁶’s views *vis-à-vis* contemporary discourse about human rights.

RĀSHID AL-GHANNŪSHI AS A MODERATE MUSLIM THINKER

Rāshid al-Ghannūshī⁷ (often spelled in English as Rachid Ghannouchi) was born in a hamlet not far from al-Hamma, in the province of Gabès in south-eastern Tunisia on 22 June 1941.⁵ He is a famous political leader, activist, thinker, reformer and, at the same time, a highly productive and intellectual writer. The different situations and challenges he encountered (such as his Arab nationalism, life in Syria and France, journey to the West and relationship with the Tunisian government) had a profound impact on his life as well as his thinking. With his intellectual and academic capacity, he succeeded in establishing and leading a political party, *Ḥizb al-Nahḍah* – a pragmatic exposition of his religio-political ideology – that in the post-Arab Spring ambiance forms one of the dominant political denominations in Tunisia. With his prolific writing skills and appealing intellectual discourses, he has maintained his unequivocal leadership in the Party and thereby profusely spread his views regarding various issues, which have highly engaged the contemporary world’s intellectual class. According to Anne Wolf, Ghannūshī⁶ has become *al-Nahḍah*’s central ideologue, unifying force and strategist.⁶

² David Commins, “Modernism,” in *The Oxford Encyclopedia of the Islamic World*, ed. John L. Esposito (New York: Oxford University Press, 2009), 4:26.

³ Graham E. Fuller, *The Future of Political Islam* (New York: Palgrave Macmillan, 2003), p. xii.

⁴ John L. Esposito, *The Islamic Threat: Myth or Reality*, 3rd ed. (New York: Oxford University Press, 1999), 49.

⁵ Azzam S. Tamimi, *Rachid Ghannouchi: A Democrat within Islamism* (New York: Oxford University Press, 2001), 3; see also; Rāshid al-Ghannūshī⁷ *anḤuqūq al-Muwāṭānah: Ḥuqūq Ghayr al-Muslim fi al-Mujtama ‘al-Islāmi* [The Right to Nationality Status of non-Muslim Citizens in a Muslim Nation] (London: International Institute of Islamic Thought, 1993).

⁶ Anne Wolf, *Political Islam in Tunisia: The History of Ennahda* (London: Hurst & Company, 2017), xvii.

Human Rights: A Brief Debate

Human rights, a hotly debated issue in the 1970s Muslim world, engaged diverse groups like governments, political activists, civil society members, intellectuals, thinkers and even common people. Though not a novel development,⁷ the phenomenon represented renewed interest in many issues, including democracy and secularism. The West claims the idea of human rights originated from the *Magna Carta* of Britain.⁸ Paradoxically, the *Magna Carta* came into existence 600 years after the advent of Islam. This, therefore, speaks about the level of the West's naivety that it attributes everything to itself. The West had no concept of human rights at all before the seventeenth century, says Abū A'la Mawdūdī (d. 1979).⁹ He further argues,

even after the seventeenth century the philosophers and the thinkers on jurisprudence though presented these ideas, the practical proof and demonstration of these concepts can only be found at the end of the eighteenth century in the proclamations and constitutions of America and France.¹⁰

About the ideological and institutional arrangements of human rights, Farid Esack, a South African Muslim thinker, is of the view:

Human rights are only two hundred years old. The ideology and the institutional arrangements of human rights were born after unprecedented forms of social and personal deprivation took root among the “developed” peoples of the world. The regime of the nation-state fusing nationalism and statehood was constructed at this same time, to keep the social order in a society exposed to forces of the modern market reducing the human condition to that of *homo aeconomicus*.¹¹

The *Magna Carta*, United States Bill of Rights and other such charters were followed by the passing of the Universal Declaration of Human Rights (UDHR) in the 20th century by the United Nations. According to Mawdūdī, the 1948 Declaration is an expression of pious hope without any pragmatic observation.¹² Moreover, the UDHR or the rights conferred by the legislative assemblies, argues Mawdūdī, are ephemeral and insubstantial. On the other hand,

⁷ Simonetta Calderini, senior lecturer in Islamic studies at Roehampton University, argues many human rights organisations in the Islamic world date back to the 1930s; however, in the 1980s, these organisations not only proliferated but also established themselves more frequently in legal and political arenas. See Simonetta Calderini, “Women, Gender and Human Rights,” in *The Islamic World*, ed. Andrew Rippin (London and New York: Routledge, 2010), 626.

⁸ *Magna Carta*, meaning ‘The Great Charter’ (also called *Magna Carta Libertatum* – the Great Charter of the Liberties), issued by King John of England (r. 1199-1216) as a practical solution to the political crisis he faced in 1215, is one of the most famous documents in the world. It embodied that everybody, including the king, was subject to the law. Moreover, it granted the ‘right to justice’ and a ‘fair trial’ to all free men. Some of its core principles are echoed in the United States Bill of Rights (1791), Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950). For more information, see Claire Breay and Julian Harrison, “Magna Carta: An Introduction,” British Library, July 28, 2014, accessed April 3, 2016, <http://www.bl.uk/magna-carta/articles/magna-carta-an-introduction>.

⁹ Abul A'la Mawdudi, *Human Rights in Islam* (London: The Islamic Foundation, 1976), 13.

¹⁰ Ibid.

¹¹ Farid Esack, “The Contemporary Democracy and the Human Rights Project for Muslim Societies Challenges for the Progressive Muslim Intellectual,” in *Contemporary Islam: Dynamic, not Static*, eds. Abdul Aziz Said, Mohammed Abu-Nimer, and Meena Sharify-Funk (New York: Routledge, 2006), 120.

¹² Mawdudi, *Human Rights in Islam*, 14.

the rights granted by Islam are not only lasting, but also devoid of alteration and change. No one has the authority to abrogate or withdraw them for these rights are part and parcel of the 'aqīdah (Islamic faith).¹³

The importance of the UDHR, keeping in view Mawdūdī's ephemeral argument, perhaps lies in its universal enforcement and implementation, with or without any modifications. Many provisions in the UDHR do not contradict with the Islamic teachings, suggesting there are common as well as conflicting areas between the two. On the other hand, it also means there is potential for non-acceptance of the UDHR by Muslim or other societies. The fundamental indication of this is the adoption and enforcement of different regional human rights instruments; for example, the African Charter on Human and Peoples' Rights (1981) and¹⁴ the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950).¹⁵ Such additional agreements about human rights give the impression that different regions, belonging to different cultures and races, perceive human rights differently. In recent history, the rise of what is termed as 'Asian values' and the voices calling for amending and/or modifying some of the provisions of the UDHR to integrate regional traditions and values also challenge the concept of the universality of human rights. Therefore, the forces that have drafted and enforced these (regional) human rights instruments coupled with (regional) 'tradition and value baggage' have contributed to strengthen the above impression. As this cultural relativism circumscribes the universality of human rights, the question that often arises is how deep is the contradiction when the UDHR is reflected and examined from an Islamic perspective. This vital issue demands a separate and profound examination to identify the degrees of cooperation and contradiction.¹⁶

However, the pertinent issue at hand is to explore Ghannūshī's approach and philosophy toward the concept of human rights. Consequently, it is also significant to determine whether he believes in the compatibility or incompatibility of Islam and human rights. His book, *al-Ḥurriyyāt*,¹⁷ in this regard, will be used in this article to indicate the core strand of his thoughts.

In this book, Ghannūshī presents a general paradigm of human rights in Islam and, according to him, it is based on people's welfare. General welfare should not be breached; therefore, what is needed is to maintain individual and communal rights. Ghannūshī further states, whenever

¹³ Ibid., 14-15.

¹⁴ Also known as the Banjul Charter, the African Charter on Human and Peoples' Rights was adopted in Nairobi on 27 June 1981. It is an international human rights instrument for promoting and protecting human rights and basic freedoms in the African continent. The text of the charter, discussing its significance, objectives and various articles, is available at <http://www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf>.

¹⁵ The Convention was basically proposed by Winston Leonard Spencer-Churchill (1874-1965) —, a famous British politician, military leader and writer who served twice as the prime minister of Great Britain from 1940 to 1945 and 1951 to 1955 —, and drafted, especially, by British lawyers. Based on the United Nations' Universal Declaration of Human Rights, it was signed in Rome in 1950 and enforced in 1953.

¹⁶ This issue has been debated in detail by Asmi Wood, "An Islamic Legal Perspective on the Universal Declaration of Human Rights," in *Human Rights, Faith and Culture: Proceedings of the Australian Baha'i Studies Conference, 7-8 November 1998, Canberra, Australia* (Australia: Association for Baha'i Studies, 2001), https://bahai-library.com/pdf/h/human_rights_faith_culture.pdf.

¹⁷ Rāshid al-Ghannūshī, *al-Ḥurriyyāt al-ʿĀmah fī al-Dawlah al-Islāmiyyah* [Civil Liberties in the Islamic State] (Beirut: Markaz Dirāsāt al-Waḥdah al-ʿArabiyyah, 1993).

individual rights encroach on the rights of the society or community, the rights of the latter should be given precedence. Further, the whole legislative system, which is based on the intent of Shari'a (*Maqāṣid al-Shari'ah*), is the criterion against which every right or duty should be checked. He says the individual can enjoy limitless freedom and rights unless they oppose truth or violate the rights of the community.¹⁸ In *al-Hurriyyāt*, Ghannūshī discusses various matters related to human rights, as indicated by the headings and subheadings, such as *Hurriyyat al-Dhāt* (self-freedom), *Hurriyyat al-Fikir wa al-Ta'bi'r* (right to freedom of thought and expression), *al-Huqūq al-Iqtisādiyyah* (the right to own property), *al-Huqūq al-Ijtimā'iyyah* (community rights), *Ḥaqq al-'Amal* (the right to work) and *Ḥaqq Binā al-Urah* (the right to build a family).¹⁹

Al-Hurriyyāt is a concentrated effort by Ghannūshī aimed at underscoring that Islam guarantees individual rights and public liberties, and protects the rights of political and religious minorities as well as the rights of the women. The period when Ghannūshī started his work had witnessed heavy engagement and interest in, *inter alia*, the issues of apostasy and its relationship with individual, political and religious freedom, and the compatibility of Islam and democracy. He, therefore, attempted to provide answers to the challenging questions raised and respond to those who started a malicious propaganda against Islam.²⁰ This was the time when, according to him, "the presentation of unequivocal answers to the challenges facing Islamic thought ... had become an indispensable epistemological necessity for the Tunisian Islamic Movement."²¹

Concept of Freedom

In *al-Hurriyyāt*, Ghannūshī, while elaborating the Western concept of freedom,²² opines to emancipate man from all types of restrictions that deprive him from fulfilling his needs and desires, freedom in the West is seen to be a man's ability to revolt against the societal system to fulfil his own caprices. This has endangered, says Ghannūshī, the interests of the whole society. On the other hand, contemporarily, much space has been provided for the individual freedoms reflected in the constitutions and laws of the so-called advanced democratic countries. However, there are no practical steps, according to him, taken for the individual to realise such rights; therefore, limiting freedom to theory only. The fact is, political power, means of education, communication and economy are concentrated in the hands of few. These people, by virtue of these powers, manipulate and govern the thinking and conviction of the subjects who are theoretically equals.²³

An individual's nature is characterised by the philosophy that they aim to be their own master. They, therefore, desire their decisions should be their own—devoid of any influence or

¹⁸ Ibid., 42-43.

¹⁹ Ibid., 42-68.

²⁰ Tamimi, *Rachid Ghannouchi*, 68-69.

²¹ Ibid., 69.

²² Ghannūshī, *al-Hurriyyāt*, 31.

²³ Ibid., 31-33.

interference from external forces. However, it is inevitable there should be some agency that would check and balance their empirical bundle of uncontrolled human desires. Islam recognises the realisation of human desires in a lawful and controlled manner that would obviously lead and guide an individual toward the servitude of Allah alone.

Ghannūshī²⁴, while discussing the Islamic concept of freedom, associates human rights and freedom with ‘*aqīdah*’ (Islamic faith) and says it means belief in Allah alone. ‘*Aqīdah*, for him, is the highest source of legal authority that provides believers with a sense of equality and intimacy. It is a revolt against all idols of worship and sinking into the servitude of Allah alone. Freedom in Islamic view, according to him, “is a trust or responsibility (*Amānah*), understanding the truth, committing to it and devoting oneself to it.”²⁴

Ghannūshī²⁵ presents the definitions of freedom by some eminent scholars, such as ‘Alāl al-Fāsi²⁵, Ḥasan al-Turābī²⁶ and others, and has tried to evolve his own views about the subject. For instance, discussing and drawing on Turābī’s view of freedom, he says “the more an individual demonstrates servitude to Allah, the freer he becomes from all created beings.”²⁷

Ghannūshī’s axis of discussion of relating freedom with ‘*aqīdah*’ also receives support from a number of Qur’ānic injunctions. In the Qur’ān and *sunna* it is clearly established that, for Muslims, ‘*aqīdah*’ (faith) is not considered merely a matter of ritual or creed practiced within the private sphere, rather it pervades into the public sphere. This can be further comprehended from the following *āyat* of the Qur’ān:

The desert Arabs say, “We believe.” Say, “You have no faith; but you (only) say, ‘We have submitted our wills to Allah,’ For not yet has Faith entered your hearts. But if you obey Allah and His Messenger, then nothing would be reduced from your good deeds: for Allah is Oft-Forgiving, Most Merciful.”²⁸

The *āyat* is about a group of people from the tribe of Banū Asad who boasted about their affirmation to be among those who had true and firm faith. However, their affirmation was not accepted because their faith or belief was yet to occupy their hearts. Sayyid Quṭb in his famous commentary (*tafsīr*), while providing further explanation, says Allah actually wanted to show them the truth of what was in their hearts by stating they only embraced Islam in submission,

²⁴ Ibid., 38.

²⁵ Muḥammad ‘Alāl al-Fāsi²⁵ (1910-1974), the Moroccan thinker, writer, poet, historian and political leader, was one of the founders and later the president of the Istiqlāl (Independence) party – a major force in the Moroccan struggle for independence from French colonial occupation. Calling to avoid imitating the West, he actively campaigned for a number of reforms in the country, including Arabic language reform. Being an erudite thinker and author, he wrote a number of books, poems and articles, among them important ones are *The Independence Movements in North Africa* and *Self-Criticism*.

²⁶ Ḥasan ‘Abd Allah al-Turābī²⁶ (1932-2016) was a famous thinker, lawyer and politician from Sudan. After receiving his early education in his home country, he moved to the West to pursue postgraduate studies at the University of London followed by a PhD in law at the Sorbonne. Politically, he remained associated and active with a number of groups, such as Sudanese branch of Muslim Brotherhood, Islamic Charter Front, National Islamic Front, National Congress Party and Popular Congress Party. After returning to Sudan and gaining intellectual prominence, especially among Islamic movements, he played a vital role in shaping discourse about what is commonly termed as political Islam.

²⁷ Ghannūshī²⁷, *al-Ḥurriyyāt*, 38.

²⁸ Qur’ān 49:14.

while the truth of faith had not touched their hearts or souls.²⁹ Consequently, the frequent appearance of the words such as *Islam* (submission), *imān* (belief), *kufr* (disbelief), and *shirk* (polytheism), and their various forms in the Qur'ān, demonstrate a strong connection between freedom and 'aqīdah. In reference to this, the Qur'ān states:

But your god is One God: submit then your wills to Him (in Islam): and give the good news to those who humble themselves.³⁰

He has no partners and to this I have been commanded and I am the first of those who submit.³¹

But whoever changes from true faith (*Imān*) to disbelief (*Kufr*) has definitely strayed from the correct way.³²

These commandments clearly explain and regard *tawhīd* (believing in the oneness of Allah) as a cornerstone for a Muslim. Being a Muslim, therefore, means having firm belief in Allah, doing actions according to His guidance and keeping His orders at the forefront of all other activities. Moreover, a Muslim does not exceed the limits of what they have been ordered. Therefore, the more *tawhīd* penetrates the heart of a Muslim, the more they are emancipated from different created beings and this is all manifested through their actions and practices. On the other hand, a person who is committing *shirk* and *kufr* demonstrates their servitude to different idols and other material things. Their actions fit with their servitude to the others and what emanates from it is nothing other than submission to created beings, showing, otherwise, a great form of enslavement.

Comparing and contrasting the evolution of freedom and human rights in the West and in the Muslim world, Ghannūshī says the former represents the realisation of human rights based on the transition of power from the 'church' or 'politics' to the 'masses,' who later had absolute right of legislation. However, the situation is different in the latter, even in times of regress. There is no such separation in the Muslim world, maintains Ghannūshī, between the ruler and ruled; therefore, all reformation attempts seek to go back to the original sources. The ruler is bound by them and has no authority to formulate new laws or levy taxes beyond Islamic ordinances.³³ So, at the theoretical level, for Ghannūshī, freedom in Islam means absolute servitude to Allah and at practical level Muslims do not fall into the abyss of concentrating authority of legislation into the hands of fallible men.

The Question of Riddah (Apostasy)

Originating from the Greek word *apostasía*, meaning 'defection', the Brill Dictionary of Religion defines apostasy as political or religious rebellion. Therefore, in religious terminology, "an apostate is someone who abandons her or his religion to embrace another

²⁹ Sayyid Qutb, *In the Shade of the Qur'ān*, vol. 16 (Markfield, UK: Islamic Foundation, 2015), 99.

³⁰ Qur'ān 22:34.

³¹ Qur'ān 6:163.

³² Qur'ān 2:108.

³³ Ghannūshī, *al-Hurriyyāt*, 39.

religion or worldview.”³⁴ In Islam, words such as *riddah* and *irtidād* are used for apostasy that has been legally defined as an act of “turning away from Islam” or “severing the ties with Islam.”³⁵ An apostate referred in Arabic as *murtad* is, thus, the Muslim who either by birth or conversion renounces or rejects Islam, irrespective of whether they subsequently embrace another faith.³⁶

Ghannūshī³⁷ has dealt with this issue by starting with the definition of *riddah*. According to him, it is an act of conscious and deliberate reversion from *belief* (Islam) to *unbelief* (*kufr*) by abnegating Islam’s fundamental beliefs (‘*aqā’id*’) and rites (*sha’ā’ir*). Its various forms include abnegation of prophethood, authorisation of prohibitions and negation of obligations.³⁷ The expressions of apostasy can be different, materialised through words, deeds or, according to the Shāfi’ī³⁸ school of jurisprudence, merely through intentions.³⁸ Regarding this, Ḥanafī³⁹ scholar Shaykh Zādah ‘Abd al-Raḥmān, in his book *Majma‘ al-anhur fī sharḥ multaḳā al-abḥur*, has provided the following examples of apostasy mentioned by Peters and Vries:

(a) *Relating to Allah*: to deny Allah’s divinity; to conceive of Allah as a woman or a child; to attribute partners to Allah; to hold Jesus for the son of Allah or to conceive of Allah as part of the trinity; to deny Allah’s unity or one of his divine qualities; (b) *Relating to Prophet and Angels*: to deny the Messengership of Muḥammad (peace be upon him), to assert that Messengers are in error; to consider oneself a Messenger; (c) *Relating to the Qur’ān*: to deny that the *Qur’ān* is the word of Allah.³⁹

In debating the issues of freedom of religion and apostasy, Muslim scholars always remain extremely careful. This attitude becomes more conspicuous, especially in the latter case, which is considered very sensitive and precarious. Although the debates and interpretations about apostasy are largely limited, at the same time it is one of the most engaging tasks for Muslim scholars to decide about the punishment for apostasy. It has always remained a matter of great debate. While discussing this significant issue, Ghannūshī⁴⁰ introduces the views of two groups. His treatment of this matter revolves around two questions: Is *riddah* a religious offense in which men cannot intervene? Or is it a political crime left to the discretion of a ruler or *qāḍi*?⁴⁰

Ghannūshī⁴¹ further remarks the first group – which forms the majority in every period (classical, medieval and modern) – are of the opinion that *riddah* is a ‘religious offence’ related to Allah; therefore, no one has right to decide otherwise.⁴¹ When this issue is examined in the context of the teachings of the Qur’ān, it is observed from many Qur’ānic references that one is free to embrace any religion:

³⁴ Kocku von Stuckrad, ed., *The Brill Dictionary of Religion*, vol. 1 (Leiden: Brill, 2006), 122.

³⁵ Rudolph Peters and Gert J. J. De Vries, “Apostasy in Islam,” *Die Welt des Islams* 17, no. 1 (1976): 2.

³⁶ *Ibid.*, 3.

³⁷ Ghannūshī³⁷, *al-Ḥurriyyāt*, 48; Tamimi, *Rachid Ghannouchi*, 78.

³⁸ Peters and Vries, “Apostasy in Islam,” 3.

³⁹ *Ibid.*, 3-4; Siti Zubaidah Ismail and Muhamad Zahiri Awang Mat, “Faith and Freedom: The Qur’anic Notion of Freedom of Religion vs. the Act of Changing Religion and Thoughts on the Implications for Malaysia,” *Religions* 7, no. 7 (2016): 89.

⁴⁰ Ghannūshī⁴⁰, *al-Ḥurriyyāt*, 48.

⁴¹ *Ibid.*, 49.

There is no compulsion in religion. Verily, the Right Path has become distinct from the wrong path.⁴²

The Truth is from your Lord; so whoever decides, then let him believe, and whoever decides, then let him disbelieve.⁴³

Apart from the interpretation varying from one Muslim commentator to another, these and other related *āyāt* express a general confirmation of freedom of religion. However, this freedom of religion simultaneously excludes the right to abandon Islam after believing in it. For instance:

But those who reject Faith after they accepted it, and then go on adding to their defiance of Faith, never will their repentance be accepted; for they are those who have (of set purpose) gone astray.⁴⁴

And if any of you Turn back from their faith and die in unbelief, their works will bear no fruit in this life and in the Hereafter; they will be companions of the Fire and will abide therein.⁴⁵

Therefore, it can be argued that apostasy or renouncing Islam is regarded as a highly despicable act. With severe punishment in the Hereafter and no forgiveness, apostasy, therefore, has been denounced and prohibited in strong terms. As no specific punishment is prescribed in the Qur'ān for an apostate, the issue to be determined is that how *sunna* (sayings, doings and approvals of Muḥammad (pbuh)), which serves as a source for elaboration of the Qur'ān, explains this matter. Of particular importance are two important *ahādīth* discussing the punishment of apostasy. The first is narrated by 'Ikrimah on the authority of Ibn 'Abbās who heard Muḥammad (pbuh) saying, "... Whoever changed his Islamic religion, then kill him."⁴⁶ The second *ḥadīth* related to the punishment of apostasy, mentioned again in *Ṣaḥīḥ al-Bukhārī*, is narrated by 'Abd Allah Ibn Mas'ūd. He says Allah's Messenger said, "The blood of a Muslim

... cannot be shed except in three cases: (1) life for life, (2) a married person who commits illegal sexual intercourse, and (3) the one who turns renegade from Islam (apostate) and leaves the group of Muslims."⁴⁷

The status and authenticity of the first *ḥadīth* has remained a matter of discussion among Muslim scholars, primarily because it was narrated by one person only. However, the mention of the same punishment in another *ḥadīth*, coupled with other specific evidences, corroborates the position of those Muslim scholars who favour punishment for an apostate according to what has been prescribed in the aforementioned *ahādīth*. Therefore, the majority of the jurists or the first group as mentioned by Ghannūshī likewise maintains the retribution to an apostate is they should be killed. They base their approach further on the argument that no one is entitled to

⁴² Qur'ān 2:256.

⁴³ Qur'ān 18:29.

⁴⁴ Qur'ān 3:90.

⁴⁵ Qur'ān 2:217.

⁴⁶ Imām Bukhārī, *Ṣaḥīḥ al-Bukhārī*, vol. 2, trans. Muhammad Muhsin Khan (Riyadh: Darussalam Publishers and Distributors, 1997), 46.

⁴⁷ Ibid., 20. This *hādith* is agreed upon as it is also found in *Ṣaḥīḥ Muslim*.

embrace Islam, except with full awareness and once someone accepts Islam they do not have the authority to abjure it, since their decision does not fall within the command of ‘compulsion,’ which means forcing people to leave their religions and embrace Islam.⁴⁸ Moreover, this notion of compulsion and force is absolutely alien to Islam according to the famous command of the Qur’ān that reads *there is no compulsion in religion*.⁴⁹

The second group, which mostly belongs to the modern period, mentioned by Ghannūshī⁵⁰ accepts *riddah* as a ‘political offence’ tantamount to raising arms against the state. For this group, *riddah* is an act of sedition, mutiny or treason, so the retribution is not predefined. So, according to this group (small in size), the punishment should be left to the decision of the ruler or *qādi*, keeping in view the preservation of community and maintenance of law and order.⁵⁰ It seems these scholars maintain a view that renouncing Islam does not merit a death penalty because what emerges from a number of references from the Qur’ān is that apostasy is a sin that invites a warning of severe punishment in the Hereafter. Regarding this, ‘Abu al-Walī⁵¹ al-Bāji⁵² (d. 1081) claims apostasy is a sin that carries no prescribed penalty and such a sin may only be punished under discretionary punishments.⁵¹ Many contemporary scholars, sometimes otherwise called modernists, that include, among others, Muḥammad Ḥāshim Kamālī⁵² (founding CEO and chairman of the International Institute for Advanced Islamic Studies) and Salīm al-Awa (an Egyptian thinker and former secretary general of the International Union for Muslim Scholars based in London) also object to punishing the apostate to death.⁵²

As far as Ghannūshī⁵³ is concerned, he remarks “we subscribe to the opinion of the second group.”⁵³ Ghannūshī⁵⁴ is going with the view of the minority despite acknowledging that Aṣḥāb (Companions of the Messenger) unanimously agreed on fighting an apostate.⁵⁴ In a more recent address, he, while calling apostasy a political issue, related to tribes committing to Islam, but refusing to pay their taxes or *zakāt*, stresses that Islam is based on freedom and therefore people can freely enter or leave Islam.⁵⁵ Perhaps he follows this approach to have an understanding of this issue through reinterpretation of the main sources while keeping in view the structure and exigencies of modern society.

Status of Women

From the last two centuries up to now, the issues ranging from gender segregation, the *hijāb* (veil) and woman’s place in the home as a faithful wife, to a woman working outside her home

⁴⁸ Ghannūshī⁵⁰, *al-Hurriyyāt*, 49.

⁴⁹ Qur’an 2:256.

⁵⁰ Ghannūshī⁵⁰, *al-Hurriyyāt*, 49.

⁵¹ Ismail and Awang Mat, “Faith and Freedom,” 8.

⁵² Mohamad Hashim Kamali, *Freedom of Expression in Islam* (Cambridge: Islamic Text Society, 1997); Muḥamad Salīm al-Awa, *Punishment in Islamic Law: A Comparative Study* (Indianapolis: American Trust Publications, 1993), 55. See also Peters and Vries, “Apostasy in Islam,” 14.

⁵³ Ghannūshī⁵⁰, *al-Hurriyyāt*, 50.

⁵⁴ *Ibid.*, 48.

⁵⁵ Rached Ghannouchi and Marwan Muasher, “A Conversation on Tunisia’s Future with Rached Ghannouchi,” Carnegie Endowment for International Peace, December 1, 2011, accessed May 30, 2018, <http://carnegieendowment.org/2011/12/01/conversation-on-tunisia-s-future-with-rached-ghannouchi-event-3489>.

continue to attract the attention of one and all, especially Muslim scholars. In general, women's human rights are, therefore, the most intricate social problem Muslim societies are facing. In the words of Esposito: "The subject of women and the family in Islam is a difficult one fraught with stereotypes and misconceptions."⁵⁶ Furthermore, regarding the issue of women's rights, there is a profound difference between the Muslim perspective and the West. At the same time, the opinion and explanation provided by Muslim scholars is not uniform for they represent diverse, albeit conflicting, approaches about various challenging issues, including women's rights.

Muslim societies have faced some grave challenges with modern progress, which brought about profound socio-political change in the entire world. As a result of this development, various policies were framed, followed by practical efforts, to change the family structure and consequently frequent debates were held, especially about the status and role of women in Muslim society. There is a popular view in the West that Islam grants more rights to men than women, amounting to the latter's inferior status in society. This Western rhetoric, for that part, focuses on practices such as gender segregation, *hijāb* and the seclusion of women. While rigorously contesting these practices, the West commonly claims "Islam is a religion that grants no rights to women but rather prescribes their total subjugation to men."⁵⁷ Therefore, modernity and the voices of modernity raise a very significant question about the conflict between Islam and demands of the modern age. Such a predicament poses a serious challenge to Muslim scholars to provide an appropriate response. The voices that were, thus, raised by the Muslim scholars who faced the exigencies of modernity and who represented a variety of explanations and approaches attempted to define and/or redefine the rights of women in the modern age. While modernists favour the most possible liberal interpretation of Islam, the traditionalists, on the other hand, give precedence to modesty and piety, restricting the role of women thereof.⁵⁸

***Rāshid al-Ghannūshī* on the Status of Women**

For Ghannūshī, the status of women was a critical issue, requiring thorough discourse. Therefore, in *al-Mar'ah bayn al-Qur'ān wa Waqi' al-Muslimīn* (Women: Between the Qur'ān and the Present Conditions of the Muslims) he demonstrated his position about the women rights in a detailed manner. In this work, while remaining concerned about promoting anti-secular ideas among Muslim societies in general and among Tunisians in particular, it is observed Ghannūshī propounds almost the same views as earlier pioneers like Muḥammad 'Abdūh.⁵⁹ Although he presents a detailed argument about a number of issues related to women's rights, this article focuses on: (a) polygamy, (b) dress, (c) education, (d) work, and (e) mixing of the genders.

⁵⁶ John L. Esposito, "Women's Rights in Islam," *Islamic Studies* 14, no. 2 (1975): 99.

⁵⁷ Ibid.

⁵⁸ Yvonne Yazbeck Haddad and John L. Esposito, *Islam, Gender and Social Change* (New York: Oxford University Press, 1998), 45.

⁵⁹ Muhammad Mahmoud, "Women and Islamism: The Case of Rashid al-Ghannushi of Tunisia," in *Islamic Fundamentalism*, eds. Abdel Salam Sidhahmed and Anoushiravan Ehteshami (Boulder, Colorado: Westview Press, 1996), 252.

In relation to polygamy, Ghannūshī⁷ adheres to the arguments of modern Muslim thinkers. According to him, monogamy is “original,” but not always. In certain specific situations where the proportion of men and women is disturbed, polygamy is a fitting and proper remedial option. He regards polygamy as a very basic and safe mechanism to overcome a crisis,⁶⁰ emerging out of some untoward situations. Esposito maintains almost the same view with regard to the issue of polygamy, as he remarks, in the early period of Islam, the widely accepted practice of polygamy and existence of many widows and orphans left by men who had died in battle and were in need of protection through marriage militated against the outlawing of polygamy.⁶¹

According to Ghannūshī⁷, Islam is a religion that is in total conformity with human nature. In cases where some unevenness prevails in such a natural state, the circumstances at that time demand men have more than one wife. However, this is only in extraordinary situations, otherwise the original is “monogamy,” says Ghannūshī⁷.⁶² He not only emphasises the ‘distinctive nature’ of polygamy, but also maintains the practice is legal provided a man has no apprehension at all of committing injustice, for the Qur’ān explicitly declares *But if you fear that you will not be able to deal justly, then only one*.⁶³

Muslim thinkers have frequently debated over the public appearance of women, dress code and the places where they appear. In the case of dress code, Abdul Rahman Doi, in his work *Women in Shari’ah* while referring to the opinions of some famous scholars such as Muḥammad Nāṣir al-Dīn al-Albānī⁷, argues that “because modern times are particularly full of *fitnah* (mischief), women should go as far as to cover their faces because even the face may attract sexual glances from men.”⁶⁴ On the other hand, Fatima Mernissi, a famous Moroccan sociologist (d. 2015), maintains a different view. According to her, it is important that the ruling about women’s seclusion and physical covering-up in the *āyat* of *ḥijāb* should be understood in reference to the socio-political circumstances in which it was revealed. She goes on to say the order in this *āyat* was actually a protective measure designed for a specific time and place.⁶⁵ Objecting to the traditional view that *ḥijāb* means a separation between men and women, Mernissi remarks “hijab came to give order to a very confused and complex situation.”⁶⁶

Deliberating on the issue of dress, Ghannūshī⁷ not only favours a long dress for the woman covering her whole body, but also affirms her head too should remain covered. He regards such type of dress is highly valuable in terms of virtuousness (*‘iffah*) and decency (*hismah*).⁶⁷

⁶⁰ Ibid., 260.

⁶¹ Esposito, *Women's Rights in Islam*, 103.

⁶² Anne Sofie Roald, *Women in Islam: The Western Experience* (London: Routledge, 2001), 209.

⁶³ Rāshid al-Ghannūshī⁷, *al-Mar’ah bayn al-Qur’ān wa Waqī’ al-Muslimīn* [Women: Between the Qur’ān and the Present Conditions of the Muslims] (London: al-Markaz al-Maghāribī li al-Buhūth wa al-Tarjumah, 2000), 90; Qur’an 4:3.

⁶⁴ Abdul Rahman Doi, *Women in Shari’ah* (London: Ta-Ha Publishers Ltd, 1989), 15.

⁶⁵ Rebecca Barlow and Shahram Akbarzadeh, “Women’s Rights in the Muslim World: Reform or Reconstruction?,” *Third World Quarterly* 27, no. 8 (2006): 1487.

⁶⁶ Fatima Mernissi, *Women and Islam: An Historical and Theological Enquiry* (Cornwall: T. J. Press Ltd, 1991), 92.

⁶⁷ Mahmoud, “Women and Islamism,” 259-260.

However, at the same time, he has strongly voiced that women have every right to choose their own lifestyle and more importantly there should be no compulsion neither in wearing the headscarf in the name of Islam or banning it in the name of secularism or modernity.⁶⁸ Moreover, while taking into consideration the working of women with men outside their homes, he validates that women have every right to work actively in the process of social production as long as they put on Islamic dresses and behave in accordance with the teachings of Islam.⁶⁹

Scholars differ in their opinions about providing education to a woman. Some believe a woman should be given the quantum of education that will qualify her to be a good house wife. For instance, Mawdūdī⁷⁰ regards the education of women as equally important as that of a man, but its purpose according to him should be to make her more experienced and fully capable of playing a wife's role.⁷⁰ Ghannūshī⁷¹, however, differs from this line of thinking and argues such thinking restricts the role of women in society. He goes on to say Islam has posed no such restriction at all on the education of women, for there is ample evidence that suggests, encourages and motivates them to enrich themselves as well as their societies with knowledge. Nevertheless, they should seek that sort of knowledge that is beneficial for them in both lives (this life and the life to come).⁷¹ He maintains that education is vital in many aspects:

[It is] through education, both women and men can be liberated from the dominant age of *inhibitat* and the horizons of women can be significantly expanded and their bondage to their present world of trivialities broken. Education can also offer an alternative model of a well-cultivated Islamic female to counter what he describes as Bourguibist permissiveness.⁷²

The issue of a woman working outside is another issue vigorously debated and discussed. Concerning this subject, Ghannūshī⁷³ safeguards his position by calling the home as a perfect setting for a woman. However, he permits her to work outside, although with certain pre-requisites. He advocates that women can work outside, but it should not be at the cost of men's employment, as Islam never admonishes female employment, especially at a time when males are unemployed. He regards the home as the woman's "natural place," where she can raise her children and strengthen the family structure. Her prime role in the society, he says, is to take care of the family and, if need arises, she can work outside as long as her employment is regulated in accordance with the precepts of Islam.⁷³

From this description, it can be discerned he does not reject women working outside; however, at the same time, he believes 'home' is a better or more appropriate place for her.⁷⁴ This view is further substantiated by Fāṭimah al-Ghannūshī⁷⁴, who relates she had to say goodbye

⁶⁸ Nazanine Moshiri, "Interview with Rachid Ghannouchi," *Al Jazeera*, February 7, 2011, accessed May 30, 2018, <https://www.aljazeera.com/news/africa/2011/02/2011233464273624.html>.

⁶⁹ Mahmoud, "Women and Islamism," 259-260.

⁷⁰ Forkan Ali, "The Dynamics of Islamic Ideology with Regard to Gender and Women's Education in South Asia," *Asian Studies* 6, no. 12 (2018): 41.

⁷¹ Ghannūshī⁷¹, *al-Mar'ah bayn al-Qur'ān*, 89.

⁷² Mahmoud, "Women and Islamism," 258.

⁷³ *Ibid.*, 260.

⁷⁴ Ghannūshī⁷⁴, *al-Mar'ah bayn al-Qur'ān*, 83-85.

to her university career at the birth of her first child, when her husband persuaded her that a natural place for a woman is her home.⁷⁵

About gender intermingling, Ghannūshī⁷⁶ recognises ‘complete segregation’ as something that is foreign to Islam. While discoursing on the issue, he draws a sharp distinction between two types of gender mixing. He indicts the intermingling in such conditions conducive to sexual seduction – the presence of a man and a woman in a ‘suspicious circumstance’. Amid totally disapproving and rejecting the abovementioned type of gender mixing, he promotes and advocates the presence of women in the circumstances where sexual temptation is most unlikely to arise, for example gathering in a *masjid*, on a battlefield or in a learning session.⁷⁶

In an article titled “Deficiencies in the Islamic Movement,” Ghannūshī⁷⁷, without referring to a particular Islamic movement, criticises Islamic movements on several grounds. Drawing on the reasons amounting to failures and deficiencies, he highlights that Islamic movements have not addressed women’s issues perfectly. Continuously inculcating in women’s minds that Islam only means the veil, seclusion within the house and fulfilling the desires of the men had a severe impact on shaping their attitudes and thinking. Because of this, it was natural for them to be lured by the West and its illusory values of freedom and equality.⁷⁷ Such rhetoric, according to him, has not only degraded women’s status, but also circumscribes their role in social welfare activities, which is why many of them look to the West as a ‘hope’ for realising their freedom and rights.⁷⁸

Criticising these people and their ideologies, Ghannūshī⁷⁹, in contrast, views that women like men have rights as well as duties to actively endeavour for a more viable and expedient socio-political and economic order.⁷⁹ This is practically apparent as well because Ghannūshī⁸⁰ and his political party have given more space to women, as compared to other thinkers and parties, to represent themselves in the socio-political affairs of the country.⁸⁰ This view-point also suggests previously the role of the women was severely restricted in Tunisian society, which not only stopped them from fully realising their human potential, but also denied them the right to play their positive role in society.

Ghannūshī⁸¹’s stand regarding the issue of women has evoked both welcome and censure. However, such rhetoric has opened the gate for Tunisian women to engage themselves in socio-political affairs. On the other hand, it also proves to be the beginning of a greater role for women in society, coupled with the amelioration of the bond between *al-Nahḍah* and Tunisian women at large. Ghannūshī⁸² and *al-Nahḍah* have reiterated their statement that they, unlike other groups, believe in the equality of rights between men and women. In the words of Ghannūshī⁸³, they applied this principle in societies and organisations, manifested by the

⁷⁵ Susan Waltz, “Islamist Appeal in Tunisia,” *The Middle East Journal* 40, no. 4 (1986): 662-623.

⁷⁶ For more on the issue of intermingling between sexes, see “Qaḍiyat al-Ikhtilāf,” in Ghannūshī⁷⁶, *al-Mar’ah bayn al-Qur’ān*, 81-83; see also Mahmoud, “Women and Islamism,” 259-260.

⁷⁷ Rashid al-Ghannouchi and Linda G. Jones, “Rachid Ghannouchi, ‘Deficiencies in the Islamic Movement,’” *Middle East Report* 153 (1988): 24.

⁷⁸ Ibid.

⁷⁹ Rachid Ghannouchi, *The Battle Against Islam*, *Middle East Affairs Journal*, 1: 2, Winter, 1993, p. 7.

⁸⁰ Ghannouchi and Muasher, “A Conversation on Tunisia’s Future.”

representation of its female members in Constituent Assembly.⁸¹ The role of women within *al-Nahdah* is continuously being strengthened. The extensive (political) space given to the women, for example Meherzia Labidi, Amel Azzouz,, Sayida Ounissi, etc., further facilitates Ghannūshī's female activism philosophy. Through this cloak of political activism, many females are now in a position to express themselves at various podiums regionally and globally, on a level equal to that of males. In this way, it can be voiced that Ghannūshī reminds ~~them~~ about their rights and, by safeguarding all their human rights, they can become an effective force in the struggle of reforming the society.

CONCLUSION

The debate on human rights is not something that is novel; rather, Muslim intellectuals and groups have been continuously engaged in this hotly debated issue. Consequently, the discourse on human rights from a Muslim perspective is neither stagnant nor homogeneous. Different Muslim intellectuals have differing understandings and opinions of the issue. As far as Rāshid al-Ghannūshī is concerned, he can be regarded as a moderate Muslim thinker as he readily endeavours to reconcile Islam with modern global values. He does so by re-interpreting and re-orienting various ideals of Islam in a modern context and framework. Moreover, he seems to be more interested in making moderate and new interpretations of the teachings of Islam by favouring the views and opinions of likeminded Muslim scholars, especially in case of *riddah*.

Furthermore, Ghannūshī attempts to assimilate specific Western civilisational values like human rights, freedom, etc., on the one hand and then strives to reproduce them into the Islamic hinterland and its epistemological system on the other. This serves as one of the main reasons for the development and spread of his vision and thinking. However, in this wholesome process, Ghannūshī, thoroughly uses the institution of *ijtihād*, which represents the most fascinating dimension of his personality as a famous Muslim thinker.

⁸¹ Speech delivered by Rāshid al-Ghannūshī at Aligarh Muslim University, Aligarh on April 8, 2015. The author of this article was present at this event and personally recorded the statement.

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