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Ghannouchi's Concept of *Ḥurriyya* and Its Realisation in Transitional Tunisia

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This paper explores Rachid Ghannouchi's conceptualisation of *ḥurriyya*, or freedom, as a dynamic principle rooted in Muslim heritage yet responsive to modern realities. Tunisia's democratic experiment (2011–2021) demonstrates that Ghannouchi's *ḥurriyya* thrives in flexible institutions which balance rights and duties but fails when it becomes an object of polarisation among competing yet exclusive ideologies.

- Ghannouchi's *ḥurriyya* creatively attempts to balance a relational practice of liberties such as individuals' free conscience, economic justice, and institutional flexibility, translated into a legal basis within Tunisia's 2014 Constitution.
- Ghannouchi rejects the dichotomy of Western freedom vs. Islamic obedience, anchoring *ḥurriyya* in Qur'anic principles of dignity and how it was executed in the state of Medina's constitutional pluralism.
- While the Arabic term *ḥurriyya* means freedom, it is employed to functionally and conceptually explore Ghannouchi's unique narrative of a Muslim democracy in Tunisia. Ghannouchi's model is neither "Islamised democracy" nor "secularised Islam," offering a path to reconcile Islamic governance with modern political values.
- According to this conception, *ḥurriyya* is not only the goal of a just society but also the catalyst to promote democratic and social transformation. It is an ongoing process of infinite transition and permanent negotiation.

CONTEXT

The framework of ḥurriyya offers a blueprint for Muslim societies which seek to transcend ideological polarisation. The aim is to bridge universal values with Islamic ethics, offering an alternative to both rigid secularism and literalist interpretations of Islamic political heritage. Though modern values have been developed within ethical systems outside Islam, they can be respected on their own terms.

BEYOND THE SECULAR–RELIGIOUS BINARY

Rachid Ghannouchi, a prominent Muslim thinker and the founder of Tunisia's Ennahda Movement in 1969, postulates that *hurriyya* is a universal value, rooted in human dignity, but that its meaning and application are shaped by cultural and political contexts. As such, freedom is not merely a Western import or a challenge to Islam but an ethical imperative, essential for combating authoritarianism and fostering just governance.

Modern freedom emerged alongside the Western modern state, often framed as inherently secular and even contradicting religious norms. Ghannouchi (1993: 38), however, rejects this dichotomy and postulates that *hurriyya* transcends the secular–religious binary as it is intrinsic to dignity, a principle the Qur'an extends to all humanity, not just Muslims. Freedom, in his view, is the foundation of moral and political agency, and its execution must be adapted to an indigenous ethical framework. Therefore, Ghannouchi (1993: 55) criticises modern Muslim states, such as Tunisia, for adopting an exclusive, Western-secular model without embracing the West's underlying freedoms and values. According to Ghannouchi, Tunisia's first president Habib Bourguiba imposed a laicist system antagonistic towards religion, resulting in authoritarianism rather than progress. After decades of repression, Ennahda re-emerged post-2011 as Tunisia's largest Islam-inspired party and played a key role in the country's democratic transition, particularly in the elected Constitutional Assembly (2012–2014) where it helped negotiate Tunisia's new constitutional framework. The party subsequently participated in coalition governments before its political influence waned significantly under President Kais Saied's maximisation of power after July 2021.

ETYMOLOGICAL ORIGINS AND SEMANTIC TENSIONS

“Freedom” evinces diverse conceptual origins and semantic developments shaped by local languages and cultures. A comparative analysis of the term's etymology provides significant insights into this complexity and helps illuminate key aspects of Ghannouchi's understanding of *hurriyya* as a relational concept.

- The German concept “Freiheit,” derived from *frihals* (freedom of the neck), initially emphasised physical and personal independence, but gradually evolved to encompass broader notions of individual and collective self-determination. The idealistic and romantic philosophical movement (1780–1830) conceived of freedom as inner self-determination, focusing on metaphysical justifications and collective identity (Koselleck 1992: 145). Immanuel Kant (1785: 45) saw freedom as “obedience to the self-chosen moral law” and as a merger between moral self-legislation and an inner, reason-guided principle. Hegel (1821: 67) posited that freedom is realised through the synthesis of individual, community, and state “morality.” In essence, freedom is an expression of folk self-determination and cultural uniqueness that contributes to the forming of an authentic community identity.
- In English, the distinct concepts of “freedom” and “liberty” reflect different traditions, with significant implications for Anglo-American political theory. “Freedom,” from Old English *frēodōm*, emphasises individual self-determination and personal autonomy, leading to demands for concrete rights such as freedom of speech and property protection – as seen in the English Bill of Rights (1689) and the US Constitution (1789). Liberty, from Latin *libertās*, denotes the political-legal aspect, particularly institutional guarantees against arbitrary state action. This includes legally codified protections such as “habeas corpus” that limit state power and secure individual rights – a cornerstone of Anglo-Saxon liberalism (Locke 1689: 45; Mill 1859: 89). This linguistic distinction remains empirically grounded rather than metaphysically

justified as in German idealism (Skinner 2002: 178). The focus became freedom as practice – measurable through the absence of coercion, or negative liberty (Berlin 1958: 122).

- The French Revolution (1789–1799) championed freedom as political and legal emancipation from despotism – articulating concrete demands for equality. While not entirely contradicting German discourse, it became fundamentally secular, challenging both despotism and religious authority.

Ghannouchi's *hurriyya* incorporates elements from these Western traditions. The Tunisian conceptualisation is akin to that of the Anglo-Saxon tradition, allowing Ghannouchi to treat freedom and liberty as inseparable. Freedom emphasises personal and religious autonomy, and liberty represents institutional safeguarding through legal and political mechanisms. This dual focus also informs Ghannouchi's understanding of collective self-determination, providing a philosophical foundation for viewing freedom as moral self-legislation that balances personal liberty with social responsibility. This understanding finds its roots in the Muslim intellectual tradition, where *hurriyya* has developed through a unique synthesis of Qur'anic principles and philosophical reasoning.

RELATIONAL *HURRIYYA*

To fully appreciate Ghannouchi's distinctive synthesis, it is first necessary to examine the etymology of *hurriyya*. The Arabic term *hurriyya* (حرية) derives from the radicals *h-r-r*, originally denoting the legal status of non-enslavement (Al-Jabri 2004: 127). Islam transformed the concept to encompass socio-religious and economic aspects, particularly through the practice of *tahrīr raqaba*, or freeing a neck (Qur'an 4:89) – a conceptual parallel to the German *frühals*. From Islam's earliest days, slave emancipation was promoted as a means to advance human equality. The very term "Islam" means submission to God, indicating that true enslavement is to God alone. This conceptual shift incorporated spiritual and ethical dimensions, blending individual freedom with religious responsibility.

This development was further entrenched by the combination of the Qur'anic principles of *tawhīd* (divine oneness) and *'aql* (reason) (Fakhry 1983: 112). Ibn Rushd (1126–1198) affirmed the compatibility of rational autonomy with religious commitment. While contemporary Salafism rejects the compatibility of modern freedom with Islam, Ghannouchi (1999: 14) argues that freedom and dignity were originally central to Islam but were suppressed beginning with the Umayyad Caliphate (661–750), which transformed Islamic governance into monarchical rule. This historical experience reflects political contingencies rather than essential Islamic principles. Thus, despotism represents not just a political failure but the absence of *hurriyya*, which represents a balance between individual freedom and collective responsibility.

Individual freedom and the primacy of conscience

In Ghannouchi's view, freedom, while embedded in early Muslim practices, has remained underdeveloped in classical scholarship. "Freedom is the bedrock of faith" echoes the Qur'anic verse: "There shall be no coercion in matters of faith" (Qur'an 2: 256). Genuine belief must be freely chosen, making liberty a logical prerequisite of faith. Ghannouchi's (1993: 49–50) treatment of apostasy reflects his philosophy of balancing individual rights with communal stability. He distinguishes between individual religious apostasy and political sedition, regarding only the latter as a threat to social order. This distinction echoes early Islamic governance, where caliphal responses to apostasy focused on political rebellion rather than personal belief, which is subject to *freedom of conscience* – a principle Ghannouchi cautiously expanded after Tunisia's 2011 revolution to include broader rights considerations, including those related to sexual orientation.

Although Ennahda was the largest party in the Constituent Assembly and remained strongly represented in the Assembly of the Representatives of the People from 2014 onwards, it had to negotiate all decisions carefully, balancing secularist demands, Salafist pressures, and the complex post-revolutionary landscape. This resulted in incremental reforms which translated into laws with varying degrees of success:

- Article 6 of the 2014 Constitution shielded private matters of faith from state interference, though religious matters remained subject to legal restrictions – a compromise reflecting Ennahda's need to accommodate conservative voices.
- The 2017 repeal of Circular 73 removed formal barriers to Muslim women marrying non-Muslims, though social and bureaucratic obstacles have persisted, demonstrating the limits of legal reform alone.
- Tunisia's 2018 National Human Rights Strategy included symbolic references to protections against sex- and gender-based discrimination, though societal resistance highlighted the gap between progressive laws and conservative societal norms.

Collective duty: freedom as social covenant

Ghannouchi (2012: 88) establishes a careful equilibrium, as “the freedom of the individual ends where the rights of the community begin” – mirroring the German concept of “Freiheit,” whereby individual rights and collective responsibility are interwoven. The 2011 revolution emerged from decades of systematically suppressed freedoms and deepening regional disparities. Ghannouchi recognised this dual imperative, advocating for a contextualised approach to balance liberal freedoms with socioeconomic realities. This vision was articulated in Ennahda's 2016 document *Bylaws of the 10th Conference*, which emphasised that political freedoms remain incomplete without parallel efforts to ensure socioeconomic dignity with institutional protections.

- Article 21 of the 2014 Constitution synthesises Islamic principles with universal rights, reflecting protracted negotiations to reconcile divergent visions of freedom. The party later compromised on stricter, *shari'a*-based formulations to secure broader consensus.
- The 2016 Economic Reconciliation Law exemplifies Ennahda's negotiated approach: while criticised by transitional justice advocates, it prioritised material stability by expanding healthcare to two million uninsured citizens and directing development funds to marginalised regions – a concession to secularists and business elites.
- In religious governance, Ennahda supported the 2015 Counterterrorism Law and accepted judicial oversight mechanisms to assuage civil society concerns while maintaining security priorities.

Entangled spheres: socio-religious, political, and legal realities

At the heart of Ghannouchi's (1993: 98) political philosophy lies a sophisticated synthesis and a dynamic interplay between two foundational pillars: divine authority as the ethical compass guiding society, and popular sovereignty based on the will of the *umma* as its political manifestation. This duality became tangible during Tunisia's constitutional debates (2011–2014). Ennahda framed democratic institutions as both modern and Islamic – presenting parliamentary sovereignty as a continuation of *shūrā* while compromising on *shari'a*-based constitutional clauses. Thus, the state or the ruler's authority should be derived from the authority of the *umma*. This dual anchoring produces a distinctive model of governance that operates through three mutually reinforcing dimensions.

The first dimension reimagines legal and governance structures through an Islamic constitutional lens – inspired by the Medina Constitution as an example of rule-bound leadership. As such, parliamentary systems as contemporary manifestations of the *shūrā* genuinely reflect the popular will. In brief, governance revolves around the *shūrā* principle, tied to the will of the *umma*, and serves as the political and legitimate basis for structuring the state and selecting its leaders. This concept is reflected in Article 3 of Tunisia’s 2014 Constitution, which codifies the principle of popular sovereignty as a contemporary interpretation of *shūrā*. Through this, Ennahda sought to harmonise Islamic values by presenting *shūrā* as a dynamic framework adaptable to modern democratic governance and constitutionalism. Translating this vision into institutional practice proved complex.

Ghannouchi’s insistence on reviving *shūrā* informed Ennahda’s post-2011 advocacy for consensus-based governance, notably in the 2013 National Dialogue. This roundtable process, which resolved Tunisia’s political crisis, served as a deliberate echo of *shūrā* in practice, adapted to the needs of a modern, pluralistic society. The 2014 Constitution anticipated the creation of an independent Constitutional Court, envisioned as a guardian of the balance between popular sovereignty and the constitutional order. Yet, persistent political disagreements and delays prevented the court’s establishment, leaving a critical institutional gap. This omission underscored the difficulties of implementing the ideals of *shūrā* in a transitional context marked by competing political visions and institutional fragility. Despite these challenges, one takeaway for Ennahda is that its governance framework reflects a broader negotiation between tradition and modernity. By grounding popular sovereignty in Islamic and democratic principles, Ennahda sought a distinctly Tunisian model of governance – revealing both the tensions and resilience of the *shūrā* principle in modern state-building and the challenges of adapting Islamic traditions to a constitutional framework.

This leads to the second dimension: democratic processes as spiritual practice. For Ghannouchi, electoral systems and constitutional mechanisms become sacred instruments when they facilitate genuine popular participation. Tunisia’s democratic experiment (2011–2021) reflected this ideal in principle, particularly through its Constitutional Court’s efforts to balance individual rights and collective interests with the nuanced reasoning found in both democratic and Muslim legal traditions. While judicial effectivity remained limited, its envisioned role exemplified how institutional safeguards could embody a deeper ethical commitment to justice.

The third dimension, underpinning the other two, is Ghannouchi’s concept of dynamic social equilibrium, whereby freedom manifests as an infinite transition rather than a fixed destination (2012: 12). This ongoing negotiation constantly adjusts the relationship between timeless Islamic ethical imperatives of human dignity and social justice and evolving democratic values of rights protection and political representation. Ghannouchi’s *umma* approach does not aim to Islamise democracy but respect its values of *hurriyya*. As such, Ghannouchi (2012: 25) does not see Islam and democracy in a dichotomy, but rather as mutually enriching: “Islamic principles can expand modern concepts of freedom and lend them an ethical dimension.” He sees *hurriyya* as an element of an open and inclusive society regardless of the citizens’ political or religious orientations. The result is a living system that avoids ideological rigidity while maintaining clear ethical boundaries. What emerges is neither an Islamic democracy nor a secular system with religious decoration, but rather an organic synthesis where democratic practices become infused with Islamic ethical purpose, and Islamic principles find renewed expression through democratic institutions.

ḤURRIYYA REIMAGINED, WITHIN LIMITS

Ghannouchi's *ḥurriyya* is not inherently either religious or secular but a universal criterion for evaluating any political system's legitimacy, subject to its local context to be reshaped and executed. The uniqueness of his concept lies in his sociological approach to Muslim thought, whereby comparative traditions are treated not as threats but as resources. By anchoring *ḥurriyya* in Islam's foundational texts while pragmatically engaging modern governance challenges, he repositions freedom as Islam's antithesis to despotism. Tunisia's transitional decade (2011–2021) validated both the promise and peril of Ghannouchi's approach. The 2014 Constitution's innovative framework – particularly its deliberate balancing of Muslim identity and civil liberties – established a foundation for a dynamic equilibrium. The implementation of this principle was further tested through Ennahda's 2016 transformation, the Economic Reconciliation Law's pragmatic justice, unfulfilled reforms, and the envisioned (but unrealised) mediation role of the Constitutional Court. Yet the constitutional system's ultimate collapse in 2021 proved his core thesis: without sustained mechanisms to navigate polarisation, even the most sophisticated models fail. Ultimately, Ghannouchi contributes a Muslim-inflected, yet universally relevant paradigm: freedom as relational practice rather than fixed ideology. His work invites Muslim societies to reclaim *ḥurriyya* not as borrowed doctrine but as living tradition – one demanding both courageous institutional innovation and deep ethical accountability in our fractured world.

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