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“Constitutions and Islam”

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**ABSTRACT**

“Islam, Constitutionalism, and the Challenge of Pluralism”

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In wake of the successful Egyptian and Tunisian revolutions, political Islam has come to play an important role in crafting the post-authoritarian orders of both Egypt and Tunisia. The role of Islam in constituting both the Egyptian and the Tunisian state has proven to be quite contentious, not just between Islamists and non-Islamists, but also between different strands of Islamism, such as the divisions between the Muslim Brotherhood-inspired parties, and the Salafists. Despite divisions regarding the desirability of incorporating Islamic law into the foundational structure of the state, all political forces seem to accept the notion that the *sharia* is, in an important sense, a super-value that exists outside of the political order. This is why secularists reject it, and why Salafists insist on it. However, in order to build a democratic order that is also an Islamic one, a conception of the *shari'a* must be offered that both constitutes, and is constituted by the political order, and given the reality of pluralism in today's world, it must also be consistent with robust pluralism in the public and private spheres. This presentation will discuss the legacy of constitutional doctrines found in pre-modern Sunni legal thought and consider how it could provide a basis for a democratic future for the Muslim world.