

The Nature and Philosophy of Sovereignty: A Comparative Analysis of Western and Islamic Notions of Sovereignty

Bakht Munir *

Jawwad Riaz†

Ali Nawaz Khan‡

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Abstract: *Sovereignty is one of the most appreciated attributes of a political system. However, there are certain issues to which political thinkers share competing views: the original presenters of the concept of sovereignty, how the concept of sovereignty evolved, how a sovereign represents the will of people, and what are the common and differentiating features of sovereignty between the western and the Islamic political thinkers. With qualitative research methodology, this work aimed to investigate historical roots of sovereignty and it explicated by whom the legal exposition of sovereignty was initially given. The research at hand critically investigated the notion of sovereignty and highlighted the contribution of western and Islamic philosophers in the conceptualization of the idea of sovereignty and its relation with other attributes such as government and democracy are comparatively examined.*

Key Words: Sovereignty, Islamic and Western Concept of Sovereignty, Legal Exposition of Sovereignty

Introduction

Internal and external freedom had always been an essential element of a political system, whether it was Greek political community or Christian Commonwealth. The emergence of the concept of the modern state system gave so much importance to the concept of sovereignty that it became a maxim for political thinkers within a political system. However, the concept of sovereignty has always been contradictory and ambiguous. There are divergent opinions regarding historical roots of sovereignty: the European political thinkers believe that the most dominant concept of sovereignty is juristic one as put forwarded by Hobbes and Austin [Singh & Singh, 1964]. On the other hand, Muslim political thinkers advocate the concept of sovereignty as provided by *Ibn Abi-ar-Rabi*, *Alfarabi*, and *Ibn Khaldun*. This work claimed that the concept provided by the Muslim philosophers is centuries older than the concept given by *Bodin*, *Bentham*, *Hobbes*, and *Austin*. In Islam, the concept of sovereignty is absolute submission to the will of Allah, the Almighty, which is distinct from the concept of sovereignty prevalent in the other western political systems. This paper also examined how the Islamic concept of sovereignty and its associated attributes are executed in modern democratic paradigm, how it is different and correlates with other perceptions.

This paper mainly conceptualized the idea of sovereignty, the delegation of sovereign Authority, and examined how various concepts are interlinked. In order to conduct this research qualitative and deductive research, the methodology has been used wherein both primary and secondary sources have been consulted. The operational framework of the research has been divided into the following segments: in the first segment, an overview regarding the concept of sovereignty has been given, which is coupled with the debates regarding western and Islamic political thinkers. In the second segment, Islamic and Western

* Lecturer, Institute of Languages and Linguistics, New Campus, University of the Punjab, Lahore, Punjab, Pakistan. Email: muniradv@yahoo.com

† University Law College, University of the Punjab, Lahore, Punjab, Pakistan.

‡ Assistant Professor, University Law College, University of the Punjab, Lahore, Punjab, Pakistan.

political concept of democracy has been examined wherein common and competing attributes of democracy have been highlighted. In the third segment, Islamic and other concepts of sovereignty have been theorized. In the fourth segment, the nature and philosophical evolution of sovereignty have been comprehended. In the fifth segment, Thomas Hobbes and John Locke debate regarding sovereignty and government have been presented so as to theorize and differentiate government and sovereignty. In the sixth segment, the research has been concluded, which is coupled with the findings that both Islamic and western exposition of legal sovereignty are distinguished by its nature, but shared common essential attribute: in the modern manifestation of democracy, the representatives are authorized by the subjects to run the commonwealth in a given political domain.

Sovereignty: The Concept

As there was no particular philosophical meaning or interpretation of the concept of sovereignty, which gave birth to so many conflicting issues. These contradictions induced many quarters to challenge the very notion of sovereignty [\[Cohen, 1937\]](#). This stance was initially taken by *Triepel* and later on by some other international lawyers including *Foulke* and *Willoughby*. The debates about the concept of sovereignty are mostly juridical in nature, avoiding the very philosophical roots of the concept. Sovereignty has derived from the Latin word '*Supremes*' that referred to supreme power over all others. In the modern world, the idea of sovereignty, as understood by Greeks, did not exist today.

Despite the fact that Plato talked of the philosopher-king as a final coordinating authority, Aristotle talked of the government of one and supremacy of law; the Romans referred to dominium of the populous, the Jews talked of the sovereignty of Jehovah (God). In the middle ages, the Christians believed in the trinity as religious and political doctrine because of the conflict between the pope, the emperor, and general counsel for the finality of power. In a feudal hierarchy, two words had been used: sovereignty, which is associated with the supreme power of the emperor and suzerain, which had been used for the power of the lords below him. The modern idea of sovereignty came to fore with the establishment of kingdoms in Spain, France, England, and some parts of Germany [\[Ahmad, 1958\]](#).

The concept of sovereignty was associated with the absolute power that the national kings started to claim for themselves not only against the lords within their own domains but also against foreign pope or emperor outside their territory. However, the national monarch started to claim that he was sovereign in his internal affairs and sovereign in his external or foreign policy. There could be no division and limit his powers. The English political thinkers consider Bodin and Hobbes to be the first writers regarding the modern doctrine of sovereignty, which was finally stated in the 19th century by Austin. The view of Bodin, Bentham, Hobbes, and Austin has been termed as the legal or juristic view of sovereignty. According to them, the sovereign is the law-maker, and it is a determinate authority, and not a moral or abstract one as comprehended in the concept of the sovereignty of God or of the General Will [\[Ahmad, 1958, p. 142\]](#). From the historical analysis of the doctrine of sovereignty, it is obvious that all modern writers have taken account only of the civilization of Greece, Romans, and the European (Christen) Middle Ages. They have entirely ignored the contribution of Islamic civilization in the conceptualization of sovereignty. The following segment examined debates of both Western and Muslim political thinkers regarding the concept of sovereignty and its evolution in the present form.

According to Bodin, French king started to exercise absolute Authority in all affairs. So, he referred sovereignty to supreme Authority over its citizens, which is unrestricted by any law. The king was considered as the ultimate source of all laws, and all his powers are perpetual and indivisible. Being sovereign, he could make peace and was the final court of appeal. However, there were some restrictions on the Authority of king; he was subject to laws of nature and God, laws of nations, fundamental laws of the realm, and property of his subjects which he couldn't seize. By putting these factual and moral limitations on the powers of

sovereignty, Bodin spoiled his definition of sovereignty. Conversely, Hobbes put no factual or moral limitations on the sovereign power and consequently earned the title of the first full-fledged writer of the modern view of legal sovereignty, and Laski considers him the prince of monistic thinkers. Hobbes associated sovereignty with the social contract, where individuals surrendered their will to the sovereign who himself has no party to the social contract. Despite the fact he is representative of all, he is not responsible for them. His every act is considered as their actions, and his powers are unlimited, indivisible, and inalienable [[Ahmad, 1958, p.p. 142, 143](#)].

Austin's view about sovereignty is the Authority of human superior who himself is not subject to the commands or instructions of any other superior and who is ultimately obeyed by the bulk of people in a given society, such superior is considered as sovereign, and the society is considered as a political and independent society. In the given context, the law is simply a manifestation of a superior will and not an expression of Reason immanent in the universe and an order inherent in nature of things. As Hobbes phrases that it is not wisdom but Authority that makes a law. Austin further believes that law is the command of a sovereign who must be above the law. In the early stages of the evolution of the modern state system, it was the king who symbolized unity and sovereign Authority of the state. However, this perception changed with the evolution of the democratic system, federalism, and constitutionalism. Democracy refers to the transfer of power from the king to Parliament or to people, and constitutionalism implies limitations on the powers of the sovereign ruler.

If one believes in the unity of history, one must also believe in the unity of the history of political thought. After analyzing the modern writers of political science on the legal view of the sovereign, it may be asserted that it is wrong to say that Bodin and Hobbes were the first modern writers of that doctrine in the history of political thought as a whole, though they may be considered as such in the European political thought. From this perception, the credit of being the first modern writers must go to Ibn-ar-Rabi, Alfarabi, and Ibn Khaldun even though they lived and died in the so-called Middle Ages. The concept of a human superior who is not subject to the instruction of like superior has its roots in the 16th and 17th centuries. In the commonwealth of Islam, centuries ago, great monarchs / *Khulafah*: Abdul Malik (685 - 705AD), Al Walid (705 - 715 AD), Hashim (724 - 743 AD) in the Umayyad dynasty, and Harun-ur-Rashid and Mamun in the Abbasid Caliphate had already left a glorious record of the strict and independent rule which could give enough material to Muslims thinkers, in order to present a theoretical exposition of sovereign power in a state.

In the history of political thought, *Ibn Abi-ar-Rabi*, who was a courtier of Mutasim billah (833-842 AD), is considered the first one who presented a clear picture of the legal exposition of sovereignty in his literary work, *Sulukul Malikfi-Taddiril Mumalik* (the ways of the ruler in the management and government of the state). He asserted that men have to live a life of mutual dependence, and hence they come to live in village, town, and cities. But due to apprehension of conflict among them, control through laws and regulation was necessitated. If there come to be many rulers among them, differences must arise, and therefore evil consequences must follow. Whether the city is one or more, there must be only one ruler who should be obeyed by all and his affairs should be like the limbs of his body, carrying out his commands according to his will. There should also be no superior to him or who could restrain him from doing what he wants to do [[Ahmad, 1958](#)].

Alfarabi (870 - 950 AD) in his work, *Ara-al-Madinatul Fadila* (opinion of the people of the superior or model city), asserted that it is the *reason* that differentiates man from other animals and he considers man is thinking animal. He satisfies his needs through collective existence, so he forms groups ranging from cities, villages, families, and aggregation of nations. However, differences may arise among men, and every man by himself cannot know better, which necessitated a guide who becomes their leader. But if the leader himself to be guided by another superior to him, he becomes a follower, and the superior leader comes to be his Hakim (governor), and he becomes his Mahkum (governed). Thus, sovereign, *Rais-i-*

Awwal, is one who is absolutely independent of all limitations and restraints from any other human being, who achieve all knowledge and perfection by himself. *Alfarabi* rendered the sovereign to be determinate human superior within the domain which is also morally and intellectually perfect. Within the domain, his powers are unlimited, indivisible, and inalienable [\[Ahmad, 1958\]](#).

Another greatest historical philosopher of Islam is *Ibn Khaldun* (1332 - 1406 AD) who contributed to his work that man is a social animal, and he cannot live alone. However, men have a tendency to quarrel and conflict. Hence, they need a ruler who should maintain peace and justice in order to protect them from oppression and tyranny of their own kind. Thus, the society of men must have a human sovereign who should be all-powerful, and all should obey his commands so that sovereign comes to be peculiar to man suited to his nature and indispensable for his existence. Moreover, the power of a sovereign is always more than that of the leader of a tribe who can only lead and direct, but who cannot compel his followers. Sovereign thus comes to be ruled by compulsion and Authority comes to be concentrated in one person who would in no case like to share his power with any other man. Even the Holy *Quran* declared that if there were more than one God in the universe, there would have been chaos and confusion. Sovereignty is absolute and unlimited in his power. Conversely, divided sovereignty is nothing but a contradiction in terms. Sovereignty is both indivisible and inalienable. From the above arguments and discussions on the concept of sovereignty, it can be conceived that the Muslim thinkers have generously contributed to the exposition of the doctrine of legal sovereignty centuries before Bentham, Hobbes, and Austin (Ahmad, 1958, p.p. 145, 146).

The Islamic and Western Political Concepts of Democracy

In relation to Islam, democracy is a very complex notion. Despite the fact that democracy is not purely an Islam concept as the latter is a religion while the former referred to a political system, both have conceptual boundaries, and there is an Islamic theory of democracy. Without considering Islamic juridical thought, it is not possible to appreciate the very concept of Islamic democracy. The prospect to discover an Islamic way to democracy must be accepted in order to avoid a prejudicial refusal and to meet the local situation. To comprehend the idea, it is necessary to understand the spirit of democracy. In the west, following are the most salient features of democracy: a procedure involving free political elections and granting universal suffrage. Moreover, the Parliamentary system is considered as the highest governmental form of democracy with a multi-party choice. Democracy provides protection for human rights, liberty of expression, and choice of political organization. Despite the fact most of these attributes are not present in Arab and Islamic world today, some of the attributes of classical Islamic political thought point to the same direction of democracy, which are universal and commonly shared concepts: covenant among rulers and ruled (*Ahd*), the consensus of the opinion among Islamic jurists who are representative of the community (*Ijma*), legislation through preference and free will (*Ijtihad*), Justice (*Adal*), common welfare (*Maslehat*), and equality (*Musawat*) [\[Massimo, 2003; Black, 2011; Crone, 2014; Lewis, 2018\]](#).

It is worth mentioning that Islam is based on the ideology of universalism, a cosmopolitan reality and encompasses all the humanity through revelation, where people are located in the same horizontal line. In Islam, there is no difference in race, though differences in religion are sometimes emphasized. If universalism and cosmopolitanism are presuppositions of democracy, the Islamic way to democracy must be grounded in this past universalism and cosmopolitanism. Thus, the Islamic concept of democracy is associated with the *ummah* that referred to the community of believers who are united by faith and religious profession. If someone is not a believer, he cannot be a full part of the community. In western political outlook, the idea of people is linked with the idea of the nation, but both these concepts did not exist in classical Islamic political thought and were substituted by the concept of *ummah* and

caliphate. Ummah is associated with the concept of democracy as it involves collective ethics and the necessity of common welfare overcoming individual interests and selfishness [\[Campanini, 2005\]](#).

Sovereignty – Islamic and other Perceptions

This segment highlights the Islamic and other political thinkers' viewpoint regarding sovereignty and critically examines how the sovereign Authority is delegated and exercised in modern democracies and welfare states. According to the Islamic notion, the ultimate sovereignty over the entire universe belongs to Allah, the Almighty. In the form of manifestation, this sovereignty had been entrusted to the Prophets (PBUH), which is further delegated to the caliphate and therefrom to the people as a sacred trust. In order to govern the commonwealth, the people surrendered their will, in the form of a social contract, also known as the constitution, to their elected representatives.

Among the Islamic scholars, there is a general consensus regarding sovereignty that Islam places sovereignty in Allah, the Almighty, which the Holy Quran unequivocally explicates Allah as *Al-Malik* that means sovereign and *Malik-ul-Mulk*, which means the eternal possessor of sovereignty. Interestingly, these two attributes are also among the 99 beautiful names of Allah, the Almighty. Further, the Quran (Quran 51: 58) clarifies that all powers lie in God, who is *Al-Muqtadir*, which means possessor of all powers. The Quran (Quran 2:30), which delegates sovereignty in the form of human agency. By virtue of their faith and submission to the will of God, the Muslim community is considered as Ummah (people) under one sovereign -complete submission to God. Thomas Hobbes visualized similarly that the complete surrender of powers by the individuals to the state. In the former case, the submission is more powerful for it surrenders, and subordinate's human will to the will and law of God [\[Saddiqi, 2004\]](#).

The Islamic notion of sovereignty further advocates that Allah is the lawgiver and the true source of all laws. The Holy *Quran* explicates that 'The *Hukm belongs to Allah alone*' (Quran, 6:57). It implies that Allah's laws alone are acceptable to the Muslims. It establishes the nature of Islamic laws and opens avenues for interpretation and Ijtihad. Similarly, no temporal authority can govern Muslim unless such Authority is based on the command of Allah, the Almighty. Within the Muslim community, the same is the essence of a social contract. In the Islamic context, by the social contract we mean the basis upon which Muslims, acting upon the Commands of Allah, have agreed to cooperate with each other and to live together in the form an organized society. Further, Muslims not only believe in the oneness of God and His Messengers (PBUH) but also obey the laws prescribed by the wise and just Lord. In all dealings, these laws ensure justice and fair play and provide a safeguard against every kind of oppression. Muslims surrender their will to Islam, in order to regulate their lives as per *Hukm* of Allah who is true and ultimate sovereign [\[Nyazee, 2005\]](#).

Pakistan, being the Islamic Republic, articulates in its Preamble to the Constitution that the sovereignty over the entire universe belongs to Allah, the Almighty. The Preamble further elucidates how the Authority shall be exercised by the people through their elected representatives as a sacred trust, how the principles of democracy, freedom, social justice, and people's lives shall be aligned according to the teachings of Islam (Preamble to the Constitution of Pakistan of 1973).

According to the other notions of sovereignty, the concept of sovereignty is as old as the era of ancient cavemen. Speaking logically, the desire for establishing a society could be connected with the pursuit of leadership. In ancient times, the headship must have been considered as a foundation of assistance in various walks of life. Moreover, the leadership must have been possessed in some seasoned persons of calibre and wisdom. The pursuit for such leadership could be considered as the initial struggle towards the necessity of sovereignty. Despite the fact that traces of human search for leadership, which led to the concept of sovereignty is not exactly known, yet the concept of popular sovereignty is

considered to be the outcome of this approach. It is believed that the era of a police state, where all powers are accumulated in one person, which is susceptible to despotic use, is believed to have been emerged from that search. Theoretically, both Islamic and western political concepts regarding sovereignty are distinct but share common interest where people surrender their will to the representatives, in order to govern their lives.

The Nature and Philosophy of Sovereignty

To understand the nature and philosophy of sovereignty, there is a need to make a comparison between Thomas Hobbes who believed in unlimited sovereignty and John Locke who advocated the idea of sovereignty limited by a social contract [[Munir, 2019](#)]. According to John Locke, people enjoy unlimited sovereignty, and through a social agreement, they surrender their will whereby they would be governed by men which materialized the concept of limited sovereignty. However, the ultimate sovereignty rests with the people. They can supersede their government if the sovereign transgresses limits of their social contract. Austin has the same view as put forth by Hobbes; every law is the outcome of command of a sovereign whose Authority is considered supreme and who is neither subordinate to anyone nor bound nor restricted by any law. Conversely, the concept of limited sovereignty is incoherent and illogical.

In a modern democratic system, the concept of unlimited sovereignty can associate with the British Parliament because it is considered supreme and there are no constitutional limits on its functions. While applying the idea of unlimited sovereignty, most of the democracies like the USA, India and Pakistan face hardships. In these democracies, even the governmental Authority is regulated by their respective constitutions. This argument was justified by Austin that sovereignty may rest with the people or body having unlimited Authority. Furthermore, the constitution can circumscribe government bodies. Nevertheless, the people being sovereign possess unlimited Authority but governed by their elected representatives as explicated by H.L.A. Hart, the commanders are commanding the commanders [[Waluchow, 2007](#)].

Sovereignty vis-à-vis Government - an Overview of Thomas Hobbes and John Locke

Both sovereignty and government are different but correlated concepts: sovereignty is the supreme Authority over a domain. The same view has been advocated by *Salmond* that sovereignty is the exercise of absolute and uncontrolled Authority within a designated area [[Munir, 2019](#)]. Whereas, the government is associated with the mechanism so that to exercise the sovereign Authority. This sovereign Authority may be exercised by persons or bodies. After clarification of this difference, it can be comprehended that the government is not a sovereign body; rather, sovereignty rests with someone else. After recognition of this inference, one can logically talk of limited government coupled with unlimited sovereignty.

The concept of limited government and unlimited sovereignty should be applied to constitutional democracies where people possess unlimited Authority and are considered sovereign. Nonetheless, the government that exercises sovereign Authority on behalf of people is subject to constitutional limits. As elaborated by John Locke, people enjoy unlimited sovereignty and have normative control to challenge their government or any part thereof if the government exceeds its constitutionally defined limits. Likewise, popular sovereignty and democracy are two different theoretical concepts: the former requires that people should have a constitution as well as the government of their choice. Both Locke and Hobbes advocated the concept of popular sovereignty. According to them, people are sovereign and may entrust the legislative Authority in a person or group of persons to constitute monarchy or aristocracy.

Contrary to this approach, people may choose an alternative system of assembly that constitutes a direct or indirect democracy. Hobbes warned people of committing mistake if they entrusted the sovereign Authority in the collective body of men. Conversely, Locke considered that people could be safe only if the sovereign Authority is placed in democratic

assembly instead of a delegation of the Authority to an individual who may turn despotic. This delegation of powers to the collective body of persons may be termed as parliament, senate, or whatever you please. He believes that it is imperative that the collective body should have supreme Authority over the commonwealth. Both of them neglected to render the constitution more democratic, in order to make it popular choice [\[Alexander & Alexander, 2001\]](#).

Despite the fact, both government and sovereignty are two distinct ideas, yet both are interlinked and can be applied to the same body: Hobbes believed that in the delegation of the sovereign Authority, there is an absolute transfer of Authority from individuals to a political sovereign, who ultimately enjoys the absolute authority. According to Hobbes, in order to rule the commonwealth, the supreme governing body shall possess supreme sovereignty and shall enjoy unlimited powers and Authority. Conversely, the concept of limited sovereignty would obliterate the very existence of a stable government. The European political thinkers considered Jean Bodin the first to present the idea of absolute, undivided and perpetual sovereignty. It is admitted the fact that both government and sovereignty are conceptually different, but it doesn't mean that both could not apply to the same individual or group [\[Waluchow, 2001\]](#). Talking in the context of the unlimited Authority of the British Parliament, there is a dual aspect of limitations: external and internal. The former refers to the apprehension of disobedience or resistance of the law by a majority of people while the latter arises from the exercise of sovereign authority.

Conclusion

Sovereignty being an essential element of a political system is always subject to debates and contradictions. In the exposition of the doctrine of sovereignty, the western political thinkers admire the contributions of Bodin, Hobbes and Austin, whereas, the Muslim political thinkers acknowledge the literary contributions of Ibn-ar-Rabi, Alfarabi, and Ibn Khaldun. Sovereignty refers to the supreme authority over all others. The establishment of the kingdom in England, France, Spain, and some parts of Germany brought forth the modern notion of sovereignty, which the national kings started to claim for themselves within their domain as well as against foreign emperors outside their territory. So far as the modern doctrine of sovereignty is concerned, the western political thinkers accredited Bodin and Hobbes to be the first writers, which was finally stated by Austin in the 19th century and termed as the juristic view of sovereignty. The believers in the unity of history must also believe in the unity of the history of political thought. The modern view of political science on the legal view of sovereign discredited Bodin and Hobbes to be the first writers and accredited Ibn-ar-Rabi, Alfarabi, and Ibn Khaldun to be the first writers of the doctrine of sovereignty as these Muslim philosophers lived and died centuries before Bodin, Hobbes, and Austin. Their literary contribution provides sufficient scholarship and literature to the Muslim scholars, in order to draw a theoretical exposition to the doctrine of sovereignty. Both democracy and delegation of sovereign Authority are essential elements of sovereignty. Despite the fact democracy not exclusively an Islamic concept, the theory of Islamic democracy shares some common features such as *Ahd*, *Ijma*, *Adal*, *Masalehah*, and *Masawat*. Moreover, Islam is universal, and the Islamic concept of sovereignty is associated with *Ummah* and based on equality and discourages racism.

Lastly, sovereignty and government are two different but overlapping concepts, which may be existed in one single body. So far as a delegation of sovereignty is concerned, the Islamic writers advocate that sovereignty over the entire universe belongs to Allah, the Almighty, which is delegated to the Prophets (PBUH) and therefrom to the Caliphate and to the people as a sacred trust. Conversely, the western political thinkers associated the idea of sovereignty with the establishment of a society that necessitated the governance of the people through their representatives to whom the people surrendered their will. Difference apart, both these concepts share the same view regarding the authorization of the representatives to govern the commonwealth, which is the hallmark of democracy.

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