The Battle over a Civil State

Egypt's Road to June 30, 2013

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regard religion, whether Muslim or not, and in consideration of the demands of competing Islamist political groups. This vision attributes great importance to the institution of citizenship, which particularly characterizes the republican approach but is prevalent also in liberal and multicultural approaches.

Actually, Mubarak's conception of the civil state does not advocate the separation of religion and state, the neutrality of the state regarding the religious affairs of its citizens, and non-intervention on the part of the state; rather it advocates the subordination of religion to the state so that the state decides on matters of state-religion according to its agenda and constraints. This is not coercive secularism as in the republican model but, rather, a "coercive civilianization." This is an attempt to create an agreed-upon common denominator between the Muslim majority and the Copt and other minorities, and between liberal Muslims and pragmatic and relatively moderate Islamist factions, and to curb radical Islamist trends.

Thus, a situation was created in which both the regime and its main organized opposition advocate, in their official platforms and rhetoric, a civil state with a diversity of meanings, at times similar and at times contrary. The idea of a civil state developed dialectically within the borders of these two fronts and became, as a matter of course, an increasingly prevalent concept in the public discourse, creating great confusion in public opinion. Mubarak succeeded in neutralizing the discourse of the civil state and blurring its concepts to the point that it was difficult to distinguish the differences in the positions taken by the political camps. Using coercion and fear, Mubarak created agreement, superficially.

But in 2011, with the fall of Mubarak's regime in the January 25 Revolution, it soon became clear to everyone that the agreement over the concept of the civil state that prevailed in the final years of his reign was for appearances only, a result of the artificial, unifying measures that he had taken and not of what John Rawls called "overlapping consensus."[94] Although a wide range of groups accepted the concept, the idea of a civil state did not become a common denominator of those holding differing religious faiths and worldviews, one that would enable them to live together in peace and stability; rather, it became, at most, a *modus vivendi*, a product of the political power relations at the time.

Chapter 3

Arm-Wrestling (Round 1)

Contesting Egyptian Identity in the Aftermath of Mubarak (2011–2012)

The Civil State Is Revealed to be a Polarizing Issue

On National Police Day, January 25, 2011, mass demonstrations against the Mubarak regime started throughout Egypt. The millions of Egyptians that poured into the streets and plazas crying: "livelihood, freedom, and social justice" ('*Aysh, Hurriyya, 'Adāla Ijtimā'iyya*) protested the substandard living conditions and poverty, the surging unemployment and rising prices, the dominance of the security apparatus and aggressive methods of oppression, the corruption in the corridors of power, the lavish salaries and luxuries enjoyed by the well-connected, the dictatorship masquerading as a democracy, and the possibility that Mubarak would bequeath the reins of power to his son. This unprecedented mass protest led Mubarak to step down on February 11, after a thirty-year reign. With his retirement, control of the government passed on to the SCAF, headed by General Muhammad Husayn Tantawi (b. 1935).

In the public discussion that began in Egypt after this historic and foundational event around questions such as "What should Egypt look like after the Mubarak era?" and "What's the ideal political order that should be reconstructed and what would be the role of religion in it?," the model of a civil state assumed a prominent position. Ostensibly, establishing Egypt as a civil state was a consensual demand, agreed upon by all the political factions that had taken part in toppling the Mubarak regime. This was asserted by Anwar Mughith, a lecturer of modern philosophy from Hilwan University in Egypt, in a column in *al-Ahram*:

When the January 25 Revolution wished to consolidate its aspirations in the form of political demands that have clear landmarks, one of the first things it formulated and declared its adherence to was the demand for a civil state, as the forces of the opposition, both traditional and new, agreed with the youths on this demand. The slogan of a civil state is not a procedural demand, such as amending the constitution, dissolving parliament, or replacing the government; rather, it is the embodiment of a different order and a transition to a new historic phase. . . .[1]

The Muslim Brothers also were quick to declare, on the eve of Mubarak's resignation, that they support the establishment of a civil state in Egypt. This statement was made in order to calm the fears that had begun to materialize in Egypt and the world in general regarding the rise of political Islam in Egypt after Mubarak, and in order to market an image of a sane, moderate alternative. In an essay in al-Sharq al-Awsat, 'Isam al-'Aryan, the spokesman of the Muslim Brothers at the time and a member of the movement's office of the General Guide, wrote the following:

> We disagree with the claims that the only choices facing Egypt are pure secularism, liberal democracy, or a religious dictatorship. The secular liberal democracies in America and Europe are not the only model of legitimate democracy. Religion in Egypt is still an important component of our culture and heritage. As we progress, we imagine the establishment of a democratic civil state based on the global principles of liberty and justice, which are the essence of Islamic values. . . .[2]

Even conservative Salafi elements expressed support for the establishment of a civil state at this stage. Najih Ibrahim (b. 1955), one of the prominent theoreticians of al-Jama'a al-Islamiyya, wrote just prior to Mubarak's fall that currently all the Islamists accept the notion of a civil state that respects religions and provides justice, liberty, and equality to all, and called for the establishment of a civil state in Egypt.[3]

Nevertheless, when the various political and social forces came together to formulate common principles for the future of Egypt in the form of a constitution, it became clear that they were nowhere near

a consensus and that it was the very idea of a civil state that was at the center of the argument between them and that this prevented the various parties from reaching an agreement. Actually, with the fall of Mubarak, the discourse of the civil state was set free from the domination of the fallen regime, and as a result the spokesmen for both the civil and the Islamist factions expressed their positions regarding the civil state with greater freedom, thereby exposing the size of the gap between the parties and the depth of the social polarization.

Jabir 'Asfur, the theoretician of the civil state from Mubarak's reign who continued to promote the idea of the civil state even after his removal from power, now criticized him, arguing that Mubarak's policy delayed the transformation of Egypt into a civil state due to indecisiveness regarding his position vis-à-vis the Islamists.[4] 'Asfur argued that Mubarak was of two minds on the matter and thus his party ruined the meaning of the civil state.[5] 'Asfur implored the SCAF to recognize Egypt as a civil state in the constitutional declaration, which is a type of abbreviated, temporary constitution that replaced the 1971 constitution and was ratified in a national referendum in March 2011.[6] However, this document dealt only with procedural matters that were necessary for that phase, such as shortening the presidential term, and did not deal with changes in the definition of identity.

More than ever before, the public discourse abounded with calls for the establishment of a secular state and the separation of religion from politics and the state, the establishment of a liberal democracy, and the annulment of the second article of the constitution.[7] Copt activists also felt more comfortable than before to join in these calls, including the call to explicitly define Egypt as a civil state in the new constitution.[8]

But at the same time, calls were beginning to be heard for the implementation of Shari'a and the restoration of the caliphate.[9] Even in the state media there appeared writers who identified the civil state with Mubarak's corruption and thus called for the imposition of Shari'a.[10] The heads of the religious establishment, al-Azhar and the mufti, shifted to talking about "a civil state with an Islamic source of authority" and not about "a civil state" per se.[11]

As in the 1980s, the Islamists argued that the civil camp was interested in establishing in Egypt a secular, anti-religious state, while the civil camp counter-argued that the Islamists intended to establish in Egypt a religious state governed by Islamic law.[12] The radicalization of the discourse of the civil state was particularly noticeable with the

appearance of legal Islamic parties—the Freedom and Justice Party of the Muslim Brothers and the al-Wasat Party, which was officially recognized for the first time—and even more so with the entry of the Salafis into the political arena, which included the establishment of the parties al-Nur and al-Asala, the "Building and Development Party," which was the political arm of the al-Jama'a al-Islamiyya, and others.

The Civil State in the Doctrine of the Salafi Movement

Previously, the Salafi movements were not involved in politics and did not take part in the demonstrations that called for the overthrow of Mubarak, due to their ideology of obedience to the ruler. After the revolution, they joined the political game and gained unprecedented success. At the same time, they also joined the discourse regarding the civil state. Compared with the Muslim Brothers, the Salafi movement had a more conservative Islamic ideology and completely and utterly rejected the concept of a civil state, which they regarded as an act of atheism and blasphemy.[13]

In a show of power against Muslim Brothers, at the end of April 2011 students at al-Azhar University held a demonstration. Thousands of Salafi students hung signs proclaiming Salafi principles at the entrances and exits to the campus marking the rejection of the principles of the secular and civil state, and an insistence on transforming Egypt into a religious state that follows the teachings of the Qur'an and the sunna.[14]

Most Salafis explicitly reject the concept of the civil state while a minority, for reasons of public image particularly evident in the 2012 elections to parliament, declared that they advocate a "civil state with an Islamic source of authority." However, when drafting the post-revolution Egyptian constitution, the Salafi factions were completely unwilling to accept any reference to a civil state in either the constitution or any other document of principles regarding the future of the Egyptian state.[15]

In the Salafi discourse after the revolution, the civil state was presented as a collection of patterns originating in the West and rejected by Salafism: secularism, nationalism, democracy, and liberalism.[16] Some Salafis are willing to accept the term "civil state" as long as it clearly refers to a state that is not controlled by either the military or the police—patterns they are willing to accept. Some even accept the civil state in the sense of a non-theocratic state, agreeing that the Islamic ruler is not God's representative and does not rule by divine

right, but is the representative of the nation, which may remove him from power. However, they by no means tolerate the idea of a civil state in the sense of separating religion from politics and legislation; rather, they adhere to the totality of Islam and see in it both a religion and a system of government.

Independent Salafi shaykhs who are not affiliated with an official Salafi political party have expressed their unqualified rejection of a civil state. For example, the Salafi shaykh Abu Fahr al-Salafi dedicated an entire book to clarifying the meaning of the term "civil state" (2011). In his view, the civil state is a doctrine developed by modern European philosophers, such as Hobbes and Locke, against the religious state, while Islam preceded these philosophers in its objection to a theocratic religious state of any kind.

Al-Salafi rejects the attempt made, according to him, by these philosophers to relegate religion solely to the realm of religious ritual and make religious law nonbinding, insisting that the state requires a religious or moral source of authority to guide it in matters of legislation. In his opinion, a total civil state harms the nations and their honor, since it subjugates men to narrow minds that cannot hold a candle to the rule of God and his sovereignty. A civil state, in the sense of a state without a religious source of authority, is un-Islamic (jahili), according to al-Salafi.

Al-Salafi correctly observed that Muslim thinkers such as Muhammad 'Abduh, Muhammad 'Amara, and Yusuf al-Qaradawi use the term "civil state" in a way that differs from its accepted use, in essence dismantling the concept and selectively borrowing specific, discrete components that do not contradict Islam, without adopting the most important aspect of the theory of the civil state—that which rejects religious law as a source of authority of government. According to al-Salafi, the phrase "a civil state whose source of authority is Islam" is to state one thing and its complete opposite, since a civil state can exist only in the absence of a source of authority that stands above the ruler and his authority. Al-Salafi maintains that Islamic religious scholars who choose to declare that the state in Islam is a civil one are in effect violating Shari'a by applying a Western concept to Islam.

Al-Salafi permitted the presentation of the state in Islam as a civil one only in cases in which a Muslim must defend himself, distance himself from slander, or when he is in the midst of a political struggle. He clarified that when a Muslim must protect Islam and must distance Islam from the claim that an Islamic state is a religious theocratic one, only then can the term "civil state" be used, if such

use is expedient and necessary, while preserving the Islamic source of authority as much as possible. He added that in such a case a civil state with an Islamic source of authority is acceptable. One can use the civil state to describe the state in Islam only when the benefit of confusing the public trumps its disadvantages.[17]

Three main Salafi parties were founded after the January Revolution. The al-Nur Party was founded by al-Da'wa al-Salafiyya—one of the popular Salafi movements in post-revolution Egypt, which was founded in the 1970s in Alexandria under the influence of Salafi circles from Saudi Arabia. Its political platform defined the second article of the constitution as the highest source of authority for the regime and as a general framework for all areas: political, legislative, social, and economic. This platform would secure religious freedom for the Copts and their right to be judged according to their religion in matters of personal status. The party's platform deals with educational reform, dismissing from the curriculum anything that contradicts the correct Islam, and liberating al-Ahzar from the regime and turning it into a mainstay for the shaping of the nation's public consciousness. As for the revitalization of the Egyptian economy, al-Nur proposes replacing the system of interest with an Islamic system based on sharing profits and production, and the formation of an economic bloc with other Arab and Islamic states.

The deputy chairman of al-Da'wa Al-Salafiyya and one of its founders, Shaykh Yasir Burhami (b. 1958), who is considered al-Nur's spiritual leader, has repeatedly expressed his objection to the concept of the civil state. In the party's earliest election rallies, Burhami attacked secularism and the separation of religion from the state, saying that imported Western ideas, such as a secular and civil state, would never be accepted by them, since the implication of such ideas is a nonreligious state, meaning a state in which religion has no influence on the state's principles and affairs.[18] In an interview to al-Ahram before the parliamentary elections, Burhami stated that the party decided to run for election in order to protect the identity of the Islamic nation by drafting the new constitution, especially in light of the calls to return to the 1923 constitution, which does not mention Shari'a at all as the source of authority, and the calls to amend the second article of the 1971 constitution. Whoever attempts to insert the civil state into the constitution, declared Burhami, is trying to ignite a conflagration between the different groups in the nation. Additionally, Burhami emphasized that the al-Nur Party does not advocate the establishment of a religious state as it is understood in the West, i.e.,

a state in which rulers govern by divine right and their word is the word of God; rather, it believes that the Islamic ruler represents the nation, and his role is to implement religion.[19]

The political platform presented by the Salafi party, al-Asala, which was also founded after the January 2011 Revolution, is similar to that of the al-Nur Party. However, contrary to Buhrami, the leader of al-Asala does not completely reject the use of the term "civil state," according to the narrow interpretation of a non-theocratic state. In an article published in the Egyptian and Islamic newspaper al-Misriyyun, the party's founder, 'Adil 'Abd al-Maqsud 'Afifi (b. 1945), wrote that the Islamic state is a civil state and not a religious one, using arguments similar to those of the Muslim Brothers: the ruler derives his authority from the public through the Bay'a system; the nation appoints and dismisses its rulers, who do not enjoy immunity; Shari'a limits the ruler, and his role is to protect the faith and fulfill the precepts of Shari'a. 'Afifi added that the principle of equal citizenship without discrimination (muwatana) is an established principle in Islam.[20]

The Building and Development Party was founded as the political branch of al-Jama'a al-Islamyia, established by Tariq al-Zumar (b. 1959). Al-Zumar was released from prison at the end of Mubarak's reign, after serving a lengthy sentence for his involvement in the assassination of Sadat. The party was initially banned by the Parties' Committee, which claimed that the party's political platform is based on religious principles, which is forbidden by Egyptian law. The Supreme Administrative Court accepted al-Zumar's appeal in this matter and approved the founding of the party, after the party agreed to omit the part of its political platform that dealt with the codification of the punishments in Islam.

The first goal set by the party in its political platform was to appease the will of Allah, followed by attending to the interests of the state and the believers. Its first objectives are to preserve Egypt's Islamic and Arab identity and to resist any attempt at the Westernization of morals and values. The platform states that implementing Shari'a is a patent expression of Islamic identity, including the implementation of the punishments stipulated in the Qur'an. The platform maintains that the state's Islamic identity does not override the religious identity of non-Muslims; rather, it coexists with the cultural identity that was created through the joint efforts of all Egyptians.

Osama Hafiz, head of al-Jama'a al-Islamyia's Shura council, rejected the concept of the civil state altogether. In his view, this idea was imported from the West into Islamic culture, and due to the attempt

to plant it in a foreign environment, the concept bears meanings that differ from the original. This concept, Hafiz added, does not exist in the writings of early Muslim religious scholars, as the distinction between civil and religious did not exist in Islam or in Islamic history. According to Hafiz, the Salafi faction is willing to accept the notion of a civil state only if it means a state of institutions that is ruled by capable men, with the Shari'a as the source of authority for managing the institutions, or if it means a state which is not a dictatorship of religious figures or a government by heavenly decree.[21]

Generally speaking, it seems that the Salafis accept the idea that government in Islam is not religious-theocratic, but find it difficult to refer to it as a civil government, or even a civil government with an Islamic source of authority. With their first venture into politics, a minority of Salafis revealed a willingness to use the term "civil state" from a pragmatic point of view, required of their change in status. However, contrary to the Muslim Brothers, which took care to be vague in expressing their position regarding the civil state, the Salafis are, most of the time, unambiguous about their objection to it, and do not utilize its multiple meanings to obfuscate their position on the matter. The Salafis refuse to relinquish their conception of the sovereignty of God in favor of the people's sovereignty, and refuse to be associated with a concept that could be interpreted as a secular state. Countering the slogan "Civil, Civil" directed by the opponents of the SCAF against the transitional government, the Salafi Islamists unleashed the slogan: "Islamic, Islamic!" (Islāmiyya, Islāmiyya) vis-a-vis the attempts of the SCAF to define Egypt's identity as a civil state in the new constitution.

Islamic discourse became more straightforward in its declaration of its intentions regarding the future of Egypt and its identity. Under the influence of the Salafis, the Islamists began openly attacking secular intellectuals, de-legitimizing their conception of a civil state and describing it as a secular state identified with the ousted regime.[22] Shaykh Ahmad al-Mahallawi (b. 1925), the preacher at al-Qa'id Ibrahim mosque in Alexandria, went so far as to describe those calling for a civil state as heretics and idolaters. These forces, he added, endanger Egypt, as they are enemies from within that wish to change Allah's Shari'a and to impose the Shari'a of idols.[23]

In the publications of some of the members of the Muslim Brothers there appeared once again the clear demand to implement Shari'a and the punishments of Islam.[24] If it were not for the nega-

tive connotations associated with the term "religious state" due to the European example, one of these publications explained, nothing would stand in the way of saying that the Islamic state is a religious state, in the sense of a state in which religion serves as the starting point for everything.[25] A former Muslim Brothers parliament member, Hamdi Isma'il, went so far as to call for the establishment of an Islamic caliphate.[26] One exception was Shaykh 'Abdallah Darwish, the preacher of the al-Fath mosque in Cairo, who called for all supporters of a civil state to leave Egypt.[27]

Mamduh Isma'il (b. 1963), a lawyer who repeatedly represented members of al-Jama'a al-Islamyyia and who founded the al-Nahda Party after the January Revolution, called to stop hiding behind the slogan "civil state with an Islamic source of authority" and stage mass protests demanding establishment of an Islamic state in Egypt:

Why do we say civil state with a religious source of authority, and some of us gather a little bit of courage and say [a civil state] with an Islamic source of authority? . . . Why are we embarrassed to say that we want Egypt to be an Islamic state in its identity, affiliation, reality, culture, government, and law? . . . Why do we, the Muslims, have to be ashamed to tell the truth: Yes, we do want it to be Islamic . . . every Egyptian Muslim citizen must strive to realize his right to an Islamic constitution, and not a Western secular one. We want the constitution of Muhammad the Muslim Arab . . . pay attention and wake up, the plot is against Islam and you must go out by the millions and stage protests, politely not violently, in every district, on every Friday, so as not to harm work or the economy, and cry out: 'The people want an Islamic Egypt.'[28]

In opposition to the Islamist parties, civil parties appeared, championing the establishment of a civil state in Egypt. One such party was the "Egypt the Liberty" Party, founded by 'Umar Hamzawi (b. 1967), a researcher at the Carnegie Institute and a lecturer at the University of Cairo and the American University in Cairo. It defined itself as a party whose source of authority is the international conventions on human rights, and expressed its commitment to the civil character of political life, to democracy, to citizenship, and to equal rights without religious discrimination.[29]

Among the youths of the revolution, non-governmental organizations emerged, such as the "Civil Democratic Coalition," which stated their primary goal as preserving the civil identity of the country. In social media, campaigns supporting the civil state were launched.[30] A "Civil Egypt" website, founded by several secular Egyptians, collected some of the cogitations of the great liberal and secular intellectuals of the last century and contemporary ones from Egypt and the Arab world in general, in order to serve their one specific goal: "a civil, secular, and democratic state that respects all faiths and religions," this by disseminating secular culture among Egyptians, in order to prove that secularism is not anti-religion, but rather is a protector of all religions.[31]

In the giddy atmosphere that enveloped the youths of the revolution after their success at overthrowing Mubarak, and due to the image that social media gained as the instigator of the revolution, these movements, organizations, and campaigns were viewed by the Islamists as potential threats. Only later did it become obvious that these movements did not succeed in breaking through Facebook and uniting into an influential political party.[32]

The results of the March 2011 referendum for minor changes in the constitution showed a considerable electoral gap in favor of the Islamist forces. Since these changes did not include any change in the second article of the constitution, voting for these changes was perceived as a pro-Islamist move, while voting against the constitution was perceived in election propaganda as voting for the civil forces. Election propaganda was perceived as a struggle between the supporters of a civil state and the supporters of a religious state.[33] The approval of changes to the constitution by a majority of 72.27 percent was interpreted as a win for the Islamists and marked the beginning of their journey to take over parliament.

Double Meaning: Civil State—
Non-Religious; Non-Military

Although the Islamist and civil factions were indeed engaged in a struggle over the character of the country and the status of religion, at the same time they were also partners in the struggle against the possibility that the SCAF would preserve its monopoly over power

and refuse to hand over the reins of government to elected, civilian hands. This, at least, until Mursi assumed power.

The background for this situation was a series of measures taken by the SCAF during the transition period, which seemed like an attempt to consolidate the military's position and preserve its privileges in government, while acting forcefully against the opposition that voiced objections to it. This policy aroused widespread public criticism, which in a matter of months turned the SCAF into a common enemy that united most of the youths of the revolution and the civil and Islamist forces, all of whom feared the reestablishment of a dictatorial, belligerent regime.

The result of this was that the demand for a civil state acquired a new meaning in the public discourse, becoming a demand for a state that is not a military state, i.e., a state that is not ruled by the military establishment and that is not headed by a military figure. It was in this sense that the slogan "Civil! Civil!" (*Madaniyya, Madaniyya*) was featured in the demonstrations of youths that began in April 2011, with the aim of toppling the SCAF.

In the first stage following the revolution, these groups used the concept of a civil state in the meaning accepted by the civil forces, that is, in the sense of a modern democratic state that preserves civil equality and human rights and the separation of religion and politics. Yet, after a few months, in the context of their struggle to remove the SCAF and transfer power to elected civilian hands, the youths of the revolution made a wider use of the concept of a civil state in the sense of a non-military state.

If to this point the political forces in Egypt could agree that the civil state is the opposite of a religious state in the sense of a theocracy headed by a religious institution and religious figures, and the disagreements revolved around the status of Shari'a in such a state, from this point onward a consensus developed around the need for a civil state as opposed to a military state. Thus the slogan "a civil state—not a religious one and not a military one" became very widespread.[34]

The double meaning thus created for the concept of a civil state was exploited by the Muslim Brothers in order to avoid expressing a clear position regarding the idea of a nonreligious civil state. The new meaning that was added to the concept of a civil state enabled the senior figures of the movement to use the slogan "*Madaniyya, Madaniyya*" without explaining which of the meanings they were

referring to. Thus their position regarding the role of religion in the civil (nonreligious) state remained vague.

The SCAF—Protector of the Anti-Islamist Civil State (First Round)

If one uses the concept of a civil state in the context of state-military relations, that is, in the new sense of a state not headed by a military figure, then the SCAF was the enemy of the civil state. But if one uses the concept in the context of state-religion relations, that is, in the sense of a nonreligious, anti-Islamist state, then in the transition period from the fall of Mubarak in February 2011 to the rise of Mursi to power at the end of June 2012, the SCAF was gradually revealed to be the protector of the civil state, with the judiciary at its side.

Already in the beginning of April 2011, in a meeting with the heads of the official media, the SCAF announced that it intended to establish a civil state and guarantee that Egypt would "never turn into another Iran or Gaza."[35] This period was characterized by attempts on the part of the government and the Supreme Constitutional Court of Egypt to guarantee the civil character of the state and limit the influence of the Islamist factions on the nature of the constitution. At the same time, the SCAF made an initial attempt to define Egypt's identity in the post-revolution constitution as a civil state, but the SCAF's engagement with the political arena was cumbersome and indecisive and, in the general climate of renouncing anything identified with the previous regime, these attempts met with utter failure.

In the first months of the transition period, after a timetable was set for drafting a constitution only after the establishment of an elected parliament, the civil movements engaged in a struggle to change this timetable and move the drafting of the constitution ahead of the parliamentary elections, realizing that they would not have enough time to organize and that, as a result, their chances of succeeding in the parliamentary elections in such circumstances were low. On the other hand, the Islamist forces objected to delaying the parliamentary elections, as they estimated that their chances of winning the election were high, which would guarantee their influence in the constituent assembly which would be elected by or from within parliament. A show of force that was held on July 29, 2011, it consisted of two million Islamists in Tahrir Square calling for an Islamic state. This fur-

ther served to stoke the fears of the civil forces that called the event "Kandahar Friday" in an attempt to point out the similarity between the Egyptian Islamists and the Taliban in Afghanistan.[36] Majdi Khalil, the human rights activist, wrote about this controversy:

The essence of the battle currently being waged in Egypt between those who wish to postpone writing the constitution until after the [parliamentary] elections (so that) it will be conducted by the elected legislative council, and those who are striving to draft the constitution before the parliamentary elections through a constituent assembly that represents the finest minds in the nation, is in reality a battle between those calling for a religious state and those calling for a civil state. . . .[37]

As a compromise, the SCAF decided to retain without change the predetermined order for establishing the new institutions: first parliamentary elections and then drafting a new constitution. However, it did act in order to draft basic principles for the constitution, which was intended to be a sort of preliminary document that would compel those drafting the future constitution to anchor in it certain principles to the satisfaction of the civil forces and in case the Islamist forces, as expected, gained significant influence in the new parliament and in the constituent assembly.

The deputy prime minister at the time, 'Ali al-Silmi, began to put together this official constitutional principles document. At the same time, numerous documents were circulated on behalf of most of the political forces, presidential candidates, parties, political movements, and various public figures, in which they detailed their various visions for Egypt's future and offered it as a basis for the country's next constitution.[38] Yet, the very intention of formulating al-Silmi's document aroused the resistance of the Islamist factions in Egypt, due to the fact that they were excluded from participating in its formation and their fear that such principles would run contrary to Shari'a.

The public debate for and against a constitutional principles document and the principles to be included therein became so heated that al-Azhar was required to intervene in order to attempt to reconcile between the various adversaries and to draft a consensual document. This document was put together in a series of meetings between the Shaykh of al-Azhar, Ahmad al-Tayyib, the university's

senior religious scholars, and Egypt's leading intellectuals and philosophers including, among others, the former Minister of Endowment, Hamdi Zaqzuq; Jabir 'Asfur, who was appointed to the office of the Minister of Culture after the revolution and resigned; the Christian philosopher, Samir Murqus; the writer and lecturer on economics in the American University in Cairo, Jalal Amin; and former assistant to the Foreign Minister and Head of the Committee of Foreign Affairs of the Egyptian parliament, Mustafa al-Fiqi. Religious figures among the participants included 'Abd al-Mu'ti Bayumi; former president of al-Azhar University, Muhammad 'Abd al-Fadil al-Qawsi; al-Azhar scholar and president of the Academy of the Arabic Language, Hasan al-Shafi'i, and others.

In the debate over the al-Azhar document, an argument developed around the definition of Egypt as a civil state between liberal-secular elements that demanded such a definition, and the Salafi forces that objected to it. The Muslim Brothers also objected, but concealed their position in order not to arouse public criticism. The Muslim Brothers preferred to let the Salafis make battle, thereby portraying themselves as moderates who advocate the middle way. With its publication on June 21, 2011, the al-Azhar document was presented in the media headlines as a document supporting the civil state even though, when all was said and done, the Shaykh of al-Azhar refrained from defining Egypt as a civil state in the document and the word *"madaniyya"* was not included in it.

Jabir 'Asfur, who participated in the formulation of the al-Azhar document testified that he himself insisted on the wording "a modern democratic civil state," but he reported that replacing the words "civil state" with the expression "a national, constitutional, democratic state" was the only way the Shaykh of al-Azhar was able to get the parties to agree, since this issue was the main obstacle to reaching a consensus over the document.[39] In the end, the document stated that Egypt was "a national, constitutional, democratic state that is based on a constitution that is agreeable to the nation, a constitution that preserves the separation between the powers . . . and guarantees the rights and obligations of all its citizens on an equal basis." The document stated that the laws of Islam and Muslim history accord with the modern model of parliamentary pluralism and the change of governments in free and democratic elections. According to the document, the legislature will be comprised of representatives of the people "in a manner that is consistent with the correct Islamic understanding."

The document emphasized that Islam has not recognized in its rulings, culture, or throughout the course of its history a religious clergy state; rather, Islam allowed people to manage their societies and choose the appropriate mechanisms and institutions with which to realize their interests, as long as the general principles of Islamic Shari'a are the primary source of legislation. The document narrowly defined the source of Islamic authority, clarifying that it refers to the Shar'i texts whose validity and meaning are absolute, i.e., the Islamic laws that are agreed upon by all the schools of jurisprudence and whose interpretation is unequivocal. This interpretation corresponded to the interpretation formulated by the Supreme Constitutional Court in 1996 to the second article of the constitution. The document also supported turning al-Azhar into an institution that is independent of the regime.

Additionally, the values of citizenship and nondiscrimination on the basis of religion, race, gender, and so on, as well as respect of human rights, respect of women and children, respect for freedom of thought and opinion, respect for all three monotheistic faiths and their freedom of practice were also emphasized. It also emphasized that practitioners of other monotheistic religions can be judged in matters of personal status according to their religious laws.[40]

When asked in an interview to the weekly *Akhbar al-Adab* why the word *"madaniyya"* (civil) was not cited in the al-Azhar document, the Shaykh of al-Azhar replied that although the word itself does not appear, its meaning does and that is what's important, as he put it. In other words, the clauses in the document embody the al-Azhar definition of a civil state. Al-Tayyib added that the civil state concept does not exist in political thought and does not have a clear definition, and therefore the drafters of the document preferred to use meaning in place of concepts, thus favoring the wording "a national, constitutional, democratic state" over "civil state."[41]

The position espoused by the Shaykh of al-Azhar does not represent the position of all al-Azhar scholars. About one hundred al-Azhar scholars held a demonstration in front of al-Tayyib's office protesting the omission of the phrase "religious state" from the al-Azhar document, describing it as a secular document. Muhammad Abu Zayd al-Fiqi, a lecturer at al-Azhar University and a member of the International Union of Muslim Scholars argued that although Islam indeed does not recognize a religious state in the sense of a church state, Islam never experienced a state that was not religious throughout its history.[42]

The Egyptian and Arab press accorded historic significance to the document, due to the very fact that al-Azhar joined the lively political-social debate that had been ongoing in Egypt regarding religion-state relations since the revolution. Nonetheless, the al-Azhar document did not resolve the disagreement between the civil factions that demanded the removal of religion from politics, and the Islamist factions that called for the implementation of Shari'a directly or gradually, after winning over the hearts and minds of the people. In other words, the al-Azhar document did not offer a resolution that differed from those offered up before the revolution.

The document reflected al-Azhar's goal of forming a normative social contract in order to alleviate the increasing social polarization without causing undue shocks, by using a pragmatic, flexible approach intended to lead to a *modus vivendi* between the various groups and, primarily, to stability. Therefore, the document was worded in general and cautious terms and was open to different interpretations, testifying to the attempt to gain the widest possible degree of legitimacy. Indeed, on August 27, 2011, in a meeting with the Shaykh of al-Azhar, most of the political forces in the Egyptian arena, including the Muslim Brothers and the al-Wasat Party, the al-Nahda Party, and other Islamic parties all signed the al-Azhar document as an honorable—though not binding—pact that must guide the formulation of a new constitution.

Nevertheless, the representatives of some of the Salafi parties and movements signed the document with reservations, such as the request to define Egypt as an Islamic state and to define Shari'a as the primary source of legislation and not only its "general principles." Some demanded to replace the word "non-Muslims" with the expression "members of the monotheistic religions," in order to exclude members of non-monotheistic religions, such as the Baha'i and Buddhists, from being judged according to their religious laws in matters of personal status.

In the end, the al-Azhar document did not affect the future constitution and also did not prevent tempers from flaring around its wording. Its importance lies in the fact that it exposed the complete and utter disagreement that surrounded the concept of the civil state as a fundamental issue in the debate over Egypt's identity after the revolution.

Two days earlier the deputy prime minister at the time, 'Ali al-Silmi, presented the representatives of the Wafd, the Muslim Brothers, and the al-Nur parties with an alternative constitutional principles

document, which he put together at the direction of the government. One of the main differences between the al-Silmi document and the al-Azhar document was that the al-Silmi document defined Egypt in the first article as "a civil democratic state based on citizenship and the rule of law, respecting pluralism and guaranteeing freedom, justice, equality, equal opportunities to all citizens without exception."[43]

The word "civil" turned this document into one identified with the liberal-secular factions.[44] In a conference of the Coptic Evangelical Organization for Social Services (CEOSS) held in al-Minya, al-Silmi declared that Egypt will perforce be a civil state, since a civil state is the basis for the progress of society, without deviating from Shari'a and the principles of religion, adding that the SCAF supports the civil state.[45]

The civil state item in al-Silmi's document aroused fierce opposition on the part of the Islamist factions. For instance, the senior religious figure and former inspector general of the al-Azhar student missions, Shaykh Farahat Manji, made it clear in an interview to the *al-'Arabiyya* news channel that the fact that the term "civil state" was not included in the al-Azhar document was the basis of the relatively broad agreement it received among the Islamist forces, contrary to the al-Silmi document. Even in al-Azhar voices were heard objecting to the idea of a civil state in this context.[46]

That the Muslim Brothers opposed the al-Silmi document because it defined Egypt as a civil state can also be seen in another document published by The Democratic Alliance for Egypt, which is headed by the Muslim Brothers, the day after al-Silmi presented his document to the political forces. The Alliance's document was identical in every way to the al-Silmi document, except for the omission of the word "civil state" from the first article.[47]

Nonetheless, the Muslim Brothers refrained from explicitly stating that they are opposed to defining Egypt as a civil state, preferring to use the pretext that the constituent assembly that has yet to be formed should not be dictated to nor should articles be formulated in advance; rather, the Muslim Brothers advocated adhering to the procedure set in the constitutional declaration and approved in the referendum held at the end of March 2011, according to which the elected parliament is the sole authority for defining the criteria for the establishment of a constituent assembly—said assembly, in turn, being the sole authority for determining its articles. This, particularly in light of the fact that the al-Silmi document also set criteria for the composition of the

constituent assembly in order to guarantee the inclusion of liberal forces in it—which the al-Azhar document did not do.

In view of the threats made by the Islamist forces to stage widespread demonstrations in protest of the al-Silmi document, a few dozen youths from movements such as April 6, and from Coptic movements and Sufi orders, such as al-'Azmiyya, al-Shabrawiyya, and al-Hashimiyya, held a ceremony titled "Egyptian Civil State Friday, Together with Love to Egypt," during which the participants broke the Ramadan fast and read religious poetry in support of al-Silmi.[48]

With the increase in threats by the Islamist forces to stage demonstrations and begin a "second revolution" in protest of the al-Silmi document, the SCAF came to his defense. The chief of staff at the time, Sami 'Anan, convened a meeting of intellectuals, politicians, artists, and media personalities in which he emphasized that the civil character of the state is a matter of national security that is non-negotiable. To make his point 'Anan gave as an example countries that renounced the civil state and established in its place a religious state, such as Afghanistan, which led to external intervention in their affairs. 'Anan called for a dialogue over the concept of a civil state, emphasizing that religion must not be mixed with politics nor politics with religion. He added that agreement must be reached on guiding articles in order to protect the concept of the civil state, articles that will calm some of the political and social groups that fear for their fate and the fate of Egypt.[49]

'Anan's words were understood as a message of calm to the civil forces and the Copts and led to burgeoning threats of a "second revolution" on the part of the Islamists.[50] As in the discourse of the Muslim Brothers, the discourse of the SCAF also used the concept of the civil state in an ambivalent manner, and it was not always possible to discern whether its commitment to establish a civil state in Egypt referred to the transfer of power into civilian hands or to the prevention of "a state with an Islamic source of authority."[51]

In early September 2011, al-Silmi presented a revised document. Its first article omitted the expression "civil state" and in its place stated that Egypt was "a unified democracy with a civil government (hukm madani)."[52] In November, in a poll conducted in Egypt by the international firm TNS asking whether Egyptians prefer an Islamic government or a civil one, Seventy-five percent replied that they prefer a civil government compared to 25 percent that preferred the Islamic option. Only 1 percent of the respondents preferred a military

regime. However, human rights activists clarified that the poll did not necessarily reflect public opinion since it did not explicitly define either the nature of a civil state or a religious one. Thus, it was possible that respondents who stated that they do not prefer a religious state meant that they oppose a theocracy headed by a religious figure, while also preferring that Shari'a be the primary source of legislation. They explained that if the poll would have presented the civil state as a state in which religion is completely separated from politics, the results would likely have been different. Nonetheless, the poll found that those preferring a civil state explained their position by stating that a civil state would prevent the use of religion as a political tool.[53]

In the beginning of November al-Silmi submitted another version of his document in which the expression "civil state" was reinstated as before. This time al-Silmi announced that the document was a binding constitutional document issued by the SCAF. Al-Silmi said that after the constitutional declaration made on March 30, 2011, which determined that the constitution would be drafted after the parliamentary elections, the right thing to do was to assemble several fundamental constitutional principles that would be inserted into the next constitution in order to guarantee that any political faction with a majority in parliament would not be able to monopolize the drafting of the constitution without taking into account the opinions of the other groups in the nation.[54]

The primary innovation in this version of al-Silmi's document was the addition of two articles that granted privileges to the military. Articles 9 and 10 granted the SCAF the exclusive right to deal with military matters, discuss and approve the budget of the military, and act as the sole authority to approve all legislation related to the Armed Forces. Furthermore, according to the document, a council for national defense, headed by the president, would be established and would be responsible for the measures required to maintain the country's security. The document also asserted that members of parliament would comprise only 20 percent of the constituent assembly.[55] Besides the first article, which riled the Islamists, the other two articles also led to widespread criticism on the part of the liberal forces.

The Salafis, led by the al-Nur Party, rejected the document and did not conceal their opposition to the definition of Egypt as a civil state. In a counter document, al-Nur spokesman, Nadir Bikar (b. 1984), expressed fierce opposition to the expression "civil state" and made it clear that it signified a secular state as opposed to a religious one,

while the people wished to be ruled by Shari'a. He stated that the al-Nur Party was willing to accept a civil state in the sense of a non-military state, and that in such a case it demands that this specific meaning be clarified in the document.

Bikar also raised objections to a series of other articles in the al-Silmi document: He objected to the use of the phrase "principles of Shari'a" as a primary source of legislation, arguing that it was a vague expression and that it must be replaced by the phrase "the precepts of Shari'a"; to the article that permits non-Muslim to be judged in personal and religious matters according to their religious laws, arguing that this right was already embodied in the second article of the constitution; to the prohibition on establishing political parties on a religious basis; to the article stating that Egypt belongs to its Arab and African environment, demanding to explicitly state that Egypt belongs to Islam; to the article permitting every citizen to serve in public office—the al-Nur Party demanded that the religion of the president be explicitly defined in the constitution—and to the article regarding the freedom to partake in cultural life and freedom of expression.[56]

Al-Da'wa al-Salafiyya issued a public statement also expressing its opposition to the civil character of the state and threatened to stage demonstrations if the document was not revoked.[57] Tariq al-Zumar, one of the leaders of al-Jama'a al-Islamiyya and its spokesman, admitted that the argument between al-Silmi and his detractors came down to al-Silmi's insistence on the civil character of the state, while the Islamist forces viewed it as an attempt to secularize the state and thereby insisted that the word "civil" be replaced by a different one.[58]

The Muslim Brothers, on the other hand, pointed out only the articles granting superiority to the military as the reason for their objection to the al-Silmi document, and in this way avoided expressing an unambiguous position against the civil state mentioned in the first article of the document.[59] Wa'il Lutfi (b. 1974), the editor of the Ruz al-Yusuf weekly, clearly discerned that the articles that really aroused the opposition of the Muslim Brothers and the Salafis were not Articles 9 and 10, which they openly attacked, but the first article pertaining to the civil state and the fourth regarding the establishment of political parties on a religious basis. He estimated that issuing the document once more without the ninth and tenth articles would not serve to appease the Muslim Brothers, and that they would quickly find other reasons to fault it or else be forced to explain the real reason for their opposition to the document.[60]

The civil forces, on the other hand, were embarrassed by the articles regarding the status of the military, which landed them in a dilemma. On the one hand, the document was intended to guarantee that if they suffered a heavy defeat in the parliamentary elections while the Islamist made significant gains, the Islamists would not be able to monopolize the composition or the character of the constituent assembly. Yet, on the other hand, their agreement to such a document meant recognizing the military as the final authority in the state, which ran against the goals of the revolution and could make them the target of internal and public criticism. Furthermore, such recognition also meant admitting the weakness of the civil forces and their inability to provide an alternative from within their ranks to either the military regime or the Islamists. The analyst Issandr el-Amrani wrote that the al-Silmi document basically presents two options to the citizens: whom do you prefer in power—the Islamists or the military?[61] In this context, the Egyptian author and journalist, Khalid al-Sarjani, wrote the following:

It is apparent that the opposition of these [Islamist] factions to the document is due to two reasons: First, the document emphasizes the civil character of the state and its pluralism, which they oppose since they wish to establish a religious state in the full sense of the word; the second reason is that the document will bind them in the process of forming the founding committee that will draft the new Egyptian constitution, and these factions believe that if they gain control of the next People's Assembly, they'll be able to form a committee with a majority of shaykhs, thereby founding the religious state they desire. . . .[62]

Following the torrent of criticism poured upon him by the civil forces and under pressure of the threats of the Islamist forces to stage mass demonstrations on November 18, al-Silmi promised to revise the controversial articles: to omit the word "exclusive" that described the authority of the SCAF to deal with military affairs and budget and approve all legislation related to them, and to subordinate the army's budget to the supervision of the national defense council. He also promised to change the criteria for the composition of the constituent assembly by increasing the representation of women's organizations, al-Azhar, and the Church, and diminishing the share of public figures appointed by the government. These promises satisfied

most liberals, such as the Wafd Party and the Left, which preferred supporting al-Silmi and the document, viewing it as a check against a takeover of the drafting of the new constitution by the Islamists, even at the price of giving up on the issue of the superiority of the military establishment.

However, al-Silmi's intention to revise the document did not suffice to appease the Islamists, as even the revision did not relinquish the definition of Egypt as a civil state in the first article. Indeed, they made good on their threats and staged a mass protest rally on Friday, November 18, 2011, demanding that the SCAF revoke the document, fire al-Silmi, and announce a definitive schedule for the transfer of power to civilian hands. Hundreds of thousands participated in this demonstration and, according to some reports, the number of participants likely reached one and a half million. When the Egyptian police moved to disperse the protestors who remained in Tahrir Square for a sit-in, tempers flared, leading to violent clashes between the protestors and the security forces. Two civilians were killed, 750 people were injured and 18 were arrested. The day after the demonstration, the editorial of the *Ruz al-Yusuf* weekly opined:

> The demand to transfer the reins of government [in the demonstrations held yesterday] was no more than a cover for the demand for an Islamic state. The demand to revoke the document formulated by the deputy prime minister 'Ali al-Silmi on the pretense of the authorities it grants the military was no more than an overt attempt to coalesce against the articles pertaining to the civil character of the state . . . for the millionth time, we emphasize that the civil state is the solution. . . ."[63]

Following this demonstration, al-Silmi presented another (final) revised document for dialogue: He omitted the word *"madaniyya,"* and revised Articles 9 and 10 stating that the military is committed to the principles of the constitution and legislation and that its special status must be taken into account while discussing its technical affairs and budget. It was further asserted that the SCAF is solely responsible for dealing with all military affairs and that it must be consulted regarding legislation pertaining to the military. Authority to deal with all national security affairs and to discuss the military budget was reserved to the national defense council. As for the composition of the constitu-

ent assembly, al-Silmi determined that in its first session the People's Assembly would issue a law regarding the principles for electing the members of the constituent assembly. Finally, al-Silmi asserted that the document was an advisory (nonbinding) pact of honor for the drafting of the constitution, thereby depriving the document of all influence.[64]

The al-Silmi document was shelved, but the uproar it caused served as a litmus test for the position of the political factions regarding the idea of a civil state. The SCAF turned out to be the protector of the civil state (in the sense of an anti-Islamist state, not in the sense of a non-military state); the civil forces turned out to be ready to accept military rule, as long as it protected the civil character of the state for them and prevented the Islamist forces from determining the country's identity and future; the Salafis openly stated that they were willing to accept the civil state only if it was made clear that its sole meaning was a non-military state; and finally, the Muslim Brothers turned out to be users of the concept in their discourse, but in the moment of truth refused to accept it as part of the new constitution and as defining the identity of Egypt. All-in-all, the public debate concerning the drafting of a founding document for shaping Egypt's image after the revolution exposed the fact that although most of the political forces overtly championed the civil state, in actual fact the civil state was the main bone of contention between them.

Jalal Amin, one of the drafters of the al-Azhar document, aptly described the essence of the public debate being held in Egypt at the time. He discerned that the argument between the factions revolved around identity. The Islamist faction wanted to establish in Egypt what it called an Islamic state, which meant that the ruler, politicians, and legislators are committed to Shari'a. Within this faction there are several different interpretations regarding the implementation of Shari'a and its principles. The opposite faction objects to defining the state religiously and wants the decision makers not to be bound by Shari'a but to approach it at their own will. This civil faction does not advocate a complete disassociation from Shari'a or its principles, but it believes that decision makers should consider pros and cons and base their decisions on a logic of the public good and the interests of the state.

Since Shari'a is silent on some of the phenomena prevalent in modern society, Amin added, disagreements were possible within the Islamist or civil factions and, likewise, agreements were possible between one part of one faction and another part of the opposite

faction. But even in the event of such an agreement, it remained the case that one side would agree to a certain position based on the source of authority of religion while the other side would accept it based on a universal principle or a logic that is unrelated to religion. The civil faction refuses to accept a state whose identity is Islamic, out of fear of radical religious interpretations, while the Islamist faction objects to any identity that is not Islamic, out of fear that religion would be disrespected and gradually ignored.[65]

The Elections for Parliament and the Presidency:
A Victory of the Religious State over the Civil State

After its failure in the al-Silmi affair, the SCAF was forced to hold the elections for parliament, as set in the original timetable, knowing that the Islamists were expected to enjoy great success and without guaranteeing beforehand a place for the civil forces in the constituent assembly to be established after the elections or putting in place a binding draft that would guarantee the country's civil character. The Copt human rights activist, Majdi Khalil, wrote the following concerning the significance of these parliamentary elections:

The significance of the next elections is derived not only from their being the first presumably honest elections in over sixty years of fake elections and fake political life; not from their being the first elections since the January 25 Revolution; and not because the next parliament will formulate many important laws and will appoint the committee to draft the constitution; rather, their great significance lies in the fact that in the struggle currently being waged, the most prominent issue on the agenda and the competition in the elections themselves revolve around [whether Egypt will be] a religious state or a civil state. In these days Egyptian society is witnessing a clear and sharp division. . . ."[66]

On this background calls were addressed to the forces of the Left, the Center, and the liberals to unite and create an alliance ahead of the parliamentary elections, in order to cope with the Muslim Brothers and protect the civil state.[67] However, the civil forces were unable to coalesce into a uniform front that would be a strong alternative

to the Islamist parties. The Egyptian Alliance Bloc gained a measure of success due to its being an umbrella organization that united the Tajammu' Party, the Egyptian Democratic Social Party, and the Free Egyptians Party, which is identified primarily with the Copt minority but which was weakened following the secession of the Revolution Continues Alliance and the participation of other civil parties in the elections, running independently of the Bloc. Furthermore, the Tajammu' Party was perceived as infected by the corruption that characterized the Mubarak regime, not to mention the fact that its ballot included candidates who were former members of the Mubarak regime, which also hurt its reputation.

The use that the Left and the liberals made of the civil state slogan was to their detriment, as it was identified with the Mubarak regime and the rule of the SCAF, both of which were, at the time, objects of deep revulsion in the streets of Egypt. Although this slogan was ostensibly addressed to the broad Egyptian public, most of it rejected the liberal discourse. The liberals failed to shape a fresh liberal-conservative vision in which the call for a civil state coexists with the values of Egyptian society.

The Egyptians were not pleased to hear about a civil state as long as it meant that their religious values were at risk. The liberal discourse was considered arrogant and wishing to enforce a sweeping change in society's values. It was perceived as an imitation of Western liberalism, instead of reflecting the national identity of Egypt and recognizing the importance of its culture. This discourse also failed to create a link between the civil state and improvement in the standard of living, livelihood, and social justice, which were the concerns of most people.[68]

The youth movements also failed to coalesce into one representative body. They suffered from inexperience and lack of funding and wasted much of their energy and resources on the struggle to postpone the elections and move ahead the drafting of the constitution, instead of preparing for the elections themselves. They failed to exploit the momentum of the protest and turn themselves into an influential political factor, instead they were being exposed as political greenhorns compared to the well-oiled organizational machine of the Muslim Brothers.

In the parliamentary elections, the platform of the Muslim Brothers' Freedom and Justice Party broadcast a message of calm and moderation, in order to appear as a sane alternative to the ousted regime

and allay fears, at home and abroad, that its expected victory would lead to the establishment of a religious state in Egypt. Nonetheless, the platform was vague and nebulous on some of the sensitive issues.

The Muslim Brothers Party adhered to its platform and the declarations of its senior figures in support of the civil state with an Islamic source of authority,[69] cancelled the discriminatory articles toward women and Copts in its previous platform, and even appointed a Copt, Rafiq Habib, as deputy chairman of the party in order to show that its equal attitude toward non-Muslims had substance. Habib explained that the Islamic source of authority is the source of authority of the Islamic nation, which includes the non-Muslims.[70]

The Party's platform was almost identical to the draft of the 2007 platform discussed in the previous chapter. The obvious difference between the two being the omission from the official platform of the articles that aroused criticism within the movement and outside of it when the draft was published in 2007 and which were the basis of the claims that the Muslim Brothers were aiming to establish a religious state and not a civil state and that they do not really accept the principle of citizenship.

The articles stating that women and Copts were unable to serve as president were omitted, and the platform of the Muslim Brothers for the parliamentary elections in 2011 did not even refer to the issue. Another omission was the sentence referring to the need to reestablish the Committee of the Greatest Religious Scholars as a body that the president and the legislative must consult in matters pertaining to Muslim religious law. Instead, the platform stated in a sub-article (and not at its beginning, as it appeared in the draft of the previous platform) that the Committee of the Greatest Religious Scholars would be established only for the sake of clarifying Shar'i rulings to the institutions and that the Shaykh of al-Azhar would be chosen from among the members of this group.

The first section, which defines the Party's principles and purposes, stated that the Party views Shari'a as its source of authority and guide. From this Shari'a the Party derives several guiding principles. The first is national unity, manifest in the freedom of faith and ritual, the right of non-Muslims to be judged in matters of personal status according to their religious laws, and equal rights and duties. The second guiding principle is respect for life and human dignity and the basic liberties. The third principle is "the adoption of the Shūrā (democracy) for life,"

particularly in political action," from which is derived the right to elect the ruler and the representatives of the people, supervise them, and demand accountability from them, which guarantees changes in government. The fourth and last principle is the guarantee of "the civil character of the state, which is neither a military state nor a religious (theocratic) one."

The second section deals with the character of the state and emphasizes, first of all, the principle of citizenship and the Party's view of Egypt as a state for all its citizens. This section also states, under the title "civil state," as follows:

The Islamic state by its very nature is a civil state, since it is not a military state ruled by the army, which gains power through military coups, and it will not rule using dictatorial decrees. Also, it is not a police state ruled by security apparatuses. It is also not a religious (theocratic) state ruled by clergy—since in Islam there is no clergy; there are expert religious scholars—not to mention a [state] ruled by divine right. [Islam] does not have people who are immune and who have a monopoly over the interpretation of Islam, with the authority to legislate, rule the people's innermost faith, demand the right to be obeyed implicitly, and characterized by holiness. . . .[71]

The party platform reflected the support of the Muslim Brothers for a "civil state with an Islamic source of authority" in the sense of a non-military, non-theocratic state, a state in which the ruler and members of parliament are elected by the people, which may also remove them. In this platform, the Muslim Brothers make it clearer than before that they are advocating a civil state in the sense that non-Muslims enjoy freedom of faith (and not freedom of religion) and the right to be judged according to their religious laws, in matters of personal status. In their view Islam regulates all areas of life according to the definitive texts of Shari'a or its general principles. The intentions of Shari'a should guide the priorities, objectives, policy, and strategies and are the foundation of the cultural values of both Muslims and non-Muslims.[72]

This approach corresponded to the declarations of the senior figures of the movement, such as those of the deputies of the General Guide of the movement, Khayrat al-Shatir and Rashid Bayumi (b. 1935)

and the secretary of the Freedom and Justice Party, Sa'd al-Katatni (b. 1952) and 'Isam al-'Aryan, who became the party's deputy chairman.[73] As the popular resistance to the SCAF grew and the demand for a civil state in the sense of ousting the military regime became more widespread, the use of the concept of a civil state in the discourse of the Muslim Brothers became increasingly vague; thus their support of a civil state did not mean a civil state that is not religious but a civil state that is non-military.

Although the success of the Islamic forces in the parliamentary election was indeed expected, the measure of their success was undeniably surprising. The list headed by the Muslim Brothers that ran in the elections for the People's Assembly, the lower house of parliament, won 237 seats (47.2%) and became the largest faction. The Wafd Party, which ran with the Muslim Brothers in a shared list but also ran independent candidates, won 38 seats. The three Salafi parties, which formed a political coalition and ran in a combined list called The Alliance of Islamic Forces won 123 seats (24.7%) of the People's Assembly. The al-Wasat party won 10 seats. The Egyptian Alliance Bloc won 34 seats and the Revolution Continues Alliance won 7 seats. In the elections for the *Shūrā* Council, the upper house of parliament, the al-Nur Party secured 1.8 million votes out of the 6.4 million votes that were cast, thus gaining 43 seats (about 25%). The Muslim Brothers received 2.9 million votes (106 seats). By the time the parliamentary elections were over, it became clearer than ever before that most of the members of the constituent assembly would be from the Islamist factions.

At the end of March 2012, the new Islamist-flavored parliament appointed the constituent assembly according to a formula in which 50 percent were members of parliament and the other 50 percent representatives from outside of parliament. The majority of committee members were from the Islamist factions (65%), and it was headed by the chairman of the People's Assembly, the Muslim Brothers' representative Sa'd al-Katatni.

The appointment of the committee met with fierce public resistance and protest demonstrations. Fifteen civil parties—including Ghad al-Thawra, Reform and Development, al-Hayat, al-Nasr, al-Takaful, al-Jil al-Jadid, al-Muwatin al-Misri, al-Khadr, The Arab Union, and Liberty—set up pressure groups to ensure representation of the civil parties in the constitution committee. According to Ayman Nur, chairman of the Ghad al-Thawra Party, its role is to preserve the civil

character of the state and establish a constitution that reflects all the groups in Egyptian society.[74]

At the end of April 2012, one month after it was appointed, the constituent assembly was dissolved by the Administrative Court, which argued that the members of the assembly must be selected according to their skills and not because they are members of parliament. Another constituent assembly was appointed by parliament, this time chaired by the President of the Supreme Council of Justice, Husam al-Gharyani and according to a different formula: 50 percent of its members were defined as representatives of the Islamist factions and the other 50 percent as representatives of the civil factions. Yet the Islamists enjoyed a majority in this assembly as well, since the representatives of al-Azhar and the al-Wasat Party were considered "civil factions." The assembly did not begin working until after the elections for president, due to the protests of the representatives of the civil faction over the composition of the assembly and the resignation of some of them from it.

The next phase, the elections for the presidency, was also seen as a struggle between the civil state and the religious state. In the first round, held in May 2012, none of the candidates received enough votes to become president. The two leading candidates who went on to the final, decisive round were the Muslim Brothers' representative, Muhammad Mursi, who won 24.8 percent of the vote, and Ahmad Shafiq, who was prime minister in the final period of Mubarak's reign and prior to that the Minister of Civil Aviation, thus being identified with both the military and the previous regime.

The Islamists presented the struggle between Mursi and Shafiq as a struggle between a (non-military) civil state represented by Mursi, and a military state represented by Shafiq. However, the counter-discourse presented the struggle as a battle between the representative of the (anti-Islamist) civil state, Shafiq, and the representative of the religious state, Mursi.[75]

The three weeks leading up to the second round of elections were nerve-racking. In the interim, the civil movements initiated campaigns to recruit voters for the candidate committed to preserving the civil character of the state. They submitted to both candidates a document containing conditions for whoever was willing to sign it, in order to raise his popularity in the street. The document began with the sentence: "Egypt is a democratic civil state based on the sovereignty of the constitution and the law, and its political source of authority is

solely the constitution and the law." The subsequent articles dealt with a commitment to the second article of the constitution as interpreted by the Supreme Constitutional Court of Egypt and adherence to the principle of citizenship, full equality between citizens regardless of religion, gender, and so on, respect for human rights according to international conventions as well as a commitment to dismiss the Armed Forces from politics.[76]

Additionally, a campaign titled "Revolutionaries for a Civil State" was launched by human rights and political activists to raise awareness of the importance of a civil state among voters in the villages, cities, and districts.[77] There was also a report regarding contacts for the establishment of a "national front" for the preservation of the state's civil character and for the struggle against the emergence of a religious state in case Mursi won.[78] The Free Egyptians Party announced the establishment of a civil front for protecting Egypt against government in the name of religion and the return of the previous regime.[79] Another body was formed by the Popular Committee for the Constitution called The Popular Front in Support of the Civil State, with the participation of the Egyptian Socialist Party, the Popular Democratic Movement, the Cultural Movement for Liberty, the Front for the Protection of Creativity, the Alliance of Egyptians in Europe, and others.

On the eve of the second round of the elections for the presidency, the Supreme Constitutional Court of Egypt issued an order to dissolve the People's Assembly (which was also majority Islamist) and transfer its powers to the SCAF, while also rejecting the cases filed to disqualify Shafiq's candidacy. At the conclusion of the vote and before the results were known, the SCAF took a dramatic step and issued a complementary constitutional declaration, a sort of binding constitutional order, thereby assuming a series of exclusive powers in matters pertaining to the military and national security, at the expense of powers that were hitherto reserved to the president of the country and parliament. This order clipped the wings of the elected president, also with regard to the constituent assembly, as it granted the SCAF the authority to dissolve the constituent assembly if it failed to complete its task.

The announcement of the final results of the second round of the elections was delayed, which in light of the recent measures taken by the judiciary and the SCAF heightened the fears that the SCAF intended to interfere with the results in order to advance Shafiq over

Mursi or in order to strike some sort of deal with the Muslim Brothers.[80] Millions took to the streets and squares expectantly, and the tension was at its peak. On June 24, 2012, the Supreme Elections Committee announced the victory of the first president from the Muslim Brothers, who won a majority of 51.73 percent of the votes.

In light of the recent measures of the SCAF to preserve its governmental powers and even after the transfer of powers to the elected president, it appeared that the SCAF did not intend to relent from its efforts to weaken the Islamist influence on the constitution and the character of the state in general. Muna Makram 'Ubayd, a political science lecturer in the American University in Cairo, estimated that in order to protect the civil state in Egypt, the SCAF would not transfer full power to Mursi, saying: "the SCAF will reserve the right to protect the civil character of the state and liberties, by safeguarding the drafting of the next constitution." She added that the sharp polarization between the supporters of the civil state and those of the religious state is what brought thousands of Egyptians to support retaining the SCAF in power, due to their fear of a religious state, and not out of love for the SCAF.[81]