universität wien

DIPLOMARBEIT

Titel der Diplomarbeit

"Political Islam versus Secularism: the Debate over Article 2 of the new Egyptian Constitution as Example of the Relations between Islamic and Secular Movements in Egypt"

Verfasserin

Mag.[a] Stefanie Felsberger

angestrebter akademischer Grad

Magistra der Philosophie (Mag.phil.)

Wien 2013

Content

3

Abbreviations

9/11	Terrorist attacks on the US on September 11, 2001
EU	European Union
FJP	Freedom and Justice Party
MENA	Middle East and North Africa
NDP	National Democratic Party
NGO	Non-governmental organisation
SCAF	Supreme Council of the Armed Forces
UN	United Nations
US	Untied States of America
WBG	World Bank Group

Acknowledgement

I would like to take the opportunity to express my gratitude for all the support and understanding I have received while writing this paper.

First of all, I am much obliged to my supervisor Univ.-Prof. Dr. Rüdiger Lohlker who has not only been more than helpful in finding my research question but who also supported and motivated me throughout the entire writing process.

Moreover, I am grateful to Mr Ilhav Seʿoudi who took the time to sit down with me and give me an interview in which he shared many of his practical insights into Egyptian politics.

Finally, a thank you to all my colleagues, friends and last but not least my family who supported me by listening to my endless talk about Egyptian politics, by accompanying me to the library at all times of the day (and night) and by motivating me or being very understanding when I have been somewhat stressed or unavailable during the writing process.

Also all of those who read and corrected this paper shall not be forgotten: Thank you so much for your insights and help.

1. Introduction

"Leave Sharia alone"

- Khalil al-Anani, in Al-Ahram Weekly, 18 November 2012

Political Islam has been on top of the agenda of scholars, politicians and analysts of the Middle East and North Africa (MENA) for a long time. The first time that so much attention was paid to the issue was after the Islamic Revolution in Iran in 1979 and, later, after the terrorist attacks on the World Trade Centre in 2001. What occurred afterwards was an analysis of Islam and also political Islam through the lenses of both counter-terrorism studies and security studies. Both approaches defined and dominated perceptions in the Western world with their focus on the most radical fringe of an inherently diverse and complex range of movements and groups. So, the two approaches were and are more than ill equipped to account for the complexities and ever changing nature of political Islam.

Therefore, today political Islam is probably still one of the most contested terms when it comes to studying the Middle East. Scholars have been pondering over many questions such as: What is the relation between state governance and political Islam? Does political Islam inherently entail activism in the political structures of a state? Is political Islam – and also Islam in general – compatible with modern democracy? Why do scholars emphasize the political in Islam?

Most of these questions say as much about the perceptions that lay behind the questions as do the answers to those questions. Each scholar's own ideological convictions about religion, about religion's proper place in public life and state governance and about the role of religious groups and individuals within a state structure influence the way political Islam is discussed and analysed by that scholar.

Today the issues surrounding political Islam bear new relevance after several long standing authoritarian leaders in the MENA region have been removed from power by popular movements aspiring for emancipation, political participation, social justice, and a life in dignity.[1]

---

[1] It is important to note, that many other Arabic countries witnessed similar uprisings or protest movements, but not all popular movements led to the resignation of the autocratic leader or king who

New actors emerged out of the movements and old actors recast their roles. Many of the predominant assumptions about Arab societies need to be revisited. Most prominent among them is the idea of "Arab Exceptionalism." (Huntington 1991b) This notion describes the assumption that Arab societies do not aspire for democracy and freedom due to the nature of their culture which is influenced by Islamic values which are essentially incompatible with democracy. These assumptions place Islam and democracy as the ultimate opposites of each other – concluding that in a democratic state there can be no place for politics influenced by the Islamic body of faith[2].

But it is exactly this tenet which is challenged by current developments in Arabic countries because they brought to the fore old and new Islamic parties participating in elections and proposing their ideas of Islamic democracy and state governance.

This is the case in Egypt, one of the most influential countries when it comes to political Islam. After decades of alternating persecution and toleration as opposition of an autocratic regime, several groups of Egypt's vastly diverse Islamic movement were able to legally form parties and participate in the country's first elections subsequently to the disposal of the authoritarian ruler Husni Mubarak. After having achieved an impressive success in the elections, the Islamic groups are now in a very powerful position to influence the new constitution. For a long time, though, Islamic groups such as the Muslim Brotherhood never had to put forward their political ideas and solution in every detail, but now their views regarding their ideal structure of society, politics and the state are scrutinized by the public and the other strands of the Islamic movements.

So there is clearly a new relevance for the question of which role religion can and should or cannot and should not play in politics - not only in societies such as Egypt which are in the process of revising their constitutions, but also in Western societies because this discussion can demonstrate how and by what perceptions the understanding of these issues is influenced in Western societies.

Thus, this all leads to the question which shall be at the centre of this paper: what is the nexus between political Islam and Secularism? How does this issue affect the relation between the secular and Islamic movements in Egypt and their discussion of the new Egyptian constitution?

---

is in power; some resulted in violent suppression of the movements, while others led to a reform process. This is only to highlight that the Arab Awakening was not limited to the few countries which managed to remove their leaders, such as Egypt, Tunisia or Libya.

[2] It needs to be mentioned that the term "Islamic body of faith" should be defined and explained at this point, but I have dedicated an entire subsection of this paper which shall clarify the understanding in this paper.

1.1. Research Question

Basically, the aim of this paper is twofold: on one hand, it seeks to highlight aspects surrounding the discussion over the role of religion in politics, secularism, and political Islam in academic circles. On the other hand, this paper shall analyse how the proposed incompatibility between Islam and democracy – which is regarded to be inherently dependent on a secular state structure – influences the relationship between the Egyptian secular and Islamic actors – with a focus on the debate over the country's future constitution.

I shall now discuss each of the two parts of the research question separately, starting with the nexus between political Islam and secularism.

A very dominant notion when it came to analysing the political situation in Arab countries was the so called Arab exceptionalism. As already mentioned, this term describes the reasoning that the main causes for the lack of democracy in Arabic countries are the values inherent in local culture and religion. This idea is based on the assumptions that the Islamic body of faith is an unchanging set of principles which define a believer's entire way of life. Religion, thus, dictates not only one's private life but also all aspects of public life. The argument goes that this notion has been predominant in Islamic culture since the existence of the Islamic faith and will prevent any attempts to separate religion and the state in the future.

Along the same line, the argument goes that political Islam's aim is to bring about an Islamic state based on shariʿa law. This is said to be incompatible with modern democracy where the space for religion is limited to the private and the state structure is dominated by secular notions of human rights and equality. But political Islam is an incredibly diverse movement, consisting of groups and individuals advocating not only the implementation of shariʿa but also undertaking many welfare activities, promoting religious education and remaining out of formal politics. The assumptions underlying the aforementioned argument state that political Islam and the Islamic religion itself is a monolith which is understood and interpreted in the same way over the course of time. But this is a very limited and misleading account of political Islam and the Islamic body of faith.

So maybe these assumptions have led academics to ask the wrong questions about political Islam. It is possible that the question is not whether religion and politics – and, thus, political Islam and secular democracy – are compatible, but what exactly representatives of political Islam understand by stressing the need for a religious basis for a state. Thus, the first part of my research question challenges the value judgements about what political and social order is acceptable which inform and shape the analysis of political Islam. So from an academic

view point is the assumption that the natural trajectory for a society is a process of secularization needs to be question. Also, what other values shape such perceptions? How are these perceptions formed and how do they influence the analysis of the events in Egypt?

This shall be the second focus of my research question: to look at how those issues are discussed in the countries themselves, how they are influenced by international narratives and discourses as well as how the relations between important actors are already shaped by them. The debate surrounding the future Egyptian constitution was chosen as exemplary topic because the discussion unifies all those aspects discussed earlier, such as the role of religion, whether a society needs to be secularized, and what the relation between political Islam and democracy is. Moreover, Egyptian politics currently are very much in flux due to the manifold processes and developments playing out during transitory periods like the one Egypt has been witnessing since the end of President Mubarak's rule. This paper shall focus on the constitutional debate up to the presentation and the discussion of the first draft constitution which was presented in autumn 2012. Any later developments cannot be taken into account due to the time limitations of this paper. As the debate on the future constitution is rather broad I shall focus on the debate on Article 2 which mentions the principles of the *shariʿa* as sources of legislation[3]. Moreover, the Egyptian example was chosen because in this country possesses a very rich area of research with its diverse field of Islamist groups and thinkers. Also, due to Egypt's prominent and influential status in history, the country offers a very good example for a case study.

On a side note, it needs to be mentioned that this paper cannot take into account all current developments of political Islam, as the reality in Egyptian politics not only changes at a very fast pace but also due to the fact that some temporal distance should remain between the analysis of certain developments and the actual historical events.

The questions addressed in this paper are the following: How much are the relations between the important actors in the debate structured by the aforementioned dichotomy? How will the Islamic background of those in charge of writing the constitution influence it? How different are the approaches taken by the secular and the Islamic groups? Is there room for compromise? How much is this discussion dominated by Western influence? Are the fault lines running through the Egyptian society actually along the lines of religion or are there other significant cleavages? Is it even viable to make a distinction between the writers of the

---

[3] The exact quote will be provided at a later point in this paper.

constitution based on their views on religion? How important are religious references in the constitution for the relation between the different groups in the Egyptian society and does changing the constitution change reality?

There is now a new relevance for those questions of which role religion can and should or cannot and should not play in politics - not only in those societies such as Egypt which are in the process of revising their constitutions but also in Western societies because it can scrutinize how this discourse influences the international community's perceptions of the recent events in Egypt regarding the prominence of Islamic parties.

1.2. Structure

This paper shall proceed through four substantive chapters. In order to answer these questions regarding political Islam, secularism and Egyptian politics, it is first and foremost important to clarify the terms and concepts used – especially, since concepts such as political Islam are used in ways which greatly differ from each other.

The first chapter shall, therefore, give an overview over the approaches to political Islam and clarify how the term is used in this paper. There exist many different definitions for the term political Islam – often used synonymously with Islamism. Moreover, more light is shed on the terms secularism and secularization, as these notions are crucial in understanding the perceptions and assumptions of Western scholars analyzing political Islam. Also, what is understood in this paper by the Islamic body of faith shall be clarified analytically.

The second chapter will be dedicated to questions regarding the dichotomy surrounding political Islam and secularism which is predominant in Western academia and culture. There are two major issues which shall be addressed in this chapter. Firstly, the academic debate regarding these two issues will be presented and analysed. Secondly, the international aspects and politics which influence and shape the debate regarding political Islam are scrutinised.

The third chapter concerns the background in which secular and Islamic movements and groups in Egypt navigate. Above all, it is necessary to describe the Egyptian political system and its constitution which set the boundaries and limits for the actions of secular and Islamic

movements. Also, I shall give a short overview of the most important secular groups and actors with relevance to the constitutional debate. Furthermore, this chapter shall provide an overview over the existing groups of political Islam in Egypt and not only focus on the Muslim Brotherhood. This choice was taken due to the success of the an-Nour Party which is the Salafist's party in the Parliamentary Elections in Egypt in 2012. Finally, the recent events regarding the removal of President Mubarak and the subsequent transition shall be described as they set the new parameters for political and social activities. Throughout this chapter I shall also point out how the described dichotomy predominant in Western states has influenced the relations between the mentioned actors and their attitudes, as well as policy positions.

The fourth chapter will deal with the debate on the new Egyptian constitution. A clear focus is taken on the discussion surrounding the amendment or removal of Article 2 of the constitution which not only pits Islam as state religion but also refers to *shariʿa* as the main source of legislation. In this chapter I shall start by giving an overview over the history of how Article 2 came to be included in the constitution in this form. Subsequently, I shall address the arguments in favour of removing, amending and keeping the article. Finally I shall address how the debate has changed the relation between Islamic and secular groups and movements as well as how this debate is influenced externally and by internal factors.

Finally, I shall present my conclusions and give a short account of how this division might be overcome in the future. Though I shall at no point argue that there is only one possible way how this process will develop in the future. There are so many factors in the Egyptian transition which can influence the process and tip the development in either or the other direction. What shall be attempted nevertheless is some sort of account what is not likely to happen.

2. Definitions

This paper is concerned with the question of the relation between secularism and political Islam. But what exactly is understood by those terms? Authors use not only the notion of "political Islam" but also the doctrine of "secularism" in diverse ways, which implies that there is not one clear definition for both terms but that their use must be understood in the context of the variety of complex assumptions they entail.

I shall first and foremost attempt to set limits for my understanding of the Islamic body of faith – although I shall at no time set borders for what should be defined as Islamic and what should not. Secondly, I shall elaborate on the notion of political Islam which is central for this paper and delineate my understanding of the term. Finally, I shall focus on the doctrine of secularism and explain how it influences the understanding of political Islam.

2.1. Islam

As the topic of this paper is the relationship between political Islam and secularism, this necessarily involves religion and, more specifically, the Islamic religion. In this part of the paper, I shall delineate what is understood in this paper when the term "Islam" or "Islamic body of faith" is used. In this subsection, I shall not elaborate on the different approaches to or rather explanations what "Islam" is. To a certain degree, this shall be undertaken in chapter three.

It would probably be easy to simply define the Muslim religion by what is conceived as its core religious tenets such as for example the belief in Allah, the one God, and the Prophet Muḥammad to whom God's word was revealed and subsequently written down in the Qurʾan, as well as shared religious practices such as the so called five pillars of Islam: the Islamic creed (*shahada*), the daily prayers (*salat*), the giving of alms (*zakat*), as well as fasting in the holy month of Ramadan (ṣ*aum*) and the pilgrimage to Mecca (ḥ*ajj*) (Elger 2004: 18-26). But according to the Pew Research Center's Forum on Religion & Public Life (2012) there are 1.6 billion Muslims living in the world and to assume that one can simply pin down the "essence of their beliefs" and call this the Islamic religion is problematic, especially, from the perspective of a European scholar. There is a great variety of manifold sects which

are all part of the Islamic religion and some of them have different understanding and ranking of the different tenets of the Islamic body of faith, varying opinions on what counts as Islamic practice or even who counts as Muslim.

One always runs the risk of providing an essentialist and ahistorical account of a diverse and evolving body of faith which could be nothing more than a snapshot of what – maybe even only a small percentage of – Muslims believe to be Islam. Especially, as the topic of this paper is the question of how the discussion about secularism and political influences structures debates and discourse in Arabic countries as well as conditions perceptions about Muslim politics, I shall refrain from setting the borders for what should be defined as Islamic and what should not.

For example according to Mandaville (2007: 5) "anyone who identifies him or herself, at least in part, with Islam – regardless of how the latter may be understood" counts as Muslim. But this approach makes is to simplistic as it disregards the fact that there are Muslims claiming that others who regard themselves as Muslims are not in fact Muslims. So it is necessary to take into account the social practices and surroundings which account for this discrepancy. Especially when it comes to the issues connected to political Islam where the argument that somebody is no longer a Muslim can have serious implications on the relations between certain groups and the balance of power between them it is necessary to find another approach.

It is Talal Asad (1986: 14) who suggests that one should approach Islam not based on the "notion of a determinate social blueprint, or on the idea of an integrated social totality in which social structure and religious ideology interact" but as a discursive tradition "that includes and relates itself to the founding texts of the Qur'an and the Hadith." He defines an Islamic discursive tradition as "a tradition of Muslim discourse that addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the present." (Talal Asad 1986: 14) In the context of this paper, Islam thus refers "to a particular tradition of discourse and practice that is variously defined across multiple social and historical settings" (Mandaville 2007: 5).

Thus, it is crucial to try to look at the tenets of the Islamic faith not as a given fact but as changing and evolving due to specific environments, circumstances and contexts. Moreover, not even for a specific historical and geographic setting is it possible to find one institution, actor or group that might claim for itself the right to speak for Muslims, yet alone Islam (Ayoob 2011: 44).

2.2. Political Islam

This subsection deals with the different approaches to political Islam and seeks to clarify how the term is used in the course of his paper. I shall try to shed some light on the background of the term and how it is and was used in European and American academic circles.

Before I shall define how the term "political Islam" is to be understood in this paper, I want to direct attention to the usage of the two adjectives "Islamic" and "Muslim". While both words are often used interchangeable, there is a subtle difference which should not go unnoticed. The word "Muslim" rather refers to a cultural fact; such as for example a country in which the majority of the population consists of Muslims would be called a "Muslim country". The adjective "Islamic" is rather used in order to convey some political purpose: so does the expression "Islamic state" invoke the impression that Islam plays a certain role in the governmental structure of the state. This slight difference is not something that is agreed upon by everybody writing on the subject but this usage can be detected in many cases. (Mandaville 2007: 20; Denoeux 2011: 56; Roy 1996: *viii*)

2.2.1. Definitions

There are probably as many different definitions and understandings of what political Islam, as there are scholars and analysts writing on the subject at hand. But what really is the function of such a definition? On one hand, definitions are important analytical terms for academics to specify the topic they are analysing, but it is crucial to be aware of the fact that the definition of a term purveys not only information about the topic itself but also about the person who terms the definition. With this in mind, I shall start by providing a range of different definitions of political Islam and subsequently specify why in this paper I shall take up Frédéric Volpi's (2011a) understanding of political Islam.

As already stressed, there exist many different definitions for the term political Islam – often used synonymously with Islamism. While Mohammed Ayoob (2007: 2) regards political Islam as a strategy of using Islam as political ideology and not seeing it as religion, Gudrun Krämer (2008:172) stresses the notion that political Islam seeks to create and implement an idea of society and state which is not only challenging to but also contrary to the current status quo.

Oliver Roy (2004: 58) stresses that political Islam aims to "re-create a true Islamic society,

not simply by imposing *shariʿa* but by establishing first an Islamic state through political action. Islamists see Islam not as a mere religion, but as a political ideology that should reshape all aspects of society (politics, law, economy, social justice, foreign policy, and so on)." (Roy 2004: 58) Also Guilain Deneoux (2002: 61) stresses that the Islamic body of faith is used by different actors to further their political goals. He also emphasises that political Islam is more about power than about religion. He distinguishes between fundamentalists who focus on religious ideas and Islamists who seek to implement an Islamic society with Islam as "more a political blueprint than a faith." (Denoeux 2002: 63)

2.2.2. The "Political" in Political Islam

All these definitions stress the importance of the "political" in understanding political Islam. The crucial question now is what should we subsume under the term "political"? Most of these definitions assume that the political somehow relates to activities, processes or institutions through which governmental power is structured and gained in a modern day nation-state (Mandaville 2007: 5-6). Volpi underlines that the essential feature which all actors of political Islam have in common is the goal to establish an Islamic state and most commentators describe this as an inherently problematic feature (2010: 9). The argument goes that in order to change society and establish an Islamic order (in politics, society and economics) Islamists need to engage in politics and gain control over the state. The underlying assumption here is a Western notion which equates the political with the engagement in state politics (Volpi 2010: 8).

But when we look at the diversity of the movements of political Islam we can see that many – maybe even the majority of those groups subsumed under this term – are not actively engaged in politics, as outlined above, but rather seek to change society through education and preaching, by providing welfare and by promoting what they conceive to be Islamic moral values. Some of those groups and movements do of course work within the state structure and even participate in elections in order to influence the state's structure while others are solely focused on societal change (Mandaville 2007: 6).

There are example of such activities which challenge traditional understandings of politics such as the activities described by Asef Bayat (2010) as what he refers to as social non-movements – individual actors with similar goals who change their social surroundings with "*common* practices of *everyday life* carried out by *millions* of people who albeit remain

fragmented" (Bayat 2010: 20). Another example is the academic work of Salwa Ismail (2003) who shows how individuals in Egypt try to shape public morality according to their understanding of Islamic rules and regulations by filing lawsuits against for example actresses or owners of cinemas. Therefore, it must be stressed that it is wrong to assume there is only one, eternal, never changing Islam and at the same time this should also be said about the political (Volpi 2010: 11).

It is equally important to note that if scholars state that Islamists aim to implement an Islamic state or society, little information is provided on what exactly is meant by this – neither from Western scholars nor from Islamic or Muslim intellectuals. Graham Fuller stresses that "an Islamist is one who believes that Islam as a body of faith has something important to say about how politics and society should be ordered in the contemporary Muslim world and who seeks to implement this idea in some fashion." (quoted in Volpi 2010: 14) Nazih Ayubi (1992: 230) mentions that "apart from a moral code and a few 'fixations' related to dress, penalties, and halal/haram foods, drinks and social practices, there is no well defined comprehensive social-political-economic programme that can be described as "Islamic"". And even those rules and regulations concerning public morality or the penal code are heavily disputed among Muslims themselves because – as I have noted before - there is not just one Islam and, therefore, also not just one political Islam, but a great variety of groups and movements (Volpi 2011b: 9). They differ in their interpretation of the different religious sources and in how these religious sources should be translated into concrete policy. I shall discuss these disagreements at further length in chapters four and five – especially when it comes to those ideas relating to an Islamic state.

After I have presented several aspects of the "political" in political Islam, for this paper "all actors and activities involved in the establishment, maintenance or contestation of particular visions of public morality [...] and of social order" will count as "political" (Mandaville 2007: 6).

2.2.3. Use of the Term Political Islam in this Paper

So after discussing these different approaches to the issue of political Islam it needs to be specified which definition is used in the context of this paper. Keeping in mind that Hirschkind (2011: 13) stresses that the term political Islam is often used by scholars to "identify this seemingly unprecedented irruption of Islamic religion into the secular domain of politics and thus to distinguish these practices form the forms of personal piety, belief, and ritual

conventionally subsumed in Western scholarship under the unmarked category "Islam"", I shall use the very broad definition by Frédéric Volpi who tries to avoid doing just that.

For him political Islam not only "refers to what individuals in a particular socio-historical context think about the political and the religious" (Volpi 2011a: 1) but also applies to "the political dynamics generated by the activities of those people who believe that Islam as a body of faith has something crucial to say about how society should be organized, and who seek to implement this idea as a matter of priority." (Volpi 2011a: 1)

Nevertheless, we need to be aware of the caveats from using this term. Firstly, by using the term *political* Islam I do not seek to indicate that, on the contrary, there exists a *non-political* Islam. Secondly, the by stressing the political in political Islam this reinforces the already existing assumptions about barriers between politics and religion that secularism instils in our mind. So we need to be aware of this throughout the paper.

2.2.4. Other Expressions

Just on a side note, a great variety of other different expressions and terms were coined to describe what is generally understood under the term political Islam. Many of these expressions are used interchangeable although they do often imply very different things. Among those expressions are political Islam and Islamism[4], radical Islam, Islamic fundamentalism, Muslim politics and Salafism. I shall further explore the terms Islamic fundamentalism and Muslim politics because they will both be used in this paper at some point.

2.2.4.1.   Islamic fundamentalism

Guilain Denoeux shows how difficult it can be to apply the term "fundamentalism" in the Islamic context. The term fundamentalism first occurred as description of conservative protestant movements in America which called for the restoration of the original virtue and purity of their religion through a literal reading of their founding texts. To apply the term to the Islamic movements is to imply that Islamic fundamentalism is basically just the Islamic

---

[4] Both expressions shall be used interchangeably in this paper. Other scholars such as Peter Mandaville (2007: 22) or Salwa Ismail (2003) make a distinction between "Islamism" and "political Islam".

version of the same American trend which also occurs in other religions. But this can be misleading as most Muslims – as Denoeux claims– already regard the Qurʾan as the word of God but this is exactly what the Protestant fundamentalists called for. Denoeux argues that Muslims by and large agree on the basic foundations of their faith (such as for example the importance of Muḥammad as the person to whom God revealed his message or the sacred essence of the Qurʾan). On the contrary, Islamic fundamentalists do not call for a return to the "fundamentals" of Islam but selectively downplay, ignore and emphasize some of those perceived fundamental tenets. Of course there are also large differences among the individual groups or movements which one might count among Islamic fundamentalists, but the use of the word Islamic fundamentalism implies a unified coherent body which is a misrepresentation (Denoeux 2011: 56-57).

The terms has also little to offer when it comes to analysing the power structures in which most of these movements operate which call for a return to the pristine form of Islam. While Christian fundamentalists developed in a democratic environment, the Islamic movements came to be in autocratic settings (Denoeux 2011: 58).

So the expression "Islamic fundamentalism" can be both useful and problematic – depending on what implication the writer intends to express. Difficulties only arise when all those expressions are used without taking into account the slight differences. But one could also argue that the differences between those theoretical concepts are very often only minimal and in reality movements do hardly ever neatly fit one or the other category. Nevertheless, one should be aware of the inherent implications.

2.2.4.2. Muslim Politics

Another interesting approach to the issue is presented by Peter Mandaville. Instead of opting for the term political Islam or Islamism which for him is restricted to "a particular kind of Muslim politics – one that seeks to create a political order defined in terms of Islam (usually shari'ah based state)." (Mandaville 2007: 20) He stresses that the term political Islam might end up reinforcing the existing assumptions especially Western scholars have about politics and religion. By using the term "Muslim politics" instead he seeks to avoid doing precisely that. In his book *Global Political Islam* he seeks to give a broad overview over the diverse and plural activities with which people that identify themselves as Muslims engage with not only the language but also the symbols of their religion.

Mandaville (2007: 20) succinctly argues that

> "Muslim politics is useful because it allows us to keep the diversity
> and pluralism of Islam front and centre through an emphasis on
> Muslims as social actors. To focus on Muslims rather than on Islam is
> to emphasize real people in real settings facing real issues. The more
> we stress Islam as a unit of analysis, the more we face the dangers of
> abstraction and unwarranted generalization."

The approach more naturally includes those actors who do not seek to establish an Islamic state; while this fact sometimes has to be stressed when the term political Islam is used.

In this paper, I shall not take up Mandaville's distinction between Muslim politics and political Islam exactly, but I shall sometimes invoke his term in order to explicitly stress the diversity and plurality of political Islam.

2.2.5. Is Political Islam Useful as Analytical Term?

Hirschkind also draws attention to the fact that terms – as for example political Islam – "frame our inquiries around a posited distortion or corruption of properly religious practice." (2011: 14-15) Here, Hirschkind reminds us of the fact that at all times scholars from a European or American background need to be aware of the basic assumptions about the "proper" place for religion and politics they have internalized due to the fact that their point of reference is the European modern nation-state. Along this line of thought Mohammed Arkoun asked the question whether one can "speak of a scientific understanding of Islam in the west or must one rather talk about a western way of imagining Islam?" (1994: 6-7)

Volpi (2010: 18) powerfully argues that because "Islam is necessarily objectified in relation to pre-existing analytical distinction between religion and politics, sacred and secular, etc. Political Islam is therefore a re-created category that merges previously segregated mechanisms of political and religious practice and thought." As already discussed earlier, the understanding of "the religious" and of "the political" is not only crucial when it comes to defining political Islam, both concepts are ever changing in different environments and ultimately depend on how they are understood by the person who employs the term. Volpi (2010: 19) concludes, therefore, that political Islam itself is a "contextual construct that

refers to what individuals in a particular socio-historical context think about the political and the religious."

In this part of my paper, I have already touched on the issue of the relation between political Islam and the modern state but I shall take up the issue in the following chapter in my analysis of how the issue of Islam and democracy are discussed in European and American academic circles.

2.3. Secularism

This chapter deals with the notions of secularism, secularization and modernity. Each of these concepts is important in understanding the European and American approaches and reactions to political Islam, because they influence the intellectual framework for analysing the region. I shall firstly attempt to define secularism and later touch upon the question of how central this concept is to modernity as well as whether it is applicable everywhere. Afterwards, I shall give a short account of the experiences of Arabic countries with secularism. Finally, I shall analyse how the notion of secularism is translated to Arabic which can provide interesting insights as to how Arabic speakers will approach the concept.

2.3.1. An Attempt at Defining Secularism and Secularization

The term secularism defines a particular view of how the proper relation between the spheres of the religious and the political should be structured and this notion is closely linked to the concept of the nation-state (Mandaville 2007: 7). It needs to be stressed, though, that the "religious" and the "secular" are in no way essentially defined categories or as Talal Asad (2003: 25) argues that "there is nothing *essentially* religious, nor any universal essence that defines "sacred language" or "sacred experience"" – or vice versa that defines the "secular."

Regardless of the changing borders of both concepts in the understanding of secularism, religion is associated with the sphere of the non-rational, the sacred and it is seen as the opposite of the secular, where science and politics are situated. Religion on the other hand is associated with myth, magic and taboo. Along this dichotomy, one can find several ideas that

are associated with the binary of the religious and the secular; some of these are natural versus supernatural, reason versus imagination, sacred versus profane and belief versus knowledge. (Asad 2003: 22-23)

Secularism as a doctrine includes the notion that religious principles should no longer be at the basis of morality, ethics, education and the state itself. Within Europe, there are differences to what extent communal morality and religious doctrines should be permitted to influence the formulation of public policy (Asad 2003: 208). It is important to state that – as Asad (2011: 212) contends in his analysis of secularism in France – secularism is not insistent "on religion's being confined within the privacy of conscience, on its being denied public expression." It is rather the contrary that the freedom to expression also of religious signs is a crucial factor of individual liberties. This freedom is only restricted insofar as one representative of one religion seeks to dominate other religious opinions in the public – or rather, secular – sphere; although it has to be noted that the definition of "domination" in this case is not clear. But Asad also aptly argues that the "public sphere, a guarantee of liberal democracy does not afford citizens a critical distance from state power. It is the very terrain on which that power is deployed to ensure the proper formation of subjects." What he aims at is the argument that the state does have an active interest in producing distinctly "secular citizens" (Asad 2011: 213) so that the liberties of its citizens are very much limited when it comes to the articulation of religious ideas.

Secularization which is different from "secularism" describes a process which led to the separation of, in the first place, politics and the church and, later, of the state and institutionalized religion (Ramadan 2012: 81).

But how exactly did this process come to be in Europe? Initially the term "secularism" was introduced by English thinkers who wished to avoid being accused of atheism and being an infidel in the middle of the nineteenth century. All this occurred in a very particular historical setting in Europe. At the time a process took place in which the state reorganized, repositioned and co-opted aspects of religious authority (Mandaville 2007:7). Several historical developments brought about this process which began with the Renaissance.

People started to challenge the absolute authority of the Catholic Church in matters related to science and knowledge (Ramadan 2012:81). Reason, rationality and empirical evidence became central to seeking knowledge which in the beginning also included finding rational evidence for religious history and later spread to all aspects of knowledge seeking. Also a rethinking took place which resulted in the fact that the church was no longer accepted to have direct influence over the affairs of the sovereign princes – a decoupling of the matters

of the state and religion took place. Finally, the advent of political liberalism changed how the relation between individual and collective rights was regarded with individual rights taking precedence over collective rights. (Mandaville 2007: 7-9) It became the state's obligation to guarantee the individual citizens their equal rights also with respect to the freedom of conscience and the freedom of worship and belief. This process also entailed the democratization of the public sphere (Ramadan 2012: 82) and connected the idea of secularism to new ideas of governance.

Asad (2003: 24) claims that this new emphasis on individual rights led to the "new idea of society as a total population of individuals enjoying not only subjective rights and immunities, and endowed with moral agency, but also possessing the capacity to elect their political representatives." And it is Charles Taylor who argued that secularism is closely connected to the concept of the nation-state and even legitimises the nation-state, firstly, by providing some lowest common denominator which all religious sects can accept, and, secondly, by defining a set of political values which is not based on religion and binds the population together (Taylor 1998).

As this doctrine of secularism emerged in Europe, it has often been the question whether this doctrine was applicable in other settings or whether it could only fully be applied in a European context. Charles Taylor who was mentioned above is also one of the most prominent scholars arguing that although secularism emerged in very specific historical circumstances in Christian Europe – as mentioned before, characterized by the emerging ideas of liberalism, a new relationship between the Church and sovereign rulers and a new reverence for rational thought – it can be applied to all modern societies in non-European contexts which are neither marked by Christian culture nor have undergone similar historical developments.

But I shall come back to this argument in chapter three when I analyse the discussion of the relation between the doctrine of secularism and political Islam. Here, I shall only mention that Talal Asad argues that the separation of the religious and the political as two distinct and separate spheres is by no means a "natural" distinction but a result of our socialization in the European tradition which is characterized by this separation (quoted in Mandaville 2007: 10).

2.3.2. How Central to Modernity is Secularism?

Many scholars claim that secularization is a crucial requirement for modernity, because of the basic assumption that there is a straightforward progress from the religious sphere to the secular sphere as part of modernity. In his secularization thesis, José Casanova (1994) bases modernity on three essential developments which are, firstly, the separation of the spaces for religion and politics due to a differentiation of social spaces; secondly, the privatization of religion; and, thirdly, a decline in the importance of religion altogether.

But does the persistent importance and centrality of religion in widespread regions of the world represent evidence that the secularization thesis is wrong or that this is nothing but evidence for a "revolt against modernity and a failure of the modernization process" as some critics claim (Asad 2003: 181-182). This defence of the secularization thesis basically turns it into a normative goal, as Asad argues convincingly, "in order for a society to be modern it has to be secular and for it to be secular it has to relegate religion to nonpolitical spaces because that arrangement is essential to modern society." (2003: 182)

Another way to explain the lack of privatized religion is to attest that de-privatization of religion simply has to meet the basic requisites of modern society such as for example democracy. The argument goes that depending on whether religion promotes debates based on individual liberties or whether it undermines liberal values, religion is either compatible with modernity or a revolt against it. (Asad 2003: 182) But these conditions do not apply to all religions. Thus, institutionalized religion – belonging to the realm of faith and passion, as opposed to rational argument on which secularity is based, and therefore, a danger to the freedoms of individuals – can only enter the public sphere if it discards its authoritative influence and only seeks to influence individuals' morality (Asad 2003, 186). Many of those who employ this argument lack an explanation of what exactly this implies though.

2.3.3. Experiences with Secularism in Arabic Countries

So this process of the state restructuring and shifting around the parameters of the relations between religious authority and the state was to a certain degree reproduced during the colonial period – a time during which the notion of the sovereign nation-state was introduced to regions which differed from Europe – where this notion was developed – culturally and historically and which had already coined their own notion of the relation between

politics and religion. It was only logical that tensions between those notions would develop (Mandaville 2007: 7).

Contrary to the European tradition, the Muslim countries had already gone through a debate whether revelation or reason were the more legitimate sources of knowledge – some five centuries before this process took place in Europe. The outcome of this process in the realm of Muslim thought was a distinction between knowledge concerning technology and science and knowledge in the spheres of law and morality where regarded as separate from rational thought and reason. A "cohesive tradition of theology and jurisprudence" developed with a range of actors privileged in interpreting and transmitting religious knowledge (Mandaville 2007: 10-11). In this setting, the notion of the modern European nation-state was introduced but the process of state formation outside the European context was not so much inspired and guided by the liberal political values – stressing individual rights and liberties – which were at the heart of the European historical experience. This resulted in very different outcomes in the postcolonial regimes of the region.

An important point about secularism, modernity and colonialism needs to be made here: While the "West" may have many different domestic versions, it is represented by one single coherent image abroad. So there are many different forms of secularism alone in Europe and the American version differs from the European understanding. The same goes for modernity as a concept. But as hegemonic political goal the notion of modernity calls for an institutionalization of the following principles: constitutionalism and moral autonomy, human rights and democracy, freedom and civil equality, freedom of the market and consumerism, and, finally, secularism. (Asad 2003: 13)

Today the experiences in Muslim-majority countries and in Arab societies with secularization are marked by the fact that secularization was not characterized by the mentioned liberal values but instead is associated with repression, colonialism and a denunciation of Islam (Ramadan 2012: 83). It was, thus, a selective application of the principle of secularism which ended up not as a separation of the realms of religion and the state where the state guarantees individual liberties and freedoms but as a system that put religion under the control of the state. As Ramadan puts it succinctly, this "was no alliance of democracy and pluralism in the name of the separation of religion and the state; religion was subjugated to the state, with no demand no pluralism." (Ramadan 2012: 85)

This version of "secularism" was mostly introduced by elites which were not only

disconnected from the population but also convinced since the times of Colonialism that it was impossible to separate religion and politics in an Islamic environment. Secularization was, thus, often understood as "models of the dictatorial, anti-Islamic regimes that have been imported from the West." (Ramadan 2012: 86)

2.3.4. Secularism in the Arabic Language

An important approach to the understanding of Secularism in Arabic countries is to analyze the term in the Arabic language because the understanding of secularism that Arabic scholars and other people have will always be shaped by what this translations imply.

Interestingly from a Western perspective, neither the word "to secularize" or "secularism" nor "secularization" existed in the language usage. First attempts to translate these words to Arabic occurred in the nineteenth century (Asad 2003). Badger's English-Arabic Lexicon dating back from 1881 does not include a word for "secularism" but only for "secularity" which is translated either to *dunyāwiyya* (an abstract derivation from the word *dunyāwī*, meaning "worldly") or to *ḥubbu l-ʿālam* (literally meaning, "love of the world"). But two translations for the word "secular" with the meaning of "not clerical" can be found: firstly, *ʿalmānī* and *ʿāmmī* which also refers to the meaning of "common" or "popular". Today the word *ʿalmānī* is used – meaning not only "secular" and "secularist" but also "lay" and "layman". From this word, *ʿalmāniyya* as the equivalent for "secularism" or "laicism" was derived. The Arabic word which provides the basis for these derivations is the word *ʾal-ʿālam* which translates to "world". Only recently, a word for the verb "to secularize" (*ʿalmana*) was derived from the already invented noun *ʿalmāniyya*. This process is contrary to the custom in Arabic where normally the word for the noun is derived from the verb. (Asad 2003)

3. Theoretical Approaches: the Discussion over Political Islam

The third chapter is dedicated to the academic arguments concerning the questions regarding the dichotomy of political Islam and secularism which is predominant in Western academia and culture. I shall address two important issues: firstly, the academic approach to Islam and Political Islam with regards to its relation to modernity, secularism and as an example I shall give a more detailed description of the discussion surrounding the compatibility of Islam and democracy; secondly, I shall address the international aspects which also have considerable influence over events in the region.

But before I present the arguments from both sides, let me point out that although religion is also the focus of this paper, it is not the key issue to understanding current challenges and problems in Muslim-majority countries. Nevertheless most analysts assume that Islam is the key to understand the entire region. (Mandaville 2007: 2)

3.1. Academia and Political Islam

In the last chapter I have already touched upon many aspects surrounding the question of how scholars in Europe and America approach the issue of Islam, Muslim politics, Islamism and modernity. In this chapter, I shall give an overview of the different explanations for the emergence and importance of Islamic groups and how Islam in general is approached. There is a range of different approaches which I shall address in this chapter in order to find the academic basis for the assumptions that shape policy and our perceptions and also the perceptions of those involved in the debate surrounding the debate about the future constitution in Egypt.

I need to stress that these approaches need to be presented in considerable depth in order to question their underlying assumptions and, subsequently, their influence over the debate in Egypt.

After outlining the different approaches, I shall also elaborate further on the theoretical discussion surrounding the compatibility of Islam and democracy which shall serve as a background for the analysis of the debate over the Egyptian constitution.

3.1.1. Approaches to Islam and Political Islam

But before I touch upon the issues of Islam and democracy as well as the international aspects of the debate about political Islam and Secularism, I shall present some of the different academic approaches to political Islam and Islam in general. I shall not go into all these approaches in full depth which would not only go by far beyond the scope of this paper but has already been done in an impressive way by Frédéric Volpi (2010) in his highly recommendable book *Political Islam Observed*.[5] So while Volpi structured his analysis of the approaches to political Islam in accordance with the social science nomenclature, another important contribution by Salwa Ismail structured them more with regards to their content and grouped the approaches into "the historical master-narratives, the Durkheimian-inspired sociological models and the statist/political economy perspectives." (Ismail 2003: 2).

The aim here is to highlight the underlying assumptions which inform policies on international and national levels as well as the debate in Egypt. Therefore, I shall distinguish in this paper between so called orientalist and post-orientalist approaches to the topic of Islam. I shall start by addressing the assumptions of the former and continue with those of the latter.

3.1.1.1.   Orientalist Approaches

The term 'Orientalism' has become tainted after Edward Said's book of the same name. In this sense it is commonly understood as "an approach to Islam that tries to build a comprehensive and systematic picture of an Islamic civilization, with its own logic and system of values" (Volpi 2010: 21) but, somewhat contradictory, analyses this field with "western concepts and methodology" and presents its findings as "rational universals." (Volpi 2010: 21) The strong presence of Orientalist scholars made it very difficult for a long time to question the assumption that there is a unique field of study which is the Islamic world characterised by distinctive features. This was probably also enforced by the assumption that the aim of the Orientalist approach was simply to objectively present their scientific findings and that there was no underlying, subconscious political aspect. But this understanding was significantly challenged by Edward Said's book (1979) '*Orientalism'* in which he questioned the aforementioned assumptions.

Afterwards, it was much more challenging for Orientalist scholars to present their findings as absolute truths, but in some way, it was difficult for them to incorporate the subsequent

---

[5] Other books to be recommended are Salwa Ismail's *Rethinking Islamist politics: culture, the state and Islamism* (2003), as well as Peter Mandaville's book *Global Political Islam* (2007).

criticism of their field of study due to the fact that it challenged the very *essence* of their field. This was for the reason that Orientalist approaches basically rely on and are built upon the assumption that Islam is the defining field of their studies and of Muslim-majority countries and scholars tried to argue for this case. (Volpi 2010: 21-26)

To give one example, one could mention John O. Voll's book '*Islam: Continuity and Change in the Modern World*' (1982). In which he tries to account to identify four different responses from Muslims to given challenges in history which are religiously motivated and inspired by the past. Ismail (2003: 9) criticizes that his "enumerative exercise depends on a notion of Islam as an agent that imprints its essence on all particulars subsumed under it."

Mahmoud Mamdani (2004: 17) holds that Orientalists "assume that every culture has a tangible essence which defines it, and then explain politics as a consequence of that essence." Frédéric Volpi (2010: 26) argues that Orientalist approaches attempt to "explain 'rationally' the interaction btw an immovable theological creed, and various ideological and material developments in Muslim societies." With the insights from Foucault's discourse analysis it also became easier to question the premise that Orientalist studies were based on rational objectivity and that they understood their studies as neutral, objective and unaffected by international power-structures. Nevertheless, we must not forget that, as Cox (1981: 128) succinctly put it, "[t]heory is always *for* someone and *for* some purpose." Therefore, the findings of the Orientalist approach could not be regarded as objective truth, but "truth is a component of a pre-existing and always changing system of power relations, which is only recognized as the truth because it is able to mobilize these power relations in ways which are found useful." (Volpi 2010: 27)

Subsequently, it became less difficult to criticize the essentialist nature of orientalist approaches, albeit there were still many Orientalist scholars who either neglected the criticism of their field. (Volpi 2010: 21-29)

3.1.1.2. *Post-Orientalist Approaches*

The more critical approaches which developed in reaction to Said's criticism of the underlying essentialist assumptions of the Orientalist approach were characterized by a great degree of heterogeneity. As they did not assume to be dealing with one field of study determined by Islam, the approaches come from the entire field of political and social studies, as well as post-colonial studies. I shall not present all of them here, as this would go beyond the scope of this paper.

Talal Asad (2003) needs to be mentioned who applied the same logic which was applied to "the religious", to "the secular" and provided many valuable insights about the secular lens with which 'non-secular' phenomena are analysed.

Also Salwa Ismail deserves to be noted here, as she approaches the issue of political Islam not from a top-down, but a bottom-up perspective and provides important insights, for example, how the structure of Cairo's suburban and informal housing areas have great impact on how Islamist parties operate. (2003: 82-160)

Muḥammad Ayoob (2011) accounts and analyses why it is impossible to determine what 'Islam' thinks about a certain topic at a certain time due to the fact that there is no single person, organisation, group or movement who can claim – rightfully – to represent Islam. He argues that the many voices of Islam are divided along national and sectarian lines, among others, in addition to the increased audibility of the many lay interpreters of the Islamic body of faith (2011: 46-47).

There is also a range of psychological approaches who seek to develop the profile of the 'typical' activist in Islamist movements – in itself an endeavour which needs to be criticized for assuming that similar predispositions in two persons will necessarily lead to the same actions (Ismail 2003: 11-12). Many of these approaches often identify grievances as the reason and motivation for individuals to become engaged in Islamic activism – either as reaction to the domination of Muslim societies by the West or as expression of economic and financial disappointment in the status-quo (Wickham 2002: 6-7). Catherine Wickham instead argues that it is necessary to overcome these grievance-based explanations of political Islam and analyses Islamic activism as a result of mobilization (2002: 7-8).

So while it is important to note that no approach provides a comprehensive picture of the phenomenon – an impossible venture in itself – each contributes important insights into the issue of political Islam (Volpi 2011a). What is important is to avoid the attribution of essentialist features to one's subject of study and to be mindful of the possibility that the scholar is analysing the subject with a normative approach.

3.1.2. Islam and Democracy

This short account of the discussion about the compatibility of Islam and democracy is more critical acclaim of the argumentation in European and American academia, not so much an overview over the point of view of Muslim and Islamic scholars. This perspective is taken because the aim of this paper is to analyse how the "Western debate" can influence and structure the domestic debate in Egypt. The arguments and positions from Egyptian scholars, activists or politicians shall be presented in chapter five when I focus on the debate surrounding the new Egyptian constitution.

I also need to add that I have already discussed the relation between democracy and Islam in my previous Diplomarbeit on the following topic: *Can democracy theory explain the emergence of the Egyptian democratic movement?* Some of the arguments and sources have, therefore, been structured on the basis of this previous research (Felsberger 2012).

In general, most of the discussion about the relation between Islam and modernity or secularism directly or indirectly alludes to the question whether democracy is possible in a Muslim-majority country. This is why I shall address some of the main arguments in this part of chapter three and, subsequently, question whether this discussion actually addresses the most pressing questions. The main arguments in this discussion focus on the question of how sovereignty is understood in a Muslim and a secular context, as well as on the argument that due to the Islamic culture and the lack of a democratic history in Muslim-majority countries democracy cannot take root in these societies. I shall address these issues subsequently.

3.1.2.1.   Popular Sovereignty versus Divine Sovereignty

I shall start by addressing the issue of sovereignty. The Western notion of liberal democracy regards the people as ultimate source of power and legitimacy. The role of the state is to translate its citizens' preferences into policies. George Joffé claims that the Islamic notion of sovereignty "a divine attribute" contrary to the "popular attribute" in democratic states (Joffé 2008, 169). Thus, the argument goes, this understanding should make a democratic sanction impossible as policies do not gain their legitimacy by popular vote but due to the fact that they are in concordance with Islamic law and practice – put differently, what is defined by the scripture and what has been deemed as "Islamic" by the those "to whom divine sovereignty

was delegated"[6] should become law and not what the majority of the people vote for (Joffé 2008, 170). The argument further postulates that this essential difference in how sovereignty is defined and understood – as divine attribute and not as a popular one – renders a democratic system in an Islamic context impossible or at least strips any concept of Muslim democracy of a clear philosophical foundation. Nevertheless, there are many Islamic and Muslim scholars[7] who argue that this theoretical conundrum does not essentially prevent a democratic Islamic state and that it is well possible to establish a democracy which does not neglect the tenets of the Islamic faith (Anderson 2004).

I shall further elaborate on the discussion of sovereignty in chapter five when the arguments concerning the Egyptian constitution will be analysed.

3.1.2.2.   Culture: Democracy without Democratic History?

The second line of argumentation which I shall present here is more comprehensive and holds that democracy cannot take hold in Muslim-majority countries because there was a lack of democratic values throughout history of Arabic countries and this lack is attributed to the Islamic body of faith.

Scholars claim that democracy can only flourish in a cultural environment which includes basic democratic values such as equality, individualism or compromise in its history. For example Robert Barro (1999) found in a comparative study on determinants of democratization that the size of the Muslim population has a negative effect for the prospects of democratization. Also Elie Kedourie (1992, 5-6) argues that "nothing in the political traditions of the Arab world—which are the political traditions of Islam—which might make familiar, or indeed intelligible, the organizing ideas of constitutional and representative government." Along this line George Kennan advances the argument that democracy can only flourish in a Western cultural background because it

> "evolved in the eighteenth and nineteenth centuries in northwestern
> [sic] Europe, primarily among those countries that border on the
> English Channel and the North Sea (but with a certain extension into
> Central Europe), and which was then carried into other parts of the

---

[6] These are so called *ʿulamaʾ*. The Arabic word *ʿulamaʾ* is the plural of the word "*ʿālim*" meaning scholar.
[7] The adjectives Islamic and Muslim are chosen intentionally to signal that not only scholars or intellectuals who happen to be Muslim but also scholars arguing for an Islamic state can be found who argue the case for a democratic Islamic system of governance.

world, including North America, where peoples from that northwestern [sic] European area appeared as original settlers, or as colonialists, and laid down the prevailing patterns of civil government."

To him democracy is, therefore, restricted to those places which are inhabited people who have historically experienced these democratic values (Kennan 1977, 41-43).

The common denominator of these arguments is that the difference in culture between Muslim and Western societies explains why there are no democratic systems of governments in the former. The argument is also extended to include the claim that because of the Islamic culture, democracies cannot and will not be established in the future and that some cultures are more conducive to democracy than others: especially in the literature which focuses on the development of democracy, one finds a line of argument that Protestantism was crucial for the emergence of democracy.

It is Steve Bruce (2004: 4) who claims that religion leaves a significant stamp on the cultural background of a society and, therefore, the dominant religion in a society has significant influence over whether democracy can emerge in accordance to the values promoted by this religion or not. In the case of the Protestant religion, "personal autonomy, freedom of choice, literacy, diligence, temperance, loyalty, democratic accountability, egalitarianism and the overlapping ties of voluntary association we now call 'civil society'" are among the core values which Bruce offers (2004, 5). Another side of this line of argument mentions that, historically, democracy emerged first in predominantly Protestant countries.

But these arguments are not undisputed in the democratization literature and the argument that one religion might have been favourable to the emergence of democratization does not automatically allow for the conclusion that other religions are, therefore, hostile. Also this line of arguments assumes that religion is always understood in the same way in every historic environment and by all different people.

This essentialist argumentation rather prevents us from asking the right questions about how the Protestant religion was understood during the time that democracy emerged and whether that specific interpretation contributed to the emergence of democracy. With these questions in mind, we should also address the other side of this argument that "the regressive and authoritarian precepts of Islam as a system of beliefs and social organization" are the reason for the absence of democracy in Muslim countries (Volpi and Cavatorta 2006: 363).

Especially after the terrorist attacks of September 2001[8] such culturalist explanations for the lack of democracy in the Middle East gained new popularity. While some scholars such as Ehteshami (2004) sought to explain the absence of democracy in the MENA region with the influence of the Islamic religion, others found an explanation in Islam's inability to adapt to modernity (Lewis 2002). One of the most prominent scholars arguing that the lack of democracy in Arabic countries can be found in their Muslim culture is Samuel Huntington. He claims that their different historical trajectory – lacking experiences such as the Reformation and the French Revolution – marks them as areas where democracy will not take root (1991b: 23).

Others such as Ray Hinnebusch (2000) hold that many theories accounting for democratization favour simple and linear explanations over accurate and specific analysis of different regions where they might lack the expertise and background knowledge. Larry Diamond (2010) argues against the tendency to take culture or Islam as the primary aspect which defines the attitudes of the populations of the MENA region. He offers a range of other explanations for the democracy deficit such as the negative influence of oil and the rentier economy enables by the reliance on oil as revenue, also the internal and external support for authoritarian statecraft and economic inequality. He also refutes the argument that due to a lack of historical experiences with democracy a country cannot become democratic by offering evidence of successful democratic transitions in several African countries where the political traditions of the past were not characterised by democratic values. (Diamond 2010: 95-97)

Stepan and Robertson (2003; 2004) show in their extensive empirical study that the alleged democracy gap in the 'Muslim world' is rather an 'Arab gap.' They show that non-Arab Muslim-majority countries do not show a significant democracy deficit, but that Arab Muslim-majority countries do. The reason which lies behind the assumption that the 'Arab gap' allows for conclusion that Muslim-majority countries in general experience a democracy deficit lies in the fact that many scholars overlook the fact that the MENA region is not the only Muslim region. On the contrary, the majority of Muslims live outside this region in South East Asia, in countries such as Indonesia and Malaysia.

Concerning this argument, Vali Nasr (2005) has some valuable insights to offer. He argues that in praxis "Muslim democracy" already exists, despite the theoretical contradictions because this Muslim democracy is not based "on an abstract, carefully thought-out

---

[8] Those arguments also became popular when the expectations raised by the third wave of democratization[8] were not fulfilled and democracy did not spread – as predicted – to the MENA region (Volpi and Cavatorta 2006).

theological and ideological accommodation between Islam and democracy, but rather on a practical synthesis that is emerging in much of the Muslim world in response to the opportunities and demands created by the ballot box" (Nasr 2005: 15). For him, the conundrum is not to figure out how to reconcile the theoretical aspects of democracy and Islam but to determine the concrete political settings in which Islamic parties accept the logic of power-sharing. He argues that when "Islamists find themselves facing—or caught up in—the Muslim Democratic dynamic, they will find themselves increasingly facing the hard choice of changing or suffering marginalization" (Nasr 2005: 26).

Concerning the arguments put forward by Huntington (1991b) and Ehtesami (2004) contending that democracy is inherently incompatible with democracy, I shall also point out the arguments by David Gellner (1997). He claims that ideas such as egalitarianism are not alien to Islam, but that Islam is "endowed with a number of features - unitarianism, a rule-ethic, individualism, scripturalism, puritanism, an egalitarian aversion to mediation and hierarchy, a fairly small load of magic - that are congruent, presumably, with requirements of modernity or modernization" and, thus, democracy (Gellner 1979: 35-36). Also the incompatibility of popular and divine sovereignty is often more a theoretical than practical problem (Stepan and Robertson 2004).

3.1.2.3.   Asking the Wrong Questions?

After addressing some of the core arguments concerning the compatibility of Islam and democracy, I would like to draw the attention to some noteworthy conclusions we can draw from these arguments for this paper.

We can gather that the question about the compatibility of democracy and Islam is also very much linked to the question of how we define democracy – as a value-free "process of manipulating power for the purposes of administration and control" (Joffé 2008: 168) or a Western concept of governance intrinsically connected with Western notions of liberalism and market economy.

Moreover, after analysing those arguments by European and American scholars, it might appear natural to assume that all of those scholars have the same understanding of democracy when they talk about the inability of Muslim or Arab societies to establish such a system of governance. But democracy is not only itself much discussed subject in terms of

what it entails but also a concept which has been interpreted in very various ways in different societies throughout history.[9]

What can also be deduced in these lines of argumentation is the assumption that religion is the most important feature of all these diverse societies which can be found in Muslim-majority states (Mandaville 2007). But also, as Asad argues, the fact that many – especially, Orientalist – scholars seem to ascribe the Qurʾan a specific power to "force Muslims to be guided by it" (2003: 11). Thus, the Islamic scripture is "held to be determinate, fixed in its sense, and having the power to bring about particular beliefs" and, thus, "rendering readers passive." (Asad 2003: 11). On the contrary, Christians and Jews seem to be free to interpret their scriptures according to the different and changing social environments – rendering the text passive. Asad (2003: 11) aptly summarizes that Orientalists hold that the Islamic scriptures are "said to be both essentially univocal (their meaning *cannot* be subject to dispute, just as "fundamentalists" insist) and infectious (except in relation to the orientalist, who is, fortunately for him, immune to their dangerous power)."

It is also important to stress that not all Muslims see a contradiction in being a Muslim and supporting a democratic system of governance. What is important to note, though, is the fact that when talking about democracy they do not necessarily support the 'Western notion of liberal democracy.' The 2010 Egypt Human Development Report undertook research in many issues concerning Egypt's youth. Among the issues was the youth's attitude towards religion. 96 percent of the correspondents stated that religion was important in their life – in this regard Egypt is 38 points above the worldwide average which is at about 58 percent (Egypt Human Development Report 2010: 65). Concerning the youth's attitude towards democracy the Egypt Human Development Report finds that 90 percent state that their leaders should be elected in free and fair elections and 84 percent of the sample are of the opinion that it is important to live in a democratic country. Moreover, 73 percent stress the

---

[9] Concerning the different definitions of democracy, one can distinguish different definitions of "formal or procedural democracy" which refers to an "institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of competitive struggle for the people's vote" according to Schumpeter (1976, 269) or "a political system which supplies regular constitutional opportunities for changing the governing officials. It is a social mechanism for the resolution of the problem of societal decision-making among conflicting interest groups which permits the largest possible part of the population to influence these decisions through their ability to choose among alternative contenders for political office" according to Lipset (1959, 71). There are also other approaches to democracy, regarding it as more than a mere decision-making process. This "substantive democracy" is defined by Pridham (2000, 4) as a "way of regulating power relations so as to maximize the opportunities for individuals to influence debates about the key decisions that affect society." David Held goes even further in his understanding of democracy argues that the right to participate in decision-making may be futile if this right is limited by economic and social conditions: "Persons should enjoy equal rights and accordingly, equal obligations in the specification of the political framework which generates and limits the opportunities available to them; that is, they should be free and equal in the process of deliberation about the conditions of their own lives and in the determination of these conditions, so long as they do not deploy this framework to negate the rights of others." (Held 2006, 264)

importance of civil rights in protecting individual rights and freedoms (Egypt Human Development Report 2010: 77). These views are also to be found among other age groups in Egypt, but the youth are much more outspoken and attack more importance to the value of democracy and civil rights (Egypt Human Development Report 2010: 68).

In a similar study Jamal and Tessler (2008) examine attitudes in the Arab World, mostly concerning democracy. They conclude that "support for democracy in the Arab world is as high as or higher than in any other world region" (2008: 97). They found strong overall support for democracy (90 percent deemed it a very good or good form of government, and 86 as the best form of government), but some (33 percent) contended that democracy might not be good for economic development (Jamal and Tessler 2008: 98-99). Nevertheless, most valued democracy mainly as "a "useful" form of government that has the potential to address many of a country's most pressing needs" (Jamal and Tessler 2008: 99).

Jamal and Tessler also inquired whether more religious people were less likely to support democracy, but could not find such a connection (2008: 101-102), rather they argue that "large numbers of Arabs and other Muslims contend that the tenets of Islam are inherently democratic" (Jamal and Tessler 2008: 101).

3.2. International Influences

It is important to highlight that neither the academic debates surrounding the nexus between secularism, modernity and the "proper place" of religion nor the discussion in Muslim-majority countries about their future constitutions occur in a neutral space. There are international norms and values as well as assumptions and pressures which shape both debates. This chapter seeks to shed some light on the international political system with is existing power relations and the influence they have on Muslim-majority countries. As Richard Youngs (2008: 151) argues especially this region reveals "the international domain's profound and complex impact on political processes." In the case of this paper I shall of course focus on Egypt, as an analysis for the international influences on all Muslim-majority countries would clearly exceed the limitations of this paper.

I shall first of all outline the impact of international or "universal" values and the influence their application – or the lack of a full implementation – in the region has had. I shall address the issues of democracy as universal value and the introduction of the nation-state to the

region during the 1920s. Afterwards I shall analyse how the assumptions about the region have shaped policies during the period of Colonialism and still do today.

3.2.1. "Universal" Values and the Region

The very concept of the nation-state and nationalism was brought to the region during Colonial times. Before that, the most of what we call today the MENA region was ruled by the Ottoman Empire. Naturally, there existed some sort of subdivision in such a large entity. Different regions were divided into so called "Vilayets", but there was always the unifying aspect of the Ottoman rule. After the Ottoman Empire had been on the losing side during World War I, the remnants of the Empire were divided into a number of nation-states. Those borders were not chosen according to the wishes of the local population but decided by colonial interest and the desire to create smaller states which were more easily controlled than one unified Arab state. While his was not the case for Egypt, it is what happened to most of its neighbours. A telling example hereof is the region of Greater Syria which was divided into the four states Israel, Jordan – or rather Transjordan, at that time – Lebanon and Syria (Evron 1987, 20). This happened, despite the fact that the King-Crane Commission detected a desire by the inhabitants of the region to live in one democratic country. (Mansfield 2010: 204)

This process also influenced how people experienced religion: as a result of the borders of the nation-state also the authority of such revered institutions such as the scholars (ʿulamaʾ) from al-Azhar university in Cairo lost the authority over and appeal to the entire Arab region it had before (Ayoob 2011: 47-8). Moreover today, most actors in the region have internalized this system of nation-states. Even the discourse of Islamist groups is influenced and penetrated by nationalism which renders many of those movements isolated and forced them to uptake contradictory positions to their Islamist objectives (Sayyid 2011: 126).

The second international notion or concept which had significant influence on the entire region and Egypt is the idea that democracy is a universal value (Sen 1999) and as such can and should be applied everywhere. While there are certainly some arguments to be found in favour of the notion that all people wish to live a life free form persecution in a country where they have a say in how they want their country to look like, the experiences in Egypt and Arabic countries with democracy were very disappointing until today. There have been calls for democracy and independence since the Colonial period in Egypt but they were

suppressed with the help of British troops (Mansfield 2010:199-203).[10] The same goes for the hopes of the people for more participation and accountability after the coup of Gamal Abdel Nasser which were soon disappointed, when the Free Officers suppressed demonstrations and established their elitist view on politics (Marfleet 2009).

Moreover, some of the policies implemented in the name of democracy were not democratic at all. The United States have a long history of verbally supporting democracy as the best system of governance which should be applied in all countries worldwide, despite the fact that their record for support of autocratic dictatorships in the MENA region and beyond is equally strong (Carothers 2006). But more on the influences of this later, here I shall only further note that this strong verbal support for democracy had also strong influences on local elites who remained strongly committed to liberal ideas and democracy. However, those elites supported and still support anti-democratic and illiberal measures to ensure that Islamist movements remain under control (Sayyid 2011: 126). Thus, those elites served as a bulwark against Islamism (Ramadan 2012: 13).

3.2.2. How Perceptions Shape Policy Decisions

The assumptions and ideas behind the idea of international mandates which were supposedly instated after World War I in the MENA region in order to "help" societies under the mandate to achieve self-government but in reality served to uphold imperial interests are very similar to the beliefs that are held about culture and society in Muslim-majority countries.

Mahmoud Mamdani (2011b) demonstrates how these assumptions about culture shape policy. According to him there is an assumption of two kinds of cultures one modern and one pre-modern. While the former is seen as flexible, progressive and capable of internal debate and adjustment, the latter is characterized by tradition and a static nature. Premodern culture is also assumed to be some "kind of instinctive activity whose rules are inscribed in early founding texts, usually religious, and mummified" (Mamdani 2011a: 111). Thus, those societies are assumed to be unable to change their own culture and rely on external help in order to be saved from their static culture. (Mamdani 2011a) Thus, with this assumption in the back of their minds, decision makers during Colonial times arrived at conclusions such as

---

[10] Specifically, during the 1920s and 1930s, there were riots in Egypt against the British colonial rule which was tied to the King whom they supported against the elected government which was very often made up of representatives of the popular Wafd Party.

establishing mandates in order to assist these societies in their transition to modernity.

This notion of a premodern culture constructed as the "other", the opposite, of modern culture with the Islamic faith at its heart was Islam survived until present day: Samuel Huntington's (1998) widely known *Clash of Civilizations* is strongly influenced by this idea, as well as Francis Fukuyama's (1989) *End of History*. The events of 9/11 only served to harden the assumptions about an "essential otherness of Islam" and its premodern culture (Ramadan 2012: 15). As "remedy" the United States pushed for democratization and promoted democracy as solution for Islamist extremism and terrorism in the broader Middle East (Carothers 2006, 56). Basically, the idea behind this was that the population in the MENA region would be able to voice it grievances peacefully through the political system (Windsor 2003). Besides the fact that there is no academic agreement to whether democracy would function as antidote to terrorism (Li 2005), the United States "still needed the close cooperation of these governments on several fronts, such as antiterrorism, access to oil, and the Israeli–Palestinian conflict" (Carothers 2007, 7). This continued support for autocratic regimes stood and still stands today in stark opposition to the strong verbal support for democracy as universal value which created an "an ever-widening gap between the rhetoric of promoting democracy" (Hurrell 2007: 161).

Moreover, after the war in Iraq which was justified with the promotion of democracy, the very idea of democracy became associated with the all the negative aspects the war brought (Carothers 2007). So at this point international assessments of both the prospects for democracy were very bleak and the idea of the so called "Arab exceptionalism"[11] was hardly disputed.

Also the fear of a takeover of Islamist parties with the help of democratic elections prevented international actors to press for full-fledged democracy. Behind this fear lies the assumption that, basically, all Islamic parties and movements are the same and essentially want to gain state power in order to impose their vision of an Islamic state and to abolish democracy after they were elected. This idea is boiled down to the slogan of "one person, one vote, one time" (Denoeux 2011: 77). Based on this assumption, it was believed that the only viable policy option to "promote democracy" in the MENA region was to ensure that Islamic parties do not win a majority and to support the secular autocrats in power. Based on another assumption – that Islamist movements are split between moderates and radicals and that, once elected, the moderates would refrain from violence and "play the role of the loyal opposition" – a different policy could be formed: that participation by Islamist parties in elections is actually

---

[11] As discussed in Chapter 3.1.1. Islam and Democracy

something desired, as long as they remain a minority (Denoeux 2011: 76). Nevertheless, both policy options which were employed in the past are basically inspired by the notion that Islamist parties do not and cannot be accommodated with a democratic system of governance. The case appears different for the so called 'Islamic liberals' who are regarded somehow as natural allies who instead of promoting a project of political Islam and, thus, bringing religion into the realms of politics, their goals merely seems to be to integrate Islam "into existing liberal-democratic frameworks." (Volpi 2010: 16)

When the Arab awakening occurred, these assumptions about Arab exceptionalism and the incompatibility of Islam and democracy clashed with the realities on the ground. What could be witnessed were Muslim "women and men rallying around dew demands drawn from the core values of freedom, justice and equality, and rejection of corruption and cronyism" (Ramadan 2012: 11). When these demonstrators were calling for freedom and dignity, their values suddenly seemed so similar to those of the Western citizens and the perception of them in Western media started to change: With the aforementioned assumptions about the incompatibility of Islam and democracy in mind, the protesters no longer perceived as Muslims but as Arabs or Egyptians and Tunisians. (Ramadan 2012: 10-12) This aspect is also mirrored in how these emancipatory movements are referred to in the Media: they are called "*Arab* Spring" or "Egyptian revolution" and nowhere is there any mentioning of a "Muslim awakening"[12]. It seemed that, finally, the protesters had overcome their premodern predicament and joined Western modernity. The Arab awakening was interpreted as proof that democracy was a universal value and had finally reached all corners of the world. (Ramadan 2012: 15-16) But as Rabab al-Mahdi (2012) and Fawwaz Traboulsi both argue, the emancipatory movements were not about democracy or Islam, they were about bread, freedom and dignity. Thus, encompassing so much more than what Western media, which was preoccupied with overcoming the surprise over witnessing Arabic people calling for freedom, was able to notice.

It also needs to be mentioned that while Europe and the United States often cited the need to keep Islamic parties from gaining power[13] as justification for their support for authoritarian secular regimes, this did not mean that neither the United States nor the European powers

---

[12] Only in Iran the Arab uprisings are referred to as Islamic awakening in order to establish a connection to the Islamic Revolution which brought the current Iranian regime to power. (Prof. Mansour Farhang Jadaliya online interview: About the Non-Aligned Movement Summit in Tehran: An Interview with Mansour Farhang)

[13] Among other reasons such as ensuring stability, guaranteeing the access to oil, and protecting the peace agreements with Israel.

had any reservations to work with such countries as Saudi-Arabia where Wahhabism an extremely conservative interpretation of Islam is practiced and implemented.

Finally, it is quite obvious that many policy decisions after 9/11 were influenced by what I have identified as traditionally orientalist or neo-orientalist scholars and analysts (according to Volpi 2010). While, on one hand their explanations seem to be very convincing due to their simplicity and coherence, on the other hand, the more critical approaches avoiding essentialist assumptions are often unable to present clear policy advice and are characterized by great heterogeneity which prevents them to speak with one clearly audible voice. (Volpi 2010: 30-33)

3.3. Concluding Remarks

After giving an overview of the approach to the issue of political Islam from the perspective of international academia as well as elaborating on the discussion about the compatibility of Islam and democracy, I shall make some concluding remarks. Firstly, I shall summarize the assumptions in academic circles about Islam and political Islam and, afterwards, recapitulate the important insights gained from post-Orientalist approaches. Finally, I shall add some remarks about Islam and democracy.

One of the most crucial assumptions which is still very widespread is the belief that Islam is the core, even defining, principle and characteristic for the entire MENA region and, thus, Islam is the lens through which the region can be explained (Mandaville2007). Connected to this is the idea that Islam is of an unchanging, static and scripturalist nature (Asad 2003). This religion now defines the culture for the entire region and is similarly incapable of change and from it explanations for political or other action are deduced (Mamadani 2004). Many argue that political Islam is not really Islam but the use of religion for politics or for seizing political power (Deneoux 2002; Tibi 2008). Subsequently, many scholars conclude that political Islam is occupied predominantly with the goal to gain power in a state in order to establish an Islamic system (Krämer 2011). Finally, all these characteristics make Islam and especially political Isla incompatible with modernity, secularism and, finally, democracy.

Some of the important insights challenge many of the above mentioned assumptions: most

post-Orientalist scholars urge analysts not to regard Islam as one monolith but stress its heterogeneity and warn against an obsession with Islam's most extreme fringe. They also call for an approach to Muslim politics which develops an understanding of the real grievances of Muslim populations which have often little to do with the questions whether sovereignty is divinely sanctioned or not. (Ayoob 2011) Nevertheless, in analysing political Islam it is not enough to assume that grievances explain the success of political Islam altogether; on the contrary, a detailed analysis of how these movements mobilize is necessary because frustrated ambitions can also lead to political alienation and abstention (Wickham 2002). Also the assumed preoccupation of political Islam with the state needs to be questioned, as many movements of this diverse phenomenon which is called political Islam are more focused on other aspects of society than on formal politics. Graham Fuller (2002: 50) stated very aptly that the "real issue is not what Islam is, but what Muslims want."

To summarize the discussions, many of these arguments were articulated at a time when Islam was portrayed within the framework of the war on terror as providing authoritarian and regressive tenets which made the establishment of democracy impossible and political Islam was "presented in some academic and policy-making quarters as a global challenger to the Western political, economic and social hegemony" (Volpi and Cavatorta 2006: 363). In many of those arguments, the Muslim world is presented as being incapable of dealing with the new realities it faces in times of modernity but thinking about Islam and Democracy as two opposed and entirely different concepts is too simplistic. In this paper I shall take an approach where I discard such grand explanations based on culture but keep political Islam as important feature, as the role political Islam plays – be it as challenger of the regime or as factor when the regime tries to repress a political Islam movement – is crucial for change in all those polities. Like Volpi and Cavatorta (2006: 364) argue the challenge is to find out where Islamists accept the logic of power-sharing and where they do not; and not to find out whether political Islam is fundamentally illiberal and autocratic.

It is also important not to overlook that democracy is maybe not the most important issue at hand for many people in the region and that democracy alone (as in the holding of free and fair elections) will not solve all problems. The focus on democracy could probably also be attributed to the lens with which Western scholars approach the region. This was also noticeable in the analysis of the events surrounding the Arab awakening which were hailed as call for democracy. But while protesters certainly called for democracy, they did so among other things. Rabab al-Madhi (2012) stresses the fact that the Arab Awakening was about more than democracy: social justice and human dignity, to name a few.

Finally, when addressing the issue of Islam and democracy, it needs to be mentioned that there is also a third line of argument which addresses the issue of Islamic parties and whether they will continue to uphold democratic values as soon as they are elected or whether they will use that power to abolish democracy. I shall address this issue in chapter four which deals with the specific case of Egypt. This decision was taken so that the analysis of Islamic parties can focus on the Egyptian case because a discussion of the other various cases would go beyond the scope of this paper.

4. Egypt

> *"It's no longer any use begging for our rights by appealing to the regime, because it will not listen. But if a million Egyptians went out to the streets in protest or announced a general strike, if that happened, even once, the regime would immediately heed the people's demands. Change, as far as it goes, is possible and imminent, but there is a price we have to pay for it. We will not triumph in the battle for change unless we summon up our resolve to recover our rights, whatever the sacrifices might be."*

-Anonymous in Alaa Al-Aswany on February 28, 2010

The fourth chapter is dedicated to, on one hand side, providing context for the debate over the Egyptian constitution, and, on the other hand, to demonstrate at the same time that the assumptions and narrative about Islam and Muslim societies has had significant influence on how the Egyptian state is structured today and what policies are adopted. The latter aspect has to a certain degree already been pointed out in chapter three on how these assumptions shape international actors' policies. In the case of Egypt, the former regime's very close relations to the United States also account, in part, for these influences. But they will be detailed in this chapter.

Firstly, I shall describe the Egyptian political system, taking into account its political, economic and social as well as religious aspects. Subsequently, I shall talk about the Egyptian civil society movements and political parties who were not associated with the government: secondly, I shall focus on the non-religious movements and, thirdly, on Islamic movements in Egypt. The fourth subsection will deal with the relation between both parts of Egyptian public life. In the final and fifth subsection I shall briefly describe what happened during the winter of 2010/2011 when an Egyptian popular movement forced President Mubarak out of office.

4.1. The Egyptian Political System

In this section I seek to provide some context for the analysis of the debate over the Egyptian constitution. It is necessary to analyse the starting point for this debate and how the different actors involved stand in relation to each other. I shall also attempt to highlight how the international narrative on Islam and political Islam has influenced the structure of the state. More information on how exactly the constitution was shaped in terms of the relation between religion and politics will be discussed in the following chapter.

Before I shall describe the structure of the Egyptian state, I wish to point out that in the literature two main lines of arguments about the nature of states in the MENA region are to be found: while one group sees a dominant, overpowering state in the sense of a neo-patrimonial state (Tudoroiu 2011), others underline the state's inefficiency, its dependence on international rents, immense bureaucracies, and its lack of legitimacy which is compensated by repression. (Pawelka 2008) The truth certainly lies somewhere in between and also depends on what point the scholar intends to make. In hindsight, the Egyptian state was also considered as all powerful security state which managed to contain its opposition for a long time – until it was not able to do so anymore.

4.1.1. The Egyptian Constitution

But let us start by looking at the Egyptian constitution which was established in 1971 and was in force until SCAF issued a constitutional declaration in April 2011. According to the constitution of 1971, Egypt is a presidential republic. The president is elected by popular vote for six years and he is both the head of state and government, as well as the head of the military and has the power to appoint and dismiss state officials, provincial governors, officers, the diplomatic staff, as well as the prime minister and other ministers. Due to the fact that he can also dismiss them, they directly rely on the president's favours (Egyptian Constitution, Articles 137 - 152). Moreover, the Egyptian president used to be the head of the main party, under Mubarak the National Democratic Party, which also guaranteed him safe majorities in the parliament. It is also within the powers of the Egyptian President to proclaim a state of emergency and to rule by decree after the state of emergency has been authorized by parliament (Article 108). Finally, the president – as well as his budget – was de jure subject to scrutiny or oversight; the possibility was given to parliament but actual scrutiny was prevented by the fact that opposition parties never required the necessary majorities in order to call for investigations. (Büttner and Hamzawy 2007: 20) In addition, the president

exerts strong influence over the police and security forces, as well as significant influence over the judiciary – although the latter is somewhat limited. This is proven by the existence of a strong movement among the Egyptian judges calling for their independence (El-Mahdi and Marfleet 2009).

The legislature is composed of the so called Advisory Council (*majlis al-shūrā*) and the People's Assembly (*majlis* al-sh*aʿb*) – both are partially elected by the people and partially appointed by the president[14]. One important aspect of the People's Assembly is its task to nominate the candidate for the Presidential elections – this used to be only one person, the acting President[15]. These provisions ensured the hold of power of the incumbent in combination with on one hand the rigging of elections (Büttner and Hamzawy 2007: 19-20) and on the other hand the constitutional amendments from 2007 which severely restricted the rules for who was eligible to become a presidential candidate (Hamzawy 2005: 2). This made it hardly possible for any politician to successfully file a candidacy – also because it was within the power of the Presidential Elections Committee to reject applications (Article 76). The Egyptian political system was not only constitutionally geared towards the president, running the daily business was also a highly personalized affair. The closer an official was to the President, the more power he had to implement policies (Tudoroiu 2011).

Finally it needs to me mentioned that it is important to characterize the old Egyptian constitution, not just to provide a frame of reference for changes which were suggested for the new one, but also because the authoritarian tenets inscribed in the document accounts for much of the environment which shaped the current relation of the groups in question.

On a side note, the Egyptian army has always been a highly esteemed institution in the eyes institution in the eyes of the population and a backbone for the Egyptian state regardless, the military commands vast economic and political influence within the Egyptian state. (Mantl 2011) Today President Morsi is the first Egyptian President who does not come from the Egyptian army.

What concerns the role of the judiciary this shall be mentioned and analysed in greater depth in chapter five when I shall elaborate further on the transition plan. The same goes for more

---

[14] In the People's Assembly 444 members are elected and 10 assume office by being appointed by the president, whereas in the Advisory Council 88 are appointed and 176 elected. But elections in Egypt were in the past neither free nor fair.
[15] Only in 2005 there was another candidate Ayman Nour who faced severe difficulties from the state during their campaign.

details on Article 2 of the Egyptian constitution which shall be the focus of the analysis in Chapter 5. I shall elaborate on the history and background of the article in this chapter, because this makes it easier to make a direct comparison to the current debate.

4.1.2. Repression and Limited Pluralism

In the past, the Egyptian political system was characterised by a very high degree of repression and torture. Especially since the presidencies of Anwar al-Sadat and Husni Mubarak, the security services – in combination with the state of emergency which has been in place since 1981 – have become central to the state's survival. The Egyptian security services (*mukhābarāt*) were in charge of suppressing dissent and maintaining order. They did so by detaining Egyptians at will and without pressing charges, trying suspects in military courts and monitoring any suspects without regard for their civil rights (Seif El-Dawla 2009; Diamond 2010). Another striking feature of the Egyptian security services – and also of the police – was the widespread and systematic use of torture. According to Human Rights Watch, the Egyptian "security forces act with impunity, with the result that ill-treatment and torture of ordinary Egyptians has become a systematic, daily practice" (Human Rights Watch quoted in Saif El-Dawla 2009, 120). There were 532 documented cases of torture in the period from April 1993 to April 2004, although the real number is likely to be much higher because torture victims rarely spoke out due to their fear of further repression for themselves or their families (these numbers are cited according to the Egyptian Organization for Human Rights, quoted in Saif El-Dawla 2009: 122).

But the endurance of the Egyptian state was not guaranteed by its efficient apparatus of repression and its autocratic constitution alone; but rather it was a combination of repression and the granting of limited freedom which proved to be successful for so long. This combination of repression and political liberty is often referred to as liberal autocracy (Brumberg 2002).

Daniel Brumberg (2002: 56) describes this special brand of authoritarianism as "far more durable than once imagined. The trademark mixture of guided pluralism, controlled elections, and selective repression in Egypt, Jordan, Morocco, Algeria, and Kuwait is not just a 'survival strategy' adopted by the authoritarian regimes, but rather a type of political system whose institutions, rule, and logic defy any linear model of democratization." In hindsight, it is now possible to state that while this might have been an adequate description of the strategies of

the Egyptian state, the conclusions – that any reforms or a break of the state's hold on power were impossible – have been proven wrong during the Arab uprisings. Nevertheless, the description is important for understanding in which environment Islamic and non-Islamic movements had to navigate and for understanding how this might have shaped their relationship with the state as well as each other. Therefore, this information will be helpful for pointing out how the historical experience of some movements leads them to support one or the other argument in the debate surrounding the new constitution.

But before, I move on to these Islamic and non-Islamic movements, I shall elaborate on the liberal in liberal autocracy. Schedler has found another expression to describe this combination of repression and freedom, namely "electoral authoritarianism" (Schedler 2002). Therefore, I shall now address the issue of elections in Egypt.

4.1.2.1.   Elections

Here I shall only focus on the state's exploitation and rigging of elections. As far as the state's relations to the opposition are concerned, this issue will be addressed in more depth in the second and third subsections of this chapter. In the Egyptian case, elections only served the purpose of allowing the ruling party and president to claim at least a semblance of democratic legitimacy. This was also important because international pressure for democratic reforms was very high – especially under George W. Bush (Carothers 2007). However, this international support for democracy remained very superficial, because in the Western discourse democracy very often boils down to holding elections. What is very often forgotten or ignored is that elections without all the other aspects of democracy – civil liberties, political rights, freedoms of expression and association, to name a few – can be used as democratic cover by autocratic regimes for a lack of true democracy (Schedler 2002).This was exactly the case in Egypt.

The opening of the political system in Egypt did not begin under Mubarak; on the contrary Egypt has a long history of more or less plural political systems, depending on what strategy the current President was pursuing to maintain his hold on power. Al-Sadat, for example, opened the party system by recognizing other platforms besides the official in order to stop Nasserists[16] and the Muslim Brotherhood (*al-Ikhwan al-Muslimun*)[17] to form their own

---

[16] Nasserists were supporters of Sadat's predecessor among whom he was not very popular. To

parties. (Wickham 2002: 65) Under Mubarak's rule, pluralism was slightly increased, but power remained firmly with the ruling elite and the NDP always commanded large majorities in parliament. There were several provisions in the electoral system which helped to sustain this majority: if an opposition party did not manage to reach the required 8 percent threshold, the party's votes were automatically counted for the majority party (Wickham 2002: 88). Moreover, there was an elaborate system in place which rewarded those voting for the NDP and punished those who did not. For example people would lose their job, or electricity in a village would not be working unless the NDP had a majority. (Wickham 2002: 89)

4.1.2.2. Political Alienation

In addition, the partial liberalisation also led to a deep alienation of certain sectors of the Egyptian society from formal political institutions. Especially, young educated and urban Egyptians felt politically excluded as well as not represented and regarded the political system as unaccountable. Many Islamic groups managed to mobilize in this very section of society, but I shall elaborate more on this aspect later.

Here, I shall only stress that, more and more people became increasingly alienated from the state which did not manage to solve the crisis that many of the population faced: high education did no more guarantee a secure job which depended more and more on connections than on abilities. In the eyes of large parts of the population the political elite – government and opposition – was either unable or unwilling to address these grievances. (Wickham 2002: 75-77) This led to a very low turnout in parliamentary and presidential elections and this low turnout only became much more serious over time.

In the case of the 2005 Presidential elections, a total of 22.95 percent of registered voters participated in the elections[18] (International Institute for Democracy and Electoral Assistance). Also, in the Parliamentary elections in 2010 the turn-out was at a low 27.47 per cent out of 29,109,107 registered voters (with a population of more than 80 million (International Institute for Democracy and Electoral Assistance). Especially, the elections in 2010 were so obviously manipulated and the fraud was so well documented, that many people were outraged which clearly fuelled their perception that the regime under Husni Mubarak was unbearable.

---

counter their influence Sadat supported many Islamic groups and movements (Wickham 2002).
[17] The term Muslim Brotherhood is an abbreviation of the group's full name "The Society of the Muslim Brothers" (*jamāʿat al-ikhwān al-muslimūn*). The group is commonly also known by the term "the Brothers" (*ikhwān*).
[18] A total of 31,826,284 people were registered to vote out of a population of 77,505,756.

So to summarize, during Mubarak's final years, the regime struggled increasingly to maintain the cover of democracy without actually giving up their hold of power. But the events surrounding Mubarak's disposal shall be discussed in subsection five.

4.2. Non-Religious Movements and Parties

In this subsection I shall give a short overview of the non-religious groups and movements which are active either within the formal political structure, such as parties, or within civil society, as for example human rights organisations or action committees.

I shall start by describing the political opposition parties in Egypt and subsequently recent protest movements. Afterwards, I shall focus on the regime's strategy towards these groups.

4.2.1. Political Parties

Historically, political parties in Egypt faced very difficult and ever-changing situations. There was an elected parliament with legal parties during the monarchy which lasted until 1952 when the Free Officers' Movement seized power and in 1954 on established a single party system. Under al-Sadat a limited number of opposition parties were allowed and subsequently pluralism was increased, but remained limited. In 2006 there were more than twenty legal parties registered (Ottaway and Hamzawy 2007: 6-7).

Until today, there remain several grave deficiencies in the Egyptian party system: one is for sure the dominant position of the NDP. The other is the sum of political and legal restrictions and impediments faced by all parties and groups which are not the NDP. But I shall elaborate more on how the government restricts and impedes political parties later on in this chapter. First I shall address the internal weaknesses of the political parties themselves whose existence is proven by the fact that other groups such as the Muslim Brotherhood have successfully build up immense grassroots support. One challenge for most political parties is the fact that they were and still are led by an old guard of leaders which were – and some still are – unable to reach out to the majority of the country's population, the youth. In addition to this, democratic ideals often do not translate to democratic internal party structures. (Ottaway

and Hamzawy 2007: 9) Another failure is the inability of these secular political parties to mobilize and reach out to their constituencies. Secular parties blame on one hand the Emergency Law which curtails their outreach and on the other hand explain the Brotherhood's success with their "allegedly unlimited access to broad segments of the population through the mosque." (Ottaway and Hamzawy 2007: 10) According to Ottaway and Hamzawy (2007) these arguments ignore the extensive government efforts to limit the appeal of Islamic groups among the population and the large segment in Egyptian society which is not participating in the political process and can still be mobilized by either group.

Now I shall describe some of the parties which are active in Egypt's political system. In general, secular political parties range from liberal to leftist parties on the political spectrum, while the NDP officially occupies the centre. Under Mubarak many of the registered opposition parties were insignificant. Not so the New Wafd Party (*ḥizb al-wafd al-jadīd*) which developed out of the Wafd Party[19] which was a very successful and active party during the monarchy promoting Egyptian national rights. (Mansfield 2010: 200-203) In the past, the party consistently promoted secular ideas, but in the 1980s the New Wafd joined in an electoral alliance with the Muslim Brotherhood and today its message does not offer a significant alternative to the liberal policies of the NDP. Since the disenchantment of Nasserism after Egypt's defeat in the Six-Day-War with Israel[20], also the leftist parties, but especially socialist and Nasserist parties, struggled to reconnect with their nationalist past. (Ottaway and Hamzawy 2007: 8)

The recent developments in Egypt's party system which occurred after President Mubarak was forced out of office shall be addressed in the last subsection of this chapter and not here. On a side note, as far as Islamic parties are concerned, they shall be addressed in the next subsection.

---

[19] The name of the Wafd Party was chosen in connection to the party's origins: at the end of World War I, Egypt was under British control and Saʿd Zaghlūl was the head of a delegation – in Arabic *wafd* – to the British demanding complete Egyptian independence. Zaghlūl, subsequently, became the party's most prominent politicians and the name remained with his followers (Mansfield 2010: 198).
[20] On 5 June 1967 the so called Six-Day-War commenced in which Israel managed to occupy Sinai, the Golan Heights, West-Jerusalem and the entire West Bank within said six days. The humiliating defeat of the Arab states permanently damaged al-Nasir's position in the Arab world and put an end to the appeal of Nasserism. This tem describes Nasser's message of socialism, pan-Arab nationalism and independence from superpower involvement.

4.2.2. Protest Movements and Action Committees

More successful and popular among the Egyptian citizens are the diverse protest movements and civil society organisations. I shall start by describing how the protest first focused on international events and then increasingly started to address domestic Egyptian issues. Subsequently, I shall elaborate on Egyptian non-governmental organisations (NGOs) and the workers' movement.

4.2.2.1.   Focus on International Issues

Contrary to popular belief the recent protest movements did not appear out of the blue in the winter of 2010, but instead can be traced back to the year 2000. Before, public space for political dissent was very limited, but in 2000 the "second *intifada* triggered perhaps the largest and most spontaneous demonstrations in the Arab world since the first Gulf war"[21] (Pratt 2007: 170). This led many Arabs to believe that engagement in politics and above all popular protest could help them in their struggle for equality, justice and emancipation (Sadiki 2000: 83) and there was a very large turn-out on the streets in support for the Palestinian cause. This support was soon channelled by and a number of NGOs as well as civil society groups and organisation committees collecting funds and medical supplies. (El-Mahdi 2009: 93-94) El-Mahdi (2009: 94) points out that the "Popular Committee to Support the Intifada (PCSI) [...] had members of rival political factions – Muslim Brotherhood members, Nasserists and Socialists – as well as activists from professional syndicates and NGOs." More on the relations between the different political factions in Egypt will be detailed in subsection five of this chapter.

In the end, the surge in political activity during the Intifada did not translate to any significant political action afterwards. It was only in March 2003 when the US invasion in Iraq provided a new rallying point for Egyptian society that the Egyptian people went on the streets again. A protest was organised on Tahrir square and more than 40,000 people participated, even though only a few hundred were expected to turn out. Security forces eventually dispersed protesters for fear that the crowds could refocus their attention on domestic issues. Locally people referred to the protest as "Tahrir intifada" (El-Mahdi 2009: 95).

---

[21] The Intifada (*intifāḍa*) is an Arabic word which literally means "shaking off", but is in this case used to describe the Palestinian popular uprisings in 1987 and 2000.

4.2.2.2. Focus on Domestic Grievances

In 2004 President Mubarak's decision to run for a fifth term galvanized the Egyptian society and brought together those activists who were engaged in organising the protests in favour of the Palestinian intifada and against the war in Iraq, newcomers to the political scene and active opposition figures. (El-Mahdi 2009: 95-6) Together they founded the Egyptian Movement for Change, also known under the movement's slogan "Enough!" (*kifāya*!). Asef Bayat (2010: 6) characterised the movement as a movement which was "postnational and postideological [... and] embraced activists from diverse ideological orientations and gender, religious, and social groups." Besides Kifaya, there were also the Popular Campaign for Change, including Artists for Change, Journalists for Change, Youth for Change, Women for Democracy and Workers for Change mobilizing for the same cause and they all warned against the possibility that power could be passed on to the President's son Jamal Mubarak[22] in a hereditary fashion (El-Mahdi 2009: 88-89).

All those movements used the internet as new tool of communication and organisation, but their influence remained somewhat limited to the urban centres where they also failed to mobilize large sections of the middle class. Nevertheless, the movement became well known throughout Egypt for several reasons. (Hamzawy 2005: 3-4) Not only did they break the stigma of political alienation and impasse, but groups as Kifaya – and also the public protests in 2000 and 2003 – challenged the regime's control over public space. (El-Mahdi 2009: 91) Some analysts like Tarek Masoud (2011: 21) even detect "the beginnings of the Mubarak regime's final act in the 2004 founding of the Egyptian Movement for Change."

Soon after the elections in 2005, the momentum of "Enough!" (*kifāya*!) was replaced in 2006 by a protest movement of the Egyptian judges who rallied against election manipulation and corruption. After the May 25 referendum on the amendment of constitutional Article 75, which redefined the requirements for a Presidential candidate, the Egyptian Judges' Club published a report on the referendum based on the reports of those judges who had been overseeing the polling stations. The report stood in stark contrast to the government version: while the government claimed a turnout of 54 percent, the Judges' Club claimed that in reality only 3 to 5 percent of the population went to vote. (El-Ghobashyb 2012: 139-140) Subsequently, when two distinguished judges refused to endorse the elections in 2005, they were charged with defaming the state and a large protest movement in their support ensued (El-Mahdi 2009, 99-100). While the focus on the judges' movement subsided after the elections, a new wave

---

[22] In Egypt, the name of the former President's son is very often written this way "Gamal", as Egyptian pronunciation differs from Modern Standard Arabic.

of protests occurred due to the economic crises and soaring food prices (El-Mahdi and Marfleet 2009).

Moreover, the worker's movement had become increasingly active in organising strikes in virtually all sectors of the economy. In the years from 1998 to 2010 about "3 million workers participated in 3,500-4,000 strikes, sit-ins, demonstrations, and other collective actions." (Beinin 2012: 92) Very noteworthy is the strike in Mehalla al-Kubra (*al-maḥalla l-kubrā*) in 2006 during which the workers of the textile mills succeeded in pressuring the regime to concede to most of their demands. When many of those promises made by the regime in 2006 were not upheld, the workers went on strike again in 2007 (Beinin 2009: 79-80; 83-84).

4.2.3. Regime Strategies to Control the Opposition

According to Carrie Wickham (2002), the Egyptian regime employed several strategies to limit the outreach of opposition parties and to impede the work of civil society organisations – apart from the already mentioned strategy of both repression and liberalisation. The government mainly managed to prevent most opposition parties – this does not include the Muslim Brotherhood or other Islamic parties – to develop strong links to the population and their constituencies. Most opposition parties had to rely on a committed core of members, usually not more than two dozen, who were busy publishing the party newspaper instead of focusing on public outreach and mobilizing the grassroots. (Wickham 2002: 69) The parties also held seminars and issued statements, but the immense "legal, political, and psychological barriers to political participation erected by the authoritarian state" prevented the parties from building a strong base. (Wickham 2002: 71)

Wickham (2002: 71-74) identifies a two-pronged strategy aimed at limiting the formation of successful opposition parties: firstly, the goal was to hamper any possible outreach from opposition parties to their constituencies; secondly, the regime sought to make sure that the outcome any cost-benefit calculation for political activism was that people were deterred to participate by the high costs such as losing one's job, not being able to study the desired subject, or the threat of a neglected infrastructure in entire neighbourhoods, and imprisonment or simply being distracted or preoccupied with economic struggles and poverty.

4.3. Islamic Movements

This subsection shall deal with the diverse movements, groups and parties in Egypt which in one way or the other invoke religious symbols in their programmes or rhetoric. It is important to stress again that I am at no point talking about a cohesive movement. There are major disagreements between the different movements and groups as well as within them – the lines of disagreement sometimes run according to age or also background. Moreover, I would like to underline the fact – again – that not all of these groups aspire to state power or even to influence state power. I have already discussed this aspect in great detail in previous chapter but as these important points are unfortunately easily forgotten it is crucial to stress them once again.

In the course of this section I shall firstly give a short analysis of the relation of the Egyptian state with religion and religious groups and movements. Secondly, I shall write about the different ways Islamic groups, movements or also politically active individuals organise and work. Here, I shall introduce what Wickham (2002) called a parallel Islamic sector. Finally, I shall give some examples of groups which shall become important when discussing the debate over the Egyptian constitution.

4.3.1. The Egyptian State, Religion and Islamic Movements

As I have already mentioned in previous chapters, many scholars assume that political Islam and, therefore, Islamic groups and movements are inherently opposed to and challenging the modern state – in this case Egypt. These arguments are summarized by Charles Hirschkind (2011: 13) who presents evidence how many scholars argue that political Islam amounts to "an illegitimate extension of the Islamic tradition outside of the properly religious domain it has historically occupied." But again one needs to question why this assumption is made. One can also argue that this preoccupation can be explained with the modern state's intrusive nature into so many aspects of social life (Asad 1991: 191). By simply promoting an "Islamic" vision of education and family, Islamists must necessarily compete with the visions promoted by the state which are inspired by a Western model. So even if some movements to do not aspire to state power, they must nevertheless engage with all-encompassing institutions of modern governance (Mahmood 2004: 193-194). Therefore, the arguments of those scholars who pit Islamic movements versus the state are too simplistic.

I would also like to shed more light on the Egyptian state's relation to Islam and religion in general, because on one side Egyptian Presidents have repeatedly tried to gain legitimacy by invoking Islamic references, while on the other side they have ruthlessly tried to suppress Islamic parties and groups and attempted to limit their outreach to the population.

4.3.1.1.   The Egyptian State's Relation to Islam and Islamic Groups

I shall highlight the former aspect with the example of President Anwar al-Sadat. When al-Sadat succeeded President Jamal ʿAbd al-Nasir, who was widely respected and revered for his nationalistic, socialist and revolutionary and secular ideas and rhetoric, al-Sadat had to distinguish himself from his successor. For al-Sadat, Islam was central to his self-image and the image he projected among the population: for example he showed off personal piety, favoured Islamic programming in state television and also promoted Islamic ideas in schools. (Wickham 2002: 95) Moreover, he used religion to justify decisions he had taken and encouraged Islamic student associations in order to counter the influence of leftist and Nasserist groups. But when these had become too influential through their critique of al-Sadat's liberal economic policies, al-Sadat's policy changed and he tried to limit their influence again (Wickham 2002: 96) – hinting at the fact that for him religion was sometimes also a means to an end rather than an end in itself.

Another facet of this often mutually beneficial relationship between the state and Islamic actors is the state's relation to and use of the scholars of al-Azhar University (*Jāmiʿat al-Azhar*) which have historically been loyal to most power holders in Egypt. (Wickham 2002: 109) After al-Sadat had been assassinated, his successor Mubarak attempted to reconcile the moderate Islamists with the regime by trying to "win over the peaceful Islamic opposition and discredit the ideology of the radicals." (Rutherford 2008: 83) To this end the regime used al-Azhar which publicly criticized militant ideology.

The regime's reaction to Islamic groups whose actions might not be in line with the state's interests proves to be quite different. As already mentioned al-Sadat pushed Islamic student unions to weaken other political opponents but suppressed them as soon as they became too powerful. This short episode is somewhat symbolic for how the state interacts with and reacts to Islamic movements: which are confronted with a very ambiguous state which allows them to work but eventually decides to crack down on them as soon as the state feels threatened. This has been undertaken with very different strategies: For example former President Jamal ʿAbd al-Nasir, managed to contain Islamic groups by cracking down on

them and putting potential sites or targets of mobilization for opposition groups under state control. In addition to this, ʿAbd al-Nasir managed to mobilize the target group for Islamic movements with his nationalistic and socialist agenda. (Wickham 2002: 10; Rutherford 2007: 79-81) The fact that this strategy proved to be unsustainable over the long haul, as military defeat, economic recession and a crisis in the job market proved the regime's inability to deliver its promises. (Wickham 2002: 35) Subsequently, the regime also lost its ability to reduce the outreach and appeal of Islamic movements in Egypt, or rather used them – as outlined above in the case of al-Sadat and Islamic student unions.

Under the former President Mubarak Islamic groups and movements were subject to strict restrictions and barred from forming any political parties. Nevertheless, many groups and movements were immensely popular among wide sections of the population and especially at the grassroots of society. How can this success in the face of extreme suppression be explained?

Carrie Rosefsky Wickham addresses this very issue in her book *Mobilizing Islam: religion, activism, and political change in Egypt*. Wickham (2002: 12) demonstrates how it is necessary to "broaden our understanding of "political opportunities" to include resources and institutional spaces on the periphery of the formal political system that are further removed from state control." She shows how groups were forced by authoritarian elites, focused on controlling Islamic opposition groups, to change their strategy and to occupy different spaces in which they could operate. She argues that the core of the Egyptian political system – referring to official political institutions such as parliament or ministries – remained beyond their influence, but that new opportunities opened for them at the periphery of the political system – meaning, "social, cultural and economic groups, institutions, and networks that enable citizens to participate in public life but that do not compete for political power." (Wickham 2002: 13)

This issue basically comes down to the question how political activism and the boundaries of the political system are defined. By focusing on limiting the appeal of Islamic groups in formal politics, the Egyptian regime ignored "the dispersed, informal, and local character of Islamic institutions" which allowed them to remain active despite the repressive character of the regime. This point is important for explaining how other secular groups such as "Enough!" or opposition parties remained limited in their appeal: by confining themselves to the formal aspect of politics and ignoring the grassroots they were unable to seize upon the opportunities for mobilization which resulted from activism beyond formal politics. (Wickham 2002: 10-14) Regardless of their successful mobilization at grassroots level, what some

Islamic movements failed to do was to offer a vision of political order that went beyond the authoritarian images of the present (Bayat 2010: 7) – a factor which contributed to the emergence of the recent emancipatory uprisings in which many Islamic groups and movements hesitantly joined in.[23]

4.3.2. An Overview of Islamic Groups and Movements

In general, it needs to be stressed I shall only provide a very limited overview over the myriad of different Islamist and Islamic movements and groups in Egypt. Again, even if I should at one point talk about the Muslim Brotherhood or the Salafi movement in Egypt there remains even great variety within these movements. In using one term to describe these movements this actually renders the reader to believe that these groups are more coherent than they actually are. Therefore, this point needs to be kept in mind throughout the paper.

Moreover, it is beyond the scope of this paper to provide a complete overview, I shall, therefore, limit myself to highlighting different aspects which will be important for the analysis in the subsequent chapter. Moreover, not all Egyptian Islamic movements and groups are directly involved in the writing of the constitution or take part in the discussions about the constitution. Directly involved in the writing process are only a limited number of individuals who were appointed by Parliament to the Constituent Assembly. Thus, participation is mostly limited to those who participated in last elections.

I shall nevertheless address broader aspects of the whole spectrum of Islamic movements in order to explain the environment in which the other Islamic groups are acting because these groups still exert some influence. Therefore, I shall continue by highlighting some points about the so called parallel Islamic sector.

4.3.2.1.   The Parallel Islamic Sector

As already mentioned the limitations on participation within the formal political system pushed many Islamic and Islamist groups and movements to the periphery of the Egyptian

---

[23] More on this aspect shall be detailed later on, but I shall clarify that while many young members of the Muslim Brotherhood and other organisations were at the forefront of the protests in Egypt, it was the leadership of their organisations which was hesitant – due to political and tactical deliberations.

society and the political system[24]. Seemingly non-political institutions and practices subsequently became sites of Islamist activity and outreach to the population, as the closed nature of the formal political system inadvertently enabled new forms of political participation and activism. (Wickham 2002: 93) What was formed constituted some sort of network based on personal relationships and common ideological commitments of different Islamic institutions.

Wickham refers to this phenomenon as the "parallel Islamic sector" (2002: 95). She highlights three specific aspects of the parallel Islamic sector: private mosques which are beyond state control due to their sheer numbers; Islamic voluntary organisations such as health clinics, cultural organisations, or schools, and an Islamic business; and a commercial sector which includes Islamic banks or publishing houses among others. Under Mubarak, the Egyptian regime applied a very strict and brutal policy to all militant Islamist groups but allowed non-militant groups to continue their work because they were, firstly, not regarded as threat but some aspects such as the welfare organisations even suited the regime and, secondly, these groups were tolerated so the regime could bolster its image among "mainstream" Islamic groups. What the regime did not consider was the fact that once the Islamic groups had claimed some space for themselves, it was very difficult for the regime to regain this space and establish its authority there. (Wickham 2002: 97-104)

Among these groups and individuals which are part of what Wickham refers to as the parallel Islamic sector are also many Salafist activists. They claim to be propagating a "return to the pristine, pure and unaltered form of Islam practiced by Muhammad and his companions." (Denoeux 2011: 58) The term is derived from the so called "virtuous forefathers" (*al-salaf al-ṣāliḥ*) which refers to the first generations of Muslims having lived in the presence of the prophet and – according to Salafi ideas – therefore being closer to the original and pure tenets of the faith. But even among Salafi groups there are many discussions about the future role that their movements should play in the future Egypt. One of the most important rifts among Islamic groups and movements is the disagreement between the elder and younger members who are much more supportive of democracy and see no contradiction in combining democracy in a Muslim environment. (Tudoroiu 2011: 376)

---

[24] Periphery is hereby understood to include sites such as youth and community centres, schools, private houses, or religious institutions such as mosques. (Wickham 2002: 94)

4.3.2.2.   Participants in the formal political Process - Islamic Parties

Those groups which decided to take part in formal politics – meaning in elections for parliament, student unions or representations for professional syndicates or unions – are also very diverse. Wickham (2002: 112) claims that "no single area united them, as their understanding of how Islam should be applied to contemporary social and political life and how Islamic change could be best achieved varied widely."

There are several different parties: some are more conservative in terms of moral politics such as al-Nour[25], others such as the Muslim Brotherhood[26] and its party - the Freedom and Justice Party (FJP) – rather cover a middle ground in terms of moral as well as economic policies. There are also more – what some might call – "liberal" parties such as al-Wasat[27] to name one example. I shall describe them afterwards, but before I shall stress again that while most of them call for the application of shariˈa, none of these groups and parties has presented a "coherent set of guidelines for translating Islamic principles into modern political institutions." (Wickham 2002: 114)

Throughout their existence these parties were subject to state oppression which also meant that they were legally barred from forming parties until after the ousting of President Mubarak, as no parties were allowed based on class, religion or regional affiliation (Wickham 2002: 65). This forced many of them to work in a legal grey area. Therefore, some groups such as the Muslim Brotherhood did not run as party in elections but contested for individual seats or ran on lists with other parties.

4.3.2.2.1.   Side Note: Islamic parties

In Europe and America, but also in countries such as Egypt, there has been a fierce debate over the question whether these parties are truly democratic or whether they only take part in elections in order to gain power, subsequently impose their policies and abolish democracy altogether. This argument – summarized in the notion "one person, one vote, one time" – is subsequently used to justify barring Islamic parties from participating in elections altogether (Ottaway and Carothers 2004: 3).

---

[25] It needs to be stressed that these parties were formed after the ousting of President Mubarak, but that the organisations behind them existed well before.
[26] Today the Muslim Brotherhood has an official party but before the ousting of Mubarak no parties were allowed to be formed on the basis of religion, which is why for elections before the transition period, the term Muslim Brotherhood is used and afterwards both names are used.
[27] The group was formed in 1996 by former members of the Muslim Brotherhood whose positions were not in accordance with the Brotherhood anymore. The groups had tried to apply for official party status throughout their existence, but had been denied several times until 2011. Their name al-Wasat means centre or middle indicating where they intend to position themselves. (Wickham 2011 and Jadaliyya 2011b)

As a matter of fact, the elections which took place in Egypt as well as in Tunisia are the first elections which take place in a relatively free environment where Islamic parties were able to compete with other parties for votes without regime suppression. That the Islamic parties used their success at the ballot box moved to abolish democracy after having been elected, cannot be convincingly proved so far. What can be argued, though, is that the fear of an all-powerful Muslim Brotherhood has spread which in the end can also lead to the application of less democratic but more autocratic policies. Nevertheless, the possibility that Islamic parties abolish democracy cannot be ruled out with certainty for all possible future cases. In order to determine their intentions it will be necessary to monitor the future developments instead of making unsustainable claims (Denoeux 2011: 77). What can be said with certainty though is that an exclusion of Islamic parties would certainly be detrimental for the development of democracy in those countries because it would exclude major players with large followings from the political process (Ottaway and Carothers 2004: 3-4).

There are several arguments which would suggest that democracy is actually more to those groups than a strategy to gain power: the middle generation of activists of those groups became accustomed to democratic politics during their activities in student unions, associations and elections (Wickham 2002: 15-18). Whether this led to democracy being deeply enshrined into their approach to politics or not remains to be seen in their actions in the new political surroundings after the ousting of Mubarak. Mandaville argues that democracy has never become more than a strategy for those groups (2007: 106). Also the experience from other Muslim countries such as Indonesia or Turkey suggests that Islamic parties participate in the democratic process and that neither religious nor secular forces dominate the process. Vali Nasr (2005: 14) claims that the most successful actors are "forces that integrate Muslim values and moderate Islamic politics into broader right-of-center platforms that go beyond exclusively religious concerns."

4.3.2.3.   Muslim Brotherhood and the Freedom and Justice Party

The history and development of the Muslim Brotherhood alone is enough to fill entire books, therefore, I shall not attempt to give a full overview over the entire organisation, its ideology, members and history. I shall – again – highlight the aspects that I deem important for the analysis in the subsequent chapter and which will help to understand the Brotherhood's relation with non-religious groups and its role in the discussion over the constitution.

The organisation's basis lies within the anti-colonial movement which was strong in Egypt at the beginning of the 20th century when the country was under British control. The organisations founder Hasan Al-Banna called on Muslim societies not to imitate European societies to solve the problems Egyptian society faced, but to draw on their own rich history and resources to find solutions (Mamdani 2004: 48-49). Al-Banna founded the organisation in 1928 when it was focused solely on welfare and renounced all sorts of violence but called for the creation of an Islamic order (*al-niẓām al-islāmī*). (Wickham 2004: 113)

At the time of its beginning, Mona El-Gobashy (2005: 378) describes the Brotherhood "as an internally disciplined, financially resourceful, pro-Palestine anticolonial movement appealing to educated lower-middle- and middle-class effendis who were alienated by the exclusionary political and economic system of interwar Egypt." She also points out that al-Banna himself ran in parliamentary elections in Egypt because he "enthusiastically embraced elections" (El-Ghobashy 2005: 377) Initially the Brotherhood was supportive of the military coup which took place in 1952, but relations quickly turned sour and the organisation was suppressed and banned in 1954, as one of its members attempted to kill ʿAbd al-Nasir (Wickham 2002: 113).[28] During the time many of the Muslim Brothers were imprisoned and one of them was Sayyid Qutb whose writing became central to many militant and radical Islamist groups today. (Mamdani 2004: 55-57) Under the influence of his writing the organisation took a more militant turn, also because many of its members experienced the brutal repression by the secular regime. Nevertheless, the regime managed successfully to prevent the Muslim Brotherhood from playing a significant political role.

The next Egyptian President al-Sadat rehabilitated the group and, subsequently, the Brotherhood renounced violence and focused on social change. The organisation was on such good terms with al-Sadat that some of its younger members felt the need to spit from the Brothers in order to form underground cells with the goal of overthrowing the – in their eyes – apostate regime. One of these in the end assassinated al-Sadat in 1980. (Wickham 2002: 113-114) The Brotherhood itself, though, had renounced violence arguing that the radical path distorted what Islam was essentially about. (Hatina 2007: 36) At the time, the Muslim Brotherhood also had undergone a radical shift from a mass based organisation focused on anti-colonial struggle in the 1940s and 1950s to much smaller group consisting of a couple of hundred rather wealthy members who profited from the opening of the economy

---

[28] In fact the Brotherhood was the only civil group which was included in the coup in 1952. The Brothers were initially a natural ally for ʿAbd al-Nasir because they shared goals such as the opposition to Great Britain and the Brothers even provided two ministers. But they were also rivals due to their standing in the population and their longer record of achievements on the issues they were supporting. (Rutherford 2008: 79-80)

under al-Sadat and who had strong links to the oil kingdoms (Naguib 2009: 108). The organisation had also become more anti-communist and outspoken against what it perceived as a "Western 'cultural invasion.'" (Naguib 2009: 109)

In a parallel development, the Brotherhood had begun to dominate student union elections at most faculties and later also elections in associations and professional syndicates (Wickham 2002). Their success cased the state to suppress them anew and, internally, a rift appeared between those members which had risen up the ranks of the organisation due to their success in student council elections and those members who sought a more radical and militant solution to the problems of Egyptian society (Naguib 2009: 110).[29]

Under Mubarak, the Brotherhood did not directly contest state power, but gradually claimed public space by working on the grassroots (in associations, schools, welfare organisations and publishing houses). Initially both the regime and the Brothers seemed to gain from the latter's grassroots activities: by including nonviolent, mainstream Islamic groups in the system, the regime tried to force them to obey to its regulations and, thus, limited their activities to organising seminars and issuing statements. Nevertheless, this still enabled activists to address real-life concerns of its supporters and also to learn the rules of the political game. (Wickham 2002: 202) In the end, the regime started to regard the Brothers as a threat to their hold on power precisely because the organisation became widely recognised as "a moderate and responsible opposition in Egyptian society at large." (Wickham 2002: 214) This was precisely because it had renounced violence and chosen the path of working within the system – proven by their successful participation in elections to parliament, professional associations or student unions (Naguib 2009: 112-114).

The regime reacted drastically by arresting the organisation's most charismatic leaders and many hundreds of activists in order to portray them as a radical organisation working on overthrowing the entire system. The regime also reduced the Brothers' abilities to take part in the political process by preventing candidates to run in elections to parliament, professional associations or student unions or by trying to put most private mosques under regime control – which proved to be impossible due to their sheer number. (Wickham 2002: 214-216)

When those arrested returned from prison, they continued to push the Muslim Brotherhood

---

[29] I shall not elaborate much further on the different activities of the militant Islamist groups as they do not bear any relevance for the debate over the constitution. What shall be analysed though is how their activities influenced the relation between the Islamic and non-religious groups and parties in Egyptian society. I shall address this issue in a separate subsection.

towards increased participation in elections. So up to the ousting of Mubarak the Brothers continued to compete successfully in Egyptian elections: in the 2005 parliamentary elections they won 20 percent of the seats – even though they were running as independents. (Tudoroiu 2011: 384)

As Islamic groups contesting in elections are always confronted with the allegation of not being truly democratic, I shall shortly address the Brotherhood's changing stance on the issue. The organisation has established a pretty strong discourse in support of democracy, civil liberties and the ending of the emergency state which also makes strategic sense, as this discourse provided a strong critique of the regime's autocratic policies (Tudoroiu 2011: 384). In the 2004 pro-democracy movement, the Muslim Brotherhood was one of the largest forces. (Naguib 2009: 117) But the Brotherhood itself is split on this issue and to claim to state that either this or that position is the Muslim Brotherhood's stance towards democracy is rather impossible, as there is a great range of different positions. But in general, one could distinguish between a so called old guard and a young guard. While the old guard might rather support democracy for pragmatic reasons such as broadening support base but uphold importance of legal Islamic principles, the younger guard – or middle generation (Wickham 2002) – actively supports democracy also because many of them developed their political and social consciousness while they were actively engaged in student union elections and later professional association elections. (Tudoroiu 2011: 384-385) Democracy, one could argue, is something they have grown accustomed to. (Yilmaz 2009: 104)

The generational differences in the Brotherhood also appear when it comes to the internal organisation of the group. The younger generation started to criticize old guard "of being autocratic, ideologically rigid, and obsessed with internal unity and discipline at the cost of suppressing constructive debate." (Wickham 2002: 217) Also in the recent uprising, the older generation was reluctant to participate in the protests or even to speak out in support of the demonstrations. Only after younger members who had participated individually had pushed for an official support of the entire movement, the Brothers' leading guard joined ranks with the uprising. (Tudoroiu 2011: 385)

4.3.2.4.   Salafi Call and Al-Nour

One of the most well-known Salafi groups in Egypt, the so called "Salafi Call" (*al-daʿwa al-salafiyya*), decided to establish their own party and participate in the formal political process for the first time after the ousting of Mubarak. During Mubarak's presidency, the group spoke out against participation the protest movement arguing that the opposing of a Muslim ruler

was a sin.[30] (Jadaliyya 2011a) A very prominent Salafi thinker named Yasser Borhami, who became one of the central figures of the later formed party, also had argued against political participation in elections (Hasan Ali 2011). It remains to be seen how far this recent change of mind signifies a realisation that the future of the country lies with democratic politics or whether al-Nour regards elections more of a means to gain access to power and to influence the constitution.

I shall address the party's positions regarding the future constitutions in the next chapter but I shall add a few remarks concerning how the party was faring in and after the elections. Concerning the party's positions, it calls for "a "just and equal distribution" of income and wealth among the Egyptian public" in contrast to most other Egyptian parties which are advocating a minimum wage. (Jadaliyya 2011a) What was debated repeatedly was the issue of funding of al-Nour: the party was very quickly established and managed not only to transport two Million members to Cairo for a demonstration but also seemed to be able to easily muster the funds necessary for campaigning for almost all parliamentary seats. This is why al-Nour has been accused of receiving funds from Saudi and Qatari governments. Nevertheless, the party has not disclosed its financial sources but denied these allegations. (Jadaliyya 2011a)

Similar to other Islamic parties, al-Nour experienced some rifts between the elder and younger members, as a rather large group of al-Nour's young members spoke out against the party's decision to sign a statement issued by SCAF, an action which the young members considered to be equal to fully supporting all measures taken by the Supreme Council of the Armed Forces (al-Shuwadafi 2011).

4.4. Relations between Islamic and Non-Religious Groups prior to 25 January 2011

This subsection shall deal with the relation between non-religious groups and parties with Islamic movements and groups before the uprisings in 2011. I shall not attempt to give a

---

[30] Although the party's spokes person also claim the group held back in order not to arouse the fears of American politicians. (Abu Elenen and Al-Sheih 2011)

comprehensive analysis or chronological description of the relation but highlight several aspects which I deem crucial for the subsequent analysis of the debate surrounding the constitution.

I shall argue that among the secularized elites in Egypt a fear of Islamic parties hijacking democratization is widespread which leads them to support undemocratic and authoritarian measures. The Egyptian regime has successfully used this fear to portray itself as bulwark against the threat of a takeover by radical Islam and to entrench authoritarian measures as well as to ensure its own hold on power. (Volpi 2011d: 136) This strategy is facilitated by a disconnection between the ruling elites and the people they are supposed to represent. (Ramadan 2012: 94) Moreover, the elites have accepted the notion that "secular" criticism of the status quo is more objective than criticism of the political system infused by religious arguments and assumptions. This state of mind also prevented substantial rapprochement between "secularised" elites and the representatives of political Islam who were both opposing the regime. (Ramadan 2012: 94-95) This status quo was strongly supported by European and American states which were also fearful of an Islamist takeover[31] and preferred secular dictatorship to the possibility of Islamist parties in power or to the inherent uncertainty of democratic transition. (Ramadan 2012: 13) Islamic groups and movements who were intend on participating in the political process reacted to this rhetoric by claiming that they were willing to comply with the rules of a secular political system such as democracy. (Volpi 2011d: 136)

On a side note, it is important to stress the fact that I have limited the overview over Islamic and Islamist groups and movements to those groups and movements which today pursue a non-violent strategy to achieve their goals – whatever those goals might be. Nevertheless, those militant groups had their significance in the past. They were very active in the 1990s when Egypt was engulfed in a circle of violence between the state and militant Islamist organisations. Finally, the state gained the upper hand and eliminated the militants. (Naguib 2009: 111-112) For the analysis of the relation between Islamic and non-religious groups this is only important insofar as their existence provided even more of a pretext for the regime to act against all Islamic groups. Moreover, it enabled the regime to fuel the fear among non-Islamic groups of Islamists by equating the entire spectrum of Islamic movements – from violent to non-violent, from conservative to progressive, from pious to

---

[31] This assessment was obviously based on the aforementioned and analysed assumptions about Muslim-majority countries and the supposed "nature" of political Islam.

politically active – with the militant radical groups and, thus, portraying all movements as threat to society. In addition, those militant groups stimulated sectarian conflicts by attacking Coptic citizens which in turn increased their fear from all Islamic groups (Naguib 2009: 111). Nevertheless, this representation can be somewhat misleading as is claims that these groups are threatening and potentially violent for now and the future. The contrary is demonstrated by example the "Islamic Group", also known under its Arabic name al-Jamaʿa al-Islamiyya. The group had been among those active in a fight to overthrow the Egyptian regime during the 1990s which it regarded as illegitimate due to its un-Islamic nature. In trying to achieve this goal al-Jamaʿa al-Islamiyya did not shy away from violence against civilians, thus, providing the prime example of what is called a radical, militant Islamist group. But, interestingly, in the 2010s the group started to renounce "jihad against the Egyptian regime, violence against civilians, and other forms of terrorism." (Stein 2012: 178) Arguably, there are stills some elements and parts of the groups that argue in favour of violent measures but even the existence of the internal discussion proves that all those groups are able of change and must not be portrayed in absolute terms in order to incite fear. (Stein 2012)

All in all, the existence of such militant groups helped the Egyptian regime to portray the difference between the entirety of Islamic groups and non-religious groups as the binary between democracy and Islamic radicalism. But as I have already demonstrated elsewhere, this binary does not hold up in reality because religiosity – even a deep religious conviction – does not mean that every religious person automatically will try to impose his approach to politics and on other people.

I shall also shortly address the cooperation between Islamic and "secular" members of Parliament. While there has hardly ever been close and institutionalised cooperation among the Islamic and non-religious opposition parties in Parliament (Seʿoudi 2012), there has been cooperation during the elections. Due to the fact that the electoral law in Egypt was heavily biased towards the ruling majority party,[32] it was necessary for the smaller opposition parties to cooperate in order to ensure that those who voted for them would not end up voting or the regime party. In the 190s, the Muslim Brotherhood entered and electoral alliance with the Wafd Party and later with the Socialist Labour Party as well as with the Liberal Party because of this regulation – and also party due to the fact that the Brothers were not allowed to form their own party (Rutherford 2008: 84). Very often this cooperation ended after the election and did not translate to concerted electoral campaigns.

---

[32] As already mentioned all votes from opposition parties which did not reach the 8 percent threshold were automatically accorded to the majority party (Wickham 2002: 88).

Egyptian society in general has very often been described as characterized by disunity and by the existence of many different factions such as Nasserists, Islamists, liberals, Christians, old elites and the youth. Tarek Osman claims that today "Egypt lacks consensus on any notion, project, or person in its recent history" (2010: 212). This is a rather harsh conclusion because exceptions to the rule always exist and because the status quo can always change. A good recent example is the protest movement Kifaya which I have already described earlier in this chapter. But it is necessary to underline – as Hamzawy (2005: 3) showed – that the movement could "transcend major divides of the Egyptian political context. Their membership extended to liberals, leftists, Nasserites, Islamists, and well-known independent intellectuals." This signifies that to a certain degree there was indeed the willingness to overcome the divisions among the Egyptian society which had been exacerbated by the Mubarak regime's strategies.

But there exist also movements and groups such as the already mentioned al-Wasat which sought to include religious (Muslim and Christian) and secular (liberal and Nasserist) figures in their movement. How these groups fare in the post- Mubarak era shall be addressed in the subsequent chapter.

4.5. The Beginnings of the Egyptian Revolution

This subsection concerns the most recent developments in Egypt such as the popular uprising which ousted President Mubarak and the subsequent transition period. I shall give a short analysis of what caused and triggered the uprising in Egypt and proceed by explaining how I shall refer to the recent uprisings in general as well as why it is difficult to find a value-free term for these events. Subsequently, I shall shortly describe the aftermath of Mubarak's resignation as well as the initial transition period.

As far as the transitional plans are concerned, I shall limit myself here to giving a timeline of the events which led to the installation of the army as the actor who was in charge of overseeing the transition and focus on the reasons for the decisions which led to this installation and how this influenced the relation of secular and Islamic groups. The constitutional debate itself shall be covered in the subsequent chapter.

4.5.1. The Causes and Triggers of the Egyptian Uprising

Arguably, the root causes of the uprisings in Egypt have been analysed in great detail in various publications and shall not be discussed in full depth here.[33] While some argue that basically the authoritarian bargain was not sustainable anymore that that people revolted because the regimes did not hold their side of the bargain (Harders 2011) or others see democracy finally reaching the one region which was thought to be impervious to democratic ideas. Nevertheless, a great variety of roots and causes of the uprisings were identified.

They ranged from the absence of democracy and political participation in combination with a ruthlessly suppressive security apparatus which did not allow people any dignity. Also, rampant corruption and the concentration of wealth among a very small percentage of the population led to a situation of increasing discontent.[34] Moreover, the feeling that even a good education would not lead to good job opportunities due to nepotism in the regime was prevalent (Wickham 2002). The immense number of young people who faced a future where they did not see any opportunity for the fulfilment of their aspirations of a decent and dignified life led to the fact that a large group of the population was increasingly disconnected and dissatisfied with the regime.[35] Also the attempt of the Egyptian President to hand over power to his son after the example of Hafiz al-Asad not only angered many in the Egyptian population but also contributed to a sense of insecurity surrounding the future of the regime and opened a window of opportunity for the protestors (Masoud 2011, 20-21), as the rule of the incumbent became questionable due to his ailing state of health but a clear successor had not yet been agreed on. In addition to this, the elections in 2010 had been particularly rigged which had angered many Egyptians (Masoud 2011: 24). Finally, the spark provided by the successful protest movement in Tunisia must not be neglected as well as the fact that new methods of communication facilitated the organisation of the protests.

---

[33] A good analysis is provided by Jeannie Sowers and Chris Toensing's (2012) book The Journey to Tahrir: Revolution, Protest, and Social Change in Egypt which provides an excellent analysis of the different protest movements in Egypt, the political system in Egypt as well as the uprising itself. Also Cilja Harders (2011) short text "*Die Umbrüche in der Arabischen Welt: Zwischen Revolution und Restauration*" which seeks to explain the recent uprising with existing theories provides crucial insights.

[34] Inequality in a country is generally measured with the Gini coefficient. If the Gini coefficient is 0, there is perfect equality in a country. On the contrary a coefficient at 100 symbolises that inequality is at the highest possible level. For Egypt, data is only available for the year 2005. In 2005, the Gini index was at 32.1 but in reality inequality in Egypt is much worse, as Marfleet (2009, 17) demonstrates that in 2001, the poorest 10 percent of the Egyptian population had access to only 3.7 percent of the country's income, while the richest had access to 29.5 percent. But Marfleet stresses that these figures are now already more than ten years old and he quotes Nader Ferangy, one of the authors of the United Nations Arab Human Development Report, who states that recent economic policies in Egypt have led to levels of inequality not seen since the times of Colonialism (2009, 17-8).

[35] The aspirations for a decent life also included having a job, but among the youth unemployment was especially high. According to the Arab Human Development Report (Arab HDR 2009: 38) "about 58.5% of youth aged 18-29 are out of the labor force."

Despite the fact that I have given some possible explanations for the uprisings, I shall not go deeper into the different reasons. I need to stress that while this is already and extensive enumeration of possible causes, it is by far not an exhaustive list. I have tried to focus on the Egyptian case but even here other writers might include different factors and events. But as the causes of the uprising are not the focus of this paper, the presented list of causes must suffice.

One more aspect deserves mentioning, though: the fact that almost every analyst, scholar and "Middle East expert" was surprised by the recent social upheavals in Arabic countries. While journalists had reported the events leading up to the uprisings, scholars failed to see them as signs of a larger change. (Masoud 2011: 22) To give an example, Emad Shahin argued even after the successful ousting of Ben ʿAli that revolutions were "not exportable, particularly considering the huge military and security force behind Mr. Mubarak's regime, the weak and fragmented opposition parties, the fear of an Islamist takeover, the willingness of the regime to mount brutal force against the demonstrators and Egypt's strategic weight with its Western allies." (Shahin 2011) Also Steven Walt, a renowned scholar, argued that the "fact that Ben Ali ultimately mismanaged a challenge and was driven from power does not mean that other Arab leaders won't be able to deflect, deter, or suppress challenges to their rule." (Walt 2011)

The reasons for this are twofold; firstly, the assumptions about liberal authoritarianism as very durable and stable regime type were wrong; secondly, the notion of Arab exceptionalism completely dismissed the possibility of emancipatory popular uprisings which could push autocratic leaders out of their office; and, finally, it is precisely because social and political science focuses on given patterns and routines, it is unable to forecast such an event because such widespread social upheavals are changes in these very patterns introduced by imagination and a break from convention. (Mamdani 2011b: 566)

4.5.2. Naming the Recent Mass Movements in Arab Countries

As this paper predominantly concerns the events which occurred after the Egyptian President Mubarak was removed from power by a popular movement, it is important to determine how I shall refer to this movement and to the similar movements which occurred in most other Arab countries – although with very different outcomes. I shall start by outlining the assumptions behind calling these mass movements 'Arab Spring' and continue to reason

why I shall refrain from using the expression 'after the Egyptian Revolution'. Finally, I shall explain why I will use both the expressions 'Arab Awakening' and 'Arab uprisings'.

In the media and also in academic analyses, there is a multitude of names to be found which describe the aforementioned events in the Arab countries. Each of these names implies – either intentionally or unintentionally – certain assumptions and is determined by the observers' expectations for the future developments of these movements (Ramadan 2012: 2). While some refer to the events as 'intifadas' in order to indicate parallels to the Palestinian uprisings, others use the term 'Arab Spring' or 'Arab Awakening'. In this paper I shall refrain from employing the term 'Arab Spring' and use the latter term 'Arab Awakening' as well as the expression 'Arab uprisings'. Subsequently, I shall explain why.

4.5.2.1.   *"Arab Spring"*

Firstly, I shall elaborate on the reasons not to support the expression 'Arab Spring' in this paper. Using the term 'spring' implies that spring will necessarily change to a less favourable season such as summer or the so called 'Arab autumn' – a metaphor which has been used by analysts to refer to what they see as negative consequences of the 'Arab Spring' such as for example the success of Islamic parties in the elections held in Tunisia, Egypt or Libya (Carter 2011) or the recent violent demonstrations in relation to an Islamophobic film which occurred in September 2012 (Antonov 2012).

Moreover, the term 'spring' automatically hints at other movements in the past such as the European revolutions in 1848 (Mitri 2012) or the Prague Spring – comparisons which do not hold up historically (Massad 2012). By using the term 'Spring', which is common in Euro-American media outlets, the media sets the events in context of the Western narrative of the so called waves of democratization[36] which presumes that democracy will spread over the entire continent in a wave-like manner until it has reached all corners of the world (Huntington 1991a).

Also similarities to the Colour revolutions which occurred in the Balkans and the former Soviet Union during the early 2000s – all movements aspiring for democracy – were invoked. After scholars have tried to explain why these waves of democracy failed to reach the Arab countries (Kedourie 1992: 5-6; Kennan 1977: 41-43; Huntington 1991b), this analogy implies

---

[36] This concept of waves was developed by Samuel Huntington as "a group of transitions from non-democratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period of time." (1991a)

that, finally, also the Muslim societies have joined the rest of the world in their common aspiration for democracy and in the belief that liberal democracy is the best system of governance.

But first of all, the emancipatory movements in the Arab countries were not simply about democracy; instead they called for "work – freedom – bread" (ʿamal - ḥurrīya - khubz) indicating that democracy was only one aspect of the people's aspirations (Traboulsi 2012). And, secondly, the implication that by calling for emancipation and freedom, the Arabic populations have now arrived at the so called "end of ideologies" (Ramadan 2012: 120) is nothing more than to suggest that, as the Arabic citizens have called for democracy, they agree with the Western liberal understanding of democracy in combination with liberal market economy.

The aim of this discourse is in fact to reduce future political debates in those countries to discussions over which kind of democracy should be implemented, over how far the private sector should be liberalised and over how to finally include the Arabic countries fully into the community of democracies. Thus the use of this term – consciously and subconsciously – tries to suppress criticism over the dominant world order and limits the discussion in the Arab countries about the future system of governance (Ramadan 2012: 119-121).

4.5.2.2.   "Egyptian Revolution"

Similarly, in this paper I shall refrain from making the statement 'after the revolution' – especially in the Egyptian case which will be the main focus of this paper. By stating that the 'revolution' is over, it is implied that on one hand the revolution has also accomplished its goals – President Mubarak has been removed and elections were held - and on the other hand that there is no more need for demonstrations or further demands and that it is time to focus on writing a constitution and national unity.

But in fact, revolutions take more than those 18 days during which the Egyptian people deposed of their dictator. (Al-Mahdi 2012) Moreover, revolutions cause a not only a shift in the economic balance of power but also a transformation in the political order (Ramadan 2012: 3). In Egypt the revolution is far from over, but it may be seen as a 'revolution in the making.'

4.5.2.3.   "Arab Uprisings"

So if I shall refrain from using the terms 'Arab Spring' and 'revolution' in this paper, how can we refer to the events instead? When referring to the mass demonstrations which occurred in most of the countries in the MENA region, it is crucial to stress both their similarities as well as their diversity (Mitri 2012). But the question whether those movements represent one unified movement with different offshoots in the respective countries or whether we deal with a plurality of distinct movements which are characterised by mutual inspiration and similar aspirations will not be addressed in this paper. My concern in the course of this paper is to simply arrive at an expression which gives credit to both aspects – the diversity and the similarity.

In this paper I shall refer to these mass movements as either 'Arab uprisings' – a term which puts more emphasis on the differences and the diversity of the movements without implying that they are completely distinct – or I shall call the mass movements in their entirety as 'Arab Awakening' which underlines the common causes and goals of those different movements. Finally, I shall bring up some further aspects of the term 'Arab uprisings': Tariq Ramadan (2012: 3) defines 'uprisings' as something that

> "can be situated halfway between revolution and revolt; once it is carried to its fullest extent and overthrows the existing system [...] it can become a revolution [... and] if it is incomplete, manipulated, or if it fails, it will have expressed the peoples' aspirations but not concretized their hopes."

4.5.3. The Uprising in January 2011 and the Last Days of Mubarak

In this subsection, I shall not give a detailed chronology of the events which can be found elsewhere for example in Mona El-Ghobashy's (2012a) *The Praxis of the Egyptian Revolution* article where she provides a very detailed description of the first couple of days of the Egyptian uprising and analyses the strategies of both the protesters and the police or in Ahmad Shokr's (2012) concise overview of the eighteen days of protest in Tahrir square. Nevertheless, a very short summary of the events shall be given here and I shall also point out several noteworthy facts about the beginning of the Egyptian uprising.

It can be rather confusing to pin down the exact day on which the Egyptian uprising began. While first mass demonstrations began on 25 January, this represented rather a culmination of the experiences gained from previous demonstrations and strikes – as outlined in the previous subsection – and not as often stated the beginning of the change in Egypt. Nevertheless, the concrete chain of events which eventually led to the resignation of Mubarak, started on 25 January when large crowds used Egypt's newly created official Police Day to assemble all over the country.[37]

Initially, the police was surprised by the large masses of people who went on the streets to protest and failed to contain the protests, but later the protesters faced increasingly brutal repression from the regime which, in the end, led to several hundred killed and several thousand injured protesters (El Deeb 2012)[38]. After eighteen days of continued protests throughout the country the Egyptian Vice-President, Omar Suleiman, announced Mubarak's resignation. (McGreal and Shenker 2011) After the President resigned, the Supreme Council of the Armed Forces (SCAF) was in charge of and putting forward a plan for the subsequent transition period and of overseeing the very same.

The transition will be described in the following section, but first I shall highlight some important aspects of the revolution. As I have already highlighted above, it is crucial to understand that the result of the protests in January and February 2011 led to the ousting of Mubarak but not to the end of the entire regime which also includes a wealthy business elite which profited from the economic policies of the regime as well as the large sectors of the army and the security services. As far as the military was concerned its power remained unquestioned, even strengthened, because the protesters were thankful that the military had not sided with Mubarak's security apparatus during the protests – more on how this picture changed later.

It is important to note that the military's primary goal was and still is to maintain its privileges in the state structure (Masoud 2011: 24-25) – for example the budget of the Egyptian Armed Forces was never part of the official budget which was subject to parliamentary

---

[37] What must not be neglected in this timeline is the online campaign called "We are all Khaled Said" (*kull-na khālid saʿīd*) which protested against Police violence after Khalid Saʿid, a young Alexandrian, was killed after he was brutally beaten by Policemen in Alexandria in bright daylight (El-Ghobashy 2012a: 25-26). Many of the organisers of this campaign saw the Police day as an opportunity to unify the many sections of Egyptian society in protest against police violence – one aspect the entire Egyptian society could identify with. In addition to this campaign, there were more than three cases of self-immolation similar to the case in Tunisia which sparked the protest there. (Hendawi 2011, Reuters)

[38] According to the article exactly 814 Egyptians died during the uprisings, excluding 26 security personnel.

oversight (Büttner and Hamzawy 2007: 20; Dunne 2006) and in addition to this the military is one of the biggest land owners and major actor in a range of sectors such as manufacturing, construction and agriculture (Marfleet 2009: 22).

Nevertheless, it is necessary to stress with utmost clarity that one cannot claim that – simply because large parts of the regime are still in place – nothing has changed in Egypt. Egyptians managed to push a dictator out of office and with this fact in mind the Egyptian citizens have reclaimed their dignity and their voice in Egyptian politics – de facto re-introducing "the street" as a factor in Egyptian politics which cannot be ignored[39]. Another important aspect of the protest movement was that it was neither part of the political right nor the left, but a leaderless citizen movement which was also not divided along sectarian lines[40]. (Friedman 2011)

It will be important to keep these aspects in mind, when I shall analyse the more recent developments of the relations between Islamic and non-religious sections of Egyptian society.

4.5.3.1.   Influences of the international discourse

This subsection shall deal with the question of how the narrative over political Islam has possibly influenced the reactions of international players and, subsequently, also the internal relations of the different actors in Egypt.

As outlined in previous chapters, in the eyes of the United States and Europe, the Egyptian regime functioned as "a bulwark against the rise of Islamism in North Africa" (Ramadan 2012: 9), as they feared the possible negative influences of Islamist parties and movements on their interests in the region. (Carothers 2007: 7; Haass 2003: 143-144) Historically, this fear had always stalled substantial development towards democracy and the US as well as the Europeans preferred a more gradual progress towards a democratic system which included Islamic parties out of fear that completely free elections might "produce theocratic

---

[39] Asef Bayat provides a very good analysis of "street politics", arguing that the "Arab street" in the past was either regarded as irrational and aggressive or apathetic and dead (2012: 74-75), but that this analysis was first and foremost wrong, a fact which has been proven by the successful uprisings in several countries (2012: 84).

[40] Some even argue that the violence against Copts on 1 January had further estranged them from the regime which had effectively failed to protect them in the past and that this was one reason for the very outspoken and active participation of Copts during the protests. (Batty 2011) In fact the obvious unity between the Coptic and Muslim parts of the Egyptian society – during the protests both groups were protecting the respective other during their prayers (Cole 2011) – was one of the facts that were striking for external commentators.

regimes." (Fukuyama and McFaul 2007) These fears were – and partially still are – based on those assumptions outlined in chapter three such as that Islam and democracy are not compatible or the seemingly undying notion that Islamic parties belong to a pre-modern culture which needs to be contained (Mamdani 2011a).

Egypt was a very special case because the country was and is one of the main pillars of US policy in the Middle East, since Egypt signed the Camp David Accords in 1979[41]. This is why the United States limited itself to calling for an end to violence but refrained from calling on Mubarak to step down until the very end[42]. Continuously, US Secretary of State Hillary Clinton and other European leaders called for an "orderly transition" to elections (BBC News 2011).

Another rather telling example of how these perceptions still influence policy can be detected in the wording of the title of this study produced by the American think tank "Center for American Progress": the study is called *Managing change in Egypt*. The study is assuming that change in Egypt is potentially dangerous due to the existence and prevalence of powerful Islamic groups such as the Muslim Brotherhood, thus, arguing that change needs to be "managed" instead of change simply being able to play out according to the will of the people. This bias in international media and among international actors towards the military also had ramifications for the inner-Egyptian settings. By strengthening actors which preferred a certain chain of events over another, European and American actors decisively influenced the inner-Egyptian balance of power between the different actors. Just as before the uprising, European and American actors were – probably even more so – very suspicious of the influence of Islamic groups and movements – due to the assumptions and perceptions of Islam as "the other" which I have outlined in chapter two and three. Just as before the uprising, this bias influenced the elite in Egypt and fomented also their fears of an "Islamist takeover" – as it is oven referred to in the media (Goldstein 2012; Coughlin 2011).

---

[41] The Camp David Accords ended the state of war between Egypt and Israel. Egypt was the first Arabic country to sign a peace deal with Israel, which led to Egyptian isolation among the other Arabic countries, on the one hand side, but on the other hand side it guaranteed Egypt the high levels of international aid it has since received from the United States. Moreover, it led to a very close relationship between the US and Egypt – especially with the Egyptian Armed forces (Mansfield 2010).
[42] The US had expected Mubarak to step down on 10 February when the former Egyptian President was supposed to hold a speed announcing his resignation. After he had failed to do so, the US President Barack Obama upped the pressure on Mubarak to step down (MacAskill 2011). According to Tariq Ramadan (2012: 27-29) this decision was taken in close cooperation with the country's leading generals which were subsequently put in charge.

4.5.4. Concluding Remarks

What I have attempted to do in this section was to firstly give a short account of the manifold reasons for the Egyptian uprising as well as describe the reasons why it is necessary to be aware of what the different terms for the recent changes in the Middle East and North Africa preclude. Finally, I gave a short overview of the start of the Egyptian revolution which is – contrary to some claims – not yet over. I have also tried to show that the assumptions about political Islam which I have outlined in chapter three still inform the politics of the international actors which caused them to be very hesitant in calling for a substantial democratic change in Egypt. It needs to be mentioned that geopolitical realities also need to be taken into account when assessing the policies of international actors and that they cannot solely be attributed to their assumptions about political Islam - nevertheless, they strongly influence how geopolitical realities are perceived, analysed and interpreted.

As far as the subsequent transition period as well as the writing of and discussions over a future constitution are concerned, they shall both be described in the subsequent chapter, where I will be providing a description of the events and focus on their analysis and how this influenced the relation of secular and Islamic groups in the next chapter. As the positions of the different actors in the Egyptian context are closely intertwined with the developments of the events it makes little sense to describe the events in this chapter and to put them into context in the subsequent chapter.

5. Transition: the Debate over a new Constitution

"*We have reached agreement over the hardest articles in the constitution.
How can we disagree on the simple matters?*"

-Amr Farouk, Al-Wasat, Egypt Daily News, 21 November 2012

This chapter will be dedicated to analysing the relation between Islamic and non-religious groups in Egypt as far as the debate over the new constitution is concerned. Before I shall address the questions outlined in the introduction, I will shortly recapitulate what has already been achieved in this paper: firstly, I have outlined the many different and diverging approaches to the field of Islam and political Islam; secondly, I have discussed how these different approaches shape the assumptions about political Islam and Islamism predominant of many policy makers and thinkers in Europe and America; and, thirdly, I have tried to delineate the Egyptian background which is not only influenced by the aforementioned assumptions and policies but also shapes the relation between religious and non-religious movements and their debate about a future Egyptian constitution. All this was necessary in order to fully understand and analyse the debate between Islamic and non-religious groups in Egypt – also in order to understand why they assume certain positions in the debate and why both groups clash over certain questions and not over others.

To analyse the debate over the future Egyptian constitution, I shall try to address the following questions which have already been outlined in the introduction. But I shall mention them again here in order stress their importance again:

How much are the relations between the important actors in the debate structured by the aforementioned dichotomy? How will the Islamic background of those in charge of writing the constitution influence it? How different are the approaches taken by the secular and the Islamic groups? Is there room for compromise? How much is this discussion dominated by Western influence? Are the fault lines running through the Egyptian society actually along the lines of religion or are there other significant cleavages? Is it even viable to make a distinction between the writers of the constitution based on their views on religion? How important are religious references in the constitution for the relation between the different groups in the Egyptian society and does changing the constitution change reality?

In order to answer these questions I shall, firstly, address how the relationship between the secular and the Islamic groups involved in the debate over the new constitution was shaped during the transition period by the structural constraints which were leftovers of the previous regime and by international influences such as foreign states or international norms inspired by a secular philosophy. I shall also address how both groups cooperated in the different institutions to which they had been elected.

Secondly, I shall analyse how the debate over the future constitution itself was influenced. Arguably, there is a great variety of issue which need to be addressed and discussed when it comes to writing a new constitution. I shall only address the issue of *shariʿa* and therefore Article 2 in this paper[43]. I shall firstly provide some insights in the history of Article 2 in the Egyptian constitution and how its introduction has constantly been debated and, secondly, I shall address the most important arguments for removing, amending and keeping the article. Finally, I shall address the question how this debate has influenced the relation between secular and Islamic groups and to what extent the Egyptian debate was influenced by the assumptions about political Islam and secularism in the West.

5.1. Relations during the Transition

The issue addressed in this subsection is the question how the relations between Islamic and so called secular as well as liberal groups developed during the first years during the transition period. As the central question of this paper is the relation of these groups as far as the constitutional debate and the discussion about Article 2 is concerned, the analysis of the relations shall be limited to this aspect which means that I shall not analyse how the relations among single members of – for example – the Muslim Brotherhood and individuals supporting an explicitly nationalist party such as the New Wafd Party or the Justice Party (*ḥizb al-ʿadl*) have developed, but that I shall focus on the official positions of those actors and groups involved and engaged in the debate. Finally, as I have already mentioned in the introduction it is necessary to set a time limit for my analysis which will be the presentation of the first draft of the Egyptian constitution in October 2012. I have chosen this event as time limit knowingly that the relationship and balance of power between the different groups in Egypt is very much in flux and is certainly due to change further in the future. Nevertheless, it is helpful to leave a certain period of time between the events to be analysed and the analysis itself.

---

[43] Why I am limiting my focus on this issue will be delineated in subsection 5.2. of this chapter.

In order to answer these questions I shall firstly address how the relationship between the secular and the Islamic groups involved in the debate over the new constitution was shaped during the transition period by the structural constraints which were leftovers of the previous regime and by international influences such as foreign states or international norms inspired by a secular philosophy. I shall also address how both groups cooperated in the different institutions to which they had been elected.

The most important questions addressed in this subsection are: How much are the relations between the important actors in the debate structured by the aforementioned dichotomy concerning the role of religion in the state? How will the "Islamic" background of those in charge of writing the constitution influence their positions? How will the "secular" background of those in charge of writing the constitution influence their positions?

This subsection is first and foremost concerned with the structural aspects of this debate and not with the issues and the arguments of the debate: how far did the relation between those groups influence their positions regarding the transition plan? How was the cooperation between said groups in writing the constitution?

In this subsection, I shall firstly address the different positions of the two groups concerning the transition and the steps which were taken during the transition period concerning the writing of a new constitution, such as holding a referendum on the constitution or establishing a constituent assembly. Secondly I shall focus on the institutional aspect of the relations between Islamic and secular groups in Egypt: how was the cooperation between those groups in the Constituent Assembly or in parliament. Was there any noteworthy cooperation? Why not? Thirdly, I shall summarize how the relation of Islamic and non-religious groups in Egypt has changed during the transition.

5.1.1. Positions regarding the transitional provisions

I shall firstly address the different positions of the two groups concerning the transition and the steps which were taken during the transition period concerning the writing of a new constitution, such as holding a referendum on the constitution or establishing a constituent assembly.

Arguably, information about the transition plan can be found easily and therefore, there is no

need to cover this aspect in great depth, but it is necessary to analyse why the two groups assumed their respective positions in favour or against the plan. I shall argue that structurally both groups supported or opposed the transition plan depending on whether it could shift the balance of power in Egypt to their favour and not simply because they were in opposition to the other group on religious or ideological grounds. Nevertheless, the positions the groups took and the subsequent events influenced the trust between the different actors as well as their mutual understanding. Also this chapter will not provide an analysis of the balance of power of the entire Egyptian political system (however wide or limited the term system is defined) because this would go well beyond the scope of this paper. But I shall focus on the relation of the Islamic and the non-religious groups and movements. Nevertheless, I shall touch on the role of the judiciary as this actor arose as a crucial actor which from time to time tried and managed to shift the balance of power in one or the other direction. I shall also limit my focus to the constitution and only touch upon some of the other aspects of the transition insofar as they influence the relation between the groups and their debate over the constitution.

5.1.1.1.   *On the Constitutional Aspects of the Transition Plan*

My description of the events of the most recent events in Egypt which led to the plan of devising a new constitution ended with the ouster of former President Mubarak. Afterwards the Supreme Council of the Armed Forces (SCAF) was put in charge of overseeing a transition to democracy.

5.1.1.1.1.   Suspending the Constitution from 1971

First of all SCAF suspended the Constitution from 1971 according to which the Speaker of the Parliament should have become president until new elections would have been held which would have meant that nothing had changed in the political system. Moreover, the 1971 Constitution did not contain any provisions which would allow for military rule.

There was much discussion over whether to have parliamentary elections (under the laws of the existing constitution) in order to have elected officials determining a new constitution or whether to change the existing constitution and then conduct parliamentary and presidential elections followed by the writing of a new constitution (Masoud 2011).

In February a small committee of jurists devised several amendments to the constitution which allowed for military rule and also a fairly rapid transition to a new civil government

which were announced on 26 February 2011 (Hulsman 2012: 17-18). According to Masoud (2011: 27) these amendments

> "strengthened judicial oversight of elections, limited presidential terms, opened up competition for the presidency, and eliminated some of the most egregious presidential powers [... and ...] stipulated that the newly elected parliament would have six months to select a hundred-member constituent assembly that would then have another six months to craft a new constitution and put it to a popular vote."[44]

5.1.1.1.2. The Referendum

On March 19 Egyptians had the opportunity to vote on these amendments in a popular referendum in which 77 percent of the cast votes (the turnout was at 41 percent) were in support of the amendments.

The Islamic groups and parties were rather content with this outcome, stating that it provided a clear plan for the road ahead. On the contrary many liberal parties and politicians – among them Mohamed El-Baradei, Amr Moussa or Ayman Nour[45] rallied against it because, so they argued, the transition plan was in the wrong order: planning for elections and followed by a new constitution, instead of a new constitution and then elections. (Hulsman 2012: 18) Their argument was the following: holding elections rather sooner than later would immediately and directly favour Islamic parties as they were better organised than many of the new parties which had been formed shortly after the ousting of Mubarak and were thus utterly unpractised in mobilizing voters. (Masoud 2011; Tudoroiu 2011)

On May 27 thousands of Egyptians protested against the entire document. While groups such as the Muslim Brotherhood were in favour of the amendments and dismissed the protesters as representing only a minority of the Egyptian society, SCAF opted for an entirely different option and reacted to the demonstrations by issuing a constitutional declaration of 63 articles and, thus, abolishing the constitution including the amendments which had been legitimized by the referendum. (Brown and Stilt 2011)

---

[44] More details on the different amendments can be found in Mona El-Hennawy's (2011) article.
[45] These names were written according to the spelling which the politicians themselves prefer.

5.1.1.1.3.   The Constitutional Declaration by SCAF

In fact the 1971 Constitution including the amendments posed the same problem to SCAF, as it also did not provide any legal basis for SCAF's rule. Therefore, SCAF opted for abolishing the constitution as a whole and to replace it with a so called "constitutional declaration" (Masoud 2011: 28). This decision was announced on Facebook on March 30 and no further information was provided on how this declaration had been drafted. Brown and Stilt (2011) even state that "it was presented as a sort of gift by a patriotic military leadership dedicated to protecting Egypt and the principles of the revolution". Clearly it provided for some confusion in the Egyptian political scene: why would SCAF put an amended constitution to a referendum in order to discard it entirely only shortly after?

The declaration consisted of the referendum-approved amendments and 55 other articles (Masoud 2011: 28) – partly from the 1971 Constitution, partly new articles and also some articles which originated from the 1971 Constitution but had been changed or altered.[46] As Brown and Stilt (2011) conclude, the new declaration effectively removes most aspects of parliamentary oversight of the executive and inserts SCAF'S central role to guard and guide the transition period by naming a list of SCAF's duties and responsibilities (Article 56). Also a timeline for the election to the lower and upper houses of parliament was set. Other aspects remained the same, such as Article 2 which determines Arabic as official language, Islam as the country's religion and again states the principles of the Islamic shariʿa as the chief sources of legislation. (See Egyptian Constitution 1971, as amended in 2006) But a significant change was made in Article 5 which for the first time allowed for parties such as the FJP to be formed and this – according to a SCAF spokesman – was intended to only ban parties which restrict membership to members of certain sects or religious denominations. (Brown and Stilt 2011)

The Muslim Brotherhood, or rather its political party the Freedom and Justice Party (FJP) supported the declaration. (Masoud 2011: 28) The main reason for this was probably the fact they were very much in favour of holding elections prior to the formation of any constituent assembly or prior to the determination of any constitutional principles (Jadaliyya 2011c). By holding elections first, the Muslim Brotherhood was expected to be able to influence the Constituent Assembly in a much stronger way because it was assumed that they would do very well in the elections – both expectations turned out to be true.

---

[46] There was even one article which had been already altered and approved in the referendum and then changed one more time by SCAF.

5.1.1.2.   Elections

As already mentioned I shall not go into depth into how the elections came to pass or how the campaigning affected the relations between liberal, secular groups and Islamic movements, but I shall mention that in the elections (which took place from 28 November 2011 to 11 January 2012 in three stages) Islamic parties won an overwhelming majority. (El-Gundy 2011) Also in the elections to the upper house which took place in January and February of 2012, those parties did very well.

For this paper, this is only important insofar as this success guaranteed the Islamic parties considerably more influence over the composition of the Constituent Assembly as the liberal groups.

5.1.2. Cooperation in the Institutions

This subsection concerns the cooperation between Islamic and liberal parties and groups in state institutions during the transition period. I shall, firstly and shortly, describe how the different movements work together when it comes to parliamentary politics – be it elections or cooperation in parliament itself; secondly, I shall analyse the cooperation or relation between said groups in the Constituent Assembly.

5.1.2.1.   Cooperation with regards to Parliamentary Politics

In Parliament itself little to no cooperation between Islamic and non-religious or liberal groups took place. There were no common clubs or institutionalised meetings or coordination on meetings – neither before nor after Mubarak's ousting. (Seʿoudi 2012) What did occur though was cooperation during the phase of the elections. Just like under Mubarak when the Muslim Brothers formed a coalition with liberal parties and competed on the same list, party blocks were organised which included leftist and Islamist parties. One of these blocks will be analyzed here as an example.

5.1.2.1.1.   The Democratic Alliance (*al-Taḥāluf al-Dīmuqrāṭī*)

The Democratic Alliance (*al-Taḥāluf al-Dīmuqrāṭī*) is not the only party block which included both secular and Islamic parties. There was also the alliance named "The Revolution

Continues Alliance" (*al-Taḥāluf al-Thawra mustamirra*) or "Completing the Revolution Alliance" (*al-Taḥāluf Istikmāl al-Thawra*) which incorporated mostly leftist, youth parties and moderate Islamist parties (Carnegie Endowment for International Peace 2011a; Ali 2011). Initially, the Democratic Alliance was a broad coalition of Islamist (the FJP, the Salafi Building and Development Party (*Ḥizb al-Bināʾ wa-l-Tanmiyya*) as well as another party named the Authenticity Party or commonly al-Asala (*Ḥizb al-Aṣala*) which is also Salafi based), liberal (such as aforementioned Al-Wafd Party, the party of Ayman Nour named "Ghad Al-Thawra Party" (*Ḥizb Ġad al-Thawra*)) and leftist parties (for example the Naserist Party and the Arab Socialist Party) and the first noteworthy party block created after the ousting of President Mubarak (Carnegie Endowment for International Peace 2011b).

But soon divisions emerged and most Islamist parties and many liberal and leftist parties left the Democratic Alliance and later joined the Islamist Alliance (*al-Taḥāluf al-Islāmī*) which was founded by al-Nour on September 29 2011 (Carnegie Endowment for International Peace 2011b). The core divisions and disagreements arose around the question whether all member parties should agree on common constitutional principles. The documents on the topic published by SCAF and al-Azhar University were dismissed from Islamist parties. In particular the FJP argued "that an agreement on constitutional principles before the elections would be anti-democratic and also violates the results of the February referendum that approved constitutional amendments but not general principles." (Carnegie Endowment for International Peace 2011b)

5.1.2.2. Cooperation in the Constituent Assembly

The disagreements which led to the end of the Democratic Alliance can also be found in the Constituent Assembly. In this subsection I shall delineate how or rather if liberal and Islamic groups and individuals cooperated in the Constituent Assembly. I shall not go into depth over the issues which were debated which shall be the topic of the next subsection but rather demonstrate how the events surrounding the Constituent Assembly affected the relation between secular and Islamic groups.

But prior the analysis, I shall again stress to remember the Constituent Assembly's legal basis: which is to be found in SCAF' constitutional declaration from March 2012. The declaration determined that the first elected parliament after the resignation of President Mubarak has to elect a constituent assembly (Brown 2012a; Brown 2012b). It needs to be stressed that one third of the members of this parliament were found to be

unconstitutionally elected by the State Council[47] and parliament was subsequently dissolved (Hulsman 2012: 19). Before that the Egyptian parliament had not only elected one but two Constituent Assemblies. In the following paragraphs I shall describe and analyse the events surrounding the two assemblies and the reasons for their success or failure.

5.1.2.2.1.   In the First Constituent Assembly

Just as the second Assembly would be, the first Constituent Assembly which was formed in March was faced with allegations (from liberal sectors of society) of not representing the entire political and societal spectrum on the one hand and on the other of being not outspoken enough in enforcing shariʿa (here allegations came from Salafi groups). Nevertheless, it was liberal, secular and non-Islamist members of the Assembly who in early April withdrew from the body one by one stating that the Assembly was dominated by Islamists in such a way that they could no longer be part of it, as this would – according to them – give the entire draft an appearance of representing all sections of society which they were unwilling of doing (Ottaway 2012). After all these individuals resigned from the Assembly one third of the 100 seats were left vacant (Revkin and Auf 2012). Apparently, the two groups focused on their divisions instead of trying to find common ground.

In the end the first Assembly was dissolved by a decision from the State Council on April 10 (Revkin and Auf 2012). The reasoning behind the ruling was that some members of Parliament were part of the Constituent Assembly (making up nearly half of the body in charge of writing a new constitution) although they were only authorised to elect the 100 members of the body and this – according to the ruling – meant that no members of parliament could be members of the Constituent Assembly[48]. Brown (2012a) argues that this ruling had positive effects on the writing process of the constitution because it forced a "more consensual process" on the Islamist parliamentary majority. But it also led to months of political impasse, as Islamist and liberal parties could not agree on a new setup for the constituent assembly. Only an ultimatum by the Supreme Council of the Armed Forces forced the parties to act: on June 2 SCAF issued a warning that unless new criteria for the selection of members for the constituent assembly were found within 48 hours, SCAF would

---

[47] The State Council is one of the several bodies of jurisdiction in the Egyptian state. The State Council can be involved in cases if an official or the state is a party. In 2011 the State Council reversed several cases of privatization and dissolved Mubarak's party, the National Democratic Party. (Brown 2012a)
[48] There had been confusion concerning this matter as an earlier wording only stated that parliament was to "choose" the members of the constituent assembly and only the March version of the constitutional declaration by SCAF included word "elect." (Brown 2012a)

unilaterally announce a new constitutional declaration. The pressure from SCAF resulted in a compromise solution on June 7 which called for a 50-50 ratio of non-Islamist and Islamist members of the assembly and a new limit of 35 instead of 50 sitting members of parliament who were allowed to also be part of the constituent assembly (Revkin and Auf 2012).

5.1.2.2.2.   In the Second Constituent Assembly

Even though the start of the second constituent assembly was marked by a compromise between liberal and Islamic groups – arguably pressured by SCAF – the body faced the same problems as the first assembly: little to no agreement between Islamic and secular members, liberal and leftist members walking out of the assembly and subsequently criticizing it for not being representative of the whole spectrum of Egyptian society but dominated by Islamists.

Already on June 12 when Parliament formally approved of the 100 names of the members for the Constituent Assembly 57 members of parliament (from the Wafd Party, the Socialist Popular Alliance Party, the Egypt Bloc, the Egyptian-Arabic Union Party, the Hurriyah Party, the Egyptian Citizen Party and from the Revolution Continues Alliance) boycotted the voting. While their numbers were too little to delegitimize the voting, it was already a sign that differences in the first assembly were to be continued in the second. (Ottaway 2012; Revkin and Auf 2012) The following days a judge from the Constitutional Court withdrew as well as the SCAF representative, leaving the Islamists again in a position where they were accused of dominating the assembly. The main reason why the previously warmly welcomed compromise failed to translate into concrete decisions was the question of who falls under the term "Islamist". While one side only wanted to count members of the FJP and the Al-Nour Party, the other side took a wider approach and also regarded al-Wasat Party or institutions such as Al-Azhar University as "Islamist" (Ottaway 2012).

Another issue or rather problem facing the newly formed Constituent Assembly was the decision taken by Egypt's Supreme Constitutional Court (SCC). On July 14 just days after the compromise had been found and the new assembly had been voted on in parliament, the SCC issued a ruling which led to the dissolution of both houses of Parliament (Revkin and Auf 2012). This is crucial insofar as the Constitutional Declaration from March explicitly calls on the first Parliament after the resignation of Mubarak to elect a constituent assembly – but this body was dissolved in June 2012 (Brown 2012a).

The second Constituent Assembly continued to work on a draft despite the allegations from liberal groups and presented a first draft in October 2012. This draft was surrounded by

similar events: most members of the Assembly which could be characterized as belonging either to the Coptic Church, the liberals or the non-Islamist sector had withdrawn from the body by mid November and great efforts were exerted to convince them to return. The draft itself was heavily criticized from all sides (Kortam 2012).

On a side note, it needs to be mentioned that SCAF issued a further constitutional amendment on 17 June 2012 in which the powers of the president were limited and the role of the Armed Forces were expanded – including notable influence over the process of constitution writing and the nomination of members of the Constituent Assembly. This further declaration was a reaction to the election of President Mursi who as a former member of the Muslim Brotherhood was considered to take considerable influence on the writing of the constitution. (Hulsman 2012: 19-20) For this paper this is important insofar as SCAF's reactions indicate how tense the political atmosphere in Egypt is. But I shall not go deeper into the subsequent ramifications and the power struggle between the President and SCAF.

5.1.3. Concluding Remarks: Changes in the Relation

The question of how much the relations and dealings between secular or liberal and Islamic groups were influenced by the assumptions about political Islam as well as Islam and democracy will be addressed in this subsection. This is also related to the question of how the relation between those two groups has changed during the transition and especially after the election of the candidate of the Muslim Brothers as President and their previous success in the parliamentary elections.

I shall firstly address the question of how the relations changed and analyse them in context of the constitutional debate. Subsequently, I shall focus on the question whether their relation was more determined by their strategic and political position in the Egyptian political system.

5.1.3.1.   Changes in the Relation

What has definitely changed with the revolution is that the mass demonstrations and the subsequent ousting of Mubarak opened up new and more public space for all active groups in civil society. As there is a myriad of Islamic and Islamist organisations, movements and groups who had been very wary of regime control and influence before, they now seized the

moment to speak out. This of course does not mean that the extensive security apparatus stopped to pursue Islamist activists – or at least what the security services perceive as dangerous Islamist activists. But due to the difference in structure of the Islamic and liberal groups, each has profited differently from the opening of society. Secular and liberal groups perceived this change often as a proliferation of Islamic groups which were suddenly everywhere and had a strong influence on public discourse and on the grassroots level (Masoud 2011). Furthermore, it needs to be mentioned that there was never going to be complete and overall agreement on the constitution. The differences between the large ranges of different parties are thus only natural. What is lacking, though, is the acceptance of those differences.

On a final note, the Egyptian process of devising a new constitution is also characterized by one feature which not only complicates the entire process but also contributes to its complexity and state of confusion. Nathan Brown (2012) has used the term "constitutional obscenity" to describe this very feature and it refers to a situation where "the absurdity of holding a new constitution accountable to older ones, and the assignment of final and absolute interpretive authority to an unelected judicial body formed under the old regime" are some of the most disruptive factors in the entire debate. Both Islamic and non-religious groups and parties need to figure out how to deal with these factors.

Nevertheless, the question remains whether much has changed for both groups. On the one side there have been clear signs for change such as the trial of the former President, the holding of the freest elections in Egyptian history and the fact that a constitutional debate is allowed but on the other side both groups are still not only struggling to come together in order to find a compromise for the constitution but they are also struggling against the remnants of the old regime which are very much still influencing the political scene and the relation between Islamic and non-religious groups – and not for the better.

5.2. Positions regarding the Constitution in the Debate over Constitutional Article

Contrary to the previous subsection which dealt with the institutional aspect of the relations between Islamic and non-religious groups in Egypt concerning the debate over a new constitution, this section is concerned with the content and arguments concerning Article 2

of the Egyptian Constitution. This focus was chosen because Article 2 defines – among other things – the principles of the *shariʿa* as the main source of legislation" and the debate over this article is located at the nexus of this paper because the reference to *shariʿa* is considered to be one of the most controversial articles of the constitution (Labīb 2012). It combines at one hand the discussion in Egypt between liberals and Islamists as well as most other sectors of the population because the article is somewhat central to Egyptian identity (Hulsman 2012: 17-18) and on the other hand also the reaction of external actors and their reactions towards the arguments brought forth in Egypt.

Moreover, the article has been contested since it was introduced into the constitution under al-Sadat and has been hotly debated in 2005 and 2007 when the Egyptian Constitution had been amended. Also shortly after the ousting of Mubarak, the debate over whether the article should be kept, amended or removed has flared up again fuelled by, on one side, the (founded or unfounded) fear of some Copts and liberals of an Islamic state (Hulsman 2012: 17) and, on the other side, by the eagerness of certain Islamists to seize the historic opportunity to put their ideas and aspirations into practice.

Therefore, the debate over Article 2 of the Constitution is very well suited for analysing the question over how the arguments of Islamic and non-religious movements and individuals are structured when it comes to debating Article 2 as well as how the arguments might be influenced by Western assumptions about political Islam.

In order to address these questions, I shall shortly provide an overview of Article 2 by addressing how he was included in the Constitution and how it became an issue when the Egyptian Constitution was amended in 2005 and 2007. Subsequently, I shall focus on the current debate and address the different arguments (1) in favour of removing, (2) amending, or (3) keeping the article. Finally, I shall analyse the external influences on the Egyptian debate and summarize my arguments.

5.2.1. Article 2 of the Egyptian Constitution

Article 2 of the Egyptian Constitution has not existed in this way since Egyptian independence but has been introduced under President al- Sadat in 1980. I shall shortly describe the history of how Article 2 has evolved with time.

When Egypt became independent, the Constitution dating from 1922, did not make any reference to *shariʿa*. But as organisations such as the Muslim Brothers became more prominent and the ideas of Hasan al-Banna and later Sayyid Qutb – both calling on Egyptians to look to their own cultural and religious background in order to solve societal problems instead of copying Europe (Mamdani 2004) – gained more popularity, the secular nature of the state became more and more contested with the Brothers calling on government to be structured in accordance to *shariʿa* (Prentice 2012: 163-164). Under President Jamal ʿAbd al-Nasir who came to power in 1952 (Mansfield 2010: 274-276) the influence of said groups was undermined by ʿAbd al-Nasir's propagation of his ideology which merged pan-Arabism, nationalism and socialism. But when his regime was weakened by the military defeat by Israel in 1976 and the economic downturn, the Islamist groups gained more popularity.

5.2.1.1.   Article 2: Shariʿa as "a" and "the" Primary Source of Legislation

After ʿAbd al-Nasir's death, his successor al-Sadat tried to accommodate Islamist' demands and sought to portray himself as pious President. When a new constitution was adopted in 1971, a reference to *shariʿa* was introduced: to the former Article 3 (reading as follows in the 1956 Constitution "Islam is the religion of the state, and the Arabic language is its official language" (*al-islām dīn al-dawla, wa-l-lugha l-ʿarabiyya lughatuhā l-rasmiyya*))[49] was added "The principles of the Islamic *sharīʾa*) shall be *a* principal source of legislation" (quoted in Prentice 2012: 165; Italic is my own) and the article was made the new Article 2. Contrary to the current version, *shariʿa* was one of all the different sources of legislation, indicating that the state still hoped to "promote a vision of Islamic law that was consistent with its own social and economic policies." (Prentice 2012: 165)

Thus, the debate continued with the Brothers and al-Azhar University becoming increasingly outspoken. In 1980 the debate culminated in the amendment of Article 2 which from then on referred to *shariʿa* as *the* primary source of legislation without specifying what this would entail for day to day legislative and judicative work.

5.2.1.2.   Debating Article 2 prior to the Constitutional Amendments in 2007

When nearly forty articles of the Constitution were to be amended in 2007, Article 2 became

---

[49] Article three from the1965 Constitution which is quoted here in English in my own translation. The Constitution from 1965 can be found online under http://www.righttononviolence.org/mecf/wp-content/uploads/2012/03/1956Egypt.pdf.

again the issue of debate and contestation, even though the article itself was not among those to be changed. But as so many articles were open for debate, soon the question was asked (primarily by those arguing to amend the article in order to include a reference to religious minorities) whether Article 2 should not be amended or eliminated altogether. (Hulsman 2012: 15)

What could clearly be noticed was how careful state officials treaded during the debate being aware of the strong influence of the Islamic groups already. Nevertheless, those in favour of amending or eliminating Article 2 were very vocal in the media and received more space in the media (Hulsmann 2012: 16) – a situation which has rather changed since 2011.

In 2007 four large tendencies were to be detected in the debate over Article 2: (1) those arguing in favour of eliminating Article 2 in its entirety; (2) those arguing for amending the article; (3) those warning that the attempt to amend or eliminate Article 2 would lead to increased sectarian strife; and finally (4) those pointing out that the real problem does not lie with the article itself, but with the many attempts by individuals or groups to exploit Article 2 and use it for political gains. (Labīb 2012: 23)

5.2.1.3. Article 2 in SCAF's Constitutional Declaration

When the debate started in 2011, Article 2 still existed in this form and also reads as follows in the Constitutional Declaration from March 2012 Article 2: "Islam is the religion of the state, and the Arabic language is its official language. The principles of Islamic law are the chief source of legislation" (*al-islām dīn al-dawla, wa-l-lugha l-ʿarabiyya lughatuhā l-rasmiyya, wa-mabādiʾ al-sharīʿa l-islāmiyya l-maṣdar al-raʾīsī li-l-rashrī*). In English one finds several translations of the Arabic word "*raʾīsī*" which can be translated to major, principal, primary, chief, central or main – most of them are to be found in the literature concerning Article 2.

5.2.2. The Debate over Article 2

As I have now given some background on the debate over Article 2 in the past, I shall address the present day debate which involves Copts, liberals and Nasserists (among others) against Islamists, Islamic advocates and a third groups arguing social change needs to precede a change in the constitution.

It remains to be seen what the final form of Article 2 will be, but so far during the debate a

> "sharp split took place at the level of intellectuals in the society, between those of western education and culture and others of Arab and traditional Islamic culture, which led to a conflict between the two sides and which had negative impacts on democratic development and constitutional reform" (Nabil Ahmad Hilmi quoted in Hulsman 2012: 21).

In general, several trends can be determined before we go into the details of the arguments. Since the article has been introduced into the Egyptian Constitution, liberals and Coptic Christians have been arguing either against it or for amending it, while Islamists have brought forwards points in favour of keeping the article as it was (Hulsman 2012: 13-14). Nevertheless, the lines cannot be drawn so smoothly in practice as will be shown in the subsequent sections. Also what needs to be mentioned is the dynamic of the debate has changed since the ousting of Mubarak, as it is no longer the Islamists defending their stance but those arguing against maintaining the article. (Hulsman 2012: 17) It is also necessary to point out that especially Christians do not in general fear the application of *shariʿa*, but rather the fact that some Islamists equate *shariʿa* with the penalties in Islam (*hudūd*) and tend to ignore the larger aspects such as social justice. (Labīb 2012: 24)

In the following subsections I shall detail some of the lines of arguments used in the Egyptian context in order to argue in favour of (1) removing Article 2, (2) amending Article 2, or (3) maintaining it the way it is. Finally I shall delineate the external influences on the debate.

Many of the opinions and arguments cited in the course of this chapter are cited from a book in which not only an extensive opinion poll was conducted in Egypt in 2011 but also several group discussions were held and subsequently published.

5.2.2.1.   Removal

The percentage of those arguing in favour of removing Article 2 altogether without having any replacement is quite small and the group is made up mostly of Christians of different denominations and Muslims with a secular background. (Atmaca 2012)

In the aforementioned group discussions a pastor of the Evangelical Church in Cairo stated that Article 2 had a divisive impact on Egyptian society by distinguishing between believers and non-believers and that he also regarded the mention of Islam as state religion a violation of the rights of non-Muslims in Egypt. Similar arguments can be cited from Sami Harak, founding member of a smaller Egyptian party, who questioned how a state could have a certain religion being such a moral entity (Atmaca 2012: 188) and from Frater Antonious 'Aziz, a Coptic priest, who argues against any religious reference in the constitution – in general and when it comes to personal status laws (Casper 2012: 126-127)

There are others who argue for cancelling Article 2, but acknowledge that this can hardly be achieved in present day Egypt, as societal change needs to preclude this cancellation as well as educational reform. A journalist named Remon Edwards argues that the Egyptian constitution should not have a religious reference but claims that those groups in society in favour of such a position do not manage to reach out to a large amount of people and, thus, are unable to convince the population of their position (Casper 2012: 129).

Some have also only recently changed their minds and have started to support the cancellation of Article 2 out of their fear of Islamic groups which have recently become much stronger and out of fear how these groups might use the article (Casper 2012: 126).

In general arguments focus on stating that a constitution should have no religious references at all so that the state would be able to treat all denominations equally and would not distinguish between its citizens on the basis of their religion. Also the reference of Islam alone is seen as discriminatory against non-Muslims (Atmaca 2012: 190). It needs to be questioned though whether the source of discrimination of non-Muslims can be traced to the existence of Article 2.

5.2.2.2.   Amendment

Among those arguing in favour of amending Article 2 and not of cancelling it are also mostly Coptic intellectuals or religious figures, but there are more diverse and different arguments and suggestions for the amendment to be found (Atmaca 2012).

I shall first present some of the reasons which are cited for an amendment of the article and subsequently cite some of the suggested formulations for a new Article 2.

Many argue that the article needs to be amended because its broad formulation leaves the article open for manipulation. In the past it has been manipulated mainly the state and not as

commonly believed by Islamists (Hilmi quoted in Hulsman 2012: 21).

Some point to the larger relation between the essence of the state and Islam as state religion. In 2007 a similar argument was put forth by Muʿtaz al-Fajiri from the Institute for Human Rights who argued that Article 2 and Article 5 were inherently contradictory: while Article 2 mentioned Islam as the state religion, Article 5 did not allow for parties being founded on a religious basis. By demanding a clear division of state and religion, the Western European view influenced by secularism is very much taken to heart (Atmaca 2012: 194-195). Some would also rather see the article removed altogether put argue for amending it instead because they think that a removal would not be possible in present-day Egypt (Hulsman 2012: 21).

There are several ways in which change could be introduced. Some argue that it is necessary to add a sentence which secures the rights of non-Muslims to be governed by their own laws when it comes to matters of personal status (Salāmah 2012: 97; Casper 2012: 125-126). Another suggestion is put forward which aims to limit the application of Article 2 to legislators and prevents jurists from using it in their work (Salāmah 2012: 79). Some argue that instead of only referring to the principles of *shariʿa*, Article 2 should contain a sentence specifying these principles and also the objectives of *shariʿa*: "The objectives of the Islamic sharīʿah are to realize fairness, justice and equality among citizens." (Salāmah 2012: 98)

An interesting position was assumed by Tharwat Kharabali a former member of the Muslim Brotherhood and al-Wasat Party states that there was some danger from extremist fringes. He went on to argue that not even Salafism could provide a way out – even though they might claim to offer such a vision – because their vision called for a return of things to how they were at the time of the Prophet but Karabali pointed out that even during the Prophet's lifetime there had been liberal and conservative views struggling over precedence. He suggested to keep Article 2 but to amend it to "define Egypt as a secular state with an Eastern understanding." (Casper 2012: 130)

Another rather fascinating contribution was made by Jamal al-Banna, brother of the founder of the Muslim Brotherhood. For him the essential understanding of *shariʿa* is justice and, therefore, he suggested using the word justice instead of *shariʿa* in Article 2 which would then read as follows: the principles of justice are the main sources of legislation. This suggestion is even more interesting as he admits that what *shariʿa* actually means and entails is still a topic of fierce debate and discussion among Muslims. (Atmaca 2012: 195)

These suggestions seem to boil down to the question of how *shariʿa* is understood. While some regard *shariʿa* rather as a legal basis derived from a religion which can be applied to everybody regardless, others regard *shariʿa* as an essentially Islamic law which should and can only be applied to Muslims. (Atmaca 2012: 195) Those arguing in favour of adding or limiting Article 2 clearly define *shariʿa* according to the latter version.

5.2.2.3.   Status Quo

Those arguing for the status quo are probably the largest group consisting of both liberals, Christians and Muslims. While the first group employs arguments which are often geared towards reassuring other liberals or Christians that their fears in relation to Article 2 are not founded or towards explaining why change would be impossible currently, the latter group, coming from a religious background, often argues in favour of keeping the article due to ideological or religious reasons. (Atmaca 2012: 195-196)

As already mentioned before, there is a group which argues that attempting to change the article in the present situation would only incite tensions among the groups and is virtually impossible due to the current climate in the country. Kamal Zakhir Musa warns that some Muslims could perceive Copts arguing against Article 2 – e.g. against the mention of *shariʿa* and Islam as state religion – as Copt attacking Islam (Atmaca 2012: 196).

Another group argues in favour of keeping Article 2 not because they think it is impossible to change it presently, but because they find many positive aspects in maintaining the reference to Islam and *shariʿa*.

Many also argue that Article 2 mirrors the reality of Egyptian society and their will which a secular state would not. The line of argumentation goes that Muslims, Copts and Egyptians of different political affiliation have lived together peacefully with the article in the constitution and that problems are rather caused by people themselves but not by the Article in the constitution. Muhammad Muhammad ʿAbdu from al-Azhar University argued that Article 2 helped the Egyptian society to keep their faith in religion which he deemed as indispensable (Casper 2012: 126). Also Muhammad Hajjaj argued that divisions between the Egyptian people had been sown by the former regime and were not caused by Article 2. Moreover, he argued that a constitution was not supposed to specify details but should put forth broad principles: while Article 1 establishes Egypt as a democratic republic with equal citizens, Article 2 only adds to this in terms of national identity (Casper 2012: 127).

Others simply argue that there cannot and should not be a division between state and religion. One example hereof was Mahmud ʿAshur, a former dean of al-Azhar University, who claimed also that the Constitution dealt with more general issues and non-Muslims could always refer to their own personal status laws for specific issues (Atmaca 2012: 199).

Finally, there are those who argue that the article itself should remain, but that it should be ensured that it could not be applied in the wrong way – whoever may define what the wrong way is. Many argue that the problems arise when some groups try to use the articles to further their own goals (Casper 2012: 128-129).

5.2.3. Influences on the Debate

This section shall address possible external influences from the West and how their assumptions about political Islam and secularism could have influenced the debate in Egypt. Arguably, this is issue is not quantifiable and difficult to prove. But when we compare how state officials comment on current Egyptian affairs, a slight difference can be noted. Under Mubarak vocal support for democracy and human rights was very strong, but in fact not much was done to back up the rhetoric (Carothers 2007). Today states seem to be more outspoken and ready to take measures in support of their rhetoric. An example hereof is the German Minister for Development who stated in an interview that he planned to cancel official contacts to Egypt in light of the recent developments in the constitutional debate (Szent-Ivanyi 2012).

Also, articles in Europe or the United States written without sufficient knowledge about the Egyptian case and one's own bias often take the position that if only references to *shariʿa* were to be removed from the Constitution and religion were to be defined as private matter, this would somehow change social reality and realise these aspirations. (Hulsman 2012: 14) In reality, though, it would be wise to accept that constitutional articles alone cannot change society or guarantee certain rights, as the Egyptian Constitution under Mubarak de jure guaranteed wide ranging human and civil rights, which were de facto annihilated by the practices of the state.

5.2.4. Final Thoughts on the Relevance of the Debate on Article 2

In this chapter I have sought to highlight the most important aspects and arguments of the debate over Article 2 of the Egyptian Constitution. After giving an overview over how the article was introduced into the constitution and how it was changed over time, I have focused on the current debate drawing on newspaper articles, my own interviews and a book which conducted not only an opinion poll but also several roundtable discussions on the very topic. Finally, I have addressed some aspects of how the assumptions about political Islam might have influenced the debate in Egypt.

It has to be mentioned, though, that not all opinions could be represented in great detail, as there are not only so many different arguments in favour of amending, maintaining or cancelling the article, the arguments are also not used consistently: two groups might be using the same arguments but suggest different solutions. Also many different versions for a new article have been suggested and many Egyptians have felt the need to overstate their points in the debate either to counter their opponents or to make sure their voice is heard.

What needs to be mentioned as well is the fact that according to the poll conducted by El-Zanaty and al-Ghazli (2012) in July 2011 most people were not as concerned with the debate over Article 2 and over the constitution in general. Moreover, the poll found that most Egyptians – regardless of their religious orientation – were divided along socio-economic lines and not on religion. Most Egyptians – in July – were not consciously aware of the debate surrounding Article 2 (El-Zanaty and al-Ghazli 2012). But when asked the majority expressed a wish that Egyptian society should have religious and Muslim features. This has led many liberals, Copts and non-Islamists to argue for amending or keeping Article 2 instead of removing it (Hulsman 2012: 15).

In conclusion, it can be said that, firstly, the debate on Article 2 sometimes focuses too much on abstract notions and ideas while forgetting the actual pressing problems and, secondly, that it has to be challenged whether changing Article 2 would have significant ramifications for the daily lives of Egyptians – it certainly would be a strong symbolic victory for whichever party would manage to carry their point. When it comes to the first draft of the Egyptian Constitution, it was the Muslim Brotherhood who managed to do this: While the more conservative groups such as al-Nour were in favour of strengthening the reference to *shariʿa* and many liberals and non-Islamist were – as mentioned arguing that the article should include a reference to the rights of the Christian minority, it was the Muslim Brotherhood which wanted the article to remain the way it was. (Draft of the Egyptian Constitution, 16 October 2012)

6. Conclusion: A way forward?

"Work – Freedom – Bread" — خبز – حرية - عمل —

One of the slogans used during the demonstrations in Egypt, Traboulsi 2012

The slogans used in the demonstrations which led to the upheavals in North Africa and the Middle East can provide some insights into the motivations about the people demonstrating. Calling for work, freedom and bread clearly indicates that the Arab uprisings were not about democracy or Islam as many commentators concluded but they show that the people of the MENA region aspire to live a live in dignity. Overall religion has played a rather minor role during the uprisings and the conflict was between regimes holding on to power and the people demanding their rights.

It was only after the ousting of the leaders of the regimes that many commentators seemed to remember that the people demanding their rights were actually Muslims and started to warn against the danger from Islamist parties and movements which would – according to them – seek to establish Islamic states. This line of thought clearly points to the assumptions which guide and inform the analysis and actions in Western countries: the most important ones were that Islam was not compatible with a democratic political system and that, therefore, any measures to prevent Islamic groups from gaining power were in order. Sadly, even millions of Muslims (in cooperation with secular people and Christians) demanding their rights has not changed fully these beliefs in the West. It has been the aim of this paper to question and highlight exactly these assumptions and beliefs in the West about Islamic groups and movements.

The objective of this paper was twofold: not only did I seek to address these assumptions about political Islam which originate from the notion of secularism which is dominant in Western countries, but also to make a connection between these assumptions and the ongoing debate in the Arabic countries about the relation between religion and the state. Representative for the two competing notions of a secular and an Islamic state, liberal and Islamic groups in Egypt debate over the extent that religion should influence government and the state in general. As focal point of the debate I have chosen to concentrate on the debate on Article 2 of the Egyptian constitution which not only refers to Islam as the state religion but also mentions *shariʿa* as the main source of legislation. Thus, I have sought to point out how

these notions of secularism and the assumptions about political Islam could influence the relations between those two groups in the discussions about this article.

The questions I have sought to answer were the following: How much are the relations between the important actors in the debate structured by the aforementioned dichotomy? How will the Islamic background of those in charge of writing the constitution influence it? How different are the approaches taken by the secular and the Islamic groups? Is there room for compromise? How much is this discussion dominated by Western influence? Are the fault lines running through the Egyptian society actually along the lines of religion or are there other significant cleavages? Is it even viable to make a distinction between the writers of the constitution based on their views on religion? How important are religious references in the constitution for the relation between the different groups in the Egyptian society and does changing the constitution change reality?

In order to do so, this paper has proceeded through several chapters. Firstly, I have sought to deconstruct the notions of political Islam and secularism which are dominant in the Western understanding and made clear that in the course of this paper political Islam not only "refers to what individuals in a particular socio-historical context think about the political and the religious" (Volpi 2011a: 1) but also applies to "the political dynamics generated by the activities of those people who believe that Islam as a body of faith has something crucial to say about how society should be organized, and who seek to implement this idea as a matter of priority." (Volpi 2011a: 1)

Secondly, one chapter of this paper was dedicated to the different approaches to studying Islam as well as political Islam and to analysing the relationship between Islam and Democracy. Subsequently, I have stressed how perceptions about the aforementioned issues have shaped policy decisions in the past and present.

Thirdly, I have sought to provide a clear background for the current debate over Article 2 not only by analysing how the Egyptian political system is structured and influenced by the aforementioned assumptions but also by inquiring how these assumptions have shaped the relation between Islamic and non-Islamic groups in Egypt.

Fourthly, I have focused on the debate over the Egyptian Constitution. My research concentrated on two aspects: firstly, how the relationship between the secular and the Islamic groups involved in the debate over the new constitution was shaped during the transition period by the structural constraints of the previous regime and by international influences such as international norms inspired by a secular philosophy; and, secondly, which arguments were brought forth in the debate over Article 2 and how this debate was influenced by the mentioned assumptions about political Islam and secularism.

6.1. Findings

One change which is very noteworthy is the fact that the recent upheavals in Egypt have opened up new and more public space for all active groups in civil society. Especially the great variety of Islamic and Islamist organisations, movements and groups who had been brutally suppressed by the regime seized the moment to speak out and to formally partake in the political process – with great success. Thus, after the parliamentary and presidential elections both institutions were dominated by Islamic oriented groups or individuals which left the army as the only institution which could balance the influence of the Islamic groups – at least according to some liberal groups. Of course this does not hold true for all of them, but there was a tendency to be detected that this was the perceived situation. Subsequently, some liberals wished for the army or more precisely SCAF to act as protector of democracy and as a shield against the increasing influence of the Islamic discourse. Therefore, some of them were in fact very supportive of the SSC ruling which dissolved the houses of parliament because they hoped to gain more influence in the next elections.

The same goes for the constitutional debate. Many liberals were rather hopeful that SCAF would step in and issue a further constitutional declaration which would pre-empt a draft or even a constitution heavily influenced by the Islamic parties. (Ottaway 2012) That this would have been inherently undemocratic and more of the same old politics did not seem to matter.

6.1.1. To what extent did the Islamic background of those in charge of writing the constitution influence their positions?

While the liberal parties seem to continue to live in the past where they had to rely on an

autocratic regime to suppress Islamists, the Islamic groups do also not seem to have moved on. This is also tied to the following question: to what extent did the Islamic background of those in charge of writing the constitution influence their positions?

It seems that many of them considered writing the constitution their one chance at realising their – arguably extremely vague – notion of an Islamic state and society. It has to be noted though that many groups, such as the Muslim Brothers, actually have a more gradual approach when it comes to achieving their goal of an Islamic society and state. They seek to gradually change society by education and their work at the grassroots. Nevertheless, the debate over a new constitution and the entire process including the timetable and the repeated deadlines must have introduced some sense of urgency. Also the fact that a – now – former member of the Brothers holds the office of the presidency means that he is the one person who will be held responsible for the failure of the majority of processes and developments during the transition – also because he is in fact the only elected body in the entire political system of Egypt and because of the high concentration of power in the office of the President of the Republic.

6.1.2. How much is this discussion dominated by Western influence?

The question remains of how or if the relations between the important actors in the debate are structured by the internationally dominant narrative of political Islam and the subsequent conclusions about the compatibility of Islam and democracy which have been discussed in earlier chapters.

It is beyond doubt that international actors such as the United States have sought to influence the transition process in Egypt or at least tried to stay informed and in good relations with as many actors as possible. Being mostly interested in stability and the protection of US interests in Egypt[50] (Masoud 2011), the US were very much interested in a so called "guided transition" because of the perceived insecurities and uncertainties of transitions. Another reason for supporting such a guided transition was their cautious stance vis-à-vis the Islamic parties. But also SCAF was very cautious of those groups because the military feared for its privileged position in the Egyptian political system. It is difficult to establish whether the position of the actors was more strongly influenced by the possible gains and losses during the transition or rather by the assumptions about Islamic groups which had been built up during the Mubarak years when the regime sought to portray itself as a buffer against the threat of an Islamic state.

---

[50] The most important interests the US pursues are to ensure continued cooperation in security related matters and to guarantee that Egypt will continue to uphold of the Camp David Accords.

Also other countries such as the Eastern European states which had experienced their own revolutions and transitions sought to "help" countries such as Egypt and Tunisia with the lessons they had learned during their transitions. But as it is widely argued in the literature on democratic transitions there is no simple way of applying the lessons and experiences from a transition in one country to another: while some structural aspects might be similar this does never allow for the conclusion that actors will make the same decisions.

6.1.3. Are the division lines running through the Egyptian society actually along the lines of religion or are there other significant cleavages?

Furthermore, I would like to argue that despite that fact that so many arguments can be found in the literature about political Islam that it is irreconcilable with democracy and the ideas of secular groups, the fact that both groups assume different positions on most aspects during the transition can also be explained by the structural position in which those groups are and by the different sectors of society they seek to represent. This is not to argue that there is no difference between Islamic and liberal groups or that one should discard the notion that there are ideological differences between them or that there is a debate over how to bridge the two ideals of Islam and democracy. But it should remind us that this is not the only aspect under which both groups should be understood and analysed.

A telling example of how the parties assumed positions which were likely to increase their influence was the question whether there should be a parliamentary elections as soon as possible succeeded by a constituent assembly or whether there should first be a new democratic constitution. While the Muslim Brothers favoured early elections because of their advantage at mobilizing supporters, the liberal parties were in favour of late elections which would have given them more time to constitute their parties. While both argued that their position was the more democratic one, the reasoning behind it was rather based on their calculations of success in earlier or later elections. Also Mona El-Ghobashy (2012c) argues in an interview on Jadaliyya that the Muslim Brotherhood rather acts like a conservative political party and also makes decisions accordingly.

One of the reasons for the seemingly unbridgeable rift between Islamists and liberals could be the fact that those members of the Muslim Brotherhood who took part in the assembly were being used to a state of permanent persecution by state authorities that they were not able to overcome that state of persecution in order to listen to the interests of the other actors (Fahmy 2012). This is only increased by the immense feeling of mistrust of the respective other players in the political system of Egypt (Brown 2012c).

A problem was also that instead of recognising the fear of some liberal groups as legitimate, some have been framed as "feloul"[51] and their demands and worries were delegitimized. It needs to be mentioned though that there are still many actors from the *ancient régime* who seek to limit the influence of the Islamist parties and to undermine their actions, but this does not render all fears and worries from liberal and secular actors void.

6.1.4. How important are religious references in the constitution and does changing the constitution change in reality?

The question is crucial whether removing or amending Article 2 would translate to any change on the level of society or whether the change would remain confined to those intellectuals involved in the debate. Also the debate over Article 2 revolves rather around the question how the application of the article can be limited and how it can be ensured that the rights of non-Muslims are secured, but it does not address the central question of what *shariʿa* actually means or what it entails. While some sections of society are certainly engaged in this debate, it should be based on a broader level in order to include not only Islamic scholars and intellectuals from diverse backgrounds, but also the majority of society.

6.1.5. Why is the notion of Shariʿa so important and what would its implementation actually mean?

It also needs to be questioned why *shariʿa* has become such a central topic for Islamic movements and what its implementation would actually mean for those societies. It is not only Western academics who argue that the central element of political Islam is the call for the implementation of *shariʿa*, but this is also founded on the fact that many Islamic movements and groups regard *shariʿa* as the central element of their strategy and worldview. But some groups also argue that simply implementing *shariʿa* – whatever that may entail – is not enough to achieve an Islamic state or society. (Fuller 2011: 417)

In order to shed some more light on the issue of what *shariʿa* actually means, I would like to quote some of the ideas of Tariq al-Bishri, Yusuf al-Qaradawi, Muhammad Salim al-ʿAwwa and Kamal Abu al-Majd all renowned thinkers and well versed in Islamic law and philosophy (quoted in Rutherford 2008: 104). According to those theorists, *shariʿa* represents the grand principles of the Islamic faith transcending time and space. *Shariʿa* is seen in contrast to *fiqh* which can never be more than an attempt by humans to translate those principles into

---

[51] The term is widely used for the remnants of the Mubarak regime.

specific applications and law which are therefore only true for the specific time and place in which the interpretation has taken place. Hence, unlimited numbers of said interpretations are possible. Abu al-Majd (quoted in Rutherford 2008: 104) even argues that,

> "Those who combine *Shariʿa* and *fiqh* and call them 'Islamic legislation' that should be implemented to the letter commit a grave injury to Islam and the people. They introduce things in Islam that are not there originally. They stipulate restrictions and obligations that God did not decree."

It is also difficult for an outsider to question how central the application of *shariʿa* is to the achievement of a better society, but the question can be asked to what extent the implementation of *shariʿa* has helped in alleviating the most pressing problems in Muslim societies – or whether a de jure or nominal implementation of *shariʿa* has done anything to better the lives of the population and to increase the quality of governance. Citing the examples of Saudi Arabia or Pakistan it cannot be argued that these countries have come closer to achieving an ideal society in terms of social justice, equality or overall performance.

It can be argued that this is because *shariʿa* has not been implemented fully or wrongly, but, as Fuller (2011: 417) argues, in fact "no Muslim state has made any significant progress toward creation of a more ideal society as it has come ever closer to full application of Shari'a law." He does acknowledge that while moral issues may have been approached, this has not translated to tackling the problems in the social, economic or political sectors.

6.2. Outlook

Finally, a few questions remain unaddressed. At one point in this paper I have questioned whether the distinction between Islamic and non-religious or secular groups is even viable as it serves to perpetuate not only the notion that Islam is the most important lens through which the region should be analysed but also to support the claims that there in fact exist irreconcilable differences between both groups. Nevertheless, exactly because of this fact, it is important to make this distinction and to explain its origins and ramifications. Moreover, this thinking dominates not only in the West but similar assumptions about Islamic groups or secular groups influence the stance of both groups concerning each other (Ramadan 2012:67).

This is also exactly why this dichotomy and divide needs to be overcome so that societies in the region are able to not just draw on their own culture and history to achieve the best political system or society, but also to incorporate knowledge and experiences form other cultures without facing any allegations of treachery. In addition, the strict divide leads both groups to focus more on what the respective other does wrong instead of substantiating their own ideas and developing them into more specific concepts and policies. Tariq Ramadan (2012: 160) has stated succinctly that, "the mere presence of their opponents, rather than the quality of their programmatic proposals ends up justifying their political involvement."

There is currently no agreement in the Egyptian society – and even less in the entire MENA region – on what the people want their future to be like or what they themselves want from their government or state. The one point which has been made during the uprisings was that the Arab societies did not want to live in the conditions under which they had been living in the past (Ramadan 2012: 64).

The future, therefore, will also be shaped not only by what the people want but also by the different concepts the respective actors can offer their societies as models for the future. On one hand, it will not only be important – as mentioned – to overcome the divide between secular and Islamic groups which stifles a constructive debate, but on the other hand, the debate over what the Egyptian society will understand under *shariʿa* has to become a central point of discussion: will it be limited to a strict legal interpretation or extended to the broad principles of social justice.

To conclude, the question how those two groups will or rather if they will be able to overcome their differences and their divide, will be crucial for the future of the entire region. But it will also be up to the international actors to challenge their own assumptions and allow those societies some space for development. Unfortunately, this version of events is not one of the most likely outcomes. Nevertheless, I shall not make any predictions over the way the Egyptian society will be developing in the future because most attempted predictions of the developments during the transition have proved to be wrong.

Bibliography

Anderson, John (2004). 'Does God Matter, and If So Whose God? Religion and Democratization', *Democratization*, 11:4, pp. 192-217.

Arkoun, Mohammed (1994). *Rethinking Islam: Common Questions, Uncommon Answers*, trans. R.D. Lee. Boulder: Westview Press.

Asad, Talal (2003). *Formations of the Secular: Christianity, Islam, Modernity*. Stanford: Stanford University Press.

Asad, Talal (2011). 'Trying to Understand French Secularism,' in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 210-219.

Al-Aswany, Alaa (2011). *On the State of Egypt: What caused the Revolution*. Edinburgh: Canongate Books, Ltd.

Atmaca, Nushin (2012). 'Article II in the Debate about Constitutional Amendments in 2007,' in Cornelis Hulsman, ed., *The Sharia as the Main Source of Legislation? The Egyptian Debate on Article II of the Egyptian Constitution*, Tectum Verlag, Marburg, pp. 179-205.

Ayoob, Mohammed (2007). *The Many Faces of Political Islam: Religion and Politics in the Muslim World*. Ann Arbor: The University of Michigan Press.

Ayoob, Mohammed (2011). 'Deciphering Islam's Multiple Voices: Intellectual luxury or strategic necessity?', in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp.44-54.

Barro, Robert (1999). 'Determinants of Democracy,' *Journal of Political Economy*, 107:6 (part 2), pp. 541-563.

Bayat, Asef (2010). *Life as Politics: How Ordinary People Change the Middle East*. Amsterdam: Amsterdam University Press.

Bayat, Asef (2012). 'The "Arab Street",' in Jeannie Sowers and Chris Toensing, eds., *The Journey to Tahrir: Revolution, Protest, and Social Change in Egypt*. London and New York: Verso, pp. 73-84.

Beinin, Joel (2009). 'Workers' struggles under 'socialism' and neoliberalism,' in Rabab El-Mahdi and Philip Marfleet, eds., *Egypt: The Moment of Change*. London and New York: Zed Books, pp. 68-86.

Beinin, Joel (2012). 'The Working Class and the Popular Movement in Egypt,' in Jeannie Sowers and Chris Toensing, eds., *The Journey to Tahrir: Revolution, Protest, and Social Change in Egypt*. London and New York: Verso, pp. 92-196.

Bruce, Steve (2004). 'Did Protestantism Create Democracy?', *Democratization*, 11:4, pp.3-20.

Brumberg, Daniel (2002). 'Democratization in the Arab World? The Trap of Liberalized Autocracy', *Journal of Democracy*, 13:4, pp.56-68.

Büttner, Friedemann and Hamzawy, Amr (2007). 'Ägypten' in Walter M. Weiss, ed., *Die Arabischen Staaten: Geschichte, Politik, Religion, Gesellschaft, Wirtschaft.* Heidelberg: Palmyra Verlag, pp. 9-31.

Carothers, Thomas (2006). 'The Backlash Against Democracy Promotion', *Foreign Affairs*, 85: 2, pp. 55-68.

Carothers, Thomas (2007). '*Democracy Promotion: During and After Bush', Carnegie Endowment for International Peace.*

Casanova, José (1994). *Public Religions in the Modern World*. Chicago: University of Chicago Press.

Casper, Jayson (2012). 'Roundtable discussions about Article II: Clerics, Media, and Civil Society,' in Cornelis Hulsman, ed., *The Sharia as the Main Source of Legislation? The Egyptian Debate on Article II of the Egyptian Constitution*, Tectum Verlag, Marburg, pp. 125-131.

Cox, Robert W. (1981). 'Social Forces, States and World Order: Beyond International Relations Theory,' Millennium: Journal of International Studies, 10:2, pp. 126-155.

Denoeux, Guilain (2002). The forgotten swamp: navigating political Islam,' *Middle East Policy*. 9:2, pp. 56-81.

Denoeux, Guilain (2011). 'The Forgotten Swamp: Navigating political Islam,' in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 55-79.

Diamond, Larry (2010). 'Why are there no Arab Democracies?', *Journal of Democracy*, 21:1, pp. 93-104.

Dunne, Michele (2006). 'Evaluating Egyptian Reform,' Carnegie Paper No. 66, *Middle East Series*, January.

Ehteshami, Anoushiravan (2004). 'Islam, Muslim Polities and Democracy', *Democratization*, 11:4, pp. 90-110.

Eickelmann, Dale and Piscatori, James (1996). *Muslim Politics*. Princeton: Princeton University Press.

Elger, Ralf (2004). *Islam*, 2nd Edition. Frankfurt am Main: Fischer Taschenbuch Verlag.

Esposito, John and Voll, John (1996). *Islam and Democracy*. New York: Oxford University Press.

Felsberger, Stefanie (2012). 'Can democracy theory explain the emergence of the Egyptian democratic movement?', *Diplomarbeit*. Wien: Universität Wien.

Fukuyama, Francis (1989). 'The End of History?', *The National Interest*, Summer 1989.

Fukuyama, Francis and McFaul, Michael (2007). 'Should Dem Be Promoted or Demoted? *The Washington Quarterly*, 31: 1 pp. 23-45.

Fuller, Graham (2002). 'The Future of Political Islam,' *Foreign Affairs*, 81:2, pp. 48-60.

Fuller, Graham (2011). 'The Future of Political Islam: Its dilemmas and options,' in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 413-421.

Gellner, Ernest (1979). 'Up from Imperialism: review of David Pryce-Jones, The Closed Mind: An Interpretation of the Arabs', *The New Republic,* 200:21, pp. 34-36.

El-Ghobashy, Mona (2005). 'The Metamorphosis of the Egyptian Muslim Brothers,' *International Journal of Middle East Studies*, 37, pp. 373-395.

El-Ghobashy, Mona (2012a). 'The Praxis of the Egyptian Revolution,' in Jeannie Sowers and Chris Toensing, eds., *The Journey to Tahrir: Revolution, Protest, and Social Change in Egypt*. London and New York: Verso, pp. 21-40.

El-Ghobashy, Mona (2012b). 'The Dynamics of Elections Under Mubarak,' in Jeannie Sowers and Chris Toensing, eds., *The Journey to Tahrir: Revolution, Protest, and Social Change in Egypt*. London and New York: Verso, pp. 132-148.

Haass, Richard N. (2003). 'Toward Greater Democracy in the Muslim World', *The Washington Quarterly*, 26:3 pp. 137-148.

Hamzawy, Amr (2005). 'Opposition in Egypt: Performance in the Presidential Election and Prospects for the Parliamentary Elections', *Policy Outlook – Carnegie Endowment for International Peace*, October 2005.

Harders, Cilja (2011). Die Umbrüche in der Arabischen Welt: Zwischen Revolution und Restauration. In: Arbeitsstelle Politik des Vorderen Orients, ed., *Proteste, Revolutionen, Transformationen – die Arabische Welt im Umbruch*. Working Paper No. 1, Juli 2011, pp. 10-38.

Hatina, Meir (2007). *Identity politics in the Middle East: Liberal thought and Islamic challenge in Egypt*. London and New York: I.B. Tauris.

Held, David (2006) .*Models of Democracy*, 3rd Edition. Cambridge: Polity.

Hinnebusch, Raymond (2000). 'Liberalization without Democratisation in 'postpopulist' Authoritarian States', in Nils Butenshon, Uri Davis and Manuel Hassassian, eds., *Citizenship and State in the Middle East*. Syracuse, NY: Syracuse University press, pp. 123-145.

Hirschkind, Charles (2011). 'What is Political Islam?', in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 13-15.

Hulsman, Cornelis (2012). 'Introduction,' in Cornelis Hulsman, ed., *The Sharia as the Main Source of Legislation? The Egyptian Debate on Article II of the Egyptian Constitution*, Tectum Verlag, Marburg, pp. 13-22.

Huntington, Samuel (1998). *The Clash of Civilizations and the Remaking of World Order*. 1st ed., New York: Simon & Schuster.

Huntington, Samuel (1991a). *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.

Huntington, Samuel P. (1991b). 'Democracy's Third Wave', *Journal of Democracy*, 2:2, pp. 12-34.

Hurrell, Andrew (2007). *On Global Order: Power, Values and the Constitution of International Society*. Oxford: Oxford University Press.

Ismail, Salwa (2003). *Rethinking Islamist politics: culture, the state and Islamism*. London: I.B. Tauris.

Jamal, Amaney and Tessler, Mark (2008). 'The Democracy Barometers: Attitudes in the Arab World', *Journal of Democracy*, 19:1, pp. 97-110.

Joffé, George (2008). 'Democracy and the Muslim world' in Nuno Severiano Teixeira, ed., *The International Politics of Democratization: Comparative Perspectives*. New York: Routlege, pp. 167-178.

Kedourie, Elie (1992). *Democracy and Arab Culture*. Washington, D.C.: Washington Institute for Near East Policy.

Kennan, George F. (1977). *The Cloud of Danger: Current Realities of American Foreign Policy.* Boston: Little, Brown and Company.

Krämer, Gudrun (2011). 'Visions of an Islamic Republic: Good Governance according to the Islamists,' in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 86-94.

Labīb, Hānī (2012). 'Discussions on Article II of the Constitution in Egypt need a calm approach,' in Cornelis Hulsman, ed., *The Sharia as the Main Source of Legislation? The Egyptian Debate on Article II of the Egyptian Constitution*, Tectum Verlag, Marburg, pp. 23-24.

Lewis, Bernhard (2002). *What Went Wrong? Western Impact and Middle Eastern Response*. London: Phoenix.

Li, Quan (2005). 'Does Democracy Promote or Reduce Transnational Terrorist Incidents?,' *The Journal of Conflict Resolution*, 49:2, pp. 278-297.

Lipset, Seymour Martin (1959). 'Some Social Requisites of Democracy: Economic Development and Political Legitimacy', *The American Political Science Review*, 53:1, pp. 69-105.

El-Mahdi, Rabab and Marfleet, Philip (2009). 'Introduction,' in Rabab El-Mahdi and Philip Marfleet, eds., *Egypt: The Moment of Change*. London and New York: Zed Books, pp. 1-13.

El-Mahdi, Rabab (2009). 'The democracy movement: cycles of protest,' in Rabab El-Mahdi and Philip Marfleet, eds., *Egypt: The Moment of Change*. London and New York: Zed Books, pp. 87-102.

Mahmood, Saba (2004). *Politics of Piety: The Islamic Revival and the Feminist Subject*. Pronceton: Princeton University Press.

Mamdani, Mahmoud (2004). *Good Muslim, Bad Muslim: America, the cold war, and the roots of terror.* New York: Three Leaves Press.

Mamdani, Mahmood (2011a). 'Good Muslim, Bad Muslim: A political Perspective on culture and terrorism,' in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 109-125.

Mamdani, Mahmood (2011b). 'An African Reflection on Tahrir Square,' *Globalizations*, 8:5, pp. 559-566.

Mandaville, Peter (2007). *Global Political Islam*. New York and Oxon: Routledge.

Mansfield, Peter (2010). *A History of the Middle East*. Third Edition. London: Penguin Books.

Marfleet, Philip (2009). 'State and Society,' in Rabab El-Mahdi and Philip Marfleet, eds., *Egypt: The Moment of Change*. London and New York: Zed Books, pp. 14-33.

Masoud, Tarek (2011). 'The Upheavals in Egypt and Tunisia: The Road to (and from) Liberation Square', *Journal of Democracy,* 22:3, pp. 20-34.

Nasr, Vali (2005). 'The Rise of 'Muslim Democracy', *Journal of Democracy*, 16:2, pp. 13-27.

Naguib, Sameh (2009). 'Islamism(s) old and new,' in Rabab El-Mahdi and Philip Marfleet, eds., *Egypt: The Moment of Change*. London and New York: Zed Books, pp. 103-119.

Osman, Tarek (2010). *Egypt on the Brink: From Nasser to Mubarak.* New Haven, CT and London: Yale University Press.

Ottaway, Marina and Carothers, Thomas (2004). Think Again: Middle East Democracy, Foreign Policy. Fall 2004.

Ottaway, Marina and Hamzawy, Amr (2007). 'Fighting on Two Fronts: Secular Parties in the Arab World,' Carnegie Papers, Number 85.

Pawelka, Peter (2008). 'Einleitung: Konstitution, Geschichte und Funktionsweise des Staates im Vorderen Orient,' in Peter Pawelka, ed., *Der Staat im Vorderen Orient: Konstruktion und Legitimation politischer Herrschaft*. Baden-Baden: Nomos, pp. 27-36.

Pratt, Nicole (2007). *Democracy and Authoritarianism in the Arab World*, Coulder CO: Lynne Rienner.

Prentice, Patricia (2012). 'Article II of the Egyptian Constitution; background and contrasting opinions,' in Cornelis Hulsman, ed., *The Sharia as the Main Source of Legislation? The Egyptian Debate on Article II of the Egyptian Constitution*, Tectum Verlag, Marburg, pp. 153-178.

Pridham, Geoffrey (2000). *The Dynamics of Democratization: A Comparative Approach*. London and New York: Continuum.

Ramadan, Tariq (2012). *The Arab Awakening: Islam and the New Middle East*. London: Penguin.

Roy, Oliver (1996). *The Failure of Political Islam*. Cambridge: Harvard University Press.

Roy, Oliver (2004). *Globalized Islam: The Search for a New Ummah*. London: Hurst&Co.

Rutherford, Bruce K. (2008). *Egypt after Mubarak: Liberalism, Islam and Democracy in the Arab World*. Princeton: Princeton University Press.

Sadiki, Larbi (2000). 'Popular Uprisings and Arab Democratization', International Journal of Middle East Studies, 32:1, pp. 71-95.

Said, Edward (1979). *Orientalism*. Vintage Books Edition. New York, Toronto: Random House.

Salāmah, Usāmah (2012). 'Article II of the Constitution: Amendment for Time,' in Cornelis Hulsman, ed., *The Sharia as the Main Source of Legislation? The Egyptian Debate on Article II of the Egyptian Constitution*, Tectum Verlag, Marburg, pp. 117-123.

Sayyid, Salman (2011). 'The Islamist Impasse?,' in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 126-134.

Schedler, Andreas (2002). 'The Menu of Manipulation,' *Journal of Democracy*, 13:2, pp. 36-50.

Schumpeter, Josef A. (1976). *Capitalism, Socialism and Democracy*. First Edition 1942. London: George Allen and Unwin.

Seif El-Dawla, Aida (2009). 'Torture: a state policy,' in Rabab El-Mahdi and Philip Marfleet, eds., *Egypt: The Moment of Change*. London and New York: Zed Books, pp. 120-135.

Sen, Amartya (1999). 'Democracy as a universal value', *Journal of Democracy*,10:3, pp. 3-17.

Shokr, Ahmad (2012). 'The Eighteen Days of Tahrir,' in Jeannie Sowers and Chris Toensing, eds., *The Journey to Tahrir: Revolution, Protest, and Social Change in Egypt*. London and New York: Verso, pp. 41-46.

Sowers, Jeannie and Toensing, Chris (2012). eds., *The Journey to Tahrir: Revolution, Protest, and Social Change in Egypt*. London and New York: Verso.

Stein, Ewan (2012). "The Gamaʿa Islamiyya: From Impasse to Opportunity," in Jeannie Sowers and Chris Toensing, eds., *The Journey to Tahrir: Revolution, Protest, and Social Change in Egypt*. London and New York: Verso, pp. 178-188.

Stepan, Alfred with Robertson, Graeme B. (2003). 'An "Arab" more than "Muslim" Electoral Gap', *Journal of Democracy,* 14:3, pp. 30-44.

Stepan, Alfred and Robertson, Graeme B. (2004). 'Arab, not Muslim, Exceptionalism', *Journal of Democracy,* 15:4, pp. 140-146.

Tibi, Bassam (2008). *Political Islam, World Politics and Europe: Democratic Peace and Euro-Islam versus Global Jhad*. London and New York: Routledge Taylor and Francis Group.

Tudoroiu, Theodor (2011). 'Assessing Middle Eastern trajectories: Egypt after Mubarak,' *Contemporary Politics*, 17:4, pp. 373-391.

Voll, John Obert (1982). *Islam: Continuity and Change in the Modern World*. Boulder: Westview.

Volpi, Frédéric and Cavatorta, Francesco (2006). 'Forgetting Democratization? Recasting Power and Authority in a Plural Muslim World', *Democratization*, 13:3, pp. 363-372.

Volpi, Frédéric (2010). *Political Islam Observed*. New York: Columbia University Press, 2010

Volpi, Frédéric (2011a). 'Introduction: Critically studying political Islam,' in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 1-7.

Volpi, Frédéric (2011b). 'Modern understandings and explanations of Islamism,' in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 9-11.

Volpi, Frédéric (2011d). 'Political Islam and democracy,' in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 135-137.

Wickham, Carrie Rosefsky (2002). *Mobilizing Islam: religion, activism, and political change in Egypt*. New York: Columbia University Press.

Wickham, Carrie Rosefsky (2011). 'The Path to Moderation: Strategy and learning in the formation of Egypt's *Wasat* party,' in Frédéric Volpi, ed., *Political Islam: A critical Reader*. Abingdon and New York: Routledge, pp. 172-194.

Windsor, Jennifer (2003). Promoting Democratization Can Combat Terrorism', *The Washington Quarterly*, 26:3 pp. 43-58.

Yilmaz, Ihsan (2009). 'Muslim democrats in Turkey and Egypt: Participatory Politics as a Catalyst,' *Insight Turkey*, 11:2, pp. 93–112.

Youngs, Richard (2008). 'External dimensions of democratization: The case of the Middle East' in Nuno Severiano Teixeira, ed., *The International Politics of Democratization: Comparative Perspectives*. New York: Routlege, pp.151-166.

Documents

Arab Human Development Report (2009)

Constitutional Declaration from March 2012, online under: http://www.egypt.gov.eg/english/laws/constitution/default.aspx, last accessed 24 December 2012.

Egyptian Constitution (1965) online under http://www.righttononviolence.org/mecf/wp-content/uploads/2012/03/1956Egypt.pdf, last accessed 24 December 2012.

Egyptian Constitution 1971, online under http://www.sis.gov.eg/en/LastPage.aspx?Category_ID=208, last accessed 24 December 2012.

Egyptian Constitution (1971, as amended in 2006), online under: http://www.egypt.gov.eg/english/laws/constitution/default.aspx, last accessed 12 January 2012.

First Draft of the Egyptian Constitution (2012), published 16 October 2012, online under: http://www1.youm7.com/images/issuehtm/flash/3mer15102012.swf, last accessed 26 December 2012.

Online Resources:

Abu Elenen, Mohamed and Al-Sheih, Omar (2011). 'Nour Party warns military council against delaying parliamentary elections,' *Egypt Independent*, 15 September 2011, online under: www.egyptindependent.com/news/nour-party-warns-military-council-against-delaying-parliamentary-elections, last accessed: 27 November 2012.

Ali, Mostafa (2011). 'Revolution Continues Alliance launches its electoral bid,' *al-Ahram Online,* 2 November 2011, online under: http://english.ahram.org.eg/NewsContent/1/105/25792/Egypt/Elections-/Revolution-Continues-Alliance-launches-its-elector.aspx, last accessed: 16 December 2012.

Al-Anani, Khalil (2012). "Leave Sharia alone," *Al-Ahram Weekly*, online under: http://weekly.ahram.org.eg/News/244/21/Leave-Sharia-alone.aspx, last accessed: 30 Novmeber 2012.

Antonov, Alexandre (2012). 'A chilling Arab Autumn: Reaping the grapes of wrath (OpEd),' *Russia Today*, 13 September, online under: http://rt.com/news/arab-world-us-embassies-051/, last accessed: 27 October 2012.

Batty, David (2011). 'Egypt bomb kills new year churchgoers,' *Guardian*, 1 January 2011, online under: http://www.guardian.co.uk/world/2011/jan/01/egypt-bomb-kills-new-year-churchgoers, last accessed: 23 November 2011.

BBC News (2011). 'UK and US call for an 'orderly transition' in Egypt,' BBC News, 31 January 2011, online under: http://www.bbc.co.uk/news/uk-politics-12320891, last accessed: 23 November 2012.

Brown, Nathan J. and Stilt, Kristen (2011). 'A Haphazard Constitutional Compromise,' *Carnegie Endowment for International Peace*, 11 April 2011, online under: http://carnegieendowment.org/2011/04/11/haphazard-constitutional-compromise/2q1, last accessed: 7 December 2012.

Brown, Nathan J. (2012a). 'Judicial Turbulence Ahead in Egypt, Fasten Your Seat Belts,' *Carnegie Endowment for International Peace*, 6 June 2012, online under: http://carnegieendowment.org/2012/06/06/judicial-turbulence-ahead-in-egypt-fasten-your-seat-belts/b689, last accessed: 7 December 2012.

Brown, Nathan J. (2012b). 'The Egyptian Political System in Disarray,' *Carnegie Endowment for International Peace*, 19 June 2012, online under: http://www.carnegieendowment.org/2012/06/19/egyptian-political-system-in-disarray/c073, last accessed: 7 December 2012.

Brown, Nathan J. (2012c). 'The revolution in crisis,' *Egypt Independent*, 27 November 2012, online under: http://www.egyptindependent.com/opinion/revolution-crisis, last accessed: 21 December 2012.

Carnegie Endowment for International Peace (2011a). 'Istikmal al-Thawra ("Completing the Revolution" Alliance),' *Carnegie Endowment for International Peace*, online under: http://egyptelections.carnegieendowment.org/2011/11/02/istikmal-al-thawra-%E2%80%9Ccompleting-the-revolution%E2%80%9D-alliance, last accessed: 16 December 2012.

Carnegie Endowment for International Peace (2011b). 'Al-Tahaluf al-Dimuqrati (The Democratic Alliance),' *Carnegie Endowment for International Peace*, online under: http://egyptelections.carnegieendowment.org/2011/09/26/the-democratic-alliance, last accessed: 16 December 2012.

Carnegie Endowment for International Peace (2011c). 'Al-Tahaluf al-Islami (The Islamist Alliance),' *Carnegie Endowment for International Peace*, online under: http://egyptelections.carnegieendowment.org/2011/11/02/al-tahaluf-al-islami-the-islamist-alliance, last accessed: 16 December 2012.

Carter, Stephen L. (2011). 'The Arab Autumn,' *Newsweek Magazine*, Oct 30, 2011, online under: http://www.thedailybeast.com/newsweek/2011/10/30/stephen-l-carter-will-america-stand-for-arab-freedom.html, last accessed: 27 October 2012.

Cole, Juan (2011). 'Christians, Muslims "One Hand" in Egypt's Youth Revolution,' *Juan Cole*, online under: http://www.juancole.com/2011/02/christians-muslims-one-hand-in-egypts-youth-revolution.html, last accessed: 23 November 2012.

Coughlin, Con (2011). 'The Arab Spring is becoming an Islamist takeover,' *The Telegraph*, online under: http://blogs.telegraph.co.uk/news/concoughlin/100113404/the-arab-spring-is-becoming-an-islamist-takeover/, last accessed: 24 November 2012.

El-Deeb, Sarah (2012). 'Egypt Revolution Death Toll: Arab Network for Human Rights Information Documents 841 Killed,' *Huffington Post*, 15 May 2012, online under: http://www.huffingtonpost.com/2012/05/15/egypt-revolution-death-toll-arab-network-human-rights_n_1519393.html, last accessed: 23 November 2012.

Fahmy, Khaled (2012). 'The president's people and clan," *Al-Ahram Online*, 16 December 2012, online under: http://english.ahram.org.eg/News/60550.aspx, last accessed: 18 December 2012.

Farhang, Mansour (2012). 'About the Non-Aligned Movement Summit in Tehran: An Interview with Mansour Farhang,' *Jadaliya* Online-Interview, 2 September 2012, online under: http://www.jadaliyya.com/pages/index/7164/about-the-non-aligned-movement-summit-in-tehran_an, last accessed: on 18 November 2012.

Friedman, Thomas L. (2011). 'Up With Egypt,' *New York Times*, 8 February 2011, online under: http://www.nytimes.com/2011/02/09/opinion/09friedman.html?ref=egypt, last accessed: 23 November 2012.

El-Ghobashy, Mona (2012c). 'Mona El-Ghobashy on Egyptian Election and its Aftermath; Sinan Antoon Reads Mahmoud Darwish,' *Jadaliyya* Online-Interview, 21 June 2012, online under: http://www.jadaliyya.com/pages/index/6108/mona-el-ghobashy-on-egyptian-election-and-its-afte, last accessed: 26 December 2012.

Goldstein, Aaron (2012). 'The Islamist Takeover of Egypt is Now Complete,' *The American Spectator*, online under: http://spectator.org/blog/2012/06/24/the-islamist-takeover-of-egypt, last accessed: 24 November 2012.

El-Gundy, Zeinab (2011) 'SCAF finally reveals parliamentary elections dates and roadmap,' *Ahram Online*, 27 September 2011, online under: http://english.ahram.org.eg/NewsContent/1/64/22697/Egypt/Politics-/SCAF-finally-reveals-parliamentary-elections-dates.aspx, last accessed: 27 December 2012.

Hassan Ali, Ahmad (2011). 'al-Salafiyya fī Maṣr,' *Al-Jazeera*, 29 August 2011, online under: www.aljazeera.net/books/pages/902bfec1-00ad-4e49-a34a-b509adce761f, last accessed: 27 November 2012.

Hendawi, Hamza (2011). 'Self-Immolation Protests in Egypt Continue,' *Huffington Post*, 18 January 2011, online under: http://www.huffingtonpost.com/2011/01/18/selfimmolation-protests-i_n_810226.html, last accessed: 23 November 2012.

El-Hennawy, Mona (2011). 'Commission announces proposed changes to Egyptian Constitution, *Egypt Independent*, 28 February 2011, online under: http://www.egyptindependent.com/news/commission-announces-proposed-changes-egyptian-constitution, last accessed: 24 December 2012.

International Institute for Democracy and Electoral Assistance (2010). 'Arab Republic of Egypt' Country Profile, *International Institute for Democracy and Electoral Assistance*, online under: http://www.idea.int/uid/countryview.cfm?id=69#Voter Turnout, last accessed: 2 January 2012.

Jadaliyya (2011a). 'Al-Nour Party,' *Jadaliyya*, 18 November 2011, online under: www.jadaliyya.com/pages/index/3171/al-nour-party, last accessed: 27 November 2012.

Jadaliyya (2011b). 'Al-Wasat Party,' *Jadaliyya*, 18 November 2011, online under: http://www.jadaliyya.com/pages/index/3152/al-wasat-party, last accessed: 28 November 2012.

Jadaliyya (2011c). 'Freedom and Justice Party,' *Jadaliyya*, 22 November 2011, online under: http://www.jadaliyya.com/pages/index/3154/freedom-and-justice-party, last accessed: 16 December 2012.

Katulis, Brian (2012). 'Managing Change in Egypt: Advancing a New U.S. Policy that Balances Regional Security with Support for Egyptian Political and Economic Reforms,' *Center for American Progress*, online under: http://www.americanprogress.org/wp-content/uploads/issues/2012/06/pdf/egypt_change.pdf, last accessed: 23 November 2012.

Kortam, Hend (2012). '"Secret draft" passed around Constituent Assembly, says Amr Moussa,' *Daily News Egypt*, 21 November 2012, online under: http://dailynewsegypt.com/2012/11/21/secret-draft-passed-around-constituent-assembly-says-amr-moussa/, last accessed: 21 December 2012.

MacAskill, Ewen (2011). 'US and world wrongfooted by Mubarak as White House tries to keep up,' *The Guardian*, online under: http://www.guardian.co.uk/world/2011/feb/10/obama-wrongfooted-mubarak-egypt, last accessed: 23 November 2012.

Al-Mahdi, Rabab (2012). 'Understanding the Arab...Spring? Uprising? Revolution? Awakening? Citizen revolt?,' *Issam Fares Institute for Public Policy and International Affairs*, January 2012, online under: http://www.youtube.com/watch?v=eF5nIE0aMDo, last accessed: 26 October 2012.

Massad, Joseph (2012). 'The 'Arab Spring' and other American seasons,' *al-Jazeera English*, 29 August 2012, online under: http://www.aljazeera.com/indepth/opinion/2012/08/201282972539153865.html, last accessed: 26 October 2012.

McGreal, Chris and Shenker, Jack (2011). 'Hosni Mubarak resigns – and Egypt celebrates a new dawn,' *The Guardian*, 11 February 2011, online under: http://www.guardian.co.uk/world/2011/feb/11/hosni-mubarak-resigns-egypt-cairo, last accessed: 23 November 2012.

Mitri, Tarek (2012). 'Understanding the Arab...Spring? Uprising? Revolution? Awakening? Citizen revolt?,' *Issam Fares Institute for Public Policy and International Affairs*, January 2012, online under: http://www.youtube.com/watch?v=eF5nIE0aMDo, last accessed: 26 October 2012.

Ottaway, Marina (2012). 'Death of the Constituent Assembly?,' *Carnegie Endowment for International Peace*, online under: http://egyptelections.carnegieendowment.org/2012/06/13/death-of-the-constituent-assembly, last accessed: 7 December 2012.

Revkin, Mara and Auf, Yusuf (2012). 'Egypt's Constitutional Chaos,' *Foreign Policy*, 14 June 2012, online under: http://www.foreignpolicy.com/articles/2012/06/14/egypt_s_constitutional_chaos?page=0,1, last accessed on 7 December 2012.

Pew Research Center's Forum on Religion & Public Life (2012). *The World's Muslims: Unity and Diversity*. online: http://www.pewforum.org/Muslim/the-worlds-muslims-unity-and-diversity-executive-summary.aspx, last accessed on 1 November 2012.

Reuters (2011). 'More cases of self-immolation in Egypt after Tunisia,' *Reuters*, 21 January 2011, online under: http://www.reuters.com/article/2011/01/21/us-tunisia-egypt-immolation-idUSTRE70K5X220110121, last accessed: 23 November 2012.

al-Shuwadafi, Muhammad (2011). 'Shabāb ḥizb "an-Nur" yarfuḍūna tawqīʿ "3Abd al-Ghafūr" 3alā biyān al-ʿaskarī,' *Al-Ahram*, 4 October 2011, online under: gate.ahram.org.eg/NewsContent/13/70/123095/الأخبار/الشارع-السياسي/شباب-حزب-النور-يرفضون-توقيع-عبدالغفور-على-بيان-ال.aspx, last accessed: 28 November 2012.

Shahin, Emad (2011). 'Young and Emboldened', *New York Times*, 27 January, online under: http://www.nytimes.com/roomfordebate/2011/01/27/whats-behind-the-demonstrations-in-egypt/young-and-emboldened-in-egypt, last accessed: 5 November 2011.

Szent-Ivanyi, Timot (2012). 'Niebel - "Wir dürfen Mali nicht verlieren",' *Frankfurter Rundschau*, 16 December 2012, online under: http://www.fr-online.de/politik/interview-mit-entwicklungsminister-niebel-niebel----wir-duerfen-mali-nicht-verlieren-,1472596,21125402,view,asFirstTeaser.html, last accessed: 25 December 2012.

Taha, Muhammad Rana (2012). 'Calls made for Friday of Rage,' *Daily News Egypt*, 21 November 2012, online under: http://dailynewsegypt.com/2012/11/21/calls-made-for-friday-of-rage/, last accessed: 26 December 2012.

Traboulsi, Fawwaz (2012). 'Understanding the Arab...Spring? Uprising? Revolution? Awakening? Citizen revolt?,' *Issam Fares Institute for Public Policy and International Affairs*, January 2012, online under: http://www.youtube.com/watch?v=eF5nIE0aMDo, last accessed: 26 October 2012.

Walt, Steven M (2011). 'Why the Tunisian revolution won't spread,' *Foreign Policy*, 16 January, under: http://walt.foreignpolicy.com/posts/2011/01/15/why_the_tunisian_revolution_wont_spread, last accessed: 5 November 2011.

El-Zanaty, Fatma and al-Ghazālī (2012). 'Opinion Poll on cancelling or keeping Article II of the Eyptian Constitution,' in Cornelis Hulsman, ed., *The Sharia as the Main Source of Legislation? The Egyptian Debate on Article II of the Egyptian Constitution*, Tectum Verlag, Marburg, pp. 25-100.

Interviews

Interview with H.E. Josef Mantl, (Austrian Foreign Ministry) Wien, 25 December 2011.

Interview with Seʿoudi Ilhav (Democratic Front) in Cairo, 29 August 2012.

Abstract

Die politischen Umbrüche in den arabischen Ländern führten dazu dass, existierende und neu gegründete islamische Parteien an Wahlen teilnahmen und ihre Vorschläge für eine Demokratie mit islamischer Prägung vorbrachten. Dies löste ein Hinterfragen vieler Annahmen über das Verhältnis von Religion und Staat, bzw. Demokratie und Islam aus. In Ägypten spielen diese Akteure eine zentrale Rolle beim Schreiben einer neuen Verfassung. Es scheint somit unabdingbar, dass die Rolle von Religion hinsichtlich ihrer Vernetzung mit Politik und Staat, mit neuer Relevanz diskutiert werden muss: In welchem Konnex stehen politischer Islam und Säkularismus? Wie beeinflusst diese (existierende oder wahrgenommene) Dichotomie die Beziehung zwischen islamischen und säkularen Bewegungen in Ägypten und ihre Gedanken hinsichtlich einer neuen ägyptischen Verfassung? Der Fokus dieser Arbeit liegt auf zweierlei Fragen: Einerseits sollten die wichtigsten Fragestellungen bezüglich der Rolle von Religion im Bereich der Politik, sowie bezüglich Säkularismus und politischen Islam aufgezeigt werden. Andererseits soll in dieser Arbeit analysiert werden wie die Annahme der Unvereinbarkeit von Islam und Demokratie, welche von Natur aus auf einer säkularen Staatsstruktur basieren soll, die Beziehung von säkularen und islamischen Akteuren in Ägypten beeinflusst. Als konkretes Beispiel zur Beantwortung dieser Fragen dient in dieser Arbeit die Debatte über Artikel 2 der neuen ägyptischen Verfassung.

Due to the Arab uprisings many assumptions about the relation between religion and the state, democracy and Islam have been challenged by old and new Islamic parties participating in elections and proposing their ideas of Islamic democracy and state governance. In Egypt they are central in writing the new Constitution. So there is clearly a new relevance for the question of which role religion can and should or cannot and should not play in politics. This question is in the focus of this paper: what is the nexus between political Islam and Secularism? How does this (existing or assumed) dichotomy affect the relation between the secular and Islamic movements in Egypt and their discussion of the new Egyptian constitution? The aim of this paper is twofold: on one hand, it seeks to highlight aspects surrounding the discussion over the role of religion in politics, secularism, and political Islam in academic circles. On the other hand, this paper shall analyse how the proposed incompatibility between Islam and democracy – which is regarded to be inherently dependent on a secular state structure – influences the relationship between the Egyptian secular and Islamic actors. The debate over the shape of Article 2 of Egypt's future Constitution shall serve as concrete example for answering these questions.

Summary

Der politische Islam ist seit geraumer Zeit im Fokus von Wissenschaftlern, Analysten und Politikern, welche sich auf Nordafrika und den Nahen Osten spezialisieren, dabei ist der Begriff alleine wohl einer der umstrittensten wenn es darum geht den Konnex zwischen Religion und Politik, Demokratie und Islam zu analysieren. Die politischen Umbrüche in den arabischen Ländern führten dazu, dass existierende und neu gegründete islamische Parteien an Wahlen teilnahmen und ihre Vorschläge für eine Demokratie mit islamischer Prägung vorbrachten. Dies löste ein Hinterfragen vieler Annahmen über das Verhältnis von Religion und Staat, bzw. Demokratie und Islam aus. Dies ist auch der Fall in Ägypten, wo diese Akteure nach dem Sturz des autokratischen Präsidenten Ḥusnī Mubārak eine zentrale Rolle beim Schreiben einer neuen Verfassung spielen.

Es scheint somit unabdingbar, dass die Rolle von Religion hinsichtlich ihrer Vernetzung mit Politik und Staat, mit neuer Relevanz diskutiert werden muss. Diese Arbeit beruht auf zweierlei Aspekten: Einerseits steht ebendieses Verhältnis von Religion und Politik im Fokus dieser Arbeit: In welchem Konnex stehen politischer Islam und Säkularismus? Die Antwort auf diese Frage ist nicht nur für Staaten, wie Ägypten, die sich gerade im Prozess befinden ihre Verfassungen neu zu schreiben, sondern auch für Westliche Staaten von zentraler Bedeutung, weil die Diskussion über diese Frage die im Westen bestehenden Annahmen und für richtig befundenen Antworten aufzeigen kann und dadurch ein Hinterfragen dieser Annahmen bedingt. Daher sollten die wichtigsten Fragestellungen bezüglich der Rolle von Religion im Bereich der Politik, sowie bezüglich Säkularismus und politischen Islam aufgezeigt werden.

Andererseits wird auch die Frage gestellt wie diese (existierende oder wahrgenommene) Dichotomie sowie die Annahme der Unvereinbarkeit von Islam und Demokratie, welche von Natur aus auf einer säkularen Staatsstruktur basieren soll, die Beziehung von säkularen und islamischen Akteuren in Ägypten beeinflusst. Als konkretes Beispiel zur Beantwortung dieser Fragen dient in dieser Arbeit die Debatte über Artikel II der neuen ägyptischen Verfassung, welcher nicht nur den Islam als Staatsreligion postuliert, sondern auch die Prinzipien der Scharia (*šarīʿa*) als die Hauptquellen der Gesetzgebung festlegt. Somit befindet sich der Artikel im Zentrum dieser Debatte.

Diese Arbeit ist in vier substantielle Kapitel unterteilt. Das erste Kapitel ist der begrifflichen Erklärung gewidmet. Es gibt sowohl Aufschluss über die Begriffe Islam und Säkularismus, als auch einen Überblick über die verschiedenen Zugänge und Definitionen von politischem

Islam. Während das Verständnis der ersteren zentral sind um die Perzeptionen und Zugänge von Westlichen Akteuren zum Thema des politischen Islams analysieren zu können, ist eine genauere Betrachtung des Begriffes des „politischen Islams" von Bedeutung um die verschiedenen Definitionen und die Wertung, die mit diesen einhergeht, analysieren zu können.

Das zweite Kapitel beschäftigt sich mit der in Westlichen Medien und Kultur dominanten Dichotomie, welche politischen Islam und Säkularismus zugeschrieben wird. Einerseits wird die akademische Debatte dieser Dichotomie analysiert und andererseits wird untersucht wie die diese Debatte konkret internationale Politik beeinflusst, indem die Debatte über politischen Islam und dadurch auch konkrete Politik internationaler Akteure beeinflusst.

Im dritten Kapitel wird der Hintergrund vor dem säkulare und islamische Gruppen und Bewegungen in Ägypten agieren beschrieben, da das ägyptische politische System und seine Verfassung die Grenzen des möglichen Handelns für die Akteure vorgeben. Des Weiteren werden auch die für die Debatte über die ägyptische Verfassung zentralen Akteure vorgestellt und die Geschehnisse rund um den Sturz des ägyptischen Präsidenten diskutiert.

Das vierte Kapitel interessiert schließlich konkret die Debatte über die neue ägyptische Verfassung. Der Fokus liegt klar auf der Diskussion darüber, ob Artikel II der Verfassung abgeändert, entfernt oder belassen werden soll. Das Kapitel gibt nicht nur einen Überblick über die Geschichte des Artikels, sondern präsentiert und analysiert auch die Hauptargumente für diese drei verschiedenen Positionen. Schlussendlich wird auch noch diskutiert wie und ob diese das Verhältnis von säkularen und Islamischen Gruppen und Bewegungen in Ägypten beeinflusst hat oder ob diese eher von anderen externen und internen Faktoren bedingt wird.

Im Fazit werden noch folgende Fragen diskutiert: Inwiefern wurden die Positionen der Islamischen Parteien und Gruppen hinsichtlich der Verfassung von ihrem islamischen Hintergrund beeinflusst? Wie stark dominierten Westliche Einflüsse die Debatte? Sind die zentralen Trennlinien der ägyptischen Gesellschaft wirklich religiös bedingt oder finden sich andere gravierendere Trennlinien? Wie wichtig sind religiöse Bezüge in einer Verfassung und welchen Einfluss haben diese auf die gesellschaftliche Realität? Warum ist Scharia so zentral und was bedingt eine Implementierung dieses Konzepts?

Curriculum Vitae

Personal Information

Date of Birth	November 24, 1987
Place of Birth	St. Veit / Glan
Citizenship	Austria
Email	a0606662@unet.univie.ac.at

Education

Grammar School

June 2006	Matura passed with merit at the BG/BRG St. Veit / Glan Cambridge Certificate

University

Since 2006	Studying Political Science and Arabic Studies at Vienna University
January 2008	Educational journey to the United Nations Headquarters in New York, to the World Bank Group and the International Monetary Fund in Washington and to the Austrian Embassies in the United States of America
December 2008	Study trip to Brussels, visiting the institutions of the European Union
September 2009/ June 2010	One year of studying Political and International Studies abroad at the University of Warwick with the Erasmus programme
August 2010	Study trip and Arabic course in Egypt, Cairo
2012	Two months Research and Arabic Study in Egypt

Employment History

2004	Internship at the office of the Landesmuseum Kärnten
2008/2009	Liaison Officer in the Austrian Ministry for European and International Affairs
Mai 2009	Convoy during the 2009 Elections to the European Parliament
July 2009	Internship at the Austria Institute for European and Security Studies
November 2010 – January 2011	Internship in the European Parliament
Since 2011	Senior Researcher at the Austrian Institute for European and Security Studies