Workshop Report

Religion – State Relations in New Egypt

Workshop, 29 June 2011

Hotel Pyramisa, Cairo

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Religion-State Relations in New Egypt

Workshop, 29 June 2011

9:30	**Welcome and introductory remarks**
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	Michael Meyer-Resende Democracy Reporting International (DRI)

First session	10:00- 11:15
Topic:	Religion-State Relations in the Muslim world
Moderator:	Mohammad Al-Agati (AFA)
Speakers:	Mathias Rohe (Erlangen University)
	Amr El-Shobaki (AFA)
10:40	Q & A
11:15	Coffee Break

Second session	11:15- 13:00
Topic:	Models of Religion-State Relations in Established Democracies and Case Studies of Muslim-Majority Countries (Indonesia, Turkey)
Moderator:	Georges Fahmi (AFA)
Speakers:	Mirjam Künkler (Princeton University)
	Fulya Atacan (Yildiz University)
12:15	Q & A and Discussion
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Third session	15:00-17:00
Topic:	The future of Religion-State relations in Egypt and Turkey
Speakers:	Fulya Atacan (Yildiz University)
	Georges Fahmi (AFA)
16:00	Q & A, Discussions, Conclusion.

Summary of Discussions

The workshop "Religion-State Relations in New Egypt", organized by the Arab Forum for Alternatives and supported by Democracy Reporting International convened participants from different areas of expertise and political trends, providing a platform for discussion and exchange.

Introduction

Mohamed Al-Agati gave an introduction on the relevance of the topic in the New Egypt.

Michael Meyer-Resende presented Democracy Reporting International (DRI), its involvement in the Middle East and North Africa since five years. He stressed that the topic of the workshop would likely play a crucial role in the drafting process of the new constitution.

Participants of the workshop presented themselves in a tour de table. They came from diverse backgrounds, including members of political parties, NGOs, journalists, professors of political science and history as well as researchers at Egyptian and international universities.

First session: Religion-State Relations in the Muslim world

Moderator: Mohammad Al-Agati (Arab Forum for Alternatives)

Prof. Mathias Rohe (Erlangen University)

Prof. Rohe stressed that the issue of religion – state religion is relevant for all states in the world, because every state has to define a position on this question. All states regulate their relation to religion in one way or another. Even in so-called secular states, religion is not removed from the public space. Secularism should not be misunderstood as being anti-religious. It simply determines different spheres – a secular and a religious sphere. Nevertheless, there is broad scope for cooperation and for religious life in the public sphere under the principles of state neutrality and equal treatment.

As in all states, religion-state relations have to be regulated, the question is how do we regulate these relations? In how far has the state a say, and in how far are religious institutions autonomous? In how far is there co-operation between the two? Germany is an example for open co-operation between religion and the state, for example confessional religious instruction is provided in schools for Christians, Jews and now Muslims.

In Muslim-majority countries one can distinguish three models of religion-state relations:

1) Laicist model: Turkey, Albania
2) Theocratic model: Iran, Saudi-Arabia
3) In-between: The majority of Muslim majority states.

In the 3rd model constitutions mostly refer to Islam and Shari'a as one of the sources of legislation and require that the head of the State should be a Muslim.

Looking at Egypt, it is difficult to discuss the issue in abstract. One should focus first of all on what a legal order should achieve. It should provide a framework for a peaceful society. That legal order is framed on the basis of historical, social and economic factors which are specific to each country. A legal order must always be adapted to the specific situation of a country. Egyptians have to ask themselves whether they want the rule of law, democracy, human rights, and religion to be an important part of people's lives.

The debate in Egypt centers on article 2 of the constitution. One question is whether you want to have a reference to Shari'a in particular or a more general reference to Islam as an important factor of public life. If you have the Shari'a reference the question is what it means: Shari'a regimes are widely different, they mean something very different in Morocco or Tunisia compared to Saudi-Arabia or Iran. Who can claim Shari'a? What kind of procedures are adopted to make claims and which institution is in charge?

The debate should also consider the usefulness of references in the constitution to international human rights treaties. In Afghanistan, the Convention on the Elimination of Discrimination against Women (CEDAW) is part of constitutional law. On citizenship, it is preferable to define the citizen as the subject of law rather than religious affiliation as the basis for rights. Concrete rights and duties should be formulated in the constitution, such as the right to work, right to participation, children's rights (where the starting point should be children's rights rather than parents' rights), freedom of speech, free press, etc. There should be independent and powerful institution to guarantee the respect of constitutional law.

The debate on religion – state relations should also look at the organization of religious communities. Where each religious community has its own legal regime (for example on civil status issues like marriage and inheritance) it could be useful to add an optional civil component for those citizens who do not want their civil status to be regulated by a specific religious community, as it was already debated in Lebanon and elsewhere. Regarding religious institutions, the question needs to be answered if and how they receive funding from the state, in how far they are involved in education, etc.

Prof. Rohe concluded that all parts of society should be represented in a constitution. In order to achieve that, reference should be made to citizenship rather than to ethnic or religious affiliation. He stressed that the different communities should look for common ground and common values, e.g. combatting corruption and strengthening pluralism. While constitutional texts are often based on compromise, the more clear-cut constitutional rights and duties are, the easier it will be to apply them, which is reassuring to citizens. Therefore the debate of how to determine religion – state relations should be as specific and concrete as possible to that citizens understand the implications of different options.

Dr. Amr El-Shobaki (Arab Forum for Alternatives)

Dr. El-Shobaki started his contribution by discussing the "Islamic reference" of political parties. The traditional secular position in the 1970s and 1980s was that as long as a party has a religious reference (such as the Muslim Brotherhood), that party is against democracy. Today, it is generally accepted that no party can be excluded for its outlook, be it religious or secular. Religion itself does not justify participation in politics, but there should be no refusal of parties just because they make reference to religion. The question is how to ensure a religious discourse that is at the same time a civil one that respects pluralism.

In the debate about religion-state relations, Egyptians should take a look at how these relations are regulated in other states of the world. If a separation of religion and state is wanted, the French and the Turkish model should be examined. It is important to keep in mind that a secular system is not against religion. In general, in Europe and the US, various and very different models of religion-state relations exist.

The separation of religion from the public sphere like in France is not the dominant model in Europe. In London, for example, veiled women work in private as well as public stores and you can find veiled Muslim police officers, which is not allowed in France. There are great differences in dealing with that question in Europe.

In Egypt today, the challenge is to find a way how to deal with three different currents of religious actors:

1) Muslim brotherhood which established a new party recently. In the past, members were only admitted after some trainings. They must change this to have a role in the political sphere.
2) Radical and violent groups
3) Salafists who appeared only recently in politics. They were isolated from the political sphere for a long time.

Discussion

Participants had a number of comments as well as questions to Prof. Rohe and Dr. El-Shobaki. Contributions included:

- More than 70% of the population is for the inclusion of a reference to religion in the constitution.
- What are the standards that would make a certain model of religion-state relations viable for a specific society?
- No party should be excluded in a pluralistic system. However, there is a danger of abuse of such pluralism by extremist groups which do not accept other opinions.
- The relations between the Egyptian Christian church and the state need to be regulated as well. The debate should not only be about Islam-state relations.
- There must be respect for each human being, irrespective of religious affiliation. There is a need to consult the people, a need to go to the streets to speak to them.
- There is a need to differentiate between the basics of Islam that can never be changed, e.g. prohibition of adultery, genocide, and other "relative" elements that humans can decide and that can change over time, e.g. economic system, safety and security, etc.
- What do we mean by „civil state", by "secularism"? We need to define the terms that are used.

Some participants felt that the specificity of the Egyptian case needs to be taken into account and criticized "the model" of the West. Some participants considered that the West is trying to impose its thinking on Egypt and that religion is understood completely differently in the West than in Egypt. According to some participants, Islam stipulates that there cannot be a separation between state and religion and that there is no religious leadership or authority in Egypt but many different Islamic groups.

Dr. El-Shobaki stressed that there is not one "West", but many models and pointed out that the Egyptian revolution was not about the West. Since the revolution, Egyptians have shown that

democracy is not impossible in the Arab world. Now, the hope is to establish a truly democratic state.

Prof. Rohe pointed out that the question of religion-state relations is quite a neutral question because every state has to regulate these relations. Every part of the world has to make its own experiences in that regard. You cannot take a model and just apply it in Egypt. But the question that needs to be tackled in every state is how to protect religious minorities. In a globalized world in particular, there are new minorities as well as atheists. There is a difference between democracy and the rule of law as well, the Swiss decision to ban minarets for example, took place in a democracy but did not adhere to the rule of law. Prof. Rohe stressed the different tasks of the state and religion. He concluded with an Arab proverb: "It is upon the state to be just and to prevent injustice."

Second session: Models of Religion-State Relations in Established Democracies and Case Studies of Muslim-Majority Countries (Indonesia, Turkey)

Moderator: Georges Fahmi (AFA)

Indonesia: Prof. Mirjam Künkler (Princeton University)

In her introduction, Prof. Künkler stressed that most long-standing democracies are not strictly 'secular'. Empirically, a strict separation between religion and the state is the exception rather than the rule. Religion and religious organisations play a particularly active role in the realm of education and social service provision in many countries. It is important to understand that democracy is not inherently anti-religious and that institutional secularism is not a democratic pre-condition. However, neutrality towards worldviews is a precondition for democracy. Alfred Stepan of Columbia University in this context proposes the concept of the "Twin Tolerations", i.e. mutual spheres of respect and non-interference between state and religion.

Since the 1990s, five Muslim majority countries have democratized: Albania, Turkey, Mali, Senegal, and Indonesia. Relations between state and religion are highly diverse between these countries and very different models of co-operation between religion and state have emerged.

Theoretically, one can conceive of two extremes in religion-state relations: 1) maximalist state regulation of religion (e.g. Turkey) or 2) regulation of the state by religious authorities (e.g. Iran). Between these two extremes, there are a variety of models that are compatible with democratic politics. States with high levels of cooperation between state and religion are, for example, Norway, the UK, and Germany, whereas the U.S. is an example for low levels of cooperation between religion and the state.

The Muslim-majority world exhibits a great diversity in religion-state relations. In Turkey, Jordan, Egypt and Saudi Arabia, we find a high level of regulation of religion by the state, whereas in Senegal the state is hardly involved in religious affairs, but cooperates with religious organisations in service provision, health care, education, etc.

Prof. Künkler presented a case study on Indonesia, which has some parallels with Egypt. Both countries were ruled for over three decades by the same individual, Suharto in Indonesia, Mubarak in Egypt, and relied heavily on the army. As it embarks on a political liberalization process, Egypt faces a number of difficult questions that were also tackled in Indonesia following the first free elections in 1999. These include:

- How to limit the power of the military? The parliament in Indonesia managed to gradually phase out the political power of the military, as well as to curb its economic power.
- Question of sequence: elections first or constitution first? In Indonesia, parliamentary elections took place first and the parliament then had a period of two years to make constitutional amendments.
- How to deal with minorities? In Indonesia, too, 12% of the population are religious minorities.
- The question whether Islamic principles should be a source of law. During the constitutional amendment process, it was decided that this would not be the case on the national level.

In Indonesia's democratic transition from 1998 onwards, religious authorities played a significant role. For example, the first post-transition president was the chairman of the country's largest Islamic organization, Abdurrahman Wahid. Islamic law was not adopted, but the five principles of "Pancasila" were retained, which has been the cornerstone of Indonesia's public order since independence in 1945. Pancasila is neither specifically secular nor Islamic. Its first principle is the "belief in the one and only God", but for the sake of protection of religious minorities, no reference to a specific religion was made. Interestingly, an additional clause was proposed in 1945, but not adopted in the end: "Belief in one and only God, with the obligations for Muslims to abide by Islamic law." This clause would have bound Muslims to abide by religious law. However, the clause was not adopted because there was no consensus on who would interpret Islamic law and how exactly it could be integrated into the national legal system.

Although no Islamic law was adopted at the national level, since 2001 at the lower levels of districts Shari'a by-laws can be adopted. In more than 50 of appr. 500 districts, such bylaws have been passed, addressing issues like alcohol prohibition, mandatory zakat collection, dress codes and curfew laws for women. Implementation varies widely: sometimes this is only a political gesture, sometimes the bylaws are carried out systematically resulting in significant controversies.

With regard to the situation in Egypt, the most important question is "which way for Article 2?" Who will claim Article 2? There are different options that could be applied, including: 1) Parliament only, 2) Parliament and citizens in courts or 3) An oversight council? If there is an oversight council, should it have veto power over every single piece of legislation (like the Guardian Council in Iran) or should it have pure advisory power (like Ethics Commissions that advise many parliaments in Europe or like the Muslim Ulama Council in Indonesia). The Iranian model of a Guardian Council is not compatible with democracy because it significantly restricts the reach of democratically elected institutions.

Turkey: Fulya Atacan (Yildiz University)

In her contribution, Prof. Fulya Atacan reported on the Kemalist experience in Turkey and gave a short historical background on state-religion relations in Turkey as well as the Turkish Directorate of Religious Affairs.

After the Ottoman Empire, the ruling elite of the new Turkish Republic tried to eradicate Islam from the political system. The Kemalists pursued radical secular policies so that in the early 1920s the Sultanate and the Caliphate were abolished, the Directorate of Religious Affairs was founded and attached to the office of the Prime Minister, a secular system of education was

installed and all Shari'a courts were abolished and a civil code was adopted.

The 1924 Constitution declared Islam as the official religion of Turkey and the House of Representatives was charged with the application of Islamic law. However, in 1928 these articles were removed from the Constitution and in 1937 secularism was adopted. The article on secularism in the Constitution cannot be changed; it is one of the pillars of the Turkish political system.

In Turkish nationalist discourse, religion is excluded, but in practice, Islam is considered the national religion. The Directorate of Religious Affairs, a state institution, is the highest religious office in the Republic. All religious personnel such as muftis and imams are public servants. Through the Directorate the State has a monopoly on religion and the power to officially interpret Islam. Several Islamic groups do not agree with the idea that there is a single "correct" version of Islam sanctioned by the State. Others maintain that State and religion should be separate spheres and that the State should not interfere in religious matters.

Moreover, the Directorate cannot be considered inclusive as it does not serve all religious groups. Christians, Jews and Alevis do not receive any service from the Directorate and the Alevi faith is treated as a sect. Only one interpretation of Islam, Sunni and nationalist, is considered the correct one. Prof. Atacan highlighted that in this sense, the Directorate has been used as a control mechanism of religion.

One of the particularities of this system is that the Directorate has hired female preachers since the mid-1980s and seven provinces now have female Vice Muftis. It is perhaps precisely because of Kemalism, promoting the role of women in the public, that now women can have such high religious positions. The Vice Mufti of Istanbul, for example, is a woman.

Prof. Atacan concluded that the regulation of state-religion relations in Turkey may be a functional arrangement for the majority of Muslims in Turkey, but that is certainly excludes the needs of non-Muslims, non-Sunnis and non-believers. The Kemalist model of secularism cannot be considered an example of twin tolerations between state and religion (Alfred Stepan), but rather a case of state regulation of religion.

Discussion

In the discussion, a number of participants reiterated that the Egyptian experience is peculiar and cannot be compared to experiences in Indonesia and Turkey or 'the West' because there is no one religious authority in Islam.

Other participants stressed that there is a difference between Islam-state relations as regulated in the constitution and the approach that state institutions take towards Islam. They mentioned that under the former system, there was a lot of pressure against Islamists; they were excluded. Now there should be no more pressure on Islamist groups, they should be able to participate in political life. Islamist leaders and groups have a role to play in the New Egypt. In response, other participants indicated that leftist or liberals do not want to exclude Islamists, but they want guarantees that every group in power will ensure inclusion and protect the human rights of all other groups. They also pointed out that criticizing Islamist groups was not amounting to criticizing Islam: In a pluralist system, everyone should be able to criticize others' viewpoints.

Prof. Atacan pointed out that there are similar discussions in Turkey. She mentioned that

sometimes Islamic parties only stress that according to Islam human rights are accepted, that people should only do good deeds, etc. However, such general statements are insufficient. In practice, problems need to be solved that exist in every society, people need more concrete answers and solutions.

Prof Künkler stressed that in many countries there is a misconception of religious authority in established democracies. In the West, there are not only Catholics, whose church is more hierarchically organized with the Pope at the apex, but also Protestants, Jews and other religions which have highly decentralized institutions. The organization of these other religions and confessions is more similar to Sunni Islam than is often thought. She also stressed that even if there is not one central Islamic authority in Egypt, there are religious authorities, including Al-Azhar university, the grand mufti of Egypt, as well as state-appointed and independent imams, etc.

Third session: The future of Religion-State relations in Egypt and Turkey

Georges Fahmi (Arab Forum for Alternatives)

In his contribution, Georges Fahmi explored the impact of religion-state relations on Egypt's transition to democracy. In his view, the relation between religion and state shall not be studied through the dichotomy of secular versus theocratic, as there are many different models of religion-state relations in the world, including among Muslim-majority countries.

Mr. Fahmi outlined three scenarios related to article 2 of the Egyptian constitution stating that Islam is the religion of the state and the principles of Shari'a as the main source for legislation:

1) The "full separation between state and religion": The first scenario is based on the classical understanding of secularism as the full separation between religion and the state, and it calls for the abolishment of article 2 of the constitution. Defenders of this scenario consider article 2 to be an obstacle towards a democratic free society, as it claims a special status for Islam and Shari'a within state institutions.
2) The "full implementation of Shari'a": This scenario is based on the idea that Islam, unlike Christianity, does not know the full separation between religion and the state. Supporters of this scenario argue that article 2should not be limited to the principles of Shari'a, but that it should include the religious punishments, *Hudduh*, and that it should be applied to the entire legal system.
3) The "differentiation, but not separation, between religion and state affairs": The third scenario tries to escape the dichotomy of choosing between a full separation or a religious state, arguing that religious principles and values are an important source that should guide legislation, but that religion can only be preached and defended though democratic institutions and shall not be imposed.

Mr. Fahmi concluded that by reviewing the debate over the relation between Islam and the state in Egypt, it became clear that the debate is misguided by a confusion of concepts, namely the concepts of 'state' and 'regime'. Whereas liberal voices often refer to the modern nation-state that emerged in the 19th century, Islamic voices refer to the Islamic state, as the Islamic rule that started with Prophet Mohammad, and continued until the abolishment of the Islamic Caliphate. Due to the heritage of the Mubarak regime that put many constraints on the work of the Islamic groups, many of these groups came to the conclusion that only through capturing the state, they can work freely.

Prof. Fulya Atacan (Yildiz University)

Prof. Fulya Atacan gave a presentation on the similarities and differences in regulating religion - state relations in Turkey and Egypt. In her conclusion, she stressed that in the new Egypt, it will be important to recognize all political groups as legitimate. She highlighted that a neutral state is important in order to establish state institutions that can install democracy. Finally, she pointed out that tolerance is needed to respect other ideas that are completely against your own ideas and that a neutral state has to guarantee the freedom of expression and other rights.

Discussion

The main points of the last discussion were these:
- In addition to Mr. Fahmi's three scenarios, it was pointed out that a fourth scenario is being discussed, namely an amendment to article 2, which would keep the reference to Shari'a, but also include a reference on the respect for human rights.
- In Egypt's new constitution, an anti-discrimination law should be included.
- A participant stressed that the talk of the „civilian state" should stop and that the term „democratic state" should rather be the reference, instead of a religious or secular state. He pointed out that all workshop participants would agree on the pillars of democracy, but that they still have to agree on a common terminology.
- Another participant criticized that sometimes secularism is seen as the solution, whereas all sorts of injustices happen in the name of democracy and secularism. Human application of broad principles always has positive and negative consequences. Secularism by itself cannot be the solution, neither for Egypt's problems nor to counter extremism.
- It was pointed out that the Church has played an important role for the Christian minority, but that it has not that much influence on the Christian youth. The Church told them to not participate in the revolution, but they did.
- The moderator of the session stressed that stereotyping will not be a benefit for any of the parties and that the focus should be on concrete policies and practical suggestions of the parties, going beyond the declaration of general principles.
- The important role of the media was highlighted and that professional media reporting in the transition will be crucial.
- Mr. Fahmi stressed that there are reasons to be optimistic, because all currents stress Egypt's unity. The debate is not about the nation-state, but it is about who controls the nation-state.

Conclusion

The organisers concluded the workshop by stressing the main points of discussion of the day:
- There is no model of religion – state relations in other countries that can just be adopted in Egypt. However, the new Egypt can be inspired by experiences of other states and should look beyond simplistic labels into the details of religion – state relation elsewhere. Whatever the religious communities and the country contexts, in all states similar questions of religion – state religions have arisen and regulated in one way or another.
- It was pointed out that it is important to formulate concrete concepts and suggestions on religion – state relations. Voters will want to know what parties have in mind

concretely in terms of constitutional reforms and policies.

- At the moment of constitution writing, common ground has to be defined. There must be trust between different groups in society so that religious minorities are not excluded.
- Limits of majoritarian rule in a democracy does not only mean the protection of religious or ethnic minorities, but also electoral minorities, i.e. those parties who lose an election. Thus every citizen in a democracy can find him/herself in a minority position and should thus understand the need for protection of minorities.
- The fourth scenario of making reference both to Shari'a and to human rights in article 2 of the Constitution should be considered as a real option.
- It would be helpful to develop more mechanisms in order to build a successful dialogue between the different societal and political groups.

List of participants

Name	Organizational affiliation
Najeh Ibrahim	Al-Jamma Al-Islamiya
Salah Al-din Al-Gawhary	Bibliotheca Alexandrina
Khaled Helmy	American University in Cairo
Anna Bozzo	University Roma 3
Rania Zada	Al-Sahwa movement
Salah Abdel Karim	Al-Wasat party
Rabha Allam	Ahram center for political and strategic studies (ACPSS)
Samar Negida	Al-Tahrir channel
Saleh Abu- Abbas	Al-Jamma Al-Islamiya Website
Aliaa Hamed	Al-Shorouk newspaper
Ahmad Al Khauly	Writer
Samir Al-Araki	Researcher and writer
Emad Shahim	University of Notre Dame
Peter Magdy	Al-Tahreer newspaper
Wessam Abdel-Alim	Al-Ahram newspaper
Isaac Ibrahim	Egyptian initiative for personal rights
Adel Ramadan	Egyptian initiative for personal rights
Ahmad Fawzy	Association for Societal participation
Menna Sharaf Al-Din	Al-Dostor website
Islam Farahat	The message of Islam network
Hadeer Mahmoud	Al-Dostor website
Haitham Fathy	Al-Bedaya newspaper
Raafat Abdel-Kader	Akhbar Al-youm newspaper
Azzurra Meringolo	Univeristy Roma 3
Mamdouh Ahmad Ali	Anwar Al-Ganoub

Background paper 1: Religion, State and Islamic Currents in Egypt

Dr. Amr El Shobaky, Head of the Arab Forum for Alternatives

Introduction

Discussions around Islamic currents have always focused on the possibility of their integration in the political process and their transformation into political currents, accepting democracy and respecting human rights. There was also wide controversy around limitations of transformation in their discourse; whether they could become democratic or would constitute a permanent threat for democracy. This also included whether they were responsible for stumbling democratic practices in the Arab world and to what extent are existent regimes responsible for this.

The importance of this study is derived from its attempt to understand the mechanisms and the processes carried out by Islamic currents in order to review their political and ideological approaches even if minimal or partial. It does not provide a mere analysis for their position regarding democracy and their relation with the existence of strong government institutions (judiciary, security apparatus, professional and neutral management) that are capable of ensuring their safe integration in the political process.

Accordingly, as the existence of strong government institutions capable of regulating the democratic process is one of the conditions for safe integration of Islamic currents, it is difficult to separate the discourse regarding the latter from the nature of the State that embraces democracy. This is similar to the successful model for safe and successful integration for Islamic currents in Turkey. Meanwhile, in Palestine, however, it was the complete opposite and partially in Afghanistan, Pakistan and Iraq, as they represent models of failure.

It is important at the beginning to differentiate between religious violence jihad movements such as the Jihad Organization and the Islamic Group in Egypt, which formed a seed for the Qa'eda Organization, or the Armed Islamic group in Algeria and Jihad Salafi Groups in the Maghreb on the one hand and peaceful conservative Islamic currents (even if believed to be retroactive) such as the Muslim Brotherhood Society (MB) or the experience of the Freedom and Justice Party in Turkey or Morocco.

Therefore, integration here means integrating peaceful Islamic currents regardless of their political approaches, the most salient of which in Egypt and the Arab world is the Muslim Brotherhood, founded by Imam Hassan Al Banna in 1928 which continued to be the most important political and religious society in the Arab world and succeeded in the 2005 elections in Egypt winning 88 seat in Parliament.

1. The State and Political Islam

Discussions around Political Islam movements were the most salient subject for controversy around issues of reform in the Arab world; especially after the conservative discourse around beginning political reforms created a link between democratic development and the opportunities peaceful Islam currents have to reach power and the latter's attack on the newborn process of democratic transformation.

This position was in light of a comprehensive agenda to delay the process of political and democratic reform in the Arab world. It started with the rejection of foreign interference in Egyptian internal affairs and the necessity of adhering to the political and civilization specificity and ended with alluding to the "danger of democracy" as it will lead to the arrival of Islamists to power.

Hence, in addressing political and democratic reform in Egypt before the revolution of 25th January, the "delaying democracy" discourse was on two levels. The first level addressed internal forces raising the feelings of national jealousy against foreign interference. Meanwhile, the second, which was opposite to the first, addressed external forces ignoring the previously mentioned national feelings around the dangers that Islamic currents constitute regarding stability in the region and the necessity of external interference with internal regimes in order to confront this danger.

Relevant to the relation of political Islam with the process of democratic reform process, the real question to be posed is whether there are structural defects hindering these currents from openness to democracy and whether the problems hindering its integration in the process of democratic development are in fact "genetic" problems that go back to the structure of their religious discourse and to the nature of doctrine text from which they emerged and represents some overlap with Islam? Or does the problem go back to the nature of the surrounding political context which is capable of reformulation of Islamic discourse according to democratic norms, in case of a democratic context?

The history of all political ideas and movements was integrated in the context and not merely an ideological text that is taken out of its social context. It is difficult to separate European communism which was popular in the 60s and 70s from the liberal context in which Western Europe lived and accordingly the experiences of the vast majority of its parties were different from eastern Europe countries which lived in a totalitarianism and the one party regime. It is also difficult to separate between the discourse of Islamic currents around the Arab world from the nature of existent political regimes and the surrounding social context.

Therefore, following the Arab spring revolutions, in addressing Islamic currents, it is important to have a new vision based on the necessity of integrating them in the political and democratic process starting with providing license to the Freedom and Justice Party of the Muslim Brotherhood and setting legal rules and political guarantees in order to avoid any coup against democracy whether by Islamic currents or others.

Here, it is of maximum importance to read the stance of the Muslim Brotherhood regarding democracy in order to identify any challenges that their integration in the democratic process

represents, based on the assumption that State institutions will be strong and deepened in Egypt.

In fact, there is a number of problematic issues relevant to the ideological stance of the Muslim Brotherhood regarding democracy and whether their belief in democracy is limited to its methods, that is elections and free parliament, or it is extended to reach its cultural and political values? And could the belief in methods be a step towards the belief in the values of democracy or at least its basic norms, to perceive it as humane and global principles and not a western "industry" and each people and culture have the right to contribute to its development and enrichment.

It could be said that since the late Imam Hassan Al-Banna established the Muslim Brotherhood in Egypt in 1928, during most of the times, it has always been in conflict with power, with different degrees and phases. However, it survived in Egypt the last century and till the beginning of the new one.

It could also be said that the historical journey of the Muslim Brotherhood is a journey with Egyptian political regimes. They were established as a society during monarchy and quasi-liberal periods, clashed with the Nasserist government, co-existed with the Saddat regime and fluctuated in their relation with Mubarak regime even though it was based on exclusion and not extirpation. The status quo was unique from the other phases politically from the beginning whether with Muslim Brotherhood or other serious political forces.

The Muslim Brotherhood lived a long life close to 80 years, knowing an internal life filled with variation of generations and ideologies and experienced great controversy whether internally or around it. They entered into a harsh clash with the Nasserist government and its members suffered from the scourges of imprisonments and detentions. They also isolated themselves and withdrew from engagement in political life throughout Saddat's regime who released them in the beginning of his presidency and re-detained them again towards its end.

Its flexible ideological and political background allowed it to have a comprehensive and holistic vision for Islam permitting the Muslim Brotherhood to function as if they wanted either as a political movement or merely as advocates for good morals, preachers in mosques, Members of Parliament, Sufis or sometimes revolutionaries and to have among their leaders the conservative Judge Hassan Al Hudaybi and the radical activist Sayyid Qutb.

Accordingly, and as a result of the opposite of the previously mentioned variety as it also witnessed a parallel variation in its historical times and the different regimes with which it interacted or confronted The Muslim Brotherhood became the only political organization which could be considered "witness to all times", whether monarchy or republic.

2. Founding Muslim Brotherhood (Muslim Brotherhood): the first foundation for the Muslim Brotherhood Society

The Founding members phase started with Imam Hassan Al-Banna and his fellow brothers who established the Muslim Brotherhood in 1928 in the City of Ismailia. Since then and till now, it continued to be one of the biggest political organizations in the Arab world. It succeeded in using different tactics according to the conditions of each period of time, between advancement and passiveness, attack and defense and dialogue and confrontation. This reflected special organizational capacities that allowed them to survive during monarchy and republic times.

Many were often surprised by the reasons that led to the survival of the Muslim Brotherhood in cohesion and maintaining their organizational structure. In addition, some also were surprised by the capacity of Muslim Brotherhood to coexist together despite the existence of ideological variations and different generations.

The late founder Hassan Al-Banna was keen to classify the Muslim Brotherhood by giving them a very broad description that is hard to capture: brothers you are neither a charity organization, a political party nor an objective agency established to achieve specific purposes, you are rather a new spirit running in the heart of the nation reviving it with Qur'an, a new light that rises and dispels material darkness using God's knowledge and an echoing sound getting higher repeating the call of the Prophet. It is right and not an exaggeration for you to feel this burden after people let it go.

Imam Hassan Al-Banna refused the formation of parties as a result of their conditions and conflicts during the period before the July 1952 revolution. He believed that Islam does not recognize party pluralism. He said "Everyone, I think Islam is a religion of unity in everything. It is the religion of good chests, purity of hearts, true brotherhood, and true cooperation between all human beings. It is also the religion of one nation and one people that does not recognize party regime, does not accept it or agree on it. Qur'an Karim states "*And hold fast, all together, by the rope which God (stretches out for you), and be not divided among yourselves*[1]*"*.

The Muslim Brotherhood Founders had a firm position stressing the peacefulness of Da'wa (the call for Islam) and rejection of violence, although this did not prevent the existence of other tendencies that practiced violence sometimes through what was known throughout the 30s and 40s of the century as the "special society".

Hence, the choice of the Muslim Brotherhood to establish a broad society based on variety was not a mere coincidence or a result of the will to include big numbers of members and advocates. However, it reflects on the Muslim Brotherhood holistic vision in organizational structure and political understanding.

Contrary to the broad image of the Muslim Brotherhood society, inside this image itself there were clear channels and strings that are well-prepared in order for each member to perform his organizational role in a specific and accurate way.

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[1] Yusuf Ali translation for Qur'an Karim, Chapter 3: 103.

The Muslim Brotherhood were keen to establish their society in a very accurate and complicated way that included various levels, each of which has a special program for religious and belief education. This differentiated it from the rest of political and religious organizations. The Muslim Brotherhood were keen to recruit on more than one level. This was mentioned clearly by Hassan Al-Banna in the Diary of Dawa and Dai'iah (diary of the call and the preacher) when he stated that it is necessary for major Muslim Brotherhood offices and agencies to raise the members psychologically well and in line with their principles. To achieve this purpose, membership in the Muslim Brotherhood is on three levels:

1) General membership: every Muslim, whose membership is accepted by the administration of the Service, announces his will to goodness and signs a presentation application has the right to join and is later on called assistant brother.

2) Brotherhood membership: every Muslim, whose membership is accepted by the administration of the Service, has the right to join. Besides the previously mentioned duties, his duties are "maintaining the faith" and promises obedience. He is called later on associate brother.

3) Working membership: every Muslim, for whom the administration of the service accept membership, has the right to join. Besides other duties mentioned above, the Brother's duties are to give all needed information around himself, studying the interpretations of the Muslim Brotherhood ideology, attend weekly Quran sessions and board of service meetings, sticking to standard Arabic as possible as he can, work on educating himself regarding general social affairs - and not political – and memorizing 40 Hadith. The brother in this level is called working brother.

There is also a fourth level, however the Founding Sheikh insisted not to put in the previous list. It was somewhat symbolic and he called it the Jihad membership: it is not a general membership, however, the working member has the right to it, if he could prove to the Guidance Office that he maintained his previous duties. As for the brother's duties at this level, besides previously mentioned duties, following the Sunna, evening prayers, getting away from mortal pleasures and whatever that is not Islamic in worship and in treatment of others, financial subscription (for membership) in the Guidance Office and the Da'wa Fund, leaving part of his will for the Muslim Brotherhood Society, promotion of virtue and prevention of vice, carrying a Qur'an on him to remind him with his duties towards it and finally being ready to spend the special education period in the Guidance Office. In this stage, he is called Mujahid (combatant).

This diversity in levels of recruitment in the Muslim Brotherhood is very symbolic, as the difference between the formulation of the "assistant brother" and the "worker brother" on one hand and the "Mujahid" on the other hand seems to be huge; even though both announce their loyalty for the same peaceful reference.

The Founding Brothers defined another important duality, that of the General and the Special which governed the Muslim Brotherhood movement during the period from 1938, that is since the fights and revolutions erupted in Palestine, and almost till the end of the Nasserist era.

This was flagrantly concretized in the "hidden" and "parallel" society for the main organization of the Muslim Brotherhood which was known by the "special society" and outside the Muslim Brotherhood was known as the "secret society".

Contrary to the formation of most Muslim Brotherhood members, for around eight years, the Muslim Brotherhood society has succeeded in absorbing the members of the special society, even though it has a rigid belief formation. According to the statement of Mahmoud Abdel Alim, one of the founders of the special society, it was decided to form it in 1940. However, the change in the local social and political context and the change in the regional context following the Palestine war, led later on to the eruption of conflicts inside the lines of the Muslim Brotherhood between the "Special cadres" and the "General cadres".

When the Palestine War took place and the role of the society increased as some of its members practiced violence against political figures and against authority, which was enough to pull down the foundation that was built during the last two decades. Instead of confronting the Zionist occupation in Palestine, they started confronting internal authority and its figures; some of the youth of the Muslim Brotherhood Special society assassinated Prime Minister (PM) Mahmoud An-nukrashi. These assassination attempts continued till the attempt to assassinate Abdel Nasser following the July Revolution in 1954.

Since then, the Muslim Brotherhood were out of the equation of legitimacy, social activity and Da'wa. They were fiercely excluded from the legal realm, even though the Abdel Nasser Regime was keen on the intergration of a current from the Muslim Brotherhood inside Al Azhar, Awqaf and the rest of the organizations of the July Revolution regime. Sheikh Al Bakoury, Al Azhar Sheikh was a member of the Muslim Brotherhood in addition to many of the big figures of Awqaf who belonged to the Muslim Brotherhood, Mohamed El Ghazaly and Al Saiyd Sabeq on top of them.

During the Saddat era, the Muslim Brotherhood leaders were released from prisons, but stayed completely away from activity or having any social, political or religious roles in the Egyptian society during the 70s except for student activity in Egyptian Universities. Their separation from the political context till their come-back led to their cocooning behind closed ideological and religious perceptions away from interaction with society and its political issues. This continued till the Camp David agreement, which the Muslim Brotherhood publically rejected. As a result, the late President Saddat re-detained many of them in the famous 1981 campaign.

It could be said that Da'wa, characterized by the social and religious nature, has been the dominant feature for Muslim Brotherhood activities throughout the period from 1928 and until the Palestine War in 1948. The political aspect, witnessed during the last three decades of ousted president Hosni Mubarak, was almost absent all through the period before the July 1952 revolution, during which they witnessed huge spread around the different Egyptian governorates. However, this was considered great political weakness in a way that is not consistent with its size; they were absent from the Egyptian Parliament during the quasi-liberal period and did not have one Member in Parliament before the July 1952 Revolution.

It is certain that one of the main reasons for this absence from the political scene before the July revolution is the nature of the formation of the Muslim Brotherhood and its ideological

priorities. On the other hand, the political environment was not as empty as it is now; the liberal project of the Egyptian Wafd Party was the source of inspiration for many categories of the Egyptian people who sympathized with its national independence and civil constitution projects.

The success achieved by the Muslim Brotherhood dualities in presenting an attractive organizational structure could satisfy both fanatics as well as reformists and those who called for morals and were active only in the social field were members together with those who sought toppling the ruling regimes by force. In addition, the Brotherhood "crucible" succeeded in gathering all these dualities in one organizational structure and in one political discourse during times of tranquility and calmness, similar to what took place during the period from 1928 till 1948, that is for almost two decades. However, in light of the difficult and complicated political environment, the Society of the Muslim Brotherhood were confused and were incapable of presenting the same efficiency as they did before, especially during periods of confrontation with power. These "compromising" dualities were also incapable of maintaining the unity of the Society and its cohesion in times of distress, which will be addressed once more in the democratic transformation stage and following the disappearance of security restrictions.

3. The first establishment « amended »

The Society of the Muslim Brotherhood experienced many transformations during the last three decades, during which they maintained the essence of the mission called for by the Founding Imam, especially in relation to linking Da'wa to politics and making sure of including all facets of social, spiritual, political and cultural life in the holistic da'wa. Taking into consideration that Islam is a comprehensive religion, it was considered the reference on which a renaissance could be achieved in this nation.

The world did change; however, the Da'wa of the Muslim Brotherhood continued to be consistent with the ideology expressed by the Founding Imam, even though accepting pluralism in political parties and announcing their belief in democracy as a means for competition between the different political powers. However, they continued to believe in this marriage between religious Da'wa and political activity.

The Muslim Brotherhood preserved their organizational structure for almost 80 years; even though the Founding Imam was assassinated more than half a century ago. However, his absence did not lead to a parallel absence for the concept of social religious society with a political dimension that is not a political party, with its popular definition, however it is a Da'wa group or an Islamic body. This concept dominated in the formulation of the Muslim Brotherhood in its first stages and it partly withdrew during the "amended" phase for the domination of the political mind-set which did not cancel the Da'wa culture or structure inside the group; however, it took part in the formulation of its image in the current period.

In spite of the continuation of the Muslim Brotherhood as a religious and political society at the same time, they got over the duality of violence and peace which increased during the times of the Palestine War and continued till mid-sixties.

Since the beginning of the seventies, the "sons" of Hassan Al-Banna and his "brothers" ended their relation with all forms of violence. They transformed the dominant peaceful feature of the Muslim Brotherhood discourse into the only feature through organizational and political boycott for all the ideas on which the special society was established.

The Muslim Brotherhood preserved the same old "dualities mind-set" and overlap between the political and Da'wa activities dominated the organization's discourse with the noticeable increase of its importance as a political organization in comparison with the forties of the last century.

The "political Muslim Brotherhood" entered the fields of trade unions and parliament starting from the beginning of the 80s from the widest of doors. They participated in the 1984 elections and the 1987 legislative elections and achieved good results. They also succeeded to democratically control more than one trade union in Egypt during the 80s. They also returned in the beginning of the third millennium with strong existence in the Bar Association and 2 of them succeeded in the Journalism Syndicate and won 17 seats in the legislative elections of 2000 and 88 seats in the elections of 2005.

The Muslim Brotherhood was governed by the obsession of managing the relation between their interpretation of the sacred religious text and the requirements of the political and social context. For the first time the Muslim Brotherhood enter into an election battle in alliance with another political current similar to what took place in 1984 when they allied themselves to their historical opponent, the Wafd Party. In addition, in 1987, they formed the spine of what was known as "the Islamic Alliance", then they nominated as independent in the elections carried out in 2000 and 2005.

The Muslim Brotherhood cadres acquired, or rather were obligated to acquire, all through this phase new skills following their announced political alliance with other political parties according to the Law of "Front Action Law" which defined the meaning of "the Sovereignty of the people" and governance to the nation and the constitution. For the first time, they presented a civil political program, despite its broad perception and Islamic reference.

Since then, the Muslim Brotherhood acquired new experience that reflected directly on their political discourse, promotion utterances; which represented a third discourse that is different from the Muslim Brotherhood of the monarchy era, Nasserist era and Saddat era alike.

It was difficult to consider "the 80s Muslim Brotherhood" completely transformed regarding the adoption of democratic and political pluralism concepts theoretically and practically. It was also difficult to consider that they abandoned the link between political and religious utterances. However, it is certain that the political realm, practically and peacefully, took a great part of their interest contrary to what took place during the monarchy period when the Muslim Brotherhood peaceful call spread and widened through social activity, da'wa (call) for religious values and morals away from political action in its modern definition.

However, the main problem facing the Muslim Brotherhood movement is the continuation of overlap between the sacred and the civil and the political and the moral; in a way that makes it difficult to perceive them as a whole as a political movement. Many of its members joined it as

a religious society incorporating "good people" who abide by Islamic religious rules and values without having any meaningful political experience.

Hence, getting over this confusion between the political and the religious will mean the existence of conditions for a new phase for which the first consequence is the revolution of 25th January, in which opens an opportunity to build a civil political organization that seeks to reach power peacefully and according to democratic principles and not a society that aims to reform people and call on them to abide by Islamic teachings thinking that it can reach it through a moral program to guide people, even if modern civil institutions such as the parliament and trade unions benefited from this, to reach a religious and political goal.

The Muslim Brotherhood attributed their hesitation to finalize the issue of "political identity" to their rejection, as a political current based on specific legal rules that control all peaceful the movement of political forces. Hence, they considered the demand to differentiate between their political and religious discourse in a political context that does not give them legal and legitimate right to existence a question to be asked to the political context first rather than the Muslim Brotherhood.

Their keenness to continue this overlap between the religious and the political as a kind of "protection" for the brotherhood by portraying any chase for them as an attack on Islam and in other times an attack on "religious Muslims" who "fear Allah" helps them gain the sympathy of public opinion.

4. The beginning of the second establishment of the society of the Muslim Brotherhood

The Muslim Brotherhood established a new political party for the first time in their history: the Freedom and Justice party. Theoretically, it is supposedly separated from the Muslim Brotherhood Society; however, its leaders are the latter's leaders and its head is the head of the Society's political department. this means that the process of separation between Da'wa and politics is delayed at least in the near future especially that its leaders announced that no internal elections will be held before 4 years.

Hence, it could be said that in the next phase, the Muslim Brotherhood, represented in its newly emerging Party, will witness new challenges that never existed before:

The first challenge:

How to deal with internal values on which the first founding Muslim Brotherhood were raised in light of the legitimate party practices phase? It is certain that religious principles and criteria on which the Muslim Brotherhood members were raised are still effective and influential outside the realm of power. But it is not certain whether it will remain so after reaching power or after establishing the political party to reach power. It moves under the lights of media and its glow, transforming its leaders into "new stars" in Satellite Channels like other political and party powers. It enters into coalitions and disputes in which the victim discourse, repeated by

the Muslim Brotherhood for more than half a century, does not exist. Opening memberships for Muslim and Christian citizens both religious and not, the image of the political party will be different, concerning membership, recruitment methods and the political and marketing discourse for this Da'wa group, in which members are strictly committed to worshiping and religious values and principles as stated in the Organization's Da'wa rules.

The religious group became one of the main factors behind the cohesion and strength of the organization; the Muslim Brotherhood member is not only active in public work for political and democratic reform, but he also seeks God's satisfaction. He does not vote to select his political current but not to keep his testimony and because every step he takes to support the Muslim Brotherhood member is a step closer to God and is worth an alm.

The second challenge:

It is relevant to the ideology adopted by the Muslim Brotherhood. They still depend on the comprehensive and holistic ideology concept at a time in which the world moved from the fall of the Soviet Union to the Socialist bloc and from the period of great and comprehensive ideologies to the period of soft and partial ideologies.

All great political ideologies, which were based on ideas that sought to build the human and formulate the revolutionary individual or the socialist and engineering society and individuals in ready-made rigid patterns, collapsed altogether with this pattern of thinking before the collapse of their options.

It is certain that an important part of the Muslim Brotherhood ideological literature belongs to this type of comprehensive and holistic ideology which was considered for a long period to be different from other ideologies as they rely on religion and sacred Islamic belief. However, in the political context, this dependency is transformed into political thought and practices and not sacred text, which necessitates another establishment of the Muslim Brotherhood which could make it realize that ideological thought and education based on comprehensive religion is fit for the formulation of "good people" rather than a modern political and democratic system/regime.

From this comes the importance of the realization of the "Muslim Brotherhood Party" with the new period and that they move in a time in which the values and principles of democracy are concretized which was not addressed in the same way in the national liberation era in the sixties. They now have the historical chance to be open to what is known as "soft ideologies" by which we mean flexibility of living context details according to a relative perception and it imposes a realistic understanding of the international context and for the global power balances.

The third challenge:

The Muslim Brotherhood could be considered, in the whole of the Arab region, an opposition group and not a ruling one. The Muslim Brotherhood member raised by Imam Hassan Al-Banna,

sometimes on Asceticism and religious principles and values, could stay in their shadow, so long as he stays as an opposition. He could be affected by and could also contribute to the formulation of many aspects of his positions and behaviors, but in the end in any case it would not be very effective, if the Muslim Brotherhood reached power, with the latter's "seduction", glow and ascendancy. The religious or moral factor could not be the only or main role in maintaining the integrity of rulers; however, there has to be a democratic regime capable of performing legal and constitutional control over the work of the existing authority.

It could be said that internal values on which the first establishment/foundation of the Muslim Brotherhood continued to be effective and influential outside the realm of power. However, it will not be the same after reaching power as these values are not fit into the management of governance or understanding the nature of regional and international challenges believing that the religious reference is capable to continue with the same effectiveness and influence upon reaching power in case these guarantees, known by the modern world and democracy in controlling power, were absent.

All the explanations given by the Muslim Brotherhood and other Islamic groups around the international and American conspiracy against Islam, Muslims and Islamic movements still exists. It does not interfere in its conflict of powers and balances as presented in political science. Saying that the experience of Hamas was obstructed as a result for the international siege and as a result for double standards, reflects an incomplete interpretation for the international and regional context as it does not reflect a new discovery, as Islamic movements should answer the question: how will they face this biased international context successfully? And how could moderate Islamic groups, and the Muslim Brotherhood on top of them, and become part of the global system affecting it and is affected by it?

It is confirmed that there are not structural or genetic reasons that prevents the Muslim Brotherhood from believing in democracy; however, it will impose different types of challenges, to which they should not be asked to respond except in a democratic environment which is still absent in the Arab world.

The fourth challenge:

It could be said that the Muslim Brotherhood originated from outside the Egyptian secular/civil state and the republic regime; they were the total opposite in some periods of time. State apparatuses are suspicious of them and only have a negative stereotype image about them created by the exaggeration of the security and Muslim Brotherhood mistakes especially older ones. Therefore, the process of normalization between the regime and the Muslim Brotherhood will not be an easy matter but it is inevitable for the success of the project of "safe integration" because the heritage of the Muslim Brotherhood was created away from the regime, state and the national movement and they were in conflict most of the times.

The Muslim Brotherhood were not in the history of the Egyptian National movement in the 30s and the 40s. They were also in conflict with the history of the national liberation era in the 50s and 60s. Therefore, it is time for them to be part of the future project. It is certain that this

problem is deep and extended in all the Arab world; Hamas for example is not part of the history of the Palestinian liberation movement; represented in the liberation system, and it is necessary for it to find the proper context for integration in it, ideologically before politically. The Muslim Brotherhood on the other hand were great opponents for Abdel Nasser; however, they should not be opponents for the republic regime, the civil constitution or the national liberation discourse which they reproduced in "Islamic patterns"

It is certain that the establishment of a legitimate political party for the Muslim Brotherhood is considered a historical transformation for the society and the Egyptian political regime as it might help in the process of normalization between State institutions and the Muslim Brotherhood party, in which the first accepts the right of the latter in the legitimate and legal existence in addition to the right to compete on power and the latter respects legal and constitutional rules in the Egyptian State.

Background paper 2: Religion-state relation and democratic transition in Egypt

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No debate has captured more attention from political groups in Egypt than the future of the religion-state relation in a post-Mubarak Egypt. While Egypt is trying to find its way through a complicated transition to democracy, many concerns are raised on what role Islam will play, and if it might be an obstacle for democracy. In this paper, I will first review the religion-state relation situation during the Mubarak era and then I will present the different scenarios on how to deal with the issue. In the last section, I will evaluate how each scenario would encourage or endanger Egypt's transition to democracy.

Introduction

Only few weeks after Mubarak stepped down, the debate over the place of Islam within the Egyptian state rose up as the main line of demarcation among the political groups in Tahrir. The issue was brought up by both the Muslim Brotherhood and the Salafists when the Supreme Council of Military Forces (SCAF) decided to amend the 1971 Egyptian constitution. Most of the liberal and leftist voices refused the idea of amending the old constitution and asked for a new constitution to be drafted. The Islamic actors, the Muslim Brothers and the Salafists mainly opposed this, as they feared that a new constitution might omit article two of the current constitution establishing Islam as the religion of the state and the principles of Shari'a as the main source of legislation. From this moment on, the polarization over the relation between Islam and the state has become the name of the political game in Egypt.

Olivier Roy has argued correctly that the revolution in Egypt is post-Islamic, and that the slogans of most of the protesters in Tahrir, and all other squares in Egypt, never called for an Islamic state or for the application of Shari'a2. However, after Mubarak stepped down these post-Islamic ideas had to face the old Islamic institutions of the Mubarak era. For example, while the issue of the second article of the constitution was never brought up during the 18 days in Tahrir, once the protesters asked for a new constitution, the old debate of article two came to the front. While the post-Islamic revolution succeeded in changing the old regime, once it has started to build a new one, it was faced by the old institutional debates, even landmines, of the Mubarak regime.

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[2] Olivier Roy, This is not an Islamic revolution, New Statesman, 15 February 2011.

1. State and religion under Mubarak

Since he assumed power in 1981, Mubarak tried to strike a balance between secular and Islamic elements within both the state and the society. While Sadat sought the assistance of Islamic groups to balance the socialist forces, when Mubarak came to the power, socialist forces were already marginalized and the main threat to the regime was the Islamic movement. Mubarak adopted a strategy of "selective accommodation, selective repression," through which he treated the Islamic groups differently, according to their threat/support for the regime (Bianchi 1989). Mubarak gave a free space within state institutions for conservative religious voices that could legitimize the regime, and allowed for a parallel Islamic sector to grow up within society (Wickham 2002). This strategy allowed the regime to achieve several goals at the time: to isolate the violent groups even within the Islamic landscape, to legitimize its rule against accusations of secularism, and to offer an institutional alternative for young Islamists to work within the system instead of joining the violent path. Nonetheless, Mubarak was also careful to preserve a secular image to the international community; hence he tried to give certain rights to women and religious minorities. He allowed secular intellectuals to speak and write freely in public newspapers, and gave them even space within public institutions, mainly the ministry of culture.

The Mubarak era was generally characterized by an increase in the expenditure on religion, as the regime needed it in its ideological struggle against the radical Islamic movement. During this period, the ministry of endowment nationalized many "civil" mosques used by the radical Islamists to recruit and preach their ideas. The increase in the ministry of endowment's expenditure was also needed to maintain the loyalty of the official preachers who were justifying the regime's war against the Islamists (Soliman 2006: 87). Along with the increase in expenditure on religion, the regime also increased its expenditure on culture to maintain the support of the secular intellectuals. The regime financed periodicals and publications defending the idea of a "civil state".

The balance Mubarak tried to create could be seen clearly on the constitutional level. While Mubarak kept article two of the constitution, he fiercely resisted any attempt to "activate" it by codifying all existing laws to be in conformity with the Islamic Shari'a. Maintaining this balance, not always without difficulties, allowed the incumbent regime to delegitimize the radical Islamic movements, and to secure the support of the intellectuals inside and outside the state apparatus.

2. State and religion: three scenarios

Once Mubarak was removed, the debate over the place of Islam within the state came back to the frontline. Over the past six months, three main scenarios were proposed:

    1) Full separation between the state and religion

The first scenario is based on the classical understanding of secularism as the full separation between religion and the state. This position is mainly advocated by group of secular intellec-

tuals, like Dr. Sayyed Al Qimny and Dr. Mourad Wahba, and some Coptic activists. They consider article two of the Egyptian constitution to be an obstacle towards a democratic free society.3 As the article claims a special status for Islam and Shari'a within state institution, it violates the principle of citizenship and secularism. Supporters of this scenario often recall the Turkish model to argue that only within a secular state could democracy flourish in a Muslim country. At the same time, they use the examples of Saudi Arabia and Iran to show the danger of mixing religion and state affairs.

2) The full implementation of Shari'a

The second scenario is based on the idea that Islam, unlike Christianity, does not know the separation between religion the state. Supporters of this scenario usually recall the time of the Islamic caliphate to argue that Muslim societies lost their guiding position when they went away from Islam. They conclude that the only way to regain this status is to go back to the teachings of Islam. This scenario is defended by most of the religious figures and religiously inspired political groups, like the Salafists, some members of the Muslim Brotherhood, and some Ulama from Al-Azhar.4 They argue that article two does not go far enough because it refers only to the principles of Shari'a. They also accuse both Sadat and Mubarak of introducing it only to calm down the Islamic revival; as they did not introduce any changes on the ground. Hence, they argue that article two should not be limited to the principles of Shari'a, but it should include the religious punishments, Hudduh, and that it should not only be applied to the laws legislated after the amendments was adopted, as it was the case during Mubarak, but to the entire legal system.

3) The differentiation, and not separation, between religion and state affairs

The third scenario tries to escape the dichotomy of choosing between a full separation or a religious state, arguing that religious principles and values are an important source that should guide legislation, however it can only be preached and defended though democratic institutions and shall not be imposed. Supporters of this scenario insist as well that article two shall not give religious groups any reserved domains over elected institution. Those who defend this scenario see no problem in keeping the wording of article two as it is, arguing that Islam is an integral part of the Egyptian identity, and that principles of Shari'a shall be kept as the principle source of legislation. This position is defended by most of the political parties, as well as leading political figures, like Mohammad Baradei, Hamdein Sabahy, and Hisham Al-Bastawisy.5 Recently Al-Azhar issued a declaration discussing the future of Egypt, in which the Grand Imam of Al-Azhar also defended this position. The declaration defends a national modern democratic constitutional state, and in the same time, it insists on principles of Shari'a as the main source of legislation.

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[3] Murad Wahba, Nahau aql falsafi…al mada al thania min al dastour (Towards a philosophical mind…article two of the constitution), Al-Masry-Alyoum, 26 June 2010.
[4] Abdel Monaim Al-Shahat, Al-mada al thania bin al ta'til wal tafa'il (Article two of the constitution between activation, and deactivation), Sout Al Salaf, 14 February 2011.
[5] Al-Bastawisy: Azma al mada al thania moftaa'lah (the crisis over article two is fabricated), Al-masry al youm, 26 March 2011.

3. Religion-state relation and democratic transition

In the final part, I will evaluate how each of the previously mentioned institutional arrangements may (or may not) contradict a democratic regime.

The first scenario, asking for a full separation between state and religion, raises an important question: is secularism a necessary condition for democracy? In most of the academic work on democracy and its indicators, secularism was hardly mentioned as a prerequisite for a democratic regime. None of the famous political scientists who studied democracy, like Robert Dahl, Arend Lijphart, Juan Linz, Alfred Stepan, Philippe Schmitter, included any discussion of secularism in their operationalization of what is a modern democracy. Robert Dahl, for example, does not mention secularism in his elaboration of the eight institutional guarantees of democracy. Neither does Lijphart in his analysis of the thirty-six long-standing democracies in the modern world. The same for Linz and Stepan, who decided not to use the concept of secularism in characterizing any of the five regime types that they describe. Hence, secularism shall be considered as neither a need nor an obstacle to establish a democratic regime.

The second scenario, calling for a state based on the rule of Shari'a, might violate many essential elements of democracy as operationalized by Robert Dahl in his famous work Polyarchy. The tensions between Shari'a and democracy arise in four main fields: freedom of expression, freedom to form and join organizations, the absence of reserved domains for unelected bodies over democratic institution, and the eligibility for public office. These points of tensions are not purely theoretical; rather these anti-democratic claims were brought up by Islamic groups calling for the application for Shari'a over the past 4 decades. The Islamic Shari'a was used in order to ban any form of expression that contradicts the Islamic values and beliefs. These measures have been used by Al-Azhar against university professors, novelists, writers, actors, and even religious figures. Islamic voices also called for a ban on leftist and communist parties, because they preach for ideas that contradict the teachings of Islam. This violates the freedom to form and join organizations. Some Azhari scholars claimed that all laws should be first approved by al-Azhar before being adopted, and they asked for some reserved domains for Al-Azhar over the elected institutions. Many Islamic voices would also deny non-Muslims and women the right to run for the presidency, as Islam gives this task only to a Muslim male. This violates the principle of eligibility for public office. While many researchers enlarge the debate over the incompatibility between democracy and Shari'a rule to include other aspects that relates to equality of non-Muslims, equality of women and the integrity of the body (versus the *hudud* punishments), I preferred here to focus on Dahl's procedural definition of democracy.

The third scenario, establishing the principles of Shari'a as the main source of legislation, might constrain the rights of women, mainly regarding abortion , and the rights of homosexuals, however it does not contradict the minimal definition of democracy as discussed by Robert Dahl. Unlike the first scenario, this preposition recognizes the right of religious groups to organize into political parties which compete for elections, as long as the state institutions remain "differentiated from religion." Supporters of this scenario refuse any claim of a public sphere free of religion, and they recognize the right, even the duty, of religious groups to take part in the public debates that concerns vital issues. Such an institutional arrangement goes in

line with what Alfred Stepan has termed the twin toleration, between the state and religion. According to Stepan, "Religious institutions should not have constitutionally privileged prerogatives that allow them to mandate public policy to democratically elected governments. At the same time, individuals and religious communities, consistent with our institutional definition of democracy, must have complete freedom to worship privately... to advance their values publicly in civil society and to sponsor organizations and movements in political society, as long as their actions do not impinge negatively on the liberties of other citizens or violate democracy and the law." (Stepan 2000: 39-40)

Conclusion

By reviewing the debate over the relation between Islam and the state in Egypt, it became clear that the debate is misguided by a confusion of concepts, mainly though the mix-up of the concepts of state and regime. Whereas liberal voices often refer to modern nation state build in the 19th century, the Islamic voices refer to the Islamic state, as the Islamic rule that started with Prophet Mohammad, and continued until the abolishment of the Islamic Caliphate. Such confusion is not only restricted to Islamic groups. Even within Arab political and academic circles, the distinction between State and regime was not always very clear. Such confusion between the two concepts was discussed extensively in Nazih Ayubi's *Overstating the Arab State* and in Mohammad Gaber al-Ansary's *The Crisis of the Political and the Sociology of the State*. Both authors underlined the fact that the word 'state' is used in Arabic to refer to regimes, and not to nation-states as understood in western literature. Even in a modern dictionary like Al-Moujed, in its fifth edition published in 1927, it defines state *Dawla* as the king and his ministers.

Due to the heritage of the Mubarak regime that did put many constraints on the work of the Islamic groups within the civil and political society, many of these groups came to the conclusion that only through capturing the state could they work freely in the civil and the political society. In declaration, many Islamic activists still maintain the same logic. They fear if the liberals impose their vision of the state that they will be denied the right to work freely, and that Islam will be purged from the public sphere.

To conclude, I argue that we should not limit the discussion over the role of Islam in the public sphere on religion-state relationship; instead we should enlarge it to religion-polity relationship. I borrow the word polity from the work of Alfred Stepan, who used it to refer to three arenas: state, political society, and civil society (Stepan 1988). Hence, the discussion should not only be over the relation between religion and the state, but also the relation between religion and both the political and the civil society. Giving the un-clarity of concepts, and the environment of high polarization, many Islamists when they hear the call for separation between religion and the state, conclude that Islam would be removed from the public sphere all together. Once the distinction between state and polity is made, and once it's clear that religious groups should have the right to operate freely within both the civil and the political society, it would be much easier to argue for a differentiated position of the state institution from the religion.