

Arab Revolts and the 'Civil State'

A new term for old conflicts between Islamism and secularism

The Arab revolts that erupted in late 2010, forcing from power the rulers of Tunisia, Egypt, Libya and Yemen, and dragging Syria through a ferocious civil war, reactivated the public debate on government in Islamic countries. In all those countries, after removing the authoritarian regimes (or fighting against them), the political arena saw a division into two main camps: Islamic parties and secularists; both claiming to stand for democracy. Within the political discourse of both sides a new concept began to play a pivotal role: that of the 'civil state' – *dawla madaniyya* – a term which, however, renders different semantic interpretations according to the political actors involved, meaning both 'no military or theocratic (but Islamic) State', and 'secular State'. We'll especially analyse the usage of the term 'dawla madaniyya' in Tunisia and Egypt since the beginning of the Arab revolts and up until 2014 and, for the same time period, the political practices of Islamist and secularist parties (government experiences, constituent assemblies) focusing on the effectiveness of the *dawla madaniyya* paradigm for building a democratic state.

Secularism vs. Islamism

The abolition of the Caliphate in 1924 – the first step in the secularization of Turkey – was the high point in a process of reform which had been affecting all the Islamic regions since the nineteenth century (Bozdémir 1994). It marked a symbolic watershed between pre-modern Muslim states and the new nation states forged, at least formally, on the European model; but especially, it opened the way to new ways of thinking concerning government in the land of Islam, which would turn out to be decisive for later history. On the one hand, innovative ideologists conceptualized the terms of the Islamic state, start-

ing with the Egyptian Hassan al-Banna, who in 1928 founded the Muslim Brotherhood (Mitchell 1969, Kepel 2004). Opposing the leadership of his time – which he saw as Westernized and corrupt – al-Banna aimed at re-Islamifying society and institutions by updating a supposed original political model, exemplified by the authority of the Prophet and of the first four *rāshidūn* caliphs. On the opposing side, the *qādī* of the Islamic University of al-Azhar, 'Alī 'Abd al-Rāziq (2000), conferred legitimacy on the secular state: in *Islam and the Foundations of Authority*, published in 1925, he stated that since the Qur'an and Sunna were lacking in any clear instructions concerning possible forms of Islamic power, the death of the Prophet could only be followed by a secular (*lā dīnī*, non-religious) government, and hence Muslims had always been free to govern themselves according to the needs of their times.

These two irreconcilable positions mark the specific polarization of the modern doctrinal debate on the relationship between state and religion in Muslim regions, revolving basically around the function of *sharia* (Al-Ashmawy 1989, Arkoun 1991, Arkoun 2005, Bencheikh 2005, Benzine 2004, Charfi 1998, Férjani 1991, Filali-Ansary 1997, Ghalioun 1998, Lamchichi 1994, Ramadan 1998, Talbi 1998, Hanafi 1996, Abu Zayd 2002, Zakariya 1991). Since the identifying factor for all Muslims is not religious authority, but Qur'anic law, the debate on *laïcité*/secularism – already ambiguous in Europe¹ (Rémond 1998, Taylor

1 *Laïcité* is a politological category of French origin, used to define a separation between the institutions of the state and those of the church according to a law of 1905. In Protestant and Anglican contexts, where religious institutions have become subordinate to political ones, the term secularism is current, also in political use, and does not indicate as such a

2007, Norris and Inglehart 2004) – did not revolve so much around the separation of powers as around the separation of contexts, on the degree of integration between the religious and the political discourses, and especially around the degree of implementation of *sharia* in the government of the state and society, a crucial element in the most bitter of current political conflicts (De Poli 2007, Al-Masīrī 2009, Bozdémir 1996, Roy 2006, Tamimi and Esposito 2000).

As is well known, after the modernizing reforms which were launched in the nineteenth century, in the great majority of countries positive law was extended to cover almost the whole sphere of legal issues, modelled on, or imitating, European codes and taking important sectors away from *sharia*, which was mainly relegated to matters of family law. Islamists however reject this approach, seeing Islam as *dīn* and *dawla*, that is as *religion* and *state*, and since the identity of these two dimensions is laid down by the Islamic law, this should be extensively restored and become the first and indeed only source of legislation. On the contrary, Muslim intellectuals and ideologists who, in the wake of ‘Abd al-Rāziq upheld the separation of the political and religious spheres (De Poli 2010) believed that the very limited legalistic element of the Prophet’s message was a precise point of reference for the historic time in which he preached, but had no absolute or imperishable value. *Sharia* should not therefore be a juridical imperative but rather, as the term itself shows, a *path* of an ethical and spiritual nature for the individual conscience of Muslims.

Actually, political and institutional engineering of the new Muslim nation states was mainly established in the first half of the twentieth century, in a pragmatic fashion, without any doctrinal interpretation. While Islamist movements were harshly repressed and the theses of ‘Abd al-Rāziq censored, the great majority of these countries adopted modern forms of government, subordinating religion to the state and at the same time granting greater or lesser social, political and legal weight to Islam (Ascanio 2013a).²

separation of powers – it should be remembered, for example, that the sovereigns of Great Britain are also the heads of the Anglican Church.

- 2 Most countries restricted *sharia* basically to a more or less reformed family law, and only one third of countries with Muslim majorities chose to take the path of *laïcité*, abolishing religious law, as did Turkey. On the opposite front, *sharia* has been extensively applied in the four Islamic Republics (Iran, Pakistan, Afghanistan, Mauritania) and in the Kingdom of Saudi Arabia.

These regimes – often wrongly defined as *secular*, since they were run by a non-religious and often military leadership – mostly took on an outwardly republican appearance, but those holding power exercised it in an authoritarian fashion (Luizard 2008), preventing any kind of authentically democratic dialectic and with a contradictory attitude towards Islam: sometimes promoting a secularization of society (like Bourguiba in Tunisia), at other times seeking political approval from Islam (like Sadat, in Egypt).

However, in the seventies, Islamist movements began to gain strength. In the face of persecution, consensual support for them increased among the masses – also thanks to their welfare activities – and they attempted to enter the political arena by means of democratic competition, undergoing, in different countries, both phases of repression and cooption. Especially in the eighties, the post-colonial regimes, having lost their political legitimacy and having partly become hostages of the growing popular consensus for radical groups, gave in, in part, to their demands in order to contain their political advance. They thus favoured the progressive Islamization of the juridical field, issuing more *sharia*-compliant laws (De Poli 2007: 82–3). In 1980, for example, Egypt amended Article 2 of its Constitution, laying down that ‘the principles of *sharia* are the main source of legislation’ – though this failed to make any significant change in secularized legal practice.³

The politically and culturally illiberal atmosphere of authoritarian regimes – which gave in to Islamist pressure and restricted progressive thought only in order to ensure their own continuity – failed to abolish public discussion on government and the application of *sharia*, merely postponing it.

The 2011 uprisings and the *Democratic Civil State*

An unresolved ambiguity concerning the nature of the state emerged immediately after the fall of the regimes. Especially in Egypt and Tunisia,⁴ where conditions for democratic reconstruction appeared to be more favourable, the issue of the application of *sharia* came to the fore in public debate.

- 3 The High Constitutional Court limited itself to using *sharia* to confirm sentences founded on positive law, interpreting it through a secularized reading (Bälz 1998).
- 4 *Mutatis mutandis*, similar evolutions can be found in other countries such as Libya and Syria (De Poli 2013).

The new conflicts revolving around the option of either a secular or an Islamic state emerged with the upsurge of Islamist movements in the post-revolutionary phase. Though it has been ascertained that the uprisings were of basically secular origin (Corrao 2011, Amar 2011, Hamam 2011, Okasha 2012), Islamically-oriented groups promptly grasped the long-awaited opportunity to put their political ambitions into practice. While the Muslim Brotherhood in Egypt quickly established its own Freedom and Justice Party (registered on 21.2.2011), on 30 January, Rāshid al-Ghannūshī, the historic ideologist of Tunisian Islamism, returned home after twenty years' exile in London to guide the Ennahda Party (Santilli 2013). These forces, together with more radical Salafi movements, found themselves facing secular opposition. A look at the terminology and conceptual categories employed in the political clash involving various forces gives us a telling picture of the disorientation which characterized this phase.

In Arabic, *laïque* or 'secular' was translated, in the late nineteenth century, using the neologism '*almāniyya*, derived from '*ālam*, 'world', and was thus closer to the notion of secularization than to that of *laïcité*.⁵ On the other hand, the calque *lāykiyya* has almost always been used in a pejorative sense, as *laïcisme*, that is, the abolition of the public effects of faith, in the example of Kemalist Turkey. However, the term '*almāniyya* currently seems to have taken on this latter meaning, and few dare use it as it brings with it the accusation of anti-Islamism or atheism. The post-revolutionary debate therefore has brought to the fore another term: the adjective *madaniyya* – the feminine form of *madanī* – which has taken on a wide range of meanings, some antithetical to each other. *Madanī* has always meant 'civil', as in the main European languages (*al-mujtama' al-madanī*, for example, means civil society), but especially after the uprisings, it has taken on heterogeneous semantic values in the expression – of uncertain origin⁶ –

5 Due to the lack of vowels in written Arabic, '*almāniyya* is also pronounced '*ilmāniyya*, especially in the Maghreb.

6 Without consolidated scientific literature on the topic, information concerning the origin of the expression and its use in the Islamic political context tends to diverge. It was coined by the Muslim Brotherhood in the fifties according to Muḥammad Dībū (2011), while Martino Diez (2013) holds that the expression was invented and spread after the civil war by the President of the Supreme Shiite Council Muḥammad Shams ad-Dīn, who, in view of the special context of

dawla madaniyya, the civil state (Katbeh 2012, Hill 2012, Chahanovich 2012).

A first meaning of *dawla madaniyya* is that of a 'secular state' where politics and religion are kept separate, an interpretation shared by many left wing and liberal intellectuals and politicians. Already in March 2011, the Egyptian activist Ahmad Abū Ghāzī remarked how the term *dawla madaniyya* was in frequent use, and defined it as follows:

A state built upon the principle of citizenship. Its basis is equality among citizens in their rights and duties irrespective of their differences in religion and gender. A state in which a constitution, [both] set and agreed upon by the people, regulates the relationship between citizens and institutions. ... A state whose laws are passed by an elected legislative council, basing those laws on a constitution and respecting the principles of human rights. A state which respects the freedom of belief and the freedom for all its citizens to practice their religion. A state which respects religion, but which does not mix religion with politics. A state which allows its citizens the right to form political parties, unions and civil organizations. A state in which the military's role is to protect the nation against its foreign enemies. A military that respects the constitution, adheres to it, preserves it and does not intervene in political life. A state in which power is handed down in a peaceful way, according to the will of the people as expressed through their ballots. (Abū Ghāzī 2011)

An Egyptian website was set up, mainly by Copts, with the name *Dawla Madaniyya*, in order to promote these principles. In the words of the founder, the well-known Egyptian-Canadian writer May Telmissani: 'As an activist I created an initiative in Egypt and a website called *Dawla Madaniyya*, that in Arabic means *civil state* and as francophone I will translate it by the idea of *laïcité* as well' (Telmissani 2011). The same interpretation of *dawla madaniyya* is shared by 'Amr Hamzāwī, a professor at Cairo University and joint founder of the Masr al-Hurriya

Lebanon, suggested the formula of the civil state as a 'state without religion' in a religious society. Tariq Ramadan (2012) however says that the first to replace *Islamic state* with *civil state* was Mahfūz Nahnāh, leader of the Algerian Hamas party.

Party (Egypt of Freedom), who holds that the civil state is one 'by which authority is transferred from the military establishment to elected civil bodies, the relationship between religion and politics is arranged, and equal rights are guaranteed for all citizens ... defined as neither military nor religious' (El Amrani 2011). In a similar way, Gamāl al-Banna, the younger brother of Hassan al-Banna and well known for his progressive ideas, issued an interview a few months after the uprising where he declared that no civil state could be based on Islam:

There cannot be a civil state with an Islamic reference, and if this happens it will become a religious state, even if it is not like the Iranian model of a religious state, in which the clergy rule the country. ... Egypt should thus become a civil state, without involving the detailed legislation of Islam. (Halawa 2011)

In Tunisia, on the other hand, no doubt due to its experience as a French colony, the term *dawla madaniyya* seems to be used less frequently than the more explicit *laïcité*. However, in the public debate among the various political forces (doubtless also because the military never took on a politically significant role in the country), stress fell mainly on a separation of powers or on secularization of the state. This is certainly how *dawla madaniyya* was used by Mawlidī al-Riyāhī, a member of the Constituent Assembly and of the Socialist-tending Ettakatol party, when he said: 'Tunisia is a civil state, founded on principles of citizenship, on popular will and on the supremacy of the law' (al-Riyāhī 2013). More explicit was the Facebook campaign '*Min ajli Tūnis 'almāniyya*' ('for a secular Tunisia'), supported by Tous pour une Tunisie laïque (see their website) and by the Ligue pour la Défense de la Laïcité et des Libertés.

Anwar Mughīth (2011), a professor of philosophy at the Helwan University, believes that there is no actual difference between the two definitions, but that the preference for *madaniyya* instead of '*almāniyya*' is due to two reasons: firstly, as a response to attacks on the secular state by supporters of the Islamic state, secondly, because the expression *civil state*, in Egyptian use, 'sounds rhetorical and unclear, and thus is a deceptive subterfuge'. In Tunisia, militants of the moderate Islamist area explain why the term *laïcité* is not convincing: *laïcité* refers to a French model, which calls for the separation of political and religious powers, but Tunisia has never been *laïque*, because Islam has always been the state reli-

gion there. Also, *laïcité* has come to be identified with Islamophobia, something unacceptable to Tunisians. Fundamentally, only a *democratic civil state* can avoid both extremisms, secular and religious. (Bouzidi 2011, Fadhlaoui 2011)

However, the concept of the civil state promoted by Islamists reverses the secularist view of relations between the state and religion. Actually, the Muslim Brotherhood did not immediately accept the concept of *madaniyya*. In a document published one year before the uprising and signed by Rafiq Habib, Coptic advisor to the Brotherhood, we read: 'The concept of the modern civil state has become part of the political perception imposed on the Islamic movement by political and cultural elites which do not even belong to the Islamic project'. He explains that '[t]he concept of the Islamic movement is constrained now where its only option is to accept the modern civil state' (Habib 2009). It therefore clearly appears to be a forced and poorly digested element, but after the uprising, the civil state option became the undisputed mantra of the Ikhwān, in their quest for national and international legitimacy.

In April 2011, 'Issām al-'Aryān, a spokesman for the Brotherhood, said that the group urged building a civil, moderate and democratic state, guaranteeing prosperity, justice and freedom for all citizens, and specifying that the movement had no intention of establishing a theocratic state on the Iranian model (IkhwanWeb 2011b). Two days later, Khayrāt al-Shātir, a leading personality in the Muslim Brotherhood, declared that the group's main objective was to establish a civil state with an Islamic reference (IkhwanWeb 2011a). One month later, the Guide of the organization, Muhammad Badī', also formally declared that 'the Brotherhood upholds the principle of a civil state with an Islamic reference' (Ikhwanonline 2011b); and it is perhaps not coincidental that, after winning the presidential elections, Morsi repeated the concept in New York: 'Egypt is not a secular state, it is a civil state', he said, specifying that 'we do not mean a theocratic religious state, but a state where popular sovereignty expresses itself through an elected parliament, representing the will of the people' (Al-Masrī al-Yawm 2012b). The issue is dealt with thoroughly on the Arabic language website of the Muslim Brotherhood, in nearly thirty articles which, among other things, also investigate the principles of the civil state to be found in the Qur'an and Sunna (Al-Mulidjī 2012), where it is explained that no conflict exists between the civil state and application of *sharia*, since 'the Prophet set out the

rules of the civil state after the Hijra' (Mahmūd 2012), and the Constitution of Medina is again proposed (Musa'd Yāqūt 2011).

For the Muslim Brotherhood, therefore, the civil state simultaneously rejects both the secular and the theocratic model, incarnated in the (hated) Republic of Iran (*Ikhwanonline* 2011a); but there is an even more marked contrast with the military state (Habib 2009), also because of the powerful political role played by the army in the country: 'The people is making a choice between the civil state guided by Morsi and the military state guided by the marshal' (Al-Masrī al-Yawm 2012a), declared Hassan al-Burnus, a director of the Brotherhood on the eve of the presidential ballot pitting Morsi against Shafiq.

In Tunisia, the Ennahda movement aligned itself with the practice of the Muslim Brotherhood, adopting the principle of *dawla madaniyya* as a state which is neither military nor theocratic,⁷ however, Tunisian Islamists place greater stress on democratic rights, albeit in quite ambiguous terms. When Rāshid al-Ghannūshi declares that 'Tunisia is an Islamic state, and the Islamic state is a civil one, where legislation is the task of the representatives of the people' (Babnet Tunisie 2012), he fails to give a clear explanation of the nature of such legislation, since in the same article he says that secularism is specifically European and cannot be practised in an Islamic context, Islam having been based from the outset on unity of religion and state. Rather, he tends to place the distinction between religion and politics (*dīn* and *siyāsa*) within *sharia* itself, with its division between *'ibādāt* (acts of cult) and *mu'āmalāt* (civil law), thus transferring the whole debate into an Islamic framework on the basis of a paradoxical argument.

More controversial is the position of the Salafists. In Egypt, for example, the Salafist Front, on launching its new political party *Al-Sha'b* (The People) declared that 'The party is a civil one with an Islamic background. Islamic and civil aren't opposites; the opposite of civil is military' (El-Behairy 2012), thus aligning themselves with the positions of the Brotherhood. However the Salafist preacher Yāsir Burhāmī (2011), close to the al-Nūr party, believes that civil

state means secular state, and is entirely incompatible with the principles of *sharia*.

This overview shows how the principle of a *civil state*, for all those who use it as their banner, actually is a way of fudging matters in order to hide *de facto* positions about the nature of government which are in antithesis to each other: a sort of semantic limbo which saves the parties from having to declare themselves explicitly in favour of a solution (be it a secular state or Islamic state) which is unacceptable for an important part of the population. The policies which have been implemented and the conflicts which have arisen in different countries will show, in a more concrete fashion, the limits and ambiguous nature of such positions.

Delusions and success

The years of struggle against the regimes, the long political resistance which leaders and militants paid for with imprisonment or exile, the tenacious construction of popular consensus through propaganda and welfare networks, both in Egypt and Tunisia, won the Islamists a predictable victory in the first free elections. Secular parties greatly feared the outcome, but they took part in the elections in alliances which could easily unravel, were poorly structured and perhaps not very convincing. The fear that the secular adversaries felt of the Islamists was proportional to the delicate nature of the moment: victories at the polls delivered not only the government to the Islamists, but also to the constituent assemblies appointed to lay down the terms of the new state and national identities, as well as to establish the balance of powers and set out the democratic future (Aclimandos 2013a).

Governments put the vaunted democratic character of the Islamists (Kramer 1993) to the test with a disputable outcome. In Egypt the situation immediately appeared to be especially complex: the army, a functional component of the old regime, remained a key political element alongside the Brotherhood; the main actors of what one could call a white coup after Mubarak's fall, the military, governed the transition phase and continued to play a decisive role even after the first democratic elections. Not even victory at the polls allowed the Ikhwān to operate free from their control; they held power in an opaque manner, enjoying an unsteady relationship with the army, based on opportunistic convergence and conflict, carrying out one-sided institutional and constitutional reforms which were more or less illegitimate and

7 The principle of the *civil state* was introduced into the election programme of 2011 (Rogler 2012), but – unlike the case of the Brotherhood – does not appear insistently in documents and official statements by the movement (Haraka en-Nahda website). Though the term did appear in the Charter of the Party in September 2011, it was not given any special importance (Charter of Haraka en-Nahda).

disputed,⁸ until their removal by the military in July 2013 (Aclimandos 2013b, Piazzese 2013). However the most obvious contradictions of the *democratic civil state* model as envisaged by the Brotherhood appeared in the Constitution approved by referendum in December 2012 (suspended in summer 2013 after President Morsi's fall): Article 2, of which we spoke above, was unchanged, but the freedom of judges to interpret 'Islamic principles' was fettered by the new Article 219, which referred explicitly to legal tracts of different schools of law and to the legal interpretations of al-Azhar, the institutional role of which is specified in Article 4 (Ascanio 2013b). It can clearly be seen how such amendments could lead to the legal Islamization of Egypt, with inevitable consequences for religious and gender minorities. This is the reason why the opposition strongly protested against the expression 'the duties of women' used in Article 10,⁹ while the draft laws to reduce the legal age for marriage to thirteen seemed to bode ill (Brotherhood doctrinaires claimed nine was an acceptable legal age for marriage for girls; McVeigh 2013). The denial of religious freedom to those not belonging to Qur'anically-recognized faiths also appeared to be a poor indicator of democratic intentions (Article 43).

However, if extensively applied, *sharia* would not be an obstacle to democracy only in the field of gender or religious discrimination. Political anthropology (Sharabi 1988, Hammoudi 2001, Ennaji 2007) shows us how Islamic law especially reinforces the patriarchal model, which makes blind hierarchical obedience (to God, to the autocrat, to his subordinates, to men by women) the psycho-social hinge of submission, a perfect cultural substrate for every kind of authoritarianism, not necessarily only Islamic. For example, we may remember how, in his last speech, Mubarak addressed himself to the Egyptians 'as a father to his children' (Mubarak 2011); other signs of

authoritarian patriarchy are even more troubling: it is perhaps no coincidence that the military – who after the revolution clearly hindered the process of democratization, even violently repressing demonstrations against the government until the July coup which practically placed government in their hands¹⁰ – during the post-revolutionary phase of civil resistance especially targeted female activists, who were handed over to abominable group violence in public squares or taken away by the military and subjected to indecent virginity tests (Shafy 2011, Mohsen 2012).

In any case, at least during this phase, the debate on secularism and application of *sharia* in Egypt seems to be closed following Morsi's deposition. The act of force by which the military, supported by the strong popular opposition to the government expressed by the *Tamarrud* movement, took over institutions again, imposing the state of emergency, seems to have led Egypt back to square one. This meant a *de facto* restoration of the military state opposed to the *dawla madaniyya*, rejected by both Islamists and secular opposition, the only point of convergence between the two hostile fronts. In the new/old setting which emerged from Morsi's ousting, the regime's apologists using the term *civil state* in a demagogic manner paradoxically chose to define it on the one hand by legitimizing the role of the military ('Egypt was not under military rule even if there was a former military officer in the presidential chair. The fact that Mubarak or Gamal Abdel Nasser belonged to the armed forces does not mean that they formed military-run states If anyone objects to the nomination of an army officer for the presidency or parliament, they should say so openly'; Abou Taleb 2013), on the other hand placing it within the context of Islamic culture ('No one could, in good faith, deny the significant role that religion – be it Islam, Christianity, or Judaism – plays in the hearts of Egyptians. ... There is no reason to begin a losing battle against Egypt's Islamic identity The civil state is related to legal equality, which is the essence of citizenship. In this sense, Islam was a pioneer of the civil state, for there is no system of priesthood in it'; Abou Taleb 2013). The result is that the civil state is reduced to vague definitions which tend to safeguard the current system: 'Egypt was and will continue to

8 We may mention the constitutional reform of March 2011; the coming into office of the first Constituent Assembly in March 2012, dissolved by the Supreme Administrative Court; the coming into office of the Second Assembly, though declared illegitimate by the Supreme Court in June 2013, even though it delivered a constitutional reform approved by referendum in December 2012; Morsi's attempted 'coup' in November 2012, when he took on full powers (Gervasio and Teti 2013a).

9 'The state guarantees mother-and-child services that are free of charge and pledges to reconcile the woman's duties toward her family with her work in the public' (The 2012 Constitution of Egypt).

10 Though the United States have avoided using the term *coup* – as this would immediately lead to suspending the flow of US funds to Egypt – there is no doubt that it was yet another military coup (Fabbri 2013, Hamam 2013, Gervasio and Teti 2013b).

be a civil state in the conventional sense. That is, all Egyptian citizens, regardless of religion, ethnicity, or gender, are equal before the Constitution and the law' (Abou Taleb 2013). The Constitution approved by a plebiscite referendum in January 2014 ('Comparing Egypt's Constitution', nd; Al Hukuma al-Masriyya 2014), reinforcing the role of the military while confirming *sharia* as the primary source of law (Article 2), confirmed this principle.

In Tunisia post-revolutionary developments were equally uncertain and difficult, but better protected thanks to the army, which took steps to safeguard the institutions, and thanks also to a long transitional phase overseen by civil governments. This allowed the Constitution to be rewritten amidst an intense debate, but with a progressive and rather transparent outcome,¹¹ in which the role of Islam lay at the heart of the discussion (Sadek 2013). Here too, however, the ambiguous policies of Ennahda (Mestiri 2011) were fiercely criticized: while it outwardly defended democracy, Hamādī al-Gabālī's government seemed unjustifiably tolerant of attacks on secular politicians, demonstrators, intellectuals and journalists, committed by Salafists, and which peaked in the murder of Shukrī Bela'īd in February 2013. Senseless deeds, together with the attack on the US Embassy in September 2012 and endless demonstrations in defence of the ideals of the revolution, led to government reshuffles and forced Ennahda to publicly disown the Salafists – who, especially in their jihadist fringe,¹² had become a true threat to the stability of the country – and to withdraw some articles which had been introduced into the first draft of the Constitution. Among these, the one which described woman as 'a complement with the man in the family and an associate to the man in the development of the country' (Fordham 2012), or point 1.4 of the preamble which made the state the defender of religion, accompanied by introduction of the crime of blasphemy – while the only Salafist party, the Reform Front, pressured to make *sharia* the sole source of law (Farrell 2012).

11 Debates concerning the articles of the constitution can still be found in the Marsad website and in the Shāraka-Participer website. For the summary of the process see The Carter Center 2013.

12 The group Ansār al-Sharī'a especially, founded in 2011 by former al-Qaida militant Abū Iyād, has perpetrated violent and intimidatory acts throughout the country. Accused of terrorism and of seeking to overthrow the government in order to establish the Caliphate, the group was outlawed by the Tunisian government in May 2013 (Gartenstein-Ross 2013).

Due to the bitter conflicts which led to the prevalence of a secular orientation, Tunisia's draft Constitution, published in December 2012, confirmed the progressive tradition of the country (Ascanio 2013a). The preamble – later approved with the new constitutional text in January 2014 – gave a secular interpretation to the expression *dawla madaniyya*:

Œuvrant pour un régime républicain démocratique et participatif dans le cadre d'un État civil et gouverné par le droit et dans lequel la souveraineté appartient au peuple qui l'exerce sur la base de l'alternance pacifique à travers des élections libres, et du principe de la séparation et de l'équilibre des pouvoirs ... dans lequel l'Etat garantit la suprématie de la loi, le respect des libertés et des droits de l'Homme, l'indépendance de la justice, l'équité et l'égalité en droits et devoirs entre tous les citoyens et toutes les citoyennes, et entre toutes les catégories sociales et les régions. ('Constitution de la République Tunisienne' 2014)

Though the new Tunisian Constitution calls Islam the state religion (Article 1), all references to *sharia* have been removed from the text (*ibid.*) which, in line with the institutional and legal principles of Western democracies, is today the most advanced in the Arab world.

This overview shows how the delicate post-revolutionary phase has brought out the fragile nature of the Arab social and political systems which we are investigating, perpetuated in the shadow of authoritarian regimes which for decades repressed any open debate even on such critical issues as the nature of the modern state in Islamic territories. Access to the political arena by a wide variety of actors, from the Marxist left to ultra-conservative Salafists, highlighted the radical divergence between alternative social projects, with very different outcomes. While a secular civil state has currently imposed itself through constitutional reform in Tunisia, Morsi's ousting by the military has deactivated the process of radical Islamization promoted by the Muslim Brotherhood and the new constitution approved in January 2014, in its preamble, refers explicitly to 'building a modern democratic State having a civil government (*hukuma madaniyya*)' ('Constitution of the Arab Republic of Egypt 2014': 5). Despite purging the political arena of Islamists, the new President General al-Sisi – not unlike Sadat and Mubarak – will continue to seek religious legitimacy by giving Islam

a good deal of institutional and rhetorical space.

However, as Tunisia attempts to build its newly acquired national equilibrium, achieving the secular version of *dawla madaniyya* – in an institutional framework at the moment accepted by the major Islamist party – in Egypt, the imposing role the army continues to play in the country has annihilated the only ideal of a civil state shared by the secular and Islamist oppositions: one in which the military do not govern. ■

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